

91685

# JOURNALS

OF THE



# Legislative Assembly

OF THE

91685

## PROVINCE OF ONTARIO

FROM 14TH FEBRUARY TO 13TH JUNE, 1922, BOTH  
DAYS INCLUSIVE

*IN THE TWELFTH YEAR OF THE REIGN OF OUR SOVEREIGN  
LORD, KING GEORGE V*

BEING THE

### Third Session of the Fifteenth Legislature of Ontario

---

SESSION, 1922,

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PRINTED BY ORDER OF THE LEGISLATIVE ASSEMBLY.

VOL. LVI.



PROVINCE OF ONTARIO



TORONTO

Printed and Published by CLARKSON W. JAMES

Printer to the King's Most Excellent Majesty

1922

Printed by  
**THE RYERSON PRESS**



# INDEX

## TO THE

### FIFTY-SIXTH VOLUME

12 GEORGE V., 1922

#### **A**CCIDENT AND SICKNESS INSURANCE:

Bill (No. 62), introduced respecting, 19. Second reading, 56. House goes into Committee on, 80, 104, 196. Ordered to be consolidated with Bill (No. 66), To amend Ontario Insurance Act, 198. See *Insurance*.

ACCOUNTS, PUBLIC:—See *Public Accounts*.

ADDRESS:—See *Lieutenant-Governor*.

#### ADMINISTRATION OF JUSTICE EXPENSES ACT:

Bill (No. 234), introduced to amend, 231. Second reading, 295. House goes into Committee on, 301. Third reading, 346. R.A., 399. (12 Geo. V. c. 51.)

#### ADVERTISING:

1. Question as to the total amount paid for propaganda, on advice of Provincial Advisory Committee, 50.
2. Question as to system of, given out by Government, 220.

AERO-PLANE SURVEY:—See *English River Country*.

#### AGRICULTURAL COLLEGE AND FARM:

Report presented, 334. (*Sessional Papers No. 30.*) Printed.

#### AGRICULTURAL DEVELOPMENT ACT:

Bill (No. 53), introduced to amend, 13. Second reading, 45. House goes into Committee on, 82. Third reading, 147. R.A., 149. (12 Geo. V. c. 36.)

#### AGRICULTURAL DEVELOPMENT BOARD:

1. Question as to appointments made to, 102.
2. Question as to inspectors appointed, 131.
3. Report presented, 383. (*Sessional Papers No. 97.*) Printed.

## AGRICULTURAL AND EXPERIMENTAL UNION :

Report presented, 271. (*Sessional Papers No. 32.*) Printed.

## AGRICULTURAL SOCIETIES :

Report presented, 335. (*Sessional Papers No. 42.*) Printed.

## AGRICULTURE AND COLONIZATION :

Committee appointed, 22. Report, 165, 294.

## AGRICULTURE, DEPARTMENT OF :

Report presented, 342. (*Sessional Papers No. 29.*) Printed.

## ALBERT COLLEGE :

Bill (No. 247), introduced respecting, 247. Second reading, 273. House goes into Committee on, 285. Third reading, 350. R.A., 399. (12 Geo. V. c. 149.)

## ALIENISTS, PROVINCIAL BOARD OF :

Bill (No. 84), introduced to provide for, 42. Ruled out of order, 101-2.

## ALSTEAD, LEWIS :

Question as to identity of, 88.

## AMUSEMENT TAX :

Question as to amount derived from in 1920-21, 96. See *Billiard Rooms*.

## APPOINTMENTS MADE :

Question as to number of, made by Government, by Order-in-Council, since 1919, 51.

ARCHITECTS AND PROFESSIONAL ENGINEERS :—See *Engineers, Professional*.

## ARCHIVES :

Report presented, 196. (*Sessional Papers No. 52.*) Printed.

## ART PURPOSES :

Committee appointed, 19. *No report*.

## ASSESSMENT LAW :

1. Bill (No. 77), introduced to amend, 41. Second reading negatived, 79.
2. Bill (No. 81), introduced to amend, 41. Second reading and referred to Municipal Committee, 78. Reported, 312.

3. Bill (No. 81), introduced to amend, 41. Second reading and referred to Municipal Committee, 78. Reported, 312.
4. Bill (No. 102), introduced to amend, 64. Second reading and referred to Municipal Committee, 117. Reported, 312.
5. Bill (No. 112), introduced to amend, 65. Order for second reading discharged, 125.
6. Bill (No. 116), introduced to amend, 66. Second reading and referred to Municipal Committee, 149. Reported, 312.
7. Bill (No. 145), introduced to amend, 91. Second reading negatived, 152-3.
8. Bill (No. 151), introduced to amend, 94. Second reading negatived, 176.
9. Bill (No. 155), introduced to amend, 101. Second reading and referred to Municipal Committee, 175. Reported, 312.
10. Bill (No. 160), introduced to amend, 106. Order for second reading discharged, 177.
11. Bill (No. 186), introduced to amend, 135. Second reading and referred to Municipal Committee, 172.
12. Bill (No. 187), introduced to amend, 135. Second reading and referred to Municipal Committee, 172.
13. Bill (No. 190), introduced to amend, 135. Second reading and referred, 172. Reported, 312.
14. Bill (No. 194), introduced to amend, 136. Second reading and referred, 299.
15. Bill (No. 197), introduced to amend, 136. Order for second reading discharged, 203.
16. Bill (No. 201), introduced to amend, 138. Second reading and referred to Municipal Committee, 221. Reported, 312.
17. Bill (No. 264), introduced "The Assessment Amendment Act 1922," 313. Second reading, 354. House goes into Committee on, 359. Third reading, 381. R.A., 399. (12 Geo. V. c. 78.)

ATHLETIC COMMISSION:—See *Ontario Athletic Commission*.

#### AUDITOR, PROVINCIAL:

Report presented, 196. (*Sessional Papers No. 54.*) Printed.

#### AUTOMOBILE INSURANCE:

Bill (No. 61), introduced respecting, 19. Second reading, 56. House goes into Committee on, 63, 74, 80, 104, 196. Ordered to be con-

solidated with Bill (No. 66), to amend the Ontario Insurance Act, 198. See *Insurance*.

AYEARST, JOHN A.:

Question as to official status of, in employ of Government, 24.

**B**ACKUS, E. A.:

1. Question as to whether he has made any request for lease of water powers, 43.
2. Question as to Members of Government being subpoenaed in suit, Backus vs. "Evening Telegram," 53.
3. Question as to water powers applied for, 55.
4. Question as to receipt by Government, of copy of Resolution *re* pulp and paper interests, 75.
5. Question as to amount paid by, on account of English River Limit, etc., 377.
6. Question as to furnishing of Bond by, to guarantee undertakings, 185.
7. Return ordered of correspondence between the government and relating to the Lake of the Woods pulp concession, the White Dog Rapids Water Power, etc., 77. Presented, 178. (*Sessional Papers No. 76.*) Supplementary Return presented, 190. (*Sessional Papers No. 78.*) Not printed.

BAILEY, STELLA:

Question as to employment of and other female operators, 69.

BAUGH, POLICE OFFICER:

Question as to employment of, 68.

BEACH PROTECTION ACT:

Bill (No. 113), introduced to amend, 65. Second reading, 107. House goes into Committee on, 121. Third reading, 166. R.A., 241. (12 Geo. V. c. 94.)

BECK, SIR ADAM:

Question as to amount of salary, etc., 212.

BEEF, FRESH:

Question as to prices paid for, for use in Public Institutions, 221.

## BEE-KEEPERS' ASSOCIATIONS:

Report presented, 342. (*Sessional Papers No. 37.*) Printed.

## BILLIARD AND POOL ROOMS AND BOWLING ALLEYS:

Bill (No. 114), introduced respecting licenses for, 65. Second reading, 164. House goes into Committee on, 230, 337. Third reading, 346. R.A., 399. (12 Geo. V. c. 85.)

## BIRTHS, MARRIAGES AND DEATHS:

Report presented, 384. (*Sessional Papers No. 20.*)

## BLONDIN, PIERRE E.:

Petition for Act to authorize the Law Society of Upper Canada to admit him to practice, 10. Reported, 60. Bill (No. 27), introduced and referred, 62. Motion to recommit report of Private Bills Committee for purpose of re-consideration of Bill proposed and negatived, 193-4. Fees remitted, 209.

## BLUE SKY LEGISLATION:

Report on, presented, 105. (*Sessional Papers No. 67.*) Printed.

## BONDS, TREASURY NOTES:

Question as to amount borrowed; amount realized, etc., 95.

## BONUSING POWERS:

Bill (No. 104), introduced to abolish, by Municipal Corporations, 64. Second reading and referred to Municipal Committee, 90. Reported, 234.

## BOYS:

Bill (No. 248), introduced, for the training of, committed to Institutions, 249. Second reading negatived, 284.

## BRANTFORD, CITY OF:

1. Petition for Act to ratify and confirm certain By-laws, 10. Reported, 39. Bill (No. 6), introduced and referred 40, Reported, 120. Second reading, 132. House goes into Committee on, 204. Third reading, 234. R.A., 241. (12 Geo. V. c. 105.)
2. Return ordered of correspondence relating to the administration of Justice for, or County of Brant, since October 1919, 56. Presented, 173. (*Sessional Papers No. 75.*) Not Printed.

## BRANTFORD POLICE FORCE:

Report of Commission to investigate, presented, 163. (*Sessional Papers No. 74.*) Not printed.

## BREWERS AND DISTILLERS:

Bill (No. 95), introduced to reduce business assessment of, 49. Second reading and referred to Municipal Committee, 90. Reported, 234. See *Assessment Law*.

BUDGET:—See *Supply*.**C** ALLAGHAN, E. J., COMPANY LIMITED:

Question as to date of last return by, 184.

## CAMPBELL, GORDON:

Question as to employment of, 115.

CANADA COMPANY'S LANDS:—See *Mineral Rights*.

## CANADA HIGHWAYS ACT:

Question as to payments received under, in 1919-20 and 1920-21, 275.

## CANADA ROADS ACT:

Return presented to an order of the House of the Session of 1921, of correspondence *re* contribution under, towards construction of Highways in Ontario, 179. (*Sessional Papers No. 77.*) Not printed.

## CANADIAN CHIROPRACTIC COLLEGE, LTD.:

Petition for Act of incorporation, 35. Reported, 109. Bill (No. 46), introduced and referred to Private Bills Committee, 111. Not reported.

## CANADIAN NATIONAL RAILWAYS:

Resolution that all branch lines of, running through districts in which electric power can be supplied by the Commission, shall be operated by electric power, etc., 391.

## CANBORO AND DUNNVILLE:

Question as to cost *per* mile, of completed highway, between, 389.

## CAPITAL AND ORDINARY EXPENDITURE:

Question as to date of last payment for fiscal year 1920-21, made on account of, 156.

## CARLETON, COUNTY OF:

Petition for Act authorizing the corporation to provide by by-law, for the borrowing of certain moneys, 14. Reported, 28. Bill (No. 38), introduced and referred, 31. Reported, 141. Second reading, 152. House goes into Committee on, 174. Third reading, 204. R.A., 241. (12 Geo. V. c. 106.)

## CARMICHAEL, HON. D.:

Question as to number of times he inspected the Queenston-Chippawa works, 253.

## CAVANAGH, W.:

Question as to employment of, 73.

## CHARLTON, MR.:

Question as to employment of, 71.

## CHATHAM WHISKEY SEIZURE:

Report of Commission on presented 119. (*Sessional Papers No. 70.*)  
Not printed.

## CHILDREN, NEGLECTED:

Report presented, 384. (*Sessional Papers No. 27.*) Printed.

## CHILDREN'S PROTECTION ACT:

1. Bill (No. 178), introduced to amend, 120. Order for second reading discharged, 177.
2. Bill (No. 254), introduced to amend, 262. Second reading, 223. House goes into Committee on, 237. Third reading, 346. R.A., 399. (12 Geo. V. c. 92.)

## CHIPPAWA POWER DEVELOPMENT:

1. Proposed selection of Committee to investigate, withdrawn, 164.
2. Motion proposed *re* selection and appointment of Committee of House to investigate and amendment proposed and carried, 180-83.

## CIVIL SERVANTS:

Question as to number of over age for superannuation who are still in the service, 125.

## CIVIL SERVICE COMMISSION:

Question as to intention of Government to appoint and replace Mr. McCutcheon, 263. See *Public Service.*

## CIVIL SERVICE COMMISSIONER:

Report of presented, 266. (*Sessional Papers No. 91.*) Printed.

## CIVIL SERVICE, INSIDE:

Question as to number of permanent members of, 123.

## CLAIMS, FILING OF:

Bill (No. 50), introduced respecting the, against certain companies, 12. Second reading, 56. House goes into Committee on, 343. Third reading, 346 R. A. 399. (12 Geo. V. c. 33.).

## CLARKE, T. M.:

Question as to request for removal of, from Division Court at Belleville, 148.

## CLELAND MR.:

Question as to his still acting in an advisory capacity to Liquor License Commission, 378.

## COBOURG, TOWN OF:

Petition for Act to authorize issue of debentures, 138. Bill (No. 198), introduced under suspended rule and referred, 166. Reported, 193. Second reading, 225. House goes into Committee on, 235. Third reading, 293. R. A., 301. (12 Geo. V. c. 107).

## COCHRANE:

Question as to circulars sent out warning unemployed against going to, 52.

## COCHRANE, PROVISIONAL JUDICIAL DISTRICT OF:

Bill (No. 269), introduced to create, 342. Second reading, 376. House goes into Committee on, 380. Third reading, 392. R. A., 399. (12 Geo. V. c. 2.)

## COLLINGWOOD, TOWN OF:

Petition for Act to validate a payment by corporation, etc., 10. Reported, 60. Bill (No. 24), introduced and referred to Railway and Municipal Board, 62. Reported and referred to Private Bills Committee, 108. Reported, 163. Second reading, 205. House goes into Committee on, 224. Third reading, 267. R. A., 280. (12 Geo. V. c. 108).

## COLONIZATION ROADS BRANCH:

Question as to whether any money appropriated under, was expended for roads outside of Northern District of Nipissing, etc., 199.



**COMMERCIAL AGREEMENTS:**

Bill (No. 207), introduced for the better prevention of, 163. Order for second reading discharged and Bill referred to select Committee to sit during Recess, 359.

**COMMISSIONS:**

Question as to number of appointed since November, 1919, 262.

**COMMITTEES, SELECT:**

Appointed to sit during Recess:

1. York Registry Offices, 285.
2. Town Planning, 326.
3. Operation of Public Vehicles, 358.
4. Commercial Agreements, 359.
5. University of Toronto, 379.
6. Hotel Accommodation, 379.
7. Water Rights, 393.

**COMMITTEES STANDING:**

1. Resolution appointing, 7. Striking Committee appointed, 9. Report, 21.
2. Members added, 47, 92, 107, 112.

**COMMUNITY HALLS:**

Question as to how many have received grants, 73.

**COMMUNITY HALLS ACT:**

Bill (No. 72), introduced to amend, 111. Second reading and referred to Committee on Agriculture and Colonization, 186. Reported, 294. House goes into Committee on, 318, 329. Third reading, 346. R.A., 399. (12 Geo. V. c. 83.)

**CONSOLIDATED REVENUE FUND:**

Resolution introduced. Lieutenant Governor's recommendation signified passed through Committee and referred to Bill, 250-51. Bill (No. 251), introduced for raising money on the credit of, 251. Second reading, 273. House goes into Committee on, 285. Third reading, 350. R. A., 399. (12 Geo. V. c. 8.)

**CONSTABLES ACT:**

Bill (No. 206), introduced to amend, 154. Second reading, 257. House

goes into Committee on, 270. Third reading, 346. R. A., 399. (12 Geo. V. c. 50).

#### CONVEYANCING AND LAW OF PROPERTY ACT:

Bill (No. 106,) introduced to amend, 64. Second reading and referred to the Legal Committee, 117. Reported, 312. House goes into Committee on, 353. Third reading, 381. R. A., 399, (12 Geo. V. c. 53).

#### CO-OPERATIVE ASSOCIATIONS:

Question as to how many loans made under the Act to assist, 98.

#### CO-OPERATIVE CREDIT SOCIETIES:

1. Report of Committee appointed at the last session to consider Liens of Mechanics, wage-earners and, presented, 46. See *Mechanics Liens*.
2. Bill (No. 123), of session of 1921, reported as Bill (No. 250), and sent for re-print, 253. House goes into Committee on, 318, 329. Third reading, 346. R. A., 399. (12 Geo. V. c. 64).

#### CO-OPERATIVE LEAGUE OF AMERICA:

Petition for Act to enable them to do business in Ontario, 42. Reported, 134. Bill (No. 47), introduced and referred to Committee on Private Bills, 134. *No report*.

#### CORONERS ACT:

Bill (No. 223), introduced to amend, 209. Second reading, 257. House goes into Committee on, 284. Third reading, 381. R. A., 399. (12 Geo. V. c. 49).

#### CORPORATION TAX ACT:

1. Question as to amount received from Toronto, 184.
2. Resolution introduced, Lieutenant Governor's recommendation signified, passed through Committee and referred to Bill, 264-5. Bill (No. 253), introduced to amend, 263. Second reading, 269. House goes into Committee on, 272, 275. Third reading, 275. R. A., 280. (12 Geo. V. c. 12).
3. Bill (No. 270), introduced to amend, 355. Second reading, 362. House goes into Committee on, 380. R.A., 399. (12 Geo. V. c. 14.) See *Crown proceedings against*.

#### COURIAN, ALEXANDER:

2. Question as to employment of, 72.

#### CROWN PROCEEDINGS AGAINST:

Bill (No. 262), introduced to declare the law with respect to, and concerning the Corporations Tax Act, 1922, 286. Second reading, 293.

House goes into Committee on, 296. Motion for third reading and amendment proposed and negatived, 298. Third reading, 299. R.A., 301. (12 Geo. V. c. 13).

2.—Question *re* appeal from decision of Justice Riddell, etc., 337-40.

#### CROWN WITNESS ACT:

Bill (No. 224), introduced to amend, 209. Second reading, 257. House goes into Committee on, 285, 296. Third reading, 346. R.A., 399. (12 Geo. V. c. 52.)

#### **D**AIRYMEN'S ASSOCIATION:

Report presented, 342 (*Sessional Papers No. 38.*) Printed.

#### DAIRY STANDARDS ACT:

1. Resolution that the time for enforcement of, should be postponed, negatived, 143-4.
2. Question as to number of inspectors necessary to enforce, 160.

#### DAYLIGHT SAVING:

Mr. Speaker rules upon point of order raised, 294.

#### DEBENTURES OUTSTANDING:

Question as to amount issued, free of succession Duties, 269.

#### DECLARATORY ACT:—See *Crown.*

#### DENISON SHIRLEY:

1. Question as to moneys paid him *re* timber investigation, 35.
2. Question as to moneys paid him for services, 27.

#### DESERTED WIVES AND CHILDREN:

Bill (No. 90), introduced respecting and maintenance of, 147. Second reading and referred to the Legal Committee, 99. Reported, 313. House goes into Committee on, 344. Third reading, 346. R.A., 399. (12 Geo. V. c. 57.)

#### DISTRICT HOUSES OF REFUGE ACT:

Bill (No. 242), introduced to amend, 238. Second reading and referred to Municipal Committee, 266. Reported, 325. House goes into Committee on, 344, 355. Third reading, 381. R.A., 399. (12 Geo. V. c. 104.)

**DISQUALIFICATION ACT:**

Bill (No. 174), introduced to amend, 112. Second reading and referred to the Legal Committee, 203. Reported, 313. House goes into Committee on, 327. Third reading, 346. R.A., 399. (12 Geo. V. c. 3.)

**DIVISION COURTS:**

Report presented, 162. (*Sessional Papers No.-5.*) Printed.

**DIVISION COURTS ACT:**

Bill (No. 232), introduced to amend, 219. Second reading and referred to the Legal Committee, 245. Reported, 259. House goes into Committee on, 266. Third reading, 267. R.A., 280. (12 Geo. V. c. 45.)

**DOCTORS:**

Question as to certain, being under the ban of the Workmen's Compensation Board, 202.

**DOG TAX AND SHEEP PROTECTION ACT:**

1. Bill (No. 140), introduced to amend, 84. Second reading negatived, 187.
2. Bill (No. 173), introduced to amend, 112. Second reading negatived, 236.

**DOUGLAS, JAMES:**

Question as to employment of, 115.

**DROMGOLE, JUDGE:**

Question as to who was appointed in room of, in County of Essex, 97.

**EATON, SIR JOHN C.:**

House adjourns out of respect to memory of, 150.

**EDMESTON, NORMAN:**

Question as to contract with, for cutting timber, etc., 37.

**EDUCATION :**

1. Bill (No. 139), introduced to amend the High Schools Act, 24. Order for second reading discharged, 153.
2. Bill (No. 170), introduced to amend the Separate Schools Act. Second reading and referred to the Municipal Committee, 236. Reported, 325. House goes into Committee on, 358. Third reading, 381. R.A., 399. (12 Geo. V. c. 99.)
3. Bill (No. 171), introduced to amend the Separate Schools Act, 111. Second reading, 299. Committee rises without reporting, 358.

4. Bill (No. 177), introduced to amend the Separate Schools Act, 120. Second reading and referred to the Legal Committee, 345. *No report.*
5. Bill (No. 252), introduced to amend the School Laws, 250. Second reading, 296. House goes into Committee on, 347. Third reading, 381. R.A., 399. (12 Geo. V. c. 98.)
6. Regulations and Orders-in-Council presented under authority of Act, 27, 83, 108, 163, 187, 211, 262, 320, 395. (*Sessional Papers No. 56.*) Printed.
7. Report of Department presented, 320. (*Sessional Papers No. 17.*) Printed.
8. Question as to amounts of Legislative grants, in 1921, to rural schools, 84.
9. Question as to services for which certain firms of lawyers were paid on behalf of Department, 214.
10. Question as to expenditure Teachers and Inspectors Superannuation Fund, 215.
11. Question as to travelling expenses, details of, under Technical Education, 254.
12. Return ordered, shewing what Legislative grants earned in 1920 and 1921 by rural Public and Separate Schools, 295. Presented, 357. (*Sessional Papers No. 96.*) Printed.

#### ELECTIONS AND ELECTION LAW:

1. Speaker informs House of vacancies, 2.
2. Notification in North Oxford, 2.
3. Resignation in Kingston, 3.
4. Certificates of Elections, 3, 13.
5. Returns from Record presented, 20. (*Sessional Papers No. 51.*) Printed.
6. Bill (No. 111), introduced to amend the Law, 65. Second reading and referred to select committee to be named, 117. Committee named, 198. See *Voters Lists.*

#### ELECTRICAL CONTRACTORS:

- Bill (No. 105), introduced respecting the examining and licensing of, 64. Ruled out of order, 172.

#### ELLIOTT, H. M.:

- Question as to instructions received by, as to disposition of seized liquor, 160.

**EMPLOYMENT SERVICE OFFICERS:**

Question as to classification, prepared in conference with, 52.

**ENGINEERS, PROFESSIONAL:**

Report presented, of select Committee of Session of 1921, respecting Bill (No. 67) with certain amendments, 15. House goes into Committee on, 255, 276, 327. Third reading, 346. R.A., 399. (12 Geo. V. c. 59).

**ENGLISH RIVER COUNTRY:**

Question as to an aeroplane survey of, 147.

**ENTOMOLOGICAL SOCIETY:**

Report presented, 342. (*Sessional Papers No. 36.*) Printed.

**EQUITABLE TAXATION OF LANDS:**

Bill (No. 184.), introduced to provide for more, in certain townships, 126. Motion for Second reading and debate on adjourned, 203. Debate resumed and motion for the second reading carried and Bill referred to Municipal Committee, 283. *No report.*

**ERIE BEACH:**

Petition for Act. to amend Act. incorporating, 10. Reported, 134. Bill (No. 35), introduced and referred to Committee on Private Bills, 134. *No report.* Fees remitted, 209.

**ESSEX BORDER UTILITIES COMMISSION:**

Petition for Act to relieve the Town of Tecumseh from certain obligations, under the, 10. Reported, 29. Bill (No. 18), introduced and referred, 30. Reported, 231. Second reading, 257. House goes into Committee on, 268. Third reading, 286. R.A., 301. (12 Geo. V. c. 109.)

**ESKEYENAGA LAKE:**

Question as to fishing licenses granted in and to whom, etc., 235.

**ESTATE BILLS:**

Referred to Commissioners, 40. Reported, 137.

**ESTIMATES:**

Presented, 47, 93, 312, 334, (*Sessional Papers No. 2.*) Printed.

## EVIDENCE ACT:

Bill (No. 85), introduced to amend, 43. Order for second reading discharged, 125.

## EXECUTIVE ACT:

Bill (No. 166), introduced to amend, 106. Second reading and referred to the Legal Committee, 172. *No report.*

## EXTRA-MURAL EMPLOYMENT:

Report of Commission presented, 41. (*Sessional Papers No. 60.*) Printed.

**F**ACTORY SHOP AND OFFICE BUILDING ACT:

Bill (No. 217), introduced to amend, 191. Order for second reading discharged, 302.

## FARROW, MR.:

Question as to employment of, 116.

FINANCIAL STATEMENT:—See *Supply*.

## FISH AND GAME:

Committee appointed, 23. See *Game and Fish*.

## FISHING TUG:

Question as to building of, at Midland, 78.

## FLACK, CECIL:

Question as to employment of, *et al*, 71.

## FLAVELLE, JOHN D.:

Question as to payment of \$3,900 to, 220.

## FLEMING AND SPRACKLIN:

Question as to item of \$1,020.45 *re* damage claim, etc., 245.

## FORESTER, EARL:

Question as to employment of, 73.

## FORT WILLIAM, CITY OF:

Petition for Act to validate a certain by-law, 10. Reported, 28. Bill (No. 4), introduced and referred, 29. Reported, 179. Second reading, 205. House goes into Committee on, 224. Third reading, 259. R.A., 280. (12 Geo. V. c. 110.)

## FREE TEXT BOOKS:

Bill (No. 94), introduced respecting, in Public, Separate and Industrial Schools, 49. Second reading and referred to Municipal Committee, 132. *No report.*

## FREIGHT RATES:

Resolution expressing conviction that the continuance of high, at present in operation, is a real burden, etc., and urging that action be taken by Dominion Railway Board, 38.

## FRIENDLY SOCIETIES:

Report presented, 165. (*Sessional Papers No. 11.*) Printed.

## FRUIT:

Bill (No. 71), introduced to aid in the packing and grading of, 31. Second reading and referred to a Select Committee, 79. Reference cancelled and Bill referred to Committee on Agriculture and Colonization, 112. Reported 165. House goes into Committee on, 190, 222. Third reading, 267. R.A., 280. (12 Geo. V. c. 90.)

## FRUIT AND APPLE INTERESTS:

1. Report presented of Select Committee 259. *Appendix No. 1.*
2. Motion for re-appointment of Committee to further enquire, negatived, 394.

## FRUIT GROWERS ASSOCIATION:

Report presented, 334. (*Sessional Papers No. 44.*) Printed.

**G**ABY, R. E.:

Question as to employment of, on Hydro Commission, 253.

## GALT, CITY OF:

Petition for Act to authorize the corporation to pay 25% of cost of pavements, 42. Reported, 134. Bill (No. 49), introduced and referred, 135. Reported, 188. Recommitted, 205. Reported, 292. Second reading, 330. House goes into Committee on, 353. Third reading, 381. R.A., 399. (12 Geo. V. c. 111.)

## GAME AND FISHERIES ACT:

Return presented to an Order of the House of the Session of 1921, shewing fines and confiscations of property under the, 119. (*Sessional Papers No. 72.*) Not printed.



## GAME AND FISHERIES DEPARTMENT:

Report presented, 383. (*Sessional Papers No. 14.*) Printed.

## GAME AND FISHING LICENSES:

1. Question as to amount paid for, since 1897, 51.
2. Question as to number of complimentary licenses issued, names etc., 54.

## GANANOQUE, TOWN OF:

Petition for Act authorizing the withdrawal of the town from the Counties of Leeds and Grenville, 10. Reported, 29. Bill (No. 8), introduced and referred, 29. Reported, 133. Second reading, 151. House goes into Committee on, 174. Third reading, 204. R.A., 241. (12 Geo. V. c., 112.)

## GIRLS:

Question as to number of, in MacDonald Institute, 202.

## GORDON LLOYD:

Question as to Employment of, 70.

## GOVERNMENT HOUSE:

Question as to cost of maintenance, 68.

## GREAT WAR VETERANS ASSOCIATION OF HAMILTON:

Petition for Act to authorize the trustees of the Club House, to sell the premises, 14. Reported 39. Bill (No. 21), introduced and referred to the Commissioners of Estate Bills, 40. Reported and referred to the Committee on Private Bills, 137. Reported 237. Discharged upon ruling of Mr. Speaker, 314-15.

## GREGORY WILLIAM F.

Question as to identity of, 221.

GREGORY, W. D.:—See *Queenston-Chippawa Power Development.*

## GREY COUNTY OF:

Petition for Act to ratify a certain by-law, 10. Reported 39. Bill (No. 3), introduced and referred, 40. Reported, 120. Second reading, 151. House goes into Committee on, 173. Third reading, 204. R.A., 241. (12 Geo. V. c., 113.)

## GUNN, MR.:

Question as to employment of, 72.

**H**ALLAM, STANLEY:

Question as to employment of, 86.

**HALIBURTON VILLAGE:**

Fees remitted on Bill not proceeded with, 105.

**HAMILTON VETERANS:—See *Great War Veterans Association*:****HARDING, R. T.:**

1. Question as to moneys paid him *re* Shevlin-Clarke Co., 36.
2. Question as to money paid him since October, 1921, 86.

**HARRIS, LLOYD:**

Question as to identity of, 283.

**HASTINGS MAGISTRATE:**

Return presented to an Order of the House of the Session of 1921, for a Return of correspondence, etc., relating to the dismissal of, 395. (*Sessional Papers No. 95.*) Not Printed.

**HEALTH:**

Report presented, 342. (*Sessional Papers No. 21.*) Printed.

**HEALTH BOARD OF:**

Report presented, for sanitary control of lumber camps, 192. (*Sessional Papers No. 80.*) Printed.

**HEATON, MR.:**

Question as to employment of in Attorney General's Department, 32.

**HELLYER, ALBERT:**

Question as to appointment as Police Magistrate, 52.

**HEENAN, PETER:**

1. Question as to appointment of, on Hydro-Electric Commission, 88.
2. Return ordered, of documents, papers, etc., regarding appointment of, to Hydro-Electric Power Commission, 103. Presented, 395. (*Sessional Papers No. 101.*) Not Printed.

**HENDERSON, GEORGE F.:**

1. Question as to salary of, etc., 151.
2. Question as to identity of, 263.

**HIGHWAY ACT, ONTARIO:**

1. Bill (No. 83), introduced to amend, 42. Second reading and referred to Municipal Committee, 78. Reported, 233. House goes into Committee on, 318. Third reading, 336. R. A., 379. (12 Geo. V. c., 28).
2. Bill (No. 154), introduced to amend, 94. Second reading negatived, 217.

**HIGHWAY DEPARTMENT:**

1. Question as to amount of money received from Federal Government and how expended, 201.
2. Question as to money expended in 1920 and 1921 on township roads, etc., 389.

**HIGHWAY IMPROVEMENT ACT:**

1. Bill (No. 103), introduced to amend, 64. Second reading and referred to Municipal Committee, 103. Reported, 138. House goes into Committee on, 222. Third reading, 234. R.A., 241. (12 Geo. V. c., 26).
2. Bill (No. 131), introduced to amend, 82. Motion for second reading and Debate on adjourned, 188. Debate resumed and motion for second reading carried, 252. House goes into Committee on, 260. Motion for third reading and amendment proposed and negatived; third reading, 274. R.A., 280. (12 Geo. V. c., 27).
3. Bill (No. 175), introduced to amend, 112. Second reading and referred to Municipal Committee, 175. Reported, 211. House goes into Committee on, 276. Defeated in Committee, 328.
4. Bill (No. 191), introduced to amend, 136. Order for second reading discharged, 277.
5. Petitions for amendment to Act respecting County road Superintendents, 28.

**HIGHWAY IMPROVEMENT FUND:**

1. Statement presented, shewing sums credited to and payments chargeable thereto, 266. (*Sessional Papers No. 92.*) Not printed
2. Statement presented, shewing sums credited to, etc., 294. (*Sessional Papers No. 294.*) Not printed.
3. Question as to statement to be laid before House, 275.
4. Question as to statement to be laid before House, 288.

**HIGHWAYS IN ONTARIO:**—See *Canada Roads Act*.

**HORTICULTURAL SOCIETIES:**

Report presented, 342. (*Sessional Papers No. 43.*) Printed.

### HOSPITALS AND CHARITIES:

1. Report presented, 384. (*Sessional Papers No. 25.*) Printed.
2. Orders-in-Council presented, 384. (*Sessional Papers No. 98.*) Not printed.

### HOSPITAL FOR SICK CHILDREN:

Petition for Act to increase present authorized number of Trustees, 31. Reported, 59. Bill (No. 43), introduced and referred, 62. Reported, 218. Fees remitted, 219. Second reading, 247. House goes into Committee on, 256. Third reading, 295. R.A., (12 Geo. V. c., 153.)

### HOTEL ACCOMMODATION:

Select Committee appointed to enquire into, etc., 379.

### HOUSE, THE:

1. Proclamation calling for despatch.
2. Government Orders to be on Monday's Paper, 9.
3. Adjourns over one or more days, 13, 395.
4. Adjourns out of respect to memory of Sir John C. Eaton, 150.
5. Adjourns over Easter, 189.
6. Adjourns over Victoria Day, 292.
7. Sits after midnight, 180, 219, 252, 260, 273, etc.
8. Government business to take precedence, 326.
9. To have two sittings daily, 334, 345.
10. Committees to sit concurrently, 343. See *Daylight Saving*.

### HOURIGAN, JAMES & Co:

Return presented to an Order of the House of the Session of 1921, shewing copies of correspondence between R. T. Harding and Attorney General with reference to an account for \$500, etc., 230. (*Sessional Papers No. 88.*) Not printed.

### HUNTER, WILLIAM:

Question as to employment of, 70.

### HURDMAN SCALE:

Return presented to an Order of the House of the Session of 1921 for return of report of the officer who had conducted scale of logs and mill cut, etc., 196. (*Sessional Papers No. 83.*) Not printed.

## HURON COLLEGE, LONDON :

Petition for Act to amend Act of incorporation, 10. Reported, 29. Bill (No. 30), introduced and referred, 30. Reported, 105. Second reading, 151. House goes into Committee on, 173. Fees remitted, 188. Third reading, 204. R.A., 241. (12 Geo. V. c. 150.)

## HURON ROAD :

Question as to mileage of Provincial Highway constructed on, west of Stratford, 183.

## HYDRO-ELECTRIC POWER COMMISSION :

1. Question as to how many meetings held in 1921, etc., 66.
2. Question as to moneys paid by, as insurance premiums, 67.
3. Question as to appointment of Peter Heenan, 88.
4. Question as to moneys paid for insurance premiums, to agents in Toronto, 129.
5. Question as to employment of I. B. Lucas, 130.
6. Question as to employment of I. B. Lucas, 130.
7. Question as to moneys paid for insurance premiums to agents outside Toronto, 130.
8. Question as to Compensation asked by each member of, 191.
9. Question as to amount of loans, made in 1920-21, paid over to, 268.
10. Question as to moneys paid to, for development purposes, since November 1919, 377.
11. Return ordered, of papers, documents, etc., *re* appointment of Peter Heenan to, 103. Presented, 395. (*Sessional Papers No. 101.*) Not printed.
12. Return ordered of correspondence in connection and dealing with accounts for remuneration of services, by each and every member of the Hydro-Radial Commission, etc., 33. Presented, 395. (*Sessional Papers No. 100.*) Not printed.
13. Question as to who were the Commissioners appointed, etc., 112.
14. Proposed selection of Commission to investigate, withdrawn, 164.
15. Motion proposed *re* selection and appointment of Committee of House, to investigate and amendment proposed and carried, 180-83.
16. Motion proposed condemning Policy of Government in borrowing moneys under R. S. O. Cap. 39, 189. Negatived, 231-2.

17. Report presented, 324. (*Sessional Papers No. 49.*) Printed.

18. Question as to number of experts, engineers or professional men who have been retained by investigating Commission, etc., 327.

#### HYDRO-ELECTRIC RAILWAY ACT:

Bill (No. 133), introduced to amend 84. Order for second reading discharged, 125.

#### HYDRO-ELECTRIC RAILWAYS:

Report of the Commission presented, 34. (*Sessional Papers No. 24.*) Printed.

#### INSANE, HOSPITALS FOR:

Report presented, 304. (*Sessional Papers No. 22.*) Printed.

#### INSURANCE AGENTS, BROKERS AND ADJUSTERS:

Bill (No. 64), introduced respecting 19. Second reading, 92. House goes into Committee on, 177. Ordered to be consolidated with Bill (No. 66) to amend the Ontario Insurance Act, 198. See *Ontario Insurance*.

#### INSURANCE LAW:

Report of Superintendent presented, 165. (*Sessional Papers No. 10.*) Printed. See *Ontario Insurance. Reciprocal Insurance*.

#### INSURANCE RATING BUREAUS:

Bill (No. 65), introduced respecting, 20. Motion for second reading and debate on adjourned, 92. Debate resumed and motion for second reading carried, 104. House goes into Committee on, 195. Ordered to be consolidated with Bill (No. 66), to amend Ontario Insurance Act., 198. See *Ontario Insurance*.

#### INTOXICATING LIQUORS:

1. Question as to how many prescriptions issued from October 31st, 1920 to October 31st 1921 and how many in certain cities, 286.
2. Question as to quantity and value of liquor seized, fines paid etc., 288.
3. Question as to liquor stock on hand, ordered, or *en route*, by Government Dispensary when present Government came into power, 377.

#### IROQUOIS, VILLAGE OF:

Petition for Act authorizing the borrowing of certain moneys, 27. Reported, 109. Bill (No.42), introduced and referred to Railway and

Municipal Board, 111. Reported and referred to Committee on Private Bills, 145-6. Reported, 179. Second reading 221. House goes into Committee on, 224. Third reading, 272. R.A., 280. (12 Geo. V. c. 114.)

## JEFFREY, JAMES:

1. Question as to Employment of, etc., 26.
2. Question as to resignation or discharge of, 169.

## JUDICATURE ACT:

Bill (No. 99), introduced to amend, 63. Second reading and referred to the Legal Committee, 161. Reported 335. House goes into Committee on, 383. R.A., 399. (12 Geo. V. c. 42.)

## JURORS ACT:

2. Bill (No. 169), introduced to amend, 111. Second reading and referred to the Legal Committee, 172 *No report*.
2. Bill (No. 240), introduced to amend, 238. Second reading and referred to the Legal Committee, 266. Reported, 335. House goes into Committee on, 376. Third reading, 392. R.A., 399. (12 Geo. V. c. 46.)

## JUSTICES OF THE PEACE:

1. Bill introduced *pro forma*, 6
2. Question as to revision of list of, 326.

## KEEWATIN LUMBER COMPANY:

Return ordered, shewing quantity of timber removed by, in District of Kenora, 217. Presented, 223. (*Sessional Papers No. 86.*) Not printed.

## KINGSTON HIGHWAY:

1. Return ordered, shewing total cost on work done on, at the east end of the village of Pickering, etc., 33. Presented, 34. (*Sessional Papers No. 58.*) Not printed.
2. Question as to expenditure on, in township of Pickering, etc., 94.

## KNOX COLLEGE:

1. Question as to purchase of, by Government, 116.
2. Question as to who is owner, etc., 159.

**L** ABOUT:

1. Committee appointed, 23. Report, 298, 312.
2. Quorum changed, 323.
3. Report presented, 342. (*Sessional Papers No. 16.*) Printed.

## LAKES AND STREAMS:

Bill (No. 212), introduced respecting construction of works on, 179. Second reading, 242. House goes into Committee on, 284. Third reading, 326. R.A., 379. (12 Geo. V. c. 55.)

## LAKE OF THE WOODS CONTROL BOARD:

Bill (No. 261), introduced respecting, 286. Motion for second reading and debate on adjourned, 340, 348. Debate resumed and motion for second reading carried, 355. House goes into Committee on, 359. Motion for third reading and amendment proposed and negatived; third reading, 382. R.A., 399. (12 Geo. V. c. 21.)

LAKE OF THE WOODS PULP COMPANY:—See *Backus E. W.*

## LANDS AND FORESTS:

Report presented, 384. (*Sessional Papers No. 3.*) Printed.

LAND TAXATION OF:—See *Equitable Taxation.*

## LAND TITLES ACT:

1. Bill (No. 128), introduced to amend, 82. Order for second reading discharged, 391.
2. Bill (No. 193), introduced to amend, 136. Second reading, 175. House goes into Committee on, 238. Third reading, 267. R.A., 280. (12 Geo. V. c. 54.)
3. Interim Report on operation of in Northern Ontario presented, 108. (*Sessional Papers No. 69.*) Printed.

## LAND TRANSFER TAX ACT:

1. Bill (No. 74), introduced to amend, 35. Second reading, 56. House goes into Committee on, 121. Third reading, 266. R.A., 280. (12 Geo. V. c. 15.)
2. Question as to amount received for, from Toronto, 184.

## LANGLOIS, RAOUL, S.

Motion *re* release of liquor of, negatived, 394.



**LAWYERS:**

Question as to number employed by Government, in Departments, 156.

**LE FEVRE, CONSTABLE:**

Return ordered, of correspondence, etc., relating to charges against, and constables Fleming *et al*, 90. Presented, 223. (*Sessional Papers No. 87.*) Not printed.

**LEGAL BILLS:**

Committee appointed, 23. Report, 259, 335.

**LEGAL OFFICERS:**

Report presented, 165. (*Sessional Papers No. 6.*) Printed.

**LIBRARY:**

1. Committee appointed, 9.
2. Report of Librarian presented, 224. (*Sessional Papers No. 53.*) Not printed.

**LIEUTENANT-GOVERNOR:**

1. Speech at opening, 3.
2. To be taken into consideration, 6.
3. Motion for Address to and Debate on adjourned, 8, 9, 20, 27, 30, 33, 38, 41, 43, motion carried, 45.
4. Ordered to be presented, 45.
5. Transmits Estimates, 47, 93, 312, 334.
6. Assents to Bills, 149, 241, 280, 301, 399.
7. Recommends, Resolution *re* raising of money, 250, 264.
8. Speech at close, 399.

**LIMITATIONS ACT:**

Bill (No. 121), introduced to amend, 74. Second reading and referred to the Legal Committee, 103. Reported, 335. House goes into Committee on, 344. Third reading, 346. R.A., 399. (12 Geo. V. c. 47.)

**LINE FENCES ACT:**

Bill (No. 68), introduced to amend, 30. Second reading, and referred to the Municipal Committee, 99. Reported, 110. House goes into

Committee on, 149. Third reading, 224. R.A., 241. (12 Geo. V. c. 96.)

#### LIQUOR, CARRIAGE OF ON HIGHWAYS:

Bill (No. 225), introduced respecting the, 209. Second reading, 336. House goes into Committee on, 343. Third reading, 350. R.A., 399 (12 Geo. V. c. 87.)

#### LIQUOR LICENSE DEPARTMENT:

1. Question as to status of John A. Ayearst, 24.
2. Question as to total cost of enforcing O.T.A., Act, 1918 to 1921, 125.
3. Question as to employment of Samuel Smith, 26.
4. Question as to employment of James Jeffrey, 26.
5. Question as to employment of Heaton, 32.
6. Question as to number of special operators, or spotters, 43.
7. Question as to scope and duties of special operators, 53.
8. Question as to employment of Samuel McCutcheon, 68.
9. Question as to employment of Police Officer Baugh, 68.
10. Question as to employment of Stella Bailey and other female operators, 69.
11. Question as to employment of Howard Stewart, 69.
12. Question as to employment of Mr. Struck, 69.
13. Question as to employment of Lloyd Gordon, 70.
14. Question as to employment of William Hunter, 70.
15. Question as to employment of Tony Phillips *et al*, 70.
16. Question as to employment of Cecil Flack *et al*, 71.
17. Question as to employment of Jack Robinson *et al*, 71.
18. Question as to employment of Police Officer Charlton, 71.
19. Question as to employment of Mulhall, 72.
20. Question as to employment of Alexander Courrian, 72.
21. Question as to employment of Gunn, 72.
22. Question as to employment of Earl Forester, 73.
23. Question as to employment of W. Cavanagh, 73.
24. Question as to employment of C. J. Zryd, 73.
25. Question as to employment of Leslie Trubell, *et al*, 86

26. Question as to employment of Stanley Hallam, 86.
27. Question as to employment of Earl McCoy, 87.
28. Question as to employment of F. Stick, 103.
29. Return ordered, of correspondence, etc., as to charges laid against Constable Le Fevre *et al*, 90. Presented, 223. (*Sessional Papers No. 87.*) Not printed.

LIQUOR, SEIZED:—See *Elliott, H. M.*

LIQUOR STOCK:

Question as to what was the, on hand, ordered, or *en route*, by Government Dispensaries, when present Government came into power, 377.

LIVE STOCK BRANCH:

Report presented, 342. (*Sessional Papers No. 39.*) Printed.

LOAD OF VEHICLES ACT:

Bill (No. 243), introduced, 238. Second reading, 295. House goes into Committee on, 302. Third reading, 313. R.A., 399. (12 Geo. V. c. 81.)

LOAN CORPORATIONS:

Report presented, 165. (*Sessional Papers No. 12.*) Printed.

LOAN AND TRUST CORPORATION ACT:

Bill (No. 266), introduced to amend, 321. Second reading, 376. House goes into Committee on, 380. Third reading, 392. R.A., 399. (12 Geo. V. c. 14.)

LOANS:

Question as to disposition of those made in 1920-21, 268.

LOCAL IMPROVEMENT ACT:

1. Bill (No. 98), introduced to amend, 63. Second reading and referred to Municipal Committee, 90.
2. Bill (No. 192), introduced to amend, 136. Second reading and referred to Municipal Committee, 299. Reported, 325. House goes into Committee on, 376. Third reading, 392. R.A., 399. (12 Geo. V. c. 75.)
3. Bill (No. 196), introduced to amend, 136. Second reading and referred to Municipal Committee, 205. Reported, 233. House goes into Committee on, 257. Third reading, 267. R.A., 280. (12 Geo. V. c. 75.)

4. Bill (No. 213), introduced to amend, 179. Second reading and referred to Municipal Committee, 236. Reported, 312. House goes into Committee on, 330. Third reading, 336. R.A., 399. (12 Geo. V. c. 76.)

LONDON, CITY OF:

Petition for Act to ratify and confirm By-law No. 6541, 28. Reported, 60. Bill (No. 34), introduced and referred, 62. Reported, 153. Second reading, 174. House goes into Committee on, 235. Third reading, 247. R.A., 280. (12 Geo. V. c. 115.)

LONDON CITY GAS COMPANY:

Petition for Act respecting the charges for gas, 11. Reported, 29. Bill No. 12), introduced and referred, 30. Reported, 290. Second reading on division, 383. House goes into Committee on, 383. Third reading, 383. R.A., 399. (12 Geo. V. c. 146.)

LONDON STREET RAILWAY COMPANY:

Petition for Act to vary agreement and to enable the company to obtain more revenue, 11. Reported, 134. Bill (No. 31), introduced and referred, 134. Reported, 208. Second reading on division, 256. House goes into Committee on, 301. Motion for third reading and amendment proposed and negatived, 328. Third reading, 329. R.A., 399. (12 Geo. V. c. 141.)

LONG LAKE PULP AND LUMBER LIMIT:

Question as to whose request it was put up for sale, 212.

LUCAS, I. B.:

1. Question as to employment of, by Hydro-Electric Power Commission, 130.
2. Question as to employment of, by Hydro-Electric Power Commission, 130.

LUMBER, TIMBER AND MINING CAMPS:

Report of Board of Health presented, *re* sanitary control of, 192. (*Sessional Papers No. 80.*) Printed.

**M**CCOY, EARL:

Question as to employment of, 87.

McCULLOUGH, J. W. S.:

Question as to receipt by, of extra money, 248.

**MCCUTCHEON, SAMUEL J.:**

Question as to employment of, 68.

**McKINLEY, J. F.:**

Question as to appointment of, as Juvenile Judge for Ottawa, 102.

**M**AGISTRATES:

Bill (No. 73), introduced respecting, 35. Second reading, 175. House goes into Committee on, 249. 322. Third reading, 346. R.A., 399. (12 Geo. V. c. 48.)

**MARTIN, S. J.:**

Question as to employment of, in Highways Department, 200.

**MECHANICS LIENS, WAGE-EARNERS:**

1. Report of Select Committee of Session of 1921, presented, 46.
2. Bill (No. 97), introduced respecting, 62. Order for second reading discharged, 285.

**MEMBERS:**

1. Take Oaths and Seats, 7, 14.
2. Added to Committees, 47, 393.
3. Question as to how many participated in tour over Provincial Highways, 67.
4. Full Sessional Indemnity paid to, 388.

**MERRITON, TOWN OF:**

Petition for Act to amend Act of incorporation, 28. Reported, 81. Bill (No. 41), introduced and referred, 81. Reported, 163. Second reading 174. House goes into Committee on, 222. Third reading, 247. R.A., 280. (12 Geo. V. c. 116.)

**MIMICO, TOWN OF:**

Petition Act to ratify By-law No. 366,11. Reported, 60. Bill (No. 28), introduced and referred, 62. Reported, 120. Second reading, 132. House goes into Committee on, 150. Third reading, 304. R.A., 241. (12 Geo. V. c. 117.)

**MINERAL RIGHTS:**

Bill (No. 86), introduced respecting in certain Canada Companies' Lands, 44. Second reading, 80. House goes into Committee on, 99. Third reading, 166. R.A., 241. (12 Geo. V. c. 24.)

**MINES, DEPARTMENT OF:**

Report presented, 233. (*Sessional Papers No. 4.*) Printed.

**MINIMUM WAGE ACT:**

Bill (No. 255), introduced to amend, 271. Second reading, 247. House goes into Committee on, 375. Third reading, 392. R.A., 399. (12 Geo. V. c. 91.)

**MINIMUM WAGE BOARD:**

Report presented, 122. (*Sessional Papers No. 73.*) Printed.

**MINING ACT:**

1. Bill (No. 88), introduced to amend, 44. Second reading, 107. House goes into Committee on, 178, 222, 236. Third reading, 272. R.A., 280. (12 Geo. V. c. 22.)
2. Bill (No. 229), introduced to amend, 230. Second reading negatived, 319.

**MINING TAX ACT:**

Bill (No. 87.) introduced to amend, 44. Second reading, 80. House goes into Committee on, 100. Third reading, 266. R.A., 280. (12 Geo. V. c. 11.)

**MOORE, H. J.:**

Question as to date of appointment as Highway Forester, 248.

**MOTHERS' ALLOWANCES ACT:**

Bill (No. 138), introduced to amend, 84. Second reading negatived, 162.

**MOTHERS' ALLOWANCES COMMISSION:**

Report presented, 237. (*Sessional Papers No. 89.*) Printed.

**MOTOR LICENSES:**

Question as to amount received for, from Toronto, 184.

**MOTOR VEHICLES:**

Question as to number of licenses issued in Nipissing, Sturgeon Falls, Sudbury, etc., 148.

**MOTOR VEHICLES ACT:**

1. Bill (No. 153), introduced to amend, 94. Second reading negatived, 162.

2. Bill (No. 157), introduced to amend, 101. Second reading, 241. House goes into Committee on, 246. Third reading, 267. R.A., 280. (12 Geo. V. c. 80.)
3. Bill (No. 205), introduced to amend, 155. Second reading negatived, 207.
4. Bill (No. 260), introduced to amend, 282. Second reading negatived, 356.
5. Bill (No. 288), introduced to amend, 210. Second reading and referred to Committee to be named, 300. Committee named, 358. Member added, 393.

#### MOTOR VEHICLES, LOAD OF VEHICLES:

Select Committee appointed, to which was referred the law relating to, with instructions to meet during Recess, etc., and report to House at next Session, 358. Member added, 393.

#### MOUNT MCKAY AND KAKABEKA FALLS RAILWAY:

Petition for Act to extend time for operation of, by steam, 11. Reported 59. Bill (No. 14), introduced and referred, 61. Reported, 282. Second reading, 353. House goes into Committee on, 379. Third reading, 392. R.A., 399. (12 Geo. V. c. 142.)

#### MUNICIPAL AFFAIRS:

Report presented, 187. (*Sessional Papers No. 47.*) Printed.

#### MUNICIPAL DRAINAGE ACT:

1. Bill (No. 179), introduced to amend, 120. Second reading and referred to Municipal Committee, 203. Reported, 211. House goes into Committee on, 276. Third reading, 295. R.A., 301. (12 Geo. V. c. 79.)
2. Bill (No. 260), introduced to amend, 188. Second reading and referred to Municipal Committee, 245. *No report.*

#### MUNICIPAL ELECTIONS:

Bill (No. 220), introduced to extend the right to vote, 198. Second reading, 242. House goes into Committee on, 318, 335. Third reading, 336. R.A., 399. (12 Geo. V. c. 74.)

#### MUNICIPAL ELECTRIC RAILWAYS:

Bill (No. 100), introduced respecting the construction and operation of, 92. Motion for second reading and debate on adjourned, 272, 280,

289, 296, 303. Six months hoist proposed and negatived, 303. Second reading, 303. House goes into Committee on, 318, 380. Third reading, 392. R.A., 399. (12 Geo. V. c. 69.)

#### MUNICIPAL LAW:

1. Bill (No. 55), introduced to consolidate the Municipal Act, 13. Second reading, 121. House goes into Committee on, 343. Third reading, 346. R.A., 399. (12 Geo. V. c. 72.) *See below, 29.*
2. Bill (No. 56), introduced to amend, 13. Second reading and referred to the Municipal Committee, 78. Reported, 234.
3. Bill (No. 57), introduced to amend, 19. Second reading and referred to Municipal Committee, 38. Reported, 234.
4. Bill (No. 78), introduced to amend, 41. Second reading and referred to the Municipal Committee, 125.
5. Bill (No. 79), introduced to amend, 41. Second reading and referred to Municipal Committee, 79. Reported, 234.
6. Bill (No. 91), introduced to amend, 47. Second reading and referred to Municipal Committee, 117. Reported, 234.
7. Bill (No. 108), introduced to amend, 64. Second reading and referred to Municipal Committee, 117.
8. Bill (No. 115), introduced to amend, 66. Second reading and referred to Municipal Committee, 99. Reported, 234.
9. Bill (No. 117), introduced to amend, 74. Second reading and referred to Municipal Committee, 99. Reported 234.
10. Bill (No. 120), introduced to amend, 74. Second reading and referred to Municipal Committee, 152. Reported, 234.
11. Bill (No. 125), introduced to amend, 79. Second reading negatived, 132.
12. Bill (No. 134), introduced to amend, 84. Order for second reading discharged, 125.
13. Bill (No. 135), introduced to amend, 84. Second reading and referred to Municipal Committee, 172.
14. Bill (No. 137), introduced to amend, 84. Second reading and referred to Municipal Committee, 137. Reported, 234.
15. Bill (No. 142), introduced to amend, 91. Second reading and referred to Municipal Committee, 152. Reported, 234.
16. Bill (No. 143), introduced to amend, 91. Second reading negatived, 176.
17. Bill (No. 144), introduced to amend, 91. Second reading and referred to Municipal Committee, 162. Reported, 234.



18. Bill (No. 147), introduced to amend, 91. Second reading negatived, 153.
19. Bill (No. 148), introduced to amend, 94. Second reading and referred to Municipal Committee, 162.
20. Bill (No. 156), introduced to amend, 101. Second reading and referred to Municipal Committee. 175. Reported 234.
21. Bill (No. 161), introduced to amend, 106. Second reading and referred to Municipal Committee, 172.
22. Bill (No. 163), introduced to amend 106. Second reading and referred to Municipal Committee, 172. Reported, 234.
23. Bill (No. 164), introduced to amend, 106. Order for second reading discharged, 173.
24. Bill (No. 165), introduced to amend, 106. Order for second reading discharged, 173.
25. Bill (No. 181), introduced to amend, 122. Second reading negatived, 176.
26. Bill (No. 185), introduced to amend, 126. Second reading and referred to Municipal Committee, 205.
27. Bill (No. 188), introduced to amend, 135. Second reading and referred to Municipal Committee, 172. Reported, 234.
28. Bill (No. 195), introduced to amend, 136. Second reading and referred to Municipal Committee, 172. Reported, 234.
29. Bill (No. 237), introduced "The Municipal Amendment Act 1922," 234. Second reading, 269. House goes into Committee on, 277. Third reading, 278. R.A., 280. (12 Geo. V. c. 71.) *See above, 1.*
30. Committee appointed, 22. Report, 110, 138, 211, 233, 312, 325.
31. Time for introducing Municipal and Assessment Bills extended, 122.
32. Petitions respecting, 12, 15.

## **N**ATURAL GAS:

1. Bill (No. 146), introduced respecting, 91. Second reading, negatived, 299.
2. Bill (No. 245), introduced respecting, 242. Second reading, 272. House goes into Committee on, 322, 381, 394. Third reading, 394. R.A., 399. (12 Geo. V. c. 23.)

## NEPEAN, TOWNSHIP OF:

- Petition for Act to relieve the ratepayers under the Local Improvement Act to validate an agreement, 15. Reported, 28. Bill

(No. 37), introduced and referred, 44. Reported, 141. Second reading, 174. House goes into Committee on, 205. Third reading, 234. R.A., 241. (12 Geo. V. c. 118.)

#### NEPIGON PULP AND TIMBER LIMITS:

1. The matter discussed and adjourned, 65.
2. Agreement presented, *re* leases of water powers on Pic River Limit, 65. (*Sessional Papers No. 63.*) Printed.
3. Question as to date of sale of Nepigon Pulp Concession in 1920, etc., 77.

#### NESBITT, WALLACE:

1. Question as to engagement of, by Government, 129.
2. Question as to employment of, since November 1919, 184.

#### NIAGARA FALLS, CITY OF:

1. Petition for Act *re* certain changes in Civic Government, 11. Reported, 60. Bill (No. 26), introduced and referred, 62. Reported, 120. Second reading, 132. House goes into Committee on, 150. Third reading, 224. R.A., 241. (12 Geo. V. c. 119.)
2. Petition for Act to confirm a certain By-law, 63. Reported, 134. Bill (No. 93), introduced and referred, 135. Reported, 163. Second reading, 175. House goes into Committee on, 224. Third reading, 234. R.A., 241. (12 Geo. V. c. 120.)

#### NORTHERN DEVELOPMENT BRANCH:

Question as to whether any money appropriated for roads and bridges under, expended outside of the Northern Districts of Nipissing, etc., 198.

#### NORTHERN AND NORTHWESTERN DEVELOPMENT ACT:

Bill (No. 149), introduced to amend, 92. Second reading, 221. House goes into Committee on, 239. Third reading, 267. R.A., 241. (12 Geo. V. c. 18.)

#### NURSES, REGISTRATION OF:

Bill (No. 152), introduced respecting, 94. Second reading, 175. House goes into Committee on, 236. Third reading, 267. R.A., 280. (12 Geo. V. c. 60.)

#### OAKVILLE, TOWN OF:

Petition for Act to ratify a certain By-law, 11. Reported, 59. Bill (No. 29), introduced and referred to the Railway and Municipal

Board, 62. Reported and referred to the Committee on Private Bills, 100. Reported, 153. Second reading, 205. House goes into Committee on, 222. Third reading, 259. R.A., 280. (12 Geo. V. c. 121.)

#### OBSTRUCTION ON HIGHWAYS REMOVAL ACT:

Bill (No. 233), introduced to amend, 219. Second reading, 252. House goes into Committee on, 260. Third reading, 267. R.A., 280. (12 Geo. V. c. 82.)

#### ONTARIO ATHLETIC COMMISSION:

Report presented, 211. (*Sessional Papers No. 85.*) Printed.

#### ONTARIO COMPANIES ACT:

Bill (No. 218), introduced to amend, 191. Order for second reading discharged, 279.

#### ONTARIO CO-OPERATIVE DAIRY PRODUCTS LIMITED:

Bill (No. 222), introduced to incorporate, 209. Second reading, 257. House goes into Committee on, 337. Third reading, 350. R.A., 399. (12 Geo. V. c. 65.)

#### ONTARIO FARM LOANS ACT:

Bill (No. 54), introduced to amend, 13. Second reading, 46. House goes into Committee on, 104. Third reading, 147. R.A., 149. (12 Geo. V. c. 37.)

#### ONTARIO GAME AND FISHERIES ACT:

Bill (No. 221), introduced to amend, 204. Second reading, 242. House goes into Committee on, 260, 270. Third reading, 298. R.A., 301. (12 Geo. V. c. 97.)

#### ONTARIO HIGHWAY ACT:

Bill (No. 239), introduced to amend, 238. Second reading, 330. Order for House to go into Committee on discharged and Bill withdrawn, 354-5.

#### ONTARIO INSURANCE ACT:

1. Report presented of Select Committee of Session of 1921, 15-18.
2. Bill (No. 66), introduced to amend, 20. Second reading, 154. House goes into Committee on, 177, 195. Third reading, 271. R.A., 280. (12 Geo. V. c. 61.)
3. Bill (No. 132), introduced to amend, 83. Second reading negatived, 176.

4. Several Bills ordered to be consolidated with Bill No. 66, 198. See *Reciprocal or Inter-Insurance*.

#### ONTARIO PUBLIC SERVICE SUPERANNUATION ACT:

Bill (No. 259), introduced to amend, 282. Second reading, 322. House goes into Committee on, 330. Third reading, 381. R.A., 399. (12 Geo. V. c. 5.)

#### ONTARIO RAILWAY ACT:

1. Bill (No. 75), introduced to amend, 35. Second reading and referred to Railway Committee, 90. Reported, 297. Defeated in Committee, 353.
2. Bill (No. 82), introduced to amend, 42. Second reading and referred to Railway Committee, 132. Reported, 282. House goes into Committee on, 327. Third reading, 346. R.A., 399. (12 Geo. V. c. 67.)
3. Bill (No. 123), introduced to amend, 79. Second reading, 164. House goes into Committee on, 178. Third reading, 267. R.A., 280. (12 Geo. V. c. 66.)

#### ONTARIO RAILWAY AND MUNICIPAL BOARD:

1. Bill (No. 124), introduced to amend the Act, 79. Second reading, 164. House goes into Committee on, 178. Third reading, 267. R.A., 280. (12 Geo. V. c. 68.)
2. Report presented, 266. (*Sessional Papers No. 50.*) Printed.
3. Bills referred to, 35, 135. Reported, 57, 106, 108, 140, 145, 197.

#### ONTARIO TELEPHONE ACT:

Bill (No. 246), introduced to amend, 247. Second reading, 269. House goes into Committee on, 285. Third reading, 295. R.A., 301. (12 Geo. V. c. 70.)

#### ONTARIO TEMPERANCE ACT:

1. Bill (No. 226), introduced to amend, 209. Second reading, 336. House goes into Committee on, 343. Third reading, 392. R.A., 399. (12 Geo. V. c. 86.)
2. Bill (No. 256), introduced to amend, 271. Second reading negatived, 390.
3. Question as to total cost of enforcing, 1918-1921, 25.
4. Return presented, to an Order of the House of the Session of 1921, shewing number of applications to Board of License Commission-

ers, for remission of fines under, in regard to which the member for S.E. Toronto, seat "B" acted, etc., 193. (*Sessional Papers No. 81.*) Not printed.

5. Return presented, to an Order of the House of the Session of 1921, for copies of correspondence between the Attorney-General and Police Magistrates relating to imposition of penalties, etc., 324. (*Sessional Papers No. 95.*) Not printed.
6. Return ordered, of copies of correspondence between Crown Attorney of Essex, Inspector Nasseau and Attorney-General, etc., in connection with O.T.A. matters, 379. (*Not brought down.*)
7. Report presented, 384. (*Sessional Papers No. 28.*) Printed.

#### ONTARIO THRESHERMENS MUTUAL FIRE INSURANCE COMPANY:

Petition for Act of incorporation, 11. Reported, 60. Bill (No. 25), introduced and referred, 62. Reported, 218. Second reading, 247. House goes into Committee on, 256. Third reading, 295. R.A., 301. (12 Geo. V. c. 147.)

#### ORDERS-IN-COUNCIL:

1. Question as to intention of Government to publish weekly, in *Gazette*, 32.
2. Question as to how many have been passed by Government, since coming into office in 1919, 32.
3. Question as to number of appointments made by, since 1919, 51.

#### ORDINARY EXPENDITURE:

Return ordered, shewing amount received by Treasury Department, during months of August, September and October 1919-1920 and 1921, under the heading of, in regard to Lands and Forests Civil Government, etc., 215. (*Not brought down.*)

#### ORDINARY RECEIPTS:

Question as to what amounts of, and from what sources, included in Public Accounts, 225.

#### OSHAWA, TOWN OF:

Petition for Act to authorize Corporation to charge lands abutting on Water Works system an annual rate of assessment, 91. Reported, 133. Bill (No. 126), introduced and referred, 135. Reported, 292. Second reading, 331. House goes into Committee on, 353. Third reading, 381. R.A., 399. (12 Geo. V. c. 122.)

## OTTAWA, CITY OF:

Petition for Act. to authorize the corporation to raise money for Public Works, 11. Reported, 60. Bill (No.10), introduced and referred, 61. Reported, 141. Second reading, 174. House goes into Committee on, 205. Third reading, 271. R.A., 380. (12 Geo. V. c., 123.)

## OTTAWA CIVIC HOSPITAL ACT:

Petition for Act. to amend, 44. Reported 59. Bill (No. 9), introduced and referred, 61. Reported, 141. Second reading, 174. House goes into Committee on, 204. Fees remitted, 219. Third reading, 224. R.A., 241. (12 Geo. V. c., 152.)

## OTTAWA STREET INCLINE RAILWAY COMPANY:

Petition for Act. of incorporation, 11. Reported 60. Bill (No. 23), introduced and referred, 61. Reported, 105. Recommended to Committee, 126. Reported, 325. Second reading, 354. House goes into Committee on, 389. Third reading, 392. R.A., 399. (12 Geo. V. c. 143.)

**P**AROLE, ONTARIO BOARD OF:

Report presented, 41. (*Sessional Papers No. 59.*) Printed.

## PARTRIDGE, S.:

Question as to employment of, 88.

PATROL BOAT:—See *Fishing Tug.*

## PEACE, GENERAL SESSIONS OF:

Bill (No. 69), introduced respecting, 30. Second reading, 56. House goes into Committee on, 99. Third reading, 166. R.A., 241. (12 Geo. V. c. 43.)

## PEEL, COUNTY OF:

Question as to amount expended in Provincial Highways in, 97.

## PENETANG ASYLUM:

Question as to destruction of laundry at, 124.

## PEPALL, A. A.:

Return ordered, of copies of correspondence with reference to re-purchase or refunding of loan, in connection with which Mr. P. was sent to England, 378. (*Not brought down.*)

## PHARMACY ACT:

Bill (No. 199), introduced to amend, 138. Second reading and referred to Legal Committee, 203. *No report.*

## PHENARSENAMINE:

Question as to manufacture of, by Board of Health, 200.

## PHILLIPS, TONY:

Question as to employment of, 70.

## PIC RIVER AND BLACK STURGEON PULP AND TIMBER LIMITS:

Report presented, 65. (*Sessional Papers No. 63.*) Printed.

## POLICE MAGISTRATES:

1. Bill (No. 73), introduced respecting, 35. Second reading, 175. House goes into Committee on, 284. Third reading, 346. R.A., 399. (12 Geo. V. c., 48.)
2. Question as to how many appointed, since January 1st 1920, 167.

POLICE VILLAGES:—See *Rural School Elections.*

## PORT ARTHUR, CITY OF:

Petition for Act. to ratify a By-law, 11. Reported, 59. Bill (No. 7), introduced and referred, 61. Reported, 218. Second reading, 225. House goes into Committee on, 246. Third reading, 313. R.A., 399. (12 Geo. V. c., 124.)

## POWER COMMISSION ACT:

Bill (No. 257), introduced to amend, 277. Second reading, 295. House goes into Committee on, 353, 374. Third reading, 392. R.A., 399. (12 Geo. V. c., 31.)

## PRESQUE ISLE PARK:

Bill (No. 150), introduced respecting, 94. Motion for second reading and Debate on adjourned, 223. Debate resumed and motion for second reading carried, 252. House goes into Committee on, 259, 272. Third reading, 278. R.A., 280 (12 Geo. V. c. 39.)

## PRESTON, TOWN OF:

Petition for Act to repeal section 3 of By-law No. 482, 11. Reported, 60. Bill (No. 13), introduced and referred to Railway and Municipal Board, 61. Reported and referred to Committee on Private Bills, 146. Reported, 153. Second reading, 205. House goes into Committee on, 222. Third reading, 259. R.A., 280. (12 Geo. V. c. 125.)

## PRINTING:

1. Committee appointed, 24. Report, 321, 384.
2. Recommend purchase of certain publications, 321, 384.

## PRISONERS:

Petition for establishment of central place, for the safeguarding of, 28.

## PRISONS AND REFORMATORIES:

Report presented, 38. (*Sessional Papers No. 26.*) Printed.

## PRIVATE BILLS:

1. Committee appointed, 21. Report, 105, 120, 133, 146, 153, 163, 179, 188, 193, 208, 218, 231, 237, 292, 325 352, 358.
2. Time extended, 141, 193, 292, 352.
3. Motion against adoption of ninth report proposed and negatived, 193-4.

## PRIVILEGES AND ELECTIONS:

Committee appointed, 23. *No report.*

## PRIVATE DETECTIVES ACT:

Bill (No. 76), introduced to amend, 35. Second reading, 79. House goes into Committee on, 99, 177. Third reading, 267. R.A., 280. (12 Geo. V. c., 58.)

## PRIVY COUNCIL ACT:

Bill (No. 59), introduced to repeal, 19. Order for second reading discharged, 359.

## PROBATION OFFICERS:

Bill (No. 70), introduced to provide for the appointment of, 30. Motion for second reading and six months hoist proposed and negatived, 154-5. Second reading, 155. House goes into Committee on, 223, 230. Third reading, 267. R.A., 280. (12 Geo. V. c., 103.)

PROFESSIONAL ENGINEERS:—See *Engineers.*

## PROVINCIAL LOANS ACT:

1. Bill (No. 203), introduced to amend, 143. Second reading, 175. House goes into Committee on, 239. Third reading, 267. R.A., 280. (12 Geo. V. c. 9.)



2. Bill (No. 210) introduced to amend, 166. Second reading, 276. House goes into Committee on, 289. Third reading, 346. R.A., 399. (12 Geo. V. c. 10.)

#### PROVINCIAL HIGHWAYS:

1. Question as to how many members participated in tour over, 67.
2. Question as to amount expended on, in County of Peel, in 1921, 97.
3. Question as to total milage of, for which \$3,271,778.84, appropriated, 248.
4. Question as to how many miles completed with permanent surface, 315.
5. Question as to how many roads have been assisted under sec. 18 of Act. 317.
6. Question as to amount of money expended by Department under Township roads, etc., 389.
7. Question as to cost *per* mile of Highway between Canboro and Dunnville, 389.

#### PROVINCIAL HIGHWAYS ACT:

Bill (No. 130), introduced to amend, 82. Second reading, 164. House goes into Committee on, 196, 230, 246. Third reading, 267. R. A., 280. (12 Geo. V. c. 30.)

#### PROVINCIAL MUNICIPAL AUDITOR:

Report presented, 320. (*Sessional Papers, No. 8.*) Printed.

#### PROVINCIAL POLICE:

Question as to new appointments made to, since January 1st, 1920, 25.

#### PROVINCIAL SECRETARY:

Announces Prorogation, 401.

#### PROVINCIAL SECURITIES:—See *Bonds.*

#### PUBLIC ACCOUNTS:

1. Committee appointed, 22. Presented and referred, 82. (*Sessional Papers No. 1.*) Printed.
2. Report, 384. (*Appendix No. 2.*)
3. Question as to engagement of expert accountant, to prepare, 207.

## PUBLIC HEALTH ACT:

1. Bill (No. 268), introduced to amend, 326. Second reading, 359. House goes into Committee on, 375. Third reading, 392. R.A. 399 (12 Geo. V. c. 88.)
2. Bill (No. 96), introduced to amend, 49. Second reading carried on division and referred to Municipal Committee, 117-18.
3. Bill (No. 159), introduced to promote, by providing one day's rest in seven, 101. Second reading and referred to the Labour Committee, 175. Reported, 298. House goes into Committee on, 352. Third reading, 381. R.A., 399. (12 Geo. V. c. 93.)

## PUBLIC HIGHWAYS:

Reported presented, 324. (*Sessional Papers No. 15.*) Printed.

## PUBLIC LANDS ACT:

1. Bill (No. 162), introduced to amend, 106. Second reading, 241. House goes into Committee on, 258. Third reading, 267. R.A., 280. (12 Geo. V. c. 16.)
2. Bill (No. 168), introduced to amend, 106. Declared to be out of order, 218.

## PUBLIC OFFICERS FEES ACT:

Bill (No. 235), introduced to amend, 231. Second reading, 295. House goes into Committee on, 302. Third reading, 346. R.A., 399. (12 Geo. V. c. 7.)

## PUBLIC SAVINGS:

Question as to guaranteeing of, in conjunction with any life insurance plan, 378.

## PUBLIC SERVICE COMMISSION:

1. Question as to who were the Commissioners appointed, etc., 66.
2. Interim report presented *re* York Registry Offices, 93. (*Sessional Papers No. 65.*) Printed.
3. Report presented on Toronto Police Court, 41. (*Sessional Papers No. 61.*) Not Printed.
4. Report presented on mode of selecting Sheriffs, 33. (*Sessional Papers No. 57.*) Printed.
5. Report presented on operation of Land Titles Act in Northern Ontario, 108. (*Sessional Papers No. 69.*) Printed.

**PUBLIC SERVICE SUPERANNUATION BOARD:**

Report presented, 192. (*Sessional Papers No. 79.*) Printed.

**PUBLIC VEHICLES:**

Bill (No. 258), introduced to regulate the operation of, 101. Second reading, 241. House goes into Committee on, 249. Order discharged and Bill referred to Select Committee to be named, 301. Committee named, 358.

**PUBLIC WORKS:**

Report of Department presented, 119. (*Sessional Papers No. 13.*) Printed.

**PULPWOOD DUES:**

Question as to amount of, collected for 1920 and 1921, 76.

**PULPWOOD EXPORT ACT:**

Question as to permits issued to export pulpwood, 37.

**QUEEN VICTORIA NIAGARA FALLS PARK:**

Report presented, 395. (*Sessional Papers No. 9.*) Printed.

**QUEEN VICTORIA NIAGARA FALLS PARK ACT:**

Bill (No. 241), introduced to amend, 238. Second reading, 295. House goes into Committee on, 302. Third reading, 350. R.A., 399. (12 Geo. V. c. 38.)

**QUEENSTON-CHIPPAWA POWER DEVELOPMENT:**

Copy of Commission to W. D. Gregory *et al.* to inquire into, etc., presented, 192. (*Sessional Papers No. 82.*) Not printed.

**QUESTIONS:**

1. As to the official status of John A. Ayearst in Government employ, 24.
2. As to payments made to Justices Riddell and Latchford on Crown Timber Commission, 24.
3. As to new appointments made to Provincial Police Force, 25.
4. As to cost of enforcing O.T.A. 1898-1921, 25.
5. As to employment of Samuel Smith *re* O.T.A., 26.
6. As to employment of James Jeffrey *re* O.T.A., 26.
7. As to number of letters sent out to solicitors requesting remittance of Succession Duties, 31.

8. As to intention of Government to publish Orders-in-Council in ONTARIO GAZETTE, 32.
9. As to number of Orders-in-Council passed by Government since 1919, 32.
10. As to employment, in Attorney General's Department, of one Heaton, 32.
11. As to amount paid to Shirley Denison, *re* timber investigation, 35.
12. As to amount paid to N. W. Rowell and R. T. Harding *re* Shevlin-Clarke action, 36.
13. As to amount received for timber limits, sold since 1897, etc., 36.
14. As to permits issued to export pulpwood, 37.
15. As to contract for cutting timber with Norman Edmeston of Fort William, 37.
16. As to number of special operators known as "spotters" employed in 1920 and 1921, 43.
17. As to proceeds of Treasury Bills "E.E.," 43.
18. As to request of E. W. Backus for lease of water powers, 43.
19. As to amount paid for advertising propaganda under Provincial advisory Committee, 50.
20. As to name and residence of latest appointee to Workmen's Compensation Board, 50.
21. As to amount paid for Game Licenses since 1897, 51.
22. As to number of appointments made by Order-in-Council since 1919, 51.
23. As to classification *re* employment service for Canada, 52.
24. As to appointment of Albert Hellyer as Police Magistrate, 52.
25. As to circulars sent out warning unemployed against going to Cochrane District, 52.
26. As to character and scope of duties of special operators, 53.
27. As to members of Government being subpœnaed in suit, "Backus *vs.* *The Evening Telegram*," 53.
28. As to number of complimentary Game Licenses issued, 54.
29. As to what water powers applied for, by E. W. Backus, 55.
30. As to who were the Commissioners employed on Public Service Commission, etc., 66.

31. As to number of meetings held by the Hydro-Electric Commission in 1921, 66.
32. As to moneys paid by Hydro-Electric Commission to Insurance Companies in 1921, 67.
33. As to number of members who went on tour over Provincial Highways, 67.
34. As to maintenance of Government House in 1921, 68.
35. As to employment of S. McCutcheon, alias McDunn, 68.
36. As to employment of Police Officer Baugh, 68.
37. As to employment of female operators, 69.
38. As to employment of Howard Stewart, 69.
39. As to employment of McStruck, 69.
40. As to employment of Lloyd Gordon, 70.
41. As to employment of William Hunter, 70.
42. As to employment of Tony Phillips *et al.*, 70.
43. As to employment of Cecil Flack *et al.*, 71.
44. As to employment of Jack Robinson *et al.*, 71.
45. As to employment of Police Officer Charlton, 71.
46. As to employment of Alexander Courian, 72.
47. As to employment of Gunn, 72.
48. As to employment of Earl Forester, 73.
49. As to employment of W. Cavanagh, 73.
50. As to employment of C. J. Zyrd, 73.
51. As to number of Community Halls receiving grants, 73.
52. As to receipt of copy of Resolution *re* Backus pulp and paper interests, 75.
53. As to total amount of timber dues collected in 1920-21, 76.
54. As to date of sale of Nepigon Pulp concession, 77.
55. As to amount of Legislative Grants paid to Rural Schools in 1921, 84.
56. As to employment of Leslie Trubell *et al.*, 86.
57. As to employment of Stanley Hallam *et al.*, 86.
58. As to moneys paid to R. T. Harding since October 1921, etc., 86.
59. As to arrangement made with Shirley Denison, to pay him for services, 87.

60. As to employment of McCoy and Charles West, 87.
61. As to title of official head of Sub-Treasury Branches, 87.
62. As to employment of W. E. Partridge, 88.
63. As to identity of Lewis Alstead, 88.
64. As to appointment of Peter Heenan, 88.
65. As to whom did the Department of Lands issue permit or license for Rouse Island, 89.
66. As to amount expended on Kingston Road, including Bridges, etc., 94.
67. As to amount borrowed upon Bonds, Treasury Notes; amounts realized, 95.
68. As to amount realized on Amusement Tax, 96.
69. As to amount of outstanding cheques prior to 31st October, 1921, 97.
70. As to amount expended on Provincial Highway in County of Peel in 1921, 97.
71. As to who was appointed Surrogate Judge in County of Essex, to succeed Judge Dromgole, 97.
72. As to how many loans made to assist co-operative associations, 98.
73. As to the "Thyra" operating in Georgian Bay waters, 98.
74. As to the building of a fishing tug at Midland, total cost, 98.
75. As to the hiring of an automobile from Nathan Slavin, 102.
76. As to the appointment of J. F. McKinley as Juvenile Judge for Ottawa, 102.
77. As to number of appointments to Agricultural Development Board, 102.
78. As to employment of F. Stick, 103.
79. As to who were the Commissioners appointed to the Hydro-Radial Commission, 112.
80. As to employment of James Douglas, 115.
81. As to employment of Gordon Campbell, 115.
82. As to identity of G. N. Seaman, 116.
83. As to number of days Timber Commission sat, 116.
84. As to purchase of Knox College, 116.
85. As to employment of M. Farron, 116.
86. As to number of permanent members of inside Civil Service, 123.

87. As to destruction of Laundry at Penetanguishene Asylum, 124.
88. As to number of students refused admission to study medicine, 127.
89. As to number of Professors in employ of Toronto University, etc., 127.
90. As to employment of Wallace Nesbitt, K.C., 129.
91. As to moneys paid by Hydro-Electric Power Commission, as insurance premiums, 129.
92. As to employment of I. B. Lucas by Hydro-Electric Power Commission, 130.
93. As to employment of I. B. Lucas by Hydro-Electric Power Commission, 130.
94. As to amounts paid by Hydro-Electric Power Commission, as insurance premiums, outside of Toronto, 130.
95. As to number of inspectors appointed by Agricultural Development Board, 131.
96. As to aeroplane forest survey in English River Country, 147.
97. As to any request to remove J. M. Clarke, Division Court Clerk, Belleville, 148.
98. As to number of licenses for motor vehicles issued in Nipissing, Sturgeon Falls, etc., 148.
99. As to salary, etc., of George F. Henderson, 151.
100. As to date of last payment for 1920-21, made on account of capital expenditure, etc., 156.
101. As to number of lawyers engaged in Departments, 156.
102. As to ownership of old Knox College, etc., 159.
103. As to number of inspectors necessary to enforce Dairy Standard Act, 160.
104. As to instructions issued by Major George Elliott, as to liquor seizure, 160.
105. As to number of Police Magistrates appointed since January 1st 1920, 167.
106. As to resignation or discharge of James Jeffrey, 169.
107. As to Statutory Expenditure, charged to Ordinary, 170.
108. As to mileage of Provincial Highway constructed on Huron Road, 183.
109. As to amount received from Toronto and York, for race track meeting licenses, 184.

110. As to date of last return by Callaghan Company, etc., 184.
111. As to employment of Wallace Nesbitt, K.C., 184.
112. As to furnishing of Bonds by E. W. Backus, 185.
113. As to grants or concessions of timber rights on T. and N.O. Railway, 185.
114. As to engaging financial experts for Treasury Department, 186.
115. As to compensation asked by each member of Hydro Commission, 191.
116. As to employment, by government, of Harry J. Wheeler, 191.
117. As to money appropriated for roads and bridges, under Northern Development Branch, etc., 198.
118. As to money appropriated for roads and bridges under colonization Roads Branch, 199.
119. As to employment of S. J. Martin in Highways Department, 200.
120. As to when Board of Health obtained license to manufacture Phenarsenamine (Salvarsan), 200.
121. As to amount received from Federal Government, by Department of Highways, 201.
122. As to number of girls in attendance at Macdonald Institute, 202.
123. As to Doctors being under the ban of the Workmen's Compensation Board, 202.
124. As to Treasury Bills "M.M." and "J.J.," 206.
125. As to what sums paid Gordon Waldron, K.C., in 1921, 206.
126. As to what matters Gordon Waldron, K.C., has been engaged in, 207.
127. As to employment of expert accountant to prepare Public Accounts, 207.
128. As to salary paid to Sir Adam Beck, etc., 212.
129. As to Long Lake Pulp and Timber Limit being put up for sale, 212.
130. As to details of services for which firms of lawyers were paid by Department of Education, 214.
131. As to details of expenditure, Teachers' Superannuation Fund, 215.
132. As to payments to John D. Flavelle, 220.
133. As to identity of Eudo Saunders, 220.
134. As to system of advertising, 220.
135. As to prices paid for fresh beef for use in Institutions, 221.



136. As to identity of W. F. Gregory, 221.
137. As to amount of ordinary receipts and from what sources, included in Public Accounts, 225.
138. As to fishing licenses granted in Lake Eskeyenaga, 235.
139. As to Fred Cummings being in employment of government, 243.
140. As to cost to Crown of trial of Charles Sandrelli, 243.
141. As to number of days occupied in trial of Attorney-General's action against Shevlin-Clarke Company, 243.
142. As to payments of claims for damages *re* accidents between Stratford and Sebringville, 244.
143. As to how many days taken up in hearing of action Attorney-General *vs.* Shevlin-Clarke Company, 244.
144. As to amounts received between November and December, 1921, for account as succession duties, 244.
145. As to particulars making up item of \$1,020.45, page C. 35. Public Accounts, Fleming and Spracklin, 245.
146. As to total mileage of Provincial Highways for which \$3,271,778.84 has been appropriated, 248.
147. As to why Dr. McCullough receives additional money, 248.
148. As to date of appointment of H. J. Moore as Highway Forester, 248.
149. As to employment of R. E. Gaby, 253.
150. As to number of times Hon. Mr. Carmichael inspected Queenston-Chippawa Works, 253.
151. As to details of expenditure under Technical Education as travelling expenses, 254.
152. As to number of Commissions appointed since November, 1919, 262.
153. As to intention of Government to appoint a Civil Service Commission, 263.
154. As to identity of George F. Henderson, 263.
155. As to money paid to Hydro-Electric Power Commission, out of loans during 1920-21, 268.
156. As to amount of outstanding debentures issued free of succession duties, 269.
157. As to what dates in 1919-20 and 1920-21, were payments received from Dominion Government under Canada Highway Act, 275.

158. As to money credited to Highway Improvement Fund and payments chargeable thereto, 275.
159. As to identity of Lloyd Harris, 283.
160. As to number of prescriptions issued for intoxicating liquors, October 1920, to October 1921, etc., 286.
161. As to compliance with request for return *re* sums credited to Highway Improvement Fund, 288.
162. As to quantity of liquor seized, fines paid, etc., 288.
163. As to how many miles of Highway, with permanent surface completed, 315.
164. As to how many roads have been assisted by Department under section 18, 317.
165. As to revision of list of Justices of the Peace, 326.
166. As to how many expert engineers, or professional men, have been retained by the Hydro-Electric Investigation Commission, 327.
167. As to appeal from Justice Riddell's decision under Corporations Tax Act, 337-40.
168. As to what amount paid by Edward Backus on account of English River Limits, etc., 377.
169. As to what amount paid to Hydro-Electric Power Commission for development purposes, 377.
170. As to liquor stock on hand ordered, or *en route*, by Government Dispensaries when present government came into power, 377.
171. As to guarantee of Public Savings, in conjunction with any life insurance plan, 378.
172. As to McClelland acting in an advisory capacity to Liquor License Commission, 378.
173. As to amount expended by Department of Highways under several heads, 389.
174. As to cost of completed road between Canboro and Dunnville, 389.

## **R** ACE TRACK MEETING LICENSES:

Question as to amount received from Toronto and York for, etc., 184

## RAILWAY EMPLOYEES VOTING ACT:

1. Bill (No. 58), introduced to amend 19. Order for second reading discharged, 56.

2. Bill (No. 107), introduced to amend, 64. Second reading and referred to the Municipal Committee, 117. Reported, 138. House goes into Committee on, 234. Third reading, 247. R.A., 280. (12 Geo. V. c. 73.)

#### RAILWAY AND MUNICIPAL BOARD:

Bills referred, to 35, 40, 61, 62, 78, 111, 135. Reported, 57, 100, 108, 140, 145, 197. See *Ontario Railway and Municipal Board*.

#### RAILWAYS:

Committee appointed, 22. Report, 282, 297.

#### RÉCIPROCAL OR INTER-INSURANCE:

Bill (No. 63), introduced respecting, 19. Second reading, 78. House goes into Committee on, 104, 107. Third reading, 173. R.A., 241, (12 Geo. V, c. 62.) See *Ontario Insurance*.

#### REGISTRAR GENERAL:

Report presented on Births, etc., 384. (*Sessional Papers No. 20.*) Printed.

#### REGISTRY ACT:

1. Bill (No. 129), introduced to amend, 82. Second reading negatived, 152.
2. Bill (No. 244), introduced to amend the Registry Act and Land Titles Act, 242. Order for second reading discharged, 284.

#### REGISTRY OFFICES:

Report presented, 165. (*Sessional Papers No. 7.*) Printed.

#### RENFREW, TOWN OF:

Petition for Act declaring that Victoria Hospital may be carried on as a general hospital, 11. Reported, 39. Bill (No. 5), introduced and referred, 40. Reported, 179. Second reading, 225. House goes into Committee on, 256. Third reading, 267, R.A., 280. (12 Geo. V. c. 151). Fees remitted, 325.

REST, ONE DAY IN SEVEN:—See *Public Health*.

#### RIDDELL AND LATCHFORD, JUSTICES:

Question as to payments made to, 24.

## RIVERSIDE, TOWN OF:

Petition for Act creating the town, a separate town, within the meaning of the Municipal Act 15. Reported, 28. Bill (No. 36), introduced and referred, 40. *No report*. Fees remitted, 209.

## ROBINETTE, THOMAS LINDSAY:

Petition for Act to authorize the Law Society to admit him to practice, 35, 42. Reported, 109. Bill (No. 40), introduced and referred, 111. Reported, 133. Second reading, 152. House goes into Committee on, 174. Third reading, 224. R.A., 241. (12 Geo. V. c. 154.)

## ROBINSON, JACK:

Question as to employment of, 71.

## ROCKEFELLER FOUNDATION GIFT:

Motion for Return of correspondence relating to, etc., and Debate on adjourned, 186. Debate resumed and motion for Return carried and ordered, 354. (*Not brought down.*)

## ROUSE ISLAND:

Question as to permits, or timber licenses for, 89.

## ROWELL, N. W.:

Question as to moneys paid him, *re* Shevlin-Clarke Co., 36.

## RURAL HYDRO-DISTRIBUTION ACT:

1. Bill (No. 141), introduced to amend, 84. Discharged, 359.
2. Bill (No. 265), introduced to amend, 321. Second reading, 354. House goes into Committee on, 374, 380. Third reading, 392. R.A., 399. (12 Geo. V. c. 32.)

## RURAL PUBLIC AND SEPARATE SCHOOLS:

Return ordered, showing Legislative grants earned by, in 1920 and 1921; actual amount paid, 295. Presented 357. (*Sessional Papers No. 96.*) Printed. See Education.

## RURAL SCHOOL SECTIONS:

Bill (No. 189), introduced respecting, in Police villages, 135. Second reading and referred to Municipal Committee, 175. *No report*.

**S** T. CATHARINES, CITY OF:

Petition for Act to confirm by-law, 63. Reported, 134. Bill (No. 92), introduced and referred, 135. Reported, 163. Second reading, 174.

House goes into Committee on, 224, 246. Third reading, 247. R.A., 280. (12 Geo. V. c. 128.)

ST. LAWRENCE RIVER:

Resolution *re* navigation of, etc., 391.

ST. THOMAS, CITY OF:

Petition for Act to detach certain territory from the township of Yarmouth and annex it to the City, 12. Reported, 39. Bill (No. 33), introduced and referred to the Railway and Municipal Board, 40. Reported and referred to the Committee on Private Bills, 57. Reported, 133. Second reading, 151. House goes into Committee on, 174. Third reading, 204. R.A., (12 Geo. V. c. 129.)

SALVARSAN:

Question as to manufacture of, by Board of Health, 200.

SANDRELLI, CHARLES:

Question as to total cost of trial of, etc., 243.

SANDWICH, WINDSOR AND AMHERSTBURG RAILWAY:

Bill (No. 51), introduced respecting, 12. Second reading, 38. House goes into Committee on, 57. Third reading, 224. R.A., 241. (12 Geo. V. c. 144.)

SAULT STE. MARIE, CITY OF:

Petition for Act to ratify a By-law, 11. Reported, 60. Bill (No. 15), introduced and referred, 61. Reported, 237. Second reading, 247. House goes into Committee on, 256, 313. Third reading, 313. R.A., 399. (12 Geo. V. c. 126.)

SAUNDERS, EUDO:

Question as to identity of, 220.

SCHOOL SITES ACT:

Bill (No. 227), introduced to amend, 210. Second reading and referred to Municipal Committee, 300. Reported, 325. House goes into Committee on, 376. Third reading, 392. R.A., 399. (12 Geo. V. c. 100.)

SEAMAN, G. M.:

Question as to identity of, 116.

## SECRETARY AND REGISTRAR:

Report presented, 362. (*Sessional Papers No. 19.*) Printed.

## SECURITIES, SCALE OF:

Bill (No. 209), introduced respecting, 165. Second reading and referred to Select Committee, to be named, with power to sit during Recess, 285. Committee named, 359.

SENIOR MATRICULATE STUDENTS:—See *Toronto University*.

SEPARATE SCHOOLS:—See *Education*.

## SHERIFFS:

Interim Report presented, of Commission appointed to consider best mode of selecting and remunerating. 33. (*Sessional Papers No. 57.*) Printed.

## SHERIFFS ACT:

Bill (No. 182), introduced to amend, 122. Second reading, 242. House goes into Committee on, 258, 260, 322. Third reading, 336. R.A., 399. (12 Geo. V. c. 6.)

## SHEVLIN-CLARKE CO., LTD.:

1. Bill (No. 60), introduced to confirm and carry out a certain agreement entered into, on behalf of the Attorney-General and, 19. Order for second reading discharged, 164.
2. Bill (No. 110), introduced to vary and validate the timber licenses of, 64. Motion for second reading and Debate on adjourned, 136. Debate resumed and Motion for second reading carried on division, 139. House goes into Committee on, 143. Third reading, 147. R.A., 149. (12 Geo. V. c. 20.)
3. Letters and Documents presented, 63. (*Sessional Papers No. 62.*) Not printed.
4. Agreement in the matter of settlement of suits presented, 93. (*Sessional Papers No. 66.*) Not printed.
5. Return ordered, of correspondence between the Government, N. W. Rowell, R. T. Harding and E. W. Backus, in connection with the action against the Company, 77. (*Not brought down.*)
6. Question as to number of days occupied in trial of Attorney-General's action against, etc., 243.
7. Question as to number of days taken up in trial; Counsel employed, etc., 244.

## SHUNIAH, MUNICIPALITY OF:

Petition for Act to legalize tax sales and etc., 12. Reported, 28. Bill (No. 2), introduced and referred, 29. Reported, 133. Second reading, 151. House goes into Committee on, 173. Third reading, 204. R.A., 241. (12 Geo. V. c. 127.)

## SLAVIN, NATHAN:

Question as to the hiring of an automobile for one, 102.

## SMITH, JUDGE:

Question as to his being a member of the Windsor Police Commission, 97.

## SMITH, SAMUEL:

Question as to employment of, 26.

## SOLDIERS AID COMMISSION ACT:

1. Bill (No. 238), introduced to amend, 234. Second reading, 269. House goes into Committee on, 289. Third reading, 346. R.A., 399. (12 Geo. V. c. 40.)
2. Report presented, 274. (*Sessional Papers No. 93.*) Printed.

## SPEAKER, MR.:

1. Informs House of vacancies and issue of writs, 2.
2. Informs House of receipt of Reports from Railway and Municipal Board, 57, 100, 108, 140, 145, 197.
3. Informs House of receipt of Report from Commissioners of Estates Bills, 137.
4. Gives rulings on points raised, 101-2, 172, 218, 294, 332.
5. Addresses His Honour *re* assent to passed Bills, 149, 239, 280, 301, 314, 396.
6. Presents Report on state of Library, 224.

## SPECIAL OPERATORS:

1. Question as to number employed, known as "spotters," in 1920 and 1921, 43.
2. Question as to character and scope of duties of, 53.

## SPRACKLIN AND FLEMING:

Question *re* damage claim in connection with, 245.

## STANDING ORDERS:

1. Committee appointed, 21. Report, 28, 39, 59, 81, 109, 110, 133.
2. Recommend extension of time, 40, 60, 81.

## STATISTICS BRANCH:

Report presented, 335. (*Sessional Papers No. 46.*) Printed.

## STATUTES, LABOUR ACT:

1. Bill (No. 136), introduced to amend, 84. Second reading negatived, 126.
2. Bill (No. 215), introduced to amend, 190. Second reading, 252. House goes into Committee on, 257. Order for third reading discharged, 393.

## STATUTES, DISTRIBUTION OF:

Statement presented, 108. (*Sessional Papers No. 68.*) Not printed.

## STATUTORY EXPENDITURE:

Question as to certain items under, charged to Ordinary Expenditure, 170.

## STEAM BOILER ACT:

1. Bill (No. 101), introduced to amend, 63. Second reading and referred to Committee on Agriculture and Colonization, 125. Reported, 165. Recommitted to Select Committee to be named, 276. Committee named, 280. Reported, 321. House goes into Committee on, 330. Third reading, 346. R.A., 399. (12 Geo. V. c. 95.)
2. Bill (No. 216), introduced to amend, 190. Order for second reading discharged, 337.

## STEWART, HOWARD:

Question as to employment of, 69.

## STICK, F.:

Question as to employment of, 103.

## STRATFORD AND SEBRINGVILLE:

Question as to claims for damages being paid, arising out of accident between, 244.



**STRUHCK, MR. :**

Question as to employment of, 69.

**SUB-TREASURY BRANCHIES :**

Question as to title of official head ; name, etc., 87.

**SUBURBAN AREA DEVELOPMENT ACT :**

Bill (No. 230), introduced to amend, 210. Second reading and referred to Municipal Committee, 247. Reported, 325. House goes into Committee on, 347. Third reading, 350. R.A., 399. (12 Geo. V. c. 77.)

**SUCCESSION DUTY :**

1. Question as to how many letters sent to solicitors requesting remittance of duties on estates, before close of fiscal year, 31.
2. Question as to amounts included in Public Accounts, 245.

**SUDBURY, TOWN OF :**

Petition for Act to ratify By-law, 12. Reported, 81. Bill (No. 32), introduced and referred, 81. Reported, 133. Second reading, 152. House goes into Committee on, 174. Third reading, 204. R.A., 241. (12 Geo. V. c. 130.)

**SURROGATE COURTS ACT :**

Bill (No. 52), introduced to amend, 13. Second reading, 38. House goes into Committee on, 57. Third reading, 166. R.A., 241. (12 Geo. V. c. 49.)

**SURROGATE JUDGE IN ESSEX:—See *Dromgole*.****SUPPLY :**

1. Motion to go into Committee, 45, and Debate on adjourned, 93, 145, 155, 162, 164, 187.
2. Amendment proposed condemning policy of borrowing moneys under Hydro-Electric Act and Debate on adjourned, 189, 192, 195, 208, 210, 218, 219. Amendment negatived and main motion carried, 231-33.
3. House goes into Committee, 48, 233, 242, 261, 270, 273, 280, etc., etc.
4. Estimates presented, 47, 312, 334.
5. Resolutions reported, 48, 303, 331, 363.
6. Motion to go into Committee of Ways and Means, 45, 373.

7. Resolutions reported, 48, 374.

8. Bill of Supply (No. 271), introduced and read a first, second and third time, 374. R.A., 399. (12 Geo. V. c. 1.)

### TANNENBAUM, SIDNEY:

Petition for Act to authorize the Law Society to admit him to practice, 42. Reported, 109.

Bill (No. 48), introduced and referred, 111. Reported withdrawn; fees remitted, 133.

### TECUMSEH, TOWN OF:

Petition for Act to confirm an agreement with Eauclair Water Works, 12. Reported, 29. Bill (No. 10), introduced and referred to Railway and Municipal Board, 35. Reported and referred to Committee on Private Bills, 57. Reported, 237. Recommitted, 299. Reported, 352. Second reading, 390. House goes into Committee on, 390. Third reading, 393. R.A., 399. (12 Geo. V. c. 131.)

### TEMISKAMING AND N. O. RAILWAY:

1. Question as to grants of timber rights, or privileges, north of Transcontinental Railway, 185.

2. Report presented, 291. (*Sessional Papers No. 84.*) Printed.

### TESTATOR, WIFE AND CHILDREN OF:

Bill (No. 127), introduced to secure adequate provision for the maintenance of, 82. Second reading negatived, 150.

### THYRA, THE:

Question as to operation of, in Georgian Bay waters, 198.

### TIMBER:

Bill (No. 211), introduced respecting privileges to cut, 166. Second reading, 210. House goes into Committee on, 222. Third reading, 231. R.A., 241. (12 Geo. V. c. 19.)

### TIMBER COMMISSION:

Question as to number of days Commission sat, 116.

### TIMBER DUES:

Question as to total amount collected for 1920 and 1921, 76.

### TIMBER LIMITS:

1. Question as to amount received from, sold since 1897, etc., 36.

2. Return ordered, shewing how many have been offered for sale since December 1st, 1919, etc., 203. Presented, 208. (*Sessional Papers No. 84.*) Not printed.

TIMBER SCALE:—See *Hurdman Scale*.

TORONTO, CITY OF:

1. Petition for Act authorizing the creation of a Fund to be known as "The City of Toronto Insurance Fund," 12. Reported, 59. Bill (No. 11), introduced and referred, 61. Reported, 325. Second reading, 354. House goes into Committee on, 389. Third reading, 392. R.A., 399. (12 Geo. V. c. 132.)
2. Petition for Act authorizing the passing of a By-law for issue of Debentures, 35. Reported, 110. Bill (No. 44), introduced and referred, 111. Reported, 345. Second reading, 390. House goes into Committee on, 390. Third reading, 393. R.A., 399. (12 Geo. V. c. 133.)

TORONTO AND HAMILTON HIGHWAY ACT:

Bill (No. 167), introduced to amend, 106. Second reading, 336. House goes into Committee on, 355. Third reading, 392. R.A., 399. (12 Geo. V. c. 29.)

TORONTO AND HAMILTON HIGHWAY COMMISSION:

Return ordered, of copies of correspondence with, and Minister of Public Works, 186. Presented 262. (*Sessional Papers No. 90.*) Not printed.

TORONTO POLICE COURT:

1. Interim Report presented, respecting, 41. (*Sessional Papers No. 61.*) Not printed.
2. Report of Commission presented, 83. (*Sessional Papers No. 64.*) Printed.

TORONTO SUBURBAN RAILWAY:

Bill (No. 263), introduced to authorize the purchase and operation of, by the Hydro-Electric Power Commission, 298. Second reading, 354. House goes into Committee on, 375. Third reading, 392. R.A., 399. (12 Geo. V. c. 35.)

TORONTO UNIVERSITY:

1. Report presented, 119. (*Sessional Papers No. 18.*) Printed.
2. Question as to how many Senior Matriculated Students were refused admission to study medicine, 127.

3. Question as to how many Professors are now in the employ of the Medical Faculty, 127. See *Rockefeller Foundation, University of*

#### TOWN PLANNING AND HOUSING LEGISLATION:

Select Committee appointed to enquire into and hear representations regarding, 326. Section 5 of Bill referred to, 285.

#### TOWN SITES ACT:

Bill (No. 208), introduced to amend, 163. Second reading, 242. House goes into Committee on, 258. Third reading, 267. R.A., 280. (12 Geo. V. c. 25.)

#### TRAVELLING SHOWS ACT:

Bill (No. 176), introduced to amend, 120. Second reading, 175. House goes into Committee on, 190, 237. Third reading, 267. R.A., 280. (12 Geo. V. c. 84.)

#### TREASURY BILLS:

1. Question as to proceeds of "E.E.," where credited, 43.
2. Question as to "M.M." and "J.J.," etc., 206.

#### TREASURY DEPARTMENT:

Question as to advisability of appointing a financial expert for, 186.

#### TRUBELL, LESLIE:

Question as to employment of, 86.

## U

#### NEMPLOYED:

Question as to circulars sent out, warning the against going to Cochrane, 52.

#### UNEMPLOYMENT:

1. Bill (No. 219), introduced respecting Works and Measures to relieve, 191. Second reading, 290. House goes into Committee on, 322. Third reading, 350. R.A., 399. (12 Geo. V. c. 41.)
2. Motion proposed and negatived, for Committee to sit during Recess to enquire into, 394.

#### UNIVERSITY ACT:

Bill (No. 236), introduced to amend, 234. Second reading, 295. House goes into Committee on, 344. Third reading, 346. R.A., 399. (12 Geo. V. c. 101.)

## UNIVERSITY OF TORONTO:

Select Committee appointed to enquire into and report, concerning the organization and administration of, etc., 379. Member added, 393.

## UPPER CANADA COLLEGE ACT:

Bill (No. 202), introduced to amend, 143. Second reading, 221. House goes into Committee on, 270. Third reading, 346. R.A., 399. (12 Geo. V. c. 102.)

**V**EGETABLE GROWERS ASSOCIATION:

Report presented, 342. (*Sessional Papers No. 34.*) Printed.

## VENEREAL DISEASES PROTECTION ACT:

Bill (No. 267), introduced to amend, 326. Second reading, 359. House goes into Committee on, 375. Third reading, 392. R.A., 399. (12 Geo. V. c. 89.)

## VERNON VILLAGE PRESBYTERIAN MANSE:

Return ordered of correspondence, etc., dealing with the purchase of, 90. Presented, 119. (*Sessional Papers No. 71.*) Not printed.

## VETERANS LAND GRANT ACT:

Bill (No. 204), introduced to interpret and amend, 155. Second reading, 241. House goes into Committee on, 258. Third reading, 267. R.A., 280. (12 Geo. V. c. 17.)

## VOTERS LISTS ACT:

1. Bill (No. 109), introduced to amend, 64. Second reading and referred to the Municipal Committee, 117. Referred to Select Committee, 198.
2. Bill (No. 118), introduced to amend, 74. Second reading and referred to Select Committee to be named, 103. Committee named, 198.
3. Bill (No. 119), introduced respecting, 74. Second reading and referred to Select Committee, 107. Committee named, 198. To sit concurrently with the sittings of House, 277. Reported, 335. House goes into Committee on, 375. Third reading, 392. R.A., 399. (12 Geo. V. c. 4.)

**W**ALDRON, GORDON, K.C.:

1. Question as to what sums paid to in 1921, 206.
2. Question as to what matters retained in, 207.

## WALLACEBURG, TOWN OF:

Petition for Act to authorize the Corporation to borrow money to pay off the floating debt, 42. Reported, 60. Bill (No. 72), introduced and referred to Railway and Municipal Board, 78. Reported and referred to the Private Bills Committee, 107. Reported, 238. Second reading, 303. House goes into Committee on, 330. Third reading, 336. R.A., 399. (12 Geo. V. c. 135.)

## WALKERVILLE, TOWN OF:

Petition for Act to validate the grant to the Corporation of certain lands known as "Willstead," 12. Reported, 81. Bill, (No. 17), introduced and referred, 81. Reported, 237. House goes into Committee on, 268. Third reading, 286. R.A., 301. (12 Geo. V. c. 134.)

## WAR MEMORIAL:

Report of Committee presented and adopted, 142-3.

## WATER RIGHTS:

Bill (No. 249), introduced respecting, 250. Bill referred to Select Committee to sit during Recess, 360. Committee named, 393.

## WATERDOWN, VILLAGE OF:

Petition for Act to confirm a certain By-law, 12. Reported, 39. Bill (No. 20), introduced and referred, 40. Reported, 105. Second reading, 132. House goes into Committee on, 150. Third reading, 204. R.A., 241. (12 Geo. V. c. 136.)

## WATERLOO COUNTY LOAN AND TRUST COMPANY:

Petition for Act to authorize the company to carry on the business of a Trust Company, 12. Reported, 28. Bill (No. 1), introduced and referred, 29. Reported, 105. Second reading, 151. House goes into Committee on, 173. Third reading, 204. R.A., 241. (12 Geo. V. c. 148.)

## WATERLOO, WELLINGTON RAILWAY COMPANY:

Petition for Act to amend Act of incorporation, 42. Reported, 59. Bill (No. 45), introduced and referred, 62. Reported, 297. Second reading, 331. House goes into Committee on, 353. Third reading, 381. R.A., 399. (12 Geo. V. c. 145.)

WAYS AND MEANS:—See *Supply*.

## WEST, CHARLES:

Question as to employment of, 87.

## WHEELER, HARRY J.:

Question as to employment of, 191.

## WHISKEY SEIZURE:

Report of Commission presented, relative to, at Chatham, 119. (*Sessional Papers No. 70.*) Not printed.

## WIARTON, TOWN OF:

Petition for Act to ratify By-law, 83. Reported, 110. Bill (No. 122), introduced and referred to Railway and Municipal Board, 135. Reported and referred to Committee on Private Bills, 140. Reported, 154. Second reading, 174. House goes into Committee on, 224. Third reading, 234. R.A., 241. (12 Geo. V. c. 137.)

## WINDSOR, CITY OF:

Petition for Act to change date of Election of Members of Council, 128. Reported, 134. Bill (No. 39), introduced and referred, 134. Reported, 188. Second reading, 225. House goes into Committee on, 246. Third reading, 294. R.A., 301. (12 Geo. V. c. 138.)

## WOLF BOUNTY ACT:

Bill (No. 183), introduced to amend, 123. Order for second reading discharged, 252.

## WOMEN'S INSTITUTES:

Report presented, 342. (*Sessional Papers No. 41.*) Printed.

## WORKMEN'S COMPENSATION AMENDMENT ACT:

1. Bill (No. 214), introduced to amend, 183. Second reading and referred to Labour Committee, 277.
2. Bill (No. 258), introduced to amend the Act, 282. Second reading, 336. House goes into Committee on, 344. Third reading, 350. R.A., 399. (12 Geo. V. c. 56.)

## WORKMEN'S COMPENSATION BOARD:

1. Question as to name, residence, etc., of the latest appointment to, 50.
2. Question as to certain Doctors being under ban of, 202.
3. Report presented, 342. (*Sessional Papers No. 55.*) Printed.

**Y**ORK, COUNTY OF:

Petition presented, under suspended Rule, 211. Bill (No. 231), introduced, under suspended Rule, respecting the purchase of Assets of certain companies and referred, 212. Reported, 358. Second reading, 390, 391. Third reading, 393. R.A., 399. (12 Geo. V. c. 34.)

**YORK REGISTRY OFFICE:**

1. Bill (No. 180), introduced respecting, 122. Second reading, 241. Bill referred to Select Committee to sit during Recess, 285.
2. Interim Report presented, 93. (*Sessional Papers No. 65.*) Not printed. See *Committee Select.*

**YORK, TOWNSHIP COUNCIL OF:**

1. Petition for Act to validate certain sales of land, 49. Reported, 81. Bill (No. 89), introduced and referred, 82. Reported, 352. Second reading, 390. House goes into Committee on, 390. Third reading, 393. R.A., 399. (12 Geo. V. c. 139.)
2. Section 5 of, referred to Select Committee on Town Planning, 352.

**YORK NORTH, TOWNSHIP OF:**

Petition for Act to incorporate a part of the township of York as the, 11, 28. Reported, 29. Bill (No. 22), introduced and referred, 30. Reported, 231. Second reading, 257. House goes into Committee on, 288. Third reading, 313. R.A., 399. (12 Geo. V. c. 140.)

**Z**RYD, C. J.

Question as to employment of, 73.



# LIST OF SESSIONAL PAPERS

PRESENTED TO THE HOUSE DURING THE SESSION

TITLE	No.	Remarks
Accounts, Public, 1921 .....	1	<i>Printed.</i>
Agricultural College, Report .....	30	"
Agricultural and Experimental Union Report .....	32	"
Agricultural Development Report .....	97	<i>Not Printed.</i>
Agricultural Societies, Report .....	43	<i>Printed.</i>
Agriculture, Department of .....	29	"
Archives, Report .....	52	"
Auditor, Provincial, Report .....	54	"
Backus, E. W., correspondence, Lake of the Woods, etc...	76,78	<i>Not Printed.</i>
Bee-Keepers Association, Report .....	37	<i>Printed.</i>
Births, Marriages and Deaths, Report .....	20	"
Blue Sky Legislation, Report .....	67	"
Brantford Commission, Report .....	74	<i>Not Printed.</i>
Brantford, administration of Justice in, or County of Brant	75	"
Canada Roads Act, correspondence .....	77	<i>Not Printed.</i>
Chatham, Report of Commission <i>re</i> seizure of whiskey at..	70	"
Children, Neglected, Report .....	27	<i>Printed.</i>
Civil Service Commissioner, Report .....	91	"
Dairymen's Association, Report .....	38	<i>Printed.</i>
Division Courts Inspector, Report .....	5	"
Education, Report .....	17	<i>Printed.</i>
Education, Orders-in-Council .....	56	"
Elections, by, Return from Records .....	51	"
Entomological Society, Report .....	36	"
Estimates .....	2	"
Extra-mural Employment Commission, Report .....	60	"
Friendly Societies, Report .....	11	<i>Printed.</i>
Fruit Growers' Associations, Report .....	44	"
Game and Fisheries, Report .....	14	<i>Printed.</i>
Game and Fisheries Act, fines, etc., under .....	72	<i>Not Printed.</i>
Gaols and Prisons, Report .....	26	<i>Printed.</i>
Gregory Commission .....	82	<i>Not Printed.</i>

TITLE.	No.	Remarks.
Harding, R. T., correspondence <i>re</i> Hourigan & Co. . . . .	88	<i>Not Printed.</i>
Hastings, Magistrate, correspondence <i>re</i> dismissal of . . . .	99	<i>Not Printed.</i>
Health, Report of Board of . . . . .	21	<i>Printed.</i>
Health, Regulations <i>re</i> Lumber Camps . . . . .	80	<i>Printed.</i>
Heenan, Peter, correspondence <i>re</i> appointment of . . . . .	101	<i>Not Printed.</i>
Highway Improvement Fund, sums credited to . . . . .	92	<i>Not Printed.</i>
Highway Improvement Fund, sums credited to . . . . .	94	<i>Not Printed.</i>
Highway construction, contribution under Canada Roads Act . . . . .	77	<i>Not Printed.</i>
Horticultural Societies, Report . . . . .	42	<i>Printed.</i>
Hospitals and Charities, Report . . . . .	25	<i>Printed.</i>
Hospitals and Charities, Orders-in-Council . . . . .	98	<i>Not Printed.</i>
Hurdman Scale, Report . . . . .	83	<i>Not Printed.</i>
Hydro-Electric Railway Commission, Report . . . . .	24	<i>Printed.</i>
Hydro-Electric Power Commission, Report . . . . .	49	<i>Printed.</i>
Hydro-Radial Commission, correspondence <i>re</i> remuneration	100	<i>Not Printed.</i>
Insane, Feeble-minded and Epileptic, Report . . . . .	22	<i>Printed.</i>
Insurance, Report . . . . .	10	<i>Printed.</i>
Keewatin Lumber Company, timber removed by . . . . .	86	<i>Not Printed.</i>
Kingston Highway, work done on, etc. . . . .	58	<i>Not Printed.</i>
Labour Department, Report . . . . .	16	<i>Printed.</i>
Lake of the Woods, correspondence, etc. . . . .	76	<i>Not Printed.</i>
Lake of the Woods, correspondence, etc. . . . .	78	<i>Not Printed.</i>
Lands and Forests Department, Report . . . . .	3	<i>Printed.</i>
Land Titles Act, operation of . . . . .	69	<i>Printed.</i>
Lefevre, Constable, correspondence . . . . .	87	<i>Not Printed.</i>
Legal Offices, Report . . . . .	6	<i>Printed.</i>
Librarian, Report . . . . .	53	<i>Not Printed.</i>
License Commissioners, applications to, for remission of fines or sentences, etc. . . . .	81	<i>Not Printed.</i>
Live Stock Branch, Report . . . . .	39	<i>Printed.</i>
Loan Corporations, Report . . . . .	12	<i>Printed.</i>
Lumber Camps, Regulations . . . . .	80	<i>Printed.</i>
Mines Department, Report . . . . .	4	<i>Printed.</i>
Minimum Wage Board, Report . . . . .	73	<i>Printed.</i>
Mothers' Allowances Commission Report . . . . .	89	<i>Printed.</i>
Municipal Affairs, Report . . . . .	47	<i>Printed.</i>
Municipal Auditor, Report . . . . .	8	<i>Printed.</i>
Nipigon and Pic River, agreement <i>re</i> lease . . . . .	63	<i>Printed.</i>
Ontario Agricultural College, Report . . . . .	30	<i>Printed.</i>

TITLE.	No.	Remarks.
Ontario Athletic Commission, Report .....	85	<i>Printed.</i>
Ontario Railway and Municipal Board, Report .....	50	<i>Printed.</i>
Ontario Temperance Act, Report .....	28	<i>Printed.</i>
Ontario Temperance Act, correspondence <i>re</i> penalties, etc.	95	<i>Not Printed.</i>
Parole Board of, Report .....	59	<i>Printed.</i>
Police Court, Toronto, Report .....	61	<i>Not Printed.</i>
Police Court, Toronto, Report <i>re</i> charges .....	64	<i>Printed.</i>
Presbyterian Manse, Vernon .....	71	<i>Not Printed.</i>
Prisons and Reformatories, Report .....	26	<i>Printed.</i>
Public Accounts, 1921 .....	1	<i>Printed.</i>
Public Highways, Report .....	15	<i>Printed.</i>
Public Service Superannuation Board, Report .....	79	<i>Printed.</i>
Public Works Department, Report .....	13	<i>Printed.</i>
Queen Victoria Niagara Falls Park, Report .....	9	<i>Printed.</i>
Queenston-Chippawa Power Development, Commission to W. D. Gregory .....	82	<i>Not Printed.</i>
Registry Offices, Report .....	7	<i>Printed.</i>
Rural Public and Separate Schools, Legislative grants to	96	<i>Printed.</i>
Secretary and Registrar, Report .....	19	<i>Printed.</i>
Sheriffs, Report of Commission .....	57	<i>Printed.</i>
Shevlin-Clarke Company, Ltd., letters and documents ....	62	<i>Not Printed.</i>
Shevlin-Clarke Company, agreement <i>re</i> settlement .....	66	<i>Not Printed.</i>
Soldiers' Aid Commission, Report .....	93	<i>Printed.</i>
Statistics Branch, Report .....	46	<i>Printed.</i>
Statutes, Distribution of .....	68	<i>Not Printed.</i>
Temiskaming and N. O. Railway, Report .....	48	<i>Printed.</i>
Timber Limits offered for sale .....	84	<i>Not Printed.</i>
Toronto and Hamilton Highway Com., correspondence ..	90	<i>Not Printed.</i>
Toronto Police Court, Reports .....	61, 64	<i>Not Printed.</i>
Toronto University. Report .....	18	<i>Printed.</i>
Vegetable Growers' Association, Report .....	34	<i>Printed.</i>
Vernon Presbyterian Manse, correspondence .....	71	<i>Not Printed.</i>
Whiskey Seizure, Report of Commission .....	70	<i>Not Printed.</i>
Women's Institutes, Report .....	41	<i>Printed.</i>
Workmen's Compensation Board, Report .....	55	<i>Printed.</i>
York Registry Office, Report of Commission .....	65	<i>Not Printed.</i>

PAPERS ORDERED  
BUT  
NOT BROUGHT DOWN

NO.	PAGE.
1. Correspondence relating to O.T.A. matters, between Crown Attorney of Essex, Inspector Nasseau and Attorney-General	379
2. Amount received by Treasury Department during August, September and October, 1919-20 and 21 under the heading of Ordinary Expenditure, in regard to Lands and Forests, etc. ....	215
3. Correspondence with reference to repurchase or refunding of loan, in connection with which A. A. Pepall was sent to England .....	378
4. Correspondence <i>re</i> Rockefeller Foundation gift to the University of Toronto .....	354
5. Correspondence between Government and Messrs. Rowell, Harding and Backus <i>re</i> Shevlin-Clarke Co., Ltd. ....	77





JOURNALS  
OF THE  
LEGISLATIVE  
ASSEMBLY  
OF THE  
PROVINCE OF ONTARIO

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Tuesday, February 14th, 1922.

PROCLAMATION

Canada,  
Province of  
Ontario.

} HENRY COCKSHUTT.

GEORGE FIFTH, by the Grace of God of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, KING, Defender of the Faith, Emperor of India, &c., &c., &c.

To Our Faithful, the Members elected to serve in the Legislative Assembly of Our Province of Ontario and to every of you—GREETING.

WILLIAM EDGAR RANEY, { **W**HEREAS it is expedient for certain causes Attorney General. and considerations to convene the Legislative Assembly of Our Said Province, WE DO WILL that you and each of you, and all others in this behalf interested, on TUESDAY, the FOURTEENTH day of the month of FEBRUARY now next, at OUR CITY OF TORONTO, personally be and appear for the DESPATCH OF BUSINESS, to treat, act, do and conclude upon these things which, in Our Legislature of the Province of Ontario by the Common Council of Our said Province, may by the favour of God be ordained. HEREIN FAIL NOT.

IN TESTIMONY WHEREOF, we have caused these Our Letters to be made Patent and the Great Seal of Our Province of Ontario to be hereunto affixed: WITNESS, His Honour HENRY COCKSHUTT, LIEUTENANT-GOVERNOR of Our Province of Ontario, at Our Government House in the City of Toronto, in Our said Province, this ELEVENTH day of JANUARY in the year of Our Lord one thousand nine hundred and twenty-two, and in the Twelfth year of Our Reign.

By Command,

C. F. BULMER,

Clerk of the Crown in Chancery.

Tuesday, the Fourteenth day of February, 1922, being the first day of the Third Meeting of the Fifteenth Legislature of the Province of Ontario for the Despatch of Business pursuant to a Proclamation of His Honour Henry Cockshutt, Lieutenant-Governor of the Province.

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PRAYERS.

3 O'clock P.M.

Mr. Speaker informed the House that he had received notifications of vacancies which had occurred since the last Session of the House, and had issued his Warrants to the Clerk of the Crown in Chancery for new Writs for the Election of Members to serve in the present Legislature for the following Electoral Districts:—

Oxford North and  
Kingston.

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*To the Honourable the Speaker of the Legislative Assembly of the Province of Ontario.*

We, the undersigned Henry Corwin Nixon, Member for the said Legislative Assembly for the Electoral Division of North Brant, and Beniah Bowman, Member for the said Legislative Assembly for the Electoral Division of Manitoulin, do hereby notify you that a vacancy has occurred in the representation in the said Legislative Assembly for the Electoral Division of North Oxford, by reason of the death of John Alexander Calder, Member elect for the said Electoral Division of North Oxford. And we, the said Henry Corwin Nixon and Beniah Bowman, Members of the Assembly aforesaid, hereby require you to issue a new Writ for the Election of a Member to fill the said vacancy.

IN WITNESS WHEREOF, we have hereunto set our hands and seals on this Twenty-second day of October, in the year of our Lord one thousand nine hundred and twenty-one.

Signed and sealed in the presence of

GEO. GRANT.

H. C. NIXON.

[L.S.]

BENIAH BOWMAN.

[L.S.]



Kingston, Ontario.  
November 18th, 1921.

*To the Honourable Nelson Parliament,  
Speaker, Legislative Assembly,  
Toronto, Ontario.*

SIR,  
Pursuant to the terms of the Statute in that behalf, I hereby resign my seat in the Electoral District of Kingston.

A. E. ROSS, M.D.

Signed in the presence of  
A. M. RANKIN.  
E. M. McDONALD.

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Mr. Speaker also informed the House, That the Clerk had received from the Clerk of the Crown-in-Chancery the following Certificate:

PROVINCE OF ONTARIO.

THIS IS TO CERTIFY that in virtue of a Writ of Election, dated the twenty-first day of October, 1921, issued by His Honour the Lieutenant-Governor, and addressed to George Oliver, Esquire, Returning Officer for the Electoral District of North Oxford, for the election of a Member to represent the said electoral District of North Oxford in the Legislative Assembly of this Province, in the room of John Alexander Calder, Esquire, who had departed this life, David Munro Ross, Esquire, has been returned as duly elected, as appears by the Return to the said Writ of Election, dated the ninth day of January, 1922, which is now lodged of record in my office.

C. F. BULMER,  
Clerk of the Crown in Chancery.

Toronto, February 10th, 1922.

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The House then adjourned during pleasure.

And after some time the House resumed.

His Honour Henry Cockshutt, Lieutenant-Governor of the Province, then entered the House, and being seated on the Chair on the Throne, was pleased to open the Session by the following gracious Speech to the House:—

*Mr. Speaker and Gentlemen of the Legislative Assembly—*

In welcoming you to your Legislative labours, I desire to join with you in an expression of gratitude to Almighty God for the blessings we have enjoyed during the past year, both in material respects, and in those influences which make for the moral and social welfare of the community.

It is my privilege to-day to address the Members of this Assembly for the first time in my official capacity, and to express the pleasure it affords me to greet you as representatives of the people of this Province in Parliament assembled. I desire to take advantage of this occasion to refer to the passing of my distinguished predecessor, the late Mr. Lionel Herbert Clarke, and to pay a tribute to his personal worth and to his valuable public services. For years his time and energies were freely devoted to the advancement of useful public undertakings, and his administration of the office of Lieutenant-Governor contributed in many ways to the promotion of worthy objects, which endeared him to all classes and sections of the community.

Since last Session the Dominion of Canada has extended a hearty welcome to Baron Byng of Vimy as Governor-General, and to Lady Byng. In this welcome the Province of Ontario has cordially participated. It is a matter of pride to our people that a citizen who has served the State so well in war, represents the Sovereign in this Dominion in times of peace and security.

The special claims of agriculture, as our basic industry and source of prosperity, have not been lost sight of by the Government. Adverse climatic conditions and the deflation of the prices of farm products made the past year a trying one for this important industry. I am glad to know, however, that the prospect for the coming year is much more satisfactory. My Ministers feel that the future of agriculture requires the development of further plans for the marketing of farm products. The organizations for the selling of fruit are meeting with success, and other plans along similar lines will be developed during the present Session. The rural credit system created by the Legislation of last Session gives promise of beneficial results. Good service has been rendered through extended local classes for agricultural instruction, and the results justify the application of the principle in a more comprehensive way in the future.

Much consideration has been given to the unemployment question by my Ministers, and by an advisory Committee appointed some months ago. As a result of these deliberations the Government has undertaken to encourage employment by a plan whereby the Province will contribute to the extra cost of works initiated by the municipalities for relief purposes, the Dominion and local authorities also sharing the expense. In addition, the Province has agreed to contribute to the cost of supplying food and materials urgently required to relieve distress and privation. Realizing that a speedy return to normal conditions could best be brought about by such voluntary action as would lower the cost of living and bring the prices of commodities within the reach of the consumers, the Advisory Committee undertook certain appeals to the public from which it is believed results are being obtained. The signs of reviving business activity, encourage the hope that the necessity for relief measures will disappear in the near future.

The Third Session of the International Labour Conference held under the auspices of the League of Nations was attended by the Minister of Labour in

an advisory capacity. Certain subjects were discussed and recommendations made with a view to the improvement of labour conditions by International agreement. These recommendations, which deal mainly with agricultural labour, will afford material for future and mature consideration. For the present Session you will be invited to improve and develop legislation along lines already undertaken.

In December last the first unit of the Queenston-Chippawa Development was completed and officially opened, and the plant is now generating power for commercial service. An additional unit is being installed which will shortly double the present capacity. Preparations for preparing the development are being carried out by the Hydro-Electric Power Commission. The success of the undertaking, both financially and otherwise, is a matter of the utmost importance to the Province as a whole and to the municipalities concerned. The extension of transmission lines to the rural districts is being undertaken.

The commission appointed to enquire into and report upon the proposed system of radial railways completed its labours some time ago and its findings will be duly laid before you. In view of the report, and of the changed conditions, my ministers have found it advisable to avoid further commitments for radial railways until this House shall have had an opportunity to decide as to the policy to be pursued in the future. Legislation dealing with this subject will be submitted to you for your consideration.

A contract has been entered into by the Temiskaming and Northern Ontario Railway Commission for the construction of the first section of the proposed extension of the railway to James Bay, as authorized by you two years ago. It is expected that the undertaking will encourage industrial development, facilitate settlement, and contribute to the general prosperity.

Substantial progress is being made in educational matters throughout the Province. School Boards have taken steps to provide for the increased number of pupils resulting from the law requiring attendance up to the age of sixteen years, and the work of erecting new buildings and enlarging others has gone forward with commendable vigour. The payment of larger salaries to teachers has enabled very nearly all the schools to secure properly qualified instructors. The Committee of this House appointed last Session to study educational matters visited various parts of the Province during the Recess, in company with the Minister of Education, and rendered worthy service.

The improvement of the highways of the Province has been carried on energetically during the past year. Substantial progress has now been made with the necessary preparatory work, and the foundations for the Provincial system of roads are being established on a permanent basis. The advisory assistance given to townships by the Highways Department, and the Provincial grants now made, are building up the minor arteries of the Province and are co-ordinating the whole undertaking in a practical way. The adaptation of these oper-

ations to the actual needs of the people, and the application of a more complete system of maintenance, are ideals to be kept constantly in view.

A comprehensive survey of our forest resources has been undertaken by modern methods, and will probably be completed in two or three years. The information obtained will afford reliable data for future operations. In the meantime, steps are being taken by means of reforestation and protective measures to prevent the eventual depletion of our timber supply. Large areas are being set aside for this purpose under technically trained officers, and a planting programme is being developed which will ensure sufficient growth to continuously replace the annual cut of pine in this Province.

Legislation has been prepared for the purpose of affording a necessary measure of protection to the investing public. Several Bills have been drafted by the Legislative Committee on Insurance. Among other measures in contemplation are Bills concerning the Mechanics' Lien Law, the Police Magistrates Act, the Voters Lists Act, the Probation Act, the Mining Tax Act, the Mining Act and the Fish and Game Laws; the operation of motor busses on Provincial Highways, the registration of nurses and the Municipal Franchise.

The finances of the Province have been administered with a view to maintaining the balance between receipts and expenditures, and the outlook in this respect is satisfactory. At an early date the Public Accounts will be laid before you, along with estimates for the current and ensuing fiscal years.

I commend to your earnest consideration the various measures which will come before you and I trust that under the guidance of Providence your deliberations will promote the welfare of this Province and of all its people.

His Honour the Lieutenant-Governor was then pleased to retire.

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Mr. Speaker then reported, That, to prevent mistakes, he had obtained a copy of His Honour's Speech, which he read.

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On motion of Mr. Drury, seconded by Mr. Raney, a Bill was introduced intituled "An Act respecting the Administration of Oaths of Office to persons appointed as Justices of the Peace," and the same was read the first time.

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On motion of Mr. Drury, seconded by Mr. Raney,

*Ordered*, That the Speech of His Honour the Lieutenant-Governor, to this House, be taken into consideration To-morrow.

On motion of Mr. Drury, seconded by Mr. Raney,

*Resolved*, That Select Standing Committees of this House, for the present Session, be appointed for the following purposes:—1. On Privileges and Elections; 2. On Railways; 3. On Miscellaneous Private Bills; 4. On Standing Orders; 5. On Public Accounts; 6. On Printing; 7. On Municipal Law; 8. On Legal Bills; 9. On Agriculture and Colonization; 10. On Fish and Game; 11. On Labour; which said Committees shall severally be empowered to examine and enquire into all such matters and things as shall 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.

The House then adjourned at 3.30 p.m.

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Wednesday, February 15th, 1922.

PRAYERS.

3 O'CLOCK P.M.

David Munro Ross, Esquire, Member for the Electoral District of North Oxford, having taken the Oaths and Subscribed the Roll, took his seat.

The following Petitions were severally brought up and laid upon the Table:—

By Mr. Tolmie, the Petition of the Essex Border Utilities Commission; also, the Petition of the Town Council of Walkerville; also, the Petition of the Town Council of Tecumseh; also, the Petition of the City Council of Windsor.

By Mr. Heenan, The Petition of the Mount McKay and Kakabeka Falls Railway Company; also, the Petition of the City Council of Fort William.

By Mr. Hogarth, The Petition of the City Council of Port Arthur; also, the Petition of the Municipality of Shuniah.

By Mr. McCrea, The Petition of the London City Gas Company; also, the Petition of the Town Council of Sudbury.

By Mr. Homuth, The Petition of the Town Council of Preston.

By Mr. Gray, The Petition of the Town Council of Gananoque.

By Mr. Taylor, The Petition of the County Council of Grey.

By Mr. Asmussen, The Petition of the Waterloo County Loan and Trust Company.

By Mr. Cunningham, The Petition of the City Council of Sault Ste. Marie.

By Mr. Walker, The Petition of the City Council of Brantford.

By Mr. Thompson, The Petition of the City Council of Toronto.

By Mr. Carty, The Petition of the Town Council of Renfrew.

By Mr. Allan, The Petition of the Town Council of Collingwood.

By Mr. Crockett, The Petition of Thomas H. Simpson and others of Hamilton; also, the Petition of the Village Council of Waterdown.

By Mr. Swayze, The Petition of the City Council of Niagara Falls.

By Mr. Hill, The Petition of Pierre Edouard Blondin, of Ottawa; also, the Petition of the City Council of Ottawa.

By Mr. Godfrey, The Petition of the Town Council of Mimico.

By Mr. Stevenson, The Petition of Huron College, London.

By Mr. Brackin, The Petition of the London Street Railway Company; also, the Petition of the Village Council of Erie Beach; also, the Petition of W. D. Colby and others of Chatham.

By Mr. MacVicar, The Petition of the City Council of St. Thomas.

By Mr. Curry, The Petition of the Town Council of Oakville; also, the Petition of William J. Buchanan and others; also, the Petition of John A. Brumwell and others; also, the Petition of Wilbur C. Snider and others; also, the Petition of Joseph Fisher and others; also, the Petition of James Muirhead and others; also, the Petition of J. Darlington and others, all of the Township of York.

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The Order of the Day for the Consideration of the Speech of His Honour the Lieutenant-Governor at the opening of the Session having been read,

Mr. Swayze moved, seconded by Mr. Warren,

That an humble Address be presented to His Honour the Lieutenant-Governor, as follows;—

To His Honour, Henry Cockshutt, Lieutenant-Governor of our Province of Ontario.

We, His Majesty's, most dutiful and loyal subjects, the Legislative Assembly of the Province of Ontario, now assembled, beg leave to thank Your Honour for the gracious speech Your Honour has addressed to us.

And a Debate having ensued, it was on the Motion of Mr. Hay,

*Ordered*, That the Debate be adjourned until To-morrow.

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The House then adjourned at 4.40 p.m.

Thursday, February 16th, 1922.

PRAYERS.

3.00 O'CLOCK, P.M.

The following Petitions were severally brought up and laid upon the Table:—

By Mr. Tolmie, The Petition of the Corporation of the Town of Windsor; also, the Petition of the City Council of Windsor.

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On Motion of Mr. Drury, seconded by Mr. Smith, it was

*Resolved*, That a special Committee of Fourteen Members be appointed to prepare and report, with all convenient speed, a list of Members to compose the Select Standing Committees ordered by this House as follows:—

*Messieurs Raney, Doherty, Grant, Biggs, Smith, Hicks, Rollo, Swayze, Marshall, Lang, Brackin, Thompson, Henry and McCrea.*

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On Motion of Mr. Drury, seconded by Mr. Smith, it was

*Resolved*, That a select Committee of Eleven Members be appointed to act with Mr. Speaker in the control and management of the Library to be composed as follows:—

*Messieurs Drury, Grant, Doherty, Mills, Bowman, Watson, Hall, Tolmie, Buckland and Kennedy.*

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On Motion of Mr. Drury, seconded by Mr. Raney,

*Ordered*, That beginning on Monday the twenty-seventh, instant, and on each succeeding Monday for the remainder of the Session, Government Business shall be placed upon the Order Paper.

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The Order of the Day for resuming the Adjourned Debate on the Motion for consideration of the Speech of His Honour the Lieutenant-Governor, at the opening of the Sessions, having been read,

The Debate was resumed, and after some time, it was, on the motion of Mr. Ferguson.

*Ordered*, That the Debate be further adjourned until To-morrow.

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The House then adjourned at 5.45 p.m.

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Friday, February 17th, 1922.

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PRAYERS.

3.00 O'CLOCK, P.M.

The following Petitions were severally brought up and laid upon the Table:—

By Mr. Halerow, The Petition of the Central Hamilton Branch of the Great War Veterans' Association.

By Mr. Hill, The Petition of the County Council of Carlton; also, the Petition of the Township Council of Nepean.

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The following Petitions were read and received:—

Of Pierre Edward Blondin of Ottawa, praying that an Act may pass to authorize the Law Society of Upper Canada to admit him to practise as a Barrister and Solicitor.

Of the City Council of Brantford, praying that an Act may pass to ratify and confirm certain By-laws.

Of the Town Council of Collingwood, praying that an Act may pass to validate a payment by Corporation; a certain agreement and for other purposes.

Of the Village Council of Erie Beach, praying that an Act may pass to amend the Act incorporating the Village.

Of the Essex Border Utilities Commission, praying that an Act may pass to relieve the Town of Tecumseh from certain obligations under the Consolidated Essex Border Utilities Act.

Of the City Council of Fort William, praying that an Act may pass to validate By-law No. 2102 with Tax Sales, Deeds and Assessment Rolls.

Of the Town Council of Gananoque, praying that an Act may pass authorizing the withdrawal of the Town from the United Counties of Leeds and Grenville.

Of the County Council of Grey, praying that an Act may pass to ratify and confirm a certain By-law.

Of the Huron College of London, praying that an Act may pass to amend their Act of Incorporation.



Of the London City Gas Company, praying that an Act may pass to amend 6 Edward VII. Cap. 129, by repealing Section 7, of the Act respecting the charge for gas and for other purposes.

Of the London Street Railway, praying that an Act may pass to vary the agreement made between the City and the Company so as to enable the Company to obtain sufficient revenue to keep the road in a safe condition.

Of the Town Council of Mimico, praying that an Act may pass to ratify and confirm By-law No. 366 of the Corporation.

Of the Mount McKay and Kakabeka Railway Company, praying that an Act may pass to extend the time during which the railway may be operated by steam.

Of the City Council of Niagara Falls, praying that an Act may pass to authorize and carry into effect certain changes in the Civic Government of City by limiting the Council to seven Members and a Mayor.

Of William J. Buchanan and others; also, of John A. Brumwell and others; also, of Wilbur C. Snider and others; also, of Joseph Fisher and others; also, of James Muirhead and others; also, of J. Darlington and others, all of York, severally praying that an Act may pass to incorporate a part of the Township of York as the Township of North York.

Of the Town Council of Oakville, praying that an Act may pass to ratify and confirm a certain By-law.

Of the City Council of Sault Ste. Marie, praying that an Act may pass to ratify and confirm certain By-laws.

Of W. D. Colby and others of Chatham, praying that an Act may pass to incorporate the Ontario Threshermen's Mutual Fire Insurance Company.

Of the City Council of Ottawa, praying that an Act may pass authorizing the Corporation to raise certain moneys for Public Works; to grant a fixed Assessment and for other purposes.

Of Thomas H. Simpson and others of Hamilton, praying that an Act may pass to incorporate the Ottawa Street Incline Company.

Of the City Council of Port Arthur, praying that an Act may pass to ratify and confirm certain By-laws.

Of the Town Council of Preston, praying that an Act may pass to repeal Section 3, of By-law No. 482 and all provisions relating thereto and to ratify certain By-laws.

Of the Town Council of Renfrew, praying that an Act may pass declaring that the Victoria Hospital may be carried on as a General Hospital.

Of the City Council of St. Thomas, praying that an Act may pass to detach certain territory from the Township of Yarmouth and annex it to the City.

Of the Municipality of Shuniah, praying that an Act may pass to legalize and confirm certain tax sales and the deeds issued thereunder.

Of the Town Council of Sudbury, praying that an Act may pass to ratify and confirm certain By-laws.

Of the Town Council of Tecumseh, praying that an Act may pass to ratify and confirm a certain agreement with the Eauclair Water Works and for other purposes.

Of the City Council of Toronto, praying that an Act may pass authorizing the creation of a Fund to be known as the City of Toronto Insurance Fund and to ratify and confirm By-law No. 8968.

Of the Town Council of Walkerville, praying that an Act may pass to validate the grant to the Corporation of certain lands and premises known as "Willistead" and for other purposes.

Of the Waterloo County Loan and Trust Company, praying that an Act may pass authorizing the Company to carry on the business of a Trust Company and for change of name.

Of the Village Council of Waterdown, praying that an Act may pass to ratify and confirm a certain By-law.

Of the City Council of Windsor, praying for certain amendments to the Municipal Act.

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The following Bills were severally introduced and read the first time:—

Bill (No. 50), intituled "An Act respecting filing of Claims against certain Companies to their properties." Mr. Raney.

*Ordered*, That the Bill be read the second time on Tuesday next.

Bill (No. 51), intituled "An Act respecting The Sandwich, Windsor and Amherstburg Railway." Mr. Raney.

*Ordered*, That the Bill be read the second time on Tuesday next.

Bill (No. 52), intituled "An Act to amend The Surrogate Courts Act."  
Mr. Raney.

*Ordered*, That the Bill be read the second time on Tuesday next.

Bill (No. 53), intituled "An Act to amend The Agricultural Development Act." Mr. Doherty.

*Ordered*, That the Bill be read the second time on Tuesday next.

Bill (No. 54), intituled "An Act to amend The Ontario Farm Loans Act." Mr. Doherty.

*Ordered*, That the Bill be read the second time on Tuesday next.

Bill (No. 55), intituled "An Act to consolidate The Municipal Act."  
Mr. Nixon.

*Ordered*, That the Bill be read the second time on Tuesday next.

Bill (No. 56), intituled "An Act to amend The Municipal Act."  
Mr. Brown.

*Ordered*, That the Bill be read the second time on Tuesday next.

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On motion of Mr. Drury, seconded by Mr. Raney, it was

*Ordered*, That when this House adjourns To-day, it do stand adjourned until Tuesday next, the twenty-first day of February, instant, at Three of the Clock in the afternoon.

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The House then adjourned at 4 p.m..

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Tuesday, February 21st, 1922.

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PRAYERS.

3.00 O'CLOCK, P.M.

Mr. Speaker informed the House, That the Clerk had received from the Clerk of the Crown-in-Chancery the following Certificate:

## PROVINCE OF ONTARIO.

THIS IS TO CERTIFY that in virtue of a Writ of Election, dated the twenty-seventh day of December, 1921, issued by His Honour the Lieutenant-Governor, and addressed to Henry Duncan Wightman, Esquire, Returning Officer for the Electoral District of Kingston, for the election of a Member to represent the said Electoral District of Kingston in the Legislative Assembly of this Province in the room of the Honourable Arthur Edward Ross, who had resigned, William Folger Nickle, Esquire, has been returned as duly elected, as appears by the Return to the said Writ of Election, dated the sixteenth day of February, 1922, which is now lodged of record in my office.

C. F. BULMER,

Clerk of the Crown-in-Chancery.

Toronto, February 17th, 1922.

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William Folger Nickle, Esquire, the Member for the Electoral District of Kingston, having taken the Oaths and subscribed the Roll, took his seat.

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The following Petitions were severally brought up and laid upon the table:—

By Mr. Stevenson, The Petition of the City Council of London.

By Mr. Tolmie, The Petition of the City Council of Windsor.

By Mr. Greenlaw, The Petition of the Town Council of Merritton.

By Mr. Curry, The Petition of James Hyslop and others; also, the Petition of Frank Summers and others, all of York.

By Mr. Casselman, The Petition of the Village Council of Iroquois.

By Mr. McArthur, Two Petitions of the County Council of Wellington.

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The following Petitions were read and received:—

Of the County Council of Carleton, praying that an Act may pass authorizing the Corporation to provide by By-law for the borrowing upon debentures certain moneys to cover loss by discount from sale of debentures.

Of the Central Hamilton Branch of the Great War Veterans Association, praying that an Act may pass to authorize the Trustees of the Clubhouse to sell the premises and invest the proceeds.

Of the Township Council of Nepean, praying that an Act may pass to relieve the ratepayers under the Local Improvement Act and to Validate a certain Agreement.

Of the Corporation of the Town of Riverside, praying that an Act may pass creating the Town of Riverside a separate town within the meaning of the Municipal Act.

Of the City Council of Windsor praying certain amendments to the Municipal Act.

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Mr. Gray, from the Select Committee appointed during the Session of 1921 to consider certain Bills relating to Architects and Professional Engineers, presented their Report which was read as follows and adopted:

The Committee have considered the Bills to them referred and beg to report "Bill (No. 208) respecting Professional Engineers" with certain amendments which is Bill (No. 67), of the current Session, and Bill (No. 227), will be reported later.

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Mr. Raney, from the Special Committee appointed during the Session of 1921 to consider a proposed revision and consolidation of Ontario Insurance law, presented their Report which was read as follows and adopted:—

*To the Honourable the Speaker and Members of the Legislative Assembly of the Province of Ontario.*

On the 28th of April, 1921, on Motion of Mr. Raney, seconded by Mr. Drury it was

ORDERED, "That the following members compose a Select Committee to consider the report and recommendations of the Ontario Insurance Commission (the Hon. Mr. Justice Masten), a proposed revision and consolidation of Ontario insurance law to be submitted by the Department of Insurance, any other suggested amendments, and generally to consider and recommend to the House what, if any, amendments should be made to the law relating to insurance, and that the Committee be empowered to sit during the recess and report to the House at the next session thereof:—Messieurs Drury, Raney, Smith, Curry, Rollo, Sinclair, Hay, Ferguson, Henry, Pinard, Tolmie, Ross (Kingston) and Watson."

In pursuance of the above instructions your Committee beg leave to report that twenty-one sessions were held on fifteen different days during the months of December, 1921, January and February, 1922. All of these sessions of the Committee with the exception of three were open to the public and notices of each meeting were sent out by the secretary to all Insurance Companies, associated interests, and other persons who asked to be notified.

The Department of Insurance had prepared for the consideration of the Committee a general revision and consolidation of *The Ontario Insurance Act* and amendments thereto. It was felt, however, that it would be impossible to consider the whole revision before the opening of the present session and on suggestion of the Superintendent of Insurance, the Committee concentrated its attention on the parts of the revision which are the subject-matter of the bills hereinafter referred to.

Information received by the Committee tended to show that the premium rates being charged by the associated fire Insurance Companies for the insurance of private dwellings and their contents in the protected cities and towns of Ontario were higher than necessary. This information was that for a considerable term of years the actual loss experienced by the fire Insurance Companies on private dwellings and contents in Ontario was approximately thirty per cent. of the premiums collected from insured persons; also that comparison of the rates charged in Ontario cities and towns with the rates charged for similar risks by the same companies in the cities and towns of New York State and elsewhere, showed the Ontario rates much higher. Comparing the rates charged in the City of Toronto with the rates charged in the cities of Buffalo, Rochester, Syracuse, Cleveland and Detroit it was found that the Toronto rates were in the approximate proportion of fifty to thirty or thirty-five. The reply of the Canadian Fire Underwriters' Association to these representations did not, in the opinion of the Committee, satisfactorily explain the discrepancies referred to or the high charges made in Ontario. A suggestion was made that the fire losses in Ontario were substantially higher than in the other places quoted by way of comparison but no evidence was adduced. The Committee consider that the greater rates charged in Ontario cities and towns could only be justified by some one or other, or all, of the following causes:

First: Lack of adequate fire protection.

Second: Inferior class of building and fire resisting construction.

Third: greater carelessness.

Fourth: greater incendiarism.

There was no evidence that any one or other of these causes existed. Figures showing a greater per capita fire loss in Canada than in the United States were submitted, but owing to the fact that no evidence was submitted as to the comparative amounts of insured property per capita in Canada and in the United States, it did not appear that these figures had any relation to the question of rates or cost of insurance. The Committee are of the opinion that, the replies submitted by the Canadian Fire Underwriters' Association are not satisfactory; that the Underwriters should further consider the matter of insurance rates for private dwellings and contents in protected cities and towns of Ontario, to the end that some further reduction be made; that in the meantime, no recommendation should be made of any legislation touching this particular matter.

The Committee has, however, recommended certain provisions of a general character bearing on the general subject of fire insurance costs in Ontario in the Bills submitted herewith, namely : First, a requirement that the companies should keep regular and systematic records of premiums and losses according to a classification approved by the Department of Insurance and make those records available for examination; Second, provision for enquiry by the Superintendent of Insurance into matters of public interest affecting fire insurance rates and costs; and, Third, provision for the encouragement of competition for insurance by providing for the organization and licensing of reciprocal insurance exchanges. These and other provisions will be found in the Bills submitted herewith.

The Committee, during the whole discussion on insurance and after hearing the Canadian Fire Underwriters' Association, were impressed with the great importance of reducing fire waste by adequate means for fire prevention. The Commissioner stated in his report that "if the fire loss could be cut in half there would be an immediate saving to the people of Ontario of from four to six millions of dollars per annum." The Committee believe that aside from all other considerations the burden of fire insurance premiums can be materially reduced by the adoption of fire prevention methods calculated to reduce the fire loss within the Province.

Your Committee has unanimously decided to embody its recommendations in six Bills which will be duly brought before the House and which are entitled as follows :

**BILL: An Act respecting Automobile Insurance:**

Note: This Act prescribes statutory conditions for automobile policies upon a plan similar to that already provided for fire insurance policies. In the drafting, the Committee had the assistance of the associated Superintendents of Insurance for all the provinces, The Ontario Motor League, The Toronto Board of Trade and associated Insurance Companies. The form submitted herewith is that agreed upon with the Committee by representatives of all these interests. Steps are being taken to secure the adoption of these conditions in identical form by the other provinces.

**BILL: An Act respecting Accident and Sickness Insurance:**

Note: The statutory conditions of this Act have also been agreed upon by the associated Superintendents of Insurance and by the associated Insurance Companies.

**BILL: An Act respecting Reciprocal or Inter-Insurance:**

Note: This Act is recommended and provides for the organization and licensing of a form of mutual insurance known as Reciprocal or Inter-Insurance. Its provisions are substantially the same as those

of Bill 137 of last session, consideration of which was deferred pending a reference to this Committee.

**BILL:** An Act respecting Insurance Agents, Brokers and Adjusters:

**Note:** This Act is the result of the investigation by the Committee of the operation of the existing insurance agents' licensing system. The recommendations of the Committee have been approved by representatives of the associated insurance agents and associated Insurance Companies and are in agreement with the recommendations of the Honourable Mr. Justice Masten, Insurance Commissioner.

**BILL:** An Act respecting Insurance Rating Bureaus:

**Note:** This Act incorporates the recommendations of the Honourable Mr. Justice Masten, Insurance Commissioner.

**BILL:** An Act to Amend The Ontario Insurance Act:

**Note:** This Bill contains some general amendments to the existing Ontario Insurance Act relating to the following subjects:

Old age insurance by fraternal societies.

General penalties.

Underwriters' agencies.

Valuation of life insurance contracts.

Records of fire insurance premiums and losses.

Holding of real estate by insurance companies.

Fire insurance policies as collateral security to mortgages.

All of which is respectfully submitted.



On Motion of Mr. Drury, seconded by Mr. Raney, it was

*Resolved*, That a select Committee be appointed to direct the expenditure of any sum set apart by the Estimates for Art purposes, to be composed as follows:—

Messieurs *Drury, Smith, Nixon, Rollo, Grant, Dewart, Hay, Nickle,* and *Lewis*.

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The following Bills were severally introduced and read the first time:—

Bill (No. 57), intituled "An Act to amend The Municipal Act." Mr. Homuth.

*Ordered*, That the Bill be read the second time Tomorrow.

Bill (No. 58), intituled "An Act to amend The Railway Employees Voting Act, 1918." Mr. Stevenson.

*Ordered*, That the Bill be read the second time Tomorrow.

Bill (No. 59), intituled "An Act to repeal The Privy Council Act." Mr. Raney.

*Ordered*, That the Bill be read the second time Tomorrow.

Bill (No. 60), intituled "An Act to confirm and carry out a certain agreement entered into on behalf of the Attorney-General of Ontario and The Shevlin-Clarke Lumber Company, Limited." Mr. Raney.

*Ordered*, That the Bill be read the second time Tomorrow.

Bill (No. 61), intituled "An Act respecting Automobile Insurance." Mr. Raney.

*Ordered*, That the Bill be read the second time Tomorrow.

Bill (No. 62), intituled "An Act respecting Accident and Sickness Insurance." Mr. Raney.

*Ordered*, That the Bill be read the second time Tomorrow.

Bill, (No. 63), intituled "An Act respecting Reciprocal or Inter-Insurance." Mr. Raney.

*Ordered*, That the Bill be read the second time Tomorrow.

Bill (No. 64), intituled "An Act respecting Insurance Agents, Brokers and Adjusters." Mr. Raney.

*Ordered*, That the Bill be read the second time Tomorrow.

Bill (No. 65), intituled "An Act respecting Insurance Rating Bureaus."  
Mr. Raney.

*Ordered*, That the Bill be read the second time Tomorrow.

Bill (No. 66), intituled "An Act to amend The Ontario Insurance Act."  
Mr. Raney.

*Ordered*, That the Bill be read the second time Tomorrow.

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The Order of the Day for resuming the Adjourned Debate on the Motion for consideration of the Speech of His Honour the Lieutenant-Governor, at the opening of the Sessions, having been read,

The Debate was resumed, and after some time, it was, on the motion of Mr. Halcrow.

*Ordered*, That the Debate be further adjourned until Tomorrow.

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Mr. Speaker informed the House, That the Clerk had laid upon the Table:—

A Return from the Records of the By-Elections to the Legislative Assembly held on the 19th day of December, 1921, and the 6th day of February, 1922, showing:—

(1) The number of Votes Polled for each Candidate in each Electoral District in which there was a contest; (2) The majority whereby each successful Candidate was returned; (3) The total number of Votes Polled; (4) The number of Votes remaining unpolled; (5) The number of names on the Polling Lists; (6) The number of Ballot Papers sent out to each Polling Place; ((7) The Used Ballot Papers; (8) The Unused Ballot Papers; (9) The Rejected Ballot Papers; (10) The Cancelled Ballot Papers; (11) The Declined Ballot Papers; (12) The Ballot Papers taken from Polling Places; (13) A General Summary of Votes cast in each Electoral District. (*Sessional Papers No. 51.*)

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The House then adjourned at 6 p.m.

Wednesday, February 22nd, 1922.

PRAYERS.

3 O'CLOCK P.M.

The following Petition was brought up and laid upon the Table:—

By Mr. Thompson, the Petition of the Hospital for Sick Children, Toronto.

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Mr. Smith from the Special Committee appointed to prepare and report with all convenient speed a list of Members to compose the Select Standing Committees ordered by this House, presented the following Lists as their Report:—

#### COMMITTEE ON STANDING ORDERS.

*Honourable Mr. Drury, Messieurs Black, Bowman, Bragg, Buckland, Carty, Carmichael, Casselman, Cooke, Cooper (Toronto), Cridland, Crockett, Cunningham, Denyes, Doherty, Ecclestone, Evans, Evanturel, Fenton, Fowler, Govenlock, Grant, Gray, Greenlaw, Hill, Homuth, Johnson (Lanark), Joynt, Kennedy, Leeson, McAlpine, McCrea, McLeod, McNamara, MacVicar, Mageau, Marshall, Mewhinney, Murdock, Nickle, Raney, Sandy, Staples, Stevenson, Stringer, Swayze, Tooms, Widdifield—48.*

The Quorum of said Committee to consist of seven members.

#### COMMITTEE ON PRIVATE BILLS.

*Honourable Mr. Drury, Messieurs Allan, Asmussen, Biggs, Black, Bowman, Brackin, Bragg, Brown, Buckland, Cameron, Carmichael, Casselman, Clarke, Cooke, Cooper (Welland), Crawford, Crockett, Cunningham, Curry, Denyes, Dewart, Doherty, Ecclestone, Evanturel, Ferguson, Fox, Freeborn, Godfrey, Grant, Greenlaw, Halcrow, Hall, Hay, Heenan, Henry, Hicks, Hill, Hogarth, Homuth, Johnston (Simcoe), Johnson (Lanark), Lang, Leeson, Lennox, Lethbridge, Lewis, McArthur, McCrae, McLeod, McNamara, MacBride, MacVicar, Mageau, Marshall, Mathieu, Mills, Montgomery, Nickle, Nixon, Oke, Pinard, Price, Ramsden, Raney, Rankin, Rollo, Ross (Glengary), Ross (Oxford), Sewell, Sinclair, Smith, Staples, Stevenson, Stover, Stringer, Swayze, Taylor, Thompson, Tisdelle, Tolmie, Walker, Warren, Watson, Webster—85.*

The Quorum of said Committee to consist of nine members.

## COMMITTEE ON MUNICIPAL LAW.

*Honourable Mr. Drury, Messieurs Allan, Asmussen, Biggs, Black Bowman, Bragg, Buckland, Carmichael, Carty, Cooke, Cooper (Welland), Crawford, Cridland, Crockett, Cunningham, Curry, Denyes, Dewart, Doherty, Ecclestone, Evans, Evanturel, Fenton, Fowler, Fox, Godfrey, Govenlock Grant, Greenlaw, Halcrow, Hall, Heenan, Henry, Hicks, Hill, Homuth, Ireland, Johnston (Simcoe), Johnson (Lanark), Kennedy, Lang, Lewis, Leeson, McAlpine, McArthur, McCreary, McDonald, McLeod, MacBridc. MacVicar, Mageau, Marceau, Marshall, Mewhinney, Mills, Montgomery, Murdock, Nixon, Oke, Pinard, Price, Ramsden, Raney, Rankin, Rennie, Rollo, Ross (Glengarry), Ross (Oxford), Sandy, Slack, Smith, Staples, Stevenson, Stringer, Swayze, Taylor, Thompson, Tolmie, Watson, Webster—81.*

The Quorum of said Committee to consist of nine Members.

## COMMITTEE ON RAILWAYS.

*Honourable Mr. Drury, Messieurs Allan, Asmussen, Biggs, Bowman, Bragg, Brown, Cameron, Carty, Casselman, Clarke, Cooper (Toronto), Crawford, Cridland, Crockett, Cunningham, Denyes, Dewart, Evans, Evanturel, Fenton, Fox, Godfrey, Gray, Halcrow, Hall, Heenan, Hicks, Hogarth, Homuth, Ireland, Joynt, Kennedy, Lang, Leeson, Lennox, McArthur, McCrae, McCreary, McDonald, McLeod, McNamara, MacVicar, Mageau, Magladery, Marshall, Mathieu, Mills, Montgomery, Murdock, Nickle, Pinard, Price, Ramsden, Raney, Rollo, Ross (Glengarry), Sandy, Sewell, Slack, Stevenson, Stover, Stringer, Swayze, Thompson, Tisdelle, Tolmie, Walker, Warren, Watson, Widdifield—71.*

The Quorum of said Committee to consist of nine Members.

## COMMITTEE ON AGRICULTURE AND COLONIZATION.

*Honourable Mr. Drury, Messieurs Biggs, Black, Bowman, Bragg, Buckland, Cameron, Carty, Casselman, Cooper (Welland), Cooke, Cridland, Denyes, Doherty, Ecclestone, Evanturel, Fowler, Freeborn, Govenlock, Gray, Hall, Henry Hicks, Homuth, Johnson (Lanark), Joynt, Kennedy, Lethbridge, McAlpine, McArthur, McCreary, McDonald, McLeod, MacVicar, Magladery, Marceau, Marshall, Mathieu, Mewhinney, Mills, Murdock, Oke, Rankin, Rennie, Rollo, Ross (Glengarry), Ross (Oxford), Sandy, Sewell, Smith, Stover, Stringer, Swayze, Tisdelle, Walker, Warren, Widdifield—57.*

The Quorum of said Committee to consist of nine Members.

## COMMITTEE ON PUBLIC ACCOUNTS.

*Honourable Mr. Drury, Messieurs Biggs, Bowman, Brackin, Buckland, Carmichael, Clarke, Cooper (Toronto), Cooper (Welland), Cunningham, Curry, Dewart, Doherty, Ferguson, Freeborn, Godfrey, Grant, Greenlaw, Halcrow, Hall, Hay, Henry, Hicks, Hill, Hogarth, Homuth, Johnston (Simcoe), Johnson (Lanark), Lennox, McAlpine, McCrae, McLeod, MacBride,*

*MacVicar, Mageau, Magladery, Marshall, Mills, Murdock, Nixon, Nickle, Oke, Pinard, Price, Raney, Rollo, Ross (Oxford); Sewell, Sinclair, Smith, Swayze, Thompson, Tomlie, Tooms, Walker, Warren, Watson, Widdifield—58.*

The Quorum of said Committee to consist of seven members.

#### COMMITTEE ON PRIVILEGES AND ELECTIONS.

*Honourable Mr. Drury, Messieurs Bowman, Brackin, Clarke, Cridland, Cunningham, Curry, Dewart, Doherty, Ferguson, Fox, Freeborn, Grant, Greenlaw, Hay, Heenan, Henry, Hicks, Hogarth, Johnson (Lanark), Joynt, Lennox, Lethbridge, Lewis, McCrae, McLeod, MacBride, Magladery, Mathieu, Nickle, Oke, Raney, Sewell, Sinclair, Slack, Swayze, Taylor, Tomlie, Tooms, Webster, Widdifield—41*

The Quorum of said Committee to consist of nine Members.

#### COMMITTEE ON FISH AND GAME.

*Messieurs Allan, Asmussen, Biggs, Black, Bowman, Cameron, Clarke, Cooper (Toronto), Cooper (Welland), Cridland, Cunningham, Denyes, Ecclestone, Fowler, Fox, Gray, Greenlaw, Hall, Heenan, Hicks, Ireland, Johnston (Simcoe), Kennedy, Lang, Lethbridge, McAlpine, Mageau, Marceau, Magladery, McCreary, Mills, Montgomery, Oke, Pinard, Rankin, Ross (Glen-garry), Slack, Stevenson, Stover, Stringer, Swayze, Taylor, Tooms, Watson, Webster, Widdifield—46.*

The Quorum of said Committee to consist of seven Members.

#### COMMITTEE ON LEGAL BILLS.

*Honourable Mr. Drury, Messieurs Allan, Biggs, Brackin, Carmichael, Curry, Dewart, Doherty, Ferguson, Grant, Hill, McCrear, Mills, Nickle, Nixon, Price, Raney, Rollo, Sinclair, Smith—20.*

The Quorum of said Committee to consist of five Members.

#### COMMITTEE ON LABOUR.

*Honourable Mr. Drury, Messieurs Allan, Biggs, Cameron, Casselman, Cooper (Toronto), Cooper (Welland), Crockett, Dewart, Halcrow, Heenan, Hill, Homuth, Ireland, MacBride, MacVicar, McNamara, Magladery, Marceau, Rollo, Sinclair, Smith, Swayze, Webster—24.*

The Quorum of said Committee to consist of eleven Members.

## COMMITTEE ON PRINTING.

*Messieurs Biggs, Brown, Crawford, Crockett, Dewart, Gray, Hill, Mathieu, Nixon, Raney, Rennie, Smith, Stover, Swayze, Taylor—15.*

The Quorum of said Committee to consist of five Members.

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*Resolved,* That this House doth concur in the foregoing Report.

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Mr. Dewart asked the following Question:—

1. What is the present official status of one John A. Ayearst in the employment of the Government. 2. Has there been any change in his status or work or employment, and if so, what, and when did the same take place. 3. Is the said Ayearst dealing with criminal cases as well as B.O.T.A. cases as united branches of the criminal law service, under the policy enunciated by the Attorney-General of joint administration by officials, under one control, of both branches of the service. 4. To whom is the said Ayearst responsible and under whose control as his immediate official head. 5. Has the joint administration of both said branches of the service been in part or in whole abandoned, suspended or superseded either by regulation, instruction or action in any specific case or cases, if so, in what case or cases. 6. If the answer is that there was no such enunciated policy of uniting the two branches of the service referred to, is Mr. Ayearst only responsible to the License Board as his immediate superiors, and not to the officers of Criminal investigations. 7. What are the names of the special officers acting under Mr. Ayearst in the pay of the Government.

And the Attorney-General replied in the words following:—

1. Chief Inspector, O.T.A. Branch, Investigation Department (Provincial Police). 2. Yes. Mr. Ayearst was Chief Provincial Inspector appointed under The Ontario Temperance Act and about January 19th, 1922, was transferred to Provincial Police Department, as stated in answer 1. 3. No. 4. Commissioner of Provincial Police. 5. No. 6. No answer required. 7. It is not in the public interest to give this information.

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Mr. Ferguson asked the following Question:—

1. What payments have been made to the Honourable Justice Riddell and Honourable Justice Latchford for their services as commissioners on the Crown Timber Commission.

To which the Minister of Lands and Forests replied as follows:—

Honourable Justice Riddell .....	\$2,000.00
Honourable Justice Latchford .....	\$2,000.00

Mr. Thompson asked the followin Question:—

1. How many new appointments have been made to the Provincial Police Force since January 1st, 1920.

And the Attorney-General replied that:—

Thirty-six new members have been appointed, some of these being to fill vacancies.

Mr. Lennox asked the following Question:—

1. What was the total cost of enforcing the Ontario Temperance Act for the years, 1918, 1919, 1920 and 1921.

And the Attorney General replied in the figures following:—

1918, \$210,828.58. 1919, \$235,454.03. 1920, \$316,055.70. 1921, \$482,084.28.

STATEMENT OF REVENUE.

Under Ontario Temperance Act.

Total Revenue.	The portion of which was derived from sale of confiscated liquor to Dispensaries.
1918 .....	\$213,709.44
1919 .....	\$12,532.49
1920 .....	72,737.43
.....	111,963.74
1921 .....	663,886.76
.....	118,277.32
Confiscated liquor on hand January, 1922	200,037.33
Total Revenue, 1921 .....	\$863,923.09

Mr. Dewart asked the following Question:—

1. Is one Samuel Smith now in the employ of the Government or of the License Commissioners. 2. Is the intention of the Government to dispense with his services. If so, has notice been given him and when will that notice expire. 3. What is his official rank and title and the scope of his duties. 4. How long has the said Smith been in the employ of the Government and in what different capacities. 5. Did he take part in general criminal investigations as well as liquor cases. 6. If Smith has been notified that his services will be dispensed with, is this because of, (a) incompetency or, (b) for some other reason. 7. Did the reason involve Smith's failure to account for moneys, and if so, what moneys and to what extent and amount.

And the Attorney-General replied in the words following:—

1. No. He resigned of his own motion on February 2, 1922. 2. Answered by 1. 3. Previous to resignation he was, from November 8, 1920 to July 18, 1921, Special Officer. July 18, 1921 he was made Provincial Officer. 4. Fifteen months, as stated in answer 3. 5. No. 6. No answer required. 7. No answer required.

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Mr. Dewart asked the following Questions:—

1. Is one James Jeffry now in the employ of the Government or of the License Commissioners. 2. Is the intention of the Government to dispense with his services. If so, has notice been given him and when will that notice expire. 3. What is his official rank and title and the scope of his duties. 4. How long has the said Jeffry been in the employ of the Government and in what different capacities. 5. Did he take part in general criminal investigations as well as liquor cases. 6. If Jeffry has been notified that his services will be dispensed with, is this because of, (a) incompetency or, (b) for some other reason. 7. Did the reason involve Jeffry's failure to account for moneys, and if so, what moneys and to what extent and amount. 8. Was a chauffer, who was employed by Jeffry either personally or on Government work (a) apprehended with a quantity of liquor, (b) if so, what quantity, (c) was he fined, and if so, what was the amount of the fine, the name of the chauffeur, the name of the magistrate before whom the case came and the date of his conviction or acquittal as the case may be.



To which the Attorney-General replied:—

1. Yes. 2. No. 3. Inspector Investigation Department, Provincial Police. 4. Appointed Provincial Officer (temporary) February 8, 1921; made permanent July 18, 1921; appointed Inspector of Investigation Department November 24, 1921. 5. Yes. 6. No answer required. 7. No answer required. 8. No, so far as the Government is aware.

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The Order of the Day for resuming the Adjourned Debate on the Motion for consideration of the Speech of His Honour the Lieutenant-Governor at the opening of the Sessions, having been read,

The Debate was resumed, and after some time, it was, on the motion of Mr. Henry,

*Ordered*, That the Debate be further adjourned until Tomorrow.

The Provincial Secretary presented to the House, by command of His Honour the Lieutenant-Governor:—

Copies of Regulations and Orders-in-Council made under the authority of the Department of Education or of the Acts relating to Public Schools, Separate Schools or High Schools. (*Sessional Papers, No. 56.*)

The House then adjourned at 5.30 p.m.

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Thursday, February 23rd, 1922.

PRAYERS.

3.00 O'CLOCK, P.M.

The following Petition was brought up and laid upon the table:—

By Mr. Thompson, The Petition of the City Council of Toronto.

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The following Petitions were read and received:—

Of the Village Council of Iroquois, praying that an Act may pass to authorize the borrowing of certain moneys and to validate the Assessment of 1921.

Of the City Council of London, praying that an Act may pass to ratify and confirm By-law No. 6541 and for other purposes.

Of the Town Council of Merritton, praying that an Act may pass to amend Act of incorporation.

Of the City Council of Windsor, praying that an Act may pass to change the date of the election of Members of the Council and others.

Of James Hyslop and others; also, of Frank Summers and others, all of York, severally praying that an Act may pass to incorporate a part of the Township of York as the Township of North York.

Of the County Council of Wellington, praying for certain amendments to The Highway Improvement Act respecting County Road Superintendents.

Of the County Council of Wellington, praying for the establishment of a central place for the safeguarding of Prisoners awaiting execution.

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Mr. Carmichael, from The Standing Committee on Standing Orders, presented their First Report, which was read as follows and adopted:—

Your Committee have carefully examined the following Petitions and find the Notices as published in each case sufficient:

Of the Township Council of Nepean, praying that an Act may pass to relieve the ratepayers under the Local Improvement Act and to validate a certain agreement.

Of the Corporation of the Town of Riverside, praying that an Act may pass creating the Town of Riverside a separate Town within the meaning of the Municipal Act.

Of the County Council of Carleton, praying that an Act may pass authorizing the corporation to provide by By-law for the borrowing upon debentures certain moneys to cover loss by discount from sale of debentures.

Of the Waterloo County Loan and Savings Company, praying that an Act may pass authorizing the company to carry on the business of a Trust Company; and for change of name.

Of the City Council of Fort William, praying that an Act may pass to validate By-law No. 2102 with tax sales, deeds and assessment rolls.

Of the Municipality of Shuniah, praying that an Act may pass to legalize and confirm certain tax sales and the deeds issued thereunder.

Of the Town Council of Gananoque, praying that an Act may pass authorizing the withdrawal of the Town from the United Counties of Leeds and Grenville.

Of the Huron College of London, praying that an Act may pass to amend their Act of incorporation.

Of the Essex Border Utilities Commission, praying that an Act may pass to relieve the Town of Tecumseh from certain obligations under the Consolidated Essex Border Utilities Act.

Of the Town Council of Tecumseh, praying that an Act may pass to ratify and confirm a certain agreement with the Eauclair Water Works Company, Limited, and for other purposes.

Of William J. Buchanan and others of York, praying that an Act may pass to incorporate a portion of the Township of York as the Township of York North.

Of the London City Gas Company, praying that an Act may pass to amend 6 Edward VII, cap. 129 by repealing Section 7 of the Act respecting the charge for Gas and for other purposes.

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The following Bills were severally introduced and read the first time:--

Bill (No. 1), intituled "An Act respecting the Waterloo County Loan and Savings Company." Mr. Asmussen.

Referred to the Committee on Private Bills.

Bill (No. 2), intituled "An Act respecting the Municipality of Shuniah." Mr. Hogarth.

Referred to the Committee on Private Bills.

Bill (No. 4), intituled "An Act respecting the City of Fort William." Mr. Heenan.

Referred to the Committee on Private Bills.

Bill (No. 8), intituled "An Act to enable the Town of Gananoque to withdraw from the jurisdiction of the United Counties of Leeds and Grenville." Mr. Gray.

Referred to the Committee on Private Bills.

Bill (No. 12), intituled "An Act respecting the City Gas Company of London." Mr. McCrea.

Referred to the Committee on Private Bills.

Bill (No. 18), intituled "An Act to amend the Consolidated Essex Border Utilities Act." Mr. Tolmie.

Referred to the Committee on Private Bills.

Bill (No. 22), intituled "An Act to incorporate a part of the Township of York as the Township of North York." Mr. Curry.

Referred to the Committee on Private Bills.

Bill (No. 30) intituled "An Act to amend the Constitution of Huron College." Mr. Stevenson.

Referred to the Committee on Private Bills.

Bill (No. 68), intituled "An Act to amend the Line Fences Act." Mr. Marceau.

*Ordered*, That the Bill be read the second time To-morrow.

Bill (No. 69), intituled "An Act respecting General Sessions of the Peace." Mr. Raney.

*Ordered*, That the Bill be read the second time To-morrow.

Bill (No. 70), intituled "An Act to provide for the appointment of Probation Officers." Mr. Raney.

*Ordered*, That the Bill be read the second time To-morrow.

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The Order of the Day for resuming the Adjourned Debate on the Motion for consideration of the Speech of His Honour the Lieutenant-Governor at the opening of the Sessions, having been read,

The Debate was resumed, and after some time, it was, on the motion of Mr. MacBride.

*Ordered*, That the Debate be further adjourned until To-morrow.

The House then adjourned at 5.35 p.m.

Friday, February 24th, 1922.

PRAYERS.

3 O'CLOCK, P.M.

The following Petitions were severally brought up and laid upon the Table:—

By Mr. Swayze, the Petition of Ernest Duval and others of Toronto.

By Mr. Brackin, the Petition of Thomas Lindsay Robinette.

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The following Petition was read and received:—

Of the Hospital for Sick Children, Toronto, praying that an Act may pass to increase the present authorized number of Trustees and for other purposes.

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The following Bills were severally introduced and read the first time:—

Bill (No. 38), intituled "An Act respecting the County of Carleton."  
Mr. Hill.

Referred to the Committee on Private Bills.

Bill (No. 71), intituled "An Act to aid in the Packing and Grading of Fruit." Mr. Doherty.

*Ordered*, That the Bill be read the second time on Monday next.

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Mr. Sinclair asked the following Question:—

1. How many letters were sent out to practising solicitors in the Province of Ontario during the months of September and October, A.D. 1921, by the Treasury Department, Succession Duty Office, requesting the remittance of Succession Duties on Estates before the close of the Fiscal Year, where the period of 18 months from the decease did not expire until during the following Fiscal year.

To which the Treasurer replied:—

Fifty-one.

Mr. Dewart asked the following Question:

1. Is it the intention of the Government to publish weekly in "The Ontario Gazette" the dates of all Orders-in-Council with a brief statement showing what each Order-in-Council deals with or authorizes. 2 If not, why not.

And the Premier replied as follows:—

1. No. 2. Because all Orders-in-Council regarded as being of special interest to the general public, such as,—appointments of Police Magistrates, King's Counsel, Coroners, Registrar of Deeds, Surrogate Court and Juvenile Court Judges; Proclamations; Regulations passed under The Mining Act, The Insurance Act, The Loan and Trust Corporations Act, and The Division Courts Act, are now published in "The Ontario Gazette." There are many Orders-in-Council of a routine or departmental nature, the publication of which would serve no public interest, but would only entail unnecessary labour and expense. If an employee of the Government requires leave of absence through illness or family affliction, if a prisoner is to be allowed to work outside the Jail limits, if the T. & N. O. Railway carries a cord of wood for an employee at a reduced rate, if a temporary employee, even an office boy is re-engaged twice or three times a year, as frequently happens, and in many instances of a like nature, Orders-in-Council are necessary. All Orders are accessible to anyone who is interested in the matter dealt with.

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Mr. MacBride asked the following Question:

1. How many Orders-in-Council have been passed by the Government since coming into office in 1919 in connection with all departments or commissions.

To which the Premier replied:—

Up to and including January 31st, 1922, approximately, 8,297.

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Mr. Lennox asked the following Question:

1. If there is, or has been, in the employ of the Attorney-General's Department a Provincial officer by the name of Heaton. 2. What were his duties. 3. Is he still in the employ of the Government. 4. If not, was he discharged or did he resign. 5. If discharged, or forced to resign, why.

And the Attorney-General replied as follows:—

1. Yes. 2. Assistant to License Inspector for the County of York. 3. No. He was employed only temporarily for three months. 4. Services dispensed with at the end of his temporary employment. 5. No answer required.

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On Motion of Mr. Hay, seconded by Mr. Clarke, it was

*Ordered*, That there be laid before this House, a Return of copies of all correspondence between any Minister of the Crown and any Member of the Hydro-Radial Commission in connection and dealing with accounts for remuneration of services by each and every member of the Commission whether such accounts were paid in full for the amount claimed or reduced in amount.

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On Motion of Mr. Sinclair, seconded by Mr. Tolmie, it was

*Ordered*, That there be laid before this House, a Return showing:—

1. The total cost as shown by the records in the Department of Highways of the work done on the Kingston Highway at the east end of the Village of Pickering in the summer of 1921, where the highway was lowered almost to the level of the highway before construction work commenced—showing (a) Cost of excavation in summer of 1921; (b) Cost of surfacing road after excavation of 1921; (c) Total cost of all work done by reason of change in level of road in summer of 1921. 2. The original cost of filling the hollow when the road was originally built. 3. The original cost of surfacing the portion which was broken up in the summer of 1921. 4. By whose orders the change in the surface of the road was made in the summer of 1921.

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The Order of the Day for resuming the Adjourned Debate on the Motion for consideration of the Speech of His Honour the Lieutenant-Governor at the opening of the Sessions, having been read,

The Debate was resumed, and after some time, it was, on the motion of Mr. Sandy.

*Ordered*, That the Debate be further adjourned until Monday next.

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The Provincial Secretary presented to the House, by command of His Honour the Lieutenant-Governor:—

Interim Report respecting Sheriffs of the Commission, appointed to inquire, consider and report upon best mode of selecting and remunerating Sheriffs, etc., etc. (*Sessional Papers, No. 57.*)

Also—Report of the Hydro-Electric Railway Commission. (*Sessional Papers, No. 24.*)

Also—Return to an Order of the House of the Twenty-fourth day of February, 1922, for a Return showing—1. The total cost as shown by the records in the Department of Highways of the work on the Kingston Highway at the east end of the Village of Pickering in the summer of 1921, where the highway was lowered almost to the level of the highway before construction work commenced—showing (a) Cost of excavation in summer of 1921; (b) Cost of surfacing road after excavation of 1921; (c) Total cost of all work done by reason of change in level of road in summer of 1921. 2. The original cost of filling the hollow when the road was originally built. 3. The original cost of surfacing the portion which was broken up in the summer of 1921. 4. By whose orders the change in the surface of the road was made in the summer of 1921. 1.—(a) \$923.50. (b) \$350.00. (c) \$1,273.50. 2. Nothing. 3. \$550.00. 4. W. A. McLean, Deputy Minister of Highways. (*Sessional Papers, No. 58.*)

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The House then adjourned at 5.50 p.m.

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Monday, February 27th, 1922.

PRAYERS.

3.00 O'CLOCK, P.M.

The following Petitions were severally brought up and laid upon the Table:—

By Mr. Brackin, the Petition of Thomas Lindsay Robinette, of Toronto; also, the Petition of the Co-operative League of America; also, the Petition of the Town Council of Wallaceburg.

By Mr. Homuth, the Petition of the City Council of Galt.

By Mr. Asmussen, the Petition of the Waterloo Wellington Railway Company.

By Mr. Lennox, the Petition of Sidney Tannenbaum of the City of Toronto.



The following Petitions were read and received:—

Of Ernest Duval and others of Toronto, praying that an Act may pass to incorporate The Canadian Chiropractic College, Limited.

Of Thomas Lindsay Robinette of the City of Toronto, praying that an Act may pass to authorize the Law Society of Upper Canada to admit him to practise at the Bar.

Of the City Council of Toronto, praying that an Act may pass authorizing the passing of a By-Law for the issue of Consolidated Debentures.

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The following Bills were severally introduced and read the first time:—

Bill (No. 19), intituled "An Act respecting the Town of Tecumseh."  
Mr. Tolmie.

Referred to the Railway and Municipal Board.

Bill (No. 73), intituled "An Act respecting Magistrates." Mr. Raney.

*Ordered*, That the Bill be read the second time To-morrow.

Bill (No. 74), intituled "An Act to amend the Land Transfer Tax Act."  
Mr. Smith.

*Ordered*, That the Bill be read the second time To-morrow.

Bill (No. 75), intituled "An Act to amend The Ontario Railway Act."  
Mr. Cooper. (Welland.)

*Ordered*, That the Bill be read the second time To-morrow.

Bill (No. 76), intituled "An Act to amend the Private Detectives Act."  
Mr. Smith.

*Ordered*, That the Bill be read the second time To-morrow.

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Mr. McCrea asked the following Question:—

1. What is the total amount paid to Mr. Shirley Denison, K.C., for his services as Crown prosecutor in connection with the Timber Investigation.
2. What amount has been paid to Mr. Shirley Denison, K.C., for expenses in connection with the Timber Investigation.

And the Minister of Lands and Forests replied in the figures following:—

1. \$4,000.00.
2. Disbursements, \$401.31. Accountable, \$2,598.69.

Mr. Hill asked the following Question:—

1. What amount has been paid to N. W. Rowell, K.C., for his services in connection with the Attorney-General's action against the Shevlin-Clarke Company. 2. What amount has been paid to R. T. Harding, K.C., for (a) his services in connection with the Timber Commission to date; (b) for his services in connection with the Shevlin-Clarke action; (c) for any other services for or on behalf of the Government.

To which the Minister of Lands and Forests replied in the words and figures following:—

1. 1920-21, \$3,500.00; 1921-22, \$5,000.00. 2. (a) 1920-21, \$2,000.00; To R. T. Harding. (1921-22, \$13,553.19; To Messrs. Harding & Hanley. This amount included some preliminary work in connection with Shevlin-Clarke action). (b) 1921-22, None except as mentioned in (a). (c) Fees, \$7,845.00, plus \$606.39 disbursements, making a total of \$8,451.39 paid to Messrs. Harding & Hanley during the year ending 31st October, 1921.

Mr. Marceau asked the following Question:—

1. (a) What amount has been received for timber limits sold since 1897, (b) what ground rents have been paid since 1897. 2. What stumpage and and timber dues have been collected since 1897. 3. (a) What amount has been received for mineral lands sold since 1897. (b) What amount has been paid in royalties on ore mined since 1897. 4. What amount has been paid by lumbermen by way of fire tax to date. 5. What amount has been paid for Prospectors' licenses since 1897.

And the Minister of Lands and Forests replied in the figures following:—

1. (a) \$14,327,614.00. (b) \$1,942,004.62. 2. \$25,596,684.94.  
3. (a) \$2,737,562.00. (b) \$1,985,394.00. 4. Fire Tax fixed in 1917.  
Amount collected to date, \$889,199.01. 5. \$919,809.00.

Year.	Bonus.	Timber dues.	Ground Rent.	Fire Tax.
1898.	159,698.74	756,434.34	65,053.37	
1899.	296,752.79	726,362.41	69,713.44	
1900.	636,464.54	576,320.99	61,704.70	
1901.	571,383.59	843,148.66	63,042.72	
1902.	227,667.84	1,038,273.35	61,039.41	
1903.	1,340,696.76	901,744.26	63,057.85	
1904.	1,664,258.31	919,471.21	64,997.03	
1905.	520,070.91	1,480,910.06	61,194.94	
1906.	535,970.57	1,295,378.53	66,118.47	
1907.	152,223.94	998,863.15	65,084.38	
1908.	100,879.39	1,618,242.58	65,150.87	
1909.	285,571.41	529,422.50	68,528.53	
1910.	92,396.36	1,634,496.21	104,326.64	
1911.	426,718.71	1,173,283.85	104,325.96	
1912.	540,702.85	1,339,957.12	96,262.81	
1913.	591,675.29	1,277,490.08	99,460.19	
1914.	454,167.24	1,112,480.38	103,910.31	
1915.	507,241.43	928,351.38	89,952.01	
1916.	419,827.94	822,332.81	89,520.03	
1917.	640,835.35	832,467.24	100,408.33	115,327.06
1918.	679,304.17	795,004.08	87,263.93	189,773.07
1919.	872,598.69	662,928.30	87,682.52	174,666.85
1920.	1,143,725.18	1,171,692.14	105,398.88	228,174.31
1921.	1,466,782.00	2,161,629.31	98,807.00	181,257.72
Total	\$14,327,614.00	\$25,596,684.94	\$1,942,004.62	\$889,199.01

Mr. Hill asked the following Question:—

1. How many permits have been issued to date to export pulp wood pursuant to The Pulp Wood Export Act, 1920. 2. To whom have these permits been issued.

And the Minister of Lands and Forests replied in the words following:—

1. Six. 2. Thomas S. Woollings, Reamsbottom & Edwards, R. S. Potter, Kaministiquia Pulp and Paper Company, Dennis Canadian Company, John Stirrett & Sons, Ltd.

Mr. McNamara asked the following Question:—

1. Was there a contract for cutting timber entered into between the Department of Lands & Forests on behalf of the Government and Mr. Norman

Edmeston, the Present Mayor of Fort William. 2. What was the name of the company or corporation represented by Mr. Edmeston. 3. What is the description of the timber berths and where are they situated. 4. What was the estimated quantity of timber on the berths. 5. Were the berths publicly advertised for sale, if so, in what newspapers. 6. What prices were obtained for the timber. 7. On what date was the agreement signed.

To which the Minister of Lands and Forests replied:—

1. No. 2. 3. 4. 5. 6 and 7, see answer to number one.

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The following Bills were severally read the second time:—

Bill (No. 57), To amend The Municipal Act.

Referred to the Municipal Committee.

Bill (No. 51), Respecting the Sandwich, Windsor and Amherstburg Railway.

Referred to a Committee of The Whole House Tomorrow.

Bill (No. 52), To amend The Surrogate Courts Act.

Referred to a Committee of The Whole House Tomorrow.

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On motion of Mr. Doherty, seconded by Mr. Grant, it was

*Resolved*—That this House desires to record its conviction that the continuation of the high freight rates at present in operation is a real burden on the agricultural and industrial life of the Province and is very materially delaying the stabilizing of conditions so necessary to the return of prosperity, and this House therefore strongly urges that action be taken by the Dominion Railway Board at an early date to relieve conditions by bringing about a substantial reduction in the charges for freight transportation.

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The Order of the Day for resuming the Adjourned Debate on the Motion for consideration of the Speech of His Honour the Lieutenant-Governor at the opening of the Sessions, having been read,

The Debate was resumed, and after some time, it was, on the motion of Mr. Henry. .

*Ordered.* That the Debate be further adjourned until To-morrow.

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The House then adjourned at 5.20 p.m.

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Tuesday, February 28th, 1922.

PRAYERS.

3.00 O'CLOCK, P.M.

The following Petition was brought up and laid upon the Table:—

By Mr. Hill, the Petitioner of the City Council of Ottawa.

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Mr. Carmichael, from the Standing Committee on Standing Orders, presented their Second Report, which was read as follows and adopted:—

Your Committee have carefully examined the following Petitions and find the notices, as published in each case, sufficient;

Of the County Council of Grey, praying that an Act may pass to ratify and confirm a certain By-Law;

Of the Village Council of Waterdown, praying that an Act may pass to ratify and confirm a certain By-Law;

Of the Central Hamilton Branch of the Great War Veterans Association, praying that an Act may pass to authorize the Trustees of the Club House to sell the premises and invest the proceeds;

Of the City Council of Brantford, praying that an Act may pass to ratify and confirm certain By-Laws;

Of the Town Council of Renfrew, praying that an Act may pass declaring that the Victoria Hospital be carried on as a General Hospital;

Of the City Council of St. Thomas, praying that an Act may pass to detach certain territory from the Township of Yarmouth and annex it to the City;

Your Committee recommend that Rule No. 51 of Your Honourable House be suspended in this, that the time for presenting Petitions for Private Bills be extended until and inclusive of Tuesday, the 7th day of March next and that the time for introducing Private Bills be extended until and inclusive of Friday, the 17th day of March next.

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*Ordered,* That the time for presenting Petitions for Private Bills, be extended until and inclusive of Tuesday, the Seventh day of March next.

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*Ordered,* That the time for introducing Private Bills, be extended until and inclusive of Friday, the Seventeenth day of March next.

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The following Bills were severally introduced and read the first time:—

Bill (No. 3), intituled “An Act respecting the County of Grey.” Mr. Taylor.

Referred to the Committee on Private Bills.

Bill (No. 5), intituled “An Act respecting Victoria Hospital, Renfrew.” Mr. Carty.

Referred to the Committee on Private Bills.

Bill (No. 6), intituled “An Act respecting the City of Brantford.” Mr. Walker.

Referred to the Committee on Private Bills.

Bill (No. 20), intituled “An Act respecting the Village of Waterdown.” Mr. Crockett.

Referred to the Committee on Private Bills.

Bill (No. 21), intituled “An Act respecting the Great War Veterans' Association of Hamilton.” Mr. Halerow.

Referred to the Commissioners of Estate Bills.

Bill (No. 33), intituled “An Act respecting the City of St. Thomas.” Mr. MacVicar.

Referred to the Railway and Municipal Board.

Bill (No. 36), intituled “An Act to enable the Town of Riverside to withdraw from the jurisdiction of the Council of the County of Essex.” Mr. Tolmie.

Referred to the Committee on Private Bills.

Bill (No. 77), intituled "An Act to amend the Assessment Act." Mr. Lewis.

*Ordered*, That the Bill be read the second time To-morrow.

Bill (No. 78), intituled "An Act to amend the Municipal Act." Mr. MacBride.

*Ordered*, That the Bill be read the second time To-morrow.

Bill (No. 79), intituled "An Act to amend the Municipal Act." Mr. Gray.

*Ordered*, That the Bill be read the second time To-morrow.

Bill (No. 80), intituled "An Act to amend the Assessment Act." Mr. MacBride.

*Ordered*, That the Bill be read the second time To-morrow.

Bill (No. 81), intituled "An Act to amend the Assessment Act." Mr. McLeod.

*Ordered*, That the Bill be read the second time To-morrow.

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The Order of the Day for resuming the Adjourned Debate on the Motion for consideration of the Speech of His Honour the Lieutenant-Governor at the opening of the Sessions, having been read,

The Debate was resumed, and after some time, it was, on the motion of Mr. Clarke,

*Ordered*. That the Debate be further adjourned until To-morrow.

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The Provincial Secretary presented to the House, by command of His Honour the Lieutenant-Governor:—

Report of The Ontario Board of Parole for year ending October 31st, 1921. (*Sessional Papers No. 59.*)

Also—First Annual Report of Commission under The Extramural Employment of Sentenced Persons Act, 1921. (*Sessional Papers No. 60.*)

Also—Interim Report respecting Toronto Police Court of the Public Service Commission. (*Sessional Papers No. 61.*)

The House then adjourned at 6.05 p.m.

Wednesday, March 1st, 1922.

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PRAYERS.

3.00 O'CLOCK P.M.

The following Petitions were received and read:—

Of the Co-operative League of America, by the Solicitors, praying that an Act may pass enabling them to carry on business in Ontario.

Of the City Council of Galt, praying that an Act may pass to authorize the Corporation to pay twenty-five *per cent.* of the cost of certain pavements.

Of Thomas Lindsay Robinette of Toronto, praying that a Act may pass to authorize the Law Society of Upper Canada to admit him to practise at the Bar.

Of Sidney Tannenbaum of Toronto, praying that an Act may pass to authorize the Law Society of Upper Canada to admit him to practise as a Barrister and Solicitor.

Of the Town Council of Wallaceburg, praying that an Act may pass authorizing the Corporation to borrow certain moneys to pay off floating debt.

Of the Waterloo, Wellington Railway Company, praying that an Act may pass to amend the Act incorporating the Company under the name of "The Berlin and Bridgeport Electric Street Railway, Limited," and for an extension of the line.

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The following Bills were severally introduced and read the first time:—

Bill (No. 82), intituled "An Act to amend The Ontario Railway Act."  
Mr. Lewis.

*Ordered,* That the Bill be read the second time Tomorrow.

Bill (No. 83), intituled "An Act to amend The Highway Act."  
Mr Black.

*Ordered,* That the Bill be read the second time Tomorrow.

Bill (No. 84), intituled "An Act to provide for a Provincial Board of Alienists." Mr. Curry.

*Ordered,* That the Bill be read the second time Tomorrow.



Bill (No. 85), intituled "An Act to amend The Evidence Act."  
Mr. Curry.

*Ordered,* That the Bill be read the second time Tomorrow.

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Mr. MacBride, asked the following Question:

1. How many special operators commonly known as "spotters" have been employed by the Provincial Police or Ontario License Board during the years 1920 and 1921.

And the Attorney General replied in the words and figures following:—

During 1920, 61 different special officers were employed, 33 being the highest number employed at any one time. During 1921, 93 different special officers were employed, 41 being the highest number employed at any one time.

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Mr. Dewart asked the following Question:

Upon which page of the Public Accounts for the years 1918, 1919 or 1919-20 will be found the proceeds of Treasury Bills "EE" (due 11th November, 1919) having been credited.

To which the Treasurer replied as follows:—

There were no proceeds from Treasury Bills "EE" dated July 14th, 1919—Due November 11th 1919, for the reason that these Bills were issued to pay off Treasury Bills "AA" due in New York at the Bank of Montreal, July 13th, 1919.

Mr. Black asked the following Question:—

1. Has E. W. Backus, who procured from the Government the English River pulp limit and a lease of White Dog Rapids, made any request either directly or through an agent to any member of the Government for a lease, or leases, of any other water powers in Ontario since December 18th, 1920.

And the Minister of Lands and Forests replied in the affirmative.

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The Order of the Day for resuming the Adjourned Debate on the Motion for consideration of the Speech of His Honour the Lieutenant-Governor at the opening of the Sessions, having been read,

The Debate was resumed and, after some time, it was, on the motion of Mr. Doherty,

*Ordered.* That the Debate be further adjourned until To-morrow.

The House then adjourned at 6.10 p.m.

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Thursday, March 2nd, 1922.

PRAYERS.

3.00 O'CLOCK P.M.

The following Petition was read and received:—

Of the City Council of Ottawa, praying that an Act may pass to amend the Ottawa Civic Hospital Act.

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The following Bills were severally introduced and read the first time:—

Bill (No. 37), intituled "An Act respecting the Township of Nepean."  
Mr. Hill.

Referred to the Committee on Private Bills.

Bill (No. 86), intituled "An Act respecting Mineral Rights in certain Canada Company Lands." Mr. Mills.

*Ordered,* That the Bill be read the second time To-morrow.

Bill (No. 87), intituled "An Act to amend the Mining Tax Act."  
Mr. Mills.

*Ordered,* That the Bill be read the second time To-morrow.

Bill (No. 88), intituled "An Act to amend the Mining Act of Ontario."  
Mr. Mills.

*Ordered,* That the Bill be read the second time To-morrow.

The Order of the Day for resuming the Adjourned Debate on the Motion for consideration of the Speech of His Honour the Lieutenant-Governor at the opening of the Session, having been read,

The Debate was resumed, and after some time,

The Motion, having been again submitted, was carried, and it was

*Resolved*, That an humble Address be presented to His Honour the Lieutenant-Governor, as follows:—

*To His Honour Henry Cockshutt, Lieutenant-Governor of Our Province of Ontario.*

We, His Majesty's most dutiful and loyal subjects, the Legislative Assembly of the Province of Ontario, now assembled, beg leave to thank Your Honour for the gracious speech Your Honour has addressed to us.

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The Address, having been read the second time, was agreed to.

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*Ordered*, That the Address be engrossed and presented to His Honour the Lieutenant-Governor by those Members of this House who are Members of the Executive Council.

---

On Motion of Mr. Smith, seconded by Mr. Doherty,

*Resolved*, That this House will on To-morrow, resolve itself into the Committee of Supply.

*Resolved*, That this House will on To-morrow, resolve itself into the Committee of Ways and Means.

---

The following Bills were severally read the second time:—

Bill (No. 53), To amend the Agricultural Development Act.

Referred to a Committee of the Whole House To-morrow.

Bill (No. 54), To amend the Ontario Farm Loans Act.

Referred to a Committee of the Whole House To-morrow.

The House then adjourned at 6.00 p.m.

Friday, March 3rd, 1922.

PRAYERS.

3.00 O'CLOCK P.M.

The following Petition was brought up and laid upon the Table:—

By Mr. Henry, The Petition of the Township Council of York.

Mr. Marshall, from the Special Committee appointed at the last Session of the Legislature, on the 26th day of April, 1921, to consider Bill (No. 114), "An Act respecting Liens of Mechanics, Wage Earners, Supply Men and Others," and Bill (No. 123), "An Act respecting Co-operative Credit Societies," which Committee was empowered to sit during the recess and report to the House at its next Session, presented their Report which was read as follows and adopted:—

Your Committee have had under consideration Bill (No. 114), and have held six sessions at which representatives of the various interests affected by the proposed legislation have been heard at length and the promoters of the Bill afforded an opportunity of replying to the arguments of those in opposition to it. Your Committee have further in this connection considered generally the operation of The Mechanics' and Wage Earners' Lien Act and several amendments which have been suggested by Counsel as well as by Law Associations and other bodies. Your Committee finds that the said Bill (No. 114), was founded on the law of the State of Ohio and the State of Michigan and that it is in a large measure inapplicable to conditions existing in Ontario. The main provision submitted in Bill (No. 114), is that the liability of the owner of property to see to the payment of all claims should be extended from fifteen and twenty *per cent.* of the contract price to one hundred *per cent.* Your Committee after due consideration have arrived at the conclusion that the law as it stands, subject to certain amendments hereinafter referred to, provides adequate protection for the interests of contractors, subcontractors and material men as well as those of the wage earner and that it is not expedient to make the changes proposed. Your Committee have, however, found that the procedure under The Mechanics' and Wage Earners' Lien Act might be much simplified and discussion of the Act brought out that there were other changes which were desirable. Your Committee has therefore had The Mechanics' and Wage Earners' Lien Act carefully revised with a view to securing a more speedy determination of the rights of lienholders and the lessening of expense and loss of time and in-

convenience to persons concerned in the carrying out of the Act, and these will be found embodied in a Bill which will be presented to the House entitled "An Act to revise and amend The Mechanics' and Wage Earners' Lien Act."

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On the motion of Mr. Drury, seconded by Mr. Raney,

*Ordered*, That the name of Mr. Cooper (Welland), be added to the Standing Committee on Railways.

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The following Bills were severally introduced and read the first time:—

Bill (No. 90), intituled "An Act respecting The Maintenance of Deserted Wives and Children." Mr. MacNamara.

*Ordered*, That the Bill be read the second time on Monday next.

Bill (No. 91), intituled "An Act to amend The Municipal Act." Mr. Fox.

*Ordered*, That the Bill be read the second time on Monday next.

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Mr. Drury delivered to Mr. Speaker a Message from the Lieutenant-Governor, signed by himself; and the said Message was read by Mr. Speaker, and is as follows:—

#### H. COCKSHUTT.

The Lieutenant-Governor transmits Supplementary Estimates of certain sums required for the service of the Province for the year ending 31st October, 1922, and recommends them to the Legislative Assembly.

GOVERNMENT HOUSE,

Toronto, February 28th, 1922.

(*Sessional Papers, No. 2.*)

*Ordered*, That the Message of the Lieutenant-Governor, together with the Estimates accompanying same, be referred to the Committee of Supply.

The House, according to Order, then resolved itself into the Committee of Supply.

*(In the Committee.)*

*Resolved*, That a sum not exceeding Three million, five hundred thousand dollars (\$3,500,000), be granted to His Majesty, to defray Capital Expenditure by Hydro-Electric Power Commission of Ontario, for the fiscal year ending October 31st, 1922, (*Queenston-Chippawa Development*), as mentioned in the statement accompanying the Message of the Lieutenant-Governor to this House.

And, after some time spent therein, Mr. Speaker resumed the chair, and Mr. MacVicar reported,

That the Committee had come to a Resolution, also, that the Committee had directed him to ask leave to sit again.

*Ordered*, That the Report be received forthwith.

*Resolved*, That the Committee have leave to sit again on Tuesday next.

Mr MacVicar, from the Committee of Supply, reported a Resolution which was read as follows:—

*Resolved*, That a sum not exceeding Three million, five hundred thousand dollars (\$3,500,000), be granted to His Majesty to defray Capital Expenditure by Hydro-Electric Power Commission of Ontario, for the fiscal year ending October 31st, 1922 (*Queenston-Chippawa Development*) as mentioned in the statement accompanying the message of the Lieutenant-Governor to this House.

The Resolution, having been read the second time, was agreed to.

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The House, according to Order, resolved itself into the Committee of Ways and Means.

*(In the Committee.)*

*Resolved*, That there be granted out of the Consolidated Revenue Fund of this Province a sum not exceeding Three million, five hundred thousand dollars (\$3,500,000), to meet the supply to that extent granted to His Majesty.

Mr. Speaker resumed the Chair; and Mr. MacVicar reported, That the Committee had come to a Resolution; also, that the Committee had directed him to ask for leave to sit again.

*Ordered*, That the Report be received forthwith.

*Resolved*, That the Committee have leave to sit again on Tuesday next.

Mr. MacVicar, from the Committee on Ways and Means, reported a Resolution which was read as follows:—

*Resolved*, That there be granted out of the Consolidated Revenue Fund of this Province a sum not exceeding Three million, five hundred thousand dollars to meet the Supply to that extent granted to His Majesty.

The Resolution, having been read a second time, was agreed to.

The House then adjourned at 5.15 p.m.

Monday, March 6th, 1922.

PRAYERS.

3.00 O'CLOCK P.M.

The following Petitions were severally brought up and laid upon the Table:—

By Mr. Swayze, the Petition of the City Council of Niagara Falls.

By Mr. Greenlaw, the Petition of the City Council of St. Catharines.

The following Petition was read and received:—

Of the Township Council of York, praying that an Act may pass to validate certain sales of land and for the construction of certain Public Works.

The following Bills were severally introduced and read the first time.—

Bill (No. 94), intituled "An Act respecting Free Text-Books in Public, Separate and Industrial Schools." Mr. Brackin.

*Ordered*, That the Bill be read the second time To-morrow.

Bill (No. 95), intituled "An Act to reduce the business assessment of Brewers and Malsters." Mr. Thompson.

*Ordered*, That the Bill be read the second time To-morrow.

Bill (No. 96), intituled "An Act to amend the Public Health Act." Mr. Crockett.

*Ordered*, That the Bill be read the second time To-morrow.

Mr. Sinclair asked the following Question:

1. What is the total amount paid, agreed to be paid, or expected to be paid for the advertising propaganda carried on in the Press under the authority of the Government on the advice of the Provincial Advisory Committee on Unemployment. 2. In how many papers were the articles printed. 3. Who selected the papers for publication. 4. Were the papers in which the same were published dealt with individually by the Government. 5. If not dealt with by the Government how were the individual papers reached. 6. If not dealt with by the Government, what instructions were given to any press agency, or other party as to what papers the same should be published in. 7. Were any tenders called for, asking for prices of publication. 8. What amounts were spent for advertising outside of newspapers and periodicals?

And the Minister of Labour replied in the words and figures following:—

1. Total amount expended, \$23,428.35; total expenditure will be in the neighbourhood of \$26,000. 2. 52. 3. The Advisory Committee on Unemployment. 4. No. 5. Through the Mitford Advertising Agency. 6. The Advisory Committee on Unemployment instructed the Mitford Advertising Agency to have the various advertisements inserted in the newspapers and other publications selected by the Committee. 7. No. 8. Amount will approximate \$1,800.

Mr. Tolmie asked the following Question:—

1. What is the name in full and residence of the latest appointee to the Workmen's Compensation Board. 2. By whom was he recommended. 3. What salary is he paid. 4. What was his former occupation.

And the Minister of Labour replied as follows:—

1. Henry John Halford, Hamilton. 2. The Minister of Labour. 3. The Statutory salary for Vice-Chairman of the Workmen's Compensation, \$8,500. 4. Vice-President of the Trades and Labour Congress of Canada; Vice-President, International Barbers Union; Member of Dominion Council of Health; Financial Secretary, Trades & Labour Council of Hamilton; Secretary-Treasurer, Barbers' Union of Hamilton; Members of Social Service Council of Canada; Represented Canadian Labour at the meeting of the Governing Body of the International Labour Office of the League of Nations, Geneva; Represented Canadian Labour at the International Trade Unions Congress, London, England, 1920; Ex-Controller of the City of Hamilton; Proprietor of a hair dressing establishment; and also a musician.



Mr. Marceau asked the following Question:—

1. What amount has been paid for game license since 1897.
2. What amount has been paid for fishing license since 1897.

And the Minister of Mines replied in the words and figures following:—

1. \$1,098,984.99.
2. \$963,091.24.

Year	Game	Fish
1897	6,938.75	
1898	7,754.36	
1899	9,693.96	
1900	10,997.32	35,443.85
1901	11,700.15	35,887.24
1902	15,431.08	40,140.70
1903	17,941.25	39,842.93
1904	17,286.19	47,883.14
1905	23,945.62	47,755.03
1906	24,140.29	63,998.57
1907	21,571.16	68,111.91
1908	26,266.87	70,013.36
1909	3,051.90	74,797.78
1910	30,617.09	87,961.72
1911	30,042.41	90,833.46
1912	29,990.55	89,333.82
1913	33,862.10	94,767.28
1914	39,769.93	101,314.70
1915	43,261.53	114,204.33
1916	40,629.13	118,873.23
1917	66,709.08	119,173.31
1918	78,689.67	133,836.95
1919	114,683.97	149,830.81
1920	191,361.23	148,321.27
1921	202,649.40	190,765.85
Totals	\$1,098,984.99	\$963,091.24

Mr. MacBride asked the following Question:—

1. How many appointments have been made by Order-in-Council since the Government came into power in 1919.

To which the Premier replied in the words following:—

Including permanent and temporary appointments, the latter of which have to be renewed by Order-in-Council at least twice a year and sometimes more frequently, there have been approximately 4,200 appointments made by Order-in-Council during the period mentioned.

Mr. McNamara asked the following Question:—

1. Has there been any classification or re-classification prepared in conference between the Director of Employment Service for Canada and any person or persons representing the Ontario Government in connection with Employment Service officers. 2. If so, were the suggestions of the Government's representative approved of or rejected by the Director of Employment Service. 3. What are the present classifications for first, second and third class officers. 4. What are the present salaries. 5. What are the proposed increases or decreases. 6. On what date was the conference held, and where.

And the Minister of Labor replied in the words and figures following:—

1. No. 2. Answered by 1. 3. Superintendent, Grade 1, \$2,100—\$2,400; Superintendent, Grade 2, \$1,900—\$2,100; Superintendent, Grade 3, \$1,500—\$1,800. 4. Answered by 3. 5. None. 6. Answered by 1.

Mr. Ireland asked the following Question:—

1. Has one, Albert Hellyer, been appointed a Police Magistrate. 2. If so, what is date of his appointment. 3. What is his address. 4. What territorial jurisdiction has he. 5. What is his salary. 6. Is he the same Albert Hellyer who was elected to the Legislature in October, 1919, and resigned to provide a seat for the Attorney-General. 7. Is he the same Albert Hellyer who is a member of the Public Service Commission. 8. What is the date of his appointment to the Public Service Commission. 9. What remuneration does he receive as a member of the said Commission. 10. Does he pay his own expenses out of such remuneration. 11. How many persons applied or were recommended for the position. 12. What are their several names and addresses. 13. By whom was each recommended. 14. What qualifications has Albert Hellyer.

And the Attorney-General replied: -

1. Yes. 2. 17th August, 1921. 3. Kenilworth, Township of Arthur. 4. The Townships of Arthur, West Garafraxa, West Luther, Nichol, Pilkington and Erin, the Town of Mount Forest and the Villages of Arthur, Fergus, Erin and Elora. 5. No salary. 6. Yes. 7. Yes. 8. 30th June, 1920. 9. \$20 a day for attending sittings of the Commission. 10. No. 11. None. 12. Answered by 11. 13. Answered by 11. 14. He is a man of undoubted integrity, good judgment and well known ability.

Mr. McNamara asked the following Question:—

1. Were any circulars sent out by the Labor Department warning the unemployed against going to the Cochrane district in expectation of finding work on the construction of the extension of the T. & N. O. Railway.

2. If so, to what persons, or agencies, were they addressed. 3. Were such notices sent out on more than one occasion. 4. If so, how often, and at what dates.

And the Minister of Labor replied as follows:—

1. Yes. 2. The Superintendents of the Ontario Offices of the Employment Service of Canada at Belleville, Brantford, Chatham, Cobalt, Fort William, Guelph, Hamilton, Kingston, Kitchener, London, Niagara Falls, North Bay, Oshawa, Ottawa, Pembroke, Peterborough, Port Arthur, Sarnia, Sault Ste. Marie, St. Catharines, St. Thomas, Sudbury, Timmins, Toronto and Windsor. 3. Yes. 4. Four times; January 18th, 25th, and February 18th; in addition a letter in the same connection dated February 16th was sent to the Zone Superintendents at Toronto, North Bay, Port Arthur, Ottawa and London.

Mr. MacBride asked the following Question:—

1. What is the character and scope of the duties of the officers or employees known in the Attorney-General's Department as "special operators" under *The Ontario Temperance Act*. 2. Who is their immediate officer from whom they get their instructions. 3. Are such instructions given in writing. 4. If not, how are instructions communicated to "special operators."

And the Attorney-General replied in the words following:—

1. Detection of offences under the *Ontario Temperance Act*. 2. Prov. Inspector A. E. Sarvis and Prov. Officer E. D. L. Hammond. 3. No. 4. Verbally.

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Mr. Lewis asked the following Question:—

1. Have any of the members of the Government been subpoenaed as witnesses in the libel suit of Backus vs. The Evening Telegram, and if so, what members. 2. Have the members so subpoenaed refused to appear in reply to the subpoenas. If so, for what reason.

To which the Attorney-General replied:—

1. Yes. The Honourable the Premier and the Honourable the Attorney-General. 2. No, but on the ground that the Premier and the Attorney-General were very fully occupied with their duties in the Legislature and that their attendance at the present time as witnesses in this case might interfere very materially with the public business, the plaintiff's Counsel was requested, if in his view the evidence of the Premier and the Attorney-General was necessary, to have the trial of the action postponed until after the adjournment of the session, when both the Premier and the Attorney-General would be at the service of either party to the action.

Mr. Marceau asked the following Question:

1. How many complimentary licenses were issued by the Department of Game and Fisheries for (a) Hunting, (b) Fishing, (c) Trapping, from January 1st 1920 to date. 2. What were the names and addresses of the licensees.

And the Minister of Mines replied in the words following:—

1. (a) 40 Combined Hunting and Angling Licenses. 29 Licenses for Hunting only. (b) 15 Angling Licenses. (c) None.

2. Name.	Address.
Lord Clarenton,	England.
Lord Somers,	England.
Lord Dalkeith,	England.
Hon. H. G. Henderson,	Ottawa, Ont.
J. I. Flatt, Esq.,	Hamilton, Ont.
Mr. & Mrs. J. B. Eddy,	Sault Ste. Marie, Mich.
Mr. J. N. Beckley & Family,	Rochester, N. Y.
Mr. W. R. Beckley & Family,	Rochester, N. Y.
J. W. Schuler, Esq.,	Brantford, Ont.
W. B. Howard, Esq.,	Toronto.
C. E. Horning, Esq.,	Toronto.
R. L. Fairbairn, Esq.,	Toronto.
R. E. Chamberlain, Esq.,	Montreal, Que.
R. H. Charlton, Esq.,	Montreal, Que.
F. F. Backus, Esq.,	Hamilton, Ont.
A. D. Mactier, Esq.,	Montreal, Que.
Chas. Matthews, Esq.,	Toronto.
O. Elliott, Esq.,	Toronto.
Geo. A. Lawyer, Esq.,	Washington, D. C.
Geo. E. McAllaster, Esq.,	Antwerp, N. Y.
H. T. O'Hara, Esq.,	Ottawa, Ont.
J. Vance, Esq.,	Hamilton, Ont.
P. Whim, Esq.,	Hamilton, Ont.
A. V. Trimble, Esq.,	Toronto.
Major Lynn,	Cameron Falls, Ont.
J. R. Melville, Esq.,	Toronto.
L. L. Grabill, Esq.,	Toronto.
E. Long, Esq.,	Toronto.
J. Proctor, Esq.,	
A. Peppall, Esq.,	

Name.	Address.
Mr. Rockwell,	Detroit, Mich.
C. O. Tatham, Esq.,	Woodstock, Ont.
Governor H. L. Davis & party,	Ohio.
E. A. Eddy, Esq.,	Sault Ste. Marie, Mich.
A. O. Seymour, Esq.,	Toronto.
D. Haines, Esq.,	Toronto.
A. R. Kenym, Esq.,	Toronto.
Sir Adam Beck.	London, Ont.
J. F. Atwood, Esq.,	
A. C. Baxter & party,	Columbus, Ohio.
Hon. E. C. Drury,	Toronto.
Hon. N. Parliament,	Toronto.
Hon. W. Rollo,	Toronto.
Hon. F. C. Biggs,	Toronto.
Hon. P. Smith,	Toronto.
Hon. H. Nixon,	Toronto.
Hon. R. Grant,	Toronto.
Hon. B. Bowman,	Toronto.
Hon. D. Carmichael,	Toronto.
Hon. M. W. Doherty,	Toronto.
Hon. W. E. Raney,	Toronto.
N. R. Buller, Esq.,	Harrisburg, Pa.
Chairman, Board of Commerce & party,	Detroit, Mich.
W. B. Haines, Esq.,	Akron, Ohio.
M. Ackerman, Esq.,	Cleveland, Ohio.
D. McCarthy, Esq.,	Collingwood, Ont.
E. W. Beatty, Esq.,	Montreal, Que.
G. Hall, Esq.,	Toronto.
W. Seager, Esq.,	Toronto.
D. C. Flatt, Esq.,	Hamilton, Ont.
W. W. Dunlop, Esq.,	Toronto.
C. F. Neelands, Esq.,	Burwash, Ont.

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Mr. Black asked the following Question:

1. For what water-powers has E. W. Backus applied for since 15th December, 1920.
2. What is the estimated possible development of each.
3. When were the respective applications made.
4. If these applications were not made personally, by whom were they made.
5. Has the Government granted any of these applications.
6. If not, is it the intention to grant any of these applications.

And the Minister of Lands and Forests replied in the words following:—

1. June 8th, 1921, application of E. H. Hussey, Chief Engineer, Fort Frances Pulp and Papered Company of which Mr. Backus is President, right to construct dams for power purposes. (1) At Sturgeon Falls on Seine River. (2) On Seine River in the Township of Bennett. (3) On Seine River between Steep Lake and Sawbill Lake. (4) At the outlet of Partridge Lake. (5) At the outle of Crooked Pine Lake. (6) At the outlet of Lac des Mille Lacs. 2. Surveys have not been completed and estimated amount of power cannot be made. 3. No. 4. Under consideration.

On motion of Mr. MacBride, seconded by Mr. McNamara,

*Ordered*, That there be laid before this House, a Return of copies of all correspondence and other documents between the Attorney-General's Department, the Ontario License Board, the Provincial Police Department, or Provincial Secretary's Department and any person or persons in Brantford having to do with the administration of justice for the City of Brantford or County of Brant since October 20th, 1919, to date.

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The Order of the Day for the second reading of Bill (No. 58), To amend the Railway Employees Voting Act, 1918, having been read,

*Ordered*, That the Order be discharged, and that the Bill be withdrawn.

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The following Bills were severally read the second time:—

Bill (No. 50), Respecting the filing of claims against certain companies or their properties.

Referred to a Committee of the Whole House To-morrow.

Bill (No. 61), Respecting Automobile Insurance

Referred to a Committee of the Whole House To-morrow.

Bill (No. 62), Respecting Accident and Sickness Insurance.

Referred to a Committee of the Whole House To-morrow.

Bill (No. 69), Respecting General Sessions of the Peace.

Referred to a Committee of the Whole House To-morrow.

Bill (No. 74), To amend The Land Transfer Tax Act.

Referred to a Committee of the Whole House To-morrow.

The House resolved itself into a Committee to consider Bill (No. 51), Respecting the Sandwich, Windsor and Amherstburg Railway and, after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Watson reported, That the Committee had directed him to report the Bill without any amendment.

*Ordered*, That the Bill be read the third time To-morrow.

The House resolved itself into a Committee to consider Bill (No. 52), To amend the Surrogate Courts Act, and, after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Watson reported, That the Committee had directed him to report the Bill with certain amendments.

*Ordered*, That the Amendments be taken into consideration forthwith.

The Amendments, having been read the second time, were agreed to.

*Ordered*, that the Bill be read the third time To-morrow.

The House then adjourned at 5.30 p.m.

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Tuesday, March 7th, 1922.

PRAYERS.

3.00 O'CLOCK P.M.

Mr. Speaker informed the House:—

That the Clerk had received from the Railway and Municipal Board, their Reports in the following cases:—

Bill (No. 19), Respecting the Town of Tecumseh and

Bill (No. 33), Respecting the City of St. Thomas.

The several Reports were then read by the Clerk at the Table, as follows:—

*To The Honourable, The Legislative Assembly of the Province of Ontario.*

Upon the reference under Rule 61 (a) of Your Honourable House to The Ontario Railway and Municipal Board, of Section 13, of Bill (No. 19), (1922), entitled "An Act respecting the Town of Tecumseh," the Board begs leave respectfully to report that in the judgment of the Board it is reasonable that said Section of the Bill should be passed by your Honourable House, provided that it is amended by inserting the words "Sum not exceeding \$20,000 payable in not more than ten years from the date of issue and bearing such rate of interest as the Council may determine for," at the end of the third line.

Whilst the indebtedness referred to in Section 13 of the Bill should have been paid out of Current Account it does not appear that it was through any default of the Council of the Town of Tecumseh that this was not done, and for this reason the Board recommends that the period for which the debentures be issued be not more than ten years.

All of which is respectfully submitted.

D. M. McINTYRE,  
Chairman.

A. B. INGRAM,  
Vice-Chairman.

J. A. ELLIS,  
Commissioner.

Dated at Toronto,  
this 6th day of March, A.D., 1922.

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*To The Honourable, The Legislative Assembly of the Province of Ontario.*

Upon the reference under Rule 61 (a) of Your Honourable House of The Ontario Railway and Municipal Board, of Section 4 of Bill (No. 33), (1922), entitled "An Act respecting the City of St. Thomas," the Board begs leave respectfully to report that in the judgment of the Board it is reasonable that such Bill should be passed by your Honourable House, provided it is amended by striking out the word "twenty" in the fifth line of Section 4 and insert instead the word "ten."

The indebtedness of \$14,369.33 referred to in such Section can properly be charged to Capital Account, but the indebtedness of \$18,296.88, also referred to in said Section, should have been paid out of Current Revenue, and for this reason the Board recommends that the period for which the debentures be issued be reduced from twenty years to ten years.

All of which is respectfully submitted.

D. M. McINTYRE,  
Chairman.

A. B. INGRAM,  
Vice-Chairman.

J. A. ELLIS,  
Commissioner.

Dated at Toronto,  
this 6th day of March, A.D., 1922.



*Ordered*, That Bill (No. 19), Respecting the Town of Tecumseh be referred to the Committee on Private Bills, with instructions to consider the same with reference to suggestions of the Railway and Municipal Board thereon.

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*Ordered*, That Bill (No. 33), Respecting the City of St. Thomas be referred to the Committee on Private Bills with instructions to consider the same with reference to the suggestions of the Railway and Municipal Board thereon.

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Mr. Carmichael from The Standing Committee on Standing Orders presented Third Report, which was read as follows and adopted:—

Your Committee have carefully examined the following Petitions and find the Notices as Published in each case sufficient:—

Of the Hospital for Sick Children in Toronto, praying that an Act may pass to increase the present authorized number of Trustees and for other purposes.

Of the City Council of Port Arthur, praying that an Act may pass to ratify and confirm certain By-laws.

Of the City Council of Toronto, praying that an Act may pass authorizing the creation of a Fund to be known as "The City of Toronto Insurance Fund" and to ratify and confirm By-law Number 8968.

Of the Town Council of Oakville, praying that an Act may pass to ratify and confirm a certain By-law.

Of The Mount McKay and Kakabeka Falls Railway Company, praying that an Act may pass to extend the time during which the Railway may be operated by steam.

Of the City Council of Ottawa, praying that an Act may pass to amend the Ottawa Civic Hospital Act.

Of the Waterloo Wellington Railway Company, praying that an Act may pass to amend the Act incorporating the Company under the name of "The Berlin and Bridgeport Electric Street Railway Company, Limited" and for an extension of the line.

Of the Town Council of Wallaceburg, praying that an Act may pass authorizing the Corporation to borrow certain moneys to pay off floating debt.

Of Robert H. Simpson and others of Hamilton, praying that an Act may pass to Incorporate the Ottawa Street Incline Company.

Of W. D. Colby and others of Chatham, praying that an Act may pass to incorporate The Ontario Threshermen's Mutual Fire Insurance Company.

Of the City Council of Sault Ste. Marie, praying that an Act may pass to ratify and confirm certain By-Laws.

Of the Town Council of Preston, praying that an Act may pass to repeal Section 3 of By-Law No. 482 and all provisions relating thereto and to ratify certain By-Laws.

Of the City Council of Ottawa, praying that an Act may pass authorizing the Corporation to raise certain moneys for Public Works; to grant a fixed Assessment and for other purposes.

Of the City Council of London, praying that an Act may pass to ratify and confirm By-Law No. 6541, and for other purposes.

Of the Town Council of Collingwood, praying that an Act may pass to validate a payment by the Corporation; a certain agreement and for other purposes.

Of Pierre Edouard Blondin of Ottawa, praying that an Act may pass to authorize the Law Society of Upper Canada to admit him to practise as a Barrister and Solicitor.

Of the Town Council of Mimico praying that an Act may pass to ratify and confirm By-Law number 366 of the Corporation.

Of the City Council of Niagara Falls, praying that an Act may pass to authorize and carry into effect certain changes in the Civil Government of the City by limiting the Council to seven members and a Mayor.

Your Committee recommend that Rule Number 51 of Your Honourable House be suspended in this, that the time for presenting Petitions for Private Bills be further extended until and inclusive of Tuesday, the 14th day of March instant.

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*Ordered.* That the time for presenting Petitions for Private Bills be further extended until and inclusive of Tuesday, the fourteenth day of March instant.

The following Bills were severally introduced and read the first time:—

Bill (No. 7), intituled "An Act respecting the City of Port Arthur."  
Mr. Hogarth.

Referred to the Committee on Private Bills.

Bill (No. 9), intituled "An Act to amend the Ottawa Civic Hospital Act." Mr. Hill.

Referred to the Committee on Private Bills.

Bill (No. 10), intituled "An Act respecting the City of Ottawa." Mr. Hill.

Referred to the Committee on Private Bills.

Bill (No. 11), intituled "An Act respecting the City of Toronto." Mr. Thompson.

Referred to the Committee on Private Bills.

Bill (No. 13), intituled "An Act respecting the Town of Preston."  
Mr. Homuth.

Referred to the Railway and Municipal Board.

Bill (No. 14), intituled "An Act respecting the Mount McKay and Kakebeka Falls Railway Company." Mr. Heenan.

Referred to the Committee on Railways.

Bill (No. 15), intituled "An Act respecting the City of Sault Ste. Marie."  
Mr. Cunningham.

Referred to the Committee on Private Bills.

Bill (No. 23), intituled "An Act to incorporate Ottawa Street Incline Company." Mr. Crockett.

Referred to the Committee on Private Bills.

Bill (No. 24), intituled "An Act respecting the Town of Collingwood."  
Mr. Allan.

Referred to the Railway and Municipal Board.

Bill (No. 25), intituled "An Act to incorporate the Ontario Threshermen's Mutual Fire Insurance Company." Mr. Brackin.

Referred to the Committee on Private Bills.

Bill (No. 26), intituled "An Act respecting the City of Niagara Falls."  
Mr. Swayze.

Referred to the Committee on Private Bills.

Bill (No. 27), intituled "An Act to authorize the Law Society of Upper Canada to admit Pierre Edouard Blondin to practise as a Barrister and Solicitor." Mr. Hill.

Referred to the Committee on Private Bills.

Bill (No. 28), intituled "An Act respecting the Town of Mimico."  
Mr. Godfrey.

Referred to the Committee on Private Bills.

Bill (No. 29), intituled "An Act to confirm By-Law 650 of the Town of Oakville." Mr. Curry.

Referred to the Railway and Municipal Board.

Bill (No. 34), intituled "An Act respecting the City of London." Mr. Stevenson.

Referred to the Committee on Private Bills.

Bill (No. 43), intituled "An Act respecting the Hospital for Sick Children." Mr. Thompson.

Referred to the Committee on Private Bills.

Bill (No. 45), intituled "An Act respecting the Waterloo Wellington Railway Company." Mr. Asmussen.

Referred to the Committee on Railways.

Bill (No. 97), intituled "An Act respecting Liens of Mechanics, Wage-earners and others." Mr. Raney.

*Ordered*, That the Bill be read the second time To-morrow.

Bill (No. 98), intituled "An Act to amend the Local Improvement Act."  
Mr. MacVicar.

*Ordered,* That the Bill be read the second time To-morrow.

Bill (No. 99), intituled "An Act to amend the Judicature Act." Mr. Oke.

*Ordered,* That the Bill be read the second time To-morrow.

Bill (No. 101), intituled "An Act to amend the Steam Boilers Act."  
Mr. Oke.

*Ordered,* That the Bill be read the second time Tomorrow.

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The House resolved itself into a Committee to consider Bill (No. 61), respecting Automobile Insurance, and, after some time spent therein, Mr. Speaker resumed the Chair; and Mr. MacVicar reported That the Committee had made some progress, and directed him to ask for leave to sit again.

*Resolved,* That the Committee have leave to sit again Tomorrow.

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The Attorney-General presented to the House certain Letters and Documents in the matter of the Shevlin—Clarke, Company, Limited. (*Sessional Papers, No. 62.*)

The House then adjourned at 6.00 p.m.

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Wednesday, March 8th, 1922.

PRAYERS.

3.00 O'CLOCK P.M.

The following Petitions were read and received:—

Of the City Council of Niagara Falls, praying that an Act may pass to ratify and confirm a certain By-law.

Of the City Council of St. Catharines, praying that an Act may pass to ratify and confirm a certain By-law and for other purposes.

The following Bills were severally introduced and read the first time:—

Bill (No. 102), intituled "An Act to amend the Assessment Act." Mr. Crockett.

*Ordered,* That the Bill be read the second time To-morrow.

Bill (No. 103), intituled "An Act to amend the Highway Improvement Act." Mr. Black.

*Ordered,* That the Bill be read the second time To-morrow.

Bill (No. 104), intituled "An Act to abolish Bonusing Powers by Municipal Corporations." Mr. Crockett.

*Ordered,* • That the Bill be read the second time To-morrow.

Bill (No. 105), intituled "An Act respecting the Examining and Licensing of Electrical Contractors and Journeymen Electricians." Mr. Swayze.

*Ordered,* That the Bill be read the second time To-morrow.

Bill (No. 106), intituled "An Act to amend the Conveyancing and Law of Property Act." Mr. Hill.

*Ordered,* That the Bill be read the second time To-morrow.

Bill (No. 107), intituled "An Act to amend the Railway Employees Voting Act, 1918." Mr. Stevenson.

*Ordered,* That the Bill be read the second time To-morrow.

Bill (No. 108), intituled "An Act to amend the Municipal Act." Mr. Stevenson.

*Ordered,* That the Bill be read the second time To-morrow.

Bill (No. 109), intituled "An Act to amend the Ontario Voter's List Act." Mr. Stevenson.

*Ordered,* That the Bill be read the second time To-morrow.

Bill (No. 110), intituled "An Act to vary and validate the timber licenses of Shevlin-Clarke Company, Limited." Mr. Raney.

*Ordered,* That the Bill be read the second time To-morrow.

Mr. Drury, requesting the privilege of the House, proceeded to discuss the matter involving the Nepigon Pulp and Timber Limits and after some time spent therein, it was, on the motion of Mr. Ferguson,

*Ordered*, That the discussion be postponed until Monday next.

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Mr. Drury presented to the House:

An Agreement made on the Ninth day of February, one thousand nine hundred and twenty-two, between His Majesty, represented by the Honourable the Minister of Lands and Forests for the Province of Ontario, hereinafter called the Government, of the first part, and Lewis L. Alstead, Esquire, of the City of Milwaukee, in the State of Wisconsin, and George A. Seaman, Esquire, of the City of Chicago in the State of Illinois, hereinafter called the Grantees, respecting a lease, or leases, of Water Power on Pic River and Black Sturgeon Pulp and Timber Limits. (*Sessional Papers, No. 63*).

The House then adjourned at 6.15 p.m.

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Thursday, March 9th, 1922.

PRAYERS.

3.00 O'CLOCK P.M.

The following Bills were severally introduced and read the first time:—

Bill (No. 111), intituled "An Act to amend the Election Laws Amendment Act, 1920." Mr. Stevenson.

*Ordered*, That the Bill be read the second time To-morrow.

Bill (No. 112), intituled "An Act to amend the Assessment Act." Mr. Stevenson.

*Ordered*, That the Bill be read the second time To-morrow.

Bill (No. 113), intituled "An Act to amend the Beach Protection Act." Mr. Mills.

*Ordered*, That the Bill be read the second time To-morrow.

Bill (No. 114), intituled "An Act respecting Licenses for Billiard and Pool Rooms and Bowling Alleys." Mr. Smith.

*Ordered*, That the Bill be read the second time To-morrow.

Bill (No. 115), intituled "An Act to amend the Municipal Act." Mr. Crawford.

*Ordered,* That the Bill be read the second time To-morrow.

Bill (No. 116), intituled "An Act to amend the Assessment Act." Mr. Lewis.

*Ordered,* That the Bill be read the second time To-morrow.

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Mr. Hay asked the following Question:—

1. Who were the commissioners appointed on the Public Service Commissions. 2. Date of appointments. (a) Their occupations, (b) their post office addresses. 3. Number of public sittings of commission. 4. Total number of days of service. 5. Remuneration if any arranged before commissioner engaged entered upon his work. 6. Total cost of commission paid directly by the Government. 7. Cost of commission paid through any other Government organization. 8. Total amount of account for services rendered by each commissioner. 9. Amount paid to each commissioner. 10. Balance if any due. 11. Total amount for expenses presented by each commissioner. 12. Amount paid to each commissioner. 13. Balance if any due.

And the Attorney-General replied in the words and figures following:—

1. Walter D. Gregory, Barrister-at-law, Toronto; Norman Sommerville, Barrister-at-law, Toronto; Dr. Horace L. Brittain, Director of the Citizens' Research Institute of Canada, Toronto; Albert Hellyer, Farmer, Kenilworth, township of Arthur, and Edward A. Pocock, Editor, London. 2. June 30th, 1920.—(a) Answered by one. (b) Answered by one. 3. Public sittings were held in 27 cities and towns other than Toronto, during 31 days. In Toronto the public sittings occupied 36 days. 4. 87. 5. None. 6. \$23,999.73. 7. None. 8. W. D. Gregory, \$5,820.00; Norman Sommerville, \$3,080.00; Dr. Brittain, \$1,340.00; Albert Hellyer, \$1,620.00; E. A. Pocock, \$1,840.00. 9. Same as 8. 10. Services not completed. Final accounts not rendered. 11. W. D. Gregory, \$595.22; Norman Sommerville, \$373.18; Dr. Brittain, \$338.15; Albert Hellyer, \$563.85; E. A. Pocock, \$917.27. 12. W. D. Gregory, \$594.92; Norman Sommerville, \$373.18; Dr. Brittain, \$336.35; Albert Hellyer, \$563.85; E. A. Pocock, \$914.87. 13. Services not completed. Final accounts not rendered.

Mr. Hay asked the following Question:—

1. How many meetings did the Hydro-Electric Commission have during the year 1921. 2. Who were the Commissioners who attended each meeting. 3. What was the length of time devoted by the Commissioners at each meeting.



To which Mr. Carmichael, Minister without portfolio, replied as follows:

1. 25 regular meetings. 2. Mr. Lucas, 16 meetings; Chairman, 23 meetings; Mr. Miller, 9 meetings; Col. Carmichael, 18 meetings. 3. From two to twelve hours each meeting according to the importance and number of matters to be dealt with.

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Mr. Casselman asked the following Question:—

What were the respective amounts of money paid by the Hydro-Electric Power Commission as insurance premiums to insurance agents doing business in the City of Toronto for the fiscal year ending October 31st, 1921.

And Mr. Carmichael, Minister without portfolio, replied as follows:—

Armour, Bell, Boswell & Cronyn . . . . .	\$ 1,542.00
Armstrong & DeWitt Co. . . . .	30.00
Dale & Co., Ltd. . . . .	6,940.53
Globe Indemnity Co. . . . .	15,562.19
Thos. Hook . . . . .	30.00
Irish & Maulson . . . . .	30.00
Jones & Proctor Bros. . . . .	30.00
Lyon & Harvey . . . . .	240.00
J. T. Locke & Co. . . . .	16.00
F. & J. McMulkin . . . . .	1,581.09
Magnire & Cannon . . . . .	31,067.71
Medland & Son . . . . .	40.00
Muntz & Beatty . . . . .	30.00
Reed, Shaw & McNaught . . . . .	384.41
Royal Insurance Co. . . . .	7,815.61
F. D. Smart . . . . .	196.00
Thompson, Dale & Power Co. . . . .	3,453.12
R. J. Villiers . . . . .	504.00
A. E. Wilson & Co. . . . .	5,287.76
Wood, Meen & Paterson . . . . .	6,732.12

Mr. Sinclair asked the following Question:—

1. How many members of the Ontario Legislature participated in the tour over the Provincial Highways in October last, as reported in the Farmers Sun of November 2nd, 1921. 2. What members of the Legislature participated in the tour. 3. Was the tour organized by any member of the Government. 4. Was any part of the cost borne by the Government. 5. If any of the said cost was borne by the Government, what was the amount.

To which the Minister of Public Works replied:

1. Fourteen. 2. Mr. Biggs, Mr. Oke, Mr. Webster, Mr. Ross (Glen-garry), Mr. Watson, Mr. Sewell, Mr. Freeborn, Mr. Leeson, Mr. Cameron, Mr. Warren, Mr. Cridland, Mr. Fox, Mr. Taylor and Mr. Sandy. 3. No. 4. No. 5. See answer to 4.

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Mr. Rennie asked the following Question:—

What has been the cost of maintenance together with other expenses connected with Government House during the fiscal year ending 31st October, 1921.

And the Minister of Public Works replied:

\$33,086.38.

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Mr. Hogarth asked the following Question:—

1. Has the Liquor License Department in its employ a man by the name of Samuel McCutcheon, alias McDunn. 2. What was the date of his appointment. 3. What were his duties. 4. By whom was he recommended to the Department. 5. Is he still in the Government's employ. 6. If not, was he discharged, or did he voluntarily resign. 7. What was he paid.

And the Attorney General replied:

1. No. 2. The Department had in its employ from the 26th of August, to the 16th of September, 1921, one Samuel Dunn, and from the 16th of September, 1921, to the 15th of November, 1921, one Samuel McCutcheon. 3. Special Officers. 4. No one. 5. No. 6. Employment temporary and not re-engaged at completion of employment. 7. Paid at the rate of \$100 per month.

Mr. Hogarth asked the following Question:—

1. Was Police Officer Baugh in the employ of the Government doing special duty in Toronto. 2. How much money was he paid for such special duty. 3. When was he employed. 4. What were his special duties. 5. Is he still in the employ of the Government. 6. If so, where.

And the Attorney General replied:

1. Provincial Constable Baugh was sworn in as such constable on the 24th November, 1921, and pending his departure for Brantford, on the 9th December, 1921, was used for Police duties at Toronto. 2. No money was paid him except his salary as Provincial Constable. 3. Answered by 1. 4. Answered by 1. 5. Yes. 6. Brantford.

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Mr. Hogarth asked the following Question:—

1. Had the Liquor License Department in its employ the following female operators: Stella Bailey; . . . Bailey (sister of Stella Bailey); Mrs. Stanley Nash; Mrs. Cross; Mrs. Edna Collins. 2. When were each of the above engaged. 3. What were their respective duties. 4. What were they paid. 5. Are they still in the employ of the Government. 6. If not, did they voluntarily resign, or were they discharged. 7. Has the Liquor License Department any other female operators. 8. If so, how many, and what are their names.

And the Attorney General replied as follows:

1. No. 2. Answered by 1. 3. Answered by 1. 4. Answered by 1. 5. Answered by 1. 6. Answered by 1. 7. No. 8. Answered by No. 7.

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Mr. Thompson asked the following Question:—

1. Was Howard Stewart, of Weston, ever in the employ of the Liquor License Department. 2. If so, when. 3. What were his duties. 4. Did he resign voluntarily, or was he discharged.

To which the Attorney General replied:

1. Yes, some years ago before this Government came into office. 2. Answered by No. 1. 3. Special Officer. 4. Employment temporary and not re-engaged at completion of employment.

Mr. Price asked the following Question:—

1. Was Mr. Struck ever in the employ of the Liquor License Department. 2. If so, when. 3. What were his duties. 4. Did he resign voluntarily, or was he discharged.

To which the Attorney General replied:

1. No.
  2. Answered by No. 1.
  3. Answered by No. 1.
  4. Answered by No. 1.
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Mr. Godfrey asked the following Question:—

1. Was Lloyd Gordon ever in the employ of the Liquor License Department.
2. If so, when.
3. What were his duties.
4. Did he resign voluntarily, or was he discharged.

And the Attorney General replied in the words following:

1. Yes.
  2. From the 15th to the 31st of August, 1921.
  3. Special Officer.
  4. Employment temporary and not re-engaged at the completion of his employment.
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Mr. Price asked the following Question:—

1. Was Wm. Hunter ever in the employ of the Liquor License Department.
2. If so, when.
3. What were his duties.
4. Did he resign voluntarily or was he discharged.

To which the Attorney General replied as follows:—

1. Yes, some years ago before this Government came into office.
  2. Answered by No. 1.
  3. Special Officer.
  4. Employment temporary, and not re-engaged at completion of employment.
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Mr. Lennox asked the following Question:—

1. Has the Liquor License Department had in its employ during 1920 and 1921 the following: Tony Phillips, Phillip Raymond, Stanley Cairns, Vincent Nas, Edward Lewis, H. Solomon.
2. When did their respective engagement commence.
3. Are they, or any of them still in the employ of the Government.
4. Did they voluntarily resign, or have they been discharged, and when.

And the Attorney General replied as follows:—

1. Tony Phillips, No; Raymond Phillips (not Phillip Raymond) Yes; Edward Lewis, Yes; Stanley Cairns, No; Vincent Nas, No; H. Solomon, No;
2. Raymond Philips, on the 1st of May, 1921, Edward Lewis, April, 1918,
3. No. 4. Edward Lewis resigned. Raymond Phillips employment temporary, and not re-engaged at completion of employment.

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Mr. Ireland asked the following Question:—

1. Had, or has the Government in its employ operators:—Cecil Flack, Norman E. Havs, John E. King, Louis Schemnitz, James O'Leary and William Hallam, Sr.
2. Are they still in the employ of the Government.
3. If not still in the employ of the Government, did they resign voluntarily or were they discharged, and when.

To which the Attorney General replied:

1. Yes, except J. E. King and William Hallam.
2. No, except A. Flack.
3. Employment temporary and not re-engaged at completion of employment.

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Mr. Ireland asked the following Questions:—

1. Were there in the employ of the Liquor License Department as operators in 1920 and 1921 the following:—Jack Robinson, J. A. Bell, Leo Bellar, H. H. McCutcheon, Frank Budway, Stanley Nash.
2. Are they still in the employ of the Government.
3. If not, when did they quit.
4. Were they discharged or did they voluntarily resign.
5. What were their duties.
6. What is the date of last cheque for wage issued to F. Budway.

And the Attorney-General replied in the words following:—

1. Jack Robinson and Leo Bellar, No. J. O. Bell (not J. A. Bell), H. H. McCutcheon, Frank Budway, Stanley Nash, yes.
2. No.
3. J. O. Bell, November 30th, 1921; H. H. McCutcheon, October 16th, 1921; Frank Budway, December 31st, 1921; Stanley Nash, November 10th, 1921.
4. Em-  
ployment temporary, and not re-engaged at completion of employment.
5. Special Officers.
6. December 31st, 1921.

Mr. Hogarth asked the following Question:

1. Has the Government in its employ a police officer by the name of Charlton.
2. When did his employment commence.
3. What was his occupation prior to his appointment.
4. Is he drawing a pension from the Toronto Police Pension Fund.
5. If so, how much.
6. What is his salary at the

present time. 7. Has the Liquor License Department in its employ a man by the name of Mulhall. 8. When did his employment commence. 9. What position does he hold. 10. Was he previously a member of the Toronto Police Force. 11. Was he discharged from the Toronto Police Force or did he voluntarily resign. 12. Does he draw a pension from the Toronto Police Pension Fund. 13. What is his salary at the present time. 14. Has the Government in its employ a Police Officer by the name of Sarvis. 15. In what capacity is he employed. 16. What is his nationality. 17. How many sons has he. 18. Are any of them in the employ of the Government.

And the Attorney-General replied in the words and figures following:—

1. Mr. Charlton is a Provincial Officer under the Ontario Temperance Act. 2. November 8, 1920. 3. Inspector of Police. 4. Yes. 5. \$87.00 per month. 6. \$125.00 per month. 7. Yes. 8. July 28, 1920. 9. Provincial Officer under the Ontario Temperance Act. 10. Yes. 11. Resigned. 12. Yes. 13. \$125.00 per month. 14. Mr. Sarvis is a Provincial Inspector under the Ontario Temperance Act. 15. Answered by No. 14. 16. Canadian. 17. Eight. 18. No.

Mr. Ecclestone, asked the following Question:

1. Had, or has the Government in its employ in the Liquor License Department during the years 1920 or 1921, a man by the name of Alex. Courian. 2. What were his duties. 3. Is he still in the employ of the Government. 4. If not, when did he leave. 5. Was he discharged or did he voluntarily resign.

And the Attorney-General replied:

1. Yes. 2. Temporary Provincial Officer under The Ontario Temperance Act. 3. No. 4. October 15th, 1921. 5. Resigned.

Mr. Kennedy asked the following Question:—

1. Had, or has the Government in its employ in the Liquor License Department during the years 1920 or 1921, a man by the name of . . . Gunn. 2. What were his duties. 3. Is he still in the employ of the Government. 4. If not, when did he leave. 5. Was he discharged, or did he voluntarily resign.

To which the Attorney-General replied:

1. No. 2. Answered by No. 1. 3. Answered by No. 1. 4. Answered by No. 1. 5. Answered by No. 1.

Mr. Kennedy asked the following Question:—

1. Had, or has the Government in its employ in the Liquor License Department during the years 1920 or 1921, a man by the name of Earl Forester. 2. What were his duties. 3. Is he still in the employ of the Government. 4. If not, when did he leave. 5. Was he discharged, or did he voluntarily resign.

And the Attorney-General replied:—

1. No. 2. Answered by No. 1. 3. Answered by No. 1. 4. Answered by No. 1. 5. Answered by No. 1.

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Mr. Allan asked the following Question:—

1. Had, or has the Government in its employ in the Liquor License Department during the years 1920 or 1921, a man by the name of W. Cavanagh. 2. What were his duties. 3. Is he still in the employ of the Government. 4. If not, when did he leave. 5. Was he discharged, or did he voluntarily resign.

To which the Attorney-General replied:—

1. No. 2. Answered by No. 1. 3. Answered by No. 1. 4. Answered by No. 1. 5. Answered by No. 1.

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Mr. Allan asked the following Question:—

1. Had, or has the Government in its employ in the Liquor License Department during the years 1920 and 1921, a man by the name of C. J. Zryd. 2. What were his duties. 3. Is he still in the employ of the Government. 4. If not, when did he leave. 5. Was he discharged, or did he voluntarily resign.

And the Attorney-General replied:—

1. No. 2. Answered by No. 1. 3. Answered by No. 1. 4. Answered by No. 1. 5. Answered by No. 1.

Mr. Kennedy asked the following Question:—

1. How many Community Halls have received grants from the Government during the fiscal year ending October 31st, 1921. 2. Where are the several Halls situate. 3. By whom were the respective Halls built, and what was the cost of each.

And the Minister of Agriculture replied:—

1. Two. 2. Lakefield, Blyth. 3. Village of Lakefield, \$38,000; Residents of Blyth and Townships of E. Wawanosh, Morris Hullett, \$25,000.

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The House again resolved itself into a Committee to consider Bill (No. 61), Respecting Automobile Insurance, and, after some time spent therein, Mr. Speaker resumed the Chair; and Mr. MacVicar reported, That the Committee had made some progress, and directed him to ask for leave to sit again.

*Resolved*, That the Committee have leave to sit again To-morrow.

The House then adjourned at 5.45 p.m.

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Friday, March 10th, 1922.

PRAYERS.

3.00 O'CLOCK P.M.

The following Bills were severally introduced and read the first time:—

Bill (No. 117), intituled "An Act to amend the Municipal Act. Mr. Homuth.

*Ordered*, That the Bill be read the second time on Monday next.

Bill (No. 118), intituled "An Act to amend The Ontario Voters' Lists Act. Mr. Staples.

*Ordered*, That the Bill be read the second time on Monday next.

Bill (No. 119), intituled "An Act respecting Voters' Lists. Mr. Drury.

*Ordered*, That the Bill be read the second time on Monday next.

Bill (No. 120), intituled "An Act to amend The Municipal Act." Mr. Curry.

*Ordered*, That the Bill be read the second time on Monday next.

Bill (No. 121), intituled "An Act to amend the Limitations Act." Mr. Staples.



*Ordered*, That the Bill be read the second time on Monday next.

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Mr. Black asked the following Question:—

1. Did the Prime Minister, or any member of the Government, receive a copy of a Resolution passed by the members of the Ontario daily newspapers on or about June 4th, 1920, as follows:—

WHEREAS press despatches to-day from Winnipeg quote the Mayor of Kenora as stating that the Backus pulp and paper interests at Fort Frances have applied to the Ontario Government for valuable timber limits along the English River and power development rights at White Dog Falls near Kenora;

AND WHEREAS, the same interests have not yet fulfilled the conditions on which they secured from the Ontario Government several years ago, a pulp wood concession of eighteen hundred square miles, in the Lake of the Woods district.

AND WHEREAS, these are the interests that control the Fort Frances Pulp and Paper Company, Ltd., which recently cut off the newsprint supplies of its Canadian newspaper customers in order to ship its entire production to United States and which is still refusing to supply the newsprint requirements of its Canadian customers even at the current contract price for export to foreign countries;

AND WHEREAS, the Fort Frances Pulp and Paper Company, Ltd., was established partly with a view to supplying the newsprint requirements of the newspapers in that part of Canada, and in connection with its establishment received valuable concessions from the Ontario Government;

BE IT RESOLVED that this meeting of publishers of daily newspapers in Ontario, that have been facing suspension owing to the threatened diversion of their newsprint supplies to United States, expresses its unanimous opinion that, in view of the attitude of the Backus interests towards domestic requirements of newsprint, it is not in the public interest that the Backus interests should be granted any further pulpwood or power concessions in Canada.

AND THAT, all pulpwood concessions previously granted to those interests in respect of which they may be in default should be cancelled forthwith;

AND THAT, a copy of this Resolution be forwarded to the Ontario Government, with a strong recommendation that effect be given to the recommendations herein made.

2. If so, what consideration did the Government give to the Resolution, and what action was taken by the Government.

To which the Minister of Lands and Forests replied:

1. Yes. 2. Before the receipt of this Resolution, the attention of the Government had been drawn to the paper shortage and efforts had been made by the Minister of Lands and Forests to obtain a supply for newspapers in Ontario, which were unable to secure paper. These efforts were continued after the receipt of the above Resolution, and in certain instances to which the Minister's attention was specifically drawn by the Ontario newspapers, a supply was arranged for. Upon receipt of the Resolution a conference was held between the Canadian Daily Newspapers Association, the Fort Frances Pulp and Paper Company and the Government, and the Company was urged to meet the requirements of the Canadian press. Negotiations followed between the Paper Company and the Press, which resulted, in the Company undertaking to provide a supply for its former customers. Subsequently, in order to ensure a supply of paper in the future to the Canadian Press, the Government inserted in the Agreement for the extension of the Lake of the Woods pulp limit concession, a clause providing that the Company must reserve a certain proportion of paper for consumption in Canada. The same clause was inserted in the English River pulp agreement and in other agreements.

Mr. Buckland asked the following Question:—

1. What was the total amount of timber dues collected for the years 1920 and 1921, respectively. 2. What was the amount of pulpwood dues collected for the years 1920 and 1921, respectively. 3. How much was paid for (1) spruce, (2) other pulpwood, during each of these years.

To which the Minister of Lands and Forests replied:—

1.	1920.....	\$2,315,417.32	(collections).
	1921.....	\$3,477,127.64	"
2.	1920.....	\$119,450.80	"
	1921.....	\$719,169.03	"
3. (1)	1920	Dues 40c. <i>per cord.</i>	
	1921	" 80c. <i>per cord.</i>	
(2)	1920	Dues 20c. <i>per cord.</i>	
	1921	" 40c. <i>per cord.</i>	

Mr. Fowler asked the following Question:—

1. What was the date of sale of the Nipigon pulp concession in 1920.
2. How long was it advertised.
3. In how many newspapers was it advertised.
4. How many bids were received.
5. Who were the bidders and what was the amount of each bid.
6. Who was the successful bidder.

And the Minister of Lands and Forests replied in the words and figures following:—

1. December 29th, 1920.
2. From October 21st, 1920 to December 29th, 1920.
3. Eighteen.
4. One.
5. Provincial Paper Mills, Ltd., Toronto. Spruce Pulpwood \$1.33 Bonus addition Crown dues 80c. or \$2.13 cord. Balsam and other Pulpwood 20c. Bonus addition Crown dues 40c or 60c. cord. Pine Sawlogs 5.00 Bonus addition Crown dues 2.50 or \$7.50 M. Or such other rates as from time to time may be fixed by the Lieutenant-Governor-in-Council.
6. Answered by No. 5.

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On motion of Mr. Ferguson, seconded by Mr. Henry,

*Ordered*, That there be laid before this House, a Return of all correspondence, telegrams or communications between the Attorney-General, the Prime Minister or any member of the Government, N. W. Rowell or R. T. Harding, representing the Attorney-General, and E. W. Backus or any official of the Internation Lumber Company of Minnesota in connection with the action against the Shevlin-Clarke Company, relative to Berths 45 and 49 and 51.

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On motion of Mr. Ferguson, seconded by Mr. Henry,

*Ordered*, That there be laid before this House, a Return of copies of all correspondence between the Minister of Lands and Forests, the Prime Minister, the Attorney-General, or any Member of the Government and E. W. Backus or any person on his behalf or any other company, firm or person, together with all estimates, reports, advertisements, conditions of sale, tenders, agreements, maps, documents, memoranda and papers of every kind and nature relating to (1) The Lake of the Woods pulp concession; (2) The White Dog Rapids water power or any other waterpower in Ontario; (3) The English River Pulp concession; (4) The Keewatin Lumber Company; (5) The Keewatin Power Company.

The following Bills were severally read the second time:—

Bill (No. 56), To amend the Municipal Act.

Referred to the Municipal Committee.

Bill (No. 80), Intituled An Act to amend the Assessment Act.

Referred to the Municipal Committee.

Bill (No. 81), To amend the Assessment Act.

Referred to the Municipal Committee.

Bill (No. 83), To amend the Highway Act.

Referred to the Municipal Committee.

Bill (No. 63), Respecting Reciprocal or Inter-insurance.

Referred to a Committee of the Whole House on Monday next.

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The House then adjourned at 5.00 p.m.

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MONDAY, MARCH 13TH, 1922.

PRAYERS.

3.00 O'CLOCK, P.M.

The following Petition was brought up and laid upon the Table:—

By Mr. Fenton, the Petition of the Town Council of Wiaraton.

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The following Bills were severally introduced and read the first time:—

Bill (No. 72), intituled "An Act respecting the Town of Wallaceburg."  
Mr. Brackin.

Referred to the Railway and Municipal Board.

Bill (No. 123), intituled "An Act to amend The Ontario Railway Act." Mr. Raney.

*Ordered*, That the Bill be read the second time To-morrow.

Bill (No. 124), intituled "An Act to amend The Ontario Railway and Municipal Board Act." Mr. Raney.

*Ordered*, That the Bill be read the second time To-morrow.

Bill (No. 125), intituled "An Act to amend The Municipal Act." Mr. Tooms.

*Ordered*, That the Bill be read the second time To-morrow.

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The Order of the Day for the second reading of Bill (No. 77), To amend the Assessment Act having been read,

Mr. Lewis moved,

That the Bill be now read the second time.

And the Motion, having been put, was lost on a Division.

And so it was declared in the Negative.

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The following Bills were severally read the second time:—

Bill (No. 79), To amend The Municipal Act.

Referred to The Municipal Committee.

Bill (No. 71), To aid in the Grading and Packing of Fruit.

Referred to a Select Committee to be composed as follows:—Messieurs. Doherty, Montgomery, Sewell, Leeson, Swayze, Cook, Black, Bragg and Marshall.

Bill (No. 76), To amend The Private Detectives Act.

Referred to a Committee of The Whole House To-morrow.

Bill (No. 86), Respecting Mineral Rights in certain Canada Company's Lands.

Referred to a Committee of The Whole House To-morrow.

Bill (No. 87), To amend The Mining Tax Act.

Referred to a Committee of The Whole House To-morrow.

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The House again resolved itself into a Committee to consider Bill (No. 61), Respecting Automobile Insurance and, after some time spent therein, Mr. Speaker resumed the Chair; and Mr. MacVicar reported, That the Committee had made some progress, and directed him to ask leave to sit again.

*Resolved*, That the Committee have leave to sit again To-morrow.

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The House resolved itself into a Committee to consider Bill (No. 62), Respecting Accident and Sickness Insurance and, after some time spent therein, Mr. Speaker resumed the Chair; and Mr. MacVicar reported, That the Committee had made some progress, and directed him to ask leave to sit again.

*Resolved*, That the Committee have leave to sit again To-morrow.

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The House then adjourned at 6.10 p.m.

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TUESDAY, MARCH 14TH, 1922.

PRAYERS.

3.00 O'CLOCK, P.M.

The following Petition was brought up and laid upon the Table:—

By Mr. Sinclair, the Petition of the Town Council of Oshawa.

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Mr. Carmichael, from the Standing Committee on Standing Orders, presented their Fourth Report, which was read as follows and adopted:—

Your Committee have carefully examined the following Petitions and find the Notices as published in each case sufficient.

Of the Town Council of Sudbury, praying that an Act may pass to ratify and confirm certain By-laws.

Of the Town Council of Walkerville, praying that an Act may pass to validate the Grant to the Corporation of certain lands and premises known as "Willistead"; and for other purposes.

Of the Town Council of Merritton, praying that an Act may pass to amend their Act of incorporation.

Of the Township Council of York, praying that an Act may pass to validate certain sales of land and for the construction of certain Public Works.

Your Committee recommend that Rule No. 51 of Your Honourable House be further suspended in this, that the time for presenting Petitions for Private Bills be further extended until and inclusive of Tuesday, the 21st of March instant, and that the time for introducing Private Bills be extended until and inclusive of Friday, the 31st day of March instant.

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*Ordered*, That the time for presenting Petitions for Private Bills be further extended until and inclusive of Tuesday the twenty-first day of March instant.

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*Ordered*, That the time for introducing Private Bills be further extended until and inclusive of Friday, the thirty-first day of March instant.

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The following Bills were severally introduced and read the first time:—

Bill (No. 17), intituled "An Act respecting the Town of Walkerville."  
Mr. Tolmie.

Referred to the Committee on Private Bills.

Bill (No. 32), intituled "An Act respecting the Town of Sudbury."  
Mr. McCrea.

Referred to the Committee on Private Bills.

Bill (No. 41), intituled "An Act to amend an Act to incorporate the Town of Merritton." Mr. Greenlaw.

Referred to the Committee on Private Bills.

Bill (No. 89), intituled "An Act respecting the Township of York."  
Mr. Henry.

Referred to the Committee on Private Bills.

Bill (No. 127), intituled "An Act to secure adequate provision for the maintenance of the Wife and Children of a Testator." Mr. Watson.

*Ordered*, that the Bill be read the second time Tomorrow.

Bill (No. 128), intituled "An Act to amend the Lands Titles Act."  
Mr. Price.

*Ordered*, that the Bill be read the second time Tomorrow.

Bill (No. 129), intituled "An Act to amend the Registry Act."  
Mr. Price.

*Ordered*, that the Bill be read the second time Tomorrow.

Bill (No. 130), intituled "An Act to amend the Provincial Highways Act." Mr. Biggs.

*Ordered*, that the Bill be read the second time Tomorrow.

Bill (No. 131), intituled "An Act to amend the Highway Improvement Act." Mr. Biggs.

*Ordered*, that the Bill be read the second time Tomorrow.

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The Provincial Secretary presented to the House, by command of His Honour the Lieutenant-Governor:—

The Public Accounts of the Province for the year 1921. (*Sessional Papers, No. 1.*)

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*Ordered*, That the Public Accounts of the Province for the year 1921 be referred to the Standing Committee on Public Accounts.

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The House resolved itself into a Committee to consider Bill (No. 53), To amend the Agricultural Development Act and, after some time spent therein, Mr. Speaker resumed the Chair; and Mr. MacVicar reported, That the Committee had directed him to report the Bill with certain amendments.



*Ordered*, That the Amendments be taken into consideration forthwith.

The Amendments, having been read the second time, were agreed to.

*Ordered*, That the Bill be read the third time Tomorrow.

The Provincial Secretary presented to the House, by command of His Honour the Lieutenant-Governor:—

Regulations and Orders in Council made since February 22nd, 1922, under the authority of the Department of Education Act, or of the Acts relating to Public Schools, Separate Schools, or High Schools. (*Sessional Papers, No. 56.*)

Also—Report of Commission to conduct an Inquiry into the truth or falsity of charges relating to Toronto Police Court, etc., etc., etc. (*Sessional Papers, No. 64.*)

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The House then adjourned at 6.20 p.m.

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WEDNESDAY, MARCH 15TH, 1922.

PRAYERS.

3.00 O'CLOCK, P.M.

The following Petition was read and received:—

Of the Town Council of Warton, praying that an Act may pass to ratify and confirm a certain By-law.

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The following Bills were severally introduced and read the first time:—

Bill (No. 132), intituled "An Act to amend The Ontario Insurance Act." Mr. Homuth.

*Ordered*, That the Bill be read the second time To-morrow.

Bill (No. 133), intituled "An Act to amend the Hydro-Electric Railways Act." Mr. Curry.

*Ordered*, That the Bill be read the second time To-morrow.

Bill (No. 134), intituled "An Act to amend the Municipal Act." Mr. Curry.

*Ordered*, That the Bill be read the second time To-morrow.

Bill (No. 135), intituled "An Act to amend the Municipal Act." Mr. Asmussen.

*Ordered*, That the Bill be read the second time To-morrow.

Bill (No. 136), intituled "An Act to amend the Statute Labour Act." Mr. Hall.

*Ordered*, That the Bill be read the second time To-morrow.

Bill (No. 137), intituled "An Act to amend the Municipal Act." Mr. Murdoch.

*Ordered*, That the Bill be read the second time To-morrow.

Bill (No. 138), intituled "An Act to amend the Mothers' Allowance Act." Mr. Casselman.

*Ordered*, That the Bill be read the second time To-morrow.

Bill (No. 139), intituled "An Act to amend the High School Act." Mr. Gray.

*Ordered*, That the Bill be read the second time To-morrow.

Bill (No. 140), intituled "An Act to amend the Dog Tax and Sheep Protection Act." Mr. Casselman.

*Ordered*, That the Bill be read the second time To-morrow.

Bill (No. 141), intituled "An Act to amend the Rural Hydro-Electric Distribution Act." Mr. Casselman.

*Ordered*, That the Bill be read the second time To-morrow.

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Mr. Cook asked the following Question:—

1. What is the total amount of Legislative grants paid for the year 1921, (a) To Rural Public Schools, (b) To Rural Separate Schools. 2. What amounts of the Legislative Grants have been paid to:—(a) Rural Public Schools, (b) Rural Separate Schools, apportioned upon the following basis:

- (1) According to assessment.
- (2) The annual salary paid to teachers.
- (3) Grade of certificate held and length of the teacher's teaching experience.
- (4) The equipment and accommodation of the schools.
- (5) A graded "Fixed Grant" where the section assessment is less than \$50,000.

To which the Minister of Education replied in the words and figures following:—

1. (a) \$1,510,289.95. (b) \$135,627.52.

2. (1)— Assessment	Public	Separate
Below \$30,000.00 . . . . .	\$ 167,352.94	\$ 7,348.20
\$ 30,000—\$ 40,000 . . . . .	47,043.80	15,653.13
40,000— 60,000 . . . . .	102,625.03	18,576.96
60,000— 100,000 . . . . .	232,632.66	23,632.01
100,000— 300,000 . . . . .	707,584.57	54,665.69
300,000—and over . . . . .	198,144.95	10,365.28
	\$1,455,383.95	\$130,241.27
Equipment & Accommodation (about \$12.00 <i>per</i> School Section) . . . . .	54,906.00	5,386.25
	\$1,510,289.95	\$135,627.52

(2. 3. 4. & 5.)—	Public	Separate*
Fixed Grant . . . . .	\$ 17,175.00	\$ 3,283.20
Grant on certificate . . . . .	118,145.80	12,880.32
Regular Grant on Salary . . . .	372,638.79	44,143.14
Supplementary Grant on Salary . . . . .	947,424.36	69,934.61
Equipment & Accommodation	54,906.00	5,386.25
	\$1,510,289.95	\$135,627.52*

\*This includes the 92% *pro rata* increase to R.C. Separate Schools.

Mr. Magladery asked the following Question:—

1. Were the following, during the years 1920 and 1921, or either of said years in the employ of the Liquor License Department:—Leslie Trubell, Mrs. Ingram, James Meeke, George Rutca, James Cantwell, Albert Cross, F. A. or F. W. Martin, B. McCarger, Blondie Clark, Mr. Choppin, Mr. Speik, Sidney F. Spong. 2. What are, or were the duties of each. 3. Are they, or any of them still in the department. 4. If so, which of them. 5. If not in the department, why did each sever his connection. 6. Did each voluntarily resign, or was he discharged and when.

And the Attorney-General replied in the words following:—

1. James Meeke, George Rutca, James Cantwell, B. McCarger, Mr. Choppin, Mr. Speik, Sidney F. Spong, Yes; Others, No. 2. Special Officers. 3. Yes, some of them. 4. James Cantwell, Mr. Choppin, S. F. Spong. 5. Employment temporary and not re-engaged at completion of employment. 6. Answered by No. 5.

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Mr. Lennox asked the following Question:—

1. How long were Stanley Hallam and William Hallam in the employ of the Liquor License Department. 2. When were they first employed and when did they quit. 3. What were their duties. 4. Did they resign voluntarily or were they discharged.

And the Attorney-General replied in the words following:—

1. These men were County Constables, and were not appointed under the Ontario Temperance Act. They were employed by Mr. Spracklin. 2. August, 1920, October 31st, 1920. 3. Assisting Mr. Spracklin in the enforcement of the Ontario Temperance Act on the Essex border. 4. Employment temporary and not re-employed at completion of employment.

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Mr. Hill asked the following Question:—

1. Has any money been paid to R. T. Harding for any purpose since 31st October, 1921. 2. Has R. T. Harding accounted for all Provincial funds entrusted with him or over which he had control for any purpose whatsoever. 3. What was the amount of such funds. 3. How much of it has been returned to the Government. 5. For what purposes did he make the various expenditures from such funds.

To which the Treasurer replied as follows:—

1. Yes. 2. Yes. 3. \$95,776.44. 4. None. All monies accounted for by returns. 5. See Public Accounts 1920-21, pages E83 to E86 inclusive.

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Mr. Hill asked the following Question:—

1. What arrangement was made with Shirley Denison, K.C., to pay him for any services performed for the Government. 2. What amounts have been paid him, and for what services. 3. What accounts has he rendered to the Government (a) For services; (b) For disbursements. 4. For what purposes were the disbursements.

And the Minister of Lands and Forests replied:—

1. None. Just retained. 2. \$7,000.00. For services and expenses in connection with Timber Investigation. 3. (a) \$15,404.30; (b) \$698.50. 4. The ordinary expenses in connection with carrying on the Investigation. Of the above amounts an account for \$11,701.49 is in process of taxation.

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Mr. Hogarth asked the following Question:—

1. Had the Government in its employ during the years 1920 or 1921, a man by the name of . . . McCoy. 2. What were his duties. 3. Is he still in the employ of the Government. 4. If not, when did he leave. 5. Was he discharged, or did he voluntarily resign. 6. Had the Government in its employ during the years 1920 or 1921, a man by the name of Charles West, alias Webb. 7. What were his duties. 8. Is he still in the employ of the Government. 9. If not, when did he leave. 10. Was he discharged, or did he voluntarily resign.

To which the Attorney-General replied in the words following:—

1. Yes, (Earl McCoy). 2. Special Officer. 3. No. 4. March 1, 1922. 5. Dismissed. 6. Yes, (Charles Webb). 7. Special Officer, for enforcement of Ontario Temperance Act. 8. Yes. 9. Answered by No. 8. 10. Answered by No. 8.

Mr. Black asked the following Question:—

1. What is the title of the official head of the Sub-treasury Branches. 2. What is his name. 3. What is his remuneration. 4. What is the term of

his employment. 5. What are his duties. 6. Who recommended him to the Provincial Treasurer. 7. What was his former occupation and remuneration.

And the Treasurer replied as follows:—

1. Director of Sub-Treasury Branches. 2. Morley E. McKenzie. 3. \$6,000.00. 4. Permanent. 5. Complete charge of the administration of the Sub-treasury Branches, under the direction of the Provincial Treasurer. 6. No one. 7. Bank Manager, Government has no knowledge of former remuneration.

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Mr. Buckland asked the following Question:—

1. Had the Government in its employ during the years 1920 or 1921, a man by the name of Partidge. 2. What were his duties. 3. Is he still in the employ of the Government. 4. If not, when did he leave. 5. Was he discharged or did he voluntarily resign.

To which the Attorney-General replied:—

1. Yes, (W. E. Partidge). 2. Provincial Officer under the Ontario Temperance Act. 3. Yes. 4. Answered by No. 3. 5. Answered by No. 3.

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Mr. MacBride asked the following Question:—

1. Who is the Lewis Alstead referred to in the agreement made by the Government in connection with the Pic River and Black Sturgeon Pulp Concession under date of February 9th, 1922. 2. What is his nationality. 3. Where does he reside. 4. Has he any relationship or business connection with E. W. Backus.

And the Minister of Lands and Forests replied:—

1. Lewis L. Alstead of the City of Milwaukee in the State of Wisconsin. 2. Do not know. 3. Answered by No. 1. 4. Do not know.

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Mr. MacBride asked the following Question:—

1. Has the Prime Minister, The Attorney General or any member of the Government received verbally or otherwise any proposals or recommendations for the appointment of Mr. Peter Heenan of Kenora, as the Government repre-

sentative on the Hydro-Electric Commission. 2. Has E. W. Backus or Lewis Alstead supported the recommendation for his appointment. 3. What action, if any, has the Government taken in connection with the matter.

To which the Premier replied:—

1. Yes. 2. The Government is not aware of the attitude of the persons named. 3. No action taken.

Mr. Stover asked the following Question:

1. To whom did the Department of Lands and Forests issue permits or timber licenses for Rouse Island. 2. What amount was paid for them. 3. What is the name of the Official looking after the Government's interest at Rouse Island.

And the Minister of Lands and Forests replied in the words and figures following:—

1. Timber license—to A. E. Graham, Gore Bay.

2.	BONUS.	CROWN DUES.	TOTAL.
Pine .....	\$17.50	\$2.50	\$20.00
Spruce .....	10.00	2.00	12.00
Poplar .....	10.00	2.00	12.00
Other Timber ..	8.00	1.50	9.50
Ties .....	.05	.10	.15
Spruce pulp- wood .....	1.00	.80	1.80
Other pulp- wood .....	.50	.40	..90
Fuelwood .....	.50	.25	.75
Cedar posts ....	.01	.02	.03
Cedar poles— 30 ft. and less ..	1.00	.25	1.25
31 to 40 ft. ....	1.50	.50	2.00
41 to 50 ft. ....	2.50	.75	3.25
51 ft. and over .	4.00	1.00	5.00

3. J. G. McCaw, Acting Crown Timber Agent, Sudbury.

On Motion of Mr. Ferguson, seconded by Mr. Crawford,

*Ordered*, That there be laid before this House a Return of copies of all documents, maps, correspondence and papers dealing with the purchase, expropriation or acquiring of a certain property occupied as the Presbyterian Manse at the Village of Vernon, in the County of Carleton, at the Department of Highways, or any official thereof.

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On Motion of Mr. Stover, seconded by Mr. Pinard,

*Ordered*, That there be laid before this House a Return of copies of all letters, telegrams or other correspondence during the year 1921 between any Minister of the Government or of any Member or Officer of the Ontario License Commission with any person or Corporation relating to the charges laid against Constable Lefevre, Provincial Police Force, and Constables Fleming, McKenzie and Michaud, the North Bay Police Force.

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The following Bills were severally read the second time:—

Bill (No. 75), To amend The Ontario Railway Act.

Referred to The Railway Committee.

Bill (No. 98), To amend The Local Improvement Act.

Referred to The Municipal Committee.

Bill (No. 104), To abolish Bonusing Powers by Municipal Corporations.

Referred to The Municipal Committee.

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The House then adjourned at 6.10 p.m.



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THURSDAY, MARCH 16TH, 1922.

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PRAYERS.

3.00 O'CLOCK, P.M.

The following Petition was read and received:—

Of the Town Council of Oshawa, praying that an Act may pass to authorize the Corporation, when extending Water Works System, to charge lands abutting thereon an annual rate of assessment.

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The following Bills were severally introduced and read the first time:—

Bill (No. 142), intituled "An Act to amend the Municipal Act."  
Mr. Crockett.

*Ordered,* That the Bill be read the second time To-morrow.

Bill (No. 143), intituled "An Act to amend the Municipal Act."  
Mr. Thompson.

*Ordered,* That the Bill be read the second time To-morrow.

Bill (No. 144), intituled "An Act to amend the Municipal Act."  
Mr. Ecclestone.

*Ordered,* That the Bill be read the second time To-morrow.

Bill (No. 145), intituled "An Act to amend the Assessment Act."  
Mr. Henry.

*Ordered,* That the Bill be read the second time To-morrow.

Bill (No. 146), intituled "An Act respecting Natural Gas."  
Mr. Brackin.

*Ordered,* That the Bill be read the second time To-morrow.

Bill (No. 147), intituled "An Act to amend the Municipal Act."  
Mr. Henry.

*Ordered,* That the Bill be read the second time To-morrow.

Bill (No. 100), intituled "An Act respecting the construction and operation of Municipal Electric Railways." Mr. Drury.

Ordered, That the Bill be read the second time To-morrow.

Bill (No. 149), intituled "An Act to amend the Northern and North-Western Ontario Development Act." Mr. Bowman.

*Ordered,* That the Bill be read the second time To-morrow.

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On motion of Mr. Drury, seconded by Mr. Raney.

*Ordered,* That the name of Mr. Brown be added to the Standing Committee on Agriculture and Colonization.

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The following Bill was read the second time:—

Bill (No. 64), Respecting Insurance Agents, Brokers and Adjusters."

Referred to a Committee of the Whole House To-morrow.

The Order, of the Day for the second reading of Bill (No. 65), Respecting Insurance Rating Bureaus, having been read

Mr. Raney moved,

That the Bill be now read the second time,

And a Debate having ensued, it was

*Ordered,* That the Debate be adjourned until To-morrow.

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Mr. Drury delivered to Mr. Speaker a Message from the Lieutenant-Governor, signed by himself; and the said Message was read by Mr. Speaker, and is as follows:—

## H. COCKSHUTT.

The Lieutenant-Governor transmits Supplementary Estimates of certain sums required for the service of the Province for the year ending 31st October, 1922, and recommends them to the Legislative Assembly.

GOVERNMENT HOUSE,

Toronto, March 16th, 1922.

(*Sessional Papers, No. 2.*)

*Ordered,* That the Message of the Lieutenant-Governor, together with the Estimates accompanying same, be referred to the Committee of Supply.

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The Order of the Day for the House again to resolve itself into the Committee of Supply having been read,

Mr. Smith moved,

That Mr. Speaker do now leave the Chair and that the House do resolve itself into the Committee of Supply.

And a Debate having ensued, it was, on the Motion of Mr. Sinclair.

*Ordered,* That the Debate be adjourned until To-morrow.

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The Attorney-General presented to the House:—

Agreement in the matter of the Settlement of Suits of the Shevlin-Clarke Company, Limited. (*Sessional Papers, No. 66.*)

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The Provincial Secretary presented to the House, by command of His Honour the Lieutenant-Governor:—

Interim report of the Public Service Commission respecting the Registry Office of the County of York. (*Sessional Papers No. 64.*)

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The House then adjourned at 6.05 p.m.

FRIDAY, MARCH 17TH, 1922.

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PRAYERS.

3.00 O'CLOCK, P.M.

The following Bills were severally introduced and read the first time:—

Bill (No. 148), intituled "An Act to amend the Municipal Act."  
Mr. Swayze.

*Ordered*, That the Bill be read the second time on Monday next.

Bill (No. 150), intituled "An Act respecting Presqu-ile Park."  
Mr. Bowman.

*Ordered*, That the Bill be read the second time on Monday next.

Bill (No. 151), intituled "An Act to amend the Assessment Act."  
Mr. MacVicar.

*Ordered*, That the Bill be read the second time on Monday next.

Bill (No. 152), intituled "An Act respecting the Registration of Nurses."  
Mr. Nixon.

*Ordered*, That the Bill be read the second time on Monday next.

Bill (No. 153), intituled "An Act to amend the Motor Vehicles Act."  
Mr. Swayze.

*Ordered*, That the Bill be read the second time on Monday next.

Bill (No. 154), intituled "An Act to amend the Highway Act."  
Mr. Swayze.

*Ordered*, That the Bill be read the second time on Monday next.

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Mr. Sinclair asked the following Question:—

1. What is the total to date expended on the Kingston Road, including bridges, in each of the Townships of Pickering, Whitby, and East Whitby (a) for building (b) for maintenance. 2. What is the cost to date per mile of said road including bridges in each of said townships (a) for building (b) maintenance. 3. What is the total estimated cost of completing said road in each of said Townships. 4. What is the total estimated cost per mile for completing said road in each of said Townships. 5. What is the total mileage of highway in the County of Ontario. 6. What is the total amount to date charged against the County of Ontario for said highway?

To which the Minister of Public Works replied in the words and figures following:—

1. (a)	Pickering Township . . . . .	\$668,663.82
	Whitby " . . . . .	65,075.49
	East Whitby " . . . . .	42,115.79
	(b) Pickering Township . . . . .	11,651.71
	Whitby " . . . . .	4,957.17
	Whitby East " . . . . .	14,441.71
2. (a)	Pickering Township . . . . .	68,934.42
	Whitby " . . . . .	31,589.83
	Whitby East " . . . . .	10,771.30
	(b) Pickering Township . . . . .	1,201.21
	Whitby " . . . . .	2,406.39
	Whitby East " . . . . .	3,719.10
3.	Pickering Township . . . . .	251,100.00
	Whitby " . . . . .	83,282.00
	Whitby East " . . . . .	41,777.00
4.	Pickering Township . . . . .	10,991.45
	Whitby " . . . . .	40,428.15
	Whitby East " . . . . .	10,684.65
5.	17.57 miles.	
6.	\$200,064.68.	

Mr. Dewart asked the following Question:—

1. What was the total amount borrowed or for which the credit of the Province was pledged, upon Bonds, Treasury Notes, and other forms of authorized Provincial securities in the fiscal year from November 1st, 1920, to October 31st, 1921. 2. What was the total amount realized upon such securities. 3. How much of the said amount was realized by the sale of bonds. 4. How much by the issue of Treasury notes or bills. 5. How much upon any other form of security, specifying the form of such securities. 6. How much of the total amount realized was used to take up and pay off previous loans or liabilities. 7. What were the alphabetical designations, amounts and dates of such loans so taken up or paid off.

To which the Treasurer replied in the words and figures following:—

1. \$98,812,500.00.
2. 96,892,091.60; Accrued Interest, \$253,842.27.
3. 69,937,469.00; Accrued Interest, 186,757.81.
4. 26,954,622.60; Accrued Interest, 67,084.46.
5. None. 6. \$26,876,378.73.

7. Treasury Bills "LL," dated November 15, 1920, Due May 15th, 1921 .....	\$ 1,030,000.00
Treasury Bills "MM," dated December 15, 1920, Due June 15th, 1921 .....	1,030,020.00
Treasury Bills "HH," dated May 15, 1920, Due November 15th, 1920 .....	3,090,000.00
Treasury Bills "GG," dated November 3, 1919, Due May 3, 1920 .....	1,052,071.20
\$334,000. paid Nov. 16, 1920,	
\$333,000. " Feb. 3, 1921,	
\$333,000. " May 3, 1921.	
Treasury Bills "JJ," dated June 15, 1920, Due December 15th, 1920 .....	4,200,291.50
Treasury Bills "KK," dated October 15, 1920, Due April 15th, 1922 .....	6,178,848.43
Treasury Bills "NN," dated April 1, 1921, Due October 1st, 1921 .....	10,291,147.50
Loan "E.F.G.", Due October 1, 1919, (These four Bonds were outstanding) ....	4,000.00

Mr. Pinard asked the following Question:—

What was the total amount of Revenue derived from the Amusement Tax collected in each city within the Province of Ontario during the fiscal year 1920-1921.

To which the Treasurer replied in the words and figures following:—

Belleville .....	\$ 4,394.11
Brantford .....	17,962.07
Chatham .....	5,862.72
Fort William .....	14,612.38
Galt .....	7,723.94
Guelph .....	8,619.14
Hamilton .....	136,480.93
Kingston .....	17,025.76
Kitchener .....	17,162.00
London .....	44,577.73

Niagara Falls .....	8,885.03
Ottawa .....	56,635.86
Owen Sound .....	3,927.33
Peterboro .....	13,992.76
Port Arthur .....	9,508.26
St. Catharines .....	12,429.90
St. Thomas .....	10,229.90
Sarnia .....	12,504.94
Sault Ste. Marie .....	11,859.65
Stratford .....	11,200.34
Welland .....	3,458.98
Windsor .....	25,702.82
Woodstock .....	3,492.82
Toronto .....	624,613.70

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Mr. Dewart asked the following Question:—

What was the total amount on 31st October, 1921 of all outstanding Government cheques issued prior to and inclusive of 31st October, 1921.

And the Treasurer replied:—

\$8,588.059.17.

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Mr. Kennedy asked the following Question:—

1. How much money was expended on Provincial Highways in the County of Peel during the year 1921. 2. What amount was expended in 1921, on that portion of Dundas Street from County of York West to Huron Ontario Street in Peel County. 3. What was the total expenditure on Dundas Street within the County of Peel.

And the Minister of Public Works replied:—

1. \$423,766.19. 2. \$255,353.19. 3. \$319,352.89.

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Mr. Tolmie asked the following Question:—

1. Who was appointed Surrogate Judge in the County of Essex to succeed the late Judge John C. Dromgole. 2. What was the date of the appointment of his successor. 3. Was the said appointment gazetted. 4. Was any one appointed temporarily. 5. Was Judge Smith, Junior Judge of the County of Essex a member of the Windsor Police Commission. 6. If so, was he removed therefrom. 7. If so, for what reason.

To which the Attorney-General replied in the words following:—

1. His Honour Judge John Joseph Coughlin.
2. 15th September, 1921
3. No.
4. No.
5. He was never so designated by Order-in-Council.
6. Answered by No. 5.
7. Answered by No. 5.

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Mr. Kennedy asked the following Question:—

1. How many loans have been made under the Act to assist Co-operative Associations in marketing certain farm products.
2. What was the total amount of money loaned.

To which the Minister of Agriculture replied in the words and figures following:—

1. One.
2. \$2,000.00.

---

Mr. Allan asked the following Question:—

1. Did the Government have the "Thyra" operating in Georgian Bay waters during 1921.
2. What was the cost of fitting up this boat.
3. What rental was paid for the use of this boat in 1921.
4. What was the total cost of operating the "Thyra" for the season of 1921.
5. Is it the intention of the Government to use the "Thyra" this season, if not, for what reason.

And the Minister of Mines replied in the words and figures following:—

1. Yes.
2. \$939.16.
3. None.
4. \$3,107.46.
5. Yes.

---

Mr. Allan asked the following Question:—

1. Did the Government have a fishing tug built at Midland in 1921.
2. If tenders were called for, how many were received and what prices were submitted.
3. What machinery was installed.
4. What was the total cost of the fishing tug completed.

And the Minister of Mines replied in the words and figures following:—

1. Not a fishing tug, but a patrol boat.
2. Three tenders, —hull—only; \$16,000, \$12,800, \$12,750.
3. Scotch boiler, seven by nine, fore and aft compound engine, turbine generator lighting plant and net lifter.
4. \$17,407.10. Including equipment, installation and alterations to machinery.



The following Bills were severally read the second time:—

Bill (No. 68), To amend the Line Fences Act.

Referred to the Municipal Committee.

Bill (No. 90), Respecting the Maintenance of Deserted Wives and Children.

Referred to the Legal Committee.

Bill (No. 95), To reduced the Bussiness Assessment of Brewers and Malsters.

Referred to the Municipal Committee.

Bill (No. 115), To amend the Municipal Act.

Referred to the Municipal Committee.

Bill (No. 117), To amend the Municipal Act.

Referred to the Municipal Committee.

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The House resolved itself into a Committee to consider Bill (No. 69). Respecting General Sessions of the Peace and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Homuth reported, That the Committee had directed him to report the Bill without any amendment.

*Ordered*, that the Bill be read the third time on Monday next.

The House resolved itself into a Committee to consider Bill (No. 76), To amend the Private Detectives Act and. after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Homuth reported, That the Committee had made some progress, and directed him to ask for leave to sit again.

*Resolved*, That the Committee have leave to sit again on Monday next.

The House resolved itself into a Committee to consider Bill (No. 86), Respecting Mineral Rights in certain Canada Company's Lands and, after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Homuth reported, That the Committee had directed him to report the Bill without any amendment.

*Ordered*, that the Bill be read the third time on Monday next.

The House resolved itself into a Committee to consider Bill (No. 87), To amend the Mining Tax Act and, after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Homuth reported, That the Committee had directed him to report the Bill with certain amendments.

*Ordered*, That the Amendments be taken into consideration forthwith. The Amendments having been read a second time were agreed to.

*Ordered*, that the Bill be read the third time on Monday next.

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The House then adjourned at 5.00 p.m.

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MONDAY, March 20th, 1922.

PRAYERS.

3.00 O'CLOCK, P.M.

Mr. Speaker informed the House:—

That the Clerk had received from the Railway and Municipal Board, their Report in the following case:—

Bill (No. 29), To confirm By-law 650 of the Town of Oakville.

The Report was then read by the Clerk at the Table, as follows:—

*To The Honourable, The Legislative Assembly of the Province of Ontario.*

Upon the reference under Rule 61(a) of Your Honourable House to the Ontario Railway and Municipal Board, of Bill No. 29 (1922), entitled "An Act to confirm By-law 650 of the Town of Oakville," the Board begs leave respectfully to report that in the judgment of the Board it is reasonable that such Bill should be passed by Your Honourable House, provided the preamble is amended as shown in the copy of such Bill attached hereto and also by striking out the words "for the purpose of paying the floating indebtedness of the town and the cost of completion of the sea-wall on the lake front" in the third, fourth and fifth lines of Section 1.

The expenditures amounting to the sum of \$24,992.07, referred to in the Bill, were nearly all incurred for discount on sale of debentures, a seawall, fire hall and site, and other works of a permanent character, and for this reason the Board recommends that power be given to issue debentures for twenty years, as provided for in the Bill.

All of which is respectfully submitted.

Dated at Toronto,

this 17th day of March, A.D., 1922.

D. M. McINTYRE,

*Chairman.*

J. A. ELLIS.

*Commissioner.*

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*Ordered,* That Bill (No. 29), To confirm By-law 650 of the Town of Oakville be referred to the Committee on Private Bills, with instructions to consider the same with reference to suggestions of the Railway and Municipal Board thereon.

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The following Bills were severally introduced and read the first time:—

Bill (No. 155), intituled "An Act to amend the Assessment Act."

Mr. Lewis.

*Ordered,* That the Bill be read the second time To-morrow.

Bill (No. 156), intituled "An Act to amend the Municipal Act."

Mr. Curry.

*Ordered,* That the Bill be read the second time To-morrow.

Bill (No. 157), intituled "An Act to amend the Motor Vehicles Act."

Mr. Biggs.

*Ordered,* That the Bill be read the second time To-morrow.

Bill (No. 158), intituled "An Act to regulate the operation of Public Vehicles." Mr. Biggs.

*Ordered,* That the Bill be read the second time To-morrow.

Bill (No. 159), intituled "An Act for One Day of Rest in Seven."

Mr. McNamara.

*Ordered,* That the Bill be read the second time To-morrow.

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Before the Orders of the Day were called, Mr. Speaker rose to give his ruling upon the question of the right of a private member to introduce Bill (No. 84), To provide for a Provincial Board of Alienists, and addressed the House as follows:—

With respect to (Bill 84), known as an Act to provide for a Provincial Board of Alienists which I hold directs that there shall be appointed a Board by the Lieutenant-Governor in Council and the charge and expenses of the Board shall be paid out of such sums as may be voted by the Assembly, this Bill cannot be introduced by a Private member, because in the 54th section of the Imperial Act 30 Victoria the British North America Act, 1867, it is provided that the House shall not adopt or pass any vote, resolution or address, or Bill for the appropriation of any part of the Public Revenue or any tax or impost to any purpose that has not been first recommended by a message of the Lieutenant-Governor in the Session in which such vote, resolution, address or Bill is proposed.

And, furthermore, as the Bill is of no effect unless money is provided by the Legislature it is grossly improper that it should be introduced by a private member. And, therefore, the Bill is out of order and should be erased from the Order Paper.

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Mr. Hogarth asked the following Question:—

1. Has the Government during 1920 and 1921 hired an automobile for the Liquor License Department from Nathan Slavin. 2. How much money has been paid to Slavin for the hire of his automobile, or for any other purpose during 1920 and 1921.

And the Attorney-General replied:—

He was paid \$40.00 for services as taxi driver rendered to an officer of the Ontario License Board.

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Mr. Pinard asked the following Question:—

1. Upon whose recommendation was J. F. McKinley appointed as Juvenile Judge for Ottawa. 2. What are his qualifications for the position.

To which the Attorney-General replied in the words following:—

1. The Attorney-General. 2. He has been a member of the Municipal Council of Ottawa, is a successful business man, is a member of the Big Brotherhood Movement and has had extended experience in working with delinquent boys or boys who are inclined to delinquency and has devoted a large part of his time to bettering their position.

Mr. Henry asked the following Question:—

1. How many members have been appointed to the Agricultural Development Board. 2. What are their names and addresses. 3. By whom were they recommended. 4. What are their qualifications for receiving such appointment.

And the Minister of Agriculture replied in the words following:—

1. Three, as provided by the Act. 2. A. G. Farrow, Oakville; W. Bert Roadhouse, Deputy Minister of Agriculture, Toronto; R. T. Jennings, Assistant Auditor, Toronto. 3. Minister of Agriculture. 4. Several years business training followed by eight or nine years as a successful farmer and live stock man. Twelve years experience as an officer of the Ontario Department of Agriculture. Sixteen years experience on the staff of the Audit Department of the Provincial Government.

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Mr. McLeod asked the following Question:—

1. Had the Government in its employ an Officer by the name of F. Stick for the enforcement of the Ontario Temperance Act in the County of Stormont. 2. If so, have his services been dispensed with. 3. If so, for what reason.

And the Attorney-General replied:—

1. Yes. 2. Resigned. 3. Answered by No. 2.

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On Motion of Mr. Thompson, seconded by Mr. Godfrey,

*Ordered*, That there be laid before this House, a Return of all papers, documents, memoranda, recommendations, letters, telegrams and communications of every kind between any Municipal corporations, associations, bodies or persons and the Prime Minister or any Minister of the Government regarding the appointment or suggestion to appoint Peter Heenan, M.P.P. for Kenora, a member of the Hydro-Electric Power Commission of Ontario.

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The following Bills were severally read the second time:—

Bill (No. 103), To amend The Highway Improvement Act.

Referred to The Municipal Committee.

Bill (No. 118), To amend The Ontario Voters Lists Act.

Referred to a Select Committee to be hereafter named.

Bill (No. 121), To amend The Limitations Act.

Referred to The Legal Committee.

The Order of the Day for resuming the Adjourned Debate on the Motion for the second reading of Bill (No. 65), Respecting Insurance Rating Bureaus, having been read,

The Debate was resumed,

And after some time,

The Motion for the second reading having been again proposed, was carried, and the Bill was read the second time and referred to a Committee of the Whole House To-morrow.

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The House again resolved itself into a Committee to consider Bill (No. 61), Respecting Automobile Insurance and, after some time spent therein,

Mr. Speaker resumed the Chair; and Mr. Homuth reported, That the Committee had made some progress, and directed him to ask for leave to sit again.

*Resolved*, That the Committee have leave to sit again To-morrow.

The House resolved itself into a Committee to consider Bill (No. 54), To amend The Ontario Farm Loans Act, and after some time spent therein,

Mr. Speaker resumed the Chair; and Mr. Homuth reported, That the Committee had directed him to report the Bill without any amendment.

*Ordered*, That the Bill be read the third time To-morrow.

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The House again resolved itself into a Committee to consider Bill (No. 62), Respecting Accident and Sickness Insurance, and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Homuth reported, That the Committee had made some progress, and directed him to ask for leave to sit again.

*Resolved*, That the Committee have leave to sit again To-morrow.

The House resolved itself into a Committee to consider Bill (No. 63), Respecting Reciprocal or Inter-insurance, and after some time spent therein,

Mr. Speaker resumed the Chair; and Mr. Homuth reported, That the Committee had made some progress, and directed him to ask for leave to sit again.

*Resolved*, That the Committee have leave to sit again To-morrow.

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The Attorney-General presented to the House:—

The Report on Blue Sky Legislation, by A. H. O'Brien. (*Sessional Papers, No. 67.*)

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The House then adjourned at 6.00 p.m.

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TUESDAY, March 21st, 1922.

PRAYERS

3.00 O'CLOCK, P.M.

Mr. Raney, from the Standing Committee on Private Bills, presented their First Report, which was read as follows and adopted:—

Your Committee beg to report the following Bills with certain amendments:—

Bill (No 23), An Act to incorporate Ottawa Street (Hamilton) Incline Railway Company.

Bill (No. 30), An Act to amend the Constitution of Huron College.

Your Committee beg to report the following Bills without amendment:—

Bill (No. 1), An Act respecting The Waterloo County Loan and Savings Company.

Bill (No. 20), An Act respecting the Village of Waterdown.

Your Committee recommend that the fees less the actual cost of printing be remitted on Bill (No. 16), "An Act to separate the Village of Haliburton from the United Townships of Dysart and to erect the same into an incorporated Village," the same having been withdrawn by the promoters thereof.

*Ordered*, That the fees, less the actual cost of printing be remitted on Bill (No. 16). Village of Haliburton.

The following Bills were severally introduced and read the first time:—

Bill (No. 160), intituled “An Act to amend the Assessment Act.” Mr. Evanturel.

*Ordered*, That the Bill be read the second time To-morrow.

Bill (No. 161), intituled “An Act to amend the Municipal Act.” Mr. Stringer.

*Ordered*, That the Bill be read the second time To-morrow.

Bill (No. 162), intituled “An Act to amend the Public Lands Act.” Mr. Bowman.

*Ordered*, That the Bill be read the second time To-morrow.

Bill (No. 163), intituled “An Act to amend the Municipal Act.” Mr. McAlpine.

*Ordered*, That the Bill be read the second time To-morrow.

Bill (No. 164), intituled “An Act to amend the Municipal Act.” Mr. Marshall.

*Ordered*, That the Bill be read the second time To-morrow.

Bill (No. 165), intituled “An Act to amend the municipal Act.” Mr. Hill.

*Ordered*, That the Bill be read the second time To-morrow.

Bill (No. 166), intituled “An Act to amend the Execution Act.” Mr. Hill.

*Ordered*, That the Bill be read the second time To-morrow.

Bill (No. 167), intituled “An Act to amend the Toronto and Hamilton Highway Act.” Mr. Biggs.

*Ordered*, That the Bill be read the second time To-morrow.

Bill (No. 168), intituled “An Act to amend the Public Lands Act.” Mr. Hall.

*Ordered*, That the Bill be read the second time To-morrow.



On Motion of Mr. Drury, seconded by Mr. Raney,

*Ordered*, That the name of Mr. Bragg be added to the Standing Committee on Fish and Game.

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The Order of the Day for resuming the Adjourned Debate on the Motion that Mr. Speaker do now leave the Chair, and that the House do again resolve itself into the Committee of Supply, having been read,

The Debate was resumed,

And after some time, it was on the Motion of Mr. McCrea,

*Ordered*, That the Debate be further adjourned until Thursday next.

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The House again resolved itself into a Committee to consider Bill (No. 63), Respecting Reciprocal or Inter-Insurance, and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Homuth reported, That the Committee had directed him to report the Bill with certain amendments.

*Ordered*, That the Amendments be taken into consideration forthwith.

The Amendments, having been read the second time, were agreed to.

*Ordered*, That the Bill be read the third time To-morrow.

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The following Bills were severally read the second time:—

Bill (No. 88), To amend The Mining Act of Ontario.

Referred to a Committee of the Whole House To-morrow.

Bill (No. 113), To amend The Beach Protection Act.

Referred to a Committee of the Whole House To-morrow.

Bill (No. 119), Respecting Voters Lists.

Referred to a Select Committee to be hereafter named.

The Provincial Secretary presented to the House, by command of His Honour the Lieutenant-Governor:—

Report on the Distribution of the Revised Statutes and Sessional Statutes. (*Sessional Papers, No. 68.*)

Also—Interim report on operation of Land Titles Act in Northern Ontario of Public Service Commission. (*Sessional Papers, No. 69.*)

Also—Regulations and Orders-in-Council made since March 2nd, 1922, under Department of Education Act relating to Public Schools, Separate Schools or High Schools (*Sessional Papers, No. 56.*)

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The House then adjourned at 10.50 P.M.

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WEDNESDAY, MARCH 22ND, 1922.

PRAYERS.

3.00 O'CLOCK, P.M.

Mr. Speaker informed the House:—

That the Clerk had received from the Railway and Municipal Board, their Report in the following case:—

Bill (No. 24), Respecting the Town of Collingwood.

The Report was then read by the Clerk at the Table, as follows:—

*To The Honourable, The Legislative Assembly of the Province of Ontario*

Upon the reference under Rule 61(a) of Your Honourable House, to The Ontario Railway and Municipal Board of Bill No. 24 (1922), entitled, "An Act respecting the Town of Collingwood", the Board begs leave respectfully to report that in the judgment of the Board it is reasonable that such Bill should be passed by your Honourable House, provided it is amended as shown in the copy of such Bill attached hereto.

The indebtedness amounting to the sum of \$37,352.30 referred to in the Bill was nearly all incurred for works of a permanent character, and for this reason the Board recommends that power be given to issue debentures therefor for twenty years as provided for in the Bill.

The Board does not recommend that authority be given to consolidate certain existing debentures amounting to the sum of \$105,729.62, and to issue further debentures payable in twenty years to retire same when they become due. In the opinion of the Board power should not be given to renew debentures in this manner, unless very strong and sufficient reasons therefor are shown, and such reasons have not been shown to the satisfaction of the Board in this case.

All of which is respectfully submitted.

Dated at Toronto,

this 21st day of March, A. D. 1922.

D. M. McINTYRE,

Chairman.

J. A. ELLIS,

Commissioner.

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*Ordered*, That Bill (No. 24), Respecting the Town of Collingwood, be referred to the Committee on Private Bills with instructions to consider the same with reference to the suggestions of the Railway and Municipal Board thereon.

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Mr. Carmichael from the Standing Committee on Standing Orders presented their Fifth Report, which was read as follows and adopted.

Your Committee have carefully examined the following Petitions and find the Notices as published in each case sufficient;

Of the Village Council of Iroquois praying that an Act may pass to authorize the borrowing of certain moneys and to validate the Assessment of 1921;

Of Sidney Tannenbaum of Toronto, praying that an Act may pass to authorize the Law Society of Upper Canada to admit him to practise as a Barrister and Solicitor;

Of Thomas Lindsay Robinette of the City of Toronto, praying that an Act may pass to authorize the Law Society of Upper Canada to admit him to practise at the Bar;

Of Ernest Duval and others of Toronto, praying that an Act may pass to incorporate the Canadian Chiropractic College Limited;

Of the City Council of Toronto, praying that an Act may pass authorizing the passage of a By-law for the issue of Consolidated Debentures.

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Mr. Carmichael from the Standing Committee on Standing Orders presented their Sixth Report, which was read as follows and adopted.

Your Committee have carefully examined the Petition of the Town Council of Wiarton, praying that an Act may pass to ratify and confirm a certain By-law for borrowing the sum of \$18,000.00, to pay certain extraordinary expenditures and the present floating debt of the Corporation and they have had a Declaration filed before them stating that Notice of the proposed Application to the Legislature would be published in "The Ontario Gazette" on the 11th March instant, and in "The Canadian Echo", a newspaper published in the Town of Wiarton, on the 15th March instant, and that the said Notice would further be published in each subsequent issue of both said publications for a period of six weeks or until the proposed Act shall have been finally reported on by the Committee on Private Bills.

The Declaration further states that one hundred posters containing a copy of the said Notice have been posted up in the most conspicuous places in all sections of the said Town; also that copies of the said poster were mailed to each of the ratepayers of the Town of Wiarton who reside outside the limits of the said Town.

Evidence was also produced shewing that a public meeting of the ratepayers of the Town had been called and held to consider the advisability of applying for the proposed Legislation.

In view of the foregoing Your Committee are of the opinion that all parties interested have had ample opportunity of becoming aware of the proposed legislation and they would therefore recommend that the Notice as published be held sufficient.

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Mr. Nixon from the Standing Committee on Municipal Law presented their First Report which was read as follows and adopted:—

Your Committee have carefully considered the following Bill and beg to report the same without amendment;

Bill (No. 68), An Act to amend The Line Fences Act.

The following Bills were severally introduced and read the first time:—

Bill (No. 40), intituled "An Act to authorize the Law Society of Upper Canada to admit Thomas Lindsay Robinette to practise at the Bar of His Majesty's Courts in Ontario." Mr. Brackin.

Referred to the Committee on Private Bills.

Bill (No. 42), intituled "An Act respecting the Village of Iroquois." Mr. Casselman.

Referred to the Railway and Municipal Board.

Bill (No. 44), intituled "An Act respecting the City of Toronto." Mr. Thompson.

Referred to the Committee on Private Bills.

Bill (No. 46), intituled "An Act to incorporate the Canadian Chiropractic College, Limited." Mr. Swayze.

Referred to the Committee on Private Bills.

Bill (No. 48), intituled "An Act to authorize the Law Society of Upper Canada to admit Sidney Tannenbaum to practise as a Barrister and Solicitor." Mr. Lennox.

Referred to the Committee on Private Bills.

Bill (No. 169), intituled "An Act to amend the Jurors Act." Mr. McLeod.

*Ordered*, That the Bill be read the second time To-morrow.

Bill (No. 170), intituled "An Act to amend the Separate Schools Act." Mr. Pinard.

*Ordered*, That the Bill be read the second time To-morrow.

Bill (No. 171), intituled "An Act to amend the Separate Schools Act." Mr. Pinard.

*Ordered*, That the Bill be read the second time To-morrow.

Bill (No. 172), intituled "An Act to amend the Community Halls Act." Mr. Evans.

*Ordered*, That the Bill be read the second time To-morrow.

Bill (No. 173), intituled "An Act to amend the Dog Tax and Sheep Protection Act." Mr. Sandy.

*Ordered,* That the Bill be read the second time To-morrow.

Bill (No. 174), intituled "An Act to amend the Disqualification Act." Mr. Rennie.

*Ordered,* That the Bill be read the second time To-morrow.

Bill (No. 175), intituled An Act to amend the Highway Improvement Act." Mr. Taylor.

*Ordered,* That the Bill be read the second time To-morrow.

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On Motion of Mr. Doherty, seconded by Mr. Grant,

*Ordered,* That the reference of Bill (No. 71), To aid in the packing and grading of Fruit to the Select Committee of the last Session of the Legislature to be cancelled and instead thereof the Bill do stand referred to the Standing Committee on Agriculture and Colonization.

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On Motion of Mr. Drury, seconded by Mr. Raney,

*Ordered,* That the name of Mr. Sandy be added to the Standing Committee on Fish and Game.

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Mr. Hay asked the following Question:

1. Who were the commissioners appointed to the Hydro Radial Commission. 2. What was the date of their appointments. (a) Their occupations and (b) their Post Office addresses. 3. What was the number of public sittings of the commission. 4. Total number of days of service. 5. Remuneration, if any, arranged before commissioner engaged entered upon his work. 6. Total cost of commission paid directly by the Government. 7. Cost of commission paid through any other Government organization or Hydro-Electric commission. 8. Total amount of bill presented by each commissioner. 9. Amount paid to each commissioner. 10. Balance, if any due. 11. Total bill of expenses presented by each commissioner. 12. Amount paid to each commissioner for expenses. 13. Balance, if any due. 14. Did any member of the commission protest either by letter or verbally to the Government, against reductions being made in the amount of his rendered account, and if so, who.

And the Attorney-General replied in the words and figures following:

1. The Honourable Robert Franklin Sutherland, one of the Justices of the Supreme Court of Ontario, Brigadier General Charles Hamilton Mitchell, C.B., C.M.G., D.S.O., C.E., LL.D., Dean of the Faculty of Applied Science and Engineering, University of Toronto, Fred Bancroft, Esq., Journalist, all of the City of Toronto, in the County of York, William Andrew Amos, Esq., Agriculturalist, of the Town of Palmerston, in the County of Wellington, and Andrew Fullerton McCallum, Civil Engineer, of the City of Ottawa, in the County of Carleton. 2. July 21st, 1920. (a) and (b). are answered by the answer to question No. 1. 3. 112. 4. 180 days. 5. There was no rate of remuneration agreed upon before the Commissioners entered upon their work. 6 and 7. Amounts paid directly by the Government:—

Services of engineering experts, etc:		
L. A. Herdt, Consulting Engineer . . . .	\$	2,763.00
Reporting . . . . .		764.85
(See Public Accounts, 1921.)		
J. G. White, Engineering Corpora- tion . . . . .		12,231.85
R. A. Feustal, Engineering Expert . . .		753.15
		<hr/>
(Paid since October 31st, 1921.)		\$ 16,512.96
Amount paid through the Chairman of the Radial Railway Commission for services of Engineering experts, Counsel, etc. (See Public Accounts, 1921.)		
Services of four Commissioners and Secretary . . . . .	\$	23,600.00
Legal Services:		
I. F. Hellmuth . . . . .		32,712.50
Advance to R. S. Robertson . . . . .		4,000.00
Expert Evidence:		
F. B. Gutelius . . . . .	\$	9,874.23
R. B. Rifemberick . . . . .		10,582.90
Reporting Evidence . . . . .		13,942.92
Miscellaneous . . . . .		13,284.91
		<hr/>
		\$107,997.46
Total of amounts paid directly by the Government.		<hr/> \$124,510.42

Paid by the Hydro-Electric Power Commission on behalf of the Municipalities and the Hydro-Electric Radial Association.

Legal Services:

R. McKay ..... \$ 36,955.00

Engineering experts:

B. J. Arnold ..... 54,780.81

Ford, Bacon & Harris ..... 13,378.62

Wood, Hulse, Yates & Co. .... 12,891.13

Reporting Evidence ..... 10,538.60

Miscellaneous ..... 6,985.89

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\$135,530.05

Disbursements of the Hydro-Electric Power Commission for Legal Services:

C. S. MacInnes ..... \$ 8,580.45

C. C. Robinson ..... 19,449.37

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\$ 28,029.82

TOTAL OF ACTUAL DISBURSEMENTS ..... \$288,070.29

Accounts against the Government now being adjusted:

Disbursements and Services:

R. G. Robertson ..... \$ 21,858.68

Expert Evidence ..... 3,150.00

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\$ 25,008.68

Charges made by the H. E. P. C. for salaries of employees, use of office, blue prints and stationery used .... \$127,425.29

Expenses charged by the H. E. P. C. against the enquiry but which are ultimately chargeable against proposed radial railways ..... \$ 33,067.45

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8. Excepting the Chairman, \$9,000.00. 9. Excepting the Chairman, \$5,000.00. 10. Balance claimed, subject to adjustment, \$4,000.00. 11. Mr. Amos, \$1,362.56, Mr. Bancroft, \$245.00, Gen. Mitchell, \$221.45, Mr. McCalum, \$1,967.00. 12. Same as above. 13. No balance due for expenses. 14. Answered by 10.

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Mr. Lennox asked the following Question:

1. Had the Government in its employ during the years 1920 or 1921, a man by the name of James Douglas. 2. What were his duties. 3. Is he still in the employ of the Government. 4. If not, when did he leave. 5. Was he discharged, or did he voluntarily resign. 6. Had the Government in its employ during the years 1920 or 1921, a man by the name of Jack (Kid) Stagg. 7. What were his duties. 8. Is he still in the employ of the Government. 9. If not, when did he leave. 10. Was he discharged, or did he voluntarily resign.

And the Attorney-General replied in the words following:—

1. Yes. In the Department of Mines. 2. Assistant to Departmental draughtsman at North Bay from the 23rd of August to the 31st of October, 1920, when he resigned. Assisting in preparing mineral collections for prospectors and Mining Recorders from 29th June, 1921 to 14th January, 1922, when his work was completed. Assistant draughtsman, Mines Department, from 25th January, 1922. 3. Yes. 4. and 5. Answered by No. 2. 6. No. A man by the name of J. S. Stagg was employed as a detective by Inspector Blackwall, of Temiskaming, from April 27th to June 5th, 1921. This man was not employed directly by the Government. 7. Answered by No. 6. 8. Answered by No. 6. 9. Answered by No. 6. 10. Employment temporary and not re-engaged at completion of employment.

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Mr. Buckland asked the following Question:

1. Had the Government in its employ during the years 1920 or 1921, a man by the name of Gordon Campbell. 2. What were his duties. 3. Is he still in the employ of the Government. 4. If not, when did he leave. 5. Was he discharged, or did he voluntarily resign.

And the Attorney-General replied:—

1. No. So far as can be ascertained. 2. Answered by No. 1. 3. Answered by No. 1. 4. Answered by No. 1. 5. Answered by No. 1.

Mr. Lewis asked the following Question:

1. Is the Mr. Seaman, who is a partner of Lewis Alstead in the ownership of the Nipigon Timber Limits, the same man as the G. M. Seaman who tendered unsuccessfully against E. W. Backus for the English River Limits and who was stated at that time to be a paper broker handling a great deal of the output of Mr. Backus' mills.

And the Minister of Lands and Forests replied as follows:—

Do not know.

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Mr. Hill asked the following Question:

1. How many days has the Timber Commission sat since January 1st, 1921.

To which the Minister of Lands and Forests replied:—

Thirty-eight days.

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Mr. Allan asked the following Question:—

1. Has the Government purchased or has it any agreement or option to purchase the old Knox College property on Spadina Avenue.

To which the Minister of Public Works replied in the negative.

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Mr. McNamara asked the following Question:—

1. Is there one, a Mr. Farrow, now in the employ of the Government.  
2. When did his services commence. 3. Did he resign from one position to take another, and if so, when. 4. How many scrub bulls did he purchase for the Government while in their employ. 5. What was the price paid for each. 6. From whom were they purchased. 7. To whom were they sold, and what price was secured for each. 8. What commission was paid, if any, to Mr. Farrow for his work.

And the Minister of Agriculture replied:—

1. Yes. 2. August 10, 1921. 3. No. 4. None. 5. Answered by 4. 6. Answered by 4. 7. Answered by 4. 8. No commission.

The following Bills were severally read the second time: --

Bill (No. 91), To amend the Assessment Act.

Referred to the Municipal Committee.

Bill (No. 102), To amend the Assessment Act.

Referred to the Municipal Committee.

Bill (No. 106), To amend the Conveyancing and Law of Property Act.

Referred to the Legal Committee.

Bill (No. 107), To amend the Railway Employees Voting Act, 1918.

Referred to the Municipal Committee.

Bill (No. 108), To amend the Municipal Act.

Referred to the Municipal Committee.

Bill (No. 109), To amend the Ontario Voters Lists Act.

Referred to the Municipal Committee.

Bill (No. 111), To amend the Election Laws Amendment Act.

Referred to a Select Committee to be hereafter named.

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The Order of the Day for the second reading of Bill (No. 96), To amend the Public Health Act, having been read

Mr. Crockett moved

That the Bill be now read the second time

And the question, having been submitted, was carried on the following division:—

## YEAS.

## Messieurs:

Bragg.	Hay.	MacVicar.	Ross.
Brown.	Heenan.	Mageau.	(Oxford.)
Cameron.	Hicks.	Marshall.	Sewell.
Carmichael.	Homuth.	Mills.	Slack.
Casselman.	Johnson.	Montgomery.	Smith.
Cridland.	(Lanark.)	Murdoch.	Stevenson.
Crockett.	Johnston.	Nickle.	Stringer.
Denyes.	(Simcoe.)	Nixon.	Swayze.
Doherty.	Joynt.	Oke.	Taylor.
Evans.	Leeson.	Raney.	Tisdelle.
Fenton.	Lethbridge.	Rankin.	Tooms.
Fox.	McArthur.	Rollo.	Warren.
Freeborn.	McCrae.	Ross.	Watson.
Grant.	McCreary.	(Glengarry.)	Webster.
Greenlaw.	McDonald.		Widdifield—55.

## NAYS.

## Messieurs:

Allan.	Godfrey.	Ireland.	Mewhinney.
Asmussen.	Govenlock.	Kennedy.	Pinard.
Crawford.	Gray.	Lang.	Rennie.
Ecclestone.	Halerow.	McLeod.	Thompson.
Evanturel.	Hall.	McNamara.	Tolmie—26.
Ferguson.	Henry.	MaeBride.	
Fowler.	Hill.	Marceau.	

## PAIRS

## NONE.

And the Bill was thereupon read the second time and referred to the Municipal Committee.

The Provincial Secretary presented to the House, by command of His Honour the Lieutenant-Governor:—

Report of the Commission to make inquiries and report upon all matters and things connected with or relative or incidental to the seizure on or about the 21st of April, 1920, of a car of whiskey at the City of Chatham, etc., etc., etc. (*Sessional Papers, No. 70.*)

Also—Report of the Minister of Public Works for the Province of Ontario for the twelve months ending October 31st, 1921. (*Sessional Papers, No. 13.*)

Also—Report of the Board of Governors of the University of Toronto for the year ending June 30th, 1921. (*Sessional Papers, No. 18.*)

Also—A Return to an Order of the House of 15th March, 1922, That there be laid before this House a return of copies of all documents, maps, correspondence and papers dealing with the purchase, expropriation or acquiring of a certain property occupied as the Presbyterian Manse at the Village of Vernon, in the County of Carleton, at the Department of Highways, or any official thereof. (*Sessional Papers, No. 71.*)

Also—A Return to an Order of the House of 28th February, 1921, That there be laid before this House a Return showing:—1. All fines and confiscations of property under The Game and Fisheries Act for each of the years 1916-17-18-19-20, imposed by game wardens, overseers or other representatives of the Department. 2. The number of such cases brought before a Magistrate of which there is any record for each year as above and the numbers of recorded convictions. 3. The amounts for each year received by the Government and the amounts paid each year to informers. 4. Copies of instructions issued to game wardens, overseers or other representatives from time to time during the period 1912-20, dealing with the method of levying fines and directing seizure of property. (*Sessional Papers, No. 72.*)

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The House then adjourned at 6.00 p.m.

THURSDAY, MARCH 23RD, 1922.

PRAYERS

3.00 O'CLOCK, P.M.

Mr. Raney from the Standing Committee on Private Bills presented their Second Report, which was read as follows and adopted:—

Your Committee beg to report the following Bills with certain amendments:—

Bill (No. 3), An Act respecting the County of Grey.

Bill (No. 6), An Act respecting the City of Brantford.

Bill (No. 26), An Act respecting the City of Niagara Falls.

Your Committee beg to report the following Bill without amendment:—

Bill (No. 28), An Act respecting the Town of Mimico.

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The following Bills were severally introduced and read the first time:—

Bill (No. 176), intituled "An Act to amend the Travelling Shows Act."  
Mr. Smith.

*Ordered*, That the Bill be read the second time To-morrow.

Bill (No. 177), intituled "An Act to amend the Separate Schools Act."  
Mr. Mageau.

*Ordered*, That the Bill be read the second time To-morrow.

Bill (No. 178), intituled "An Act to amend the Childrens Protection Act." Mr. Nickle.

*Ordered*, That the Bill be read the second time To-morrow.

Bill (No. 179), intituled "An Act to amend the Municipal Drainage Act." Mr. Mewhinney.

*Ordered*, That the Bill be read the second time To-morrow.

The Order of the Day for resuming the Adjourned Debate on the Motion that Mr. Speaker do now leave the Chair, and that the House do again resolve itself into the Committee of Supply, having been read,

The Debate was resumed,

And After some time, it was on the Motion of Mr. Mageau.

*Ordered*, That the Debate be further adjourned until Tuesday next.

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The House resolved itself into a Committee to consider Bill (No. 74), To amend the Land Transfer Tax Act, and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Watson reported, That the Committee had directed him to report the Bill with certain amendments.

*Ordered*, That the Amendments be taken into consideration forthwith.

The Amendments, having been read the second time, were agreed to.

*Ordered*, That the Bill be read the third time To-morrow.

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The House resolved itself into a Committee to consider Bill (No. 113), To amend the Beach Protection Act, and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Watson reported That the Committee had directed him to report the Bill without any amendment.

*Ordered*, That the Bill be read the third time To-morrow.

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The following Bill was read the second time:—

Bill (No. 55), To consolidate the Municipal Act.

Referred to a Committee of the Whole House To-morrow.

The Provincial Secretary presented to the House, by command of His Honour the Lieutenant-Governor:—

First Annual Report of the Minimum Wage Board for the year 1921.  
(*Sessional Papers No. 73.*)

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The House then adjourned at 10.45 p.m.

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FRIDAY, MARCH 24TH, 1922.

PRAYERS.

3.00 O'CLOCK, P.M.

Mr. Nixon from the Standing Committee on Municipal Law presented their Second Report which was read as follows and adopted:

This Committee recommends to the House that Public Bills purporting to amend The Municipal or The Assesment Act, not being Government measures, be allowed to be introduced up to and including Wednesday, the twenty-ninth day of March next.

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*Ordered*, That the time for introducing Municipal and Assessment Bills be extended until and inclusive of Wednesday, the twenty-ninth day of March instant.

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The following Bills were severally introduced and read the first time:—

Bill (No. 180), intituled "An Act respecting the Registry offices in the County of York." Mr. Raney.

*Ordered*, That the Bill be read the second time on Monday next.

Bill (No. 181), intituled "An Act to amend the Municipal Act." Mr. Stevenson.

*Ordered*, That the Bill be read the second time on Monday next.

Bill (No. 182), intituled "An Act to amend the Sheriffs Act." Mr. Raney.

*Ordered*, That the Bill be read the second time on Monday next.



Bill (No. 183), intituled "An Act to amend the Wolf Bounty Act."  
 Mr. Smith.

*Ordered*, That the Bill be read the second time on Monday next.

Mr. Pinard asked the following Question:

1. What was the total number on the 31st of October, 1919, 1920, and 1921 respectively of permanent members of the Inside Civil Service of the Province and (a) the total number in each Department thereof on the same above date. 2. What was the total number of temporary members of the above Inside Service upon the same days and years.

To which the Premier replied in the words and figures following:—

ANSWER TO QUESTION 1: Total number of Permanent Members of the Inside Civil Service on October 31st, 1919, 1920, and 1921:—

DEPARTMENTS.	1919	1920	1921
Office of the Lieutenant-Governor . . . . .	1	3	2
Prime Minister . . . . .	9	10	10
Agriculture . . . . .	53	55	57
Attorney-General . . . . .	132	125	164
Education . . . . .	92	135	145
Game and Fisheries . . . . .	15	20	18
Labour . . . . .	36	( 44	( 76
Provincial Board of Health, 1920, and 1921 . . . . .		( 58	( 77
Lands and Forests (and Mines, 1919) . . .	125	93	88
Mines . . . . .		32	32
Provincial Secretary . . . . .	( 96	128	106
Provincial Board of Health, . . . . .	(		
1919 . . . . .	( 30		
Public Highways . . . . .	30	57	68
Public Works . . . . .	83	83	117
Treasurer . . . . .	72	93	105
Audit Office . . . . .	16	24	23
Total	790	960	1,088

ANSWER TO QUESTION 2: Total number of Temporary Members of the Inside Civil Service on October 31st, 1919, 1920, and 1921:—

DEPARTMENTS.	1919	1920	1921
Office of the Lieutenant-Governor . . . . .	—	—	—
Prime Minister . . . . .	6	5	6
Agriculture . . . . .	8	5	7
Attorney-General . . . . .	7	20	18
Education . . . . .	59	14	38
Game and Fisheries . . . . .	7	4	4
Labour . . . . .	23	( 34	( 20
Provincial Board of Health, . . . . .		(	(
1920, and 1921 . . . . .		( 18	( 38
Lands and Forests (and Mines, 1919) . . . .	28	23	29
Mines . . . . .		14	14
Provincial Secretary . . . . .	( 67	33	31
Provincial Board of Health, . . . . .	(		
1919 . . . . .	( 15		
Public Highways . . . . .	54	64	85
Public Works . . . . .	126	120	112
Treasurer . . . . .	32	23	35
Audit Office . . . . .	10	—	6
Total	442	377	438

Mr. Allan asked the following Question:—

1. When was the Laundry destroyed or damaged by fire at the Penetang Asylum. 2. What was the estimated cost of repairing the Laundry. 3. Where is the laundry work for this institution being done. 4. How much has been expended on laundry work for this institution from the date of the fire to date.

And the Provincial Secretary replied in the words and figures following:—

1. June 12th, 1920. 2. The estimated cost of replacing the Laundry and the making of necessary repairs to damaged buildings was \$25,000. 3. At the Ontario Hospital, Penetanguishene. 4. \$14,774.46.

Mr. Ireland asked the following Question:—

1. How many Civil Servants over the age for superannuation are still in the Service.

To which the Premier replied:—

Fifty-six, who are entitled to superannuation.

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The Order of the Day for the second reading of Bill (No. 85), To amend The Evidence Act having been read,

*Ordered*, That the Order be discharged, and that the Bill be withdrawn.

The Order of the Day for the second reading of Bill (No. 112), To amend the Assessment Act having been read,

*Ordered*, That the Order be discharged, and that the Bill be withdrawn.

The Order of the Day for the second reading of Bill (No. 133), To amend The Hydro-electric Railway Act having been read,

*Ordered*, That the Order be discharged, and that the Bill be withdrawn.

The Order of the Day for the second reading of Bill (No. 134), To amend The Municipal Act having been read,

*Ordered*, That the Order be discharged, and that the Bill be withdrawn.

Following Bills were severally read the second time:—

Bill (No. 78), To amend The Municipal Act.

Referred to the Municipal Committee.

Bill (No. 101), To amend The Steam Boilers Act.

Referred to Committee on Agriculture and Colonization.

The Order of the Day for the second reading of Bill (No. 136), To amend The Statute Labour Act having been read,

Mr. Hall moved,

That the Bill be now read the second time.

And the Motion, having been put. was lost on a Division.

And so it was declared in the Negative.

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The House then adjourned at 5.45 p.m.

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Monday, March 27th, 1922.

PRAYERS.

3.00 O'CLOCK, P.M.

The following Bills were severally introduced and read the first time:—

Bill (No. 184), intituled "An Act to provide for the more equitable taxation of lands in certain townships." Mr. Walker.

*Ordered,* That the Bill be read the second time To-morrow.

Bill (No. 185), intituled "An Act to amend the Municipal Act." Mr. Joynt.

*Ordered,* That the Bill be read the second time To-morrow.

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The Order of the Day for the second reading of Bill (No. 23); To incorporate Ottawa Street Incline Company, having been read, it was

*Ordered,* That the Order be discharged and that the Bill be recommitted to the Private Bills Committee for further consideration and report.

Mr. Ramsden asked the following Question:—

1. How many Senior Matriculation students were refused admission to the Toronto University to study medicine. 2. Why were they refused.

And the Minister of Education replied in the words following:—

1. No students from the Province of Ontario, holding equivalent to Senior Matriculation standing, were refused admission to study in the University of Toronto. The candidates who were refused admission were:— (a) All applicants whose homes were outside the Province of Ontario, with the exception of one returned soldier and two students who had been admitted to the First Year in 1920, and, having failed to obtain standing, applied to be admitted for the second time in 1921. (b) All applicants of eighteen years and less who held no standing in advance of Pass matriculation. These numbered 64 and were promised preference if they applied again in 1922, presenting either the required Honour Matriculation certificates or complete First Year standing in the Faculty of Arts. 2. Answered by above.

Mr. Godfrey asked the following Question:—

1. How many professors are now in the employ of the Toronto University Medical Faculty. 2. How much of their time are they supposed to devote to university matters, and what is their remuneration. 3. What time, if any, are they allowed to devote to private practice. 4. How many men on the staff of the Medical Faculty, devote part of their time to hospital work. 5. What remuneration did they receive for such work.

To which the Minister of Education replied in the words and figures following:—

*Professors.*

1. Dr. H. B. Anderson, Clinical Pathology . . . . .	Without salary.
H. A. Bruce, Clinical Surgery . . . . .	\$ 700.00
C. K. Clarke, Psychiatry . . . . .	500.00
J. G. Fitzgerald, Hygiene (also in Connaught Laboratories) . . . . .	4,000.00
D. A. L. Graham, Medicine & Clinical Medicine	10,000.00
*V. J. Harding, Pathological Chemistry . . . . .	4,800.00
*V. E. Henderson, Pharmacology . . . . .	5,000.00
*A. Hunter, Biochemistry . . . . .	6,000.00
J. M. MacCallum, Ophthalmology . . . . .	700.00
*J. J. Mackenzie, Pathology & Bacteriology . . . . .	6,000.00

*J. J. R. MacLeod, Physiology .....	6,000.00
*J. P. McMurrich, Anatomy .....	6,000.00
A. Primrose, Clinical Surgery .....	1,000.00
R. D. Rudolf, Therapeutics .....	1,000.00
G. Silverthorn, Medical Jurisprudence .....	700.00
C. L. Starr, Surgery .....	10,000.00
B. P. Watson, Obstetrics & Gynæcology .....	1,000.00
D. J. G. Wishart, Oto-Laryngology .....	700.00

*Associate Professors.*

H. B. Anderson, Clinical Medicine .....	Without salary
Alan Brown, Medicine (Pediatrics) .....	” ”
G. Chambers, Clinical Medicine .....	450.00
J. T. Fotheringham, Medicine & Clinical Medicine .....	700.00
W. Goldie, Clinical Medicine .....	Without salary
P. G. Goldsmith, Laryngology .....	350.00
S. M. Hay, Clinical Surgery .....	450.00
W. B. Hendry, Obstetrics & Gynæcology (Special work) .....	500.00
K. C. McIlwraith, Obstetrics .....	450.00
P. W. H. McKeown, Clinical Surgery .....	700.00
F. W. Marlow, Gynæcology .....	350.00
G. Royce, Oto-Laryngology .....	350.00
F. N. G. Starr, Clinical Surgery .....	700.00
W. B. Thistle, Clinical Medicine .....	600.00
*H. Wasteneys, Biochemistry .....	4,200.00

*Assistant Professors.*

*J. B. Collip, Pathological Chemistry .....	3,250.00
R. D. Defries, Hygiene (also in Cannaught Laboratories) .....	1,000.00
D. T. Fraser, Hygiene .....	3,000.00
*H. B. Maitland, Pathology & Bacteriology ....	3,000.00
*J. M. D. Olmstead, Physiology .....	3,375.00
*N. C. Sharpe, Pharmacology, at rate of .....	3,000.00
*J. C. Watt, Anatomy .....	3,500.00

The salary of Prof. A. L. Graham is paid out of the Eaton Endowment fund and that of Prof. C. L. Starr out of the Rockefeller Fund. 2. Those members of the Faculty of Medicine in the above list before whose names an (\*) stands, give their full time to the University. 3. Dr. C. L. Starr and Dr. Duncan Graham are allowed two hours a day for private practice. Dr. Watson devotes four or five hours a day to the University and

Hospital. Drs. MacCallum and Wishart devote three to four hours a day to the University and Hospital. 4. In addition to the above list, 118 persons devote part of their time to hospital work. Owing to readjustment of the scale of honoraria to be given in the present year to members of the staff of the Faculty of Medicine, who devote part of their time to hospital work, is now being considered by the Board of Governors. 5. The Toronto General Hospital pays no remuneration for clinical work.

Mr. MacBride asked the following Question:

1. Is Wallace Nesbitt, K.C., engaged in any work by the Government or any Department or Minister thereof.
2. If so, what is the character of his duties.
3. What are the terms of the arrangement.

And the Attorney-General replied as follows:—

1. No.
2. and 3. Answered by the reply to question No. 1.

Mr. Casselman asked the following Question:

What were the respective amounts of moneys paid by the Hydro-Electric Power Commission as insurance premiums to Insurance Agents doing business in the City of Toronto for fiscal years ending 1919 and 1920.

To which Mr. Carmichael, Minister without Portfolio, replied:—

1919	\$ c.	1920.	\$ c.
Armstrong, DeWitt & Co. . . . .	30.00	Armstrong, DeWitt & Co. . . . .	30.00
Boiler Inspection & Ins. Co. . . . .	7.20	Dale & Co., Ltd. . . . .	17,055.39
Dale & Co., Ltd. . . . .	398.21	James Hewlitt . . . . .	30.00
James Hewlett . . . . .	30.00	Irish & Maulson, Ltd. . . . .	30.00
Irish & Maulson, Ltd. . . . .	30.00	Jones & Proctor Bros. . . . .	30.00
Jones & Proctor Bros. . . . .	30.00	J. T. Locke & Co. . . . .	16.00
F. & J. McMulkin . . . . .	538.10	L. J. Lugsdin . . . . .	189.00
Maguire & Connon . . . . .	1,435.70	F. & J. McMulkin . . . . .	3,303.69
Medland & Son . . . . .	30.00	Maguire & Connon . . . . .	16,867.03
Muntz & Beatty . . . . .	30.00	Medland & Son . . . . .	30.00
Reid, Shaw & McNaught . . . . .	435.87	Muntz & Beatty . . . . .	30.00
Ridout & Strickland . . . . .	51.00	Reid, Shaw & McNaught . . . . .	412.41

1919.	\$ c.	1920	\$ c.
E. D. Smart .....	196.00	F. D. Smart .....	196.00
R. J. Villiers .....	511.00	Thompson, Dale & Pow-	
A. E. Wilson & Co., Ltd. ..	4,643.86	er Co. ....	515.75
		R. J. Villiers .....	511.00
		A. E. Wilson & Co., Ltd.	4,661.59

Mr. Casselman asked the following Question:

1. Is the Honourable I. B. Lucas in the employ of the Government or of the Hydro-Electric Power Commission of Ontario. 2. If so, in what capacity is he engaged. Upon whose recommendation was he engaged, and what salary does he draw.

And Mr. Carmichael, Minister without Portfolio, replied in the words following:—

1. Temporarily in the employ of the Hydro-Electric Power Commission. 2. Solicitor to assist in various legal and semi-legal matters. Appointed on recommendation of the Commission. \$600.00 *per* month.

Mr. Hall asked the following Question:

1. Is the Hon. I. B. Lucas employed by the Hydro-Electric Commission. 2. If so, in what capacity. 3. What salary does he receive.

To which Mr. Carmichael, Minister without Portfolio, replied:—

1. Yes. 2. Solicitor to assist, temporarily, in various legal and semi-legal matters. 3. \$600.00 *per* month.

Mr. Lewis asked the following Question:

1. What were the respective amounts paid by the Hydro-Electric Power Commission as insurance premiums to Insurance agents or brokers doing business outside of the City of Toronto for the fiscal year ending October 31st, 1921.



And Mr. Carmichael, Minister without Portfolio, replied in the words and figures following:—

Canadian Westinghouse Co., Hamilton .....	\$7,500.00
S. J. Martin, London .....	30.00
Chancey Ashley, Belleville .....	72.50
Falls Bros., Amherstburg .....	49.71
W. J. Burns, Windsor .....	140.07
J. G. Gangnier, Windsor .....	539.32
Alex C. Keith, Windsor .....	1,004.60
R. M. Morton & Co., Windsor .....	1,450.95
Gaspard Pecaud, Windsor .....	203.58
J. O. Peck & Son, Windsor .....	182.06
R. A. Reynolds & Son, Windsor .....	61.74
Mortimer & Bampfield, Niagara Falls .....	204,639.95

Mr. Henry asked the following Question:

1. How many inspectors have been appointed by the Agricultural Development Board.
2. What are their names and addresses.
3. By whom were they recommended and what are their qualifications for appointment.

To which the Minister of Agriculture replied as follows:—

1. 16.
2. Erland Lee, Stoney Creek.  
Ernest Robinson, Denfield.  
Wm. Doherty, 119 Albertus Ave., Toronto.  
Wm. Maxwell, Streetsville.  
E. H. Sills, Napanee.  
W. C. Everett, Simcoe.  
D. R. McDiarmid, Ridgetown.  
J. P. Fitzgerald, Hillsdale.  
J. A. Douglas, Mt. Forest.  
A. Dougall Cameron, Summerstown Station.  
Wm. Ford, Aylmer.  
Emerson Lamber, Leamington.  
F. J. Walker, Leamington.  
Geo. A. Brodie, Toronto.  
Wm. Murray, York.  
R. L. Moorehouse, Copper Cliff.

3. Recommended by the Minister of Agriculture.

Qualifications—good knowledge of agricultural conditions and agricultural values and sound judgment. Services are utilized only from time to time as required and if work does not confirm qualifications as stated services are not continued.

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The following Bills were severally read the second time:—

Bill (No. 20), Respecting the Village of Waterdown.

Referred to a Committee of the Whole House To-morrow.

Bill (No. 6), Respecting the City of Brantford.

Referred to a Committee of the Whole House To-morrow.

Bill (No. 26), Respecting the City of Niagara Falls.

Referred to a Committee of the Whole House To-morrow.

Bill (No. 28), Respecting the Town of Mimico.

Referred to a Committee of the Whole House To-morrow.

Bill (No. 82), To amend the Ontario Railway Act.

Referred to the Railway Committee.

Bill (No. 94), Respecting Free Text-Books in Public, Separate and Industrial Schools.

Referred to the Municipal Committee.

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The Order of the Day for the second reading of Bill (No. 125), To amend the Municipal Act having been read,

Mr. Tooms moved,

That the Bill be now read the second time.

And the Motion, having been put, was lost on a Division.

And so it was declared in the Negative.

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The House then adjourned at 6.00 p.m.

Tuesday, March 28th, 1922.

PRAYERS.

3.00 O'CLOCK, P.M.

Mr. Raney, from the Standing Committee on Private Bills, presented their Third Report, which was read as follows and adopted:—

Your Committee beg to report the following Bills with certain amendments:—

Bill (No. 2), An Act respecting the Municipality of Shuniah.

Bill (No. 8), An Act to enable the Town of Gananoque to withdraw from the jurisdiction of the United Counties of Leeds and Grenville.

Bill (No. 33), An Act respecting the City of St. Thomas.

Your Committee beg to report the following Bills without amendment:—

Bill (No. 32), An Act respecting the Town of Sudbury.

Bill (No. 40), An Act to authorize the Law Society of Upper Canada to admit Thomas Lindsay Robinette to practise at the Bar of His Majesty's Courts in Ontario.

Your Committee recommend that the fees less the actual cost of printing be remitted on Bill (No. 48), "An Act to authorize the Law Society of Upper Canada to admit Sydney Tannenbaum to practise as a Barrister and Solicitor," the same having been withdrawn by the promoters thereof.

*Ordered,* That the fees, less the actual cost of printing, be remitted on Bill (No. 48), Sydney Tannenbaum.

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Mr. Carmichael, from the Standing Committee on Standing Orders, presented their Seventh Report, which was read as follows and adopted:—

Your Committee have carefully examined the following Petitions, and find the Notice as published in each case sufficient:—

Of the Town Council of Oshawa, praying that an Act may pass to authorize the Corporation when extending the Water Works system to charge lands abutting thereon an Annual rate of Assessment;

Of the Village Council of Erie Beach, praying that an Act may pass to amend the Act Incorporating the Village;

Of the London Street Railway Company, praying that an Act may pass to vary the agreement made between the City and the Company so as to enable the Company to obtain sufficient revenue to keep the road in a safe condition;

Of the City Council of Windsor, praying that an Act may pass to change the date of the election of members of the Council and others;

Of the City Council of Galt, praying that an Act may pass to authorize the Corporation to pay twenty-five *per cent.* of the cost of certain pavements;

Of the Co-operative League of America, praying that an Act may pass enabling them to carry on business in Ontario;

Of the City Council of Niagara Falls, praying that an Act may pass to ratify and confirm a certain By-law;

Of the City Council of St. Catharines, praying that an Act may pass to ratify and confirm a certain By-law, and for other purposes.

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The following Bills were severally introduced and read the first time:—

Bill (No. 31), intituled “An Act respecting the London Street Railway Company.” Mr. Brackin.

Referred to the Committee on Private Bills.

Bill (No. 35), intituled “An Act to amend an Act to incorporate the Village of Erie Beach.” Mr. Brackin.

Referred to the Committee on Private Bills.

Bill (No. 39), intituled “An Act respecting the City of Windsor.” Mr. Tolmie.

Referred to the Committee on Private Bills.

Bill (No. 47), intituled “An Act to permit the Co-operative League of America to carry on business in Ontario.” Mr. Brackin.

Referred to the Committee on Private Bills.

Bill (No. 49), intituled "An Act respecting the City of Galt." Mr. Homuth.

Referred to the Committee on Private Bills.

Bill (No. 92), intituled "An Act respecting the City of St. Catharines." Mr. Greenlaw.

Referred to the Committee on Private Bills.

Bill (No. 93), intituled "An Act respecting the City of Niagara Falls." Mr. Swayze.

Referred to the Committee on Private Bills.

Bill (No. 126), intituled "An Act respecting the Town of Oshawa." Mr. Sinclair.

Referred to the Committee on Private Bills.

Bill (No. 122), intituled "An Act respecting the Town of Wiarnton." Mr. Fenton.

Referred to the Railway and Municipal Board.

Bill (No. 186), intituled "An Act to amend the Assessment Act." Mr. Halcrow.

*Ordered*, That the Bill be read the second time To-morrow.

Bill (No. 187), intituled "An Act to amend the Assessment Act." Mr. Ross (Oxford.)

*Ordered*, That the Bill be read the second time To-morrow.

Bill (No. 188), intituled "An Act to amend the Municipal Act." Mr. Halcrow.

*Ordered*, That the Bill be read the second time To-morrow.

Bill (No. 189), intituled "An Act respecting Rural School Elections in Police Villages." Mr. Murdoch.

*Ordered*, That the Bill be read the second time To-morrow.

Bill (No. 190), intituled "An Act to amend the Assessment Act." Mr. Hill.

*Ordered*, That the Bill be read the second time To-morrow.

Bill (No. 191), intituled "An Act to amend the Highway Improvement Act." Mr. Tolmie.

*Ordered*, That the Bill be read the second time To-morrow.

Bill (No. 192), intituled "An Act to amend the Local Improvement Act." Mr. Brackin.

*Ordered*, That the Bill be read the second time To-morrow.

Bill (No. 193), intituled "An Act to amend the Land Titles Act." Mr. Smith.

*Ordered*, That the Bill be read the second time To-morrow.

Bill (No. 194), intituled "An Act to reduce the Business Assessment of Distilleries." Mr. Brackin.

*Ordered*, That the Bill be read the second time To-morrow.

Bill (No. 195), intituled "An Act to amend the Municipal Act." Mr. Curry.

*Ordered*, That the Bill be read the second time To-morrow.

Bill (No. 196), intituled "An Act to amend the Local Improvement Act." Mr Curry.

*Ordered*, That the Bill be read the second time To-morrow.

Bill (No. 197), intituled "An Act to amend the Assessment Act." Mr. Hall.

*Ordered*, That the Bill be read the second time To-morrow.

---

The Order of the Day for the second reading of Bill (No. 110), to vary and validate the Timber Licenses of Shelvin-Clarke Company Limited, having been read,

Mr. Raney moved,

That the Bill be now read the second time.

And a Debate having ensued, it was, on the Motion of Mr. Sinclair,

*Ordered*, That the Debate be adjourned until To-morrow.

---

The House then adjourned at 10.35. P.M.

Wednesday, March 29th, 1922.

PRAYERS.

3.00 O'CLOCK, P.M.

Mr. Speaker informed the House:—

That the Clerk had received from the Commissioners of Estate Bills, their Report in the following case:—

Bill (No. 21), Respecting the Great War Veterans Association of Hamilton.

The Report was then read by the Clerk at the Table, as follows:—

March 28th, 1922.

*To the Honourable the Legislative Assembly of the Province of Ontario.*

In the matter of the Bill intituled An Act respecting the Great War Veterans Association of Hamilton. The undersigned, two of the Commissioners of Estate Bills, pursuant to the request of the Clerk of the Legislative Assembly, bearing date the first day of March, 1922, respectfully report as follows:—

We have considered said Bill and the Petition on which the same is founded, and presuming the allegations contained in the Preamble to be proved to the satisfaction of your honourable body, we are of opinion that it is reasonable that said Bill do pass into law without amendment.

We have the honour to remain,

Your obedient servants,

WILLIAM MULOCK,

*Chief Justice of the Exchequer.*

WILLIAM RENWICK RIDDELL.

*Judge of the Supreme Court of Ontario.*

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*Ordered,* That Bill (No. 21), Respecting the Great War Veterans Association of Hamilton, be referred to the Committee on Private Bills with instructions to consider the same with reference to the suggestions of the Commissioners of Estate Bills thereon.

On Motion of Mr. Clarke, seconded by Mr. Sinclair.

*Ordered*, That notwithstanding the time for presenting Petitions for Private Bills has elapsed, leave be given to present a Petition of the Town Council of Cobourg, and that the same be now read and received.

---

The following Petition was then read and received:—

The Petition of the Town Council of Cobourg, praying that an Act may pass to authorize the issue of certain debentures.

---

Mr. Nixon, from the Standing Committee on Municipal Law, presented their Third Report, which was read as follows and adopted:—

Your Committee have carefully considered the following Bills and beg to report the same with certain amendments:—

Bill (No. 103), An Act to amend The Highway Improvement Act.

Bill (No. 107), An Act to amend The Railway Employees' Voting Act, 1918.

---

The following Bills were severally introduced and read the first time:—

Bill (No. 199), intituled "An Act to amend the Pharmacy Act." Mr. Homuth.

*Ordered*, That the Bill be read the second time To-morrow.

Bill (No. 200), intituled "An Act to amend the Municipal Drainage Act." Mr. Tolmie.

*Ordered*, That the Bill be read the second time To-morrow.

Bill (No. 201), intituled An Act to amend The Assessment Act." Mr. Grant.

*Ordered*, That the Bill be read the second time To-morrow.



The Order of the Day for resuming the Adjourned Debate on the Motion for the second reading of Bill (No. 110), To vary and validate the Timber Licenses by Shevlin-Clarke Company, Limited, having been read.

The Debate was resumed,

And, after some time,

The Motion for the second reading, having been again proposed, was carried on the following division:—

YEAS.

Messieurs:

Biggs	Fenton	McCreary	Sandy
Bowman	Fox	McDonald	Sewell
Brackin	Freeborn	McLeod	Slack
Brown	Grant	MacVicar	Smith
Cameron	Hay	Mageau	Staples
Carmichael	Heenan	Marshall	Stringer
Carty	Hicks	Mills	Swayze
Clarke	Homuth	Montgomery	Taylor
Cridland	Johnson	Murdoch	Tisdelle
Cunningham	(Lanark)	Nixon	Tooms
Curry	Johnston	Oke	Walker
Denyes	(Simcoe)	Ramsden	Warren
Doherty	Leeson	Raney	Watson
Drury	Lethridge	Rollo	Webster
Evans	McAlpine	Ross	Widdifield—59
McArthur	(Glengarry)		

NAYS.

Messieurs:

Allan	Ferguson	Kennedy	Price
Black	Godfrey	Lang	Rankin
Cooke	Govenlock	Lennox	Rennie
Cooper	Halerow	Lewis	Sinclair
(Toronto)	Hall	McCrea	Thompson
Dewart	Henry	Marceau	Tolmie—26
Ecclestone	Ireland	Pinard	

PAIRS.

Crockett .....	Nickle
Stevenson .....	Hill
Casselman .....	Gray
Mewhinney .....	Joynt

And the Bill was thereupon read the second time, and referred to a Committee of the Whole House To-morrow.

The House then adjourned at 11 p.m.

Thursday, March 30th, 1922.

PRAYERS.

3.00 O'CLOCK, P.M.

Mr Speaker informed the House:—

That the Clerk had received from the Railway and Municipal Board, their Report in the following case:—

Bill (No. 122), Respecting the Town of Wiarton.

The Report was then read by the Clerk at the Table, as follows:—

*To The Honourable, The Legislative Assembly of the Province of Ontario*

Upon the reference under Rule 61 (a) of Your Honourable House, to The Ontario Railway and Municipal Board of Bill No. 122 (1922), entitled, "An Act respecting the Town of Wiarton," the Board begs leave respectfully to report that in the judgment of the Board it is reasonable that such Bill should be passed by your Honourable House, provided it is amended as shown in the copy of such Bill attached hereto.

The indebtedness amounting to the sum of \$12,000 referred to in the Bill is the amount of the floating debt which has been incurred and which should have been paid for out of current account, and for this reason the Board recommends that the debentures to be issued therefor shall be payable in not more than five years from the date of issue.

The indebtedness referred to in the Bill amounting to \$6,000 has been incurred in respect of permanent works, including the Corporation's share of the cost of a War Memorial and site therefor, and for this reason the Board recommends that the debentures to be issued therefor shall be payable in not more than twenty years from the date of issue.

All of which is respectfully submitted.

D. M. McINTYRE,

*Chairman.*

J. A. ELLIS,

*Commissioner.*

Dated at Toronto,

this 29th day of March, A.D., 1922.

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*Ordered,* That Bill (No. 122), Respecting the Town of Wiar-ton be referred to the Committee on Private Bills with instructions to consider the same with reference to the suggestions of the Railway and Municipal Board thereon.

---

Mr. Raney, from The Standing Committee on Private Bills, presented their Fourth Report, which was read as follows, and adopted:—

Your Committee beg to report the following Bills with certain amendments:

Bill (No. 9), An Act to amend The Ottawa Civic Hospital Act.

Bill (No. 10), An Act respecting the City of Ottawa.

Bill (No. 37), An Act respecting the Township of Nepean.

Your Committee beg to report the following Bill without amendment:—

Bill (No. 38), An Act respecting the County of Carleton.

Your Committee recommend that notwithstanding Rule 51 of Your Honourable House the time for introducing Private Bills be further extended to and inclusive of Friday the Seventh day of April next, and that the time for receiving Reports of Committees on Private Bills be extended to and inclusive of Friday the Fourteenth day of April next.

*Ordered*, That the time for introducing Private Bills be extended until and inclusive of Friday the Seventh day of April next.

*Ordered*, That the time for receiving Reports of Committees on Private Bills be extended until and inclusive of Friday the Fourteenth day of April next.

---

Mr. Cooper (Toronto), from the Select Committee appointed at the last Session of the Legislature regarding a monument to and permanent records of all members of His Majesty's Forces from the Province of Ontario, who served in the late War, presented their report which was read as follows:—

*To the Honourable the Speaker, and Members of the Legislative Assembly of the Province of Ontario.*

The undersigned respectfully beg to submit the following report, *viz.*:—

That during the recess since the last meeting of the Legislature, your Committee held several meetings at which the recommendations, adopted by the Legislature at its last Session, were carefully considered in detail.

A number of historical pictures and some record material were secured by the Committee and placed for safe-keeping in the meantime in the Department of Archives.

Communications were received from architects, offering their services in connection with plans for the proposed Memorial Hall. These offers will be available and of assistance at the proper time.

Many inquiries were received, some from other provinces of the Dominion and some from the British Isles, as well as from communities within the Province of Ontario, for copies of last year's report, in order that our proposals might be studied by public authorities having a similar object in view. The publication of our report has been exceptionally well-received by the public. There can be no doubt as to the sincere interest taken by the people in the early consummation of the memorial undertaken by this Legislature, in a manner that will worthily commemorate the services rendered by the Province of Ontario in the Great War.

Your Committee had hoped that it would have been placed in a position to organize a small clerical staff last year, for the purpose of beginning systematic and continuous work on the collecting of historical material such as indicated in its last report. This, however, was found to be inadvisable because the grant made in the Further Supplementary Estimates was inadvertently not carried over in Main Estimates and, since the end of the last fiscal year, there were no funds available for its purposes. It is respectfully recommended that this oversight be rectified this Session by a re-vote from last year's vote, with

an additional sum of \$5,000.00, with which it is believed substantial results will be forthcoming in the course of the year. Thus far, the clerical work of the Committee has been attended to by the Ontario Archivist.

Your Committee respectfully recommends that it be re-appointed with power to act, and with such changes in its personnel as may be found necessary or desirable.

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*Resolved*, That this House doth concur in the foregoing Report.

---

The following Bills were severally introduced and read the first time:—

Bill (No. 202), intituled "An Act to amend the Upper Canada College Act." Mr Grant.

*Ordered*, That the Bill be read the second time To-morrow.

Bill (No. 203), intituled "An Act to amend the Provincial Loans Act." Mr Smith.

*Ordered*, That the Bill be read the second time To-morrow.

---

The House resolved itself into a Committee to consider Bill (No. 110), To vary and validate the Timber Licenses of Shevlin-Clarke Company Limited, and after some time spent therein, Mr Speaker resumed the Chair; and Mr. Watson reported, That the Committee had directed him to report the Bill with certain amendments.

*Ordered*, That the Amendments be taken into consideration forthwith.

The Amendments, having been read the second time, were agreed to.

*Ordered*, That the Bill be read the third time To-morrow.

---

Mr. Casselman moved, seconded by Mr. Denyes,

That whereas an Act entitled "The Dairy Standards Act" was passed during the 1916 session of the Ontario Legislature which Act, among other things provided that milk delivered at cheese and butter factories and at condensing plants, must be paid for on the basis of its butter fat content, and which further provided that the by-products at such factories and plants must be

pasteurized and, whereas during the 1917 session, following a protest from parties interested, the Act was amended so as to leave it optional with the factories whether milk delivered to them should be paid for on the basis of its butter fat content and whether the by-product should be pasteurized, and, whereas, during the 1921 session the Act was again amended so as to provide, among other things for the compulsory payment for milk delivered at factories on the basis of its butter fat content and for the compulsory pasteurization of the by-products, and, whereas the dairymen of Eastern Ontario are passing through a period of extreme hard times caused partly by a partial crop failure in 1921, and partly by the prevailing low prices of their products as compared with the high prices of their requirements, and they are facing the prospect of a 10c. cheese market during 1922 season, with poorly wintered and reduced herds, and therefore many of them view with disapproval any enactment which, while it may contain promise of ultimate benefit, yet has, as its immediate effect the increasing of the cost of production, which is already out of all proportion to the value of the product. Be it therefore resolved that in the opinion of this House, the time being inopportune, the enforcement of the provisions of the Dairy Standards Act should again be postponed and the matter of payment by Babcock test, and of the pasteurization of by-products be allowed to remain optional.

And the Motion having been put, was lost on the following division:—

YEAS.

Messieurs:

Allan	Denyes	Ireland	Rennie
Brackin	Govenlock	McCreary	Tolmie—14
Buckland	Gray	MacBride	
Casselman	Halcrow	Pinard	

NAYS.

Messieurs:

Asmussen	Ecclestone	Henry	MacVicar
Bowman	Evans	Hicks	Mageau
Bragg	Evanturel	Johnson	Marceau
Brown	Fenton	(Lanark)	Marshall
Cameron	Fox	Johnston	Mewhinney
Carmichael	Freeborn	(Stimcoe)	Mills
Carty	Grant	Joynt	Montgomery
Clarke	Greenlaw	Lethbridge	Murdoch
Cunningham	Hall	McArthur	Nickle
Doherty	Hay	McCrea	Nixon
Drury	Heenan	McDonald	Ramsden

NAYS.

Messieurs :

Raney	Sinclair	Taylor	Webster
Rollo	Slack	Thompson	Widdifield—60
Ross	Smith	Tisdelle	
(Glengarry)	Staples	Walker	
Ross	Stevenson	Warren	
(Oxford)	Stringer	Watson	

PAIRS.

Sandy .....	Hill
Crockett .....	Ferguson
Sewell .....	Lewis

And so it was declared in the negative.

The Order of the Day for resuming the Adjourned Debate on the Motion that Mr. Speaker do now leave the Chair, and that the House do again resolve itself into the Committee of Supply, having been read,

The Debate was resumed,

And after some time, it was on the Motion of Mr. MacBride,

*Ordered*, That the Debate be further adjourned until Tuesday next.

The House then adjourned at 10.00 p.m.

Friday, March 31st, 1922.

PRAYERS.

3.00 O'CLOCK, P.M.

Mr. Speaker informed the House:—

That the Clerk had received from the Railway and Municipal Board, their Reports in the following cases:—

Bill (No. 42), Respecting the Village of Iroquois and

Bill (No. 13), Respecting the Town of Preston.

The several Reports were then read by the Clerk at the Table, as follows:—

*To The Honourable, the Legislative Assembly of the Province of Ontario.*

Upon the reference under Rule 61(a) of your Honourable House, to The Ontario Railway and Municipal Board of Bill No. 42 (1922), entitled "An Act respecting the Village of Iroquois," relating to the issue of debentures for \$25,000, the Board begs leave respectfully to report that in the judgment of the Board it is reasonable that such Bill should be passed by your Honourable House, providing it is amended as shown in the copy of such Bill attached hereto.

The indebtedness of \$25,000 referred to in the said Bill is a floating indebtedness which should have been paid out of current revenue, and for this reason the Board recommends that authority be given to issue debentures for such amount, payable in not more than five years.

All of which is respectfully submitted.

D. M. McINTYRE,

*Chairman.*

J. A. ELLIS,

*Commissioner.*

Dated at Toronto,

this 31st day of March, A.D., 1922.

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*To The Honourable, the Legislative Assembly of the Province of Ontario.*

Upon the reference under Rule 61(a) of your Honourable House to The Ontario Railway and Municipal Board, of that part of Bill No. 13 (1922), entitled "An Act respecting the Town of Preston," relating to the issue of debentures for \$24,500, the Board begs leave respectfully to report that in the judgment of the Board it is reasonable that that part of such Bill should be passed by your Honourable House, providing it is amended as shown in the copy of such Bill attached hereto.

The indebtedness amounting to the sum of \$9,000 referred to in the said Bill was incurred for permanent improvements and extensions to the water-works system of the Corporation, and for this reason the Board recommends that authority be given to issue debentures for that amount payable in not more than thirty years.



The indebtedness of \$15,500 also referred to in the said Bill, is a floating indebtedness which should have been paid out of current revenue, and for this reason the Board recommends that authority be given to issue debentures for such amount, payable in not more than five years.

All of which is respectfully submitted.

D. M. McINTYRE,

*Chairman.*

J. A. ELLIS,

*Commissioner.*

Dated at Toronto,

this 30th day of March, A.D., 1922.

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*Ordered*, That Bill (No. 42), Respecting the Village of Iroquois be referred to the Committee on Private Bills, with instructions to consider the same with reference to suggestions of the Railway and Municipal Board thereon.

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*Ordered*, That Bill (No. 13), Respecting the Town of Preston be referred to the Committee on Private Bills with instructions to consider the same with reference to the suggestions of the Railway and Municipal Board thereon.

---

The following Bills were severally read the third time and passed:—

Bill (No. 53), To amend the Agricultural Development Act.

Bill (No. 54), To amend the Ontario Farms Loans Act.

Bill (No. 110), Respecting certain Timber Limits of Shevlin-Clarke Company, Limited.

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Mr. McNamara asked the following Question:—

1. Did the Government through the Department of Lands and Forests, have an aeroplane forest survey made of the English River Country. 2. What was the cost of the survey. 3. Were the plans and maps made by the Government officials made available to Mr. E. W. Backus or his associates. 4. Were the airships piloted by the ex-members of the Canadian or British Air Forces, or other members of the C.E.F.

To which the Minister of Lands and Forests replied in the words and figures following:—

1. The Government through a co-operative arrangement with the Federal Air Board had a forest survey made by aircraft of 10,000 square miles of northwestern Ontario, including the English River Country. 2. The total cost of work estimated at \$46,794.99; the proportion paid by Province of Ontario was \$15,000. 3. Maps made by Government officials were available to the public and copy supplied to a newspaper. 4. Yes.

Mr. Ireland asked the following Question:—

1. Has any request been made to remove Mr. T. M. Clarke, of Belleville, from his office as Division Court Clerk. 2. If so, who makes the request, and upon what grounds is it based. 3. Has Mr. Clarke been: (a) Asked to resign. (b) Communicated with and asked to reply. (c) What answer, if any, has he given.

And the Attorney-General replied:—

1. No. 2. Answered by No. 1. 3.—(a) Yes. (b) Yes. (c) He has promised to attend to his duties properly.

Mr. Mageau asked the following Question:

1. How many licenses for motor vehicles were issued in the years, 1919, 1920, and 1921 in the following districts, viz.—Nipissing, Sturgeon Falls, Sudbury, Algoma, Sault Ste. Marie, Cochrane, Timiskaming, Rainy River, Fort William, Port Arthur and Kenora. 2. What was the total amount of revenue received from such licenses in each year.

And the Minister of Public Works replied in the words and figures following:—

	1919	1920	1921
(1). Districts	Permits	Permits	Permits
Nipissing .....	476	624	834
Sturgeon Falls (included in Nipissing.)			
Sudbury .....	524	875	1,116
Algoma .....	482	603	1,180
(exclusive of S. S. Marie.)			
Sault Ste. Marie (City) ..	728	1,048	1,189
Cochrane (included in Temiskaming.)			
Temiskaming .....	384	416	754
Rainy River .....	210	376	528
Fort William (City) ....	686	800	1,007
Port Arthur (City) ....	629	588	680
Kenora .....	62	70	124
(2). Estimated Revenue.	Estimated Revenue.	Estimated Revenue.	
	1919	1920	1921
	\$44,945.75	\$62,184.20	\$107,196.25

The House resolved itself into a Committee to consider Bill (No. 68), An Act to amend the Line Fences Act, and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Watson reported,

That the Committee had directed him to report the Bill without any amendment.

*Ordered*, That the Bill be read the third time on Monday next.

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4.30 p.m.

His Honour the Lieutenant-Governor entered the Chamber of the Legislative Assembly and took his seat upon the Throne.

Mr. Speaker then addressed His Honour as follows:

*May it please Your Honour,*

The Legislative Assembly of the Province, having at its present Sittings passed certain Bills to which, on behalf and in the name of the said Assembly, I respectfully request Your Honour's assent.

The Clerk Assistant then read the Titles of the Acts that had been passed as follows:—

An Act respecting certain Timber Licenses of Shevlin-Clarke Company, Limited.

An Act to amend the Agricultural Development Act.

An Act to amend the Ontario Farm Loans Act.

---

To these Acts the Royal Assent was announced by the Clerk of the Legislative Assembly, in the following words:—

“In His Majesty's name, His Honour the Lieutenant-Governor doth assent to these Acts.”

His Honour was then pleased to retire.

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The following Bill was read the second time:—

Bill (No. 116), To amend the Assessment Act.

Referred to the Municipal Committee.

The Order of the Day for the second reading of Bill (No. 127), To secure adequate provision for the maintenance of the Wife and Children of a Testator, having been read,

Mr. Watson moved,

That the Bill be now read the second time.

And the Motion, having been put, was lost on a Division.

And so it was declared in the Negative.

---

On Motion of Mr. Raney, seconded by Mr. Doherty,

*Ordered*, That when this House adjourns To-day, it do stand adjourned until Monday next, at Four of the Clock—instead of three—in the afternoon, out of respect to the memory of the late Sir John C. Eaton.

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The House then adjourned at 5.15 p.m.

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Monday, April 3rd, 1922.

PRAYERS.

4.00 O'Clock, P.M.

The House resolved itself into a Committee, severally to consider the following Bills:—

Bill (No. 20), Respecting the Village of Waterdown.

Bill (No. 26), Respecting the City of Niagara Falls.

Bill (No. 28), Respecting the Town of Mimico.

---

Mr. Speaker resumed the chair; and Mr. Homuth reported,

That the Committee had directed him to report the several Bills without amendments.

*Ordered*, That the Bills reported be severally read the third time To-morrow.

Mr. Stover asked the following Question:—

1. What salary does George F. Henderson, K.C., draw as Drainage Referee, per annum. 2. How many cases had he last year. 3. What salary does he draw as Referee of Gas. 4. How much did he draw last year from the Attorney-General's Department. 5. What necessity was there for the Attorney-General employing him. 6. Is he allowed to practice and compete against lawyers who have no government jobs. 7. If so, Why.

To which the Attorney-General replied in the words and figures following:

1. \$3,500. 2. The Government has no return as to this and upon enquiry learns that no record has been kept, but it is estimated that at least three hundred matters have come before the referee last year. 3. \$1,500. 4. Nothing beyond the \$3,500. 5. Mr. Henderson was employed in an Ontario Temperance Act matter at Ottawa, as he was thought to be the best man available, but up to date his account has not been paid. 6. Yes. 7. Mr. Henderson's original appointment was made on a part-time basis by a former Government and the same has been continued.

---

The following Bills were severally read the second time:—

Bill (No. 30), To amend the Constitution of Huron College.

Referred to a Committee of the Whole House To-morrow.

Bill (No. 1), Respecting the Waterloo County Loan and Savings Company.

Referred to a Committee of the Whole House To-morrow.

Bill (No. 3), Respecting the County of Grey.

Referred to a Committee of the Whole House To-morrow.

Bill (No. 2), Respecting the Municipality of Shuniah.

Referred to a Committee of the Whole House To-morrow.

Bill (No. 8), To enable the Town of Gananoque to withdraw from the jurisdiction of the United Counties of Leeds and Grenville.

Referred to a Committee of the Whole House To-morrow.

Bill (No. 33), Respecting the City of St. Thomas.

Referred to a Committee of the Whole House To-morrow.

Bill (No. 32), Respecting the Town of Sudbury.

Referred to a Committee of the Whole House To-morrow.

Bill (No. 40), To authorize the Law Society of Upper Canada to admit Thomas Lindsay Robinette to Practise at the Bar of His Majesty's Courts in Ontario.

Referred to a Committee of the Whole House To-morrow.

Bill (No. 38), Respecting the County of Carleton.

Referred to a Committee of the Whole House To-morrow.

Bill (No. 120), To amend the Municipal Act.

Referred to the Municipal Committee.

Bill (No. 142), To amend the Municipal Act.

Referred to the Municipal Committee.

---

The Order of the Day for the second reading of Bill (No. 129), To amend the Registry Act having been read,

Mr. Price moved,

That the Bill be now read the second time.

And the Motion, having been put, was lost on a Division.

And so it was declared in the Negative.

---

The Order of the Day for the second reading of Bill (No. 145), To amend the Assessment Act having been read,

Mr. Henry moved,

That the Bill be now read the second time.

And the Motion, having been put, was lost on a Division.

And so it was declared in the Negative.

---

The order of the Day for the second reading of Bill (No. 147), To amend the Municipal Act having been read,

Mr. Henry moved,

That the Bill be now read the second time.

And the Motion, having been put, was lost on a Division.

And so it was declared in the Negative.

---

The Order of the Day for the second reading of Bill (No. 139), To amend the High School Act, having been read,

*Ordered*, That the Order be discharged, and that the Bill be withdrawn.

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The House then adjourned at 6.00 p.m.

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Tuesday, April 4th, 1922.

PRAYERS.

3.00 O'CLOCK, P.M.

Mr. Raney from the Standing Committee on Private Bills presented their Fifth Report, which was read as follows and adopted:

Your Committee beg to report the following Bills with certain amendments:

Bill (No. 13), An Act respecting the Town of Preston.

Bill (No. 29), An Act to confirm By-law 650 of the Town of Oakville.

Bill (No. 34), An Act respecting the City of London.

Bill (No. 122), An Act respecting the Town of Wiarton.

Your Committee recommend that notwithstanding that under the Rules of the House affecting Private Bills, the thirty-first day of March was the last day for receiving Reports of Committees on Private Bills, no fines or fees by way of penalties for any suspension of these Rules shall be charged against any Bills which under the Rules might have been considered and reported upon by Your Committee before that date.

---

*Ordered*, That no fines or fees by way of penalties for any suspension of certain Rules shall be charged against any Bills which under the Rules might have been considered and reported upon before the thirty-first day of March last.

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The following Bill was introduced and read the first time:—

Bill (No. 206), intituled “An Act to Amend the Constables Act.” Mr. Raney.

*Ordered*, That the Bill be read the second time To-morrow.

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The following Bill was read the second time:—

Bill (No. 66), To amend the Ontario Insurance Act.

Referred to a Committee of the Whole House To-morrow.

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The Order of the Day for the second reading of Bill (No. 70), To provide for the appointment of Probation Officers having been read.

Mr. Raney moved,

That the Bill be now read the second time.

Mr. Dewart moved in amendment, seconded by Mr. McNamara,



That the Bill be not now read the second time, but be read the second time on this day six months.

And the Amendment, having been put, was lost on a division, and the Bill was thereupon read the second time and referred to a Committee of the Whole House To-morrow.

---

The Order of the Day for resuming the Adjourned Debate on the Motion that Mr. Speaker do now leave the Chair, and that the House do again resolve itself into the Committee of Supply, having been read,

The Debate was resumed,

And after some time, it was on the Motion of Mr Hall,

Ordered, That the Debate be further adjourned until To-morrow.

---

The House then adjourned at 11.00 p.m.

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Wednesday, April 5th, 1922.

PRAYERS.

3.00 O'CLOCK, P.M.

The following Bills were severally introduced and read the first time:—

Bill (No. 204), intituled "An Act to interpret and amend the Veterans Land Grant Act." Mr. Bowman.

*Ordered*, That the Bill be read the second time To-morrow.

Bill (No. 205), intituled "An Act to amend the Motor Vehicles Act." Mr. Brackin.

*Ordered*, That the Bill be read the second time To-morrow.

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Mr. Ferguson asked the following Question:—

1. On what date was the last payment for the fiscal year 1920-21 made on account (a) capital expenditure (b) ordinary expenditure. 2. What was the total amount paid out by the Treasury Department between the close of its account between the fiscal year 1920-21 and November 15th, 1921. 3. What was the date of the actual receipt by the treasury department of the last monies received and credited to the revenue for the fiscal year 1920-21.

And the Treasurer replied in the words and figures following:—

1. (a) October 31st, 1921. (b) October 31st, 1921. 2. \$4,227,344.28.
3. December 8th, 1921.

Mr. MacBride asked the following Question:—

1. How many lawyers are now engaged by the Government in connection with the various departments. 2. How many have been engaged or paid by the Government in connection with the various commissions appointed by the Government since November, 1919. 3. What has been the total cost to the Government for legal assistance for the years 1919, 1920 and 1921.

To which the Attorney-General replied in the words and figures following:

*Answers from the Premier's Department.*

1. None 2. Three. 3. 1919, None; 1920, None; 1921, \$40,312.50.  
Salaries of Permanent Staff—1919, \$3,100; 1920, \$3,100; 1921, None.

*Answers from the Attorney-General's Department.*

1. Attorney General's Department .....	4
Insurance Department .....	1
Railway and Municipal Board .....	3
Public Trustee Office .....	1
Inspector of Legal and Registry Offices .....	1
Master of Titles .....	1
License Board .....	1
Court officials, Osgoode Hall .....	13
Total .....	<u>25</u>

In addition to these there are 51 Crown Attorneys and Assistants who are paid by fees.

2. One as Counsel and four as Commissioners.

3. 1919—Crown Counsel Prosecutions . . . . .	\$14,502.10	
Litigation of Constitutional questions ..	8,680.33	
Commissions and Sundry Investigations	6,265.28	
Legal Services not otherwise provided for	1,585.00	
		\$31,032.71

1920—Crown Counsel Prosecutions, including unpaid accounts 1918-19 . . . . .	\$12,011.48	
Legal Expenses in Counties . . . . .	3,761.15	
Litigation of Constitutional and other questions . . . . .	9,169.69	
Legal Services not otherwise provided for	1,449.45	
Kilmer & Co., services rendered 1918-19	1,350.00	
		\$27,741.67

1921—Crown Counsel Prosecutions . . . . .	\$14,915.78	
Legal Services in Counties . . . . .	4,145.12	
Litigation of Constitutional and other questions . . . . .	7,066.46	
Legal Services not otherwise provided for	53.15	
		\$26,180.51

Total . . . . .		\$83,954.89
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*Salaries of Permanent Staff, Mentioned in Number 1.*

1919 . . . . .	\$79,985.13
1920 . . . . .	87,450.20
1921 . . . . .	98,723.00

*Answers from Education Department.*

1. None.	2. None.	3. 1919 . . . . .	\$6,266.30
		1920 . . . . .	Nothing
		1921 . . . . .	\$22,275.32

*Answer from the Lands and Forests Department.*

1. Six.	2. Eight.	3. 1919 .....	\$ 1,503.00
		1920 .....	50,000.00
		1921 .....	108,928.72
Total .....			<u>\$160,431.72</u>

*Salaries of Permanent Staff.*

1919, None; 1920, \$872.10; 1921, \$3,500.00.

*Answers from Department of Mines.*

1. Two.	2. None.	3. 1919 .....	\$ 7,581.11
		1920 .....	6,304.00
		1921 .....	6,078.30
Total .....			<u>\$19,963.41</u>

*Answers from Department of Public Works.*

1. None. 2. None. 3. Nothing.

*Answers from Department of Health.*

1. None. 2. None. 3. 1919, Nothing; 1920, \$600; 1921, Nothing.

*Answers from Department of Public Highways.*

1. None. 2. None. 3. 1919, None; 1920, \$15; 1921, \$3,869.44.

*Game and Fisheries.*

1. None. 2. None. 3. Nothing.

*Treasury Department.*

1. Permanent Staff . . . . .	5	
Temporary Staff . . . . .	1	
Outside assistance . . . . .	3	
Total . . . . .	<u>9</u>	
2. One.	3. 1919 .....	\$14,567.45
	1920 .....	11,558.84
	1921 .....	10,473.71

*Salaries of Permanent Staff.*

1919 . . . . .	\$13,092.66
1920 . . . . .	15,550.00
1921 . . . . .	15,550.00

*Salaries of Temporary Staff.*

1919 . . . . .	\$3,050.00
1920 . . . . .	2,110.00
1921 . . . . .	1,565.00

*Answers from Audit Office.*

1. None. 2. None. 3. Nothing.

*Answers from Provincial Secretary's Department.*

1. Three. 2. None. 3. 1919 . . . . .	\$250.00
1920 . . . . .	857.00
1921 . . . . .	152.40

*Salaries of Permanent Staff.*

1919 . . . . .	\$9,216.41
1920 . . . . .	8,672.45
1921 . . . . .	8,750.00

*Answers from Department of Agriculture.*

1. None. 2. None. 3. 1919, None; 1920, None; 1921, \$2,590.00.

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Mr. Buckland asked the following Question:—

1. Who is the owner from whom the government leases the old Knox College property. 2. What are the terms of the lease. 3. What amount has been spent to date by the government to repair and enlarge the property. 4. Are there any unpaid accounts outstanding. 5. If so, what is the amount of such accounts. 6. Are any further expenditures on the property contemplated.

And the Minister of Public Works replied as follows:—

1. W. A. Mitchell. 2. Ten years from October 1st, 1920. \$5,000 *per* quarter for the first five years and \$6,250 *per* quarter for the last five years, and to pay taxes. 3. For repairs and alterations: Including elevator, vaults, new sanitary fittings, etc., for laboratory, for Provincial Board of Health, Factory Inspectors, Steam-Boiler Inspectors, Department of Labour, Board of Stationary Engineers, Minimum Wage Board \$56,384.00. Extensions: Fire-proof vaults, Offices for Registrar General, (Vital Statistics), Sanitary Engineers, Provincial Board of Health, Industrial Hygiene, Maternal and Child Welfare, Public Health Education \$93,835.00. Equipment: \$20,192. 4. No. 6. Repairs to fencing, painting and ordinary repairs to keep buildings and grounds in good repair.

Mr. McLeod asked the following Question:—

1. What is the total estimated number of Inspectors and officers, or employees, that will be necessary to enforce and administer the provisions of the 1921 Amendment to the Dairy Standards Act. 2. What is it estimated that their salaries and expenses will total per year. 3. What is the estimated total cost to the Government rendered necessary because of the enforcement of the provisions of these amendments. 4. Was there a demand from the producing Dairy men of the Province for compulsory payment for milk delivered at cheese and butter factories on the basis of the butter fat content and for the compulsory pasteurization of whey. What was the character and extent of this demand. Have there been representations from producers in opposition to compulsory payment by the Babcock test, and of the compulsory pasteurization of whey. 5. What is the extent and character of these representations.

To which the Minister of Agriculture replied in the words following:—

1. About 11 Inspectors in addition to present staff. 2. About \$21,000. 3. Cost to government largely offset by revenue from charge of 50c. per patron for testing but exact figures not available. 4. Eastern and Western Dairy-men's Associations, Ontario Milk & Cream Producers Association, all Dairy Breed Associations, all agricultural papers and many individual farmers asked for the enforcement of Dairy Standards Act. 5. Petitions in opposition have recently been presented by a considerable number of producers, but only a small fraction of total number of producers in Province.

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Mr. Nickle asked the following Question:—

1. Did Major-General H. M. Elliott, Commissioner Provincial Police, issue instructions, either general or particular, to the effect that when liquor has been seized by the Provincial Police, and a Judge, or Magistrate, has

ordered the return of that liquor to the person from whom seized or the owner, that such delivery shall not take place except upon instructions from the Commissioner. 2. If so, by whose instructions, concurrence or authority were such instructions given.

And the Attorney-General replied as follows:—

1. Yes, a circular in the form attached was sent out to the Provincial Police and License Inspectors. 2. The Attorney-General's.

#### MEMORANDUM FOR ALL PROVINCIAL POLICE AND LICENSE INSPECTORS.

It is to be understood that when an appeal has been successfully taken to a County Court Judge by a convicted person, or by an individual whose liquor has been confiscated under the provisions of Section 70 of the Ontario Temperance Act, the Attorney-General may, if he is of the opinion that the matters in dispute are of sufficient importance to justify it, direct a further appeal to an Appellate Division of the Supreme Court of Ontario. If, however, the liquor is handed over to the person successful in his appeal before the County Judge the Department is deprived of the fair results of a further appeal to the Appellate Division, as the liquor may before this appeal is taken be consumed, destroyed or otherwise disposed of by the successful appellant before the County Court Judge.

In future all liquors confiscated by order of Magistrates in accordance with Section 70 of the Ontario Temperance Act or as a result of a conviction for breach of the Ontario Temperance Act shall invariably be held and retained by the Inspector in whose District the confiscation order is made until such time as he is notified by this Department to either dispatch same to the Government Dispensary, Toronto, or to return the liquor to the person from whom it was seized.

Please acknowledge receipt of this letter.

COMMISSIONER.

Toronto, November 14th, 1921.

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The following Bills were severally read the second time:—

Bill (No. 99), To amend the Judicature Act.

Referred to the Legal Committee.

Bill (No. 137), To amend the Municipal Act.

Referred to the Municipal Committee.

Bill (No. 144), To amend the Municipal Act.

Referred to the Municipal Committee.

Bill (No. 148), To amend the Municipal Act.

Referred to the Municipal Committee.

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The Order of the Day for the second reading of Bill (No. 138), To amend The Mothers' Allowance Act, having been read,

Mr. Casselman moved,

That the Bill be now read the second time.

And the Motion, having been put, was lost on a Division.

And so it was declared in the Negative.

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The Order of the Day for the second reading of Bill (No. 153), To amend The Motor Vehicles Act, having been read,

Mr Swayze moved,

That the Bill be now read the second time.

And the Motion, having been put, was lost on a Division.

And so it was declared in the Negative.

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The Order of the Day for resuming the Adjourned Debate on the Motion that Mr. Speaker do now leave the Chair, and that the House do again resolve itself into the Committee of Supply, having been read,

The Debate was resumed,

And after some time, it was, on the Motion of Mr. Watson,

*Ordered*, That the Debate be further adjourned until To-morrow.

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The Provincial Secretary presented to the House, by command of His Honour the Lieutenant-Governor:—

Report of the Inspector of Division Courts, for the year 1920. (*Sessional Papers, No. 5.*)



Also—Regulations and Orders-in-Council made since March 14th, 1922, of the Department of Education or of the Public Schools, Separate Schools or High Schools. (*Sessional Papers, No. 56.*)

Also—Report of the Commission to Investigate the Organization, Discipline, Administration and Efficiency of the Police Force of the City in Brantford, etc. (*Sessional Papers No. 74.*)

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The House then adjourned at 11.05 p.m.

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Thursday, April 6th, 1922.

PRAYERS.

3.00 O'CLOCK, P.M.

Mr Raney from the Standing Committee on Private Bills presented their Sixth Report which was read as follows and adopted;

Your Committee beg to report the following Bill with certain amendments,  
Bill (No. 24), An Act respecting the Town of Collingwood.

Your Committee beg to report the following Bills without amendment;

Bill (No. 41), An Act to amend An Act to incorporate the Town of Merriton.

Bill (No. 92), An Act respecting the City of St. Catharines.

Bill (No. 93), An Act respecting the City of Niagara Falls.

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The following Bills were severally introduced and read the first time:—

Bill (No. 207), intituled "An Act for the better prevention of certain Commercial Agreements." Mr. Raney.

*Ordered,* That the Bill be read the second time To-morrow.

Bill (No. 208), intituled "An Act to amend the Town Sites Act." Mr Bowman.

*Ordered,* That the Bill be read the second time To-morrow.

Mr. Drury, with the consent of the House, withdrew his proposed motion in the matter of the appointment of a Committee to report upon matters pertaining to the administration of the Hydro-Electric Power Commission.

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The Order of the Day for the second reading of Bill (No. 60), To confirm and carry out a certain Agreement into, on behalf of the Attorney General of Ontario and The Shevlin-Clarke Lumber Company Limited, having been read,

*Ordered*, That the Order be discharged, and that the Bill be withdrawn.

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The following Bills were severally read the second time:—

Bill (No. 114), Respecting Licenses for Billiard and Pool Rooms and Bowling Alleys.

Referred to a Committee of the Whole House To-morrow.

Bill (No. 130), To amend the Provincial Highway Act.

Referred to a Committee of the Whole House To-morrow.

Bill (No. 123), To amend The Ontario Railway Act.

Referred to a Committee of the Whole House To-morrow.

Bill (No. 124), To amend The Ontario Railway and Municipal Board Act.

Referred to a Committee of the Whole House To-morrow.

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The Order of the Day for resuming the Adjourned Debate on the Motion that Mr. Speaker do now leave the Chair, and that the House do again resolve itself into the Committee of Supply, having been read,

The Debate was resumed,

And after some time, it was, on the Motion of Mr. Lennox,

*Ordered*, That the Debate be further adjourned until Tuesday next.

The Provincial Secretary presented to the House, by command of His Honour the Lieutenant-Governor:—

Report of the Inspector of Legal Offices for the year 1921. (*Sessional Papers, No. 6.*)

Also—Report of the Registrar of Friendly Societies' Transactions for the year 1921. (*Sessional Papers, No. 11.*)

Also—Report of the Inspector of Registry Offices, for the year 1921. (*Sessional Papers, No. 7.*)

Also—Report of the Registrar of Loan Corporations for the year 1921. (*Sessional Papers, No. 12.*)

Also—Detailed Report of the Superintendent of Insurance for the year 1921. (*Sessional Papers, No. 10.*)

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The House then adjourned at 11.00 p.m.

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Friday, April 7th, 1922.

PRAYERS.

3.00 O'CLOCK, P.M.

Mr. MacVicar, from the Standing Committee on Agriculture and Colonization, presented their First Report, which was read as follows and adopted:

Your Committee have carefully considered Bill (No. 71), "To aid in the Grading and Packing of Fruit," and have prepared certain amendments thereto.

Your Committee have carefully considered the following Bill and report the same without amendments:

Bill (No. 101), To amend the Steam Boiler Act.

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The following Bills were severally introduced and read the first time:—

Bill (No. 209), intituled "An Act respecting the Sale of Securities."  
Mr. Raney.

*Ordered*, That the Bill be read the second time on Monday next.

Bill (No. 210), intituled "An Act to amend the Provincial Loans Act, R.S.O., Chap. 21." Mr. Dewart.

*Ordered*, That the Bill be read the second time on Monday next.

Bill (No. 211), intituled "An Act respecting Privileges to cut Timber." Mr. Bowman.

*Ordered*, That the Bill be read the second time on Monday next.

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On motion of Mr. Clarke, seconded by Mr. Sinclair,

*Ordered*, That, irrespective of any report from the Standing Committee on Standing Orders, leave be given to introduce a Bill intituled "An Act respecting the Town of Cobourg," and that the same be now read the first time and do stand referred to the Committee on Private Bills without the formality of Posting in the Lobby, required by the Rule in such case made and provided.

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The following Bill was then introduced and read the first time:—

Bill (No. 198), intituled "An Act respecting the Town of Cobourg." Mr. Clarke.

Referred direct to the Committee on Private Bills, without the formality of Posting.

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The following Bills were severally read the third time and passed:—

Bill (No. 52), To amend the Surrogate Courts Act.

Bill (No. 69), Respecting General Sessions of the Peace.

Bill (No. 86), Respecting Mineral Rights in certain Canada Company Lands.

Bill (No. 113), To amend the Beach Protection Act.

Mr. Ecclestone asked the following Question:—

1. How many Police Magistrates have been appointed since January 1st, 1920.
2. What are their respective names and addresses.
3. What remuneration does each receive.

To which the Attorney-General replied in the words and figures following:—

1. 30 new appointments; 46 other appointments under The Extended Jurisdiction Act, 1921.
- 2-3. The following is a list of new appointments with respective names addresses and remuneration:—

Name and Address	Remuneration <i>per annum</i>	
	from Municipality	from Government
Burrel, R. W., Caledon East .....	<i>Nil</i>	fees
Burgess, C. H., Port Credit.....	<i>Nil</i>	fees
Coupland, G. Sr., Creemore .....	(not acting)	
Craig, David, Arnprior .....	\$900.	fees
Casement, R. R., Madoc .....	<i>Nil</i>	fees
Clark, Wm. J., Pickering .....	<i>Nil</i>	fees
Denton, Jas. H., Toronto .....	\$2,400.	<i>Nil</i>
Falconer, H., Shelburne .....	<i>Nil</i>	fees
Gundy, Wm. E., Windsor .....	\$2,400.	fees
Hellyer, A., Kenilworth .....	<i>Nil</i>	fees
Jones, J. E., Toronto .....	\$6,000.	<i>Nil</i>
Joynt, Wm., Ottawa .....	<i>Nil</i>	\$1,000.
Jeffer, Compton, Barrie .....	\$1,000.	fees
Lloyd, John L., Northbrook .....	<i>Nil</i>	fees
Massey, Col. J. C., Dunnville .....	<i>Nil</i>	\$3,000.
Moore, H. P., Acton .....	<i>Nil</i>	fees
Miller, A. O., Avonmore .....	<i>Nil</i>	fees
Murch, W. S. R., Westport .....	<i>Nil</i>	fees
Macartney, J., Wiarton .....	<i>Nil</i>	fees
McCormick, W. A., Amherstburg .....	<i>Nil</i>	fees
MacNab, A. E., Walkerton .....	<i>Nil</i>	\$1,500.
Osbourne, E. D., Arnprior .....	(Resigned.)	
Poulin, B. R., L'Orignal .....	<i>Nil</i>	fees
Patterson, Dr. M., Toronto .....	\$3,500.	<i>Nil</i>

Richards, J. A. T., Iroquois Falls . . . . .	(dismissed.)		
Shannon, J. H., Harriston . . . . .	<i>Nil</i>	fees	
Stewart, J. A., Kapuskasing . . . . .	(not acting.)		
Stewart, Wm., Pelee Island . . . . .	<i>Nil</i>	\$300.	
Trueman, R. M., Strathroy . . . . .	<i>Nil</i>	fees	
Tucker, E. R., Cochrane . . . . .	<i>Nil</i>	\$2,500.	

The following is a list of police magistrates whose jurisdiction has been extended under The Police Magistrates' Extended Jurisdiction Act, 1921, with their addresses and remuneration:

Name and Address	Remuneration <i>per annum</i>	
	from Municipality	from Government
Arthurs, Edward, Espanola . . . . .	<i>Nil</i>	\$1,000.
Arnold, S. B., Chatham . . . . .	\$1,400.	fees
Brodie, D. M., Sudbury . . . . .	\$1,500.	\$2,100.
Blake, J. R., Galt . . . . .	\$2,300.	fees
Cline, C. H., Cornwall . . . . .	\$1,300.	fees
Clarke, G. H., Orillia . . . . .	\$1,200.	\$1,600.
Crawford, Robt., Brampton . . . . .	<i>Nil</i>	fees
Cook, Frank, Midland . . . . .	\$1,000.	fees
Campbell, J. H., St. Catharines . . . . .	\$2,000.	fees
Carscallon, A. B., Wallaceburg . . . . .	\$ 750.	fees
Creasor, A. D., Owen Sound . . . . .	\$1,300.	fees
Depew, Jos. E., White River . . . . .	<i>Nil</i>	\$2,500.
Davidson, Douglas, Toronto . . . . .	\$2,500. by T. & H. H. Com.	
Erskine, W. T., Rockland . . . . .	<i>Nil</i>	fees
Fraser, Alex., Niagara Falls . . . . .	\$1,400.	fees
Floyd, Lt-Col. W. H., Cobourg . . . . .	\$ 800.	\$1,000.
Gover, Howard, Coldwater . . . . .	<i>Nil</i>	fees
Gunton, R. E., Simcoe . . . . .	<i>Nil</i>	fees
Goodwin, John, Welland . . . . .	\$1,400.	fees
Graydon, A. H. M., London . . . . .	\$3,600.	fees
Hamilton, T. L., Listowel . . . . .	<i>Nil</i>	fees
Hewson, W. H., Penetanguishene . . . . .	\$ 250.	fees
House, Menno, Bridgeburg . . . . .	<i>Nil</i>	\$500.
Hawkshaw, C. W., Lucan . . . . .	<i>Nil</i>	fees
Hart, G. C., Winchester . . . . .	<i>Nil</i>	fees
Hind, Major A. F., Oshawa . . . . .	\$1,400.	fees
Hamilton, Wm., Uxbridge . . . . .	<i>Nil</i>	fees

Hollands, C. J., Fort Frances .....	<i>Nil</i>	\$2,000
Lawlor, H. W., Hawkesbury .....	\$ 800.	fees
Langley, A. O., Peterboro .....	\$1,600.	fees
Masson, Stuart, Belleville .....	\$1,400.	fees
Makins, J. A., Stratford .....	\$2,000.	fees
Munro, D. J. C., Thorold .....	<i>Nil</i>	fees
McKay, S. G., Ailsa Craig .....	<i>Nil</i>	fees
Mackay, J. T., Sault Ste. Marie .....	<i>Nil</i>	\$2,500.
McDougall, D. P., Maxville .....	<i>Nil</i>	fees
O'Brien, W. W., Port Arthur .....	<i>Nil</i>	\$1,200
Patterson, J. L., Ingersoll .....	\$ 800.	fees
Palling, Wm., Fort William .....	\$2,835.	\$ 800.
Peacock, Wm. Alexandria .....	<i>Nil</i>	fees
Reid, C. A., Goderich .....	<i>Nil</i>	fees
Stewart, J. C., Pembroke .....	\$1,000.	fees
Stoddart, Thos., Copper cliff .....	<i>Nil</i>	\$3,000.
Trim, Chas., Milverton .....	<i>Nil</i>	fees
Woodman, A. C., Drayton .....	<i>Nil</i>	fees
Woodman, A. C., Drayton .....	<i>Nil</i>	fees

Mr. Dewart asked the following Question:—

1. Since the statement of the Hon. Attorney-General, on February 22nd last, that one James Jeffry was still in the employ of the License Board, or the Government, and that it was not the intention of the Government to dispense with his services, has Jeffry either (a) resigned, or (b) been discharged.
2. If so, at what date.
3. Was the conduct or capacity of the said Jeffry the subject of investigation (a) on February 22nd or, if not, (b) at what time was investigation or enquiry begun.
4. What was the cause or ground of such investigation, if any.
5. What facts were elicited and what was the finding or result of the enquiry.
6. Has Jeffry left the employ of the Government or the License Board in consequence.
7. Is Jeffry now in Canada, or, if not, when did he return to England.
8. When did he leave Toronto.

And the Attorney-General replied as follows:—

1. He has resigned.
2. Resignation dated 6th March, 1922, accepted by Order-in-Council bearing date, 30th March, 1922.
- 3.—(a) No. (b) 10th March, 1922.
4. He was charged with accepting bribe moneys.
5. The hearing of the investigation was never completed owing to the taking ill of Major-General Elliott, the Commissioner of Police, who was one of the Investigators.
6. He resigned as stated in 1.
- 7 and 8. It is reported that Mr. Jeffry left Toronto on the 20th March, and returned to England, sailing from New York on the 23rd March.

Mr. Nickle asked the following Question:—

Of the amounts appearing on pages 107, 108, 109, of the Public Accounts for 1920-21, under the heading "Statutory," what items, or portion of these were charged to ordinary expenditures.

And the Provincial Treasurer replied in the words and figures following:—

Statutory—Common School Fund .....	\$	3,160.79
Corporation's Tax Act .....		68,381.52
University of Toronto, Succession Duty .....		500,000.00
University of Toronto, 60 Vic., Chap. 59 .....		7,000.00
University of Toronto, Royal Ontario Museum ..		34,905.65
Ed. F. Seagram, bequest to Galt Hospital .....		200.00
Annuity to Lady Whitney .....		2,000.00
Interest Assurance Fund under Land Titles Act ..		2,750.00
Salary of Minister of Executive Council & Auditor .		68,000.00
Salaries not provided for .....		6,098.66
Ont. Govt. Loan £541,235.24d. at 3½% .....		80,941.81
" " " £804,856.0.11 at 4% .....		140,688.62
" " " £383,721.3.8 at 4½% .....		83,824.54
" " " \$3,000,000.00 at 3½% .....		107,529.83
" " " \$1,150,000.00 at 4% .....		47,603.52
" " " \$3,500,000.00 at 4% A. ....		152,026.83
" " " \$500,000.00 at 4% B. ....		20,616.21
" " " \$3,000,000.00 at 4% C. & D. .		128,223.40
" " " \$3,000,000.00 at 5% H. ....		29.05
" " " \$1,000,000.00 at 5% K. ....		1,025.00
" " " \$4,000,000.00 at 4½% L. ....		200,445.33
" " " \$4,000,000.00 at 5% .....		227,768.15
" " " \$8,350,000.00 at 5% M. ....		375,411.66
" " " \$2,000,000.00 at 5% N. ....		114,743.49
" " " \$1,000,000.00 at 5% P. ....		57,695.31
" " " \$225,000.00 at 5% R. ....		12,723.49
" " " \$2,000,000.00 at 6½% .....		130,000.00
" " " \$3,000,000.00 at 6% T. & U. .		201,714.25
" " " \$5,990,000.00 at 6% V.W.X.Y. .		409,332.24
" " " \$3,000,000.00 at 5% BB. ....		170,943.83
" " " \$3,000,000.00 at 5½% CC. ....		188,874.97
" " " \$4,000,000.00 at 5% DD. ....		226,928.52
" " " \$3,000,000.00 at 5% EE. ....		186,682.88



Ont. Govt. Loan	\$4,000,000.00	at 5½% FF.	...	244,295.68
" " "	\$3,000,000.00	at 5½% GG.	..	188,449.42
" " "	\$3,000,000.00	at 5½% HH.	.	194,553.29
" " "	\$5,000,000.00	at 5½% JJ.	...	315,765.06
" " "	\$2,000,000.00	at 5% KK.	....	119,895.28
" " "	\$6,800,000.00	at 6% LL.	....	481,332.61
" " "	\$8,000,000.00	at 6% MM.	....	469,990.48
" " "	\$3,000,000.00	at 6% NN.	....	180,521.21
" " "	\$5,000,000.00	at 6% PP.	....	164,377.51
" " "	\$16,000,000.00	at 6% RR.	...	473,860.98
" " "	\$10,000,000.00	at 6% SS.	....	289,698.08
" " "	\$10,000,000.00	at 6% TT.	...	6,047.69
" " "	\$15,000,000.00	at 6% UU., XX.	.	1,380.04
" " "	\$15,000,000.00	at 6% WW., YY.	.	1,594.04
Treasury Bills	\$15,000,000.00	at 6% A.	.....	542.95
" "	\$1,000,000.00	at 6% PP.	....	6.50
Ontario Housing Act, Dominion of Canada Loan	\$8,750,000	at 5%	.....	437,500.00
Audit re Teachers and Inspectors Superannuation Fund			.....	875.00
Government contribution to Teachers and Inspectors Superannuation Fund			.....	467,553.96
Loans, \$2,000,000.00 at 6% Teachers and Inspectors Superannuation Fund			.....	60,000.00
County Judges Act			.....	55,915.00
Registrar General's Printed Forms			.....	1,362.20
Sheriff to make up income to \$1,800 <i>per annum</i>			..	10,437.49
Criminal Investigations			.....	7,388.88
Administration of Justice			.....	713.36
Ontario Election Act 8, Geo. IV., chap. 3			.....	13,167.77
Refund 2% on Crown Dues			.....	261.32
Board of County Judges			.....	595.50
Ontario Election Act 10 and 11, Geo. IV., Chap. 2			..	600.00
Workmen's Compensation Act Salaries			.....	17,677.08
Workmen's Compensation Act Expenses			.....	100,000.00
Northern Development Branch			.....	240,389.95
Settlers' Loan Commission			.....	119,916.18
" " " Loans to creameries etc.				2,000.00
Provincial Highways			.....	794,001.82

The following Bills were severally read the second time:--

Bill (No. 135), To amend the Municipal Act.

Referred to the Municipal Committee.

Bill (No. 161), To amend the Municipal Act.

Referred to the Municipal Committee.

Bill (No. 163), To amend the Municipal Act.

Referred to the Municipal Committee.

Bill (No. 166), To amend the Execution Act.

Referred to the Legal Committee.

Bill (No. 169), To amend the Juror's Act.

Referred to the Legal Committee.

Bill (No. 186), To amend the Assessment Act.

Referred to the Municipal Committee.

Bill (No. 187), To amend the Assessment Act.

Referred to the Municipal Committee.

Bill (No. 188), To amend the Municipal Act.

Referred to the Municipal Committee.

Bill (No. 195), To amend the Municipal Act.

Referred to the Municipal Committee.

Bill (No. 190), To amend the Assessment Act.

Referred to the Municipal Committee.

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The Order of the Day for the second reading of Bill (No. 105), Respecting the examining and licensing of Electrical Contractors and Journeymen Electricians, having been read,

And objection having been taken to the provisions thereof, and Mr. Speaker being asked for his ruling, said,

That in his opinion the Bill was clearly out of order and should be removed from the Order Paper.

The Order of the Day for the second reading of Bill (No. 164), To amend the Municipal Act, having been read,

*Ordered*, That the Order be discharged, and that the Bill be withdrawn.

The Order of the Day for the second reading of Bill (No. 165), To amend the Municipal Act, having been read,

*Ordered*, That the Order be discharged and that the Bill be withdrawn.

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The Provincial Secretary presented to the House,

A Return to an Order of the House of Sixth of March, 1922, That there be laid before this House, a Return of copies of all correspondence and other documents between the Attorney-General's Department, the Ontario License Board, the Provincial Police Department, or Provincial Secretary's Department and any person or persons in Brantford having to do with the administration of justice for the City of Brantford or County of Brant since October 20th, 1919, to date. (*Sessional Papers No. 75.*)

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The House then adjourned at 5.00 p.m.

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Monday, April 10th, 1922.

PRAYERS.

3.00 O'Clock, P.M.

The following Bill was read the third time and passed:—

Bill (No. 63), Respecting Reciprocal or Inter-Insurance.

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The House resolved itself into a Committee, severally to consider the following Bills:—

Bill (No. 30), To amend the Constitution of Huron College.

Bill (No. 1), Respecting the Waterloo County Loan and Savings Company.

Bill (No. 3), Respecting the County of Grey.

Bill (No. 2), Respecting the Municipality of Shuniah.

Bill (No. 8), To enable the Town of Gananoque to withdraw from the jurisdiction of the United Counties of Leeds and Grenville.

Bill (No. 33), Respecting the City of St. Thomas.

Bill (No. 32), Respecting the Town of Sudbury.

Bill (No. 40), To authorize the Law Society of Upper Canada to admit Thomas Lindsay Robinette to Practise at the Bar of His Majesty's Courts in Ontario.

Bill (No. 38), Respecting the County of Carleton.

Mr. Speaker resumed the chair; and Mr. Watson reported, That the Committee had directed him to report the several Bills without Amendment.

*Ordered*, That the Bills reported, be severally read the third time To-morrow.

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The following Bills were severally read the second time:—

Bill (No. 9), To amend the Ottawa Civic Hospital Act.

Referred to a Committee of the Whole House To-morrow.

Bill (No. 10), Respecting the City of Ottawa.

Referred to a Committee of the Whole House To-morrow.

Bill (37), Respecting the Township of Nepean.

Referred to a Committee of the Whole House To-morrow.

Bill (No. 34), Respecting the City of London.

Referred to a Committee of the Whole House To-morrow.

Bill (No. 122), Respecting the Town of Warton.

Referred to a Committee of the Whole House To-morrow.

Bill (No. 41), To amend an Act to incorporate the Town of Merritton.

Referred to a Committee of the Whole House To-morrow.

Bill (No. 92), Respecting the City of St. Catharines.

Referred to a Committee of the Whole House To-morrow.

Bill (No. 93), Respecting the City of Niagara Falls.

Referred to a Committee of the Whole House To-morrow.

Bill (No. 155), To amend the Assessment Act.

Referred to the Municipal Committee.

Bill (No. 156), To amend the Municipal Act.

Referred to the Municipal Committee.

Bill (No. 159), For one Day of Rest in Seven.

Referred to the Labour Committee.

Bill (No. 175), To amend the Highway Improvement Act.

Referred to the Municipal Committee.

Bill (No. 189), Respecting Rural School Elections in Police Villages.

Referred to the Municipal Committee.

Bill (No. 152), Respecting the Registration of Nurses.

Referred to a Committee of the Whole House To-morrow.

Bill (No. 73), Respecting Magistrates.

Referred to a Committee of the Whole House To-morrow.

Bill (No. 183), To amend the Wolf Bounty Act.

Referred to a Committee of the Whole House To-morrow.

Bill (No. 193), To amend the Land Titles Act.

Referred to a Committee of the Whole House To-morrow.

Bill (No. 203), To amend the Provincial Loans Act.

Referred to a Committee of the Whole House To-morrow.

Bill (No. 176), To amend the Travelling Shows Act.

Referred to a Committee of the Whole House To-morrow.

The Order of the Day for the second reading of Bill (No. 132), To amend the Ontario Insurance Act, having been read,

Mr. Homuth moved,

That the Bill be now read the second time.

And the Motion, having been put, was lost on a Division.

And so it was declared in the Negative.

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The Order of the Day for the second reading of Bill (No. 143), To amend the Municipal Act, having been read,

Mr. Thompson moved,

That the Bill be now read the second time.

And the Motion, having been put, was lost on a Division.

And so it was declared in the Negative .

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The Order of the Day for the second reading of Bill (No. 151), To amend the Assessment Act, having been read.

Mr. MacVicar moved,

That the Bill be now read the second time.

And the Motion, having been put, was lost on a Division.

And so it was declared in the Negative.

---

The Order of the Day for the second reading of Bill (No. 181), To amend the Municipal Act, having been read,

Mr. Stevenson moved,

That the Bill be now read the second time.

And the Motion, having been put, was lost on a Division.

And so it was declared in the Negative.

The Order of the Day for the second reading of Bill (No. 160), To amend the Assessment Act, having been read,

*Ordered*, That the Order be discharged, and that the Bill be withdrawn.

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The Order of the Day for the second reading of Bill (No. 178), To amend the Children's Protection Act, having been read,

*Ordered*, That the Order be discharged, and that the Bill be withdrawn.

---

The House resolved itself into a Committee to consider Bill (No. 76), To amend the Private Detectives Act, and, after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Webster reported, That the Committee had directed him to report the Bill, with certain amendments,

*Ordered*, That the Amendments be taken into consideration forthwith.

The Amendments, having been read the second time, were agreed to.

*Ordered*, That the Bill be read the third time To-morrow.

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The House resolved itself into a Committee to consider Bill (No. 64), Respecting Insurance Agents, Brokers and Adjusters, and, after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Webster reported, That the Committee had directed him to report the Bill with certain amendments.

*Ordered*, That the Amendments be taken into consideration forthwith.

The Amendments, having been read the second time, were agreed to.

*Ordered*, That the Bill be read the third time To-morrow.

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The House resolved itself into a Committee to consider Bill (No. 66), To amend the Ontario Insurance Act, and, after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Webster reported, That the Committee had made some progress, and directed him to ask for leave to sit again.

*Resolved*, That the Committee have leave to sit again To-morrow.

The House resolved itself into a Committee to consider Bill (No. 88), To amend the Mining Act of Ontario, and, after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Webster reported, That the Committee had made some progress and directed him to ask for leave to sit again.

*Resolved*, That the Committee have leave to sit again To-morrow.

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The House resolved itself into a Committee to consider Bill (No. 123), To amend the Ontario Railway Act, and, after some time spent therein, Mr. Speaker resumed the Chair, and Mr. Webster reported, That the Committee had directed him to report the Bill with certain amendments.

*Ordered*, That the Amendments be taken into consideration forthwith.

The Amendments, having been read the second time, were agreed to.

*Ordered*, That the Bill be read the third time To-morrow.

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The House resolved itself into a Committee to consider Bill (No. 124), To amend the Ontario Railway and Municipal Board Act, and, after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Webster reported, That the Committee had directed him to report the Bill with certain amendments.

*Ordered*, That the Amendments be taken into consideration forthwith.

The Amendments, having been read the second time, were agreed to.

*Ordered*, That the Bill be read the third time To-morrow.

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The Provincial Secretary presented to the House:—

A Return to an Order of the House of 30th April, 1921, that there be laid before the House a return of all copies of all correspondence between the Minister of Lands and Forests, the Prime Minister or any member of the Government, and E. W. Backus, or any other company, firms, or person, together with all estimates, reports, advertisements, conditions of sale, tenders, agreements, maps, documents and papers of every kind and nature relating to:—

1. The Lake of the Woods pulp concession.



2. The White Dog Rapids Water Power, or any other water power in the District of Kenora.

3. The recent sale of pulp wood and timber on the English River concession. (*Sessional Papers No. 76.*)

Also—A Return to an Order of the House of 30th April 1921, that there be laid before the House a Return of copies of all correspondence, papers, plans, reports and documents between the Minister of Highways, or any member of the Government or any official thereof, and the Federal Government and any Minister or official thereof, with reference to contribution under The Canada Roads Act towards the construction of Highways in Ontario. (*Sessional Papers No. 77.*)

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The House then adjourned at 10.50 p.m.

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Tuesday, April 11th, 1922.

PRAYERS.

3.00 O'Clock, P.M.

Mr. Raney, from the Standing Committee on Private Bills, presented their Seventh Report, which was read as follows and adopted:—

Your Committee beg to report the following Bills with certain amendments:—

Bill (No. 4), An Act respecting the City of Fort William.

Bill (No. 5), An Act respecting Victoria Hospital, Renfrew.

Your Committee beg to report the following Bill without amendment:—

Bill (No. 42), An Act respecting the Village of Iroquois.

---

The following Bills were severally introduced and read the first time:—

Bill (No. 212), intituled "An Act respecting the construction of certain works on Lakes and Streams in Ontario." Mr. Mills.

*Ordered,* That the Bill be read the second time To-morrow.

Bill (No. 213), intituled "An Act to amend the Local Improvement Act." Mr. Stevenson.

*Ordered,* That the Bill be read the second time To-morrow.

Mr. Ferguson moved, seconded by Mr. Crawford,

That whereas the Hon. Dougall Carmichael, a Member of the Ontario Government, and a Member of the Hydro-Electric Commission of Ontario, in discussing the cost of Chippawa Power Development did, from his seat in the Legislative Assembly, on or about Friday, March 3rd, 1922, say: "That he told the Prime Minister in the Autumn of 1921 that his feeling was that 'The Commission had either been inefficient or dishonest in its dealings with the Government in regard to this Development,'"—and further said that he had told the Prime Minister that "in view of that he was entitled to have my resignation from the Commission as a Government representative in the Commission." And whereas the Prime Minister at the same time and place concurred in the views so expressed by his Minister; And whereas the statements referred to are of such serious public import that it is incumbent upon this House to take cognizance of them; Be it therefore resolved, that a Committee of the House be named with full power to inquire into and report to this House upon the estimates and expenditures made in respect to the Chippawa Power Development, such Committee to be composed of Messrs. *Doherty, Biggs, Crockett, Sewell, Casselman, Cooper* (Welland), *Sinclair, Nickle* and *Lewis*.

Mr. Doherty moved in amendment, seconded by Mr. Drury,

That all the words in the Resolution, down to and including the word "therefore" in the thirteenth line thereof be omitted and that all the words following the word "that" in the same line be also omitted and that the following be added after the said word "that,"

This House has confidence that the Government will take necessary and proper steps to provide for the full, impartial and expert investigation of the estimates and expenditures of the Hydro-Electric Power Commission of Ontario, and furthermore, is of opinion that when such investigation has been completed, the facts and findings should be submitted to this Legislative Assembly."

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And the House having continued to sit until Twelve of the Clock,  
Midnight

Wednesday, 12th April, 1922.

And the Amendment, having been put, was carried on the following  
division:

YEAS.

Messieurs :

Asmussen	Fenton	McCreary	Smith
Biggs	Fox	McDonald	Staples
Bowman	Freeborn	MacVicar	Stringer
Bragg	Govenlock	Mageau	Taylor
Brown	Grant	Mills	Tisdelle
Cameron	Greenlaw	Montgomery	Tooms
Carmichael	Hall	Murdoch	Walker
Carty	Hicks	Nixon	Warren
Clarke	Johnson	Oke	Watson
Cridland	(Lanark)	Raney	Webster
Cunningham	Johnston	Rollo	Widdifield—53.
Denyes	(Simcoe)	Ross	
Doherty	Leeson	(Glengarry)	
Drury	Lethbridge	Sandy	
Evans	McArthur	Sewell	

NAYS.

Messieurs :

Allan	Ecclestone	Kennedy	Ramsden
Black	Evanturel	McCrea	Rankin
Buckland	Ferguson	McLeod	Rennie
Casselman	Fowler	McNamara	Sinclair
Cooke	Godfrey	MacBride	Stover
Cooper	Halcrow	Marceau	Thompson
(Toronto)	Hay	Marshall	Tolmie—33.
Crawford	Henry	Mewhinney	
Dewart	Ireland	Price	

PAIRS.

Swayze	Joynt.
Heenan	Hill.
Crockett	Lewis.
Slack	Gray.
Curry	Lennox.
McAlpine	Nickle.
Ross (Oxford)	Lang.
Stevenson	Hogarth.

The Main Motion, as amended, having been then put, was carried on the following division:

## YEAS.

## Messieurs:

Asmussen	Fenton	McCreary	Smith
Biggs	Fox	McDonald	Staples
Bowman	Freeborn	MacVicar	Stringer
Bragg	Govenlock	Mageau	Taylor
Brown	Grant	Mills	Tisdelle
Cameron	Greenlaw	Montgomery	Tooms
Carmichael	Hall	Murdoch	Walker
Carty	Hicks	Nixon	Warren
Clarke	Johnson	Oke	Watson
Cridland	(Lanark)	Raney	Webster
Cunningham	Johnston	Rollo	Widdifield—53.
Denyes	(Stimcoe)	Ross	
Doherty	Leeson	(Glengarry)	
Drury	Lethbridge	Sandy	
Evans	McArthur	Sewell	

## NAYS.

## Messieurs:

Allan	Ecclestone	Kennedy	Ramsden
Black	Evanturel	McCrea	Rankin
Buckland	Ferguson	McLeod	Rennie
Casselman	Fowler	McNamara	Sinclair
Cooke	Godfrey	MacBride	Stover
Cooper	Halcrow	Marceau	Thompson
(Toronto)	Hay	Marshall	Tolmie—33.
Crawford	Henry	Mewhinney	
Dewart	Ireland	Price	

## PAIRS.

Swayze	Joynt.
Heenan	Hill.
Crockett	Lewis.
Slack	Gray.
Curry	Lennox.
McAlpine	Nickle.
Ross (Oxford)	Lang.
Stevenson	Hogarth.

And it was

*Resolved*, That this House has confidence that the Government will take necessary and proper steps to provide for the full, impartial and expert investigation of the estimates and expenditures of the Hydro-Electric Power Commission of Ontario, and further, is of opinion that when such investigation has been completed, the facts and findings should be submitted to this Legislative Assembly.

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The House then adjourned at 2.30 a.m.

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Wednesday, April 12th, 1922.

PRAYERS.

3.00 O'CLOCK, P.M.

The following Bill was introduced and read the first time:—

Bill (No. 214), intituled "The Workmens Compensation Amendment Act." Mr. Tolmie.

*Ordered*, That the Bill be read the second time To-morrow.

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Mr. Henry asked the following Question:—

1. What is the mileage of Provincial Highway constructed on the Huron road immediately west of Stratford. 2. With what surface has this highway been constructed. 3. What was the original estimate of the cost of the Stratford-Sebringville section,  $3\frac{3}{4}$  miles. 4. What is the cost to date of the Stratford-Sebringville section,  $3\frac{3}{4}$  miles. 5. What additional expenditure, if any, will be required to complete this section of the highway. 6. What proportion of the cost of this road is contributed by the Dominion Government. 7. What proportion of the cost will be paid by the County of Perth or municipalities. 8. Is it the intention of the Government to leave the open ditch, as at present, on either side of this road.

And the Minister of Public Works replied in the words and figures following:

1. 3.89 miles. 2. Asphaltic Concrete. 3 miles with macadam base and remainder with cement concrete base. 3. \$195,165.48. 4. \$207,906.71. 5. None. 6. 40 *per cent.* 7. County of Perth, 20 *per cent.*, City of Stratford. 20 *per cent.* of \$109,454.87. 8. Yes.

Mr. Cooper (Toronto) asked the following Question:—

1. What amount was received from Corporations in the City of Toronto and the County of York for Race track meeting licenses, and tax on the parimutuel machines.
2. What amount was received for Motor licenses issued in the City of Toronto.
3. What amount was paid by way of taxes by Corporations in the City of Toronto under "The Corporations Tax Act."
4. What amount was the total revenue derived from the Land Transfer tax.
5. How much of said revenue was paid by residents of the City of Toronto.

And the Provincial Treasurer replied as follows:—

1. \$245,120.00.
2. Approximately \$564,944.00.
3. No record.
4. \$162,506.—5 months.
5. No record.

Mr. Allan asked the following Question:—

1. What is the date of the last return made to the Provincial Secretary's Department by the E. J. Callaghan Company Limited, of Fort Francis.
2. Who are the shareholders, and what is the respective amount of stock held by each, as shown by such return.

And the Provincial Secretary replied in the words and figures following:—

1. The last return of E. J. Callaghan, Limited, is as of December 31, 1921.
2. Names of shareholders: Breckon, W. G., 10 shares; Callaghan, E. J., 383 shares; Domanski, C., 10 shares; Desorey, Kate, 5 shares; Decaire, Louis, 10 shares; Grimshaw, K. C., 2 shares; Keyes, F. H., 5 shares; Lloyd, Bruce, 5 shares; Lipke, P. J., 60 shares; Miller, S., 5 shares; Mackenzie, Dr. D. C., 10 shares; Smith, A. E., 10 shares; Sandul, N., 5 shares; Watson, A. H., 20 shares.

Mr. MacBride asked the following Question:—

1. Has Wallace Nesbitt, K.C., been employed, retained or consulted professionally by the Prime Minister, or any Member of the Government, since November 15th, 1919.
2. If so, by what Member of the Government.

And the Premier replied as follows:—

1. Yes. 2. Mr. Nesbitt was retained by the former Government to act in the Appeal to the Privy Council in the case of Great West Saddlery Company *vs.* the King, and he was continued as such Counsel in this case by the present Government, but other than this has not been employed or retained by any Department since the date mentioned in the question.

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Mr. Kennedy asked the following Question:—

1. (a) Has E. W. Backus furnished bonds to guarantee that he will carry out his undertakings in connection with the English River limits. (b) If not, why not. (c) If so, what is the amount and the condition of the bond, who are the bondsmen. 2. (a) Under Clause 5 of the Agreement of September 30th, 1920, between the Province of Ontario and Mr. E. W. Backus, it is stated among other things, as follows:—

“The Company . . . specifically undertake that they will construct and place in operation one unit of the said pulp-mill of fifty tons daily capacity not later than the 1st day of October, 1921.”

Has Mr. Backus fulfilled this special portion of the Agreement. (b) If this condition of the contract has not been carried out, does the Minister on account of such default intend to cancel Agreement of September 30th, 1920. 3. (a) Does the Agreement of September 30th, 1920, confer on Mr. Backus a permanent option on the White Dog power without any specific limitation as to time of development. 4. Is the Government aware that the Company is paying only 25c. per hour for labour at Kenora.

And the Minister of Lands and Forests replied in the words following:—

1. (a) Yes, (b) See answer to (a), (c) \$250,000. Dominion of Canada Bonds. 2. (a) As far as it was possible having regard to Dominion Government delaying approval of plans. (b) See answer to (a). 3. (a) No. 4. No.

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Mr. McCrae asked the following Question:—

1. Have any grants or concessions been made or promised by the Government of any timber rights, privileges or concessions on either side of the proposed extension of the T. & N. O. Railway north of the Trans-continental Railway. If so, when, and to whom, and upon what terms and conditions. 2. Have any applications been made to the Government for any

grants or concessions of timber rights or privileges in or over any part of the above territory. If so, when and by whom. 3. Has the Government considered calling or decided to call for public or private tenders for any timber rights, privileges or concessions in any part of the above territory.

And the Minister of Lands and Forests replied as follows:—

1. No, other than for railway construction purposes.
2. No.
3. No.

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Mr. Ferguson asked the following Question:—

1. Has the Government considered the advisability of appointing or engaging a financial expert or controller in connection with the Treasury Department.

And the Provincial Treasurer replied in the negative.

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On Motion of Mr. Henry, seconded by Mr. Crawford,

*Ordered*, That there be laid before this House, a Return of copies of all correspondence, memoranda and reports between the Toronto and Hamilton Highway Commission and the Minister of Public Works or any member of the Government since November 15th, 1919.

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Mr. Marshall moved, seconded by Mr. Curry,

That there be laid before this House a Return of copies of all documents, agreements, memoranda, correspondence and papers relating to the Rockefeller Foundation Gift to Toronto University, between the Minister of Education or any other Minister of the Government, or the President, or any other of the University authorities and any person or persons whomsoever with reference to the said gift.

And a Debate having ensued, it was,

*Ordered*, That the Debate be adjourned until To-morrow.

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The following Bill was read the second time:—

Bill (No. 172), To amend the Community Halls Act.

Referred to the Committee on Agriculture and Colonization.



The Order of the Day for the second reading of Bill (No. 140), To amend the Dog Tax and Sheep Protection Act, having been read,

Mr. Casselman moved,

That the Bill be now read the second time,

And the Motion, having been put, was lost on a Division.

And so it was declared in the Negative.

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The Order of the Day for resuming the Adjourned Debate on the Motion that Mr. Speaker do now leave the Chair, and that the House do again resolve itself into the Committee of Supply, having been read,

The Debate was resumed,

And after some time, it was, on the Motion of Mr. Raney,

*Ordered*, That the Debate be further adjourned until To-morrow.

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The Provincial Secretary presented to the House, by command of His Honour the Lieutenant-Governor:—

Report of the Bureau of Municipal Affairs for 1921. (*Sessional Papers No. 47.*)

Also—Regulations and Orders-in-Council made since March 26th, 1922, of the Department of Education or of the Public Schools, Separate Schools or High Schools. (*Sessional Papers, No. 56.*)

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The House then Adjourned at 10.45 p.m.

Thursday, April 13th, 1922.

PRAYERS.

3.00 O'Clock, P.M.

Mr. Raney, from the Standing Committee on Private Bills, presented their Eighth Report which was read as follows and adopted:—

Your Committee beg to report the following Bills without amendment;

Bill (No. 39), An Act respecting the City of Windsor.

Bill (No. 49), An Act respecting the City of Galt.

Your Committee recommend that the fees less the actual cost of printing, be remitted on Bill (No. 30), "An Act to amend the Constitution of Huron College" on the ground that it is one relating to a Religious Institution.

---

*Ordered,* That the fees, less the actual cost of printing, be remitted on Bill (No. 30), Huron College.

---

The Order of the Day for the second reading of Bill (No. 131), To amend The Highway Improvement Act, having been read,

Mr. Biggs moved,

That the Bill be now read the second time.

And a Debate having arisen, it was

*Ordered,* That the Debate be adjourned until Tuesday next.

On Motion of Mr. Drury, seconded by Mr. Raney,

*Ordered*, That when this House adjourns To-day, it do stand adjourned until Three of the Clock in the afternoon of Tuesday, the Eighteenth day of April instant.

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The House then adjourned at 4.30 p.m.

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Tuesday, April 18th, 1922.

PRAYERS.

3.00 O'Clock, P.M.

The Order of the Day for resuming the Adjourned Debate on the Motion that Mr. Speaker do now leave the Chair, and that the House do again resolve itself into the Committee of Supply, having been read,

The Debate was resumed,

And after some time,

Mr. Dewart moved, in amendment, seconded by Mr. Lang,

That all the words of the Motion after the first word "That" be struck out and the following substituted therefor: "This Legislature condemns the policy of the present Government in borrowing moneys under the Hydro-Electric Act, R.S.O., Chapter 39, Section 14, which requires that such sums as the Lieutenant-Governor in Council may deem requisite for the purposes of that Act, may be paid over to the Commission and shall be accounted for and audited as prescribed by the Act and in defiance of the express provisions of the said Act, in illegally diverting and misappropriating moneys so raised, for highways and other purposes without the authority or consent of the Legislature and that a statement of the accounts of the Province should be furnished at once by the Provincial Treasurer to show what sum has been so improperly diverted and misappropriated, since the thirty-first October, 1919."

And a Debate having ensued, it was on the Motion of Mr. Warren,

*Ordered*, That the Debate be adjourned until To-morrow.

The House resolved itself into a Committee to consider Bill (No. 176), To amend the Travelling Shows Act and, after some time spent therein, Mr. Speaker resumed the Chair; and Mr. MacVicar reported,

That the Committee had made some progress, and directed him to ask for leave to sit again.

*Resolved*, That the Committee have leave to sit again To-morrow.

The House resolved itself into a Committee to consider Bill (No. 71), To aid in the Grading and Packing of Fruit, and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. MacVicar reported,

That the Committee had made some progress, and directed him to ask for leave to sit again.

*Resolved*, That the Committee have leave to sit again To-morrow.

---

The Provincial Secretary presented to the House,

A Return to an Order of the House of 10th March, 1922, That there be laid before this House, a Return of copies of all correspondence between the Minister of Lands and Forests, the Prime Minister, the Attorney-General, or any Member of the Government and E. W. Backus or any person on his behalf or any other company, firm or person, together with all estimates, reports, advertisements, conditions of sale, tenders, agreements maps, documents, memoranda and papers of every kind and nature relating to (1) The Lake of the Woods pulp concession; (2) The White Dog Rapids water power or any other water power in Ontario; (3) The English River Pulp concession; (4) The Keewatin Lumber Company; (5) The Keewatin Power Company. (*Sessional Papers* No. 78.)

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The House then adjourned at 11.10 P.M.

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Wednesday, April 19th, 1922.

PRAYERS.

3.00 O'Clock, P.M.

The following Bills were severally introduced and read the first time:—

Bill (No. 215), intituled "An Act to amend the Statute Labour Act."  
Mr. Bowman.

*Ordered*, That the Bill be read the second time To-morrow.

Bill (No. 216), intituled "An Act to amend the Steam Boiler Act."  
Mr. Rollo.

*Ordered*, That the Bill be read the second time To-morrow.

Bill (No. 217), intituled "An Act to amend the Factory, Shop and Office Building Act." Mr. Rollo.

*Ordered*, That the Bill be read the second time To-morrow.

Bill (No. 218), intituled "An Act to amend the Ontario Companies Act." Mr. Brackin.

*Ordered*, That the Bill be read the second time To-morrow.

Bill (No. 219), intituled "An Act respecting Works and Measures to relieve Unemployment." Mr. Rollo.

*Ordered*, That the Bill be read the second time To-morrow.

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Mr. Ferguson asked the following Question:

1. What is the amount of compensation asked by each of the members of the Hydro-Radial Commission for his services upon such commission.
2. What amount has been paid to each Commissioner.
3. Is it the intention of the Government to pay the Commissioners any further amount, and, if so, how much.

To which the Premier replied in the words and figures following:—

1. Excepting the Chairman, \$9,000.
  2. Excepting the Chairman, \$5,000.
  3. The matter has not been decided.
- 

Mr. Dewart asked the following Question:

1. Is one Harry T. Wheeler in the employ of the Government in connection with O.T.A. work or in any other capacity.
2. When was he in the employ of the Government and for what period of time, if not so employed at the present time, and in what capacity.
3. What was Wheeler's occupation before such employment if any, by the Government.
4. What amount was paid to the said Wheeler (a) for services, (b) for disbursements.
5. On how many cases of investigation was he engaged.
6. On how many cases and in what cases did he give evidence.
7. On whose recommendation was he employed.
8. If he is not now in the employ of the Government, was he (a) discharged or (b) allowed to resign.

And the Attorney-General replied in the words and figures following:—

1. No.
2. August 30th, 1921 to October 15th, 1921 as Special Officer.
3. Police Constable, store keeper, general laborer.
4. (a) \$166.65.
- (b) \$115.45.
5. Three.
6. One case.
7. E. D. L. Hammond.
8. (a) Yes.
- (b) Answered by (a).

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The Order of the Day for resuming the Adjourned Debate on the Motion and Amendment, that Mr. Speaker do now leave the Chair, and that the House do again resolve itself into the Committee of Supply, having been read,

The Debate was resumed,

And after some time, it was, on the Motion of Mr. Stringer,

*Ordered.* That the Debate be further adjourned until To-morrow.

---

Mr. Drury presented to the House:

Copy of Commission issued to Walter Dymond Gregory, *et al* to inquire into and report upon the estimates and other matters relating to the Queenston-Chippawa Power Development in pursuance of Order-in-Council, dated 13th April, 1922, thereto annexed. (*Sessional Papers No. 82.*)

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The Provincial Secretary presented to the House, by command of His Honour the Lieutenant-Governor:—

First Annual Report of the Public Service Superannuation Board for year ending October, 31st, 1921. (*Sessional Papers No. 79.*)

Also—Regulations of the Provincial Board of Health for sanitary control of Lumber, Timber and Mining Camps. (*Sessional Papers No. 80.*)

Also—A return to an Order of the House of 29th March, 1921. That there be laid before the House a Return showing: 1. What is the number of applications to the Board of License Commissioners, or any Commissioner, Official or Minister for the remission of fines or sentences under the O.T.A. in regard to which the member for South-East Toronto (Seat "B") acted personally or was interested professionally. 2. (a) What is the number of such applications favourably considered; (b) Rejected. 3. (a) What is the total sum of fines under the O.T.A. remitted in regard to which the member for South-East Toronto (Seat "B") acted personally or was interested professionally; (b) What is the aggregate number of fines remitted from sentences imposed under the O.T.A. in regard to which the member for South-East Toronto (Seat "B") acted personally or was interested professionally. (*Sessional Papers No. 81.*)

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The House then adjourned at 11.40 p.m.

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Thursday, April 20th, 1922.

PRAYERS.

3.00 O'Clock, P.M.

Mr. Raney, from the Standing Committee on Private Bills, presented their Ninth Report which was read as follows:—

Your Committee beg to report the following Bill with certain amendments;

Bill (No. 198), An Act respecting the Town of Cobourg.

Your Committee recommend that notwithstanding Rule 51, of Your Honourable House the time for receiving Reports of Committees on Private Bills be extended to and inclusive of Tuesday the Second day of May next.

---

Mr. Raney then moved,

That the Report be adopted.

Mr. Hill moved in amendment, seconded by Mr. Thompson,

That all the words of the Motion after the first word "That" be omitted, and the following substituted therefor, "the Ninth Report of the Private Bills Committee be not now adopted, but that it be recommitted to the Committee on Private Bills, with instructions to reconsider Bill (No. 27), To authorize the Law Society of Upper Canada to admit Pierre Edouard Blondin to practise as a Barrister and Solicitor.

And the Amendment, having been put, was lost on the following division:

## YEAS.

## Messieurs:

Allan.	Ferguson.	Ireland.	Nickle.
Black.	Fowler.	Joynt.	Thompson.
Cooke.	Fox.	Kennedy.	Widdifield—21.
Crawford.	Gray.	McCrae.	
Doherty.	Henry.	MacBride.	
Ecclestone.	Hill.	Montgomery.	

## NAYS.

## Messieurs:

Biggs.	Govenlock.	MacVicar.	Sandy.
Bowman.	Greenlaw.	Marceau.	Sinclair.
Brackin.	Hall.	Mewhinney.	Slack.
Brown.	Hay.	Mills.	Smith.
Cameron.	Hicks.	Murdoch.	Staples.
Carmichael.	Johnson.	Nixon.	Stevenson.
Clarke.	(Lanark)	Oke.	Swayze.
Cooper.	Johnston.	Pinard.	Taylor.
(Toronto)	(Simcoe)	Ramsden.	Tisdelle.
Crockett.	Leeson.	Raney.	Tolmie.
Cunningham.	Lethbridge.	Rennie.	Tooms.
Curry.	McAlpine.	Rollo.	Walker.
Dewart.	McArthur.	Ross.	Watson.
Drury.	McCreary.	(Glengarry)	Webster—57.
Evanturel.	McDonald.	Ross.	
Freeborn.	McLeod.	(Oxford)	

## PAIRS.

Lewis.——Sewell.



The Motion for the adoption of the Report having been then again put, was carried, and the Report was accordingly adopted, and it was,

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*Ordered,* That the time for receiving Reports from Committees on Private Bills be extended until and inclusive of Tuesday the Second day of May next.

---

The Order of the Day for resuming the Adjourned Debate on the Motion and Amendment, that Mr. Speaker do now leave the Chair, and that the House do again resolve itself into the Committee of Supply, having been read,

The Debate was resumed,

And after some time, it was, on the Motion of Mr. Curry.

*Ordered,* That the Debate be further adjourned until To-morrow.

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The House resolved itself into a Committee to consider Bill (No. 65), respecting Insurance Rating Bureaus and, after some time spent therein, Mr. Speaker resumed the Chair; and Mr. MacVicar reported, That the Committee had directed him to report the Bill with certain amendments.

*Ordered,* That the Amendments be taken into consideration forthwith.

The Amendments, having been read the second time, were agreed to.

*Ordered,* That the Bill be read the third time To-morrow.

The House again resolved itself into a Committee to consider Bill (No. 66), To amend the Ontario Insurance Act, and, after some time spent therein, Mr. Speaker resumed the Chair; and Mr. MacVicar reported, That the Committee had directed him to report the Bill with certain amendments.

*Ordered,* That the Amendments be taken into consideration forthwith.

The Amendments, having been read the second time, were agreed to.

*Ordered,* That the Bill be read the third time To-morrow.

The House again resolved itself into a Committee to consider Bill (No. 61), Respecting Automobile Insurance, and, after some time spent therein, Mr. Speaker resumed the chair; and Mr. MacVicar reported, That the Committee had directed him to report the Bill without any amendment.

*Ordered*, That the Bill be read the third time to-morrow.

The House again resolved itself into a Committee to consider Bill (No. 62), Respecting Accident and Sickness Insurance, and, after some time spent therein, Mr. Speaker resumed the chair; and Mr. MacVicar reported, That the Committee had directed him to report the Bill without any amendment.

*Ordered*, That the Bill be read the third time to-morrow.

The House resolved itself into a Committee to consider Bill (No. 130), to amend The Provincial Highway Act and, after some time spent therein, Mr. Speaker resumed the Chair; and Mr. MacVicar reported, That the Committee had made some progress, and directed him to ask for leave to sit again.

*Resolved*, That the Committee have leave to sit again To-morrow.

---

The Provincial Secretary presented to the House, by command of His Honour the Lieutenant-Governor:—

Auditors' Report for the year 1920-21. (*Sessional Papers, No. 54.*)

Also—Report of the Bureau of Archives for the year 1921. (*Sessional Papers, No. 52.*)

Also—Return to an Order of the House of 29th April, 1921. That there be laid before this House, a Return of the Report of the officer, or person, who has been conducting a scale of the logs and mill-cut at twenty-six lumber mills of Ontario throughout the sawing season of 1920, and which the Minister of Lands and Forests has reported to the House is now in his possession, together with the data on which the Report was based and all correspondence in connection therewith. (*Sessional Papers, No. 83.*)

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The House then adjourned at 11.30 p.m.

Friday, April 21st, 1922.

PRAYERS.

3.00 O'Clock, P.M.

Mr. Speaker informed the House:—

That the Clerk had received from the Railway and Municipal Board, their Report in the following case:—

Bill (No. 72), Respecting the Town of Wallaceburg.

The Report was then read by the Clerk at the Table, as follows:—

*To The Honourable, the Legislative Assembly of the Province of Ontario.*

Upon the reference under Rule 61 (a) of your Honourable House, to The Ontario Railway and Municipal Board of Bill No. 72 (1922), intituled "An Act respecting the Town of Wallaceburg," the Board begs leave respectfully to report that in the judgment of the Board it is reasonable that such Bill should be passed by your Honourable House, providing it is amended as shown in the copy of such Bill attached hereto.

The indebtedness amounting to the sum of \$35,000 referred to in the Bill has been largely incurred in respect of works of a permanent character as set out in the preamble to the Bill, and for this reason the Board recommends that the debentures to be issued therefor shall be payable in not more than ten years from the date of issue.

All of which is respectfully submitted,

D. M. McINTYRE,

*Chairman.*

J. A. ELLIS,

*Commissioner.*

Dated at Toronto,

This twenty-first day of April, A.D., 1922.

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*Ordered,* That Bill (No. 72), Respecting the Town of Wallaceburg be referred to the Committee on Private Bills with instructions to consider the same with reference to the suggestions of the Railway and Municipal Board thereon.

The following Bill was introduced and read the first time:—

Bill (No. 220), intituled “An Act to extend the right to vote at Municipal Elections.” Mr. Nixon.

*Ordered*, That the Bill be read the second time on Monday next.

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On Motion of Mr. Drury, seconded by Mr. Doherty,

*Ordered*, That the following members constitute the Select Committee to which was referred Bills Nos. 111, 118 and 119, *re* Voters' Lists:—

Messrs. Drury, Raney, Smith, Warren, Casselman, Walker, MacVicar, Crockett, Cunningham, McCrae, Nickle, Hill, Clarke, Cooper (Welland), Sinclair and Marshall, and

That Bill (No. 109), referred to the Municipal Committee be referred instead to the above-named Committee.

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On Motion of Mr. Raney, seconded by Mr. Drury,

*Ordered*, That the Order for the third reading of Bill (No. 61), Respecting Automobile Insurance: Bill (No. 62), Respecting Accident and Sickness Insurance: Bill (No. 64), Respecting Insurance Agents, Brokers and Adjusters, and Bill (No. 65), Respecting Insurance Rating Bureaus, be discharged and that the Law Clerk be instructed to consolidate the provisions of the several Bills into one Bill, to be intituled, “Bill (No. 66), To amend the Ontario Insurance Act,” and that the same be reprinted and submitted to the House for final consideration.

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Mr. Mageau asked the following Question:

1. Was any money, appropriated for road purposes and bridges under the Northern Development Branch, expended outside of the Northern districts namely, Nipissing, Sturgeon Falls, Sudbury, Timiskaming, Cochrane, Algoma, Rainy River, Port Arthur, Fort William and Sault Ste. Marie in the years 1919, 1920, 1921. 2. If so, in what counties outside of the above named territory was any of such money spent. 3. How much, if any, in each County.

And the Minister of Lands and Forests replied in the words and figures

(1) Yes. (2) Simcoe and Renfrew. (3) Expenditures as under:—  
following:—

	1919	1920	1921
County of Simcoe . . .	\$15,510.94	\$43,246.84	\$ 722.51
County of Renfrew . .	24,421.55	19,505.67	18,421.12

Mr. Mageau asked the following Question:

1. Was any money, appropriated for Roads under the Colonization Roads Branch, expended outside of the Northern districts namely, Nipissing, Sturgeon Falls, Sudbury, Timiskaming, Cochrane, Algoma, Rainy River, Port Arthur, Fort William and Sault Ste. Marie in the years 1919, 1920, and 1921. 2. If so, in what counties outside of the above named territory was any such money spent. 3. How much, if any, in each County.

And the Minister of Lands and Forests replied in the words and figures following:—

(1) Yes. (2) Addington, Bruce, Frontenac, Grey, Hastings, Lanark, Leeds, Lennox, Ontario North, Peterborough, Renfrew, Simcoe and Victoria and (Haliburton—Provisional County.)

(3) Expenditures as under:—

	1919	1920	1921
County of Addington ..	\$18,565.18	\$17,147.31	\$17,364.18
County of Bruce . . . .	4,400.50	7,923.75	6,686.92
County of Frontenac . .	4,101.75	4,224.97	7,582.41
County of Grey . . . . .	1,800.00	2,195.52	—————
County of Hastings . .	16,886.38	18,968.44	18,997.47
County of Lanark . . . .	2,105.07	2,300.72	3,336.81
County of Leeds . . . . .	3,290.82	2,304.53	2,669.75
County of Lennox . . .	500.00	2,000.00	—————
County of Ontario North . . . . .	2,004.02	4,357.14	5,069.88
County of Peter- borough . . . . .	5,951.86	5,622.49	8,145.14
County of Renfrew . . .	31,072.78	34,507.75	32,807.08
County of Simcoe . . . .	10,863.23	14,261.74	9,762.43
County of Victoria, and Haliburton, (Provision- al County) . . . . .	15,706.73	19,615.09	19,219.02

Mr. Buckland asked the following Question:

1. Is S. J. Martin, of Kemptville now in the employ of the Highways Department or any other department of the Government. 2. If not, has he been so employed. 3. What was the term of such employment. 4. What were his duties. 5. What qualification had he for the position. 6. What previous experience had he in such work. 7. What is his salary. 8. What allowance is made him for expenses. 9. What amount has been paid him to date (1) for salary, (2) for expenses.

And the Minister of Public Works replied in the words following:—

1. No. 2. Yes. 3. During the period April 1st to December 1st, 1921. 4. General foreman in charge of procuring and planting trees on the Ottawa-Prescott Highway under the direction of the Highway Forester, together with some work as foreman on grading under the direction of the Resident Engineer. 5. Received special instruction from the Highway Forester. 6. No information. 7. Wages \$4.50 *per* day. 8. Actual and necessary travelling and living expenses when away from place of residence. 9. For wages, \$940.50, and for expenses, \$1,038.70.

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Mr. Hill asked the following Question:

1. When did the Provincial Board of Health obtain the license to manufacture Phenarsenamine (Salvarsan). 2. When did it begin to manufacture Phenarsenamine. 3. What was the amount expended in installing the equipment to manufacture the compound and in experimental work. 4. What has been expended each year in maintaining the equipment and apparatus for this manufacture. 5. What was expended each year in the purchase of chemicals, containers and raw material and for gas and other services used in producing the Phenarsenamine. 6. Who are the members of the staff engaged in this manufacture, either directly or in a supervisory capacity. 7. What salary has been paid to each of these each year since the manufacture began. 8. What clerical staff is employed in the sale and distribution of Phenarsenamine. 9. What amount has been expended annually to maintain this staff. 10. How many doses of different weights of Phenarsenamine have been manufactured and sold each year by the Provincial Board of Health. 11. What amount has been received each year from the sale of Phenarsenamine to the Hospitals, and for Free Clinics in Venereal Diseases (a) in the Province of Ontario. (b) in the other Provinces of Canada and (c) how much has been given free. 12. What is the charge exacted per dose of different weight, in the sale of Phenarsenamine. 13. In determining this price, what overhead expenses have been taken into account. 14. Does the Provincial Board of Health supply the products of other manufacturers of Salvarsan to Hospitals and clinics if requested to do so by the physician in charge, and if so, upon what terms. 15. What are the lowest prices at which the Salvarsan products can be purchased from other manufacturers by the Provincial Board of Health.

And the Minister of Labour replied in the words and figures following:—

1. July 29th, 1919. 2. June 1st, 1920. 3. \$6,582.83. 4. To Dec., 1921, \$237.61. 5. To Dec., 1921, \$6,077.81. 6. A. R. Bonham, B.A.Sc., H. G. Killham, R. E. Packham, Robert Bradley, H. M. Lancaster, B.A. Sc., Director of Laboratories (Supervision). 7. June, 1920—Dec., 1920. A. R. Bonham, \$1,275.00; H. G. Killham, \$600.00; Dec., 1920—Dec., 1921. A. R. Bonham, \$2,550.00; H. G. Killham, \$1,200.00; R. E. Packham, \$400.00; A. D. McClure, \$1,000.00; Robert Bradley, \$86.55. 8. None.
9. Answered by No. 8.
10. June 1st, 1920—Dec. 1st, 1920.

	<i>Sold.</i>	<i>Manufactured.</i>
No. of Ampoules . . . . .	200	2,787
No. of Grams. . . . .	70	1,037.1
Dec., 1920—Dec., 1921.		
No. of Ampoules . . . . .	2,042	13,215
No. of Grams . . . . .	762.6	6,636.8
11. (A) <i>Nil.</i> (B) 1920, \$75.00; 1921, \$725.50.		

June, 1920—Dec., 1920. Dec., 1920—Dec., 1921.

(C) No. of Ampoules . . . . .	2,587	11,167
No. of Grams. . . . .	967.1	5,871

12. 0.2 Gram, 25 cents; 0.3 Gram, 35 cents; 0.4 Gram, 40 cents; 0.5 Gram, 50 cents; 0.6 Gram, 55 cents; 2.0 Gram, \$1.70 cents.

13. Rental, Interest on Capital Investment, Heating, Lighting, Janitor Services, General Supervision. 14. No. 15. 0.2 Gram, 29¾ cents; 0.3 Gram, 39¾ cents; 0.4 Gram, 43¾ cents; 0.5 Gram, 50¾ cents; 0.6 Gram, 57¾ cents. These prices are 65% below list price.

Mr. Henry asked the following Question:—

1. How much money has the Department of Highways received to date from the Federal Government under the Canada Roads Act towards construction of Provincial Highways. 2. How many miles of Provincial Highways has this payment been distributed over. 3. What further amount if any, has been appropriated by the Federal Government under agreement or agreements with the Highways Department.

And the Minister of Public Works replied in the figures following:—

1. \$1,326,329.01. 2. 432.98 miles. 3. \$3,271,783.84.

Mr. Asmussen asked the following Question:—

1. How many girls are in attendance at MacDonald Institute in Guelph.  
 2. How many of such attendants come from (a) Urban Municipalities.  
 (b) Rural Municipalities. 3. Is any preference shown to applicants for admission from Rural Municipalities to those from Urban Municipalities, or *Vice Versa*.

1. 197. 2. (a) 159. (b) 38. 3. Yes. In the Non-professional Courses, only rural applicants are accepted up to July prior to opening of Courses in September.

Mr. Dewart asked the following Question:—

1. Are certain doctors in the Province of Ontario under the ban of the Workmen's Compensation Board as Practitioners whose "services are not acceptable to the Board." 2. If so, how many. 3. In the cases of how many doctors, has written notice been sent to any person or Corporation that the doctor in question was one whose services are not acceptable to the Board, or that he should not in future be employed or paid for Workmen's Compensation cases. 4. Under what authority does the Chairman, or any other Official under the Workmen's Compensation Act, make such ruling or send such notice. 5. Does the Minister of Labour approve of such action by the Chairman or any other member or official of the Board.

And the Minister of Labour replied as follows:—

1. Yes, the Workmen's Compensation Board has directed from time to time that certain doctors whose employment, by reason of inefficient services, neglect or unreliability in giving necessary reports and information, rendering of exorbitant or padded and dishonest accounts, or other cause, were not considered to be conducive to the proper administration of the Act, should not in future be employed or paid by the Board in Workmen's Compensation Board cases. 2. Thirty-one in all, of whom six have been reinstated, there being one application for reinstatement now pending. 3. In all cases where, by reason of the doctor in question being one who had been in the habit of acting in connection with a factory or plant or seeming likely or attempting to act in any Workmen's Compensation Board case, notification was considered necessary to make the Board's direction effective; also whenever inquiry concerning the doctor was made by an employer or a workman interested. There is no record of the exact number, but notification or information concerning the Board's action was given in the majority of the 31 cases, the exception being where the doctor in question intimated that he would not deal with the Board's cases thereafter and had not done so. 4. Under the provisions of The Workmen's Compensation Act and amendments thereto, especially subsection 3 and 5 of Section 44a, as enacted by Section 9 of Chapter 34 of the Statutes of 1917. 5. Under the provisions of the Act the approval of the Minister of Labour is not necessary.



On motion of Mr. McCrae, seconded by Mr. Cooke,

*Ordered*, That there be laid before this House, a Return showing how many timber limits have been offered for sale since December 1st, 1919, and where situated. 2. Were they all sold by tender. 3. How long was each sale advertised. 4. The date of sale, area and price paid. 5. How many tenders were received in each case. 6. The name of the successful tenderer.

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The following Bills were severally read the second time:—

Bill (No. 174) To amend the Disqualification Act.

Referred to the Legal Committee.

Bill (No. 179), To amend the Municipal Drainage Act.

Referred to the Municipal Committee.

Bill (No. 199), To amend the Pharmacy Act.

Referred to the Legal Committee.

---

The Order of the Day for the second reading of Bill (No. 184), To provide for the more equitable taxation of lands in certain Townships, having been read,

Mr. Walker moved,

That the Bill be now read the second time.

And a Debate having ensued, it was

*Ordered*, that the Debate be adjourned until Monday next.

---

The Order of the Day for the second reading of Bill (No. 197), To amend the Assessment Act, having been read,

*Ordered*, That the Order be discharged, and that the Bill be withdrawn.

---

The House then adjourned at 5.30 p.m.

Monday, April 24th, 1922.

PRAYERS.

3.00 O'Clock, P.M.

The following Bill was introduced and read the first time:—

Bill (No. 221), intituled "An Act to amend the Ontario Game and Fisheries Act." Mr. Mills.

*Ordered,* That the Bill be read the second time To-morrow.

---

The following Bills were severally read the third time and passed:—

Bill (No. 20), Respecting the Village of Waterdown.

Bill (No. 28), Respecting the Town of Mimico.

Bill (No. 30), To amend the Constitution of Huron College.

Bill (No. 1), Respecting the Waterloo County Loan and Savings Company.

Bill (No. 3), Respecting the County of Grey.

Bill (No. 2), Respecting the Municipality of Shuniah.

Bill (No. 8), To enable the Town of Gananoque to withdraw from the jurisdiction of the United Counties of Leeds and Grenville.

Bill (No. 33), Respecting the City of St. Thomas.

Bill (No. 32), Respecting the Town of Sudbury.

Bill (No. 38), Respecting the County of Carleton.

---

The House resolved itself into a Committee, severally to consider the following Bills.

Bill (No. 6), Respecting the City of Brantford.

Bill (No. 9), To amend the Ottawa Civic Hospital Act.

Bill (No. 10), Respecting the City of Ottawa.

Bill (No. 37), Respecting the Township of Nepean.

---

Mr. Speaker resumed the chair; and Mr. Watson reported, That the Committee had directed him to report the several Bills without Amendment.

*Ordered*, That the Bills reported, be severally read the third time To-morrow.

---

The following Bills were severally read the second time:—

Bill (No. 13), Respecting the Town of Preston.

Referred to a Committee of the Whole House To-morrow.

Bill (No. 29), To confirm By-law 650 of the Town of Oakville.

Referred to a Committee of the Whole House To-morrow.

Bill (No. 24), Respecting the Town of Collingwood.

Referred to a Committee of the Whole House To-morrow.

Bill (No. 4), Respecting the City of Fort William.

Referred to a Committee of the Whole House To-morrow.

Bill (No. 185), To amend the Municipal Act.

Referred to the Municipal Committee.

Bill (No. 196), To amend the Local Improvement Act.

Referred to the Municipal Committee.

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The Order of the Day for the second reading of Bill (No. 49), Respecting the City of Galt, having been read,

Mr. Homuth moved.

That the Order be discharged and that the Bill be recommitted to the Standing Committee on Private Bills for further consideration and report.

And the Motion having been put, was carried, and the Bill was accordingly recommitted to the Committee.

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Mr. Nickle asked the following Question:—

Public Accounts, 1919-20.

Treasury Bill M.M. apparently not shown.

Treasury Bill J.J. shown as direct liability of \$5,000,000.

Public Accounts 1920-21 p. 8 and 9.

Treasury Bill M.M.—Receipts \$45,172.60; Payments \$1,030,020.00  
Where is the balance of receipts shown.

Treasury Bill J.J.—Payments \$4,200,291.50. Unpaid balance not shown as direct liability. Why not.

And the Provincial Treasurer replied in the words and figures following:—

J.J. Treasury Bills, \$5,000,000. were issued June 15th, 1920, due December 15th, 1920. Receipts shown in 1920 Public Accounts, Page A26, and shown as a direct liability, \$5,000,000. Page A111.

When these became due December 15, 1920 (Fiscal Year, 1921), \$4,050,000. principal was paid off with interest on the whole \$5,000,000. Public Accounts Page 9. The balance \$950,000, was renewed along with \$50,000 additional payment, and this issue was called M.M. \$1,000,000, dated December 15th, 1920, due June 15th, 1921.

The receipts for the additional \$50,000 are shown in 1921 Public Accounts \$45,172.60, Page 8, also the payment of the M.M. Bills at maturity, Page 9.

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Mr. McLeod asked the following Question:—

1. What sums were paid to Gordon Waldron, K.C., in the year ending October 31st, 1921, and for what services. 2. What sums were paid to Gordon Waldron since October 31st, 1921, down to March 31st, 1922, and for what services. 3. Are there any outstanding and unpaid accounts to Gordon Waldron, K.C., and for what services, if any.

And the Attorney General replied in the words and figures following:—

1. Toronto Assizes, Fall 1920, \$1,651; Toronto Assizes, Spring 1921, \$1,301; Toronto Assizes, Winter 1921 \$691; total \$3,643.

2. Toronto Assizes, Fall 1921, \$1,177.80; Toronto Assizes, Winter 1922, \$1,708.00; Kitchener Spring Assizes, \$663.55; North Bay Investigation \$883.91; total \$4,433.26.

3. Yes, in connection with his representing the Lands and Forests Department at the Timber Investigation.

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Mr. McNamara asked the following Question:—

1. In what matters has Mr. Gordon Waldron, K. C. been retained by the Government up to the present date apart from his retainers as Crown Counsel at the Toronto and York Assizes. 2. What is the amount of his fees in each case. 3. In what cases has he been employed to supersede the local Crown Attorney in the prosecution of criminal charges.

And the Attorney General replied in the words and figures following:—

1. Kitchener Spring Assizes, 1921. North Bay Inquiry. Representing the Lands and Forests Dept. on the Timber Investigation. 2. Kitchener Spring Assizes 1921, \$663.55; North Bay Inquiry, \$883.91; Timber Investigation, account not paid. 3. *Rex vs. Ahrens*, (Kitchener); *Rex vs. Sandrelli*, (North Bay); *Rex vs. Lefebre*, (North Bay); *Rex vs. Fleming*, (North Bay); *Rex vs. McKenzie*, (North Bay); *Rex vs. Michaud*, (North Bay).

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Mr. Ecclestone asked the following Question:—

1. Was any expert accountant from outside the Civil Service engaged to assist the Treasurer to prepare the Public Accounts and Financial Statement for the year ending October 31st, 1921. 2. If so, what is his name and address. 3. How long was he engaged at the work. 4. What is his account for such service.

And the Provincial Treasurer replied as follows:—

1. No. 2, 3 and 4 answered by No. 1.

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The Order of the Day for the second reading of Bill (No. 205), To amend the Motor Vehicle Act having been read,

Mr. Braekin moved,

That the Bill be now read the second time.

And the Motion, having been put, was lost on a Division.

And so it was declared in the Negative.

The Order of the Day for resuming the Adjourned Debate on the Motion and Amendment—That Mr. Speaker do now leave the chair and that the House do again resolve itself into the Committee of Supply, having been read,

The Debate was resumed.

After some time. it was, on the Motion of Mr. Cooke,

*Ordered*, That the Debate be further adjourned until To-morrow.

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The Provincial Secretary presented to the House:—

Return to an Order of the House of 21st April, 1922, That there be laid before this House, a Return showing how many timber limits have been offered for sale since December 1st, 1919, and where situated. 2. Were they all sold by tender. 3. How long was each sale advertised. 4. The date of sale, area and price paid. 5. How many tenders were received in each case. 6. The name of the successful tenderer. (*Sessional Papers. No. 84.*)

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The House then adjourned at 11.35 p.m.

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Tuesday, April 25th, 1922.

PRAYERS.

3.00 O'Clock, P.M.

Mr. Raney, from the Standing Committee on Private Bills, presented their Tenth Report which was read as follows and adopted:

Your Committee beg to report the following Bill with certain amendments:

Bill (No. 31), An Act respecting the London Street Railway Company.

Your Committee recommend that the fees, less the actual cost of printing, be remitted on Bill (No. 27), "An Act to authorize the Law Society of Upper Canada to admit Pierre Edouard Blondin to practise as a Barrister and Solicitor," on Bill (No. 35), "An Act to amend An Act to incorporate the Village of Erie Beach" and on Bill (No. 36), "An Act to create the Town of Riverside as a separate Town within the meaning of The Ontario Municipal Act," the same having been withdrawn by the promoters thereof.

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*Ordered,* That the fees, less the actual cost of printing, be remitted on Bill (No. 27), P. E. Blondin; on Bill (No. 35), Erie Beach and on Bill (No. 36), Riverside.

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The following Bills were severally introduced and read the first time:—

Bill (No. 222), intituled "An Act to incorporate the Ontario Co-operative Dairy Products, Limited." Mr. Doherty.

*Ordered,* That the Bill be read the second time To-morrow.

Bill (No. 223), intituled "An Act to amend the Coroners Act." Mr. Raney.

*Ordered,* That the Bill be read the second time To-morrow.

Bill (No. 224), intituled "An Act to amend the Crown Witnesses Act." Mr. Raney.

*Ordered,* That the Bill be read the second time To-morrow.

Bill (No. 225), intituled "An Act respecting the carriage of Liquor on Highways." Mr. Raney.

*Ordered,* That the Bill be read the second time To-morrow.

Bill (No. 226), intituled "An Act to amend the Ontario Temperance Act." Mr. Raney.

*Ordered*, That the Bill be read the second time To-morrow.

Bill (No. 227), intituled "An Act to amend the School Sites Act."  
Mr. Brackin.

*Ordered*, That the Bill be read the second time To-morrow.

Bill (No. 228), intituled "An Act to amend the Motor Vehicles Act."  
Mr. Ferguson.

*Ordered*, That the Bill be read the second time To-morrow.

Bill (No. 229), intituled "An Act to amend the Mining Act of Ontario."  
Mr. Ferguson.

*Ordered*, That the Bill be read the second time To-morrow.

Bill (No. 230), intituled "An Act to amend the Suburban Area Development Act." Mr. Henry.

*Ordered*, That the Bill be read the second time To-morrow.

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The following Bill was read the second time:

Bill (No. 211), Respecting Privieges to cut Timber.

Referred to a Committee of the Whole House To-morrow.

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The Order of the Day for resuming the Adjourned Debate on the Motion and Amendment—That Mr. Speaker do now leave the chair and that the House do again resolve itself into the Committee of Supply, having been read,

The Debate was resumed.

And after some time, it was, on the Motion of Mr. Joynt,

*Ordered*, That the Debate be further adjourned until To-morrow.



The Provincial Secretary presented to the House, by command of His Honour the Lieutenant-Governor:—

Regulations and Orders in Council made since April 5th, 1922, under the authority of the Department of Education Act, or of the Acts relating to Public Schools, Separate Schools, or High Schools. (*Sessional Papers, No. 56.*)

Also—Statement and Report of the Ontario Athletic Commission and of Auditor for the year 1921. (*Sessional Papers, No. 85.*)

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The House then adjourned at 11.10 p.m.

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Wednesday, April 26th, 1922.

PRAYERS.

3.00 O'Clock, P.M.

Mr. Nixon, from the Standing Committee on Municipal Law, presented their Fourth Report which was read as follows and adopted:—

Your Committee have carefully considered the following Bills, and beg to report the same without amendment:—

Bill (No. 175), An Act to amend The Highway Improvement Act.

Bill (No. 179), An Act to amend The Municipal Drainage Act.

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On Motion of Mr. Henry, seconded by Mr. Crawford,

*Ordered*, That notwithstanding that the time for receiving Petitions for Private Bills has elapsed, leave be given to present a Petition of the County Council of York, and that the same be now read and received.

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The following Petition was then read and received:—

The Petition of the County Council of York, praying that an Act may pass authorizing the Corporation to purchase the Assets of certain Radial Railway Companies.

On Motion of Mr. Henry, seconded by Mr. Crawford,

*Ordered*, That all Rules relating to Private Bills be suspended and that leave be given to introduce a Bill relating to the County of York, and that the same do stand referred to the Committee on Private Bills without the formality of Posting in the Lobby, as required by the Rule in such case made and provided.

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The following Bill was then introduced and read the first time:—

Bill (No. 231), intituled "An Act respecting the purchase, by the County of York, of the Assets of certain Companies." Mr. Henry.

*Ordered*, That the Bill be referred direct to the Standing Committee on Private Bills without the formality of Posting in the Lobby.

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Mr. Lethbridge asked the following Question:—

1. What salary is being paid to Sir Adam Beck as Chairman of the Hydro Commission. 2. By whom is such salary paid, and upon what authority. 3. Is the Government aware that Sir Adam Beck is at present employed as an arbitrator in the settlement of the amount to be paid by the City of Toronto to the Toronto Railway Company. 4. Did Sir Adam Beck obtain leave of absence from the Government for the purpose of this arbitration. 5. Is the Government aware that Sir Adam Beck is being paid at the rate of \$250 per day for his services as arbitrator. 6. Who is acting as Chairman of the Hydro-Electric Power Commission whilst Sir Adam Beck is employed on the Toronto Railway Arbitration.

And Mr. Carmichael, Minister without Portfolio, replied as follows:—

1. \$12,000.00 *per annum* as Chairman of the Hydro-Electric Power Commission of Ontario, and \$6,000.00 *per annum* as President of the Ontario Power Company. 2. \$6,000.00 is paid from Consolidated Revenue Fund and the balance, by the Municipalities under contract with the Commission, pursuant to the terms of the Power Commission Act. 3. Yes. 4. No leave of absence required. 5. No. 6. Sir Adam Beck.

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Mr. Hogarth asked the following Question:—

1. At whose request was the Long Lake Pulp and Timber Limit put up for sale. 2. Had this concession been cruised by the Government previous to advertising it for sale. If so, by whom. 3. When was this limit cruised.

How many crews were engaged in the work, and when was their completed report received by the Government. 4. Did any of the reports received point out that part of this concession should not be made tributary to any point north of the height of land. 5. Was any such representations made by any person or persons. If so, by whom, and when. 6. What was the cruisers report as to quality and quantity of the different classes of pulp and timber on this concession. 7. How many tenders were received, and what are the names of the tenderers, and the price offered by each. 8. Who was the successful tenderer. 9. Has any work been performed by the successful tenderer in accordance with the agreement. If so, to what extent. 10. What revenue has been derived by the Government from the sale of this concession up to the present time. 11. Were representations made by the Pigeon River Lumber Company, previous to the advertising of this concession, asking to have it put up for sale. 12. If the area lying south of the height of land had been put up as a separate concession is it not so situated that the use of Hydro-Electric power from the Nipigon could have been made a condition.

And the Minister of Lands and Forests replied in the words and figures following:—

1. A. T. Mackie. 2. Yes. Cruising done under supervision of G. M. Dallyn of Forestry Branch. 3. Between December 15th, 1920, and April 15th, 1921. 16 crews. Report received May, 1921. 4. No. 5. No. 6. Spruce and Balsam. 2% Balsam, 5,610,000 cords; Poplar, 1,289,000 cords; Jackpine, 768,000 cords; Ties, 12,658,000. 7. Three.

J. H. Black, 36 Toronto Street, Toronto.

	Bonus.	Crown dues.	Total.
Spruce pulpwood <i>per cord</i> .....	\$ .49	\$ .80	\$1.29
Other pulpwood <i>per cord</i> .....	.38	.40	.78
Pine timber <i>per M. ft. B. M.</i> .....	10.00	2.50	12.50

A. T. Mackie, in trust. 36 Lowther Ave., Toronto.

	Bonus.	Crown dues.	Total.
Spruce pulpwood <i>per cord</i> .....	.41½	.80	1.21½
Other pulpwood <i>per cord</i> .....	.37½	.40	.77½
Pine timber <i>per M. ft. B. M.</i> .....	11.00	2.50	13.50

Transcontinental Development Co., Ltd., Toronto.

	Bonus.	Crown dues.	Total.
Spruce pulpwood <i>per cord</i> .....	.15	.80	.95
Other pulpwood <i>per cord</i> .....	.15	.40	.55
Pine timber <i>per M. ft. B. M.</i> .....	5.00	2.50	7.50

8. J. H. Black, 36 Toronto Street, Toronto. 9. No. 10. \$60,880.00.  
11. No. 12. The area south of height of land was put up as a separate concession.

Mr. Marshall asked the following Question: —

1. What were the services for which the several firms of lawyers respectively were paid the total sum of \$22,275.32 as expense of litigation and other legal costs on behalf of the Department of Education, as set out on page D 88 of the Public Accounts as follows:—

Freshfield & Lees .....	\$895.05
Jones, Lawrence & Co. ....	964.50
MacCracken, Henderson, Herridge & Fleming	70.00
Nelles, Thompson & Ellis .....	337.20
Tilley, Johnston, Thompson & Parmenter	14,400.00
Young, McGregor .....	5,608.57

And the Minister of Education replied in the words and figures following:—

Freshfield and Lees, London, England:

Legal services and expenses respecting the appeal of the Board of Trustees of the Roman Catholic Separate Schools for the City of Ottawa, to the King-in-Council against the judgment of the Appellate Division of the Supreme Court of Ontario of 24th October, 1918 .....\$895.05

Jones, Lawrence and Company, London, England:

Legal services and expenses re appeal to Privy Council in connection with the Board of Trustees of the Roman Catholic Separate Schools for the City of Ottawa .....\$964.50

MacCracken, Henderson, Herridge and Fleming, Ottawa:

Legal services re appeal of the Board of Trustees of the Roman Catholic Separate Schools, Ottawa .....\$70.00

Nelles, Thompson and Ellis, Ottawa:

Legal services re action in the Supreme Court of Ontario between The Board of Trustees of the Roman Catholic Separate Schools for the City of Ottawa and the Ottawa Separate School Commission .....\$337.20

Tilley, Johnston, Thompson and Parmenter:

Legal services from December, 1916—September, 1919, re litigation Ottawa Separate Schools, including attending on appeal before Privy Council in London, England .....\$14,400.00

Young, McGregor, Toronto:

Legal services and expenses including attendance in London re Privy Council appeal Board of Trustees Ottawa Separate Schools ..\$5,558.57

Young, McGregor, Toronto:

Legal Services *re* notice of appeal, Board of Trustees Ottawa Separate School Board .....\$50.00

Mr. Marshall asked the following Question:—

1. What are the details of the expenditure covered by the item of \$8,000, on page D 89 of the Public Accounts as grants to Teachers and Inspectors Superannuation Fund to meet expenses of administration of Fund.

And the Minister of Education replied in the words and figures following:—

The item of \$8,000. referred to, was a grant appropriated by the Legislature, under Vote 131, Item 3, and was paid as a lump sum into the Fund. The expenses were not charged against this particular amount, but against the whole Fund, and were as follows:—

Administration	Salaries.	Clerical .....	\$5,063.02
"	"	Commission .....	2,425.00
"	(Dr. Putman, etc.)	Travelling .....	226.20
"	(Dr. Anderson)	Medical examina- tions.....	350.00
"	(Prof. Mackenzie)	Actuarial .....	293.50
"		King's Printer ....	808.69
"	(Elliott Fisher & Co.)	Check Writing Machine ....	380.90
"	Special Services,	D. R. MacKenzie ..	300.00
			\$9,833.31

On Motion of Mr. Sinclair, seconded by Mr. Tolmie,

*Ordered*, That there be laid before this House, a Return showing: (a) the total amount received by the Honourable the Provincial Treasurer, or his department, or any department or sub-department of the Government during the months of August, September and October, during each of the years 1919, 1920 and 1921, under the heading of Ordinary Revenue in regard to the following items:—

- (1) Lands and Forests.
- (2) Mines.
- (3) Education.
- (4) Agriculture.
- (5) Game and Fisheries.
- (6) Provincial Secretary.
- (7) Public Highways, Motor Vehicles Branch.
- (8) Insurance.
- (9) Law Stamps.
- (10) Succession Duty.
- (11) Deposits in lieu of Bonds for Succession Duty.
- (12) Corporation Tax and Fire Marshall.
- (13) Casual Revenue.
- (14) Department of Labour.
- (15) T. & N. O. Railway.

(b) The total combined ordinary revenue received by said Department or departments or sub-departments during the months of August, September and October, during each of the years 1919, 1920 and 1921, from the sources mentioned in paragraph (a).

(c) The total amount paid by said Department or departments or sub-departments during the months of August, September and October during each of the years 1919, 1920 and 1921, under the heading of Ordinary Expenditures in regard to the following items:—

- (1) Civil Government.
- (2) Legislation.
- (3) Administration of Justice.
- (4) Education.
- (5) Public Institutions Maintenance.
- (6) Colonization and Immigration.
- (7) Agriculture.
- (8) Hospitals and Charities.
- (9) Repairs and Maintenance.
- (10) Colonization Roads Maintenance.
- (11) Lands and Forests.
- (12) Mines Department.
- (13) Refunds.
- (14) Game and Fisheries.
- (15) Highways Department.
- (16) Attorney General's Department, miscellaneous.
- (17) Treasury Department, miscellaneous.
- (18) Miscellaneous Services.

- (19) Department of Labour and Health.
- (20) Public Works.
- (21) Hydro-Electric Power Commission.
- (22) Public Buildings.
- (23) Statutory Expenditure, miscellaneous.
- (24) Northern Development.
- (25) Improvement to Highways, miscellaneous.
- (26) Teachers and Inspectors Superannuation Fund.
- (27) Special Warrants.

(d) The total combined ordinary expenditure of said Department or departments or sub-departments during the months of August, September and October during the years 1919, 1920 and 1921, included in all departments included in paragraph (c.)

(e) All correspondence during the months of August, September and October, 1921, passing from the Department of the Provincial Treasurer urging and suggesting the collection of all possible Provincial Revenue, and all correspondence during the said months passing from the Department of the Provincial Treasurer or other departments or sub-departments or the Government to all parties having possible sources of Provincial revenue and in particular from the Succession Duty Office to Solicitors and Executors, urging the payment of monies to the Government or any Department thereof before October 31st, 1921, or before the close of the fiscal year.

(f) All deferred payments on October the 31st, A.D. 1921 claims for which were then in the hands of the Department of the Provincial Treasurer and ready for the payment at the commencement of the new fiscal year together with the total amount of the same.

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On Motion of Mr. Mathieu, seconded by Mr. Ferguson,

*Ordered*, That there be laid before this House, a Return showing the quantity of timber removed by the Keewatin Lumber Company in the District of Kenora each year during its cutting operations upon Berths S2, S3, S4, 3, 4, 6, 7, 10, 12, G9 and G10, 21 and 20.

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The Order of the Day for the second reading of Bill (No. 154), To amend the Highway Travel Act having been read,

Mr. Swayze moved,

That the Bill be now read the second time.

And the Motion, having been put, was lost on a Division.

And so it was declared in the Negative.

The Order of the Day for the second reading of Bill (No. 168), To amend the Public Lands Act, having been called,

Mr. Speaker said, that since the Order was previously called, he had examined the Bill and he had now no hesitation in ruling that the measure was *ultra vires* of a private Member and that accordingly, it must be removed from the Order Paper.

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The Order of the Day for resuming the Adjourned Debate on the Motion and Amendment—That Mr. Speaker do now leave the chair and that the House do again resolve itself into the Committee of Supply, having been read,

The Debate was resumed.

And after some time, it was, on the Motion of Mr. Lewis,

*Ordered*, That the Debate be further adjourned until To-morrow.

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The House then adjourned at 10.50 p.m.

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Thursday, April 27th, 1922.

PRAYERS.

3.00 O'Clock, P.M.

Mr. Raney, from the Standing Committee on Private Bills, presented their Eleventh Report which was read as follows and adopted:

Your Committee beg to report the following Bill without amendment:

Bill (No. 7), An Act respecting the City of Port Arthur.

Your Committee beg to report the following Bills with certain amendments:

Bill (No. 25), An Act to incorporate The Ontario Threshermen's Fire Insurance Company.

Bill (No. 43), An Act respecting The Hospital for Sick Children.



Your Committee recommend that the fees, less the actual cost of printing, be remitted on Bill (No. 9), "An Act to amend The Ottawa Civic Hospital Act" and on Bill (No. 43), "An Act respecting The Hospital for Sick Children" on the ground that they both relate to Charitable Institutions.

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*Ordered*, That the fees, less the actual cost of printing, be remitted on Bill (No. 9), Ottawa Civic Hospital and on Bill (No. 43), Hospital for Sick Children.

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The Order of the Day for resuming the Adjourned Debate on the Motion and Amendment—That Mr. Speaker do now leave the chair and that the House do again resolve itself into the Committee of Supply having been read,

The Debate was resumed.

And the House having continued to sit until Twelve of the Clock Midnight,  
Friday, 28th April, 1922,

The Debate continued,

And after some time, it was, on the motion of Mr. Hay,

*Ordered*, That the Debate be further adjourned until Tuesday Next.

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The House then adjourned at 12.10 a.m.

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Friday, April 28th, 1922.

PRAYERS.

3.00 O'CLOCK, P.M.

The following Bills were severally introduced and read the first time:—

Bill (No. 232), intituled "An Act to amend the Division Courts Act."  
Mr. Watson.

*Ordered*, That the Bill be read the second time on Monday next.

Bill (No. 233), intituled "An Act to amend the 'Obstructions on Highways Removal Act, 1920.'" Mr. Biggs.

*Ordered*, That the Bill be read the second time on Monday next.

Mr. Cooper (Toronto) asked the following Question:

1. On what basis and by what authority was the lump sum payment of \$3,900 made to John D. Flavelle, Chairman, Board of License Commissioners, listed under the Department of the Prime Minister, Public Accounts, page AA 6.

And the Premier replied as follows:—

Lump sum payment of \$3,900 to John D. Flavelle, Chairman, Board of License Commissioners, was made on the basis and under the authority provided under Section 19 of The Ontario Public Service Superannuation Act, 1920.

Mr. Cooper (Toronto) asked the following Question:

1. Is the Endo Saunders, who was superannuated as Solicitor O.T.A. at \$2,000 *per annum* (Department of the Prime Minister) Public Accounts AA 4, the same gentleman whose name appears in the Attorney-General's Department, page C 35 of the Public Accounts and is allowed the sum of \$700 for "preparing Bills for Legislature." 2. If so, what were the services performed by this superannuated officer covered by the latter sum and to what Bills did they relate.

And the Attorney-General replied:—

1. Yes. 2. He was engaged in preparing amending legislation in connection with The Ontario Temperance Act.

Mr. Mewhinney asked the following Question:

1. Is there any system by which the advertising given out by the Government to sundry newspapers is managed, having regard to items like advertising \$803.75 under Legislation, Public Accounts, page B1. 2. If there is a Committee that deals with these matters, who constitute the Committee.

And the Premier replied as follows:—

(1) Yes. The system adopted abolishes patronage in the placing of official advertisements, the order-in-Council restricting certain official advertising to the press of one political party having been revoked when this Government came into office, and a new order issued authorizing the use of the press irrespective of political considerations. (2) Yes. The Committee on Advertising, which serves in an advisory capacity, is composed of the Provincial Treasurer, the Deputy Minister of the Department of the Prime Minister, the Solicitor to the Attorney-General's Department, the King's Printer and the Director of Colonization.

Mr. Ireland asked the following Question:

1. What prices are the Government now paying for fresh beef for use in the Asylums and Public Institutions of the Province. 2. What are the names of the different companies who last quoted prices to the Government, and what were the prices quoted.

And the Provincial Secretary replied:—

1. The Public Institutions, under the direction of the Provincial Secretary, are paying to the Ontario Reformatory Industries twelve cents (12c.) per pound for number one steer beef, delivered at the Institutions. 2. Beef is bought on the hoof in the open market. Market prices are paid as on the day of purchase commensurate with quality.

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Mr. Stover asked the following Question:

Is Wm. F. Gregory, in the office of the Civil Service Commissioner, (Public Accounts, A.A., p. 2) any relative of W. D. Gregory, recently Chairman of the Public Service Commission.

To which the Premier replied:—

Mr. W. F. Gregory is not now in the Public Service. He is not a relative of Mr. W. D. Gregory.

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The following Bills were severally read the second time:

Bill (No. 42), Respecting the Village of Iroquois.

Referred to a Committee of the Whole House on Monday next.

Bill (No. 149), To amend the Northern and Northwestern Ontario Development Act.

Referred to a Committee of the Whole House on Monday next.

Bill (No. 201), To amend the Assessment Act.

Referred to a Committee of the Whole House on Monday next.

Bill (No. 202), To amend the Upper Canada College Act.

Referred to a Committee of the Whole House on Monday next.

The House resolved itself into a Committee, severally to consider the following Bills:—

Bill (No. 41), To amend an Act to incorporate the Town of Merritton.

Bill (No. 13), Respecting the Town of Preston.

Bill (No. 29), To confirm By-law 650 of the Town of Oakville.

Mr. Speaker resumed the chair; and Mr. Watson reported, That the Committee had directed him to report the several Bills without Amendment.

*Ordered*, That the Bills reported, be severally read the third time on Monday next.

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The House resolved itself into a Committee to consider Bill (No. 103), To amend The Highway Improvement Act and, after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Watson reported, That the Committee had directed him to report the Bill without any amendment.

*Ordered*, That the Bill be read the third time on Monday next.

The House again resolved itself into a Committee to consider Bill (No. 88), To amend the Mining Act of Ontario and, after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Watson reported, That the Committee had made some progress, and directed him to asked for leave to sit again.

*Resolved*, That the Committee have leave to sit again on Monday next.

The House again resolved itself into a Committee to consider Bill (No. 71), To aid in the Grading and Packing of Fruit and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Watson reported, That the Committee had directed him to report the Bill with certain amendments.

*Ordered*, That the Amendments be taken into consideration forthwith.

The Amendments, having been read the second time, were agreed to.

*Ordered*, That the Bill be read the third time on Monday next.

The House resolved itself into a Committee to consider Bill (No. 211), Respecting Privileges to cut Timber and, after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Watson reported, That the Committee had directed him to report the Bill without any amendment.

*Ordered*, That the Bill be read the third time on Monday next.

The House resolved itself into a Committee to consider Bill (No. 70), To provide for the appointment of Probation Officers and, after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Webster reported, That the Committee had made some progress, and directed him to ask for leave to sit again.

*Resolved*, That the Committee have leave to sit again on Monday next.

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The Order of the Day for the Second Reading of Bill (No. 150), Respecting Presque Isle Park, having been read.

Mr. Bowman moved,

That the Bill be now read the second time.

And the Debate having ensued, it was,

*Ordered*, That the Debate be adjourned until Monday next.

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The Provincial Secretary presented to the House:

A return to an Order of the House of 26th April, 1922, That there be laid before this House, a return showing the quantity of timber removed by the Keewatin Lumber Company in the District of Kenora each year during its cutting operations upon Berths S2, S3, S4, 3, 4, 6, 7, 10, 12, G9 and G10, 21 and 20. (*Sessional Papers, No. 86.*)

Also—A Return to an Order of the House of 15th March, 1922, That there be laid before this House a Return of copies of all letters, telegrams or other correspondence during the year 1921, between any Minister of the Government or of any Member or Officer of the Ontario License Commission with any person or Corporation relating to the charges laid against Constable Lefevre, Provincial Police Force, and Constables Fleming, McKenzie and Michaud, the North Bay Police Force. (*Sessional Papers, No. 87.*)

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The House then adjourned at 5.30 p.m.

Monday, May 1st, 1922.

PRAYERS.

3.00 O'Clock, P.M.

Mr. Speaker communicated to the House,

The Report of the Librarian on the state of the Library. (*Sessional Papers, No. 53.*)

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The following Bills were severally read the third time and passed:—

Bill (No. 51), Respecting the Sandwich, Windsor and Amherstburg Railway.

Bill (No. 68), To amend The Line Fences Act.

Bill (No. 26), Respecting the City of Niagara Falls.

Bill (No. 40), to authorize the Law Society of Upper Canada to admit Thomas Lindsay Robinette, to practise at the Bar of His Majesty's Courts in Ontario.

Bill (No. 9), To amend The Ottawa Civic Hospital Act.

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The House resolved itself into a Committee, severally to consider the following Bills:—

Bill (No. 122), Respecting the Town of Wiarton.

Bill (No. 92), Respecting the City of St. Catharines.

Bill (No. 93), Respecting the City of Niagara Falls.

Bill (No. 24), Respecting the Town of Collingwood.

Bill (No. 4), Respecting the City of Fort William.

Bill (No. 42), Respecting the Village of Iroquois.

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Mr. Speaker resumed the Chair; and Mr. Watson reported, That the Committee had directed him to report the several Bills with certain Amendments.

The Amendments, having been read the second time, were agreed to.

*Ordered*, That the Bills reported, be severally read the third time To-morrow.

The following Bills were severally read the second time:—

Bill (No. 5), Respecting Victoria Hospital, Renfrew.

Referred to a Committee of the Whole House To-morrow.

Bill (No. 39), Respecting the City of Windsor.

Referred to a Committee of the Whole House To-morrow.

Bill (No. 198), Respecting the Town of Cobourg.

Referred to a Committee of the Whole House To-morrow.

Bill (No. 7), Respecting the City of Port Arthur.

Referred to a Committee of the Whole House To-morrow.

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Mr. Nickle asked the following Question:—

What amount or amounts of ordinary receipts and from what sources, the collection of which is authorized by what statute or statutes, were actually received by the official or officials in charge under the responsible Minister of the following Departments and Branches of Departments for account of the Treasurer of Ontario, and on what several dates between November 1st, 1921, and December 31st, 1921, (both days inclusive), which have been included in the Public Accounts of the Province of Ontario for the twelve months ending October 31st, 1921, as purporting to form a part of the Ordinary Receipts actually received during the currency of the said twelve months ending October 31st, 1921.

**LANDS & FORESTS.**

Crown Lands.

Rent.

Crown Leases.

**WOODS & FORESTS.**

Bonus.

Timber Dues.

Ground Rent.

Fire Protection.

**REFUNDS.**

Fire Ranging.

Forest Ranging.

## SUCCESSION DUTIES &amp; Deposits in Lieu of Bond.

## GAME &amp; FISHERIES.

## GAME.

- Royalty on Furs.
- Royalty Coupons.
- Trappers' Licenses.
- Non-Resident Hunting Licenses.
- Resident Deer Licenses.
- Resident Moose Licenses.
- Fur Dealer Licenses.
- Fines, Game.
- Sales, Game.

## FISHERIES.

- Fishing Licenses.
- Angling Permits.

## GOVERNMENT FISH.

- Sales of Fish.

## CORPORATION TAX ACT.

## AGRICULTURE.

## CASUAL REVENUE.

- Attorney-General's Department.
- Treasury Department.
- Amusement Tax.
- Moving Picture License.

## PUBLIC WORKS DEPARTMENT.

## DEPARTMENT OF EDUCATION.

## DEPARTMENT OF INSURANCE.

## LAW STAMPS.

## DEPARTMENT OF MINES.

## NORTHERN DEVELOPMENT BRANCH.

## PROVINCIAL SECRETARY'S DEPARTMENT.

- Letters Patent, Licenses, etc.
- Companies Returns.
- Public Institutions Branch.
- License Branch.
- Licenses.
- Commissions.



INTEREST ACCOUNT.

Sundry Persons. (Interest accrued on subscriptions to loans.)
Sundry Municipalities. (Interest on Drainage Debentures.)
Ontario Housing Act. (Interest.)
Banks. (Interest on Special Deposits.)

And the Provincial Treasurer replied in the words and figures following:—

Following the usual practice, certain amounts received after October 31st, were included in the Ordinary Receipts for the Fiscal Year, ended 31st October, 1921. These amounts under the headings mentioned in the question and the dates of receipts by the Treasury Department were, as follows:—

The collection of the principal amounts mentioned was authorized by the following Statutes, but it is not practicable in answer to the question to enumerate every enactment bearing on every item, some of which, are authorized by several Statutes.

Department or Source.	Statute Authorizing.	Dates Received.	Amount.
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LANDS & FORESTS.

Crown Lands	Public Lands Act, R.S.O., 1914, Cap. 28.	Nov. 1st to Nov. 14th, 1921.	\$ 4,912.28
Rent	do	do	46.00
Crown Leases	do	do	19,575.50

WOODS & FORESTS.

Bonus Crown Timber	Act, R.S.O., 1914, Cap. 28 & Regulation.	do	85,259.47
Timber dues	do	do	342,402.24
Ground Rent	do	do	282.56
Fire Protection	do	do	11,254.40

REFUNDS.

Fire Ranging	do	do	<i>Nil</i>
Forest Ranging	do	do	2,464.25

SUCCESSION DUTIES and

Deposits in Lieu of Bond	The Succession Duties Act, R.S.O., 1914, Cap. 24 & Amendments.	Nov. 1st. to Dec. 8, 1921.	918,502.53
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## GAME &amp; FISHERIES.

## GAME.

Royalty on Furs, Ontario Game & Fisheries Act, Nov. 1st, to (3-4 Geo. V. Cap. 69, Sec. 7.)	Nov. 11, 1921,	87.80
Royalty Coupons	do	290.00
Trappers' Licenses	do	751.00
Non-Resident Hunting Licenses	do	1,100.00
Resident Deer Licenses	do	850.00
Resident Moose Licenses	do	135.00
Fur Dealer Licenses	do	1,326.00
Fines, Game	do	228.40
Sales, Game	do	177.50

## FISHERIES.

Fishing Licenses	do	2,240.00
Angling Permits	do	1,676.82

Department or Source.	Statute Authorizing.	Dates Received.	Amount.
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## GOVERNMENT FISH.

Sale of Fish	do	do	12,455.42
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## CORPORATION TAX ACT.

Norwood Electric Light Plant, Corporation Tax Act, Nov. 2,	21.50
Algoma Power Co. do " 8,	108.00
Temiskaming Tele- phone Co. do " 10,	153.00

## AGRICULTURE.

Ontario Agricultural Col- lege Act, (R.S.O. Cap. 281, Sec. 6), etc.	Nov. 1 to Nov. 14	\$ 82,496.21
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## CASUAL REVENUE.

Attorney-General's Department	Nov. 2 to Nov. 16	9,316.26
Treasury Dept.	do	5,360.88
Amusement Tax	Amusements Tax Act Nov. 12 to Nov. 22	47,132.49
Moving Picture Licenses	Theatres & Cinematographs Act Nov. 10 to Nov. 22	13,530.08

## PUBLIC WORKS DEPT.

Nov. 1 to Nov. 16	9,150.76
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DEPT. OF EDUCATION	Dept. of Education Act, Sec. 5	Nov. 2 to Nov. 12	8,148.14
DEPT. OF INSURANCE	Ont. Insurance Act, R.S.O. 1914, Cap. 183.	Nov. 1	183.25
LAW STAMPS.			
D. McDonald, Goderich	Law Stamps Act, R.S.O. Cap. 25	Nov. 2	60.00
J. H. Carnegie Osgoode Hall		Nov. 8	1,600.00
DEPT. OF MINES.	Mining Act of Ontario Mining Tax Act	Nov. 1 to Nov. 12	33,976.55
NORTHERN DEVELOPMENT BRANCH.			Nil
PROVINCIAL SECRETARY'S DEPT.			
Letters Patent, Licenses, etc.			Nil
Companies Returns			Nil
Department or Source.	Statute Authorizing.	Dates Received.	Amount.
Public Institutions Branch	Hospital for Insane Act (Cap. 295. Sec. 23) & Ont. Re- formatory Act (Cap. 287, Sec. 24).	Nov. 3 to Nov. 16	261,608.87
License Branch	Ontario Temperance Act	Nov. 8 to Nov. 15	34,467.28
Licenses			Nil
Commissions			Nil
INTEREST ACCOUNT.			
Sundry Persons (Interest accrued on Subscriptions to Loans)			Nil
Sundry Municipalities (Interest on Drainage Debentures)			Nil
Ontario Housing Act (Interest)			Nil
Banks (Interest on Special Deposits)			Nil

The House resolved itself into a Committee to consider Bill (No. 114), Respecting Licenses for Billiard, and Pool Rooms, and Bowling Alleys and, after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Watson reported, That the Committee had made some progress, and directed him to ask leave to sit again.

*Resolved*, That the Committee have leave to sit again To-morrow.

The House again resolved itself into a Committee to consider Bill (No. 130), To amend the Provincial Highway Act and, after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Watson reported, That the Committee had made some progress, and directed him to ask for leave to sit again.

*Resolved*, That the Committee have leave to sit again To-morrow.

The House again resolved itself into a Committee to consider Bill (No. 70), To provide for the appointment of Probation Officers and, after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Watson reported, That the Committee had directed him to report the Bills with certain amendments.

*Ordered*, That the Amendments be taken into consideration forthwith.

The Amendments, having been read the second time, were agreed to.

*Ordered*, that the Bill be read the third time To-morrow.

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The Provincial Secretary presented to the House:—

Return to an Order of the House of April 29th, 1921, that there be laid before this House, a return of copies of all Correspondence between R. T. Harding and the Honourable the Attorney-General, or any other Minister of the Crown, or any Officer of the Government since March 1st, 1921, with reference to a certain account for \$500 rendered James Hourigan & Co. by the said R. T. Harding, and also copies of all letters from Crown Timber Agent Wylie since 1st June, 1920, referring to the settlement with James Hourigan & Co. for \$12,600. (*Sessional Papers No. 88.*)

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The House then adjourned at 6.00 p.m.

Tuesday, May 2nd, 1922.

PRAYERS.

3.00 O'Clock, P.M.

Mr. Raney, from the Standing Committee on Private Bills, presented their Twelfth Report which was read as follows and adopted:

Your Committee beg to report the following Bills with certain amendments:

Bill (No. 18), An Act to amend the Consolidated Essex Border Utilities Act.

Bill (No. 22), An Act to incorporate a part of the Township of York as the Township of North York.

Your Committee recommend that notwithstanding Rule 51 of Your Honourable House the time for receiving Reports of Committees on Private Bills be extended to and inclusive of Tuesday the Twenty-third day of May instant.

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*Ordered*, That the time for receiving Reports of Committees on Private Bills be extended until and inclusive of Tuesday the twenty-third day of May instant.

---

The following Bills were severally introduced and read the first time:—

Bill (No. 234), intituled "An Act to amend the Administration of Justice Expenses Act." Mr. Raney.

*Ordered*, That the Bill be read the second time To-morrow.

Bill (No. 235), intituled "An Act to amend the Public Officers' Fees Act." Mr. Raney.

*Ordered*, That the Bill be read the second time To-morrow.

---

The following Bill was read the third time and passed:—

Bill (No. 211), Respecting Privileges to cut Timber.

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The Order of the Day for resuming the Adjourned Debate on the Motion and Amendment—That Mr. Speaker do now leave the chair and that the House do again resolve itself into the Committee of Supply, having been read,

The Debate was resumed.

And after some time, the Amendment, having been put, was lost on the following division:—

YEAS.

Messieurs:

Allan.	Evanturel.	Kennedy.	Price.
Asmusson.	Ferguson.	Lang.	Sinclair.
Black.	Fowler.	Lennox.	Stover.
Brackin.	Govenlock.	Lewis.	Thompson.
Buckland.	Hall.	McAlpine.	Tolmie—29.
Crawford.	Henry.	McLeod.	
Dewart.	Hill.	Marshall.	
Ecclestone.	Ireland.	Pinard.	

NAYS.

Bowman.	Grant.	Montgomery.	Smith.
Brown.	Hicks.	Murdoch.	Staples.
Cameron.	Johnston.	Nixon.	Stevenson.
Carmichael.	(Simcoe)	Oke.	Tisdelle.
Clarke.	Joynt.	Raney.	Walker.
Cridland.	Leeson.	Rollo.	Warren.
Cunningham.	Lethbridge.	Ross.	Watson.
Curry.	McArthur.	(Glengarry)	Webster.
Denyes.	McCreary.	Ross.	Widdifield—42.
Doherty.	McDonald.	(Oxford)	
Evans.	MacVicar.	Sandy.	
Freeborn.	Mills.	Sewell.	

PAIRS.

Drury.....	Hay
Fox.....	Bragg
Casselman.....	Mewhinney
Carty.....	McNamara
Heenan.....	Mathieu
Crockett.....	Hogarth
Stringer.....	Magladery
Fenton.....	Rankin
Johnson (Lanark).....	McCrae
Taylor.....	Marceau
Homuth.....	Ramsden
Swayze.....	Cooke
Biggs.....	Nickle

The main motion, having been then again submitted, was carried and the House accordingly resolved itself into the Committee.

*(In the Committee.)*

*Resolved*, That there be granted to His Majesty, for the services of 1922, the following sum:—

116 To defray the expenses of Civil Government . . . . . \$ 153,650 00

Mr. Speaker resumed the Chair; and Mr. Watson reported, That the Committee had come to a Resolution; also, That the Committee had directed him to ask for leave to sit again.

*Ordered*, That the Report be received To-morrow.

*Resolved*, That the Committee have leave to sit again To-morrow.

---

The Provincial Secretary presented to the House,—by command of His Honour the Lieutenant-Governor:—

Thirty-first Annual report of the Department of Mines (*Sessional Papers No. 4*).

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The House then adjourned at 10.20 p.m.

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Wednesday, May 3rd, 1922.

PRAYERS.

3.00 O'Clock, P.M.

Mr. Nixon, from the Standing Committee on Municipal Law, presented their Fifth Report which was read as follows and adopted:

Your Committee have carefully considered the following Bills and beg to report the same with certain amendments:

Bill (No. 83), An Act to amend the Ontario Highways Act.

Bill (No. 196), An Act to amend the Local Improvement Act.

Your Committee have considered Bills Nos. 56, 57, 79, 104, 115, 117, 120, 137, 142, 144, 156, 163, 188, 195 to amend the Municipal Act and such of their provisions as have been approved have been embodied in a Bill, intituled "The Municipal Amendment Act, 1922."

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The following Bills were severally introduced and read the first time:—

Bill (No. 236), intituled "An Act to amend the University Act." Mr. Grant.

*Ordered,* That the Bill be read the second time To-morrow.

Bill (No. 237), intituled "The Municipal Amendment Act, 1922." Mr. Nixon.

*Ordered,* That the Bill be read the second time To-morrow.

Bill (No. 238), intituled "An Act to amend the Soldiers' Aid Commission Act." Mr. Carmichael.

*Ordered,* That the Bill be read the second time To-morrow.

---

The following Bills were severally read the third time and passed:—

Bill (No. 6), Respecting the City of Brantford.

Bill (No. 37), Respecting the Township of Nepean.

Bill (No. 103), To amend the Highway Improvement Act.

Bill (No. 122), Respecting the Town of Warton.

Bill (No. 93), Respecting the City of Niagara Falls.

---

The House resolved itself into a Committee to consider Bill (No. 107), To amend the Railway Employees' Voting Act, 1918, and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Watson reported,

That the Committee had directed him to report the Bill without any amendment.

*Ordered,* That the Bill be read the third time To-morrow.



Mr. Hogarth asked the following Question:

1. Have any Fishing Licenses or Leases been issued to fish in Lake Eskeyenaga, in the Riding of Port Arthur, District of Thunder Bay. 2. If so, to whom were the licenses or leases issued. 3. What is the address of such licensee or lessee. 4. By whom were the applications for leases or licenses endorsed. 5. Was the opening up of this Lake for fishing approved by the local Game Warden, if not, what were the objections raised by him, if any. 6. Has any applicant for fishing privileges been referred to the Member for Port Arthur. 7. If so, was such applicant refused or endorsed by him. 8. What reasons were given for refusal or endorsement as the case may be.

And the Minister of Mines replied in the words following:—

(1) Yes. Licenses. (2) L. Fleming and H. R. Bingham. (3) L. Fleming, Grant, Ontario; and H. R. Bingham, Aylmer, Ontario. (4) By the Minister of Mines. (5) No. Recommended that the waters be reserved for hatchery purposes. (6) Yes. Applications of H. R. Bingham and L. Fleming. (7) H. R. Bingham's application rejected. L. Fleming's application not yet returned. (8) In view of the fact that warden thought these waters set aside for hatchery purposes and that more than sufficient fish is being produced from other waters under lease, and that no local market is to be served, I think it would be inadvisable to lease this lake at present.

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The House resolved itself into a Committee, severally to consider the following Bills:—

Bill (No. 34), Respecting the City of London.

Bill (No. 198), Respecting the Town of Cobourg.

---

Mr. Speaker resumed the Chair; and Mr. Webster reported,

That the Committee had directed him to report the several Bills without Amendments.

*Ordered*, That the Bills reported, be severally read the third time To-morrow.

The following Bills were severally read the second time:—

Bill (No. 170), To amend the Separate Schools Act.

Referred to the Municipal Committee.

Bill (No. 213), To amend the Local Improvement Act.

Referred to the Municipal Committee.

---

The Order of the Day for the second reading of Bill (No. 173), To amend the Dog Tax and Sheep Protection Act having been read,

Mr. Sandy moved,

That the Bill be now read the second time.

And the Motion, having been put, was lost on a Division.

And so it was declared in the Negative.

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The House again resolved itself into a Committee to consider Bill (No. 88), To amend the Mining Act of Ontario, and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Webster reported,

That the Committee had directed him to report the Bill with certain amendments.

*Ordered*, That the Amendments be taken into consideration forthwith.

The Amendments, having been read the second time, were agreed to.

*Ordered*, That the Bill be read the third time To-morrow.

The House resolved itself into a Committee to consider Bill (No. 152), Respecting Registration of Nurses, and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Webster reported,

That the Committee had directed him to report the Bill with certain amendments.

*Ordered*, That the Amendments be taken into consideration forthwith.

The Amendments, having been read the second time, were agreed to.

*Ordered*, That the Bill be read the third time To-morrow.

The House again resolved itself into a Committee to consider Bill (No. 176), To amend the Travelling Shows Act, and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Webster reported,

That the Committee had directed him to report the Bill with certain amendments.

*Ordered*, That the Amendments be taken into consideration forthwith.

The Amendments having been read the second time, were agreed to.

*Ordered*, That the Bill be read the third time To-morrow.

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The Provincial Secretary presented to the House—by command of His Honour the Lieutenant-Governor:—

The First Annual Report of The Mothers' Allowances Commission.  
(*Sessional Papers No. 89.*)

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The House then adjourned at 6.00 p.m.

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Thursday, May 4th. 1922.

PRAYERS.

3.00 O'Clock, P.M.

Mr Raney, from the Standing Committee on Private Bills, presented their Thirteenth Report which was read as follows and adopted:

Your Committee beg to report the following Bill without amendment:

Bill (No. 15), An Act respecting the City of Sault Ste. Marie.

Your Committee beg to report the following Bills with certain amendments:

Bill (No. 17), An Act respecting the Town of Walkerville.

Bill (No. 19), An Act respecting the Town of Tecumseh.

Bill (No. 21), An Act respecting the Hamilton Veterans of the Great War.

Bill (No. 72), An Act respecting the Town of Wallaceburg.

---

The following Bills were severally introduced and read the first time:—

Bill (No. 239), intituled "An Act to amend the Ontario Highways Act." Mr. Taylor.

*Ordered*, That the Bill be read the second time To-morrow.

Bill (No. 240), intituled "An Act to amend the Juror's Act." Mr. Lethbridge.

*Ordered*, That the Bill be read the second time To-morrow.

Bill (No. 241), intituled "An Act to amend the Queen Victoria Niagara Falls Park Act." Mr. Biggs.

*Ordered*, That the Bill be read the second time To-morrow.

Bill (No. 242), intituled "The District Houses of Refuge Act." Mr. Cunningham.

*Ordered*, That the Bill be read the second time To-morrow.

Bill (No. 243), intituled "The Load of Vehicles Act." Mr. Biggs.

*Ordered*, That the Bill be read the second time To-morrow.

---

The House resolved itself into a Committee to consider Bill (No. 193), To amend the Land Titles Act, and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Watson reported,

That the Committee had directed him to report the Bill without any amendment.

*Ordered*, That the Bill be read the third time To-morrow.

The House resolved itself into a Committee to consider Bill (No. 201), To amend the Assessment Act, and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Watson reported,

That the Committee had directed him to report the Bill with certain amendments.

*Ordered*, That the Amendments be taken into consideration forthwith.

The Amendments, having been read the second time, were agreed to.

*Ordered*, That the Bill be read the third time To-morrow.

The House resolved itself into a Committee to consider Bill (No. 203), To amend the Provincial Loans Act, and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Watson reported,

That the Committee had directed him to report the Bill without any amendment.

*Ordered*, That the Bill be read the third time To-morrow.

The House resolved itself into a Committee to consider Bill (No. 149), To amend the Northern and Northwestern Ontario Development Act, and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Watson reported,

That the Committee had directed him to report the Bill with certain amendments.

*Ordered*, That the Amendments be taken into consideration forthwith.

The Amendments, having been read the second time, were agreed to

*Ordered*, That the Bill be read the third time To-morrow.

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4.00 p.m.

His Honour the Lieutenant-Governor entered the Chamber of the Legislative Assembly and took his seat upon the Throne.

Mr. Speaker then addressed His Honour as follows:

*May it please Your Honour,*

The Legislative Assembly of the Province, having at its present Sittings passed certain Bills to which, on behalf and in the name of the said Assembly, I respectfully request Your Honour's assent.

The Clerk Assistant then read the Titles of the Acts that had been passed as follows:—

An Act respecting the Waterloo County Loan and Savings Company.

An Act respecting the Municipality of Shuniah.

An Act respecting the County of Grey.

An Act to enable the Town of Gananoque to withdraw from the Jurisdiction of the United Counties of Leeds and Grenville.

An Act to amend the Ottawa Civic Hospital Act.

An Act respecting the Village of Waterdown.

An Act respecting the City of Niagara Falls.

An Act respecting the Town of Mimico.

An Act to amend the Constitution of Huron College.

An Act respecting the Town of Sudbury.

An Act respecting the City of St. Thomas.

An Act respecting the County of Carleton.

An Act to authorize the Law Society of Upper Canada to admit Thomas Lindsay Robinette to practise at the bar of His Majesty's Courts in Ontario.

An Act respecting the Sandwich, Windsor and Amherstburg Railway.

An Act to amend the Surrogate Courts Act.

An Act respecting Reciprocal or Inter-insurance.

An Act to amend the Line Fences Act.

An Act respecting General Sessions of the Peace.

An Act respecting Mineral Rights in certain Canada Company Lands.

An Act to amend the Beach Protection Act.

An Act respecting Privileges to Cut Timber.

An Act respecting the City of Brantford.

An Act respecting the Township of Nepean.

An Act to amend the Highway Improvement Act.

An Act respecting the Town of Wiarton.

An Act respecting the City of Niagara Falls.

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To these Acts the Royal Assent was announced by the Clerk of the Legislative Assembly, in the following words:—

“In His Majesty’s name, His Honour the Lieutenant-Governor doth assent to these Acts.”

His Honour was then pleased to retire.

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The following Bills were severally read the second time:—

Bill (No. 157), To amend the Motor Vehicles Act.

Referred to a Committee of the Whole House To-morrow.

Bill (No 158), To regulate the operation of Public Vehicles.

Referred to a Committee of the Whole House To-morrow.

Bill (No. 162), To amend the Public Lands Act.

Referred to a Committee of the Whole House To-morrow.

Bill (No. 204), To interpret and amend the Veterans’ Land Grant Act.

Referred to a Committee of the Whole House To-morrow.

Bill (No. 180), Respecting the Registry Offices in the County of York.

Referred to a Committee of the Whole House To-morrow.

Bill (No 182), To amend the Sheriffs Act.

Referred to a Committee of the Whole House To-morrow.

Bill (No. 208), To amend the Town Sites Act.

Referred to a Committee of the Whole House To-morrow.

Bill (No. 212), Respecting the construction of Certain Works on Lakes and Streams in Ontario.

Referred to a Committee of the Whole House To-morrow.

Bill (No. 221), To amend the Ontario Game and Fisheries Act.

Referred to a Committee of the Whole House To-morrow.

Bill (No. 220), To extend the right to vote at Municipal Elections.

Referred to a Committee of the Whole House To-morrow.

The House, according to Order, again resolved itself into the Committee of Supply, and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Watson reported,

That the Committee had made some progress; also, That the Committee had directed him to ask for leave to sit again.

*Resolved*, That the Committee have leave to sit again To-morrow.

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The House then adjourned at 11.15 p.m.

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Friday, May 5th, 1922.

PRAYERS.

3.00 O'Clock, P.M.

The following Bills were severally introduced and read the first time:—

Bill (No. 244), intituled "An Act to amend the Registry Act and the Land Titles Act." Mr. McCrae.

*Ordered*, That the Bill be read the second time on Monday next.

Bill (No. 245), intituled "An Act respecting Natural Gas." Mr. Mills.

*Ordered*, That the Bill be read the second time on Monday next.



Mr. Stover asked the following Question:

1. Has the Government in its employ a person by the name of Fred Cummings. 2. If so, in what capacity is he employed and what remuneration does he receive.

And the Attorney-General replied:—

1. Not so far as can be ascertained. 2. Answered by Number 1.

Mr. Stover asked the following Question:

1. What was the total cost to the Crown in the trial of Charles Sandrelli and the appeal for breach of the Ontario Liquor Act at North Bay, specifying the parties to whom payments were made and the expenses as follows: (a) for Counsel fees, (b) for Government police or special officers or spotters, showing the amount paid for services and for disbursements and the length of time each person was employed, (c) for the appeal to Judge Leask, (d) for other purposes, specifying the nature of the purpose and the amount. 2. Did the Government pay the fines of the officers or operators who were convicted at North Bay, and if so, for whom and for what amount in each case. 3. Did the Government pay the costs or any expenses in connection with the dismissed charge laid against the three Police Officers of North Bay upon the charge of Solway or Chopin of theft.

To which the Attorney-General replied as follows:—

1. (a) \$360 on trial and \$75 on appeal. (b) The amount cannot be specified as officers engaged on the Sandrelli case were engaged in a number of other cases at the same time. (c) Counsel fee as in (a) \$75; other legal expenses \$42.01. (d) Other legal expenses re trial \$104.60. 2. No. 3. No.

Mr. Stover asked the following Question:

1. How many days or parts of days were occupied in the trial of the Attorney-General's action against the Shevlin-Clarke Company, before Mr. Justice Logie, specifying how many full days, and how many part days were taken up. 2. How many witnesses were called on behalf of the Attorney-General. 3. What was the amount of the Bill for witness fees. 4. Has the sum of \$15,000 which the Public Accounts show to have been paid to E. G. McMillan, partner of N. W. Rowell, K.C., as accountable moneys, been accounted for, and if so, for what purposes, and under what general heads was the money disbursed, giving the amount under such head.

And the Attorney-General replied in the words following:—

1. The trial of the Shevlin-Clarke action occupied thirteen days. On eleven of the thirteen days there were both morning and afternoon sittings and on two of the eleven days, the Court held evening sittings. 2. Seventeen witnesses were called by the Crown. 3. The Bill for witness fees has not yet been made up. 4. Mr. McMillan has not yet made up his accounts accounting for the sum of \$15,000.

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Mr. Govenlock asked the following Question:

1. Has the Government paid any claims for damages arising out of accidents between Stratford and Sebringville on the Provincial Highway. 2. If so, what was the cause of the accident or accidents out of which such damages arose.

And the Minister of Public Works and Highways replied:—

1. No. 2. See answer to question No. 1.

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Mr. Dewart asked the following Question:

1. How many days and parts of days were taken up in the hearing of the action of the Attorney-General against the Shevlin-Clarke Company before the trial Judge Mr. Justice Logie. 2. What Counsel were employed for the Crown. 3. Have the legal fees and costs in the one case that was tried been taxed. 4. If so, at what amount and what allowance per diem was made for each Counsel. 5. Has the Crown paid its own costs as a result of the settlement made. 6. In any event, what has this one case cost the Province for (a) Counsel fees, (b) Solicitor's fees, (c) witness fees, (d) other disbursements, specifying generally the character of such expenses, (e) the total amount.

And the Attorney-General replied as follows:—

1. Thirteen. 2. Mr. Rowell, Mr. McMillan and Mr. Harding. 3. No. 4. Answered by Number 3. 5. The amounts of the Counsel fees, Solicitor's fees, witness fees and other disbursements have not yet been ascertained. 6. For the reasons stated in Number 5, the cost to the Province cannot as yet be ascertained.

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Mr. Nickle asked the following Question:

What amounts actually received, between November 1st and December 8th, 1921, both days inclusive, by the official or officials in charge, under the

responsible Minister, for account of the Treasurer of Ontario, as Succession Duty, have been included in the Public Accounts, of the Province of Ontario, for the year ending, October 31st, 1921.

And the Provincial Treasurer replied:—

Succession Duty .....	\$908,457.28
Deposits in Lieu of Bond .....	10,045.25
	\$918,502.53

Mr. Evanturel asked the following Question:

1. What are the particulars making up the item of \$1,020.45 on page C. 35 of the Public Accounts, O. E. Fleming, damage claim re J. O. L. Spracklin action as to (a) damage and (b) costs. 2. For whom were the firm, Rodd, Wigle & McHugh acting, whose legal services are allowed at the sum of \$482.55 in the same case, (Public Accounts page C. 35.) 3. What is covered by the item of \$344.95 allowed to the said Spracklin for travelling expenses upon the same page of the Public Accounts. 4. Did the Government pay the expenses of the defence of Spracklin upon the criminal charge of murder that was laid against him. 5. Who was the Counsel for the said Spracklin. 6. To whom and how were the costs and expenses of his defence paid and what was the amount so paid. 7. What is the date or what are the dates of such payments as were made in connection with the last named items. 8. For what purpose was a launch purchased from A. R. Clarke & Co., Limited (Public Accounts P. C. 35).

And the Attorney-General replied as follows:—

1. (a) \$500 damages. (b) \$520.45 costs of trial and appeal. 2. The Attorney-General. 3. Travelling expenses as Provincial Officer. 4. The Government paid Mr. Spracklin \$2,000.00 toward expenses of trial. 5. R. L. Brackin, K.C. and J. M. McEvoy, K.C. 6. To Mr. Spracklin by cheque. 7. December 21st, 1921 8. For patrolling Detroit River intercepting rum-runners.

The following Bills were severally read the second time:—

Bill (No. 200), To amend the Municipal Drainage Act.

Referred to the Municipal Committee.

Bill (No. 232), To amend the Division Courts Act.

Referred to the Legal Committee.

The House resolved itself into a Committee, severally to consider the following Bills:—

Bill (No. 39), Respecting the City of Windsor.

Bill (No. 7), Respecting the City of Port Arthur.

Bill (No. 92), Respecting the City of St. Catharines.

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Mr. Speaker resumed the Chair; and Mr. Watson reported,

That the Committee had directed him to report the several Bills without Amendments.

*Ordered*, That the Bills reported, be severally read the third time on Monday next.

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The House again resolved itself into a Committee to consider Bill (No. 130), To amend the Provincial Highway Act, and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Watson reported,

That the Committee had directed him to report the Bill with certain amendments.

*Ordered*, That the Amendments be taken into consideration forthwith.

The Amendments, having been read the second time, were agreed to.

*Ordered*, That the Bill be read the third time on Monday next.

The House again resolved itself into a Committee to consider Bill (No. 157), To amend the Motor Vehicles Act, and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Watson reported,

That the Committee had directed him to report the Bill with certain amendments.

*Ordered*, That the Amendments be taken into consideration forthwith.

The Amendments, having been read the second time, were agreed to.

*Ordered*, That the Bill be read the third time on Monday next.

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The House then adjourned at 4.45 p.m.

Monday, May 8th, 1922.

PRAYERS.

3.00 O'Clock, P.M.

The following Bills were severally introduced and read the first time:—

Bill (No. 246); intituled "An Act to amend the Ontario Telephone Act, 1918." Mr. Raney.

*Ordered*, That the Bill be read the second time To-morrow.

Bill (No. 247), intituled "An Act respecting Albert College, of Belleville." Mr. Raney.

*Ordered*, That the Bill be read the second time To-morrow.

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The following Bills were severally read the third time and passed:—

Bill (No. 41), To amend an Act to incorporate the Town of Merriton.

Bill (No. 34), Respecting the City of London.

Bill (No. 107), To amend the Railway Employees' Voting Act, 1918.

Bill (No. 92), Respecting the City of St. Catharines.

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The following Bills were severally read the second time:—

Bill (No. 25), To incorporate the Ontario Threshermen's Mutual Fire Insurance Company.

Referred to a Committee of the Whole House To-morrow.

Bill (No. 43), Respecting the Hospital for Sick Children.

Referred to a Committee of the Whole House To-morrow.

Bill (No. 15), Respecting the City of Sault Ste. Marie.

Referred to a Committee of the Whole House To-morrow.

Bill (No. 230), To amend the Suburban Area Development Act.

Referred to the Municipal Committee.

Mr. Henry asked the following Question:

1. What is the total mileage of Provincial Highway for which \$3,271,778.84 has been appropriated under the Canada Roads Act, as stated by the Minister of Highways in this House on April 21st, inst.

And the Minister of Public Works and Highways replied:—

1,201.48 miles.

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Mr. Pinard asked the following Question:

What is the reason why Dr. J. W. S. McCullough, who receives a salary as Deputy Registrar-General and Secretary of the Board of Health (Public Accounts M. 4) of \$5,100, is also allowed the additional sum of \$300 under the Department of Labour and Health (Page J. 4) as a member of the same Board for which he is paid for acting as Secretary.

To which the Minister of Labour replied in the words following:—

Until the beginning of the fiscal year 1921-22 Dr. McCullough received under the Board of Health \$300 as Secretary and member of the Board, and under the Provincial Secretary's Department a salary of \$5,100 as Deputy Registrar-General and Secretary of the Board of Health. This was a wrong classification as he really received his salary of \$5,100 as Deputy Registrar-General and Chief Officer of the Board of Health, not as Secretary of the Board for which he already received \$300. This mistake was rectified in the Main Estimates for the present fiscal year and Dr. McCullough now receives the same allowance as Secretary of the Board as the other members of the Board, namely \$300, and a salary of \$5,100 as Chief Officer of Health and Deputy Registrar-General. That is, the total amount received is \$5,400 which is the salary recommended for this Officer by the Civil Service Commissioner.

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Mr. Stover asked the following Question:

1. What was the date of the appointment of H. J. Moore, as Highway Forester, who appears in Public Accounts (page I 11) as receiving \$3,000 for services and \$764.61 for travelling expenses. 2. What are his duties and what was the sphere of his activities during the past year.

And the Minister of Public Works and Highways replied in the words following:—

1. June 8th, 1920. 2. Chief duties are to supervise the trimming and cutting of trees on the Provincial Highways by the Department or by telephone, telegraph and power companies; to supervise the planting of embankments and cuts for protection against sliding and erosion; to secure and plant trees on Provincial Highways; to administer regulations with respect to sign boards, as provided by the Ontario Highways Act; to advise municipalities, local organizations and property owners with respect to tree planting along or adjacent to the highways. Services all over the Province.

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The House resolved itself into a Committee to consider (Bill No. 73), Respecting Magistrates, and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Webster reported,

That the Committee had made some progress, and directed him to ask for leave to sit again.

*Resolved*, That the Committee have leave to sit again To-morrow.

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The House resolved itself into a Committee to consider Bill (No. 158), To regulate the operation of Public Vehicles, and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Webster reported,

That the Committee had made some progress, and directed him to ask for leave to sit again.

*Resolved*, That the Committee have leave to sit again To-morrow.

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The House then adjourned at 11.40 p.m.

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Tuesday, May 9th, 1922.

PRAYERS,

3.00 O'Clock, P.M.

The following Bills were severally introduced and read the first time:—

Bill (No. 248), intituled "An Act for the training of Boys committed to Institutions." Mr. Stevenson.

*Ordered*, That the Bill be read the second time To-morrow.

Bill (No. 249), intituled "An Act respecting Water Rights." Mr. Bowman.

*Ordered*, That the Bill be read the second time To-morrow.

Bill (No. 252), intituled "An Act to amend the School Laws." Mr. Grant.

*Ordered*, That the Bill be read the second time To-morrow.

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Mr. Marshall from the Special Committee, appointed in the Session of 1921, to consider Bill (No. 123), Respecting Co-operative Credit Societies, presented their Report which was read as follows and adopted:—

The Committee have had under consideration the Bill referred to them and beg to report the same with certain amendments and as (No. 250), of the Current Session.

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On Motion of Mr. Smith, seconded by Mr. Biggs,

*Ordered*, That this House do forthwith resolve itself into a Committee of the Whole to consider certain proposed Resolutions respecting the raising of Money for the Public Service.

Mr. Drury acquainted the House that His Honour the Lieutenant-Governor, having been informed of the subject matter of the proposed Resolutions recommends them to the consideration of the House.

The House then resolved itself into the Committee.

*(In the Committee.)*

*Resolved*, 1. That the Lieutenant-Governor in Council be authorized to raise by way of loan a sum of money not exceeding Forty Million Dollars (\$40,000,000.00) for all or any of the purposes following, that is to say: For the public service, for works carried on by commissioners on behalf of Ontario, for the covering of any debt of Ontario on open account, for paying any floating indebtedness of Ontario, for the carrying on of the public works authorized by the Legislature and for redeeming in whole or in part the outstanding debentures of the Province of Ontario that have been issued free of Succession Duty.

2. That the aforesaid sum of money may be borrowed for any term or terms not exceeding forty years, at such rate as may be fixed by the Lieutenant-Governor in Council, and shall be raised upon the credit of the Consolidated Revenue Fund of Ontario, and shall be chargeable thereupon.



3. That the Lieutenant-Governor in Council may provide for a special sinking fund with respect to the issue herein authorized, and such sinking fund may be at a greater rate than the one-half of one *per centum per annum* specified in subsection 2 of section 4 of "The Provincial Loans Act."

Mr. Speaker resumed the Chair; and Mr. Watson reported,

That the Committee had come to certain Resolutions.

*Ordered*, That the Report be now received.

Mr. Watson reported the Resolutions as follows:—

*Resolved*, 1. That the Lieutenant-Governor in Council be authorized to raise by way of loan a sum of money not exceeding Forty Million Dollars (\$40,000,000.00) for all or any of the purposes following, that is to say: For the public service, for works carried on by commissioners on behalf of Ontario, for the covering of any debt of Ontario on open account, for paying any floating indebtedness of Ontario, for the carrying on of the public works authorized by the Legislature and for redeeming in whole or in part the outstanding debentures of the Province of Ontario that have been issued free of Succession Duty.

2. That the aforesaid sum of money may be borrowed for any term or terms not exceeding forty years, at such rate as may be fixed by the Lieutenant-Governor in Council, and shall be raised upon the credit of the Consolidated Revenue Fund of Ontario, and shall be chargeable thereupon.

3. That the Lieutenant-Governor in Council may provide for a special sinking fund with respect to the issue herein authorized, and such sinking fund may be at a greater rate than the one-half of one *per centum per annum* specified in subsection 2 of section 4 of "The Provincial Loans Act."

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The Resolutions having been read the second time, were agreed to, and referred to the Committee of the Whole House on Bill (No. 251), For raising money on the credit of the Consolidated Revenue Fund.

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The following Bill was then introduced and read the first time:—

Bill (No. 251), intituled "An Act for raising money on the credit of the Consolidated Revenue Fund." Mr. Smith.

*Ordered*, That the Bill be read the second time To-morrow.

The Order of the Day for resuming the Adjourned Debate on the Motion for the second reading of Bill (No. 131), To amend the Highway Improvement Act, having been read,

The Debate was resumed.

And after some time, the Motion for the second reading, having been again submitted, was carried and the Bill was read the second time and referred to the Committee of the Whole House To-morrow.

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The Order of the Day for resuming the Adjourned Debate on the Motion for the second reading of Bill (No. 150), Respecting Presque Isle Park, having been read,

The Debate was resumed.

And after some time, the Motion for the second reading, having been again submitted, was carried and the Bill was read the second time and referred to a Committee of the Whole House To-morrow.

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The Order of the Day for the House to resolve itself into a Committee of the Whole to consider Bill (No. 183), To amend the Wolf Bounty Act having been read,

*Ordered*, That the Order be discharged, and that the Bill be withdrawn.

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The following Bill was read the second time:—

Bill (No. 215), To amend the Statute Labour Act.

Referred to a Committee of the Whole House To-morrow.

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And the House having continued to sit until Twelve of the Clock midnight.

Wednesday 10th May, 1922.

The following Bill was read the second time:—

Bill (No. 233), To amend the Obstruction on Highways Removal Act.

Referred to a Committee of the Whole House To-day.

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The House then adjourned at 12.20 a.m.

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Wednesday, May 10th, 1922.

PRAYERS.

3.00 O'CLOCK, P.M.

Mr. Sandy asked the following Question:

Is R. E. Gaby employed by Hydro Commission. How long has he been employed. Does he receive a retainer as well as consulting fees for his work. What amount of money has he drawn altogether from the Commission. Is he a brother of the Chief Engineer. Is J. C. M. MacBeth employed by Hydro Commission. What amount has he drawn altogether from them. Is he a brother-in-law of the Chief Engineer of the Commission.

And Mr. Carmichael, Minister without Portfolio, replied:—

1. Dr. R. E. Gaby has been from time to time in consultation and in attendance upon, for medical and surgical treatment, employees of the Commission suffering from serious injury or sickness, principally arising under the Workmen's Compensation Act. 2. When occasions arose since his return from overseas in 1918. 3. No. 4. \$6,111.35 since 1918, which includes travelling and other out-of-pocket expenditures when visiting injured persons out of the City. 5. Yes. 6. In 1918 he was retained to close up four troublesome titles which required Court proceedings 7. \$672.50. 8. Yes.

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Mr. Lewis asked the following Question:

1. How many times did Hon. D. Carmichael, as a Member of the Hydro-Electric Power Commission, inspect the work on the Queenston-Chippawa scheme during the time he was such Commissioner. 2. Did anyone accompany him, and if so, who.

To which Mr. Carmichael, Minister without Portfolio, replied:—

1. No record kept, probably five or six times. 2. Twice, whole Commission was present; accompanied once by Mr. Pope and Mr. Acres; at other times, met on the work by Engineers who were ordered by Mr. Acres to accompany him on tour of the work.

Mr. Tolmie asked the following Question:

What are the details of the expenditures put in at page D.72, of the Public Accounts under Technical Education as "Sundry Travelling expenses, teachers in training, \$2,745.30," giving the names of the parties to whom payments were made to make up that amount.

And the Minister of Education replied as follows:—

#### MEN STUDENTS.

Ballantyne, Henry F. ....	\$55.50	
Cleland, James L. ....	41.25	
Crawford, George ....	43.75	
Creenan, J. F. ....	41.25	
Foreman, A. ....	41.25	
Franklin, H. J. ....	41.25	
Hanes, George A. ....	41.25	
Kirkpatrick, F. H. ....	43.75	
Meldrum, Ernest ....	41.25	
Montrose, Cameron H. ....	46.75	
Morton, George E. ....	41.25	
Nicholson, C. L. ....	41.25	
Rowe, Thomas C. ....	58.45	
Saunders, S. E. ....	41.25	
Simpson, John ....	41.25	
Thomson, G. ....	41.25	
Walker, George ....	43.75	
Watson, M. B. ....	41.25	
Watson, Thomas A. ....	41.25	
Young, John D. ....	58.45	
Young, Robert. . . . .	43.75	\$ 930.40

WOMEN STUDENTS.

Affleck, Bessie S. ....	41.25	
Blackburn, Olive .....	54.95	
Brulotte, A. Elmire .....	111.15	
Carroll, Alma .....	30.00	
Cogan, Helen S. ....	58.45	
Cole, Mrs. Amy .....	55.85	
Creed, Mildred L. ....	58.45	
Curry, Mrs. Agnes .....	48.00	
Fletcher, Margaret M. ....	58.30	
Gardiner, Myrtle E. ....	41.25	
Glazier, Edythe A. E. ....	47.75	
Gordon, Mrs. Hortense M. ....	43.75	
Guthrie, Nellie M. ....	58.45	
Haskill, Olga . . . . .	46.65	
Jenks, Harriet .....	41.25	
Lecourt, Louisa .....	49.70	
Leggett, Edith G. ....	54.15	
Lumbers, Fanny .....	41.25	
Mathewson, Bessie W. ....	41.25	
McCurdy, Winifred .....	58.45	
Nelson, Margaret J. ....	53.15	
Oliver, Mrs. Mary L. ....	42.50	
Pender, Etta G. ....	58.35	
Robb, Mrs. Annie .....	49.75	
Smith, A. Maud .....	41.25	
Strachan, Rose .....	58.35	
Tegart, Mrs. Amelia M. ....	41.25	
Venn, Mrs. Catharine .....	49.25	
White, Lila K. G. ....	46.75	
Wilkinson, Mrs. Agnes .....	58.45	
Buick, Martha .....	41.25	
Garrett, Mrs. J. S. ....	55.85	
Stanley, Kate .....	58.45	
Rae, Mrs. William .....	73.35	
Morgan, Ethel .....	46.65	1,814.90
		<hr/>
		\$2,745.30

The House resolved itself into a Committee to consider Bill (No. 67), Respecting Professional Engineers, and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. MacVicar reported,

That the Committee had made some progress, and directed him to ask for leave to sit again.

*Resolved*, That the Committee have leave to sit again To-morrow.

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The Order of the Day for the second reading of Bill (No. 31), Respecting the London Street Railway Company having been read,

Mr. Brackin moved,

That the Bill be now read the second time.

And the Motion, having been put, was carried on a division and the Bill was then read the second time and referred to a Committee of the Whole House To-morrow.

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The House resolved itself into a Committee, severally to consider the following Bills:—

Bill (No. 5), Respecting Victoria Hospital, Renfrew.

Bill (No. 25), To incorporate the Ontario Threshermen's Mutual Fire Insurance Company.

Bill (No. 43), Respecting the Hospital for Sick Children.

Bill (No. 15), Respecting the City of Sault Ste. Marie.

---

Mr. Speaker resumed the Chair; and Mr. Webster reported,

That the Committee had directed him to report the several Bills without Amendments.

*Ordered*, That the Bills reported, be severally read the third time To-morrow.

The following Bills were severally read the second time:—

Bill (No. 18), To amend the Consolidated Essex Border Utilities Act.

Referred to a Committee of the Whole House To-morrow.

Bill (No. 22), To incorporate a part of the Township of York as the Township of North York.

Referred to a Committee of the Whole House To-morrow.

Bill (No. 17), Respecting the Town of Walkerville.

Referred to a Committee of the Whole House To-morrow.

Bill (No. 222), To incorporate the Ontario Co-operative Dairy Products, Limited.

Referred to a Committee of the Whole House To-morrow.

Bill (No. 206), To amend the Constables Act.

Referred to a Committee of the Whole House To-morrow.

Bill (No. 223), To amend the Coroners Act.

Referred to a Committee of the Whole House To-morrow.

Bill (No. 224), To amend the Crown Witnesses Act.

Referred to a Committee of the Whole House To-morrow.

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The House resolved itself into a Committee to consider Bill (No. 196), To amend the Local Improvement Act, and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Webster reported,

That the Committee had directed him to report the Bill without any amendment.

*Ordered,* That the Bill be read the third time To-morrow.

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The House resolved itself into a Committee to consider Bill (No. 215), To amend the Statute Labour Act, and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Webster reported,

That the Committee had directed him to report the Bill with certain amendments.

*Ordered*, That the Amendments be taken into consideration forthwith.

The Amendments, having been read the second time, were agreed to.

*Ordered*, That the Bill be read the third time To-morrow.

---

The House resolved itself into a Committee to consider Bill (No. 162), To amend the Public Lands Act, and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Webster reported,

That the Committee had directed him to report the Bill without any amendment.

*Ordered*, That the Bill be read the third time To-morrow.

---

The House resolved itself into a Committee to consider Bill (No. 182), To amend the Sheriffs Act, and after some time spent therein, Mr Speaker resumed the Chair; and Mr. Webster reported,

That the Committee had made some progress and directed him to ask for leave to sit again.

*Resolved*, That the Committee have leave to sit again To-morrow.

---

The House resolved itself into a Committee to consider Bill (No. 204), To Interpret and amend the Veterans' Land Grant Act, and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Webster reported,

That the Committee had directed him to report the Bill without any amendment.

*Ordered*, That the Bill be read the third time To-morrow.

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The House resolved itself into a Committee to consider Bill (No. 208), To amend the Town Sites Act, and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Webster reported,

That the Committee had directed him to report the Bill with certain amendments.



*Ordered*, That the Amendments be taken into consideration forthwith.

The Amendments, having been read the second time, were agreed to.

*Ordered*, That the Bill be read the third time To-morrow.

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The House then adjourned at 10.40 p.m.

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Thursday, May 11th, 1922.

PRAYERS.

3.00 O'CLOCK, P.M.

Mr. Bragg, from the Special Committee appointed to enquire into the Fruit and Apple interests of the Province, presented their Report which was read. (*Appendix No. 1.*)

*Resolved*, That this House doth concur in the above Report.

---

Mr. McCrae, from the Standing Committee on Legal Bills, presented their First Report, which was read as follows and adopted:—

Your Committee have carefully considered Bill (No. 232), To amend the Division Courts Act, and report the Bill without amendment.

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The following Bills were severally read the third time and passed:—

Bill (No. 13), Respecting the Town of Preston.

Bill (No. 29), To confirm By-law 650 of the Town of Oakville.

Bill (No. 4), Respecting the City of Fort William.

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The House resolved itself into a Committee to consider Bill (No. 150), Respecting Presque Isle Park, and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Webster reported,

That the Committee had made some progress, and directed him to ask for leave to sit again.

*Resolved*, That the Committee have leave to sit again To-morrow.

That the Committee had made some progress, and directed him to ask for leave to sit again.

*Resolved*, That the Committee have leave to sit again To-day.

---

The House resolved itself into a Committee to consider Bill (No. 233), To amend the Obstructions on Highways Removal Act, 1920, and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Webster reported,

That the Committee had directed him to report the Bill with certain amendments.

The House resolved itself into a Committee to consider Bill (No. 131), To amend the Highway Improvement Act, and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Webster reported,

That the Committee had directed him to report the Bill with certain amendments.

*Ordered*, That the Amendments be taken into consideration forthwith.

The Amendments, having been read the second time, were agreed to.

*Ordered*, That the Bill be read the third time To-morrow.

---

The House again resolved itself into a Committee to consider Bill (No. 182), To amend the Sheriffs Act, and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Webster reported,

That the Committee had made some progress, and directed him to ask for leave to sit again.

*Resolved*, That the Committee have leave to sit again To-morrow.

---

And the House having continued to sit until Twelve of the Clock midnight.

Friday 12th May, 1922.

The House resolved itself into a Committee to consider Bill (No. 221), To amend the Ontario Game and Fisheries Act, and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Webster reported,

*Ordered*, That the Amendments be taken into consideration forthwith.

The Amendments, having been read the second time, were agreed to.

*Ordered*, That the Bill be read the third time To-day.

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The House, according to Order, again resolved itself the Committee of Supply.

*(In the Committee.)*

*Resolved*, That there be granted to His Majesty, for the services of 1922, the following sums:—

178 To defray the expenses of the Parliament and Departmental Buildings, Maintenance and Repairs . . . . .	\$ 10,210.55
179 To defray the expenses of the Osgoode Hall, Maintenance and Repairs . . . . .	3,400.00
180 To defray the expenses of the Miscellaneous Maintenance and Repairs of Government . . . . .	3,400.00
181 To defray the expenses of the Parliament and Departmental Buildings . . . . .	100,000.00
182 To defray the expenses of the Osgoode Hall . . . . .	10,000.00
183 To defray the expenses of the Public Institutions, Buildings . . . . .	237,550.00
185 To defray the expenses of the Agricultural Buildings . .	370,300.00

Mr. Speaker resumed the Chair; and Mr. Webster reported,

That the Committee had come to several Resolutions; also, That the Committee had directed him to ask for leave to sit again.

*Ordered*, That the Report be received To-day.

*Resolved*, That the Committee have leave to sit again To-day.

The Provincial Secretary presented to the House by command of His Honour, the Lieutenant-Governor.

Regulations and Orders-in-Council made since April 23rd, 1922, under Department of Education Act relating to Public Schools, Separate Schools or High Schools. (*Sessional Papers, No. 56.*)

Also—A Return to an order of the House of 12th April, 1922, That there be laid before this House, a Return of all copies of all correspondence, memoranda and reports between the Toronto and Hamilton Highway Commission and the Minister of Public Works or any member of the Government since November 15th, 1919. (*Sessional Papers, No. 90.*)

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The House then adjourned at 2.15 a.m.

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Friday, May 12th 1922.

**PRAYERS.**

3.00 O'CLOCK, P.M.

The following Bill was introduced and read the first time:—

Bill (No. 254), intituled "An Act to amend the Children's Protection Act of Ontario". Mr. Nixon..

*Ordered,* That the Bill be read the second time on Monday next.

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Mr. Ferguson asked the following Question:—

1. How many Commissions have been appointed by the Government since 13th November, 1919. 2. How many special committees have been appointed by the Government since 13th November, 1919. 3. In how many cases since said date have persons been commissioned by letter or by verbal authority to make enquiries or investigations or perform special duties for the Government or any member or department thereof.

And the Premier replied in the words and figures following:—

1. 28. 2. Two. 3. 654, of which 485 were investigations of fires under the Fire Marshall; 49 were valuations for Succession Duties and 109 were Mining and Geological Field operations. The balance were as follows:—

Treasury Department (Valuation) .....	1
Highways .....	5
Lands and Forests .....	3
Attorney General's Department .....	1
Department of Education .....	1

---

Mr. Dewart asked the following Question:—

1. Is it the intention of the Prime Minister to implement his promise to appoint a Civil Service Commission on which the different parties in the House would be represented—to replace the Commissioner, J. M. McCutcheon, and make Mr. McCutcheon Secretary to the Commission.

To which the Premier replied: —

No decision has been reached.

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Mr. Stover asked the following Question:—

1. Is the Geo. F. Henderson, whose salary in the Public Accounts at page C. 12 (Attorney-General's Department) as Drainage Referee at \$3,500 and \$784.16 for travelling expenses, the same official whose name appears at page F. 6 (Department of Mines) under the heading:—

George F. Henderson, Natural Gas Referee, 6 months ....\$744.18

Travelling expenses ..... 383.56

2. If so, why is his name not listed in the statement giving the names of officials who drew pay from more than one source during the last year. 3. Is he the George F. Henderson who appeared before the Private Bills Committee in opposition to Bill (No. 42), Respecting the Village of Iroquois and other Bills before the same Committee and the Municipal Committee. 4. If so, does the Government approve of his action. 5. How many cases under the Drainage Act have been before Mr. Henderson during the year 1920-21.

And the Attorney-General replied:—

1. Yes. 2. The list showing officials receiving payments from more than one source is placed in the accounts pursuant to a Resolution of the Public Accounts Committee adopted by the House, April 6th, 1909, and applies only to officials engaged in the Parliament Buildings. 3. Yes. 4. Mr. Henderson is only engaged by the Government on a part time basis and is entitled to practise his profession. 5. See answer given to similar question on 3rd April, 1922.

On Motion of Mr. Smith, seconded by Mr. Biggs,

*Ordered*, That this House do forthwith resolve itself into a Committee of the Whole to consider certain proposed Resolutions respecting certain amendments to the Corporations Tax Act.

Mr. Drury acquainted the House that His Honour the Lieutenant-Governor, having been informed of the subject matter of the proposed Resolutions recommends them to the consideration of the House.

The House then resolved itself into the Committee.

(*In the Committee.*)

*Resolved*, 1. That Subsection 11 of Section 4 of the Corporations Tax Act, as enacted by Section 2 of The Corporations Tax Act, 1914, and amended by Section 5 of The Corporations Tax Act, 1915, be further amended by striking out the figures "\$20,000" where they occur in the said Subsection and substituting therefor the figures "\$100,000" so that the Subsection will now read as follows:—

(11) Every company, owning, operating or using a telephone line or part thereof in Ontario for gain and having a paid-up capital of \$100,000 or over, shall pay a tax of one-quarter of one *per cent.* upon the paid up capital thereof.

2. That Subsection 15 of the said Section 4 as enacted by Section 6 of The Corporations Tax Act, 1920, be amended by adding immediately before the proviso in, the said Subsection the following words, "And in addition thereto every incorporated company, association or club becoming the custodian of any money, bet or stakes during the actual progress of a race meeting conducted by and on a race-course of such company, association or club upon races being run thereon, shall deduct and pay to His Majesty, for the uses of Ontario five *per cent.* of the amount so bet or staked, to be deducted in respect of each race from the total amount of money so deposited or of which the club or association becomes the custodian under the *pari-mutuel* system, the amount so deducted to be forwarded to the Treasurer of Ontario at the close of each day's racing.

3. That said Section 4 be further amended by adding thereto the following Subsection:—

(18) Every liquor export company shall pay a tax of \$15,000 *per annum.*

Mr. Speaker resumed the Chair; and Mr. Watson reported,

That the Committee had come to certain Resolutions.

*Ordered*, That the Report be now received.

Mr. Watson reported the Resolutions as follows:—

*Resolved*, 1. That Subsection 11 of Section 4 of the Corporations Tax Act, as enacted by Section 2 of The Corporations Tax Act, 1914, and amended by Section 5 of The Corporations Tax Act, 1915, be further amended by striking out the figures "\$20,000" where they occur in the said Subsection and substituting therefor the figures "\$100,000" so that the Subsection will now read as follows:—

(11) Every company, owning, operating or using a telephone line or part thereof in Ontario for gain and having a paid-up capital of \$100,000 or over, shall pay a tax of one-quarter of one *per cent.* upon the paid up capital thereof.

2. That Subsection 15 of the said Section 4 as enacted by Section 6 of The Corporations Tax Act, 1920, be amended by adding immediately before the proviso in the said Subsection the following words, "And in addition thereto every incorporated company, association or club becoming the custodian of any money, bet or stakes during the actual progress of a race meeting conducted by and on a race-course of such company, association or club upon races being run thereon, shall deduct and pay to His Majesty, for the uses of Ontario five *per cent.* of the amount so bet or staked, to be deducted in respect of each race from the total amount of money so deposited or of which the club or association becomes the custodian under the *pari-mutuel* system, the amount so deducted to be forwarded to the Treasurer of Ontario at the close of each day's racing.

3. That said Section 4 be further amended by adding thereto the following Subsection:—

(18) Every liquor export company shall pay a tax of \$15,000 *per annum.*

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The Resolutions having been read the second time, were agreed to, and referred to the Committee of the Whole House on Bill (No. 253), To amend the Corporations Tax Act.

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The following Bill was then introduced and read the first time:—

Bill (No. 253), intituled "An Act to amend the Corporations Tax Act."  
Mr. Smith.

*Ordered*, That the Bill be read the second time on Monday next.

The following Bills were severally read the second time:—

Bill (No. 240), To amend the Jurors' Act.

Referred to the Legal Committee.

Bill (No. 242), The District Houses of Refuge Act.

Referred to the Municipal Committee.

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The House resolved itself into a Committee to consider Bill (No. 232), To amend the Division Courts Act and, after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Webster reported, That the Committee had directed him to report the Bill without any amendment.

*Ordered*, That the Bill be read the third time on Monday next.

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The Provincial Secretary presented to the House, by command of His Honour, the Lieutenant-Governor,

Report of the Civil Service Commissioner for Ontario, 1921. (*Sessional Papers, No. 91.*)

Also—Report of the Ontario Railway and Municipal Board for the year 1921. (*Sessional Papers, No. 50.*)

Also—Statement showing sums credited to The Highway Improvement Fund and all payments chargeable thereto as of October 31st, 1921. (*Sessional Papers, No. 92.*)

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The House then adjourned at 4.45 p.m.

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Monday, May 15th, 1922.

PRAYERS.

3.00 O'CLOCK, P.M.

The following Bills were severally read the third time and passed:—

Bill (No. 87), To amend the Mining Tax Act.

Bill (No. 74), To amend The Land Transfer Tax Act.



- Bill (No. 76), To amend The Private Detectives Act.
- Bill (No. 123), To amend the Ontario Railway Act.
- Bill (No. 124), To amend the Ontario Railway and Municipal Board Act.
- Bill (No. 71), To aid in the Grading and Packing of Fruit.
- Bill (No. 24), Respecting the Town of Collingwood.
- Bill (No. 70), To provide for the appointment of Probation Officers.
- Bill (No. 152), Respecting the Registration of Nurses.
- Bill (No. 176), To amend the Travelling Shows Act.
- Bill (No. 193), To amend the Land Titles Act.
- Bill (No. 203), To amend the Provincial Loans Act.
- Bill (No. 149), To amend the Northern and Northwestern Ontario Development Act.
- Bill (No. 130), To amend the Provincial Highway Act.
- Bill (No. 157), To amend the Motor Vehicles Act.
- Bill (No. 162), To amend the Public Lands Act.
- Bill (No. 204), To interpret and amend the Veterans' Land Grant Act.
- Bill (No. 208), To amend the Town Sites Act.
- Bill (No. 5), Respecting Victoria Hospital, Renfrew.
- Bill (No. 196), To amend the Local Improvement Act.
- Bill (No. 233), To amend the Obstructions on Highways Removal Act. 1920.
- Bill (No. 232), To amend the Division Courts Act.

The House resolved itself into a Committee, severally to consider the following Bills:—

Bill (No. 18), To amend the Consolidated Essex Border Utilities Act.

Bill (No. 17), Respecting the Town of Walkerville.

Mr. Speaker resumed the Chair; and Mr. Watson reported, That the Committee had directed him to report the several Bills without Amendments.

Ordered, That the Bills reported, be severally read the third time Tomorrow.

Mr. Hay asked the following Question:—

Of the loans made during the fiscal year 1920 and 1921, under R.S.O. cap. 39, Sec. 14, amounting to \$87,050,000. (a) What amount has been paid over to the Hydro-Electric Power Commission or (b) Is remaining to its credit in the Consolidated Revenue Fund. (c) What amounts, if any, have been paid over to other Departments of the Government, and (d) If any, what are the subheads and respective amounts so paid.

And the Treasurer replied in the words and figures following:—

(a) Of the loans authorized under R.S.O., cap. 39, sec. 14. —\$87,050,000—, receipts from which amounted to \$80,932,041.60 up to October 31, 1921, direct advances to the Hydro-Electric Commission paid from Consolidated Revenue Fund amount to .....\$39,237,288.75 Hydro loans paid off, from Consolidated Revenue Fund.

Treasury Bills, HH....	\$3,090,000.00	
JJ....	4,200,291.50	
MM....	1,030,020.00	
NN....	10,291,147.50	
Loan, E.F. & G. ....	4,000.00	18,615,459.00
		<hr/>
		57,852,747.75

(b) . . . . . \$ 23,079,293.85

(c) None. All receipts are deposited in, and all expenditures paid from, the Consolidated Revenue Fund.

(d) Answered by (c).

Mr. McCrea asked the following Question:—

1. What is the amount of the outstanding debentures of the Province of Ontario that have been issued free of succession duties. 2. What is the serial description of each issue. 3. In what year, or years, were such debentures issued. 4. What rate of interest does each issue bear. 5. What portion, if any, of such debentures have been redeemed by the Province of Ontario, and when.

And the Provincial Treasurer replied in the words and figures following.

1. \$15,784,409.16 as of the 31st October, 1921.

2. \$3,916,966.08—No Serial Number—4 %—Inscribed Stock—Issued  
 England 1909 to 1913.  
 \$1,867,443.08— “ “ —4½%— “ Issued 1914.  
 \$3,000,000.00 — “ “ —3½%—Canadian—Issued 1906.  
 \$3,500,000.00—Series A —4 %— “ —Issued 1909.  
 \$ 500,000.00— “ B —4 %— “ —Issued 1911  
 and 1912.  
 \$3,000,000.00— “ C and D —4 %— “ —Issued 1911  
 to 1913.

3. Answered by No. 2 4. Answered by No. 2. 5. In the first two loans (English) the following amounts respectively have been redeemed during the fiscal years 1920 and 1921. The figures given above represent the amount of the loans after these redemptions have been deducted.

\$4,067,033.92—No Serial Number—4%.

\$2,110,054.39—No Serial Number—4½%.

Of the last four loans (Canadian) the amount purchased during fiscal year 1921 for Sinking Fund purposes, standing in the name of the Treasurer of Ontario to October 31st, 1921—\$1,061,000.00. (See Public Accounts Statement No. 2—Page 10).

The following Bills were severally read the second time;—

Bill (No. 253), To amend the Corporations Tax Act.

Referred to a Committee of the whole House to-morrow.

Bill (No. 238), To amend the Soldiers Aid Commission Act.

Referred to a Committee of the whole House to-morrow.

Bill (No. 246), To amend the Ontario Telephone Act, 1918.

Referred to a Committee of the whole House to-morrow.

Bill (No. 237), The Municipal Amendment Act, 1922.

Referred to a Committee of the whole House to-morrow.

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The House resolved itself into a Committee to consider Bill (No. 202), To amend the Upper Canada College Act, and, after some time spent therein, Mr. Speaker resumed the Chair; and Mr. MacVicar reported, That the Committee had directed him to report the Bill without any amendment.

*Ordered*, That the Bill be read the third time To-morrow.

The House resolved itself into a Committee to consider Bill (No. 206), To amend the Constables Act, and, after some time spent therein, Mr. Speaker resumed the Chair; and Mr. MacVicar reported, That the Committee had directed him to report the Bill, with certain amendments.

*Ordered*, That the Amendments be taken into consideration forthwith.

The Amendments, having been read the second time, were agreed to.

*Ordered*, That the Bill be read the third time To-morrow.

The House again resolved itself into a Committee to consider Bill (No. 221), To amend the Ontario Game and Fisheries Act, and, after some time spent therein, Mr. Speaker resumed the Chair; and Mr. MacVicar reported, That the Committee had directed him to report the Bill, with certain amendments.

*Ordered*, That the Amendments be taken into consideration forthwith.

The Amendments, having been read the second time, were agreed to.

*Ordered*, That the Bill be read the third time To-morrow.

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The House, according to Order, again resolved itself into the Committee of Supply.

*(In the Committee.)*

*Resolved*, That there be granted to His Majesty, for the services of 1922, the following sums:—

117	To defray the expenses of Legislation .....	\$14,745.00
122	To defray the expenses of the Normal and Model Schools, Toronto .....	11,000.00

Mr. Speaker resumed the Chair; and Mr. Watson reported, That the Committee had come to several Resolutions; also That the Committee had directed him to ask for leave to sit again.

*Ordered*, That the Report be received To-morrow.

*Resolved*, That the Committee have leave to sit again To-morrow.

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The Provincial Secretary presented to the House, by command of His Honour, the Lieutenant-Governor,

Annual report of the Agricultural and Experimental Union for 1921  
(*Sessional Papers No. 32*).

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The House then adjourned at 11.55 p.m.

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Tuesday, May 16th, 1922.

PRAYERS.

3.00 O'CLOCK, P.M.

The following Bills were severally introduced and read the first time:—

Bill (No. 255), intituled "An Act to amend the Minimum Wage Act."  
Mr. Rollo.

*Ordered*, That the Bill be read the second time To-morrow.

Bill (No. 256), intituled "An Act to amend the Ontario Temperance Act." Mr. Cridland.

*Ordered*, That the Bill be read the second time To-morrow.

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The following Bills were severally read the third time and passed:—

Bill (No. 66), To amend The Ontario Insurance Act.

Bill (No. 10), Respecting the City of Ottawa.

Bill (No. 42), Respecting the Village of Iroquois.

Bill (No. 88), To amend The Mining Act of Ontario.

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The House again resolved itself into a Committee to consider Bill (No. 150), Respecting Presque Isle Park and, after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Webster reported, That the Committee had directed him to report the Bill with certain amendments.

*Ordered*, That the Amendments be taken into consideration forthwith.

The Amendments, having been read the second time, were agreed to.

*Ordered*, That the Bill be read the third time To-morrow.

---

The House resolved itself into a Committee to consider Bill (No. 253), To amend The Corporations Tax Act and, after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Watson reported, That the Committee had made some progress, and directed him to ask for leave to sit again.

*Resolved*, That the Committee have leave to sit again To-morrow.

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The Order of the Day for the Second Reading of Bill (No. 100), Respecting the construction and operation of Municipal Electric Railways, having been read,

Mr. Drury moved,

That the Bill be now read the second time.

And a Debate having ensued, it was

*Ordered*, That the Debate be adjourned until To-morrow.

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The following Bills were severally read the second time:—

Bill (No. 245), Respecting Natural Gas.

Referred to a committee of the Whole House To-morrow.

Bill (No. 247), Respecting Albert College, of Belleville.

Referred to a committee of the Whole House To-morrow.

Bill (No. 251), For raising money on the credit of the Consolidated Revenue Fund.

Referred to a committee of the Whole House To-morrow.

And the House having continued to sit until twelve of the clock midnight.

Wednesday, 17th May, 1922.

The House, according to Order, again resolved itself into the Committee of Supply.

*(In the Committee.)*

*Resolved*, That there be granted to His Majesty, for the services of 1922, the following sums:—

159	To defray the expenses of the Agricultural and Horticultural Societies .....	22,384 00
160	To defray the expenses of the Live Stock Branch ....	23,800 00
161	To defray the expenses of the Institutes .....	5,000 00
162	To defray the expenses of the Dairy Branch .....	24,300 00
163	To defray the expenses of the Fruit Branch .....	19,700 00
164	To defray the expenses of the Agricultural Representatives Branch .....	25,000 00
165	To defray the expenses of the Ontario Veterinary College	200 00
166	To defray the expenses of the Miscellaneous Agriculture	45,500 00
167	To defray the expenses of the Ontario Agricultural College .....	32,995 00
168	To defray the expenses of the Macdonald Institute and Hall .....	500 00
169	To defray the expenses of the Animal Husbandry and Experimental Feeding Department .....	1,500 00
170	To defray the expenses of the Field Experiments .....	1,530 00
171	To defray the expenses of the Experimental Dairy ...	1,500 00
172	To defray the expenses of the Poultry Department ....	4,975 00
173	To defray the expenses of the Bacteriology .....	1,000 00
174	To defray the expenses of the Chemistry .....	1,500 00
175	To defray the expenses of the Entomology .....	2,000 00
176	To defray the expenses of the Manual Training .....	1,450 00
177	To defray the expenses of the Hospitals and Charities	124,500 00

Mr. Speaker resumed the Chair; and Mr. Webster reported, That the Committee had come to several Resolutions; also, That the Committee had directed him to ask for leave to sit again.

*Ordered*, That the Report be received To-day.

*Resolved*, That the Committee have leave to sit again To-day.

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The Provincial Secretary presented to the House, by command of His Honour, the Lieutenant-Governor,

Report of the Soldiers' Aid Commission of Ontario for the year 1921.  
(*Sessional Papers, No. 93.*)

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The House then adjourned at 12.25 a.m.

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Wednesday, May 17th, 1922.

PRAYERS.

3.00 O'CLOCK, P.M.

The Order of the Day for the third reading of Bill (No. 131), To amend The Highway Improvement Act, having been read.

Mr. Biggs moved,

That the Bill be now read the third time.

Mr. Dewart moved in Amendment, seconded by Mr. Tolmie.

That all the words of the Motion, after the word "That" be omitted, and the following substituted: "The Bill be not now read the third time, but be forthwith re-committed to a Committee of the Whole House with instructions to strike out section 5 of the said Bill, providing for the setting aside of certain annual income to the extent of \$2,000,000 for a period of twenty years, so as to provide certain additional amounts to be placed to the credit of the Highway Improvement Fund, for more immediate expenditures estimated by the Minister of Highways at the sum of \$25,000,000 before the close of the year 1925."

And the Amendment, having been put, was lost on a division.

The Main Motion, having been then again proposed, was carried and the Bill was read the third time and passed.



Mr. Sinclair asked the following Question:

Upon what dates in 1919-20 and 1920-21, respectively, were payments received by the Provincial Treasurer from the Dominion Government and the amount thereof under The Canada Highways Act.

And the Treasurer replied in the words and figures following:

1919-20, *Nil.* 1920-21, March 14th, \$203,437.11. March 23rd, \$74,320.31; April 11th, \$17,342.58; October 7th, \$572,853.72; November 15th, \$447,679.95.

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Mr. Dewart asked the following Question:

When will the Honourable the Provincial Treasurer lay before this House the statement showing all sums credited to the Highway Improvement Fund and all payments chargeable thereto during the fiscal year 1920-21, as required by Subsection 5, Section 3, Chapter 20, 10-11, Geo. V.

To which the Treasurer replied:

1. This statement was tabled on Friday, the 12th day of May, 1922.

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The House again resolved itself into a Committee to consider Bill (No. 253), To amend The Corporations Tax Act and, after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Watson reported, That the Committee had directed him to report the Bill with certain amendments.

*Ordered,* That the Amendments be taken into consideration forthwith.

The Amendments, having been read the second time, were agreed to.

*Ordered,* That the Bill be read the third time To-day.

8 o'clock p.m.

Mr. Smith moved that Bill (No. 253), To amend the Corporations Tax Act be now read the third time.

And the Motion, having been put, was carried and the Bill was read the third time and passed.

The House again resolved itself into a Committee to consider Bill (No. 67), Respecting Professional Engineers and, after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Hicks reported, That the Committee had made some progress, and directed him to ask for leave to sit again.

*Resolved*, That the Committe have leave to sit again To-morrow.

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The House resolved itself into a Committee to consider Bill (No. 101), To amend The Steam Boilers Act and, after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Webster reported, That the Committee had recommitted the Bill to a Select Committee to be named.

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And the House having continued to sit until Twelve of the clock midnight.

Thursday 18th May, 1922.

The House resolved itself into a Committee to consider Bill (No. 175), To amend The Highway Improvement Act and, after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Webster reported, That the Committee had made some progress, and directed him to ask for leave to sit again.

*Resolved*, That the Committee have leave to sit again To-day.

The House resolved itself into a Committee to consider Bill (No. 179), To amend The Municipal Drainage Act and, after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Webster reported, That the Committee had directed him to report the Bill, with certain Amendments.

The Amendments, having been read the second time, were agreed to.

*Ordered*, That the Bill be read the third time To-day.

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The following Bills were severally read the second time:—

Bill (No. 210), To amend the Provincial Loans Act, R.S.O., Chap. 21.

Referred to a Committee of the Whole House To-day.

Bill (No. 214), The Workmen's Compensation Amendment Act.

Referred to the Labour Committee.

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The Order of the Day for the second reading of Bill (No. 191), To amend the Highway Improvement Act, having been read,

*Ordered*, That the Order be discharged, and that the Bill be withdrawn.

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The House then adjourned at 12.30 a.m.

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Thursday, May 18th, 1922.

PRAYERS.

3.00 O'CLOCK, P.M.

The following Bill was introduced and read the first time:—

Bill (No. 257), intituled "An Act to amend The Power Commission Act."  
Mr. Carmichael.

*Ordered*, That the Bill be read the second time To-morrow.

---

On Motion of Mr. Drury, seconded by Mr. Raney,

*Ordered*, That the Select Committee of this House, to which was referred Bills Nos. 109, 111, 118 and 119, *re* Voters' Lists, be empowered to sit and carry on their work concurrently with the Sittings of the House.

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The House resolved itself into a Committee to consider Bill (No. 237), The Municipal Amendment Act, 1922, and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Webster reported, That the Committee had directed him to report the Bill with certain amendments.

*Ordered*, That the Amendments be taken into consideration forthwith

The Amendments, having been read the second time, were agreed to.

*Ordered*, That the Bill be read the third time To-day.

8 O'CLOCK P.M.

The following Bills were severally read the third time and passed:—

Bill (No. 150), Respecting Presque Isle Park.

Bill (No. 237), The Municipal Amendment Act, 1922.

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9 O'CLOCK P.M.

His Honour the Lieutenant-Governor entered the Chamber of the Legislative Assembly and took his seat upon the Throne.

Mr. Speaker then addressed His Honour as follows:

*May it please Your Honour,*

The Legislative Assembly of the Province, having at its present Sittings passed certain Bills to which, on behalf and in the name of the said Assembly, I respectfully request Your Honour's assent.

The Clerk Assistant then read the Titles of the Acts that had been passed as follows:—

An Act to amend the Corporations Tax Act.

An Act to amend an Act to Incorporate the Town of Merritton.

An Act respecting the City of London.

An Act to amend the Railway Employees' Voting Act, 1918.

An Act respecting the City of St. Catharines.

An Act respecting the Town of Preston.

An Act to confirm By-law 650 of the Town of Oakville.

An Act respecting the City of Fort William.

An Act to amend the Mining Tax Act.

An Act to amend the Land Transfer Tax Act.

An Act to amend the Private Detectives Act.

An Act to amend the Ontario Railway Act.

An Act to amend the Ontario Railway and Municipal Board Act.

An Act to aid in the Grading and Packing of Fruit.

An Act respecting the Town of Collingwood.

An Act to provide for the Appointment of Probation Officers.

An Act respecting the Registration of Nurses.

An Act to amend the Travelling Shows Act.

An Act to amend the Land Titles Act.

An Act to amend the Provincial Loans Act.

An Act to amend the Northern and North-western Ontario Development Act.

An Act to amend the Provincial Highway Act.

An Act to amend the Motor Vehicles Act.

An Act to amend the Public Lands Act.

An Act to interpret and amend the Veterans' Land Grant Act.

An Act to amend the Town Sites Act.

An Act respecting Victoria Hospital, Renfrew.

An Act to amend the Local Improvement Act.

An Act to amend the Obstructions on Highways Removal Act, 1920.

An Act to amend the Division Courts Act.

An Act to amend the Ontario Insurance Act.

An Act respecting the City of Ottawa.

An Act respecting the Village of Iroquois.

An Act to amend the Mining Act of Ontario.

An Act to amend the Highway Improvement Act.

An Act respecting Presque Isle Park.

The Municipal Amendment Act, 1922.

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To these Acts the Royal Assent was announced by the Clerk of the Legislative Assembly, in the following words:—

“In His Majesty’s name, His Honour the Lieutenant-Governor doth assent to these Acts.”

His Honour was then pleased to retire.

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The Order of the Day for resuming the Adjourned Debate on the motion for the second reading of Bill (No. 100), Respecting the construction and operation of Municipal Electric Railways, having been read.

The Debate was resumed.

And after some time, it was

*Ordered*, That the Debate be further adjourned until To-morrow.

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On motion of Mr. Drury, seconded by Mr. Carmichael

*Ordered*, That the following members compose the Select Committee to which was referred Bill (No. 101), To amend the Steam Boiler Act:—  
Messieurs Rollo, Henry, Hicks, Oke and McLeod.

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And the House having continued to sit until twelve of the clock, midnight.

Friday, 19th May, 1922

The House, according to Order, again resolved itself into the Committee of Supply.

(In the Committee.)

*Resolved*, That there be granted to His Majesty, for the services of 1922, the following sums:—

141	To defray the expenses of the Ontario Hospital, Brockville	80,850 00
142	To defray the expenses of the Ontario Hospital, Cobourg..	11,600 00
143	To defray the expenses of the Ontario Hospital, Hamilton	91,600 00
144	To defray the expenses of the Ontario Hospital, Kingston	78,200 00
145	To defray the expenses of the Ontario Hospital, London ..	138,900 00
146	To defray the expenses of the Ontario Hospital, Mimico ..	51,700 00
147	To defray the expenses of the Ontario Hospital, Orillia ...	57,300 00
148	To defray the expenses of the Ontario Hospital, Penetanguishene . . . . .	35,200 00
149	To defray the expenses of the Ontario Hospital, Toronto .	67,100 00
150	To defray the expenses of the Ontario Hospital, Whitby .	60,375 00
151	To defray the expenses of the Ontario Hospital Woodstock	15,800 00
152	To defray the expenses of the Ontario Reformatory, Guelph	162,700 00
153	To defray the expenses of the Ontario Reformatory Industries . . . . .	25,000 00
154	To defray the expenses of the Andrew Mercer Reformatory for Females . . . . .	11,500 00
155	To defray the expenses of the Industrial Farm, Burwash	59,750 00
156	To defray the expenses of the Industrial Farm, Fort William . . . . .	7,850 00
157	To defray the expenses of the Ontario Brick and Tile Plant, Mimico . . . . .	7,000 00
158	To defray the expenses of the Public Institutions, Miscellaneous . . . . .	12,383 32
184	To defray the expenses of the Education Buildings . . . . .	192,510 00

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Mr. Speaker resumed the Chair; and Mr. Webster reported, That the Committee had come to several Resolutions; also, That the Committee had directed him to ask for leave to sit again.

*Ordered*, That the Report be received To-day.

*Resolved*, That the Committee have leave to sit again To-day.

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The House then adjourned at 12.45 a.m.

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Friday, May 19th, 1922.

PRAYERS.

3.00 O'CLOCK, P.M.

The following Bills were severally introduced and read the first time:—

Bill (No. 258), intituled "An Act to amend the Workmen's Compensation Act." Mr. Rollo.

*Ordered*, That the Bill be read the second time on Monday next.

Bill (No. 259), intituled "An Act to amend The Ontario Public Service Superannuation Act." Mr. Drury.

*Ordered*, That the Bill be read the second time on Monday next.

Bill (No. 260), intituled "An Act to amend The Motor Vehicles Act." Mr. Stevenson.

*Ordered*, That the Bill be read the second time on Monday next.

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Mr. Mills, from the Standing Committee on Railways, presented their First Report which was read as follows and adopted:

Your Committee beg to report the following Bills with certain amendments:

Bill (No. 14), An Act respecting the Mount McKay and Kakabeka Falls Railway Company.

Bill (No. 82), An Act to amend The Ontario Railway Act.



Mr. MacBride asked the following Question:

1. Is the Mr. Lloyd Harris, of Brantford, named by the Prime Minister as one of the Commissioners to investigate Hydro Expenditures, the same Mr. Harris who has been a director of the Dominion Power and Transmission Company. 2. Is this the Company which operates in certain portions of Ontario in direct opposition to the Hydro-Electric Power Commission. 3. What connection, if any, has Mr. Lloyd Harris with the Montreal Light and Power Company. 4. Is he the same Mr. Lloyd Harris who opposed the Hydro by-law when submitted to the city of Brantford in 1909. 5. On that occasion did Mr. Harris propose that the city should acquire the Western Counties Electric Company of Brantford. 6. Was Mr. Harris then, and is he still, financially interested in the Western Counties Electrical Company. 7. Is the Western Electric Company connected with the Dominion Power and Transmission Company. 8. Upon whose recommendation was Mr. Harris selected as one of the Commissioners. 9. Is this the same Mr. Harris who was appointed Trade Commissioner for Canada to go to Europe and to recommend the Roumanian credit of \$25,000,000. upon which no interest has as yet been paid.

To which the Premier replied in the words following:—

1. Yes. 2. The Company was operating before the Hydro-Electric Power Commission was created and is still operating. It may be said to be a competitor, although it was not established in opposition to the Provincial system. 3. No connection whatever. 4. Yes. 5. The Government has no information on this subject. 6. Mr. Harris is interested to the extent that the Company referred to is owned by the Dominion Power and Transmission Company. 7. Answered by the reply to Question No. 6. 8. Mr. Harris was recommended by the Premier. 9. Mr. Harris was appointed by the Dominion Government as Trade Commissioner of Canada.

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The Order of the day for resuming the adjourned Debate on the motion for the second reading of Bill (No. 184), To Provide for the more Equitable Taxation of Lands in certain townships, having been read.

The Debate was resumed.

And after some time, the motion for the second reading having been again submitted, was carried and the Bill was read the second time and referred to the Municipal Committee.

The Order of the Day for the second reading of Bill (No. 244), To amend the Registry Act and the Land Titles Act, having been read,

*Ordered*, That the Order be discharged, and that the Bill be withdrawn.

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The Order of the Day for the second reading of Bill (No. 248), For the training of Boys committed to Institutions, having been read,

Mr. Stevenson moved,

That the Bill be now read the second time.

And the Motion, having been put, was lost on a Division.

And so it was declared in the Negative.

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The House again resolved itself into a Committee to consider Bill (No. 73), Respecting Police Magistrates and, after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Watson reported, That the Committee had made some progress, and directed him to ask for leave to sit again.

*Resolved*, That the Committee have leave to sit again on Monday next.

The House resolved itself into a Committee to consider Bill (No. 212), Respecting the construction of certain works on lakes and streams in Ontario and, after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Watson reported, That the Committee had directed him to report the Bill with certain amendments.

*Ordered*, That the Amendments be taken into consideration forthwith.

The Amendments, having been read the second time, were agreed to.

*Ordered*, That the Bill be read the third time on Monday next.

The House resolved itself into a Committee to consider Bill (No. 223), To amend The Coroners Act and, after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Watson reported, That the Committee had directed him to report the Bill, without any amendment.

*Ordered*, That the Bill be read the third time on Monday next.

The House resolved itself into a Committee to consider Bill (No. 247), Respecting Albert College and, after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Watson reported, That the Committee had directed him to report the Bill without any amendment.

*Ordered*, That the Bill be read the third time on Monday next.

The House resolved itself into a Committee to consider Bill (No. 224), To amend The Crown Witnesses Act and, after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Watson reported, That the Committee had made some progress, and directed him to ask for leave to sit again.

*Resolved*, That the Committee have leave to sit again on Monday next.

The House resolved itself into a Committee to consider Bill (No. 246), To amend the Ontario Telephone Act, 1918, and, after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Watson reported, That the Committee had directed him to report the Bill without any amendment.

*Ordered*, That the Bill be read the third time on Monday next.

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The following Bill was read the second time:—

Bill (No. 209), Respecting the Sale of Securities.

Referred to a Select Committee, to be named, with power to sit during the Recess.

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On motion of Mr. Raney, seconded by Mr. Nixon.

*Ordered*, That Order (No. 50), An Act respecting the Registry Offices in the County of York, be discharged and the Bill referred to a Committee of the House to be composed of the Representatives in the Legislature of the City of Toronto and the County of York and the Attorney-General, with power to sit and take evidence and hear representations during the Recess and to report at the next Session of the Legislature.

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The Order of the Day for the second Reading of Bill (No. 97), Respecting Liens of Mechanics, Wage-earners and others having been read,

*Ordered*, That the Order be discharged, and that the Bill be withdrawn.

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The House then adjourned at 5.50 p.m.

Monday, May 22nd, 1922.

PRAYERS.

3.00 O'CLOCK, P.M.

The following Bills were severally introduced and read the first time:—

Bill (No. 261), intituled "An Act respecting the Lake of the Woods Control Board." Mr. Drury.

*Ordered*, That the Bill be read the second time To-morrow.

Bill (No. 262), intituled "The Declaratory Act, 1922." Mr. Raney.

*Ordered*, That the Bill be read the second time To-morrow.

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The following Bills were severally read the third time and passed:—

Bill (No. 18), To amend The Consolidated Essex Border Utilities Act.

Bill (No. 17), Respecting the Town of Walkerville.

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Mr. McLeod asked the following Question:—

1. How many prescriptions for intoxicating liquors were issued in Ontario from October 31, 1920, to October 31st, 1921. 2. How many prescriptions for intoxicating liquors were issued in the same period in each of the following cities, Ottawa, Guelph, Kitchener, Hamilton, Toronto, Stratford, Windsor, and Kingston. 3. What was the total amount of intoxicating liquors sold by the License Commission in the same period.

And the Attorney-General replied in the words and figures following:—

1. The number of prescriptions filled at the dispensaries is as follows:—

1920	November . . . . .	53,756
	December . . . . .	74,313

1921	January . . . . .	43,012
	February . . . . .	45,173
	March . . . . .	47,258
	April . . . . .	42,836
	May . . . . .	40,455
	June . . . . .	30,143
	July . . . . .	31,264
	August . . . . .	37,442
	September . . . . .	42,909
	October . . . . .	44,050
	Total . . . . .	532,611

2. The number of prescriptions filled at the dispensaries for these Cities is as follows:—

1920	Toronto	Ottawa	Guelph	Kitchener
November	20,596	2,949	207	74
December	28,716	4,202	318	89

1921				
January	17,340	2,021	148	71
February	17,362	2,123	133	61
March	18,723	2,551	173	66
April	17,146	2,297	149	72
May	14,715	3,916	130	81
June	10,732	2,903	76	33
July	11,385	2,295	125	63
August	13,193	2,452	147	72
September	15,385	2,625	218	73
October	16,328	2,558	213	106
	<hr/>	<hr/>	<hr/>	<hr/>
	201,621	32,892	2,037	861

1920	Hamilton	Stratford	Windsor	Kingston
November	6,396	91	2,564	1,985
December	8,540	104	2,909	2,491
1921				
January	4,887	32	1,892	1,670
February	4,740	58	1,982	1,836
March	4,786	37	2,267	1,837

April	4,267	34	2,008	1,753
May	3,972	52	1,817	1,668
June	2,740	39	1,191	1,169
July	3,191	43	1,157	1,318
August	3,700	53	1,490	1,557
September	3,556	76	1,589	1,393
October	3,541	70	1,437	1,392
	<hr/>	<hr/>	<hr/>	<hr/>
	54,316	689	22,303	20,069

3. \$3,131,410.57 and the amount in gallons, 183,246.

Mr. Tolmie asked the following Question:—

When will the Honourable the Provincial Treasurer comply with the terms of 10-11 Geo. V, Chapter 20, Subsection 5 of Section 3, by laying before this House the statement showing all sums credited to the Highway Improvement Fund and all payments chargeable thereto for the fiscal year ending 31st October, 1920.

And the Provincial Treasurer replied:

To-morrow.

Mr. Ireland asked the following Question:—

1. What was the quantity and value of the liquor seized in Ontario for the year 1922. 2. What was the total amount of fines paid in connection with the liquor seized. 3. What was the cost of guarding and transporting the seized liquor. 4. What disposition was made of the seized liquor.

To which the Attorney-General replied in the words following:—

1. 40,234 gallons valued at \$276,235.30 for the year November 1st, 1920 to October 31st, 1921. 2. No record is kept from which it can be ascertained what amount of the fines paid were in connection with the liquor seized. 3. \$17,263.68 for the year November 1st, 1920 to October 31st 1921. 4. Standard brands are taken into stock. Unknown brands are redistilled and the alcohol extracted is sold for industrial purposes.

The House resolved itself into a Committee to consider Bill (No. 22). To incorporate a part of the Township of York, as the Township of North York

and, after some time spent therein, Mr. Speaker resumed the Chair, and Mr. Webster reported, That the Committee had directed him to report the Bill with certain amendments.

*Ordered*, That the Amendments be taken into consideration forthwith

The Amendments, having been read the second time, were agreed to.

*Ordered*, That the Bill be read the third time To-morrow.

The House resolved itself into a Committee to consider Bill (No. 210), To amend the Provincial Loans Act, R.S.O. Cap. 21 and, after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Webster reported, That the Committee had directed him to report the Bill without any amendment.

*Ordered*, That the Bill be read the third time To-morrow.

The House resolved itself into a Committee to consider Bill (No. 238), To amend the Soldiers Aid Commission Act and, after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Webster reported, That the Committee had directed him to report the Bill without any amendment.

*Ordered*, That the Bill be read the third time To-morrow.

The House resolved itself into a Committee to consider Bill (No. 251), For raising Money on the Credit of the Consolidated Revenue Fund and, after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Webster reported, That the Committee had directed him to report the Bill without any amendment.

*Ordered*, That the Bill be read the third time To-morrow.

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The Order of the Day for resuming the Adjourned Debate on the Motion for the Second Reading of Bill (No. 100), Respecting the Construction and Operation of Municipal Electric Railways, having been read.

The Debate was resumed.

And after some time, it was

*Ordered*, That the Debate be further adjourned until To-morrow.

The following Bill was read the second time:—

Bill (No. 219), Respecting Works and Measures to relieve Unemployment.

Referred to a Committee of the Whole House To-morrow.

And the House having continued to sit until twelve of the clock midnight.

Tuesday, 23rd May, 1922.

The House, according to Order, again resolved itself into the Committee of Supply.

(*In the Committee.*)

*Resolved*, That there be granted to His Majesty, for the services of 1922, the following sums:—

118	To defray the expenses of the Administration of Justice, Supreme Court of Ontario . . . . .	1,358 69
120	To defray the expenses of the Administration of Justice, in Districts . . . . .	13,300 00
123	To defray the expenses of the Normal and Model Schools, Ottawa . . . . .	10,275 00
124	To defray the expenses of the Normal School, London . . . . .	4,400 00
125	To defray the expenses of the Normal School, Hamilton . . . . .	1,200 00
126	To defray the expenses of the Normal School, Stratford . . . . .	1,500 00
127	To defray the expenses of the Normal School, North Bay . . . . .	12,000 00
128	To defray the expenses of the English-French Training School, Ottawa . . . . .	8,000 00
129	To defray the expenses of the English-French Training School, Sturgeon Falls . . . . .	12,560 00
130	To defray the expenses of the English-French Training School, Vankleek Hill . . . . .	2,200 00
131	To defray the expenses of the English-French Training School, Sandwich . . . . .	4,050 00
133	To defray the expenses of the Departmental Library and Museum . . . . .	650 00



134	To defray the expenses of the Public Libraries, Art Schools, Historical, Literary and Scientific Societies . . . . .	14,900 00
135	To defray the expenses of the Technical Education . . . . .	109,850 30
137	To defray the expenses of the Ontario School for the Deaf, Belleville . . . . .	6,750 00
138	To defray the expenses of the Ontario School for the Blind, Brantford . . . . .	2,505 00
139	To defray the expenses of the Northern Academy, Monteith	17,852 00
140	To defray the expenses of the Miscellaneous Education . . . .	7,433 00
192	To defray the expenses of the Game and Fisheries . . . . .	86,600 00
193	To defray the expenses of the Treasury Department, Miscellaneous . . . . .	82,050 00
194	To defray the expenses of the Provincial Secretary's Department, Miscellaneous . . . . .	108,452 13
196	To defray the expenses of the Department of Mines . . . . .	79,863 50
197	To defray the expenses of the Refund Account . . . . .	16,809 73
198	To defray the expenses of the Miscellaneous . . . . .	43,836 00

Mr. Speaker resumed the Chair; and Mr. Webster reported, That the Committee had come to several Resolutions; also, That the Committee had directed him to ask for leave to sit again.

*Ordered*, That the Report be received To-day.

*Resolved*, That the Committee have leave to sit again To-day.

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The Provincial Secretary presented to the House, by command of His Honour, the Lieutenant-Governor,

Report of the Temiskaming and Northern Ontario Railway Commission for the year 1921. (*Sessional Papers, No. 48.*)

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The House then adjourned at 1.05 a.m.

Tuesday, May 23rd, 1922.

PRAYERS.

3.00 O'CLOCK, P.M.

Mr. Raney, from the Standing Committee on Private Bills, presented their Fourteenth Report, which was read as follows and adopted:

Your Committee beg to report the following Bills with certain amendments:

Bill (No. 12), An Act respecting the City Gas Company of London.

Bill (No. 49), An Act respecting the City of Galt.

Bill (No. 126), An Act respecting the Town of Oshawa.

Your Committee recommend that notwithstanding Rule 51 of Your Honourable House the time for receiving Reports of Committees on Private Bills be extended to and inclusive of Tuesday, the Sixth day of June next.

Your Committee also recommend that all charges imposed during this Session under clauses (b) (c), and (d) of paragraph 3 of Rule 51a of the Rules of the House which require the levying of a fixed charge of \$50, \$75 and \$100 in respect of Private Bills introduced after the 17th, 24th and 31st days respectively of the Session, be remitted and that all moneys heretofore paid to the Treasurer of Ontario during this Session in respect of such charges be refunded.

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*Ordered*, That the time for receiving Reports from Committees on Private Bills be extended until and inclusive of Tuesday, the Sixth day of June next.

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*Ordered*, That all charges imposed under clauses (b) (c) and (d) of paragraph 3 of Rule 51 a requiring the levying of a fixed charge of \$50, \$75 and \$100 in respect of Private Bills introduced after the 17th, 24th and 31st days of the Session respectively be remitted and that all moneys heretofore paid to the Treasurer, during the Session in respect of such charges be refunded.

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On Motion of Mr. Drury, seconded by Mr. Raney,

*Ordered*, That when this House adjourns, it do stand adjourned until Thursday, the Twenty-fifth instant, at Three of the Clock in the afternoon.

The following Bill was read the third time and passed:—

Bill (No. 198), Respecting the Town of Cobourg.

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The Order of the Day for the Second Reading of Bill (No. 262), To declare the Law with respect to proceedings against the Crown and its Officers and concerning The Corporations Tax Act, 1922, having been read,

Mr. Raney moved,

That the Bill be now read the second time.

And after some time, the motion for the second reading having been put was carried, and the Bill was read the second time and referred to a Committee of the Whole House on Thursday next.

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The House, according to Order, again resolved itself into the Committee of Supply.

*(In the Committee)*

*Resolved*, That there be granted to His Majesty, for the services of 1922, the following sums:—

186	To defray the expenses of the District Buildings . . . . .	133,150	00
187	To defray the expenses of the Miscellaneous Public Buildings	56,000	00

And the Committee having continued to sit until Twelve of the Clock, Midnight, Day-light Saving time.

Wednesday, 24th, May 1922.

An honourable member, rising in his place, raised the Point of Order that as the 24th, May was a legal holiday the House should adjourn. Objection was thereupon taken, that the present hour of midnight was not Standard Time and that the work of the Committee should continue.

The Chairman of the Committee, for the time, left the Chair and Mr. Speaker was called to rule upon the Points raised.

Mr. Speaker, on taking the Chair, said, that in his opinion the House was governed by the Daylight Saving conditions existing in the city—The House met by that time in the afternoon rose at six and should adjourn by the same and that it was now, to all intents and purposes the 24th, and that day being a Legal Holiday, the House should adjourn.

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Mr. Webster thereupon reported, That the Committee had come to several Resolutions; also; That the Committee had directed him to ask for leave to sit again.

*Ordered*, That the Report be received on Thursday next.

*Resolved*, That the Committee have leave to sit again on Thursday next.

---

The Provincial Secretary presented to the House, by command of His Honour, the Lieutenant-Governor,

Statements showing all sums credited to the Highway Improvement Fund and all payments chargeable thereto for the fiscal years ending October 31st., 1920, and 1921, respectively. (*Sessional Papers No. 94.*)

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The House then adjourned at 12.05 a.m.

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Thursday, May 25th, 1922.

PRAYERS.

3.00 O'CLOCK, P.M.

Mr. MacVicar, from the Standing Committee on Agriculture and Colonization presented their Second Report, which was read as follows and adopted:

Your Committee have carefully considered Bill (No. 172) to amend the Community Halls Act, and have prepared certain amendments thereto, all of which is respectfully submitted.

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The following Bills were severally read the third time and passed:—

Bill (No. 39), Respecting the City of Windsor.

Bill (No. 43), Respecting the Hospital for Sick Children.

Bill (No. 179), To amend the Municipal Drainage Act.

Bill (No. 246), To amend the Ontario Telephone Act, 1918.

Bill (No. 25), To incorporate the Ontario Threshermen's Mutual Fire Insurance Company.

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On motion of Mr. Cooke, seconded by Mr. Black.

*Ordered*, That there be laid before this House, a Return showing

1. What Legislative Grants were earned in each of the years 1920 and 1921 by (a) Rural Public Schools, (b) Rural Separate Schools, under the following heads:—

2. What was the actual amount paid to each Rural Public and Separate School for the said years.

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The following Bills were severally read the second time:—

Bill (No. 257), To amend the Power Commission Act.

Referred to a Committee of the Whole House To-morrow.

Bill (No. 236), To amend the University Act.

Referred to a Committee of the Whole House To-morrow.

Bill (No. 234), To amend the Administration of Justice Expenses Act.

Referred to a Committee of the Whole House To-morrow.

Bill (No. 235), To amend the Public Officers Fees Act.

Referred to a Committee of the Whole House To-morrow.

Bill (No. 241), To amend the Queen Victoria Niagara Falls Park Act.

Referred to a Committee of the Whole House To-morrow.

Bill (No. 243), The Load of Vehicles Act.

Referred to a Committee of the Whole House To-morrow.

Bill (No. 252), To amend the School Laws.

Referred to a Committee of the Whole House To-morrow.

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The Order of the Day for resuming the Adjourned Debate on the motion for Second Reading of Bill (No. 100), Respecting the construction and operation of Municipal Electric Railways, having been read.

The Debate was resumed.

And after some time, it was

*Ordered*, That the Debate be further adjourned until To-morrow.

---

The House resolved itself into a Committee to consider Bill (No. 262), To declare the law with respect to Proceedings against the Crown and its Officers and concerning the Corporations Tax Act, 1922 and, after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Webster reported, That the Committee had directed him to report the Bill with certain amendments.

*Ordered*, That the Amendments be taken into consideration forthwith.

The Amendments, having been read the second time, were agreed to.

*Ordered*, that the Bill be read the third time To-morrow.

The House resolved itself into a Committee to consider Bill (No. 224), To amend the Crown Witnesses Act and, after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Webster reported, That the Committee had directed him to report the Bill without any amendment.

*Ordered*, that the Bill be read the third time To-morrow.

And the House having continued to sit until Twelve of the clock, Midnight,

Friday, 26th May, 1922.

The House according to Order, again resolved itself into the Committee of Supply.

(In the Committee.)

*Resolved*, That there be granted to His Majesty, for the services of 1922, the following sums:—

188 To defray the expenses of the Public Works .....	\$ 650,738 00
191 To defray the expenses of the Department of Public Highways . . . . .	21,650 00
190 To defray the expenses of the Colonization Roads.....	650,000 00
189 To defray the expenses of the Department of Labour....	625,640 00

Mr. Speaker resumed the Chair; and Mr. Widdifield reported, That the Committee had come to several Resolutions; also, That the Committee had directed him to ask for leave to sit again.

*Ordered*, That the Report be received To-day.

*Resolved*, That the Committee have leave to sit again To-day.

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The House then adjourned at 5.30 a.m.

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Friday, May 26th, 1922.

PRAYERS

3.00 O'Clock, P.M.

Mr. Mills, from the Standing Committee on Railways, presented their Second Report which was read as follows and adopted:

Your Committee beg to report the following Bills with certain amendments:

Bill (No. 45), An Act respecting The Waterloo Wellington Railway Company.

Bill (No. 75), An Act to amend The Ontario Railway Act.

---

Mr. Rollo, from the Standing Committee on Labour, presented their First Report, which was read as follows and adopted:

Your Committee have carefully considered Bill (No. 159), To promote the Public Health by providing for one day of rest in seven for employees in certain employments, and have prepared certain amendments thereto.

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The following Bill was introduced and read the first time:—

Bill (No. 263), intituled "An Act to authorize the purchase and operation of the Toronto Suburban Railway Company by the Hydro-Electric Power Commission of Ontario, on behalf of the City of Toronto."  
Mr. Drury.

*Ordered*, That the Bill be read the second time on Monday next.

---

The following Bill was read the third time and passed:—

Bill (No. 221), To amend the Ontario Game and Fisheries Act.

---

The Order of the Day for the third reading of Bill (No. 262), To declare the Law with respect to Proceeding against the Crown and its Officers and concerning the Corporations Tax Act, 1922, having been read.

Mr. Raney moved,

That the Bill be now read the third time.

Mr. Dewart moved in Amendment, seconded by Mr. Pinard.

That all the words of the Motion, after the word "That" be omitted, and the following substituted: "the Bill be not now read the third time, but be forthwith re-committed to a Committee of the Whole House with instructions to amend section three by adding thereto after the last word "Right" in the last line the following words:—

"nor shall this section affect any action or proceeding against the Crown or against any Minister thereof, or against any officer authorized to act upon the instructions of any Minister in which any question is raised as to whether any or certain legislation is or is not within the Legislative authority of the Legislature of the Province of Ontario."

And the Amendment, having been put was lost on a division.



The Motion for the third reading having been then again proposed, was carried on a division, and the Bill was read the third time and passed.

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The Order of the Day for the second Reading of Bill (No. 146), Respecting Natural Gas, having been read, Mr. Brackin moved,

That the Bill be now read the second time,

And the Motion, having been put, was lost on a Division.

And so it was declared in the Negative.

---

The Order of the Day for the second reading of Bill (No. 218), To amend The Ontario Companies Act, having been read,

*Ordered*, That the Order be discharged, and that the Bill be withdrawn.

---

The Order of the Day for the second reading of Bill (No. 19), Respecting the Town of Tecumseh, having been read, it was

*Ordered*, That the Bill be recommitted to the Standing Committee on Private Bills for further consideration and report.

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The following Bills were severally read the second time:—

Bill (No. 171), To amend the Separate Schools Act.

Referred to a Committee of the Whole House on Monday next.

Bill (No. 192), To amend the Local Improvement Act.

Referred to the Municipal Committee.

Bill (No. 194), To amend the Assessment Act.

Referred to the Municipal Committee.

Bill (No. 228), To amend the Motor Vehicles Act.

Referred to a Select Committee to be hereafter named.

Bill (No. 227), To amend the School Sites Act.

Referred to the Municipal Committee.

Bill (No. 72), Respecting the Town of Wallaceburg.

Referred to a Committee of the Whole House on Monday next.

5.15 p.m.

His Honour the Lieutenant-Governor entered the Chamber of the Legislative Assembly and took his seat upon the Throne.

Mr. Speaker then addressed His Honour as follows:—

*May it please Your Honour.*

The Legislative Assembly of the Province having at its present Sittings passed certain Bills to which, on behalf and in the name of the said Assembly, I respectfully request Your Honour's Assent.

The Clerk Assistant then read the Titles of the Acts that had been passed as follows:—

An Act to declare the Law with respect to Proceedings against the Crown and its Officers and concerning the Corporations Tax Act, 1922.

An Act to amend the Ontario Game and Fisheries Act.

An Act to amend the Consolidated Essex Border Utilities Act.

An Act respecting the Town of Walkerville.

An Act respecting the Town of Cobourg.

An Act respecting the City of Windsor.

An Act respecting the Hospital for Sick Children.

An Act to amend the Municipal Drainage Act.

An Act to amend the Ontario Telephone Act, 1918.

An Act to incorporate the Ontario Threshermen's Mutual Fire Insurance Company.

To these Acts the Royal Assent was announced by the Clerk of the Legislative Assembly in the following words:—

In His Majesty's name His Honour the Lieutenant-Governor doth assent to these Acts.

His Honour was then pleased to retire.

---

The House resolved itself into a Committee to consider Bill (No. 31), Respecting the London Street Railway Company and, after some time spent therein, Mr. Speaker resumed the Chair; and Mr. MacVicar reported, That the Committee had directed him to report the Bill with certain amendments.

*Ordered*, That the Amendments be taken into consideration forthwith.

The Amendments, having been read the second time, were agreed to.

*Ordered*, that the Bill be read the third time on Monday next.

The House again resolved itself into a Committee to consider Bill (No. 158), To regulate the operation of Public Vehicles and, after some time spent therein, Mr. Speaker resumed the Chair; and Mr. MacVicar reported, That the Committee had made some progress, and directed him to ask for leave to sit again.

Mr. Biggs then moved,

That the Order be discharged and that the Bill be referred to a Select Committee, to be hereafter named, which said Committee shall be empowered to sit during the Recess and report to the House at its next Session.

---

The House resolved itself into a Committee to consider Bill (No. 234), To amend the Administration of Justice Expenses Act and, after some time spent therein, Mr. Speaker resumed the Chair; and Mr. MacVicar reported, That the Committee had directed him to report the Bill with certain amendments.

*Ordered*, That the Amendments be taken into consideration forthwith.

The Amendments, having been read the second time, were agreed to.

*Ordered*, that the Bill be read the third time on Monday next.

The House resolved itself into a Committee to consider Bill (No. 235), To amend the Public Officers Fees Act and, after some time spent therein, Mr. Speaker resumed the Chair; and Mr. MacVicar reported, That the Committee had directed him to report the Bill with certain amendments.

*Ordered*, That the Amendments be taken into consideration forthwith.

The Amendments, having been read the second time, were agreed to.

*Ordered*, that the Bill be read the third time on Monday next.

---

The House resolved itself into a Committee to consider Bill (No. 241), To amend the Queen Victoria Niagara Falls Park Act and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Denyes reported, That the Committee had directed him to report the Bill with certain amendments.

*Ordered*, That the Amendments be taken into consideration forthwith.

The Amendments, having been read the second time, were agreed to.

*Ordered*, that the Bill be read the third time on Monday next.

The House resolved itself into a Committee to consider Bill (No. 243), The Load of Vehicles Act and, after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Denyes reported, That the Committee had directed him to report the Bill with certain amendments.

*Ordered*, That the Amendments be taken into consideration forthwith.

The Amendments, having been read the second time, were agreed to.

*Ordered*, that the Bill be read the third time on Monday next.

---

The Order of the Day for the second reading of Bill (No. 217), To amend the Factory, Shop and Office Building Act having been read,

*Ordered*, That the Order be discharged, and that the Bill be withdrawn.

The Order of the Day for resuming the Adjourned Debate on the Motion for the Second Reading of Bill (No. 100), Respecting the construction and operation of Municipal Electric Railways having been read.

The Debate was resumed.

And after some time.

Mr. McNamara moved, seconded by Mr. MacBride

That the Bill be not now read a second time but be read a second time on this day six months.

And the Amendment, having been put, was lost.

The motion for the second reading having been then again submitted, was carried and the Bill was read the second time and referred to a Committee of the Whole House on Monday next.

And the House having continued to sit until Twelve of the Clock Midnight.

Saturday, 27th May, 1922.

The House, according to Order, again resolved itself into the Committee of Supply.

*(In the Committee.)*

*Resolved*, That there be granted to His Majesty, for the services of 1922, the following sums:—

119	To defray the expenses of the Administration of Justice, Sundry Civil and Criminal Justice .....	426,427 50
121	To defray the expenses of the Public School Education	1,062,147 60
132	To defray the expenses of the High Schools and Col- legiate Institutes .....	17,000 00
136	To defray the expenses of the Provincial and other Uni- versities .....	1,675,780 00
195	To defray the expenses of the Lands and Forests .....	417,000 00

Mr. Speaker resumed the Chair; and Mr. Johnston, (Simcoe) reported, That the Committee had come to several Resolutions; also, That the Committee had directed him to ask for leave to sit again.

*Ordered*, That the Report be received forthwith.

*Resolved*, That the Committee have leave to sit again on Monday next.

---

Mr. Webster, from the Committee of Supply, reported the following Resolutions:—

116. *Resolved*, That a sum not exceeding One hundred and fifty-three thousand six hundred and fifty dollars be granted to His Majesty to defray the expenses of Civil Government for the year ending 31st October, 1922.

117. *Resolved*, That a sum not exceeding Fourteen thousand seven hundred and forty-five dollars be granted to His Majesty to defray the expenses of Legislation for the year ending 31st October, 1922.

118. *Resolved*, That a sum not exceeding One thousand three hundred and fifty-eight dollars and sixty-nine cents be granted to His Majesty to defray the expenses of Administration of Justice, Supreme Court of Ontario, for the year ending 31st October, 1922.

119. *Resolved*, That a sum not exceeding Four hundred and twenty-six thousand four hundred and twenty-seven dollars and fifty cents be granted to His Majesty to defray the expenses of Sundry Civil and Criminal Justice for the year ending 31st October, 1922.

120. *Resolved*, That a sum not exceeding Thirteen thousand three hundred dollars be granted to His Majesty to defray the expenses of Administration of Justice in Districts for the year ending 31st October, 1922.

121. *Resolved*, That a sum not exceeding One million and sixty-two thousand one hundred and forty-seven dollars and sixty cents be granted to His Majesty to defray the expenses of Public and Separate School Education for the year ending 31st October, 1922.

122. *Resolved*, That a sum not exceeding Eleven thousand dollars be granted his Majesty to defray the expenses of Normal and Model Schools, Toronto, for the year ending 31st October, 1922.

123. *Resolved*, That a sum not exceeding Ten thousand two hundred and seventy-five dollars be granted to His Majesty to defray the expenses of Normal and Model Schools, Ottawa, for the year ending 31st October, 1922.

124. *Resolved*, That a sum not exceeding Four thousand four hundred dollars be granted to His Majesty to defray the expenses of Normal School, London, for the year ending 31st October, 1922.

125. *Resolved*, That a sum not exceeding One thousand two hundred dollars be granted to His Majesty to defray the expenses of Normal School, Hamilton, for the year ending 31st October, 1922.

126. *Resolved*, That a sum not exceeding One thousand five hundred dollars be granted to His Majesty to defray the expenses of Normal School, Stratford, for the year ending 31st October, 1922.

127. *Resolved*, That a sum not exceeding Twelve thousand dollars be granted to His Majesty to defray the expenses of Normal School, North Bay, for the year ending 31st October, 1922.

128. *Resolved*, That a sum not exceeding Eight thousand dollars be granted to His Majesty to defray the expenses of English-French Training Schools, Ottawa, for the year ending 31st October, 1922.

129. *Resolved*, That a sum not exceeding Twelve thousand five hundred and sixty dollars, be granted to His Majesty to defray the expenses of English-French Training School, Sturgeon Falls, for the year ending 31st October, 1922.

130. *Resolved*, That a sum not exceeding Two thousand two hundred dollars be granted to His Majesty to defray the expenses of English-French Training School, Vankleek Hill, for the year ending 31st October, 1922.

131. *Resolved*, That a sum not exceeding Four thousand and fifty dollars be granted to His Majesty to defray the expenses of English-French Training School, Sandwich, for the year ending 31st October, 1922.

132. *Resolved*, That a sum not exceeding Seventeen thousand dollars be granted to His Majesty to defray the expenses of High Schools and Collegiate Institutes for the year ending 31st October, 1922.

133. *Resolved*, That a sum not exceeding Six hundred and fifty dollars be granted to His Majesty to defray the expenses of Departmental Library and Museum for the year ending 31st October, 1922.

134. *Resolved*, That a sum not exceeding Fourteen thousand nine hundred dollars be granted to His Majesty to defray the expenses of Public Libraries, Art Schools, Historical, Literary and Scientific Societies, for the year ending 31st October, 1922.

135. *Resolved*, That a sum not exceeding One hundred and nine thousand eight hundred and fifty dollars and thirty cents be granted to His Majesty to defray the expenses of Technical Education for the year ending 31st October, 1922.

136. *Resolved*, That a sum not exceeding One million six hundred and seventy-five thousand seven hundred and eighty dollars be granted to His Majesty to defray the expenses of Provincial and other Universities for the year ending 31st October, 1922.

137. *Resolved*, That a sum not exceeding Six thousand seven hundred and fifty dollars be granted to His Majesty to defray the expenses of Ontario School for the Deaf, Belleville, for the year ending 31st October, 1922.

138. *Resolved*, That a sum not exceeding Two thousand five hundred and five dollars be granted to His Majesty to defray the expenses of Ontario School for the Blind, Brantford, for the year ending 31st October, 1922.

139. *Resolved*, That a sum not exceeding Seventeen thousand eight hundred and fifty-two dollars be granted to His Majesty to defray the expenses of The Northern Academy, Monteith, for the year ending 31st October, 1922.

140. *Resolved*, That a sum not exceeding Seven thousand four hundred and thirty-three dollars be granted to His Majesty to defray the expenses of Miscellaneous Education for the year ending 31st October, 1922.

141. *Resolved*, That a sum not exceeding Eighty thousand eight hundred and fifty dollars be granted to His Majesty to defray the expenses of Ontario Hospital, Brockville, for the year ending 31st October, 1922.

142. *Resolved*, That a sum not exceeding Eleven thousand six hundred dollars be granted to His Majesty to defray the expenses of Ontario Hospital, Cobourg, for the year ending 31st October, 1922.

143. *Resolved*, That a sum not exceeding Ninety-one thousand six hundred dollars be granted to His Majesty to defray the expenses of Ontario Hospital, Hamilton, for the year ending 31st October, 1922.

144. *Resolved*, That a sum not exceeding Seventy-eight thousand two hundred dollars be granted to His Majesty to defray the expenses of Ontario Hospital, Kingston, for the year ending 31st October, 1922.

145. *Resolved*, That a sum not exceeding One hundred and thirty-eight thousand nine hundred dollars be granted to His Majesty to defray the expenses of Ontario Hospital, London, for the year ending 31st October, 1922.



146. *Resolved*, That a sum not exceeding Fifty-one thousand seven hundred dollars be granted to His Majesty to defray the expenses of Ontario Hospital, Mimico, for the year ending 31st October, 1922.
147. *Resolved*, That a sum not exceeding Fifty-seven thousand three hundred dollars be granted to His Majesty to defray the expenses of Ontario Hospital, Orillia, for the year ending 31st October, 1922.
148. *Resolved*, That a sum not exceeding Thirty-five thousand two hundred dollars be granted to His Majesty to defray the expenses of Ontario Hospital, Penetanguishene, for the year ending 31st October, 1922.
149. *Resolved*, That a sum not exceeding Sixty-seven thousand one hundred dollars be granted to His Majesty to defray the expenses of Ontario Hospital, Toronto, for the year ending 31st October, 1922.
150. *Resolved*, That a sum not exceeding Sixty thousand three hundred and seventy-five dollars be granted to His Majesty to defray the expenses of Ontario Hospital, Whitby, for the year ending 31st October, 1922.
151. *Resolved*, That a sum not exceeding Fifteen thousand eight hundred dollars be granted to His Majesty to defray the expenses of Ontario Hospital, Woodstock, for the year ending 31st October, 1922.
152. *Resolved*, That a sum not exceeding One hundred and sixty-two thousand seven hundred dollars be granted to His Majesty to defray the expenses of Ontario Reformatory, Guelph, for the year ending 31st October, 1922.
153. *Resolved*, That a sum not exceeding Twenty-five thousand dollars be granted to His Majesty to defray the expenses of Ontario Reformatory, Industries, for the year ending 31st October, 1922.
154. *Resolved*, That a sum not exceeding Eleven thousand five hundred dollars be granted to His Majesty to defray the expenses of Andrew Mercer Reformatory for Females for the year ending 31st October, 1922.
155. *Resolved*, That a sum not exceeding Fifty-nine thousand seven hundred and fifty dollars be granted to His Majesty to defray the expenses of Industrial Farm, Burwash, for the year ending 31st October, 1922.
156. *Resolved*, That a sum not exceeding Seven thousand eight hundred and fifty dollars be granted to His Majesty to defray the expenses of Industrial Farm Fort William, for the year ending 31st October, 1922.
157. *Resolved*, That a sum not exceeding Seven thousand dollars be granted to His Majesty to defray the expenses of Ontario Brick and Tile Plant, Mimico, for the year ending 31st October, 1922.

158. *Resolved*, That a sum not exceeding Twelve thousand and three hundred and eighty three dollars and thirty-two cents be granted to His Majesty to defray the expenses of Public Institutions, Miscellaneous, for the year ending 31st October, 1922.

159. *Resolved*, That a sum not exceeding Twenty-two thousand three hundred and eighty-four dollars be granted to His Majesty to defray the expenses of the Agricultural and Horticultural Societies for the year ending 31st October, 1922.

160. *Resolved*, That a sum not exceeding Twenty-three thousand eight hundred dollars be granted to His Majesty to defray the expenses of Live Stock Branch for the year ending 31st October, 1922.

161. *Resolved*, That a sum not exceeding Five thousand dollars be granted to His Majesty to defray the expenses of Institutes for the year ending 31st October, 1922.

162. *Resolved*, That a sum not exceeding Twenty-four thousand three hundred dollars be granted to His Majesty to defray the expenses of Dairy Branch for the year ending 31st October, 1922.

163. *Resolved*, That a sum not exceeding Nineteen thousand seven hundred dollars be granted to His Majesty to defray the expenses of Fruit Branch for the year ending 31st October, 1922.

164. *Resolved*, That a sum not exceeding Twenty-five thousand dollars be granted to His Majesty to defray the expenses of Agricultural Representative Branch for the year ending 31st October, 1922.

165. *Resolved*, That a sum not exceeding Two hundred dollars be granted to His Majesty to defray the expenses of Ontario Veterinary College for the year ending 31st October, 1922.

166. *Resolved*, That a sum not exceeding Forty-five thousand five hundred dollars be granted to His Majesty to defray the expenses of Miscellaneous Agriculture for the year ending 31st October, 1922.

167. *Resolved*, That a sum not exceeding Thirty-two thousand nine hundred and ninety-five dollars be granted to His Majesty to defray the expenses of Ontario Agricultural College for the year ending 31st October, 1922.

168. *Resolved*, That a sum not exceeding Five hundred dollars be granted to His Majesty to defray the expenses of Macdonald Institute and Hall for the year ending 31st October, 1922.

169. *Resolved*, That a sum not exceeding One thousand five hundred dollars be granted to His Majesty to defray the expenses of Animal Husbandry and Experimental Feeding Department for the year ending 31st October, 1922.

170. *Resolved*, That a sum not exceeding One thousand five hundred and thirty dollars be granted to His Majesty to defray the expenses of Field Experiments for the year ending 31st October, 1922.

171. *Resolved*, That a sum not exceeding One thousand five hundred dollars be granted to His Majesty to defray the expenses of Experimental Dairy for the year ending 31st October, 1922.

172. *Resolved*, That a sum not exceeding Four thousand nine hundred and seventy-five dollars be granted to His Majesty to defray the expenses of Poultry Department for the year ending 31st October, 1922.

173. *Resolved*, That a sum not exceeding One thousand dollars be granted to His Majesty to defray the expenses of Bacteriology for the year ending 31st October, 1922.

174. *Resolved*, That a sum not exceeding One thousand five hundred dollars be granted to His Majesty to defray the expenses of Chemistry for the year ending 31st October, 1922.

175. *Resolved*, That a sum not exceeding Two thousand dollars be granted to His Majesty to defray the expenses of Entomology for the year ending 31st October, 1922.

176. *Resolved*, That a sum not exceeding One thousand four hundred and fifty dollars be granted to His Majesty to defray the expenses of Manual Training for the year ending 31st October, 1922.

177. *Resolved*, That a sum not exceeding One hundred and twenty-four thousand five hundred dollars be granted to His Majesty to defray the expenses of Hospitals and Charities for the year ending 31st October, 1922.

178. *Resolved*, That a sum not exceeding Ten thousand two hundred and ten dollars and fifty-five cents be granted to His Majesty to defray the expenses of Maintenance and Repairs Parliament and Departmental Buildings for the year ending 31st October, 1922.

179. *Resolved*, That a sum not exceeding Three thousand four hundred dollars be granted to His Majesty to defray the expenses of Osgoode Hall for the year ending 31st October, 1922.

180. *Resolved*, That a sum not exceeding Three thousand four hundred dollars be granted to His Majesty to defray the expenses of Miscellaneous

Maintenance and Repairs of Government Buildings for the year ending 31st October, 1922.

181. *Resolved*, That a sum not exceeding one hundred thousand dollars be granted to His Majesty to defray the expenses of Parliament and Departmental Buildings for the year ending 31st October, 1922.

182. *Resolved*, That a sum not exceeding Ten thousand dollars be granted to His Majesty to defray the expenses of Osgoode Hall for the year ending 31st October, 1922.

183. *Resolved*, That a sum not exceeding Two hundred and thirty-seven thousand five hundred and fifty dollars be granted to His Majesty to defray the expenses of Public Institutions, Buildings for the year ending 31st October, 1922.

184. *Resolved*, That a sum not exceeding One hundred and ninety-two thousand five hundred and ten dollars be granted to His Majesty to defray the expenses of Educational Buildings for the year ending 31st October, 1922.

185. *Resolved*, That a sum not exceeding Three hundred and seventy thousand three hundred dollars be granted to His Majesty to defray the expenses of Agricultural Buildings for the year ending 31st October, 1922.

186. *Resolved*, That a sum not exceeding One hundred and thirty-three thousand one hundred and fifty dollars be granted to His Majesty to defray the expenses of District Buildings for the year ending 31st October, 1922.

187. *Resolved*, That a sum not exceeding Fifty-six thousand dollars be granted to His Majesty to defray the expenses of Miscellaneous Public Buildings for the year ending 31st October, 1922.

188. *Resolved*, That a sum not exceeding Six hundred and fifty thousand seven hundred and thirty-eight dollars be granted to His Majesty to defray the expenses of Public Works for the year ending 31st October, 1922.

189. *Resolved*, That a sum not exceeding Six hundred and twenty-five thousand six hundred and forty dollars be granted to His Majesty to defray the expenses of Department of Labour for the year ending 31st October, 1922.

190. *Resolved*, That a sum not exceeding Six hundred and fifty thousand dollars be granted to His Majesty to defray the expenses of Colonization Roads for the year ending 31st October, 1922.

191. *Resolved*, That a sum not exceeding Twenty-one thousand six hundred and fifty dollars be granted to His Majesty to defray the expenses of Department of Public Highways for the year ending 31st October, 1922.

192. *Resolved*, That a sum not exceeding Eighty-six thousand six hundred dollars be granted to His Majesty to defray the expenses of Game and Fisheries for the year ending 31st October, 1922.

193. *Resolved*, That a sum not exceeding Eighty-two thousand and fifty dollars be granted to His Majesty to defray the expenses of Treasury Department, Miscellaneous for the year ending 31st October, 1922.

194. *Resolved*, That a sum not exceeding One hundred and eight thousand four hundred and fifty-two dollars and thirteen cents be granted to His Majesty to defray the expenses of Provincial Secretary's Department, Miscellaneous, for the year ending 31 October, 1922.

195. *Resolved*, That a sum not exceeding Four hundred and seventeen thousand dollars be granted to His Majesty to defray the expenses of Lands and Forests, Outside Service and Surveys for the year ending 31st October, 1922.

196. *Resolved*, That a sum not exceeding Seventy-nine thousand eight hundred and sixty-three dollars and fifty cents be granted to His Majesty to defray the expenses of Department of Mines for the year ending 31st October, 1922.

197. *Resolved*, That a sum not exceeding Sixteen thousand eight hundred and nine dollars and seventy-three cents be granted to His Majesty to defray the expenses of Refund Account for the year ending 31st October, 1922.

198. *Resolved*, That a sum not exceeding Forty-three thousand eight hundred and thirty-six dollars be granted to His Majesty to defray the expenses of Miscellaneous for the year ending 31st October, 1922.

The several Resolutions, having been read the second time were concurred in.

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Mr. Drury delivered to Mr. Speaker a Message from the Lieutenant-Governor, signed by himself; and the said Message was read by Mr. Speaker, and is as follows:—

## H. COCKSHUTT.

The Lieutenant-Governor transmits Further Supplementary Estimates of certain sums required for the service of the Province for the year ending 31st October, 1922, and recommends them to the Legislative Assembly.

GOVERNMENT HOUSE,

Toronto, May 26th, 1922.

(*Sessional Papers, No. 2*).

*Ordered*, That the Message of the Lieutenant-Governor, together with the Estimates accompanying same, be referred to the Committee of Supply.

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The House then adjourned at 12.45 a.m.

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Monday, May 29th, 1922.

PRAYERS

3.00 O'CLOCK, P.M.

Mr. Nixon, from the Standing Committee on Municipal Law, presented their Sixth Report which was read as follows and adopted:—

Your Committee have carefully considered the following Bill and beg to report the same without amendment:—

Bill (No. 213), An Act to amend The Local Improvement Act.

Your Committee have carefully considered Bills 80, 81, 91, 95, 102, 116, 155, 190, 201 to amend The Assessment Act and such of their provisions as have been approved of have been embodied in a Bill intituled "The Assessment Act 1922."

---

Mr. McCrea, from the Standing Committee on Legal Bills presented their Second Report, which was read as follows and adopted:—

Your Committee have carefully considered the following Bills and have prepared certain amendments thereto respectively:—

Bill (No. 106), To amend The Conveyancing and Law of Property Act,

and Bill (No. 90), Respecting the Maintenance of Deserted Wives and Children.

Your Committee have carefully considered Bill (No. 174), To amend The Disqualification Act and report the same without amendment.

---

The following Bill was introduced and read the first time:—

Bill (No. 264), intituled "The Assessment Amendment Act, 1922."  
Mr. Nixon.

*Ordered*, That the Bill be read the second time To-morrow.

---

The following Bills were severally read the third time and passed:—

Bill (No. 7), Respecting the City of Port Arthur.

Bill (No. 22), To incorporate a part of the Township of York as the Township of North York.

Bill (No. 243), The Load of Vehicles Act.

---

The Order of the Day for the third reading of Bill (No. 15), Respecting the City of Sault Ste. Marie having been read.

*Ordered*, That the Order be discharged, and that the Bill be forthwith again referred to a Committee of the Whole, with instructions to amend the same.

The House accordingly resolved itself into the Committee; and, after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Watson reported, That the Committee had amended the Bill as directed.

*Ordered*, That the Bill be read the third time forthwith.

The Bill was then read the third time, and passed.

---

The Order of the Day for the Second Reading of Bill (No. 21), Respecting the Hamilton Veterans of the Great War, having been called.

Mr. Halcrow moved,

That the Order be discharged and that the Bill be withdrawn.

The point of Order was here raised as to whether a member could move to discharge an Order of the Day, standing in his name, if objection was taken to the withdrawal of the Order.

And Mr. Speaker being asked to rule, addressed the House as follows:—

There is no Rule of the Assembly with regard to the withdrawal of Bills, so, as to the right of a member to withdraw a Bill at any stage we are thrown back upon the English practice.

It seems to be clear that with regard to a Public Bill a motion for withdrawal must be made and the Bill can only be withdrawn after that motion is carried.

With regard to Private Bills, the English practice is different. See Sir Erskine May, 11th Edition, p. 827, from which it appears clear that a Private Bill may be withdrawn by the promoter while it is still in Committee. The passage in May is as follows:—

“If parties acquaint the Committee that they do not desire to proceed further with the bill, this fact is reported to the House; and an order is then made that the bill be withdrawn or, merely, that the report do lie upon the table. In 1902, a committee having thus reported that the parties did not intend to proceed with their bill, notice was given of a motion to recommit the bill; but Mr. Speaker ruled that such a motion would be out of order, on the ground that a private bill was the property of the promoters and that the house could not compel them to proceed with it against their wish.”

If the Bill is reported to the House it would appear to be in the same position as a Public Bill and a motion to discharge the order to have the Bill withdrawn would seem to be required.

The Bill in question is essentially a Private Bill in the strict sense of the word, not only because the Rules of the House with regard to Private Bills apply to it, but because it is an Act to incorporate a private corporation.

I do not know of any case in which a Bill of this nature has been proceeded with against the wish of the Member promoting it. Where a Bill has been amended by the Private Bills Committee so as to be unacceptable to the promoters it is for the House to permit the Bill to be withdrawn on the motion of the Member who introduced it.



There is no precedent for any other Member of the House taking up a Private Bill and forcing it through after the Member introducing it has signified his intention of not proceeding with it.

On July 26th, 1905, in the British House, Mr. Caldwell, (M.P. for Lanarkshire, Mid.), who was in charge of the business connected with Private Bills, moved that the Order be read and discharged and the Bill withdrawn.

Mr. Macveagh objected. Mr. Speaker: "The Hon. Member cannot object to the withdrawal of a Private Bill."

(English House Debate. Vol. 150, p. 329.)

The Order of the Day for the second reading of Bill (No. 21), Respecting the Hamilton Veterans of the Great War, having been then again read, it was on motion of Mr. Halcrow,

*Ordered*, That the Order be discharged, and that the Bill be withdrawn.

Mr. Henry asked the following Question:

1. How many miles of Provincial Highway with permanent surface have been completed. 2. Where are the different sections located. 3. What length is each section. 4. What is the cost of each section. 5. What is the type of surface used in each section.

To which the Minister of Public Works and Highways replied in the words and figures following:—

1. 300.09.	
2.—	3.—
1. Ottawa Easterly	1. 3.75 miles
2. Brockville Westerly	2. 4.0 miles
3. Orleans Easterly	3. 10.0 miles
4. Smiths Falls Northerly	4. 3.0 miles
5. Belleville to Shannonville	5. 7.2 miles
6. Napanee Westerly	6. 6.0 miles
7. Napanee Easterly	7. 5.15 miles
8. Kingston Westerly	8. 7.7 miles
9. Between Deseronto & Marysville, in Indian Reserve	9. 1.75 miles
10. From 2 miles west of Odessa Westerly	10. 1.70 miles
11. Kingston Easterly	11. 10.5 miles
12. Cornwall Westerly	12. 4 miles
13. Oshawa to Trenton	13. 56.4 miles

2.—

14. Between Port Hope & Peterboro
15. Pickering Village & Westerly
16. Town of Whitby
17. Town of Bowmanville
18. Milles Roches Westerly
19. Arnprior Southerly
20. Between Stittsville & Ashtown
21. Johnstown to Manotick
22. Hamilton Westerly
23. Grimsby to Winona
24. Grimsby Park Road to St. Catharines
25. Thamesford Village & Westerly
26. Cayuga to Dunneville
27. London to Lambeth
28. Oldecastle Westerly
29. Tilbury Village
30. Chatham Easterly
31. Brantford to Wentworth County Line
32. Aldboro Township
33. Guelph Southerly
34. Sarnia Easterly
35. Top of Dundas Hill Westerly
36. Summerville to West of Cooksville
37. Stratford Westerly
38. Newmarket Northerly
39. Between Orillia & Washago
40. Stratford to St. Marys
41. Shelburne to Orangeville
42. Freelton Northerly
43. From $3\frac{3}{4}$ miles south of Guelph southerly
44. Holmesville Westerly
45. Arthur Westerly
46. Arthur
47. In Oro Township

3.—

14. 5 miles
15. 4 miles
16. 0.5 miles
17. 0.2 miles
18. 2 miles
19. 6 miles
20. 1 mile
21. 39 miles
22. 2.8 miles
23. 4.0 miles
24. 12.8 miles
25. 0.4 miles
26. 16.7 miles
27. 6 miles
28. 2.8 miles
29. 0.66 miles
30. 0.6 miles
31. 7.78 miles
32. 10 miles
33. 3.75 miles
34. 2.4 miles
35. 4.85 miles
36. 4.9 miles
37. 3.8 miles
38. 2.5 miles
39. 2 miles
40. 8 miles
41. 7.5 miles
42. 3 miles
43. 5 miles
44. 2 miles
45. 0.6 miles
46. 0.4 miles
47. 6 miles

4.—

1. 203,721 97
2. 169,873 72
3. 326,374 44
4. 11,139 74
5. 152,580 39
6. 161,292 78
7. 49,688 15
8. 208,473 55
9. 36,049 72
10. 17,079 62

5.—

1. Bituminous Concrete
2. Bituminous Penetration
3. " "
4. " "
5. Waterbound Macadam
6. " "
7. " "
8. " "
9. " "
10. " "

4.—

5.—

11. 482,053 61	11. Waterbound Macadam
12. 136,190 61	12. " " "
13. 576,407 95	13. Gravel Roadway
14. 95,078 17	14. " " "
15. 243,932 36	15. Bituminous Concrete
16. 10,568 50	16. " " "
17. 31,753 83	17. " " "
18. 20,848 76	18. Gravel Roadway
19. 32,020 50	19. " " "
20. 14,202 81	20. " " "
21. 718,059 67	21. Gravel Roadway with cobble foundation
22. 172,719 07	22. Bituminous Concrete
23. 185,160 24	23. Bituminous Penetration
24. 437,730 05	24. " " "
25. 10,105 00	25. Gravel Asphalt
26. 456,860 96	26. Waterbound Macadam
27. 275,216 95	27. Cement Concrete
28. 118,186 68	28. " " "
29. 26,756 83	29. " " "
30. 17,545 70	30. " " "
31. 439,887 53	31. " " "
32. 85,646 00	32. Gravel Roadway
33. 100,096 11	33. Cement Concrete
34. 88,246 92	34. " " "
35. 183,784 29	35. Bituminous Concrete
36. 253,838 80	36. " " "
37. 207,906 98	37. " " "
38. 43,687 12	38. " " "
39. 29,582 27	39. Waterbound Macadam
40. 18,398 82	40. Gravel Roadway
41. 73,051 91	41. " " "
42. 16,162 65	42. " " "
43. 6,361 80	43. " " "
44. 25,413 84	44. " " "
45. 1,160 49	45. " " "
46. 3,173 68	46. " " "
47. 29,588 40	47. " " "

Mr Henry asked the following Question:—

1. How many roads have been assisted by the Department of Highways under Section 18 of the Highways Improvement Act as amended by 7 Geo. V. c. 17, s. 5, ss. 1. Since November 13, 1919.
2. Where are such roads situated.
3. What is the type and width of each road as assisted by the Government.
4. What is the total amount of government assistance in each case.

And the Minister of Public Works and Highways replied in the words and figures following:—

1.—Nine.		
2.	3.	4.
Napanee	Asphaltic Concrete 20'	\$21,000.00
Tilbury	Cement Concrete 20'	6,856.26
Hawkesbury	Macadam Penetration 20'	16,622.10
Bowmanville	Asphaltic Concrete 20'	11,431.21
Brampton	Asphaltic Concrete 20'	13,082.65
Havelock	Gravel 14-16'	653.44
Dundas	Asphaltic Concrete 20'	24,000.00
Dunnville	Macadam Penetration 28-24'	16,249.13
Burlington Beach	Macadam 20'	6,158.85

The House resolved itself into a Committee to consider Bill (No. 83), To amend the Ontario Highways Act and, after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Watson reported, That the Committee had directed him to report the Bill without any amendment.

*Ordered*, That the Bill be read the third time To-morrow.

The House resolved itself into a Committee to consider Bill (No. 250), Respecting Co-operative Credit Societies and, after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Watson reported, That the Committee had made some progress, and directed him to ask for leave to sit again.

*Resolved*, That the Committee have leave to sit again To-morrow.

The House resolved itself into a Committee to consider Bill (No. 172), To amend the Community Halls Act and, after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Watson reported, That the Committee had made some progress and directed him to ask for leave to sit again.

*Resolved*, That the Committee have leave to sit again To-morrow.

The House resolved itself into a Committee to consider Bill (No. 220), To extend the Right to Vote at Municipal Elections and, after some time spent therein, Mr. Speaker resumed the Chair; and Mr. MacVicar reported, That the Committee had directed him to report the Bill without any amendment.

*Ordered*, That the Bill be read the third time To-morrow.

The House resolved itself into a Committee to consider Bill (No. 100), Respecting Construction and Operation of Municipal Electric Railways and,

after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Webster reported, That the Committee had made some progress, and directed him to ask for leave to sit again.

*Resolved*, That the Committee have leave to sit again To-morrow.

The Order of the Day for the second reading of Bill (No. 229), To amend the Mining Act of Ontario having been read,

Mr. Ferguson moved,

That the Bill be now read the second time.

And the Motion, having been put, was lost on a Division.

And so it was declared in the Negative.

---

And the House having continued to sit until Twelve of the Clock, Mid-night,

Tuesday, 30th May, 1922.

The House, according to Order, again resolved itself into a Committee of Supply.

*Resolved*, That there be granted to His Majesty for the services of 1922, the following sums:—

*(In the Committee.)*

210	To defray the expenses of the Agriculture .....	23,462 00
212	To defray the expenses of the Parliament and Departmental Buildings .....	820 00
213	To defray the expenses of the Public Buildings .....	97,643 00
214	To defray the expenses of the Public Works .....	82,800 00

209	To defray the expenses of the Public Institutions . . . .	50 00
211	To defray the expenses of the Hospitals and Charities . .	145,757 40
216	To defray the expenses of the Department of Public Highways . . . . .	7,028 00
217	Game and Fisheries Change in wording in Vote 100 Main Estimates, 1921-22.	
218	To defray the expenses of the Treasury Department, Miscellaneous . . . . .	28,530 00

---

Mr. Speaker resumed the Chair; and Mr. Swayze reported, That the Committee had come to several Resolutions; also, That the Committee had directed him to ask for leave to sit again.

*Ordered*, That the Report be received To-day.

*Resolved*, That the Committee have leave to sit again To-day.

---

The Provincial Secretary presented to the House, by command of His Honour, the Lieutenant-Governor,

Report of the Provincial Municipal Auditor for the year 1921. (*Sessional Papers No. 8.*)

Also—Report of the Minister of Education, Province of Ontario for 1921. (*Sessional Papers No. 17.*)

Also—Regulations and Orders in Council made since May 14th, 1922, under the authority of the Department of Education Act or of the Acts relating to Public Schools, Separate Schools or High Schools. (*Sessional Papers No. 56.*)

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The House then adjourned at 12.50 a.m.

Tuesday, May 30th, 1922.

PRAYERS

3.00 O'CLOCK, P.M.

Mr. Smith, from the Standing Committee on Printing presented their First Report, which was read as follows:—

Your Committee recommend that the following publications be purchased for distribution to the Members:—

One hundred and fifteen copies (115) "Canadian Annual Review" by J. Castell Hopkins at (\$7.) *per copy*.

One hundred and fifteen copies (115) "Canadian Almanac" at (\$2.35) *per copy*.

One hundred and fifteen copies (115) "Parliamentary Guide" by Ernest J. Chambers at (\$3.) *per copy*.

Two hundred and fifty copies (250) "Five Thousand Facts about Canada" by Frank Yeigh at (23 cents) *per copy*.

*Resolved*, That this House doth concur in the foregoing Report.

---

Mr. Rollo, from the Select Committee to which was referred Bill (No. 101), To amend the Steam Boiler Act, presented their Report which was read as follows and adopted:—

The Committee have considered the Bill to them referred and report the same with certain suggested amendments.

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The following Bills were severally introduced and read the first time:—

Bill (No. 265), intituled "An Act to amend the Rural Hydro-Electric Distribution Act, 1921." Mr. Carmichael.

*Ordered*, That the Bill be read the second time To-morrow.

Bill (No. 266), intituled "An Act to amend the Loan and Trust Corporations Act." Mr. Raney.

*Ordered*, That the Bill be read the second time To-morrow.

The House again resolved itself into a Committee to consider Bill (No. 182), To amend the Sheriffs Act; and, after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Webster reported, That the Committee had directed him to report the Bill with certain Amendments.

*Ordered*, That the Amendments be taken into consideration forthwith.

The Amendments, having been read the second time, were agreed to.

*Ordered*, That the Bill be read the second time To-morrow.

The House resolved itself into a Committee to consider Bill (No. 245), Respecting Natural Gas; and, after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Webster reported, That the Committee had made some progress, and directed him to ask for leave to sit again.

*Resolved*, That the Committee have leave to sit again To-morrow.

The House resolved itself into a Committee to consider Bill (No. 219), Respecting Works and Measures to relieve Unemployment and, after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Watson reported, That the Committee had directed him to report the Bill with certain amendments.

*Ordered*, That the Amendments be taken into consideration forthwith.

The Amendments, having been read the second time, were agreed to.

*Ordered*, That the Bill be read the third time To-morrow.

The House again resolved itself into a Committee to consider Bill (No. 73), Respecting Magistrates, and, after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Watson reported, That the Committee had directed him to report the Bill with certain amendments.

*Ordered*, That the Amendments be taken into consideration forthwith.

The Amendments, having been read the second time, were agreed to.

*Ordered*, That the Bill be read the third time To-morrow.

---

The following Bills were severally read the second time:—

Bill (No. 259), To amend the Ontario Public Service Superannuation Act, 1920.

Referred to a Committee of the Whole House To-morrow.



Bill (No. 254), To amend the Children's Protection Act of Ontario.

Referred to a Committee of the whole House To-morrow.

---

On Motion of Mr. Rollo seconded by Mr. Mills

*Ordered*, That in order to facilitate the business of the Session, the number Eleven at present fixed as the Quorum for the Standing Committee on Labour, be changed to Seven.

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And the House having continued to sit until Twelve of the Clock,  
Midnight

Wednesday, 31st May, 1922.

The House, according to Order, again resolved itself into the Committee of Supply.

*(In the Committee.)*

*Resolved*, That there be granted to His Majesty, for the services of 1922, the following sums:—

199	To defray the expenses of the Civil Government . . . . .	13,900 00
200	To defray the expenses of the Legislation . . . . .	100,870 00
201	To defray the expenses of the Administration of Justice	3,100 00
202	To defray the expenses of the Public and Separate School Education . . . . .	158,476 00
203	To defray the expenses of the English-French Professional Training Schools . . . . .	1,495 00
204	To defray the expenses of the Public Libraries, Art Schools, Literary, Historical and Scientific Societies . .	300 00
218A	To defray the expenses of the Colonization Roads . . . .	100,000 00
205	To defray the expenses of the Technical Education . . . .	10,000 00

207	To defray the expenses of the Ontario School for the Deaf, Belleville. ....	4,025 00
208	To defray the expenses of the Department of Education, Miscellaneous .....	5,000 00
215	To defray the expenses of the Department of Labour ..	415,382 00

Mr. Speaker resumed the Chair; and Mr. Warren reported, That the Committee had come to several Resolutions; also, That the Committee had directed him to ask for leave to sit again.

*Ordered*, That the Report be received To-day.

*Resolved*, That the Committee have leave to sit again To-day.

---

The Provincial Secretary presented to the House, by command of His Honour, the Lieutenant-Governor,

Fourteenth Annual Report of the Hydro-Electric Power Commission of the Province of Ontario for year ending October 31st, 1921. (*Sessional Papers No. 49.*)

Also:—Annual Report of the Department of Public Highways, Ontario, 1921. (*Sessional Papers No. 15.*)

Also:—Return to an Order of the House of 9th February, 1921 That there be laid before this House, a Return of copies of all letters of instruction or other correspondence from the Attorney-General or any of the members of the Government, or Officials, addressed to any Police Magistrates or Crown Attorneys in the Province of Ontario; and any communications or letters in reply thereto relating to the imposition of penalties, or the trial of cases, and their disposition under The Ontario Temperance Act and amendments thereto. (*Sessional Papers No. 95.*)

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The House then adjourned at 2.15 a.m.

Wednesday, May 31st, 1922.

PRAYERS

3.00 O'CLOCK, P.M.

Mr. Raney, from the Standing Committee on Private Bills, presented their Fifteenth Report which was read as follows and adopted:—

Your Committee beg to report the following Bills with certain amendments;

Bill (No. 11), An Act respecting the City of Toronto.

Bill (No. 23), An Act to incorporate The Ottawa Street Incline Railway Company of Hamilton.

Bill (No. 44), An Act respecting the City of Toronto.

Your Committee recommend that the fees less the actual cost of printing be remitted on Bill (No. 5), "An Act respecting Victoria Hospital, Renfrew" on the ground that it is one relating to a Charitable Institution.

*Ordered*, That the fees, less the actual cost of printing, be remitted on Bill (No. 5), Victoria Hospital, Renfrew.

---

Mr. Nixon, from the Standing Committee on Municipal Law, presented their Seventh Report which was read as follows and adopted:—

Your Committee have carefully considered the following Bills and beg to report the same without amendment:—

Bill (No. 170), An Act to amend The Separate Schools Act.

Bill (No. 230), An Act to amend The Suburban Area Development Act.

Bill (No. 242), An Act to amend The District Houses of Refuge Act.

Your Committee have carefully considered the following Bills and beg to report the same with certain amendments:—

Bill (No. 192), An Act to amend The Local Improvement Act.

Bill (No. 227), An Act to amend The School Sites Act.

The following Bills were severally introduced and read the first time:—

Bill (No. 267), intituled "An Act to amend the Venereal Diseases Prevention Act." Mr. Rollo.

*Ordered*, That the Bill be read the second time To-morrow.

Bill (No. 268), intituled "An Act to amend the Public Health Act." Mr. Rollo.

*Ordered*, That the Bill be read the second time To-morrow.

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On motion of Mr. Drury, seconded by Mr. Raney,

*Resolved*, That for the remainder of the Session, Government business shall take precedence over all other business.

---

On motion of Mr. Drury, seconded by Mr. Raney,

*Ordered*, That the following members be appointed a Select Committee to inquire into and hear representations from the Municipalities and from persons interested in the subject of Town Planning and Housing Legislation and report upon the same to this House, and that the Committee be empowered to sit during the Recess:—Messieurs *Rollo, Henry, Nixon, Swayze, Cunningham, Watson, Tisdelle, Thompson, Ramsden, Pinard* and *Halcrow*.

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The following Bill was read the third time and passed:—

Bill (No. 212), Respecting the Construction of certain works on Lakes and Streams in Ontario.

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Mr. Evanturel asked the following Question:—

Does the Government intend to revise the list of Justices of the Peace this year.

And the Attorney General replied:—

The Government will consider this matter during the Recess.

Mr. Halcrow asked the following Questions:—

1. How many experts, engineers or professional men have been retained or subpoenaed by the Hydro-Electric Investigation Commission. 2. What are their names and various vocations. 3. What daily fee or remuneration are they respectively to receive.

To which the Premier replied in the words and figures following:—

1. Three have been retained; none have been subpoenaed. 2. Walter J. Francis, Consulting Engineer. Price, Waterhouse & Co., Accountants. F. W. Wegenast, Secretary and Legal Advisor to the Commission. 3. Walter J. Francis—\$2,000. retainer and \$125. *per* day for each day employed on the work of the Commission; the \$125. *per* day includes all travelling and other expenses. Price, Waterhouse & Co., are represented by Mr. P. Landis, Special Auditor, for whose services they receive \$50. for each day Mr. Landis is engaged on the Commission's work. Both Mr. Francis and Mr. Landis are assisted by members of their respective staffs whose services are paid for by the Commission. F. W. Wegenast—\$1,000 *per* month.

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The House resolved itself into a Committee to consider Bill (No. 67), Respecting Professional Engineers; and, after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Watson reported, That the Committee had directed him to report the Bill with certain amendments.

*Ordered*, That the Amendments be taken into consideration forthwith.

The Amendments, having been read the second time, were agreed to.

*Ordered*, That the Bill be read the third time To-morrow.

The House resolved itself into a Committee to consider Bill (No. 82), To amend The Disqualification Act; and, after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Watson reported, That the Committee had directed him to report the Bill without any amendment.

*Ordered*, That the Bill be read the third time To-morrow.

The House resolved itself into a Committee to consider Bill (No. 174), To amend The Disqualification Act; and, after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Watson reported, That the Committee had directed him to report the Bill without any amendment.

*Ordered*, That the Bill be read the third time To-morrow.

The House resolved itself into a Committee to consider Bill (No. 175), To amend The Highway Improvement Act; and, after some time spent therein the Committee rose.

The Order of the Day for the third reading of Bill (No. 31), Respecting the London Street Railway Company having been read.

Mr. Brackin moved,

That the Bill be now read the third time.

Mr. Stevenson moved in Amendment, seconded by Mr. Nickle,

That all the words of the Motion, after the word "That" be omitted, and the following substituted: "the Bill be now read the third time, but be forthwith re-committed to a Committee of the Whole House with instructions to amend the same by striking out section 4 and inserting in lieu thereof the following "This Act shall not come into effect until three months after the date on which it receives the Royal Assent and during this time the Corporation of the City of London, may submit to the Municipal Electors of the City of London the following question:—

"Are you in favour of the acquiring by the City of The  
London Street Railway?"

And if a majority of those voting vote in the affirmative proceedings shall be taken forthwith by the Corporation of the City of London for acquiring and taking over all the property and assets of The London Street Railway Company under the provisions of the existing agreement between the City of London and the said Company and sections 1 to 3 of this Act shall not come into force and take effect; but in case a majority of those voting vote in the negative on the question sections 1 to 3 shall come into force and take effect forthwith after the declaration of the result of the vote by the City Clerk."

And the Amendment having been put, was lost on the following division:

YEAS.

Brown	Hill	Nixon	Stringer
Buckland	Johnston	Rollo	Tolmie
Cameron	(Simcoe)	Ross	Warren—24.
Carmichael	Leeson	(Glengarry)	
Carty	Lewis	Ross	
Cunningham	McArthur	(Oxford)	
Drury	Murdoch	Slack	
Halcrow	Nickle	Stevenson	

NAYS.

Allan	Fowler	Joynt	Pinard
Bowman	Fox	Lang	Ramsden
Brackin	Freeborn	Lethbridge	Raney
Casselman	Govenlock	McAlpine	Rankin
Clarke	Gray	McCrea	Rennie
Cooper	Hall	McCreary	Sewell
(Welland)	Hay	MacVicar	Smith
Crawford	Heenan	Mageau	Swayze
Denyes	Henry	Marceau	Taylor
Dewart	Hicks	Marshall	Walker
Doherty	Homuth	Mewhinney	Watson
Evanturel	Johnson	Montgomery	Webster
Fenton	(Lanark)	Oke	Widdifield—50

PAIRS.

None.

The original motion for the third reading having been then again submitted, was carried on a division and the Bill was read the third time and passed.

The House resolved itself into a Committee to consider Bill (No. 250), Respecting Co-operative Credit Societies and, after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Slack reported, That the Committee had directed him to report the Bill with certain amendments.

*Ordered*, That the Amendments be taken into consideration forthwith.

The Amendments, having been read the second time, were agreed to.

*Ordered*, That the Bill be read the third time To-morrow.

The House again resolved itself into a Committee to consider Bill (No. 172), To amend the Community Halls Act and, after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Slack reported, That the Committee had directed him to report the Bill with certain amendments.

*Ordered*, That the Amendments be taken into consideration forthwith.

The Amendments, having been read the second time, were agreed to.

*Ordered*, That the Bill be read the third time To-morrow.

The House again resolved itself into a Committee to consider Bill (No. 101), To amend the Steam Boiler Act and, after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Slack reported, That the Committee had directed him to report the Bill with certain amendments.

*Ordered*, That the Amendments be taken into consideration forthwith.

The Amendments, having been read the second time, were agreed to.

*Ordered*, That the Bill be read the third time To-morrow.

The House resolved itself into a Committee to consider Bill (No. 213), To amend the Local Improvement Act and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Slack reported, That the Committee had directed him to report the Bill without any amendment.

*Ordered*, That the Bill be read the third time To-morrow.

The House resolved itself into a Committee to consider Bill (No. 72), Respecting the Town of Wallaceburg and, after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Sandy reported, That the Committee had directed him to report the Bill without any amendment.

*Ordered*, That the Bill be read the third time To-morrow.

The House resolved itself into a Committee to consider Bill (No. 259), To amend the Ontario Public Service Superannuation Act, 1920 and, after some time spent therein, Mr. Speaker resumed the Chair; and Mr. MacVicar reported, That the Committee had directed him to report the Bill with certain amendments.

*Ordered*, That the Amendments be taken into consideration forthwith.

The Amendments, having been read the second time, were agreed to.

*Ordered*, That the Bill be read the third time To-morrow.

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The following Bills were severally read the second time:—

Bill (No. 239), To amend the Ontario Highway Act.

Referred to a Committee of the Whole House To-morrow.

Bill (No. 49), Respecting the City of Galt.



Referred to a Committee of the Whole House To-morrow.

Bill (No. 126), Respecting the Town of Oshawa.

Referred to a Committee of the Whole House To-morrow.

Bill (No. 45), Respecting the Waterloo, Wellington Railway Company.

Referred to a Committee of the Whole House To-morrow.

And the House having continued to sit until Twelve of the Clock,  
Midnight

Thursday, 1st June, 1922.

The House, according to Order, again resolved itself into the Committee of Supply.

*(In the Committee.)*

*Resolved*, That there be granted to His Majesty, for the services of 1922, the following sums:—

220	To defray the expenses of the Temiskaming and Northern Ontario Railway Commission .....	2,365,620 01
219	To defray the expenses of the Hydro-Electric Power Commission of Ontario .....	6,866,769 00
206	To defray the expenses of the Provincial and other Universities .....	510,625 42

Mr. Speaker resumed the Chair; and Mr. Swayze reported, That the Committee had come to several Resolutions; also, That the Committee had directed him to ask for leave to sit again.

*Ordered*, That the Report be received forthwith.

*Resolved*, That the Committee have leave to sit again To-day.

Mr. Swayze, from the Committee of Supply reported the following further Resolutions:—

199. *Resolved*, That a sum not exceeding Thirteen thousand nine hundred dollars be granted to His Majesty to defray the expenses of Civil Government for the year ending 31st October, 1922.

200. *Resolved*, That a sum not exceeding One hundred thousand eight hundred and seventy dollars be granted to His Majesty to defray the expenses of Legislation for the year ending 31st October, 1922.

201. *Resolved*, That a sum not exceeding Three thousand one hundred dollars be granted to His Majesty to defray the expenses of Administration of Justice for the year ending 31st October, 1922.

202. *Resolved*, That a sum not exceeding One hundred and fifty-eight thousand four hundred and seventy-six dollars be granted to His Majesty to defray the expenses of Public and Separate School Education for the year ending 31st October, 1922.

203. *Resolved*, That a sum not exceeding One thousand four hundred and ninety-five dollars be granted to His Majesty to defray the expenses of English-French Professional Training Schools for the year ending 31st October, 1922.

204. *Resolved*, That a sum not exceeding Three hundred dollars be granted to His Majesty to defray the expenses of Public Libraries, Art Schools, Literary, Historical and Scientific Societies for the year ending 31st October, 1922.

205. *Resolved*, That a sum not exceeding Ten thousand dollars be granted to His Majesty to defray the expenses of Technical Education for the year ending 31st October, 1922.

206. *Resolved*, That a sum not exceeding Five hundred and ten thousand six hundred and twenty-five dollars and forty-two cents be granted to His Majesty to defray the expenses of Provincial and other Universities for the year ending 31st October, 1922.

207. *Resolved*, That a sum not exceeding Four thousand and twenty-five dollars be granted to His Majesty to defray the expenses of Ontario School for Deaf, Belleville, for the year ending 31st October, 1922.

208. *Resolved*, That a sum not exceeding Five thousand dollars be granted to His Majesty to defray the expenses of Miscellaneous, Department of Education, for the year ending 31st October, 1922.

209. *Resolved*, That a sum not exceeding Fifty dollars be granted to His Majesty to defray the expenses of Public Institutions for the year ending 31st October, 1922.

210. *Resolved*, That a sum not exceeding Twenty-three thousand four hundred and sixty-two dollars be granted to His Majesty to defray the expenses of Agriculture for the year ending 31st October, 1922.

211. *Resolved*, That a sum not exceeding One hundred and forty-five thousand seven hundred and fifty-seven dollars and forty cents be granted to His Majesty to defray the expenses of Hospitals and Charities for the year ending 31st October, 1922.

212. *Resolved*, That a sum not exceeding Eight hundred and twenty dollars be granted to His Majesty to defray the expenses of Maintenance and Repairs of Government Buildings for the year ending 31st October, 1922.

213. *Resolved*, That a sum not exceeding Ninety-seven thousand six hundred and forty-three dollars be granted to His Majesty to defray the expenses of Public Buildings for the year ending 31st October, 1922.

214. *Resolved*, That a sum not exceeding Eighty-two thousand eight hundred dollars be granted to His Majesty to defray the expenses of Public Works for the year ending 31st October, 1922.

215. *Resolved*, That a sum not exceeding Four hundred and fifteen thousand three hundred and eighty-two dollars be granted to His Majesty to defray the expenses of Department of Labour for the year ending 31st October, 1922.

216. *Resolved*, That a sum not exceeding Seven thousand and twenty-eight dollars be granted to His Majesty to defray the expenses of Department of Public Highways for the year ending 31st October, 1922.

217. Change of Wording in Vote 100 in Main Estimates 1921-22.

218. *Resolved*, That a sum not exceeding Twenty-eight thousand five hundred and thirty dollars be granted to His Majesty to defray the expenses of Treasury Department, Miscellaneous, for the year ending 31st October, 1922.

218A. *Resolved*, That a sum not exceeding One hundred thousand dollars be granted to His Majesty to defray the expenses of Colonization Roads for the year ending 31st October, 1922.

219. *Resolved*, That a sum not exceeding Six millions eight hundred and sixty-six thousand seven hundred and sixty-nine dollars be granted to His Majesty to defray the expenses of Hydro-Electric Power Commission for the year ending 31st October, 1922.

220. *Resolved*, That a sum not exceeding Two millions three hundred and sixty-five thousand six hundred and twenty dollars and one cent be granted to His Majesty to defray the expenses of Temiskaming and Northern Ontario Railway Commission for the year ending 31st October, 1922.

The several Resolutions, having been again read, were concurred in.

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Mr. Drury delivered to Mr. Speaker a Message from the Lieutenant-Governor, signed by himself; and the said Message was read by Mr. Speaker, and is as follows:—

#### H. COCKSHUTT.

The Lieutenant-Governor transmits Estimates of certain sums required for the service of the Province for the year ending 31st October, 1923, and recommends them to the Legislative Assembly.

GOVERNMENT HOUSE,

Toronto, June 1st, 1922.

(*Sessional Papers, No. 2.*)

*Ordered,* That the Message of the Lieutenant-Governor, together with the Estimates accompanying same, be referred to the Committee of Supply.

---

On Motion of Mr. Drury, Seconded by Mr. Doherty.

*Ordered,* That on Friday next there shall be two sittings of the House; the first to begin at eleven in the forenoon, Mr. Speaker to leave the chair at one of the clock until three without the question being put, and the second sitting to begin at three of the clock in the afternoon.

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The Provincial Secretary presented to the House, by command of His Honour, the Lieutenant-Governor,

Report of the Fruit Growers' Association of Ontario, 1921. (*Sessional Papers No. 44.*)

Also:—Report of the Ontario Agricultural College and Experimental Farm, 1921. (*Sessional Papers No. 30.*)

Also:—Report of the Statistics Branch of the Department of Agriculture, 1921. (*Sessional Papers No. 46.*)

Also:—Report of The Agricultural Societies and of the Convention of the Association of Fairs and Exhibitions for 1921. (*Sessional Papers No. 42.*)

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The House then adjourned at 12.25 a.m.

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Thursday, June 1st, 1922.

PRAYERS

3.00 O'CLOCK, P.M.

Mr. Drury, from the Select Committee to which was referred Bills Numbers 118, 119 and 109 Respecting Voters' Lists and Bill (No. 111), To amend The Election Laws presented their Report, which was read as follows and adopted:—

Your Committee have carefully considered Bill (No. 118), To amend The Ontario Voters' Lists Act and Bill (No. 119), Respecting Voters' Lists, and have embodied the provisions of Bill (No. 118), with Bill (No. 119), to which last mentioned Bill they have also made certain other amendments.

---

Mr. McCrea, from the Standing Committee on Legal Bills presented their Third Report, which was read as follows and adopted:—

Your Committee have carefully considered the following Bills and have prepared certain amendments thereto respectively:—

Bill (No. 99), To amend the Judicature Act.

Bill (No. 240), To amend the Jurors' Act.

Your Committee have carefully considered Bill (No. 121), To amend The Limitations Act, and report the same without amendment.

---

The Order of the Day for the third reading of Bill (No. 220), To extend the Right to Vote at Municipal Elections, having been read.

*Ordered*, That the Order be discharged, and that the Bill be forthwith again referred to a Committee of the Whole, with instructions to amend the same.

The House accordingly resolved itself into the Committee; and, after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Watson reported, That the Committee had amended the Bill as directed.

*Ordered*, That the Bill be read the third time forthwith.

The Bill was then read the third time, and passed.

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The following Bills were severally read the third time and passed:—

Bill (No. 83), To amend The Ontario Highways Act.

Bill (No. 182), To amend The Sheriff's Act.

Bill (No. 213), To amend The Local Improvement Act.

Bill (No. 72), Respecting the Town of Wallaceburg.

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The Order of the Day for resuming the Adjourned Debate on the motion for the Second Reading of Bill (No. 167), To amend the Toronto and Hamilton Highway Act, having been read,

The Debate was resumed.

And after some time, the motion for the second reading having been again submitted, was carried and the Bill was read the second time and referred to a Committee of the Whole House To-morrow.

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The following Bills were severally read the second time:—

Bill (No. 225), Respecting the carriage of Liquor on Highways.

Referred to a Committee of the Whole House To-morrow.

Bill (No. 226), To amend The Ontario Temperance Act.

Referred to a Committee of the Whole House To-morrow.

Bill (No. 258), To amend The Workmen's Compensation Act.

Referred to a Committee of the Whole House To-morrow.

The House resolved itself into a Committee to consider Bill (No. 114), Respecting Licenses for Billiard and Pool Rooms and Bowling Alleys; and, after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Watson reported, That the Committee had directed him to report the Bill without any amendment.

*Ordered*, That the Bill be read the third time To-morrow.

The House resolved itself into a Committee to consider Bill (No. 254), To amend The Children's Protection Act of Ontario; and, after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Watson reported, That the Committee had directed him to report the Bill with certain amendments.

*Ordered*, That the Amendments be taken into consideration forthwith.

The Amendments, having been read the second time, were agreed to.

*Ordered*, That the Bill be read the third time To-morrow.

The House resolved itself into a Committee to consider Bill (No. 222), To incorporate The Ontario Co-operative Dairy Products, Limited; and, after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Webster reported, That the Committee had directed him to report the Bill with certain amendments.

*Ordered*, That the Amendments be taken into consideration forthwith.

The Amendments, having been read the second time, were agreed to.

*Ordered*, That the Bill be read the third time To-morrow.

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The Order of the Day for the second reading of Bill (No. 216), To amend The Steam Boiler Act, having been read,

*Ordered*, That the Order be discharged, and that the Bill be withdrawn.

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Mr. Dewart asked the following Questions:—

1. In view of the report in the press that the Attorney General does not intend to appeal from Mr. Justice Riddell's decision upon his application to the Court under The Corporations Tax Act, 1922, is it the intention of the Attorney General to have a stated case submitted to the Court in which legal questions and questions of Jurisdiction will be considered?

2. If Not, is it the intention of the Attorney General to take proceedings in any other way either for the payment out of Court of the monies deposited under Mr. Justice Middleton's Order or for the testing of legal questions and questions of jurisdiction which have been already raised.

3. Has the Attorney General received any opinions upon the legal question involved as to the validity of the Corporations Tax Act of 1922, or the Declaratory Act, 1922, as first introduced or subsequently amended in addition to the opinions from the Departmental Officers, Edward Bayley, K.C., Deputy Attorney General, A. M. Dymond, K.C., Law Clerk, and J. T. White, Solicitor to the Treasury, from N. W. Rowell, K. C., or any other Counsel.

4. Will the Attorney General bring down the opinions of the said Departmental Officials and of any other Counsel upon these matters and lay them upon the table of the House without waiting for a motion for a special return.

5. Has the Attorney General any communication or communications from any legal or Judicial source in regard to either of the said Bills, the Corporations Tax Act, 1922, or the Declaratory Act, 1922, either as originally introduced or as amended, and has he replied to such communication or communications. If so, from whom was such communication or were such communications received and were they privileged. If not privileged, will this correspondence be brought down and laid at once on the table of the House with the opinions above referred to.

6. In view of the failure of the Attorney General to appeal from the *pro forma* order of Mr. Justice Riddell is it the Attorney General's intention to introduce any further remedial order or legislation, dealing with the matter of the two bills in question, at the present session?

To which the Attorney General replied in the words following:—

1 & 2. The Government has not formulated any intention with regard to the matters referred to in questions 1 & 2.

3. This question is answered by the answer to question 5.

4. In view of the likelihood that the questions referred to will be the subject of court proceedings, the public interest does not call for the publication of these opinions at the present time.

5. Any communications there may have been of the nature indicated by this question are privileged and their publication would be against the public interest, and the Government does not feel at liberty to publish the names of



the writers. There is a controversy now pending between the Crown and the Ontario Jockey Club in which the authority of this Legislature to enact the statutes above mentioned is being questioned and it is, therefore, not in the public interest that the Crown should be called upon to disclose the advice it has received, whether voluntary or otherwise, or the proceedings it has in view for maintaining the authority of the Legislature.

6. The Government has not formulated any intention with regard to the matter referred to in this question. Its intentions, so far as the collection from the racing associations of taxes under the authority of the Corporations Tax Act, 1922, will be sufficiently indicated by the letter written by the Solicitor to the Treasury to the Ontario Jockey Club on the 29th ultimo, a copy of which follows.

Toronto, May 29th, 1922.

Gentlemen,

On behalf of the Treasurer of Ontario payment is hereby demanded, pursuant to the Corporations Tax Act, 1922, of the amount deducted under that Act from the money bet or stakes of which the Ontario Jockey Club became the custodian in respect to races held at Woodbine Park, Toronto, from the 20th to 27th of May, 1922 (inclusive), amounting to the sum of Two hundred and eighteen thousand dollars (\$218,000) more or less, and in default of payment forthwith you are hereby notified that you will be required to pay the penalty provided for by Clause (c) of subsection 17 of the Corporations Tax Act, as enacted by the Corporations Tax Act, 1920, (10-11 Geo. V, Cap. 9), as amended by the Corporations Tax Act, 1922, which Clause reads as follows:—

- (c) Every company, association or club opening or continuing a race meeting on any day in respect of which the tax hereby imposed has not been paid or neglecting or refusing to deduct and pay over the tax mentioned in Subsection 16 (a) or neglecting to furnish the statement required by Clause (a) or to comply with the requirements of Clause (b) shall incur a penalty of \$1,000 for every day during which the default continues, and every director, manager or secretary of the company, association or club who wilfully authorizes or permits such default shall incur a like penalty, but such penalty shall be recoverable only by action at the suit of the Crown or of a private person suing on his own behalf with the written consent of the Attorney-General.

I am enclosing a copy of the Corporations Tax Act, together with the Corporations Tax Act of 1922, which, as you are aware, became effective on the 19th day of May, 1922. Your counsel has been furnished with a copy of The Declaratory Act, 1922.

I desire to supplement the above formal notice by stating that in due course an action will be brought to recover the penalties of \$1,000 *per* day as above provided, the period of default to commence to-day if payment over to the Treasurer of Ontario be not made forthwith.

Yours very truly,

(Signed) J. T. White.

Solicitor to the Treasury.

The Ontario Jockey Club, Limited,  
Imperial Bank Building,  
Leader Lane, Toronto.

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And the House having continued to sit until Twelve of the Clock,  
Midnight

Friday, 2nd June, 1922.

The Order of the Day for the Second Reading of Bill (No. 261), Respecting the Lake of the Woods Control Board, having been read.

Mr. Drury moved.

That the Bill be now read the second time.

And a Debate having ensued, it was

*Ordered*, That the Debate be adjourned until the next Sitting of the House To-day.

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The House, according to Order, again resolved itself into the Committee of Supply.

(*In the Committee.*)

*Resolved*, That there be granted to His Majesty, for the services of 1922, the following sums:—

7. To defray the expenses of the Public Works Department	80,250 00
9. To defray the expenses of the Department of Public Highways . . . . .	247,425 00

86. To defray the expenses of the Government House .....	26,800 00
87. To defray the expenses of the Parliament and Departmental Buildings .....	357,511 35
88. To defray the expenses of the Osgoode Hall .....	51,975 00
89. To defray the expenses of the Miscellaneous, Maintenance and Repairs of Government Buildings .....	65,000 00
90. To defray the expenses of the Parliament and Departmental Buildings .....	100,000 00
91. To defray the expenses of the Osgoode Hall .....	7,000 00
92. To defray the expenses of the Public Institutions .....	137,000 00
93. To defray the expenses of the Educational Buildings ....	190,250 00
94. To defray the expenses of the Agricultural Buildings ..	5,000 00
95. To defray the expenses of the Districts Buildings .....	38,200 00
96. To defray the expenses of the Miscellaneous Public Buildings . .....	181,000 00
97. To defray the expenses of the Public Works .....	161,500 00
100. To defray the expenses of the Department of Public Highways . .....	181,120 00
11. To defray the expenses of the Treasury Department ....	125,200 00
12. To defray the expenses of the Audit Office .....	53,225 00
103. To defray the expenses of the Treasury Department, Miscellaneous . .....	424,619 00

Mr. Speaker resumed the Chair; and Mr. Webster reported, That the Committee had come to several Resolutions; also, That the Committee had directed him to ask for leave to sit again.

*Ordered*, That the Report be received To-day.

*Resolved*, That the Committee have leave to sit again To-day.

The Provincial Secretary presented to the House, by command of His Honour, the Lieutenant-Governor,

Report of the Entomological Society of Ontario, 1921. (*Sessional Papers No. 36.*)

Also—Report of the Women's Institutes of the Province of Ontario, 1921. (*Sessional Papers No. 41.*)

Also—Report of the Live Stock Branch of the Department of Agriculture (*Sessional Papers No. 39.*)

Also—Report of the Dairymen's Associations of the Province of Ontario, 1921. (*Sessional Papers No. 38.*)

Also—Report of the Bee-keepers' Association of the Province of Ontario. (*Sessional Papers No. 37.*)

Also—Report of the Minister of Agriculture for year ending October 31st, 1921. (*Sessional Papers No. 29.*)

Also—Report of the Vegetable Growers' Association, 1921. (*Sessional Papers No. 34.*)

Also —Report of the Horticultural Societies, 1921. (*Sessional Papers No. 43.*)

Also—Report of the Provincial Board of Health of Ontario, 1921. (*Sessional Papers No. 21.*)

Also—Report Department of Labour for Province of Ontario, 1921. (*Sessional Papers No. 16.*)

Also—Report for 1921, of The Workmen's Compensation Board, Ontario. (*Sessional Papers No. 55.*)

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The House then adjourned at 1.55 a.m.

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Friday, June 2nd, 1922.

PRAYERS.

11.00 O'CLOCK. A.M.

The following Bill was introduced and read the first time:—

Bill (No. 269), intituled "An Act to Create the Territorial Provisional Judicial District of Cochrane." Mr. Raney.

*Ordered,* That the Bill be read the second time on Monday next.

On Motion of Mr. Drury, seconded by Mr. Raney.

*Ordered*, That those Committees of this House, Standing or Select, which have not completed the business assigned, or to be assigned to them, be empowered to sit and carry on their work concurrently with the Sittings of the House.

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The House resolved itself into a Committee to consider Bill (No. 50), Respecting Filing of Claims against certain Companies or their properties and, after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Swayze reported, That the Committee had directed him to report the Bill without any amendment.

*Ordered*, That the Bill be read the third time on Monday next.

The House resolved itself into a Committee to consider Bill (No. 55), To consolidate the Municipal Act and, after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Swayze reported, That the Committee had directed him to report the Bill with certain amendments.

*Ordered*, That the Amendments be taken into consideration forthwith.

The Amendments, having been read the second time, were agreed to.

*Ordered*, That the Bill be read the third time on Monday next.

The House resolved itself into a Committee to consider Bill (No. 226), To amend the Ontario Temperance Act and, after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Swayze reported, That the Committee had directed him to report the Bill with certain amendments.

*Ordered*, That the Amendments be taken into consideration forthwith.

The Amendments, having been read the second time, were agreed to.

*Ordered*, That the Bill be read the third time on Monday next.

The House resolved itself into a Committee to consider Bill (No. 225), Respecting the Carriage of Liquor on Highways and, after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Swayze reported, That the Committee had directed him to report the Bill with certain amendments.

*Ordered*, That the Amendments be taken into consideration forthwith.

The Amendments, having been read the second time, were agreed to.

*Ordered*, That the Bill be read the third time on Monday next.

3.00 O'CLOCK, P.M.

The House resolved itself into a Committee to consider Bill (No. 90), Respecting the Maintenance of Deserted Wives and Children and, after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Warren reported, That the Committee had directed him to report the Bill with certain amendments.

*Ordered,* That the Amendments be taken into consideration forthwith.

The Amendments, having been read the second time, were agreed to.

*Ordered,* That the Bill be read the third time on Monday next.

The House resolved itself into a Committee to consider Bill (No. 242), To amend the District Houses of Refuge Act, and, after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Freeborn reported, That the Committee had made some progress, and directed him to ask for leave to sit again.

*Resolved,* That the Committee have leave to sit again on Monday next.

The House resolved itself into a Committee to consider Bill (No. 236), To amend the University Act and, after some time spent therein. Mr. Speaker resumed the Chair; and Mr. Freeborn reported, That the Committee had directed him to report the Bill with certain amendments.

*Ordered,* That the Amendments be taken into consideration forthwith.

The Amendments, having been read the second time, were agreed to.

*Ordered,* That the Bill be read the third time on Monday next.

The House resolved itself into a Committee to consider Bill (No. 258), To amend Workmens' Compensation Act and, after some time spent therein, Mr. Speaker resumed the Chair, and Mr. Freeborn reported, That the Committee had directed him to report the Bill with certain amendments.

*Ordered,* That the Amendments be taken into consideration forthwith.

The Amendments, having been read the second time, were agreed to.

*Ordered,* That the Bill be read the third time on Monday next.

The House resolved itself into a Committee to consider Bill (No. 121), To amend the Limitations Act and, after some time spent therein, Mr.

Speaker resumed the Chair; and Mr. Freeborn reported, That the Committee had directed him to report the Bill without any amendments.

*Ordered*, That the Bill be read the third time on Monday next.

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The following Bill was read the second time:—

Bill (No. 177), To amend the Separate Schools Act.

Referred to the Legal Committee.

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The House, according to Order, again resolved itself into the Committee of Supply.

*(In the Committee.)*

*Resolved*, That there be granted to His Majesty, for the services of 1922, the following sums:—

14. To defray the expenses of the Department of Agriculture 119,100 00

Mr. Speaker resumed the Chair; and Mr. Watson reported, That the Committee had come to several Resolutions; also, That the Committee had directed him to ask for leave to sit again.

*Ordered*, That the Report be received Monday.

*Resolved*, That the Committee have leave to sit again Monday next.

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The House then adjourned at 6.00 p.m.

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Monday, June 5th, 1922.

PRAYERS.

3.00 O'Clock, P.M.

On motion of Mr. Drury, seconded by Mr. Grant,

*Ordered*, That beginning on Tuesday next, and on each succeeding day for the remainder of the session, there shall be two sittings of the House; the first to begin at eleven in the forenoon, Mr. Speaker to leave the chair at one of the clock until three without the question being put, and the second sitting to begin at three of the clock in the afternoon.

The following Bills were severally read the third time and passed:—

Bill (No. 202), To amend the Upper Canada College Act.

Bill (No. 206), To amend the Constables Act.

Bill (No. 210), To amend the Provincial Loans Act. R.S.O., Chap. 21.

Bill (No. 238), To amend the Soldier's Aid Commission Act.

Bill (No. 224), To amend the Crown Witnesses Act.

Bill (No. 234), To amend the Administration of Justice Expenses Act.

Bill (No. 235), To amend the Public Officers Fees Act.

Bill (No. 73), Respecting Magistrates.

Bill (No. 67), Respecting Professional Engineers.

Bill (No. 250), Respecting Co-operative Credit Societies.

Bill (No. 82), To amend The Ontario Railway Act.

Bill (No. 172), To amend the Community Halls Act.

Bill (No. 101), To amend the Steam Boiler Act.

Bill (No. 174), To amend the Disqualification Act.

Bill (No. 114), Respecting Licenses for Billiard and Pool Rooms and Bowling Alleys.

Bill (No. 254), To amend the Children's Protection Act of Ontario.

Bill (No. 50), Respecting Filing of Claims against certain Companies or their properties.

Bill (No. 55), To consolidate the Municipal Act.

Bill (No. 236), To amend the University Act.

Bill (No. 90), Respecting the Maintenance of Deserted Wives and Children.

Bill (No. 121), To amend the Limitations Act.



The House resolved itself into a Committee to consider Bill (No. 252), To amend the School Laws; and, after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Webster reported, That the Committee had directed him to report the Bill with certain amendments.

*Ordered*, That the Amendments be taken into consideration forthwith.

The Amendments, having been read the second time, were agreed to.

*Ordered*, That the Bill be read the third time To-morrow.

The House resolved itself into a Committee to consider Bill (No. 230), To amend the Suburban Area Development Act; and, after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Webster reported, That the Committee had directed him to report the Bill without any amendment.

*Ordered*, That the Bill be read the third time To-morrow.

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The following Bill was read the second time:—

Bill (No. 255). To amend the Minimum Wage Act.

Referred to a Committee of the whole House To-morrow.

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The House, according to Order, again resolved itself into the Committee of Supply.

*(In the Committee.)*

*Resolved*, That there be granted to His Majesty, for the services of 1923, the following sums:—

57. To defray the expenses of the Agricultural and Horticultural Societies ..... 195,850 00

Mr. Speaker resumed the Chair; and Mr. MacVicar reported, That the Committee had come to a Resolution; also, That the Committee had directed him to ask for leave to sit again.

*Ordered*, That the Report be received To-morrow.

*Resolved*, That the Committee have leave to sit again To-morrow.

The Order of the Day for resuming the Adjourned Debate on the Motion for the Second Reading of Bill (No. 261), Respecting the Lake of the Woods Control Board, having been read,

The Debate was resumed.

And after some time, it was

*Ordered*, That the Debate be further adjourned until To-morrow.

And the House having continued until Twelve of the Clock Midnight.

Tuesday, June 6th, 1922.

The House, according to Order, again resolved itself into the Committee of Supply.

*(In the Committee.)*

*Resolved*, That there be granted to His Majesty, for the services of 1923, the following sums:—

13. To defray the expenses of the Provincial Secretary's Department . . . . .	255,575 00
39. To defray the expenses of the Ontario Hospital, Brockville	295,272 00
40. To defray the expenses of the Ontario Hospital, Cobourg	127,600 00
41. To defray the expenses of the Ontario Hospital, Hamilton	362,865 00
42. To defray the expenses of the Ontario Hospital, Kingston	238,505 00
43. To defray the expenses of the Ontario Hospital, London	401,787 00
44. To defray the expenses of the Ontario Hospital, Mimico	239,180 00
45. To defray the expenses of the Ontario Hospital, Orillia	251,227 00
46. To defray the expenses of the Ontario Hospital, Penetanguishene . . . . .	124,340 00
47. To defray the expenses of the Ontario Hospital, Toronto	252,467 00

48. To defray the expenses of the Ontario Hospital, Whitby	403,969 00
49. To defray the expenses of the Ontario Hospital, Woodstock	85,106 00
50. To defray the expenses of the Ontario Reformatory . . . .	278,750 00
51. To defray the expenses of the Ontario Reformatory Industries . . . . .	195,400 00
52. To defray the expenses of the Mercer Reformatory, Toronto	68,750 00
53. To defray the expenses of the Mercer Reformatory Industries . . . . .	10,000 00
54. To defray the expenses of the Industrial Farm, Burwash	230,000 00
55. To defray the expenses of the Industrial Farm, Fort William . . . . .	28,820 00
56. To defray the expenses of the Miscellaneous, Public Institutions . . . . .	63,500 00
1. To defray the expenses of the Lieutenant-Governor's Office	5,450 00
2. To defray the expenses of the Department of the Prime Minister and President of the Council . . . . .	33,250 00
85. To defray the expenses of the Hospitals and Charities . . .	1,212,450 00
104. To defray the expenses of the Provincial Secretary's Department, Miscellaneous . . . . .	7,450 00

Mr. Speaker resumed the Chair; and, Mr. Swayze reported, That the Committee had come to several Resolutions; also, That the Committee had directed him to ask for leave to sit again.

*Ordered*, That the Report be received To-day.

*Resolved*, That the Committee have leave to sit again To-day.

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The House then adjourned at 12.45 a.m.

Tuesday, June 6th, 1922.

PRAYERS.

11.00 O'CLOCK, A.M.

The following Bills were severally read the third time and passed:—

Bill (No. 247), Respecting Albert College.

Bill (No. 251), For raising Money on the Credit of the Consolidated Revenue Fund.

Bill (No. 241), To amend the Queen Victoria Niagara Falls Park Act.

Bill (No. 219), Respecting Works and Measures to relieve Unemployment.

Bill (No. 222), To incorporate the Ontario Co-operative Dairy Products, Limited.

Bill (No. 225), Respecting the carriage of Liquor on Highways.

Bill (No. 258), To amend the Workmen's Compensation Act.

Bill (No. 230), To amend the Suburban Area Development Act.

The House, according to Order, again resolved itself into the Committee of Supply.

(*In the Committee.*)

*Resolved*, That there be granted to His Majesty, for the services of 1923, the following sums:—

4. To defray the expenses of the Education Department . . .	78,075 00
20. To defray the expenses of the Public and Separate School Education . . . . .	4,016,555 00
21. To defray the expenses of the Normal and Model Schools, Toronto . . . . .	127,095 00
22. To defray the expenses of the Normal and Model Schools, Ottawa . . . . .	91,660 00
23. To defray the expenses of the Normal School, London . . . .	45,140 00

24. To defray the expenses of the Normal School, Hamilton ..	38,570 00
25. To defray the expenses of the Normal School, Peterborough	38,250 00
26. To defray the expenses of the Normal School, Stratford ..	38,500 00
27. To defray the expenses of the Normal School, North Bay	68,950 00
28. To defray the expenses of the English-French Professional Training Schools .....	87,020 00
29. To defray the expenses of the High Schools and Collegiate Institutes .....	228,000 00
30. To defray the expenses of the Departmental Library and Museum .....	11,500 00
31. To defray the expenses of the Public Libraries, Art Schools, Historical, Literary and Scientific Societies .....	133,950 00
32. To defray the expenses of the Technical Education .....	877,775 00
33. To defray the expenses of the Superannuated Public and High School Teachers .....	60,150 00
34. To defray the expenses of the Provincial and other Universities .....	439,605 00
35. To defray the expenses of the Ontario School for the Deaf, Belleville .....	143,153 00
36. To defray the expenses of the Ontario School for the Blind, Brantford .....	98,139 00
37. To defray the expenses of the Northern Academy, Monteith	68,020 00
38. To defray the expenses of the Miscellaneous Education ..	40,200 00
3. To defray the expenses of the Attorney-General's Depart- ment .....	189,450 00
17. To defray the expenses of the Supreme Court of Ontario	105,000 00
18. To defray the expenses of the Sundry Civil and Criminal Justice .....	1,390,520 00
19. To defray the expenses of the Administration of Justice in Districts .....	274,795 00

102. To defray the expenses of the Attorney General's Department, Miscellaneous .....	50,500 00
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Mr. Speaker resumed the Chair; and Mr. Swayze reported, That the Committee had come to several Resolutions; also, That the Committee had directed him to ask for leave to sit again.

*Ordered*, That the Report be received To-morrow.

*Resolved*, That the Committee have leave to sit again To-morrow.

3.00 O'CLOCK, P.M.

Mr. Raney, from the Standing Committee on Private Bills, presented their Sixteenth Report which was read as follows and adopted;

Your Committee beg to report the following Bills with certain amendments;

Bill (No. 19), An Act respecting the Town of Tecumseh.

Bill (No. 89), An Act respecting the Township of York.

Your Committee recommend that notwithstanding Rule 51 of Your Honourable House the time for receiving Reports of Committees on Private Bills be extended to and inclusive of Friday, the Ninth day of June.

Your Committee recommend that section 5 of Bill (No. 89), "An Act respecting the Township of York" be referred to the Select Committee appointed to consider Town Planning legislation during the Recess.

*Ordered*, That the time for receiving Reports of Committees on Private Bills be extended until and inclusive of Friday, the Ninth day of June instant.

The House resolved itself into a Committee to consider Bill (No. 159), To promote the Public Health by Providing for One Day of Rest in Seven for Employees in Certain Employments and, after some time spent therein, Mr. Speaker resumed the Chair; and Mr. MacVicar reported, That the Committee had directed him to report the Bill with certain amendments.

*Ordered*, That the Amendments be taken into consideration forthwith.

The Amendments, having been read the second time, were agreed to.

*Ordered*, That the Bill be read the third time To-morrow.

The House resolved itself into a Committee to consider Bill (No. 106), To amend the Conveyancing and Law of Property Act and, after some time spent therein, Mr. Speaker resumed the Chair; and Mr. MacVicar reported, That the Committee had directed him to report the Bill without any amendment.

*Ordered*, That the Bill be read the third time To-morrow.

The House resolved itself into a Committee to consider Bill (No. 75), To amend the Ontario Railway Act, and, after some time spent therein, the Committee rose.

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The House resolved itself into a Committee to consider Bill (No. 257), To amend the Power Commission Act and, after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Webster reported, That the Committee had made some progress, and directed him to ask for leave to sit again.

*Resolved*, That the Committee have leave to sit again To-morrow.

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The House resolved itself into a Committee, severally to consider the following Bills:—

Bill (No. 49), Respecting the City of Galt.

Bill (No. 126), Respecting the own of Oshawa.

Bill (No. 45), Respecting the Waterloo Wellington Railway Company.

Mr. Speaker resumed the Chair; and Mr. MacVicar reported, That the Committee had directed him to report the several Bills without Amendments.

*Ordered*, That the Bills reported, be severally read the third time To-morrow.

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The following Bills were severally read the second time:—

Bill (No. 14), Respecting the Mount McKay and Kakabeka Falls Railway Company.

Referred to a Committee of the Whole House To-morrow.

Bill (No. 11), Respecting the City of Toronto.

Referred to a Committee of the Whole House To-morrow.

Bill (No. 23), To incorporate the Ottawa Street Incline Railway Company of Hamilton.

Referred to a Committee of the Whole House To-morrow.

Bill (No. 264), The Assessment Amendment Act, 1922.

Referred to a Committee of the Whole House To-morrow.

Bill (No. 263), To authorize the purchase and operation of the Toronto Suburban Railway Company by the Hydro-Electric Power Company of Ontario on behalf of the City of Toronto.

Referred to a Committee of the Whole House To-morrow.

Bill (No. 265), To amend the Rural Hydro-Electric Distribution Act, 1921.

Referred to a Committee of the Whole House To-morrow.

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The Order of the Day for resuming the Adjourned Debate on the Motion for a Return of correspondence relating to the Rockefeller Foundation Gift to Toronto University, having been read.

The Debate was resumed,

And after some time, the Motion having been again proposed, was carried and it was

*Ordered*, That there be laid before this House a Return of copies of all documents, agreements, memoranda, correspondence and papers relating to the Rockefeller Foundation Gift to Toronto University, between the Minister of Education, or any other Minister of the Government, or the President, or any other of the University authorities and any person or persons whomsoever with reference to the said gift.

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The Order of the Day for the House to resolve itself into a Committee to consider Bill (No. 239), To amend the Ontario Highways Act, having been read,



*Ordered*, That the Order be discharged, and that the Bill be withdrawn.

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The following Bill was introduced and read the first time:—

Bill (No. 270), intituled "An Act to further amend the Corporations Tax Act." Mr. Raney.

*Ordered*, That the Bill be read the second time To-morrow.

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The Order of the Day for resuming the Adjourned Debate on the Motion for the second reading Bill (No. 261), Respecting the Lake of the Woods Control Board, having been read,

The Debate was resumed,

And after some time, the Motion for the second reading having been again submitted, was carried on a Division and the Bill was read the second time and referred to a Committee of the Whole House To-morrow.

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The House resolved itself into a Committee to consider Bill (No. 167), To amend the Toronto and Hamilton Highway Act, and, after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Webster reported, That the Committee had directed him to report the Bill with certain amendments.

*Ordered*, That the Amendments be taken into consideration forthwith.

The Amendments, having been read the second time, were agreed to.

*Ordered*, That the Bill be read the third time To-morrow.

The House again resolved itself into a Committee to consider Bill (No. 242), To amend the District Houses of Refuge Act; and, after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Webster reported, That the Committee had directed him to report the Bill with certain amendments.

*Ordered*, That the Amendments be taken into consideration forthwith.

The Amendments, having been read the second time, were agreed to.

*Ordered*, That the Bill be read the third time To-morrow.

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The Order of the Day for the second reading of Bill (No. 260), To amend the Motor Vehicles Act, having been read,

Mr. Stevenson moved,

That the Bill be now read the second time.

And the Motion, having been put, was lost on a Division.

And so it was declared in the Negative.

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And the House having continued to sit until Twelve of the clock midnight.

Wednesday, 7th June, 1922.

The House, according to Order, again resolved itself into the Committee of Supply.

*(In the Committee.)*

*Resolved*, That there be granted to His Majesty, for the services of 1923, the following sums:—

6. To defray the expenses of the Mines Department . . . . .	128,600 00
10. To defray the expenses of the Game and Fisheries Department . . . . .	43,175 00
107. To defray the expenses of the Department of Mines . . . . .	143,950 00
111. To defray the expenses of the Refunds—Game and Fisheries . . . . .	15,000 00
16. To defray the expenses of the Legislation . . . . .	330,610 00
8. To defray the expenses of the Department of Labour . . . . .	361,800 00

Mr. Speaker resumed the Chair; and Mr. Swayze reported, That the Committee had come to several Resolutions; also, That the Committee had directed him to ask for leave to sit again.

*Ordered*, That the Report be received To-day.

*Resolved*, That the Committee have leave to sit again To-day.

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The Minister of Education presented to the House.

A Return to an Order of the House of 25th May, 1922, that there be laid before this House, a Return showing (1) What Legislative Grants were earned in each of the years 1920 and 1921 by (a) Rural Public Schools, (b) Rural Separate Schools, (2) What was the actual amount paid to each Rural Public and Separate Schools for the said years. (*Sessional Papers, No. 96.*)

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The House then adjourned at 12 30 a.m.

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Wednesday, June 7th, 1922.

PRAYERS.

11.00 O'CLOCK, A.M.

The House, according to Order, again resolved itself into the Committee of Supply.

(*In the Committee.*)

*Resolved*, That there be granted to His Majesty, for the services of 1923, the following sums:—

61. To defray the expenses of the Fruit Branch . . . . .	96,500 00
58. To defray the expenses of the Live Stock Branch . . . . .	124,200 00
59. To defray the expenses of the Institutes . . . . .	35,800 00
60. To defray the expenses of the Dairy Branch . . . . .	157,300 00
57. To defray the expenses of the Agricultural and Horticultural Societies . . . . .	195,850 00

Mr. Speaker resumed the Chair; and Mr. MacVicar reported, That the Committee had come to a Resolution; also, That the Committee had directed him to ask for leave to sit again.

*Ordered*, That the Report be received To-day.

*Resolved*, That the Committee have leave to sit again To-day.

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3 00 O'CLOCK, P.M.

Mr. Raney, from the Standing Committee on Private Bills, presented their Seventeenth Report which was read as follows and adopted;

Your Committee beg to report the following Bill without amendment;

Bill (No. 231), An Act respecting the Purchase by the County of York of the Assets of Certain Companies.

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On Motion of Mr. Biggs, seconded by Mr. Nixon.

*Ordered*, That the laws respecting motor vehicles the load of vehicles and highway travel be referred to a Special Committee of this House, consisting of the following Members: Messieurs *Biggs; Freeborn; MacVicar; Johnston, (Simcoe); Homuth; Rankin; Henry; Brackin and McLeod*; and that the said Special Committee be authorized and instructed to meet during the coming recess and devote such time as in their judgment may be necessary to the consideration of all laws respecting motor vehicles, load of vehicles and highway travel as may seem to be desirable, and make their recommendations with reference thereto in a report to this House, accompanied by a Bill embodying their recommendations, and, if thought advisable, a Bill revising and consolidating such law respecting motor vehicles, the load of vehicles and highway travel, to be presented at the ensuing Session.

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The House resolved itself into a Committee to consider Bill (No. 170), To amend the Separate Schools Act, and, after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Webster reported, That the Committee had directed him to report the Bill without any amendment.

*Ordered*, That the Bill be read the third time To-morrow.

The House resolved itself into a Committee to consider Bill (No. 171), To amend the Separate Schools Act, and, after some time spent therein the Committee rose.

The Order of the Day for the second reading of Bill (No. 141), To amend the Rural Hydro-Electric Distribution Act having been read,

*Ordered*, That the Order be discharged, and that the Bill be withdrawn.

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The following Bills were severally read the second time:—

Bill (No. 267), To amend the Venereal Diseases Prevention Act.

Referred to a Committee of the Whole House To-morrow.

Bill (No. 268), To amend the Public Health Act.

Referred to a Committee of the Whole House To-morrow.

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The Order of the Day for the second reading of Bill (No. 59), To repeal the Privy Council Appeals Act having been read,

*Ordered*, That the Order be discharged, and that the Bill be withdrawn.

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The Order of the Day for the second reading of Bill (No. 207), For better prevention of Certain Commercial Agreements having been read,

*Ordered*, That the Order be discharged, and that the Bill be withdrawn.

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On Motion of Mr. Raney, seconded by Mr. Drury.

*Ordered*, That a Select Committee be appointed on Bill (No. 207), "For the better Protection of Certain Commercial Agreements" and Bill (No. 209), "Respecting the Sale of Securities," to be composed of the following members: Messieurs *Doherty, Raney, Nixon, Curry, Murdoch, Casselman, Greenlaw, Hay, Sinclair, Hall, Black, Hill* and *Buckland*, such Committee to be authorized to sit during the Recess and report to the House at the next Session thereof.

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The House resolved itself into a Committee to consider Bill (No. 261), Respecting the Lake of the Woods Control Board and, after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Webster reported, That the Committee had directed him to report the Bill without any amendment.

*Ordered*, That the Bill be read the third time To-morrow.

The House resolved itself into a Committee to consider Bill (No. 264), The Assessment Amendment Act, 1922 and, after some time spent therein, Mr. Speaker resumed the Chair; and Mr. MacVicar reported, That the Committee had directed him to report the Bill with certain amendments.

*Ordered*, That the Amendments be taken into consideration forthwith.

The Amendments, having been read the second time, were agreed to.

*Ordered*, That the Bill be read the third time To-morrow.

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The following Bill was read the second time:—

Bill (No. 249), Respecting Water Rights.

Referred to a Special Committee to be named.

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And the House having continued to sit until Twelve of the Clock,  
Midnight

Thursday, 8th June, 1922.

The House, according to Order, again resolved itself into the Committee of Supply.

*(In the Committee.)*

*Resolved*, That there be granted to His Majesty, for the services of 1923, the following sums:—

62. To defray the expenses of the Agricultural Representatives Branch . . . . .	167,000 00
63. To defray the expenses of the Ontario Veterinary College	37,060 00
64. To defray the expenses of the Western Ontario Experimental Farm . . . . .	20,000 00
65. To defray the expenses of the Miscellaneous Agriculture	118,950 00
66. To defray the expenses of the Ontario Agricultural College	320,080 00

67. To defray the expenses of the Macdonald Institute and Hall	58,222 00
68. To defray the expenses of the Forestry .....	1,000 00
69. To defray the expenses of the Animal Husbandry, Farm and Experimental Feeding Department .....	37,210 00
70. To defray the expenses of the Field Experiments .....	21,910 00
71. To defray the expenses of the Experimental Dairy Depart- ment . .....	10,600 00
72. To defray the expenses of the Dairy School .....	9,350 00
73. To defray the expenses of the Poultry Department .....	24,983 00
74. To defray the expenses of the Horticultural Department	28,000 00
75. To defray the expenses of the Apicultural Department ..	4,950 00
76. To defray the expenses of the Bacteriology .....	4,650 00
77. To defray the expenses of the Botany .....	3,670 00
78. To defray the expenses of the Chemistry .....	5,970 00
79. To defray the expenses of the Entomology .....	5,150 00
80. To defray the expenses of the English .....	1,340 00
81. To defray the expenses of the Manual Training .....	3,550 00
82. To defray the expenses of the Physics .....	9,970 00
83. To defray the expenses of the Farm Economics .....	26,075 00
84. To defray the expenses of the Colonization and Immigration	143,100 00
15. To defray the expenses of the Miscellaneous .....	31,275 00
112. To defray the expenses of the Refunds—Succession Duty	45,000 00
113. To defray the expenses of the Refunds—Miscellaneous	37,000 00
114. To defray the expenses of the Miscellaneous .....	82,500 00
5. To defray the expenses of the Lands and Forests Depart- ment . .....	222,400 00

99. To defray the expenses of the Colonization Roads . . . . .	107,300 00
105. To defray the expenses of the Outside Service and Surveys	1,517,550 00
106. To defray the expenses of the Parks . . . . .	102,000 00
101. To defray the expenses of the Game and Fisheries . . . .	246,600 00
108. To defray the expenses of the Refunds—Education . . . .	1,500 00
109. To defray the expenses of the Refunds—Lands and Forests . . . . .	25,000 00
110. To defray the expenses of the Refunds—Mines . . . . .	2,500 00

Mr. Speaker resumed the Chair; and Mr. Swayze reported, That the Committee had come to several Resolutions, also, That the Committee had directed him to ask for leave to sit again.

*Ordered*, That the Report be received To-day.

*Resolved*, That the Committee have leave to sit again To-day.

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The Provincial Secretary presented to the House by command of His Honour the Lieutenant-Governor:—

Report of the Secretary and Registrar of the Province of Ontario for the year ending October 31st, 1921. (*Sessional Papers, No. 19.*)

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The House then adjourned at 12.35 a.m.

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Thursday, June 8th, 1922.

PRAYERS.

11.00 O'CLOCK, A.M.

The following Bill was read the second time:—

Bill (No. 270), To further amend the Corporation Tax Act.

Referred to a Committee of the Whole House at the next Sitting of the House To-day.



The House, according to Order, again resolved itself into the Committee of Supply.

*Resolved*, That there be granted to His Majesty, for the services of 1923, the following sums:—

(*In the Committee.*)

- |   |                |
|---|----------------|
| 115. To defray the expenses of the Hydro-Electric Power Commission of Ontario ..... | \$6,379,000 00 |
| 98. To defray the expenses of the Department of Labour                              | 2,075,515 00   |

Mr. Speaker resumed the Chair; and Mr. Webster reported, That the Committee had come to several Resolutions.

*Ordered*, That the Report be received forthwith.

Mr. Webster reported the following further Resolutions from the Committee of Supply:—

1. *Resolved*, That a sum not exceeding Five thousand four hundred and fifty dollars be granted to His Majesty to defray the expenses of Lieutenant-Governor's Office for the year ending 31st October, 1923.

2. *Resolved*, That a sum not exceeding Thirty-three thousand two hundred and fifty dollars be granted to His Majesty to defray the expenses of Department of the Prime Minister and President of the Council for the year ending 31st October, 1923.

3. *Resolved*, That a sum not exceeding One hundred and eighty-nine thousand four hundred and fifty dollars be granted to His Majesty to defray the expenses of Attorney-General's Department for the year ending 31st October, 1923.

4. *Resolved*, That a sum not exceeding Seventy-eight thousand and seventy-five dollars be granted to His Majesty to defray the expenses of Education Department for the year ending 31st October, 1923.

5. *Resolved*, That a sum not exceeding Two hundred and twenty-two thousand four hundred dollars be granted to His Majesty to defray the expenses of Lands and Forest Department for the year ending 31st October, 1923.

6. *Resolved*, That a sum not exceeding One hundred and twenty-eight thousand six hundred dollars be granted to His Majesty to defray the expenses of Mines Department for the year ending 31st October, 1923.

7. *Resolved*, That a sum not exceeding Eighty thousand two hundred and fifty dollars be granted to His Majesty to defray the expenses of Public Works Department for the year ending 31st October, 1923.

8. *Resolved*, That a sum not exceeding Three hundred and sixty-one thousand eight hundred dollars be granted to His Majesty to defray the expenses of Department of Labour for the year ending 31st October, 1923.

9. *Resolved*, That a sum not exceeding Two hundred and forty-seven thousand four hundred and twenty-five dollars be granted to His Majesty to defray the expenses of Department of Public Highways for the year ending 31st October, 1923.

10. *Resolved*, That a sum not exceeding Forty-three thousand one hundred and seventy-five dollars be granted to His Majesty to defray the expenses of Game and Fisheries Department for the year ending 31st October, 1923.

11. *Resolved*, That a sum not exceeding One hundred and twenty-five thousand two hundred dollars be granted to His Majesty to defray the expenses of Treasury Department for the year ending 31st October, 1923.

12. *Resolved*, That a sum not exceeding Fifty-three thousand two hundred and twenty-five dollars be granted to His Majesty to defray the expenses of Audit Office for the year ending 31st October, 1923

13. *Resolved*, That a sum not exceeding Two hundred and fifty-five thousand five hundred and seventy-five dollars be granted to His Majesty to defray the expenses of Provincial Secretary's Department for the year ending 31st October, 1923.

14. *Resolved*, That a sum not exceeding One hundred and nineteen thousand one hundred dollars be granted to His Majesty to defray the expenses of Department of Agriculture for the year ending 31st October, 1923.

15. *Resolved*, That a sum not exceeding Thirty-one thousand two hundred and seventy-five dollars be granted to His Majesty to defray the expenses of Miscellaneous for the year ending the 31st October, 1923.

16. *Resolved*, That a sum not exceeding Three hundred and thirty thousand six hundred and ten dollars be granted to His Majesty to defray the expenses of Legislation for the year ending 31st October, 1923.

17. *Resolved*, That a sum not exceeding One hundred and five thousand dollars be granted to His Majesty to defray the expenses of Supreme Court of Ontario for the year ending 31st October, 1923.

18. *Resolved*, That a sum not exceeding One million three hundred and ninety thousand five hundred and twenty dollars be granted to His Majesty to defray the expenses of Sundry Civil and Criminal Justice for the year ending 31st October, 1923.

19. *Resolved*, That a sum not exceeding Two hundred and seventy-four thousand seven hundred and ninety-five dollars be granted to His Majesty to defray the expenses of Administration of Justice in Districts for the year ending 31st October, 1923.

20. *Resolved*, That a sum not exceeding Four million and sixteen thousand five hundred and fifty-five dollars be granted to His Majesty to defray the expenses of Public and Separate School Education for the year ending 31st October, 1923.

21. *Resolved*, That a sum not exceeding One hundred and twenty-seven thousand and ninety-five dollars be granted to His Majesty to defray the expenses of Normal and Model Schools, Toronto for the year ending 31st October, 1923.

22. *Resolved*, That a sum not exceeding Ninety-one thousand six hundred and sixty dollars be granted to His Majesty to defray the expenses of Normal and Model Schools, Ottawa for the year ending 31st October, 1923.

23. *Resolved*, That a sum not exceeding Forty-five thousand one hundred and forty dollars be granted to His Majesty to defray the expenses of Normal School, London for the year ending 31st October, 1923.

24. *Resolved*, That a sum not exceeding Thirty-eight thousand five hundred and seventy dollars be granted to His Majesty to defray the expenses of Normal School, Hamilton for the year ending 31st October, 1923.

25. *Resolved*, That a sum not exceeding Thirty-eight thousand two hundred and fifty dollars be granted to His Majesty to defray the expenses of Normal School, Peterborough for the year ending 31st October, 1923.

26. *Resolved*, That a sum not exceeding Thirty-eight thousand five hundred dollars be granted to His Majesty to defray the expenses of Normal School, Stratford for the year ending 31st October, 1923.

27. *Resolved*, That a sum not exceeding Sixty-eight thousand nine hundred and fifty dollars be granted to His Majesty to defray the expenses of Normal School, North Bay for the year ending 31st October, 1923.

28. *Resolved*, That a sum not exceeding Eighty-seven thousand and twenty dollars be granted to His Majesty to defray the expenses of English-French Professional Training Schools, for the year ending 31st October, 1923.

29. *Resolved*, That a sum not exceeding Two hundred and twenty-eight thousand dollars be granted to His Majesty to defray the expenses of High Schools and Collegiate Institutes for the year ending 31st October, 1923.

30. *Resolved*, That a sum not exceeding Eleven thousand five hundred dollars be granted to His Majesty to defray the expenses of Departmental Library and Museum for the year ending 31st October, 1923.

31. *Resolved*, That a sum not exceeding One hundred and thirty-three thousand nine hundred and fifty dollars be granted to His Majesty to defray the expenses of Public Libraries, Art Schools, Historical, Literary and Scientific Societies for the year ending 31st October, 1923.

32. *Resolved*, That a sum not exceeding Eight hundred and eighty-seven thousand seven hundred and seventy-five dollars be granted to His Majesty to defray the expenses of Technical Education for the year ending 31st October, 1923.

33. *Resolved*, That a sum not exceeding Sixty thousand one hundred and fifty dollars be granted to His Majesty to defray the expenses of Superannuated Public and High School Teachers for the year ending 31st October, 1923.

34. *Resolved*, That a sum not exceeding Four hundred and thirty-nine thousand six hundred and five dollars be granted to His Majesty to defray the expenses of Provincial and other Universities for the year ending 31st October, 1923.

35. *Resolved*, That a sum not exceeding One hundred and forty-three thousand one hundred and fifty-three dollars be granted to His Majesty to defray the expenses of Ontario School for the Deaf, Belleville, for the year ending 31st October, 1923.

36. *Resolved*, That a sum not exceeding Ninety-eight thousand one hundred and thirty-nine dollars be granted to His Majesty to defray the expenses of Ontario School for the Blind, Brantford, for the year ending 31st October, 1923.

37. *Resolved*, That a sum not exceeding Sixty-eight thousand and twenty dollars be granted to His Majesty to defray the expenses of Northern Academy, Monteith, for the year ending 31st October, 1923.

38. *Resolved*, That a sum not exceeding Forty thousand two hundred dollars be granted to His Majesty to defray the expenses of Miscellaneous Education for the year ending 31st October, 1923.

39. *Resolved*, That a sum not exceeding Two hundred and ninety-five thousand two hundred and seventy-two dollars be granted to His Majesty to defray the expenses of Ontario Hospital, Brockville, for the year ending 31st October, 1923.

40. *Resolved*, That a sum not exceeding One hundred and twenty-seven thousand six hundred dollars be granted to His Majesty to defray the expenses of Ontario Hospital, Cobourg, for the year ending 31st October, 1923.

41. *Resolved*, That a sum not exceeding Three hundred and sixty-two thousand eight hundred and sixty-five dollars be granted to His Majesty to defray the expenses of Ontario Hospital, Hamilton, for the year ending 31st October, 1923.

42. *Resolved*, That a sum not exceeding Two hundred and thirty-eight thousand five hundred and five dollars be granted to His Majesty to defray the expenses of Ontario Hospital, Kingston, for the year ending 31st October, 1923.

43. *Resolved*, That a sum not exceeding Four hundred and one thousand seven hundred and eighty-seven dollars be granted to His Majesty to defray the expenses of Ontario Hospital, London, for the year ending 31st October, 1923.

44. *Resolved*, That a sum not exceeding Two hundred and thirty-nine thousand one hundred and eighty dollars be granted to His Majesty to defray the expenses of Ontario Hospital, Mimico, for the year ending 31st October, 1923.

45. *Resolved*, That a sum not exceeding Two hundred and fifty-one thousand two hundred and twenty-seven dollars be granted to His Majesty to defray the expenses of Ontario Hospital, Orillia, for the year ending 31st October, 1923.

46. *Resolved*, That a sum not exceeding One hundred and twenty-four thousand three hundred and forty dollars be granted to His Majesty to defray the expenses of Ontario Hospital, Penetanguishene, for the year ending 31st October, 1923.

47. *Resolved*, That a sum not exceeding Two hundred and fifty-two thousand four hundred and sixty-seven dollars be granted to His Majesty to defray the expenses of Ontario Hospital, Toronto, for the year ending 31st October, 1923.

48. *Resolved*, That a sum not exceeding Four hundred and three thousand nine hundred and sixty-nine dollars be granted to His Majesty to defray the expenses of Ontario Hospital, Whitby, for the year ending 31st October, 1923.

49. *Resolved*, That a sum not exceeding Eighty-five thousand one hundred and six dollars be granted to His Majesty to defray the expenses of Ontario Hospital, Woodstock, for the year ending 31st October, 1923.

50. *Resolved*, That a sum not exceeding Two hundred and seventy-eight thousand seven hundred and fifty dollars be granted to His Majesty to defray the expenses of Ontario Reformatory for the year ending 31st October, 1923.

51. *Resolved*, That a sum not exceeding One hundred and ninety-five thousand four hundred dollars be granted to His Majesty to defray the expenses of Ontario Reformatory Industries for the year ending 31st October, 1923.

52. *Resolved*, That a sum not exceeding Sixty-eight thousand seven hundred and fifty dollars be granted to His Majesty to defray the expenses of Mercer Reformatory, Toronto, for the year ending 31st October, 1923.

53. *Resolved*, That a sum not exceeding Ten thousand dollars be granted to His Majesty to defray the expenses of Mercer Reformatory Industries for the year ending 31st October, 1923.

54. *Resolved*, That a sum not exceeding Two hundred and thirty thousand dollars be granted to His Majesty to defray expenses of Industrial Farm, Burwash, for the year ending 31st October, 1923.

55. *Resolved*, That a sum not exceeding Twenty-eight thousand eight hundred and twenty dollars be granted to His Majesty to defray the expenses of Industrial Farm, Fort William, for the year ending 31st October, 1923.

56. *Resolved*, That a sum not exceeding Sixty-three thousand five hundred dollars be granted to His Majesty to defray the expenses of Miscellaneous Public Institutions for the year ending 31st October, 1923.

57. *Resolved*, That a sum not exceeding One hundred and ninety-five thousand eight hundred and fifty dollars be granted to His Majesty to defray the expenses of Agricultural and Horticultural Societies for the year ending 31st October, 1923.

58. *Resolved*, That a sum not exceeding One hundred and twenty-four thousand two hundred dollars be granted to His Majesty to defray the expenses of Live Stock Branch for the year ending 31st October, 1923.

59. *Resolved*, That a sum not exceeding Thirty-five thousand eight hundred dollars be granted to His Majesty to defray the expenses of Institutes for the year ending 31st October, 1923.

60. *Resolved*, That a sum not exceeding One hundred and fifty-seven thousand three hundred dollars be granted to His Majesty to defray the expenses of Dairy Branch for the year ending 31st October, 1923.

61. *Resolved*, That a sum not exceeding Ninety-six thousand five hundred dollars be granted to His Majesty to defray the expenses of Fruit Branch for the year ending 31st October, 1923.

62. *Resolved*, That a sum not exceeding One hundred and sixty-seven thousand dollars be granted to His Majesty to defray the expenses of Agricultural Representative Branch for the year ending 31st October, 1923.

63. *Resolved*, That a sum not exceeding Thirty-seven thousand and sixty dollars be granted to His Majesty to defray the expenses of Ontario Veterinary College for the year ending 31st October, 1923.

64. *Resolved*, That a sum not exceeding Twenty thousand dollars be granted to His Majesty to defray the expenses of Western Ontario Experimental Farm for the year ending 31st October, 1923.

65. *Resolved*, That a sum not exceeding One hundred and eighteen thousand nine hundred and fifty dollars be granted to His Majesty to defray the expenses of Miscellaneous Agriculture for the year ending 31st October, 1923.

66. *Resolved*, That a sum not exceeding Three hundred and twenty thousand and eighty dollars be granted to His Majesty to defray the expenses of Ontario Agricultural College for the year ending 31st October, 1923.

67. *Resolved*, That a sum not exceeding Fifty-eight thousand two hundred and twenty-two dollars be granted to His Majesty to defray the expenses of Macdonald Institute and Hall for the year ending 31st October, 1923.

68. *Resolved*, That a sum not exceeding One thousand dollars be granted to His Majesty to defray the expenses of Forestry for the year ending 31st October, 1923.

69. *Resolved*, That a sum not exceeding Thirty seven thousand two hundred and ten dollars be granted to His Majesty to defray the expenses of Animal Husbandry, Farm and Experimental Feeding Department for the year ending 31st October, 1923.

70. *Resolved*, That a sum not exceeding Twenty-one thousand nine hundred and ten dollars be granted to His Majesty to defray the expenses of Field Experiments for the year ending 31st October, 1923.

71. *Resolved*, That a sum not exceeding Ten thousand six hundred dollars be granted to His Majesty to defray the expenses of Experimental Dairy Department for the year ending 31st October, 1923.

72. *Resolved*, That a sum not exceeding Nine thousand three hundred and fifty dollars be granted to His Majesty to defray the expenses of Dairy School for the year ending 31st October, 1923.

73. *Resolved*, That a sum not exceeding Twenty-four thousand nine hundred and eighty-three dollars be granted to His Majesty to defray the expenses of Poultry Department for the year ending 31st October, 1923.

74. *Resolved*, That a sum not exceeding Twenty-eight thousand dollars be granted to His Majesty to defray the expenses of Horticultural Department for the year ending 31st October, 1923.

75. *Resolved*, That a sum not exceeding Four thousand nine hundred and fifty dollars be granted to His Majesty to defray the expenses of Apiculture for the year ending 31st October, 1923.

76. *Resolved*, That a sum not exceeding Four thousand six hundred and fifty dollars be granted to His Majesty to defray the expenses of Bacteriology for the year ending 31st October, 1923.

77. *Resolved*, That a sum not exceeding Three thousand six hundred and seventy dollars be granted to His Majesty to defray the expenses of Botany for the year ending 31st October, 1923.

78. *Resolved*, That a sum not exceeding Five thousand nine hundred and seventy dollars be granted to His Majesty to defray the expenses of Chemistry for the year ending 31st October, 1923.

79. *Resolved*, That a sum not exceeding Five thousand one hundred and fifty dollars be granted to His Majesty to defray the expenses of Entomology for the year ending 31st October, 1923.

80. *Resolved*, That a sum not exceeding One thousand three hundred and forty dollars be granted to His Majesty to defray the expenses of English for the year ending 31st October, 1923.

81. *Resolved*, That a sum not exceeding Three thousand five hundred and fifty dollars be granted to His Majesty to defray the expenses of Manual Training for the year ending 31st October, 1923.

82. *Resolved*, That a sum not exceeding Nine thousand nine hundred and seventy dollars be granted to His Majesty to defray the expenses of Physics for the year ending 31st October, 1923.

83. *Resolved*, That a sum not exceeding Twenty-six thousand and seventy-five dollars be granted to His Majesty to defray the expenses of Farm Economics for the year ending 31st October, 1923.

84. *Resolved*, That a sum not exceeding One hundred and forty-three thousand one hundred dollars be granted to His Majesty to defray the expenses of Colonization and Immigration for the year ending 31st October, 1923.

85. *Resolved*, That a sum not exceeding One million two hundred and twelve thousand four hundred and fifty dollars be granted to His Majesty to defray the expenses of Hospitals and Charities for the year ending 31st October, 1923.



86. *Resolved*, That a sum not exceeding Twenty-six thousand eight hundred dollars be granted to His Majesty to defray the expenses of Government House for the year ending 31st October, 1923.

87. *Resolved*, That a sum not exceeding Three hundred and fifty-seven thousand five hundred and eleven dollars and thirty-five cents be granted to His Majesty to defray the expenses of Parliament and Departmental Buildings for the year ending 31st October, 1923.

88. *Resolved*, That a sum not exceeding Fifty-one thousand nine hundred and seventy-five dollars be granted to His Majesty to defray the expenses of Osgoode Hall for the year ending 31st October, 1923.

89. *Resolved*, That a sum not exceeding Sixty-five thousand dollars be granted to His Majesty to defray the expenses of Miscellaneous, Maintenance and Repairs of Government Buildings for the year ending 31st October, 1923.

90. *Resolved*, That a sum not exceeding One hundred thousand dollars be granted to His Majesty to defray the expenses of Parliament and Departmental Buildings for the year ending 31st October, 1923.

91. *Resolved*, That a sum not exceeding Seven thousand dollars be granted to His Majesty to defray the expenses of Osgoode Hall for the year ending 31st October, 1923.

92. *Resolved*, That a sum not exceeding Two hundred and thirty-seven thousand dollars be granted to His Majesty to defray the expenses of Public Institutions for the year ending 31st October, 1923.

93. *Resolved*, That a sum not exceeding One hundred and ninety thousand two hundred and fifty dollars be granted to His Majesty to defray the expenses of Educational Buildings for the year ending 31st October, 1923.

94. *Resolved*, That a sum not exceeding Five thousand dollars be granted to His Majesty to defray the expenses of Agriculture Buildings for the year ending 31st October, 1923.

95. *Resolved*, That a sum not exceeding Thirty-eight thousand two hundred dollars be granted to His Majesty to defray the expenses of District Buildings for the year ending 31st October, 1923.

96. *Resolved*, That a sum not exceeding One hundred and eighty-one thousand dollars be granted to His Majesty to defray the expenses of Miscellaneous Public Buildings for the year ending 31st October, 1923.

97. *Resolved*, That a sum not exceeding One hundred and sixty-one thousand five hundred dollars be granted to His Majesty to defray the expenses of Public Works for the year ending 31st October, 1923.

98. *Resolved*, That a sum not exceeding Two million and seventy-five thousand five hundred and fifteen dollars be granted to His Majesty to defray the expenses of Department of Labour for the year ending 31st October, 1923.

99. *Resolved*, That a sum not exceeding One hundred and seven thousand three hundred dollars be granted to His Majesty to defray the expenses of Colonization Roads for the year ending 31st October, 1923.

100. *Resolved*, That a sum not exceeding One hundred and eighty-one thousand one hundred and twenty dollars be granted to His Majesty to defray the expenses of Department of Public Highways for the year ending 31st October, 1923.

101. *Resolved*, That a sum not exceeding Two hundred and forty-six thousand six hundred dollars be granted to His Majesty to defray the expenses of Game and Fisheries for the year ending 31st October, 1923.

102. *Resolved*, That a sum not exceeding Fifty thousand five hundred dollars be granted to His Majesty to defray the expenses of Attorney General's Department, Miscellaneous for the year ending 31st October, 1923.

103. *Resolved*, That a sum not exceeding Four hundred and twenty-four thousand six hundred and nineteen dollars be granted to His Majesty to defray the expenses of Treasury Department, Miscellaneous for the year ending 31st October, 1923.

104. *Resolved*, That a sum not exceeding Seven thousand four hundred and fifty dollars be granted to His Majesty to defray the expenses of Provincial Secretary's Department, Miscellaneous for the year ending 31st October, 1923.

105. *Resolved*, That a sum not exceeding One million five hundred and seventeen thousand five hundred and fifty dollars be granted to His Majesty to defray the expenses of Outside Service and Surveys for the year ending 31st October, 1923.

106. *Resolved*, That a sum not exceeding One hundred and two thousand dollars be granted to His Majesty to defray the expenses of Parks for the year ending 31st October, 1923.

107. *Resolved*, That a sum not exceeding One hundred and forty-three thousand nine hundred and fifty dollars be granted to His Majesty to defray the expenses of Department of Mines for the year ending 31st October, 1923.

108. *Resolved*, That a sum not exceeding One thousand five hundred dollars be granted to His Majesty to defray the expenses of Refunds—Education for the year ending 31st October, 1923.

109. *Resolved*, That a sum not exceeding Twenty-five thousand dollars be granted to His Majesty to defray the expenses of Refunds—Lands and Forests for the year ending 31st<sup>o</sup> October, 1923.

110. *Resolved*, That a sum not exceeding Two thousand five hundred dollars be granted to His Majesty to defray the expenses of Refunds—Mines for the year ending 31st October, 1923.

111. *Resolved*, That a sum not exceeding Fifteen thousand dollars be granted to His Majesty to defray the expenses of Refunds—Game and Fisheries for the year ending 31st October, 1923.

112. *Resolved*, That a sum not exceeding Forty-five thousand dollars be granted to His Majesty to defray the expenses of Refunds—Succession Duty for the year ending 31st October, 1923.

113. *Resolved*, That a sum not exceeding Thirty-seven thousand dollars be granted to His Majesty to defray the expenses of Refunds—Miscellaneous for the year ending 31st October, 1923.

114. *Resolved*, That a sum not exceeding Eighty-two thousand five hundred dollars be granted to His Majesty to defray the expenses of Miscellaneous for the year ending 31st October, 1923.

115. *Resolved*, That a sum not exceeding Six million three hundred and seventy-nine thousand dollars be granted to His Majesty to defray the expenses of Hydro-Electric Power Commission of Ontario for the year ending 31st October, 1923.

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The several Resolutions having been read the second time were concurred in.

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The House, according to Order, again resolved itself into the Committee of Ways and Means.

(*In the Committee.*)

*Resolved*, That there be granted out of the Consolidated Revenue Fund of this Province a sum not exceeding Fifty-three millions three hundred and eighty-three thousand six hundred and sixty-four dollars and fifty cents to meet the Supply to that extent granted to His Majesty.

Mr. Speaker resumed the Chair; and Mr. Watson reported, That the Committee had come to a Resolution.

*Ordered*, That the Report be received forthwith.

Mr. Watson, from the Committee on Ways and Means, reported a Resolution which was read as follows:—

*Resolved*, That there be granted out of the Consolidated Revenue Fund of this Province a sum not exceeding Fifty-three millions three hundred and eighty-three thousand six hundred and sixty-four dollars and fifty cents to meet the Supply to that extent granted to His Majesty.

The Resolution, having been read the second time, was agreed to.

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The following Bill was then introduced and read the first time:—

Bill (No. 271), intituled “An Act for granting to His Majesty certain sums of money to defray the expenses of Civil Government for the year ending 31st October, One thousand nine hundred and twenty-two, and for the year ending 31st day of October, One thousand nine hundred and twenty-three, and for other purposes therein mentioned.” Mr. Smith.

*Ordered*, That the Bill be read the second time forthwith.

The Bill was then read a second time.

*Ordered*, That the Bill be read a third time forthwith.

The Bill was then read the third time and passed.

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3 00 O’CLOCK, P.M.

The House resolved itself into a Committee to consider Bill (No. 257), To amend the Power Commission Act; and, after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Homuth reported, That the Committee had directed him to report the Bill without any amendment.

*Ordered*, That the Bill be read the third time To-morrow.

The House again resolved itself into a Committee to consider Bill (No. 265), To amend the Rural Hydro-Electric Distribution Act; and, after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Homuth reported, That the Committee had made some progress, and directed him to ask for leave to sit again.

*Resolved*, That the Committee have leave to sit again To-day.

The House resolved itself into a Committee to consider Bill (No. 119), Respecting Voters' Lists; and, after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Homuth reported, That the Committee had directed him to report the Bill with certain amendments.

*Ordered*, That the Amendments be taken into consideration forthwith.

The Amendments, having been read the second time, were agreed to.

*Ordered*, That the Bill be read the third time To-morrow.

The House resolved itself into a Committee to consider Bill (No. 263), To authorize the purchase and operation of the Toronto Suburban Railway Company by the Hydro-Electric Power Commission of Ontario on behalf of the City of Toronto; and, after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Sandy reported, That the Committee had directed him to report the Bill without any amendments.

*Ordered*, That the Bill be read the third time To-morrow.

The House resolved itself into a Committee to consider Bill (No. 255), To amend The Minimum Wage Act; and, after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Sandy reported, That the Committee had directed him to report the Bill with certain amendments.

*Ordered*, That the Amendments be taken into consideration forthwith.

The Amendments, having been read the second time, were agreed to.

*Ordered*, That the Bill be read the third time To-morrow.

The House resolved itself into a Committee to consider Bill (No. 267), To amend the Venereal Diseases Prevention Act; and, after some time spent therein; Mr. Speaker resumed the Chair; and Mr. Sandy reported, That the Committee had directed him to report the Bill with certain amendments.

*Ordered*, That the Amendments be taken into consideration forthwith.

The Amendments, having been read the second time, were agreed to.

*Ordered*, That the Bill be read the third time To-morrow.

The House resolved itself into a Committee to consider Bill (No. 268), To amend the Public Health Act; and, after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Sandy reported, That the Committee had directed him to report the Bill with certain amendments.

*Ordered*, That the Amendments be taken into consideration forthwith.

The Amendments, having been read the second time, were agreed to.

*Ordered*, That the Bill be read the third time To-morrow.

The House resolved itself into a Committee to consider Bill (No. 192), To amend the Local Improvement Act; and, after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Swayze reported, That the Committee had directed him to report the Bill without any amendment.

*Ordered*, That the Bill be read the third time To-morrow.

The House resolved itself into a Committee to consider Bill (No. 227), To amend the School Sites Act; and, after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Swayze reported, That the Committee had directed him to report the Bill with certain amendments.

*Ordered*, That the Amendments be taken into consideration forthwith.

The Amendments, having been read the second time, were agreed to.

*Ordered*, That the Bill be read the third time To-morrow.

The House resolved itself into a Committee to consider Bill (No. 240), To amend the Jurors' Act; and, after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Swayze reported, That the Committee had directed him to report the Bill without any amendment.

*Ordered*, That the Bill be read the third time To-morrow.

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The following Bills were severally read the second time:—

Bill (No. 266), To amend the Loan and Trust Corporations Act.

Referred to a Committee of the Whole House To-day.

Bill (No. 269), To create the Territorial Provisional Judicial District of Cochrane.

Referred to a Committee of the Whole House To-day.

Mr. McCrea asked the following Question:—

1. What amount was paid during the fiscal year ending October 31st, 1921, by Edward Backus on account of: (1) English River Limit. (2) Lake of the Woods Limit. For (a) Ground Rent. (b) Fire Protection charge.

To which the Minister of Lands and Forests replied:—

1. (1) (a) No ground Rent payable. (b) Nothing. (2) (a) No ground Rent payable. (b) Nothing.

Mr. McCrea asked the following Question:—

What amount of money has been paid to the Hydro-Electric Power Commission for development purposes since November 13th, 1919.

And Mr. Carmichael, Minister, without Portfolio, replied as follows:—

Total advances for all purposes, exclusive of the amount of \$512,068.86 paid for Provincial purposes, \$62,813,788.75.

Mr. Hill asked the following Question:—

(1) What was the liquor stock on hand, ordered or en route, by Government Dispensaries when the present Government came into power. (2) What additional stock was received or ordered to date and is now en route since this Government came into power. (3) What is the amount of Wine, Spirits and Beer issued to date, (a) To doctors. (b) To druggists. (c) To any other source.

To which the Attorney General replied in the words and figures following:—

1. On the first of December 1919 there was the following liquor:

On Hand—51,648 gals.	Value	\$360,121.66
On Order—25,730 “	“	229,417.90
En Route—Nil.		

2. Since the 1st December 1919 the following liquor has been received

	753,819 gals.	Value	\$6,025,208.90
Is on Order	33,390 “	“	340,535.00
Is en Route	65 “	“	910.00

3. Prior to the 1st of February 1920 no reliable record was kept but since that date the following amount of wines, spirits and beer has been issued:

Doctors	44,993	gals.
Druggists	70,404 $\frac{3}{4}$	"
Dentists	6,747 $\frac{3}{4}$	"
Veterinary Surgeons	10,176 $\frac{3}{4}$	"
Permits and Affidavits	12,512 $\frac{1}{4}$	"
Churches	973 $\frac{3}{4}$	"
Hospitals	12,398 $\frac{3}{4}$	"
Government Purchases	144 $\frac{3}{4}$	"
Public	446,205 $\frac{3}{4}$	"
Total	604,551 $\frac{1}{2}$	Gals

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Mr. Hay asked the following Question:—

Has the Honourable, the Provincial Treasurer, or any other Department of the Government entered into an arrangement to guarantee public savings in conjunction with any Life Insurance plan, or is any such scheme contemplated.

And the Provincial Treasurer replied,

The subject is under consideration.

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Mr. Pinard asked the following Question:—

Is Mr. Cleland, late Manager of the Dispensary still acting in an advisory capacity to the License Commission. If so, what is his compensation.

And the Attorney-General replied in the negative.

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On motion of Mr. Ferguson, seconded by Mr. McCrea.

*Ordered*, That there be laid before this House, a Return of copies of all papers, documents, correspondence, cablegrams, reports and memoranda between any person or persons, companies or corporations and any member of the Government in reference to the re-purchase or refunding of the loan or loans in connection with which A. H. Pepall was sent to England by the Government in 1920.



On motion of Mr. Price, seconded by Mr. Ferguson.

*Ordered*, That there be laid before this House, a Return of copies of all correspondence between the Crown Attorney of Essex County, Inspector Nousseau of Essex County and the Attorney-General, the License Board or any Member of the Government during the period September 1st, 1920, to January 31st, 1921. Also, copies of the affidavits made by Chas. Savard, Cecil Smith, Basil Banon, W. Bulmer and other parties in connection with O.T.A. matters.

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The House resolved itself into a Committee, to consider the following Bill:—

Bill (No. 14), Respecting the Mount McKay and Kakabeka Falls Railway Company.

Mr. Speaker resumed the Chair; and Mr. Swayze reported, That the Committee had directed him to report the Bill with Amendments.

*Ordered*, That the Bill be read the third time To-day.

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On motion of Mr. Grant, seconded by Mr. Raney.

*Ordered*, That a committee of this House, composed of Messrs. *Drury, Doherty, Ferguson, Dewart, McCrear, Marshall, Watson, Swayze* and *Greenlaw* be and is hereby appointed to enquire into and report to this House in regard to any matters concerning the organization and administration of the University of Toronto, including its relation with Federated Colleges and with the Toronto General Hospital and to make any recommendations which the committee desire in the public's interest. That this committee have power to send for persons and papers and to examine witnesses under oath.

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On motion of Mr. Raney, seconded by Mr. Drury.

*Ordered*, That a Committee of the House composed of Messrs. *Watson, Tooms, Cridland, Clarke, Price, Raney* and *Lang* be appointed to make a survey during the recess of the hotel accommodation of the Province with especial reference to the needs of commercial men and of the tourist traffic and as to the provisions, if any, which should be made by the Province and by the municipalities looking towards the betterment of hotel accommodation, and with power to sit during the recess and to appoint a secretary and to report to the Legislature.

The House resolved itself into a Committee to consider Bill (No. 266), To amend the Loan and Trust Corporations Act and, after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Watson reported, That the Committee had directed him to report the Bill without any amendments.

*Ordered*, That the Bill be read the third time To-morrow.

The House resolved itself into a Committee to consider Bill (No. 269), To create the Territorial Provisional Judicial District of Cochrane and, after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Watson reported, That the Committee had directed him to report the Bill without any amendments.

*Ordered*, That the Bill be read the third time To-morrow.

The House resolved itself into a Committee to consider Bill (No. 270), To further amend the Corporations Tax Act and, after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Watson reported, That the Committee had directed him to report the Bill with certain amendments.

*Ordered*, That the Amendments be taken into consideration forthwith.

The Amendments, having been read the second time, were agreed to.

*Ordered*, That the Bill be read the third time To-morrow.

The House again resolved itself into a Committee to consider Bill (No. 100), Respecting the Construction and operation of Municipal Electric Railways, and, after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Watson reported, That the Committee had directed him to report the Bill with certain amendments.

*Ordered*, That the Amendments be taken into consideration forthwith.

The Amendments, having been read the second time, were agreed to.

*Ordered*, That the Bill be read the third time To-morrow.

The House again resolved itself into a Committee to consider Bill (No. 265), To amend the Rural Hydro-Electric Distribution Act, and, after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Watson reported, That the Committee had directed him to report the Bill with certain amendments.

*Ordered*, That the Amendments be taken into consideration forthwith.

The Amendments, having been read the second time, were agreed to.

*Ordered*, That the Bill be read the third time To-morrow.

The House again resolved itself into a Committee to consider Bill (No. 245), Respecting Natural Gas, and, after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Sandy reported,

That the Committee had directed him to report the Bill with certain amendments.

*Ordered*, That the Amendments be taken into consideration forthwith.

The Amendments, having been read the second time, were agreed to.

*Ordered*, That the Bill be read the third time To-morrow.

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And the House having continued to sit until Twelve of the Clock Midnight.

Friday, 9th June, 1922.

The following Bills were severally read the third time and passed:—

Bill (No. 223), To amend the Coroner's Act.

Bill (No. 259), To amend the Ontario Public Service Superannuation Act.

Bill (No. 252), To amend the School Laws.

Bill (No. 159), To promote the Public Health by Providing for One Day of Rest in Seven for Employees in certain employments.

Bill (No. 106), To amend the Conveyancing and Law of Property Act.

Bill (No. 242), To amend the District Houses of Refuge Act.

Bill (No. 49), Respecting the City of Galt.

Bill (No. 126), Respecting the Town of Oshawa.

Bill (No. 45), Respecting the Waterloo Wellington Railway Company.

Bill (No. 264), The Assessment Amendment Act, 1922.

Bill (No. 170), To amend the Separate Schools Act.

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The Order of the Day for the third reading of Bill (No. 261), Respecting The Lake of the Woods Control Board having been read,

Mr. Drury moved,

That the Bill be now read the third time.

Mr. Dewart moved in amendment, seconded by Mr. Marceau,

That all the words of the Motion, after the word "That" be omitted, and the following substituted: "the Bill be not now read the third time, but be forthwith re-committed to a Committee of the Whole House with instructions to amend the same as follows:—

1. By amending section 3, subsection (c) by adding after the end of the said subsection (c) the following words:—

"Subject to the approval of the Governor-General in Council and the Lieutenant-Governor in Council."

2. By amending section 3, subsection (d) by adding after the word "Board" at the end of the fifth line the following words: "and subject to the same approval."

3. By amending section 10, by adding after the last word "Act" in the sixth line the following words: "but nothing herein contained shall entitle the Chairman of the Board to a casting vote, and in case of an equal division of opinion on the Board, the matter in question shall be dealt with as the Governor-General in Council and the Lieutenant-Governor in Council may agree."

And the Amendment, having been put, was lost on a division.

The Motion for the third reading having been then again proposed was carried. And the Bill was read the third time and passed.

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The Order of the Day for the second reading of Bill (No. 12), Respecting the City Gas Company of London, having been read,

Objection was taken to the second reading on the grounds that the Bill had been called before and defeated by a Standing Vote.

Mr. Speaker being asked to rule, said That the Motion was inadvertently made in the absence of the promoter and under the circumstances he thought it was only just to consent to the request of a majority of the House that the Bill be restored to the Order Paper which was accordingly done.

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Mr. McCrea then moved,

That the Bill be read the second time.

And the Motion, having been put, was carried upon a Standing Vote and the Bill was then read the second time and referred forthwith to a Committee of the Whole.

The House accordingly resolved itself into the Committee, and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Watson reported,

That the Committee had directed him to report the Bill without any amendment.

Ordered, That the Bill be read the third time To-day.

The House resolved itself into a Committee to consider Bill (No. 99), To amend the Judicature Act, and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Watson reported,

That the Committee had directed him to report the Bill with certain amendments.

*Ordered*, That the Amendments be taken into consideration forthwith.

The Amendments, having been read the second time, were agreed to.

*Ordered*, That the Bill be read the third time To-day.

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The following Bills were then severally read the third time and passed:—

Bill (No. 12), Respecting the City Gas Company of London.

Bill (No. 99), To amend the Judicature Act.

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The Provincial Secretary presented to the House, by command of His Honour the Lieutenant-Governor:—

Report of Game and Fisheries Department, 1921. (*Sessional Papers, No. 14.*)

Also—Report of Agricultural Development Board, 1921. (*Sessional Papers, No. 97.*)

Also—Report of the Board of License Commissioners for Ontario, 1921. (*Sessional Papers, No. 28.*)

Also—Report of the Inspector of Prisons and Public Charities upon the Prisons and Reformatories of the Province of Ontario, 1921. (*Sessional Papers, No. 26.*)

Also—Report of Inspectors of Prisons and Public Charities upon The Ontario Hospitals for Insane, Feeble-minded and Epileptic, 1921. (*Sessional Papers, No. 22.*)

Also—Report of Superintendent of Neglected and Dependent Children of Ontario, 1921. (*Sessional Papers, No. 27.*)

Also—Report of Inspector of Prisons and Public Charities upon Hospitals and Charitable Institution of Ontario, 1921. (*Sessional Papers, No. 25.*)

Also—Report of the Registrar-General, relating to registration of Births, Marriages and Deaths of Ontario for 1921. (*Sessional Papers, No. 20.*)

Also—Copies of Order-in-Council designating, pursuant to section 14 of the Hospitals and Charitable Institutions Act, Hospitals, Refuges, Orphanages and Infants' Homes to which aid may be granted (*Sessional Papers, No. 98.*)

Also—Report of Minister of Lands and Forests of the Province of Ontario, 1921. (*Sessional Papers, No. 3.*)

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The House then adjourned at 12.55 a.m.

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Friday, June 9th, 1922.

PRAYERS.

11.00 O'CLOCK, A.M.

Mr. Watson from the Standing Committee on Public Accounts presented their Report which was read.—(*Appendix No. 2.*)

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Mr Smith from the Standing Committee on Printing presented their Second Report, which was read as follows:—

Your Committee recommend that the following publications be purchased for distribution to the Members:—

One Hundred and fifteen copies (115) Second Volume of the "History of the County of Brant" by F. Douglas Reville, at \$3.50 *per* copy.

Six sets (6) of Bulletins published by the Citizen's Research Institute of Canada; these sets to be bound and kept by the King's Printer and be at the disposal of the Members.

Five thousand copies (5,000) Short Supplement to Bureau of Archives Report.

Your Committee recommend that the following Documents be printed:—

The Public Accounts. (*Sessional Papers, No. 1.*)

The Estimates. (*Sessional Papers, No. 2.*)

Report of the Department of Lands and Forests. (*Sessional Papers, No. 3.*)

Report of the Bureau of Mines. (*Sessional Papers, No. 4.*)

Report of the Inspector of Division Courts. (*Sessional Papers, No. 5.*)

Report of the Inspector of Legal Offices. (*Sessional Papers, No. 6.*)

Report of Inspector of Registry Offices. (*Sessional Papers No. 7.*)

Report of Municipal Auditors. (*Sessional Papers, No. 8.*)

Report of Queen Victoria Park Commission. (*Sessional Papers No. 9.*)

Report of Inspector of Insurance. (*Sessional Papers, No. 10.*)

Report of Registrar of Friendly Societies. (*Sessional Papers, No. 11.*)

Report of Registrar of Loan Corporations. (*Sessional Papers, No. 12.*)

Report of Department of Public Works. (*Sessional Papers, No. 13.*)

Report of Fish and Game Commission. (*Sessional Papers, No. 14.*)

Report on Highway Improvement. (*Sessional Papers, No. 15.*)

Report of Bureau of Labour. (*Sessional Papers, No. 16.*)

Report of Department of Education. (*Sessional Papers, No. 17.*)

Report of University of Toronto. (*Sessional Papers, No. 18.*)

Report of Secretary and Registrar. (*Sessional Papers, No. 19.*)

Report of Registrar General. (*Sessional Papers, No. 20.*)

Report of Board of Health. (*Sessional Papers, No. 21.*)

Report on Hospitals for Insane. (*Sessional Papers, No. 22.*) combined with Report on Hospitals for Idiotic and Epileptic. (*Sessional Papers, No. 23.*)

- Report of Commission on Hydro Railways. (*Sessional Papers, No. 24.*)
- Report on Hospitals and Charities. (*Sessional Papers, No. 25.*)
- Report on Prisons and Reformatories. (*Sessional Papers, No. 26.*)
- Report on Neglected and Dependent Children. (*Sessional Papers, No. 27.*)
- Report on the Operation of the Ontario Temperance Act. (*Sessional Papers, No. 28.*)
- Report of Department of Agriculture. (*Sessional Papers, No. 29.*)
- Report of Agricultural College. (*Sessional Papers, No. 30.*)
- Report of Experimental Union. (*Sessional Papers, No. 32.*)
- Report of Vegetable Growers' Association. (*Sessional Papers, No. 34.*)
- Report of Entomological Society. (*Sessional Papers, No. 36.*)
- Report of Bee Keepers' Association. (*Sessional Papers, No. 37.*)
- Report of Dairymen's Association. (*Sessional Papers, No. 38.*)
- Report of Live Stock Branch. (*Sessional Papers, No. 39.*)
- Report *re* Housing. (*Sessional Papers, No. 40.*)
- Report of Women's Institutes. (*Sessional Papers, No. 41.*)
- Report of Agricultural Societies. (*Sessional Papers, No. 42.*)
- Report of Horticultural Societies. (*Sessional Papers, No. 43.*)
- Report of Fruit Growers' Association. (*Sessional Papers, No. 44.*)
- Report of Statistics Branch. (*Sessional Papers, No. 46.*)
- Report of Bureau of Municipal Affairs. (*Sessional Papers, No. 47.*)
- Report of the Temiskaming and N. O. Railway Commission. (*Sessional Papers, No. 48.*)
- Report of the Hydro-Electric Power Commission. (*Sessional Papers, No. 49.*)
- Report of Railway and Municipal Board. (*Sessional Papers, No. 50.*)
- Return from the Records *re* Elections. (*Sessional Papers, No. 51.*)
- Report of Provincial Archivist. (*Sessional Papers, No. 52.*)
- Report of Provincial Auditor. (*Sessional Papers, No. 54.*)
- Report of Workmen's Compensation Board. (*Sessional Papers, No. 55.*)
- Regulations and Orders-in-Council Education Department. (*Sessional Papers, No. 56.*)
- Interim Report Respecting Sheriffs. (*Sessional Papers, No. 57.*)



- Report Ontario Board of Parole. (*Sessional Papers, No. 59.*)
- Report Extramural Commission. (*Sessional Papers, No. 60.*)
- Pic River Pulp Lands Agreement. (*Sessional Papers, No. 63.*)
- Commission *re* Toronto Police Court. (*Sessional Papers, No. 64.*)
- Report Blue Sky Legislation. (*Sessional Papers, No. 67.*)
- Interim Report Land Titles Act in Northern Ontario. (*Sessional Papers, No. 69.*)
- Report Minimum Wage Board. (*Sessional Papers, No. 73.*)
- Report Superannuation Board. (*Sessional Papers, No. 79.*)
- Regulations Board of Health. (*Sessional Papers, No. 80.*)
- Report Ontario Athletic Association. (*Sessional Papers, No. 85.*)
- Report Mothers Allowance Commission. (*Sessional Papers, No. 89.*)
- Report of Civil Service Commissioner. (*Sessional Papers, No. 91.*)
- Annual Report Soldier's Aid Commission. (*Sessional Papers, No. 93.*)
- Return Memorandum *re* School Grants. (*Sessional Papers, No. 96.*)
- Also—the Report of the Timber Commission together with the evidence and exhibits presented before said Commission.

Your Committee further recommend that 1,000 copies of the Report of the Public Accounts Committee be bound in paper (Blue Book), two copies to be given each Member of the House, the balance for general distribution.

Your Committee recommend that the following documents be not printed:—

- Report on State of Library. (*Sessional Papers, No. 53.*)
- Return *re* Kingston Highway. (*Sessional Papers, No. 58.*)
- Interim Report Toronto Police Court. (*Sessional Papers, No. 61.*)
- Interim Report Registry County of York. (*Sessional Papers, No. 65.*)
- Attorney-General and Shevlin-Clarke Co. (*Sessional Papers, No. 66.*)
- Report Distribution Revised Statutes. (*Sessional Papers, No. 68.*)
- Report Commission *re* Seizure of Whisky. (*Sessional Papers, No. 70.*)
- Return *re* Presbyterian Manse at Vernon. (*Sessional Papers, No. 71.*)
- Return *re* Fisheries, Game and Fisheries Act. (*Sessional Papers, No. 72.*)
- Report Commission Brantford Police (*Sessional Papers, No. 74.*)

- Return *re* License Board and Brantford. (*Sessional Papers, No. 75.*)
- Return *re* Lands, Forests and Mines and E. W. Backus. (*Sessional Papers, No. 76.*)
- Return *re* Canada Roads Act. (*Sessional Papers, No. 77.*)
- Return *re* Prime Minister and Backus. (*Sessional Papers, No. 78.*)
- Return *re* Ontario Temperance Act. (*Sessional Papers, No. 81.*)
- Commission *re* Hydro-Electric. (*Sessional Papers, No. 82.*)
- Return *re* Logs, etc., Lands and Forests. (*Sessional Papers, No. 83.*)
- Return Timber Limit Sale. (*Sessional Papers, No. 84.*)
- Return Keewatin Lumber Co. (*Sessional Papers, No. 86.*)
- Return *re* License Commission and Provincial Police Forces. (*Sessional Papers, No. 87.*)
- Return *re* Harding and Attorney General. (*Sessional Papers, No. 88.*)
- Return Hamilton Highway Commission. (*Sessional Papers, No. 90.*)
- Statement Highway Improvement Fund. (*Sessional Papers, No. 92.*)
- Statement Highway Improvement Fund. (*Sessional Papers, No. 94.*)
- Return *re* Police Magistrates or Crown Attorneys. (*Sessional Papers, No. 95.*)
- Report of Agricultural Development Board, 1921. (*Sessional Papers, No. 97.*)
- Orders-in-Council *re* Hospitals and Charities. (*Sessional Papers, No. 98.*)

Mr. Ferguson then moved, seconded by Mr. Crawford,

That there be added to the list of Documents ordered to be printed by the Committee on Printing, the "Report of the Timber Commission, together with the Evidence and Exhibits presented before the said Commission."

And the motion having been put, was concurred in and the Report was amended accordingly.

*Resolved*, That this House doth concur in the Second Report of the Standing Committee on Printing as amended.

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On motion of Mr. Smith, seconded by Mr. Nixon.

*Resolved*, That the full sessional indemnity be paid to those Members of this House absent on account of illness or other unavoidable cause.

Mr. Kennedy asked the following Question.

1. What amount of money was expended by the Department of Highways in each of the years 1920 and 1921 under the following heads:—

1. Township Roads. (a) Charge to maintenance; (b) Charge to Capital Account. 2. Provincial and County Highways. (a) Charge to Maintenance; (b) Charge to Capital Account. 3. Provincial Highways. (a) Charge to Maintenance; (b) Charge to Capital Account.

To which the Minister of Public Works and Highways replied in the figures following:—

Answer Question	No.		1920	1921
No. 1. (a)	1.	(a)	\$ 2,620 60	\$ 165,605 45
"	"	No. 1. (b)	nil.	175,414 33
"	"	No. 2. (a)	816,041 67	1,000,473 24
"	"	No. 2. (b)	1,807,717 57	2,634,794 10
"	"	No. 3. (a)	414,563 04	649,971 82
"	"	No. 3. (b)	5,688,619 84	10,300,293 11

Mr. Price asked the following Question:—

1. What was the cost *per* mile of the completed roadway between Canboro and Dunnville. 2. What was the purchase price *per* mile of the 10-foot strip on either side of this road.

And the Minister of Public Works and Highways replied in the figures following:—

1. \$29,945.00. 2. \$143.25.

The House resolved itself into a Committee, severally to consider the following Bills:—

Bill (No. 11), Respecting the City of Toronto.

Bill (No. 23), To incorporate the Ottawa Street Incline Railway Company of Hamilton.

Mr. Speaker resumed the Chair; and Mr. Watson reported, That the Committee had directed him to report the several Bills without Amendments.

*Ordered*, That the Bills reported, be severally read the third time To-day.

The following Bills were severally read the second time:—

Bill (No. 44), Respecting the City of Toronto.

Referred to a Committee of the Whole House To-day.

Bill (No. 19), Respecting the Town of Tecumseh.

Referred to a Committee of the Whole House To-day.

Bill (No. 89), Respecting the Township of York.

Referred to a Committee of the Whole House To-day.

Bill (No. 231), Respecting the purchase by the County of York of the Assets of Certain Companies.

Referred to a Committee of the Whole House To-day.

The House resolved itself into a Committee, severally to consider the following Bills:—

Bill (No. 44), Respecting the City of Toronto.

Bill (No. 19), Respecting the Town of Tecumseh.

Bill (No. 89), Respecting the Township of York.

Mr. Speaker resumed the chair; and Mr. Watson reported, That the Committee had directed him to report the several Bills without Amendment.

*Ordered*, That the Bills reported, be severally read the third time To-day.

---

The House resolved itself into a Committee to consider Bill (No. 231), Respecting the purchase by the County of York of the Assets of Certain Companies and, after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Watson reported, That the Committee had made some progress, and directed him to ask for leave to sit again.

*Resolved*, That the Committee have leave to sit again To-day.

---

The Order of the Day for the second reading of Bill (No. 256), To amend The Ontario Temperance Act having been read, Mr. Cridland moved, That the Bill be now read the second time.

And the Motion, having been put, was lost on a Division.

And so it was declared in the Negative.

The Order of the Day for the second reading of Bill (No. 128), To amend the Land and Titles Act having been read,

*Ordered*, That the Order be discharged, and that the Bill be withdrawn.

---

On motion of Mr. Homuth, seconded by Mr. Greenlaw,

*Resolved*, That in the opinion of this House it is desirable in the public interest that all branch lines of The Canadian National Railway in Ontario running through districts in which electrical power can be supplied by The Hydro-Electric Power Commission of Ontario shall be operated by such electrical power in order to ensure to the residents of such districts more expeditious means for the transportation of passengers and freight and that the Government of this Province should bring to the attention of the Government of Canada the determination of the House in this matter.

3.00 P.M.

On motion of Mr. Lewis, seconded by Mr. Godfrey,

*Resolved*, That the Legislature of the Province of Ontario hereby affirms its belief in the wisdom, from a commercial and an economical point of view, of improving the navigation facilities of the St. Lawrence River so as to permit ocean vessels drawing up to 25 feet of water to enter and navigate the Great Lakes; and also to undertake the development of the power at present wasting in the St. Lawrence River Rapids.

This Legislature learns with pleasure that such a development is the subject of a favorable report and recommendation of the International Joint Commission and,

That this Legislature respectfully urges the Government of Canada to give early and favorable consideration to the report of the International Joint Commission referred to and to request that the Government of the United States join with the Canadian Government in arranging an International agreement for carrying out the work recommended.

---

The House again resolved itself into a Committee to consider Bill (No. 231), Respecting purchase by the County of York of the Assets of certain Companies and, after some time spent therein, Mr. Speaker resumed the Chair; and Mr. MacVicar reported, That the Committee had directed him to report the Bill with certain amendments.

*Ordered*, that the Bill be read the third time To-day.

---

The following Bills were severally read the third time and passed:—

Bill (No. 226), To amend the Ontario Temperance Act.

Bill (No. 167), To amend the Toronto and Hamilton Highway Act.

Bill (No. 100), Respecting the Construction and Operation of Municipal Electric Railways.

Bill (No. 257), To amend the Power Commission Act.

Bill (No. 119), Respecting Voters' Lists.

Bill (No. 255), To amend The Minimum Wage Act.

Bill (No. 263), To authorize the purchase and operation of the Toronto Suburban Railway Company by the Hydro-Electric Power Commission of Ontario on behalf of the City of Toronto.

Bill (No. 265), To amend the Rural Hydro-Electric Distribution Act, 1921.

Bill (No. 267), To amend the Venereal Diseases Prevention Act.

Bill (No. 268), To amend the Public Health Act.

Bill (No. 270), To further amend the Corporations Tax Act.

Bill (No. 266), To amend the Loan and Trust Corporations Act.

Bill (No. 269), To create the Territorial Provisional Judicial District of Cochrane.

Bill (No. 192), To amend the Local Improvement Act.

Bill (No. 227), To amend the School Sites Act.

Bill (No. 240), To amend the Jurors' Act.

Bill (No. 14), Respecting the Mount McKay and Kakabeka Falls Railway Company.

Bill (No. 11), Respecting the City of Toronto.

Bill (No. 23), To incorporate the Ottawa Street Incline Railway Company of Hamilton.

Bill (No. 44), Respecting the City of Toronto.

Bill (No. 19), Respecting the Town of Tecumseh.

Bill (No. 89), Respecting the Township of York.

Bill (No. 231), Respecting the purchase by the County of York of the Assets of Certain Companies.

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On motion of Mr. Bowman, seconded by Mr. Raney,

*Ordered*, That a Select Committee be appointed to be composed of Messieurs *Ecclestone, McCrae, Mageau, Heenan, Taylor, Warren and Bowman*, to consider Bill (No. 249), Respecting Water Rights, to sit during the Recess with power to summon and compel the attendance of witnesses and take evidence under oaths and to send for books, papers and documents.

---

On motion of Mr. Biggs, seconded by Mr. Raney,

*Ordered*, That the name of Mr. MacBride be added to the Select Committee appointed to consider the Motor Vehicles Act.

---

On motion of Mr. Raney, seconded by Mr. Doherty,

*Ordered*, That the name of Mr. McNamara be added to the Select Committee appointed to consider matters concerning the organization and administration of the University of Toronto.

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The Order of the Day for the Third reading of Bill (No. 215), To amend the Statute Labour Act having been read,

*Ordered*, That the Order be discharged, and that the Bill be withdrawn.

---

Mr. McNamara moved, seconded by Mr. MacBride.

That the Legislature of the Province of Ontario with a view of endeavouring to solve the unemployment question a committee of members selected from and representative of each group in this Legislature be appointed with power to sit during and after the prorogation of the present

Session for the purpose of securing such information and expert advice as to enable the committee to decide upon some plan for the repopulation of rural Ontario, by inducing unemployed persons to return to the farm and encouraging the return of small industries to suitable localities where success would follow their efforts. This House is further of opinion that it would be more advantageous to the Province to induce British Subjects to people its lands than to encourage the immigration of certain Eastern European races.

And the motion, having been put, was negatived.

---

Mr. Bragg moved, seconded by Mr. Montgomery,

That the Special Committee appointed last Session to enquire into the fruit and apple interest of this Province, and which was authorized to continue its functions following the prorogation of the Legislative Assembly, last Session, be re-appointed for the purpose of preparing, and submitting its Report to this House and be empowered to sit for such purpose during any adjournment of this House.

And the motion, having been put, was negatived.

---

On motion of Mr. Tisdelle, seconded by Mr. McCreary,

That the liquor of Raoul S. Langlois seized by the Government Officials be released, or in default thereof, the price of the same be paid to him.

And the motion having been put, was declared to be lost.

---

The Order of the Day for the third reading of Bill (No. 245), Respecting Natural Gas having been read.

*Ordered*, That the Order be discharged, and that the Bill be forthwith again referred to a Committee of the Whole, with instructions to amend the same.

The House accordingly resolved itself into the Committee; and, after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Webster reported, That the Committee had amended the Bill as directed.

*Ordered*, That the Bill be read the third time forthwith.

The Bill was then read the third time, and passed.



The Provincial Secretary presented to the House by command of His Honour, the Lieutenant-Governor.

Regulations and Orders-in-Council made since May 24, 1922 under the authority of the Department of Education Act or of the Acts relating to Public Schools, Separate Schools or High Schools. (*Sessional Papers, No. 56.*)

Also:—Return to an Order of the House of 29th April, 1921 That there be laid before this House, a Return of copies of all correspondence, reports, and documents, relating to the dismissal of Magistrate Hastings, of Dunnville. (*Sessional Papers No. 99.*)

Also:—Return to an Order of the House of the 24th February, 1922, that there be laid before the House a return of copies of all correspondence between any Minister of the Crown and any member of the Hydro-Radial Commission in connection and dealing with accounts for remuneration of service by each and every member of the Commission whether such accounts were paid in full for the amount claimed or reduced in amount. (*Sessional Papers. No. 100.*)

Also:—Return to an Order of the House of the 20th day of March, 1922, that there be laid before the House a return of all papers, documents, memoranda, recommendations, letters, telegrams and communications of every kind between any Municipal corporations, associations, bodies or persons and the Prime Minister or any Minister of the Government regarding the appointment or suggestion to appoint Peter Heenan, M.P.P. for Kenora, a Member of the Hydro-Electric Power Commission of Ontario. (*Sessional Papers, No. 101.*)

Also:—Report of Commissioners for Queen Victoria Niagara Falls Park 1921. (*Sessional Papers, No. 9.*)

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On motion of Mr. Raney seconded by Mr. Doherty.

*Ordered,* That when this House adjourns to-day, it do stand adjourned until Tuesday next the thirteenth day of June instant at three of the Clock in the afternoon.

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The House then adjourned at 5.25 p.m.

Tuesday, June 13th 1922.

PRAYERS.

3.00 O'CLOCK, P.M.

His Honour the Lieutenant-Governor entered the Chamber of the Legislative Assembly and took his seat upon the Throne.

Mr. Speaker then addressed His Honour as follows:—

*May it please Your Honour.*

The Legislative Assembly of the Province having at its present Sittings passed certain Bills to which, on behalf and in the name of the said Assembly, I respectfully request Your Honour's Assent.

The Clerk Assistant then read the Titles of the Acts that had been passed as follows:—

An Act respecting the City of Port Arthur.

An Act respecting the City of Sault Ste. Marie.

An Act to incorporate a part of the Township of York as the Township of North York.

An Act respecting the London Street Railway Company.

An Act respecting the Filing of Claims against certain Companies or their properties.

An Act to consolidate The Municipal Act.

An Act respecting Professional Engineers.

An Act respecting the Town of Wallaceburg.

An Act respecting Magistrates.

An Act to amend The Ontario Railway Act.

An Act to amend The Ontario Highways Act.

An Act respecting The Maintenance of Deserted Wives and Children.

An Act to amend The Steam Boiler Act.

An Act respecting Licenses for Billiard and Pool Rooms and Bowling Alleys.

An Act to amend The Limitations Act.

An Act to amend The Community Halls Act.

An Act to amend The Disqualification Act.

An Act to amend The Sheriffs Act.

- An Act to amend The Upper Canada College Act.
- An Act to amend The Constables Act.
- An Act to amend The Provincial Loans Act, R.S.O., Chap. 21.
- An Act respecting the construction of Certain Works on Lakes and Streams in Ontario.
- An Act to amend The Local Improvement Act.
- An Act respecting Works and Measures to relieve Unemployment.
- An Act to extend the Right to Vote at Municipal Elections.
- An Act to incorporate the Ontario Co-operative Dairy Products, Limited.
- An Act to amend The Crown Witnesses Act.
- An Act respecting The Carriage of Liquor on Highways.
- An Act to amend The Suburban Area Development Act.
- An Act to amend The Administration of Justice Expenses Act.
- An Act to amend The Public Officer's Fees Act.
- An Act to amend The University Act.
- An Act to amend The Soldiers' Aid Commission Act.
- An Act to amend The Queen Victoria Niagara Falls Park Act.
- An Act to amend The Load of Vehicles Act.
- An Act respecting Albert College.
- An Act respecting Co-operative Credit Societies.
- An Act for raising money on the credit of the Consolidated Revenue Fund.
- An Act to amend The Children's Protection Act of Ontario.
- An Act to amend The Workmen's Compensation Act.
- An Act to amend The Coroners Act.
- An Act to amend The Ontario Public Service Superannuation Act,
- An Act to amend The School Laws.
- An Act to promote the Public Health by providing for One Day of Rest in Seven for Employees in certain Employments.
- An Act to amend The Conveyancing and Law of Property Act.
- An Act to amend The District Houses of Refuge Act.
- An Act respecting the City of Galt.
- An Act respecting the Town of Oshawa.

- An Act respecting the Waterloo, Wellington Railway Co.  
The Assessment Amendment Act, 1922.
- An Act to amend The Separate Schools Act.
- An Act respecting the City Gas Co. of London.
- An Act to amend The Judicature Act.
- An Act to amend The Ontario Temperance Act.
- An Act to amend The Toronto and Hamilton Highway Act
- An Act respecting the construction and operation of Municipal Electric Railways.
- An Act to amend The Power Commission Act.
- An Act respecting Voters' Lists.
- An Act to amend The Minimum Wage Act.
- An Act to authorize the purchase and operation of the Toronto Suburban Railway Company by the Hydro-Electric Power Commission of Ontario on behalf of the City of Toronto.
- An Act to amend The Rural Hydro-Electric Distribution Act, 1921.
- An Act to amend The Venereal Diseases Prevention Act.
- An Act to amend The Public Health Act.
- An Act to further amend The Corporation Tax Act.
- An Act to amend The Loan and Trust Corporations Act.
- An Act to create The Territorial and Provisional Judicial District of Cochrane.
- An Act to amend The Local Improvement Act.
- An Act to amend The School Sites Act.
- An Act to amend The Jurors' Act.
- An Act respecting the Mount McKay and Kababeka Falls Railway Company.
- An Act respecting the City of Toronto.
- An Act to incorporate the Ottawa Street Incline Railway Company of Hamilton.
- An Act respecting the City of Toronto.
- An Act respecting the Town of Tecumseh.
- An Act respecting the Township of York.
- An Act respecting the Purchase by the County of York of the Assets of Certain Companies.

An Act respecting The Lake of the Woods Control Board.

An Act to amend The Local Improvement Act.

An Act respecting Natural Gas.

---

To these Acts the Royal Assent was announced by the Clerk of the Legislative Assembly in the following words:—

“In His Majesty’s name, His Honour the Lieutenant-Governor doth assent to these Acts.”

---

Mr. Speaker then said:

*May it please Your Honour:—*

We, His Majesty’s most dutiful and faithful Subjects, the Legislative Assembly of the Province of Ontario, in Session assembled, approach Your Honour with sentiments of unfeigned devotion and loyalty to His Majesty’s person and Government, and humbly beg to present for Your Honour’s acceptance a Bill intituled “An Act for granting His Majesty certain sums of money for the public service of the financial year ending the 31st day of October, 1922, and for the public service of the financial year ending the 31st day of October, 1923, and for other purposes therein mentioned.”

To this Act the Royal Assent was announced by the Clerk of the Legislative Assembly in the following words:—

“His Honour the Lieutenant-Governor doth thank His Majesty’s dutiful and loyal Subjects, accept their benevolence and assent to this Act in His Majesty’s name.”

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His Honour was then pleased to deliver the following Speech:—

*Mr. Speaker and Gentlemen of the Legislative Assembly:*

In bringing this Session to a close, I desire to commend your conscientious attention to the arduous and important duties that have devolved upon you. The expansion each year of the public business and the widening of the scope of Provincial activities are increasing the volume of legislation and adding to the labours of the Members of the House.

Reports received from various parts of the Province indicate that the agricultural outlook is exceptionally promising. This is very satisfactory in view of the fact that the prosperity of rural Ontario, and the Agricultural development of our Northern areas, ensure the prosperity of the whole Province. It is my confidence that we are now entering upon a period of renewed activity which will relieve unemployment and give settled prosperity to our country.

I observe, with satisfaction, the attention you have given to the cause of education. The Appropriation for technical instruction will be employed in part in the establishment of a training college for vocational teachers. It is anticipated, as a result, that the highest positions in the vocational and industrial schools will be filled from our own teaching profession. The work of the Committee on secondary education has been completed and preliminary modifications of the courses of study recommended by the Committee are already being followed in the High Schools and Collegiate Institutes. My Government proposes to hold, at an early date, a Conference on the subject of secondary education with the representatives of the County Councils. A Special Committee of the Legislature will enquire, during the Recess, into matters affecting the Provincial University.

Our expanding agricultural interests have necessitated enactments designed to encourage production and improved methods, and to provide more efficient marketing facilities. Amendments to the Ontario Farm Loans Act and the Agricultural Development Act have been passed to widen their scope and make them more useful. The Municipal Drainage Act and the Community Halls Act have been amended to make these Acts of greater value in the rural community. The Ontario Co-operative Dairy Products, Limited, has been incorporated to stabilize and extend the dairying industry in this Province.

I observe that much consideration and weight have been given to the findings of the Royal Commission on Radial Railways. Legislation has been adopted, under which the Government guarantee for Radial Railways has been withdrawn, except in respect of commitments already made. Municipalities have been authorized to undertake electric railways on their own behalf and provision has been made for financing such undertakings on a basis which will keep them under the control of the Municipalities directly concerned.

Provision has been made for carrying on the Queenston-Chippawa Development and other projects of the Hydro-Electric Power Commission. Meanwhile, it has been found advisable, in the public interest, to examine thoroughly into the operations and expenditures of the Commission. It is hoped that this inquiry will afford a clear and comprehensive survey of the situation and furnish guidance as to the wisest policy to pursue in the future.

An important step has been taken regarding the Provincial System of Highways, by providing that the funds required to carry on and complete the System will be made available as required and the financial burden will

be distributed over a period of years. These funds will be obtained by capitalizing a portion of the income to be derived from automobile licenses. It is of special interest to observe that the traffic, which will be largely created by better highways, will ultimately provide for the establishment and maintenance of the System.

The Bill respecting the sale of securities was referred to a Special Committee of the Legislature which will hear the views of all parties concerned and present a report next Session. I trust that it will be found possible to extend to the investing public the measure of protection contemplated by this Legislation.

Several amendments have been made to the Ontario Temperance Act for the purpose of increasing its efficiency. In this connection a measure has been adopted which places the transportation of liquor on the public highways under the regulation and control of the Provincial License Board. In these, and in other ways, the protection of the community has been strengthened and the outlook for the future improved.

Important legislation has been passed in amendment to the Ontario Insurance Act. Many of the principal recommendations of the Insurance Commissioner and of the Select Committee respecting Insurance, which sat during the Recess, have been adopted. It is expected that the general revision and consolidation of the Ontario Insurance Act will be completed next Session.

Among the measures which have received your consideration and approval are Bills to consolidate the Municipal Act; respecting Voters Lists; to amend the Corporations Tax Act; respecting works and measures to relieve unemployment; and respecting the Lake of the Woods Control Board.

Necessary provision has been made for the financial requirements of the Government, both for carrying on the Public Service and for raising money for the various Provincial undertakings which are in progress. I desire to thank you for these appropriations and to assure you that they will be administered with proper regard to economy and efficiency.

In conclusion, I thank you for the enactment of much beneficial legislation, and I trust that the blessings of Almighty God will continue to be bestowed upon our people and our country.

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The Provincial Secretary then said:—

*Mr. Speaker and Gentlemen of the Legislative Assembly:*

It is His Honour's will and pleasure that this Legislative Assembly be prorogued and this Legislative Assembly is accordingly prorogued.





# Appendixes

TO THE

## Fifty-sixth Volume

OF THE

# Journals of the Legislative Assembly of Ontario

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## Session 1922



TORONTO:

Printed and Published by CLARKSON W. JAMES, Printer to the King's Most Excellent Majesty,  
1922.

**LIST OF APPENDIXES, 1922.**

**No. 1. Report of the Special Committee to Enquire into the Fruit and Apple Interests of the Province.**

**No. 2. Report of the Standing Committee on Public Accounts.**

# **Appendix No. 1**

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**REPORT**

OF THE

**Special Committee**

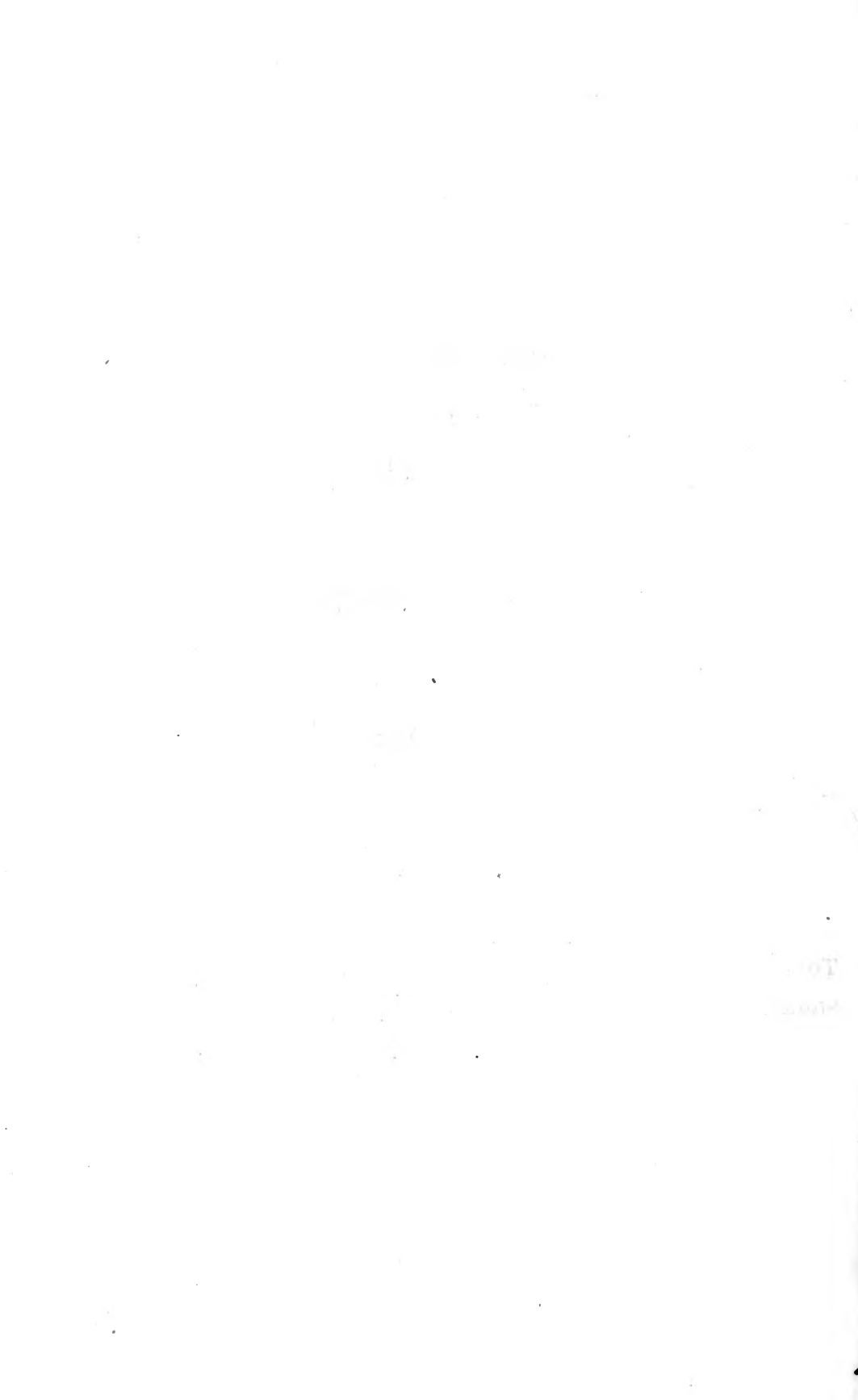
OF THE

**Legislative Assembly**

OF

**Ontario**

To enquire into all matters relating to the production, packing, storage, shipping and export marketing of Ontario fruit and apples  
April, 1922.



# Appendix No. 1.

## REPORT OF THE SPECIAL COMMITTEE TO ENQUIRE INTO THE FRUIT AND APPLE INTERESTS OF THE PROVINCE.

With the permission of the House on the 23rd of February, 1921, I had the honour of moving the following Resolution:—

*Resolved*,—That whereas it is clearly established that the export of fruit to the overseas' markets is carried on with serious disadvantages to Canadian growers; and whereas it is stated on reliable authority that there is an extraordinary difference in the prices that are received by farmers for their apples and the cost of this fruit to consumers overseas; and whereas the difference represents an enormous loss to the Canadian producers, and apparently a corresponding profit to the overseas jobbers, dealers or traders, in which, under present conditions, Canadian producers are debarred from participating; and whereas it is desirable that these conditions should be remedied so that the Canadian producers should receive the share in those profits to which they are entitled; therefore, be it resolved that a special committee of this House be appointed forthwith, with instructions to enquire and report upon the condition of the fruit and apple interests and business in the Province of Ontario, and all matters relating to the production, packing, storage, transportation, shipping, marketing and export of Ontario fruit and apples, and with power to send for and examine all necessary persons and papers in or concerning the premises; and that the said committee be empowered to sit for such purposes during any adjournment of this House."

This was adopted. In accordance therewith, on the Motion of the Premier, Seconded by the Honourable the Attorney-General, the following members were appointed as a special committee on the subject matter in question:—

*Ordered*, that the following Members do compose the Select Committee proposed under the Resolution passed by the House yesterday, in the matter of the Export of Fruit:—Messieurs Doherty, Montgomery, Sewell, Leeson, Swayze, Cook, Black, Bragg and Marshall."

### FIRST INTERIM REPORT.

"The Committee realized in the early stages of the enquiry that other natural perishable products, notably cheese, are interwoven and directly connected with the disadvantages under which the apples are marketed, so the Committee incidentally accepted information on the broader basis. Unfortunately the time at the disposal of the Members of the Committee was insufficient to more than touch the fringe of the subject. But enough unquestionable evidence was submitted to prove that the conditions under which the natural products of Ontario are marketed, both overseas and in Canada, render it absolutely necessary that these conditions shall be changed if this Province is to retain its prominent place in the world's market. Your Committee, therefore, recommends

that it shall continue this investigation during the interregnum between this Session and the next meeting of this House in order that a full Report may be presented."

Whereupon it was Ordered by the House:—

"*Ordered*, That the Report of the Special Committee to enquire into the overseas apple trade, be adopted, and the Committee be authorized to continue its investigations on the lines recommended in the report."

The House will observe that in no sense is this a political committee, but its membership is drawn from each of the political groups or parties in the Assembly. The Committee has been impressed from the beginning with the idea that its membership was not dealing in any sense with a political question, but with one of vast public importance.

Acting under the above direction of the House, your Committee held meetings on the dates as herein set forth and at the places therein mentioned:—

#### FRUIT COMMITTEE.

1st Meeting.....	Toronto .....	May 19th.
2nd Meeting.....	Brighton .....	May 26th.
3rd Meeting.....	Toronto .....	June 2nd.
4th Meeting.....	Buffalo .....	June 3rd.
5th Meeting.....	Toronto .....	June 10th.
6th Meeting.....	Toronto .....	June 21st.
7th Meeting.....	Brighton .....	June 23rd.
8th Meeting.....	Toronto .....	June 27th.
9th Meeting.....	Toronto .....	July 13th.
10th Meeting.....	Toronto .....	July 29th.
11th Meeting.....	Toronto .....	Aug. 17th.

During the sittings of this Committee, previous to the prorogation of the Assembly, and subsequently thereto, the Committee heard evidence and statements respecting the subjects of enquiry from the following, among others, who, from time to time have been present at the meetings of the Committee:— Sir William Mulock, Dr. P. H. Bryce; W. T. R. Preston, Port Hope; A. S. Chapin, Toronto; E. H. Stonehouse, W. C. Noxon, London; R. J. Graham, Belleville; R. B. Scripture and Robt. Wade, Brighton; F. J. Mahoney, Niagara Fruit Growers' Association; W. H. Gibson, Newcastle; W. E. Fisher, Burlington; Jos. E. Johnston Co., Norfolk; B. H. Coyle, Colborne.

#### WIDE SCOPE OF ENQUIRY.

At the early meetings of the Committee, the members were aware that the enquiry which it had been decided to proceed with, was one of much and vastly greater importance and scope than the Resolution authorizing the enquiry appeared to indicate.

The more closely the enquiry was proceeded with, the more clear became the unanimous conviction with all the members that the agricultural interests of this country have for an indefinite period been marketing their products under most disadvantageous circumstances.

While the immediate purpose of the Committee was to enquire into the marketing conditions under which the export of fruit was carried on to various points; it became immediately apparent that very many of the complications existing in the marketing of fruit were also prevalent with respect to almost every other of the great natural products of this Province. The enquiries of the Committee, while not carried out in the same detail in connection with other of the natural products, were more general in their character but were conclusive as to the existing conditions. The reasons why the Committee hesitated about pursuing the enquiry in this particular, are set forth in this Report. It is nevertheless quite clear that these phases of conditions connected with the marketing conditions which have been brought to the attention of the Committee will necessitate, at an early date, exhaustive enquiries elsewhere.

### EARLY PARLIAMENTARY DISCUSSION.

In 1840 a Committee of the Parliament of Upper Canada was appointed to discuss fruit growing with a view to export. But even before this the French settlement along the St. Clair River had introduced the apple in the 18th century, while great pear trees could be seen in the late years of the 19th century grown from seeds brought from France by these early pioneers.

The first Report of the Montreal Horticultural Society was published in 1876, though the Society had been formed in 1854, in the house of George Sheppard, Esq., in Notre Dame Street, who was notable for his orchards at the Lake of Two Mountains on the Lower Ottawa, kept up by the son of the great apple exporter who died recently.

For very many years before his death Mr. Sheppard, the younger, had an open contract with the Army & Navy Stores, Victoria Street, S.W., London, to supply that great distributing centre with Fameuse apples in boxes (about 40 lbs.) at 20/- (\$4.86) F.O.B. Montreal. This contract realized Mr. Sheppard at the rate of about \$15 a barrel, which was six and seven times more than the market price in Montreal. These apples never sold at less than 1/6 per lb. (36c.) at the Stores, and much more frequently at 2/6 (60c.) per lb., or at prices running from \$45 to \$75 per barrel. This remarkable situation was well known in commercial, shipping and official circles twenty-five years ago.

### INTEREST IN EXPORT TRADE.

In 1875, the Committee of the Horticultural Society met several times and discussed the best fruit for the Montreal district. The Report of 1876 gives an interesting description of these several varieties and we find these varieties where they are still grown. Thus the Duchess of Oldenburg, and Early Harvest and Astrachan are given, while the St. Lawrence is named as an autumn apple having its origin from some cast-out seeds in gardens of the Molson property in Montreal in 1815, as a seedling and the tree was still alive in 1876. The Fameuse or Snow Apple, spoken of as of unknown origin, was then a favorite, while the Golden Russet, King of Tompkins Co., Northern Spy, Ribston Pippin and Talman Sweet were the chief winter apples even then.

It is of interest to note that in 1876, the late Hon. Sydney Fisher, of Knowlton, Eastern Townships, reported that the first settlers there had generally planted orchards, which grew well, but that the winter of 1855-56 killed nearly all the trees, while a second fatal season, 1862-63, completed the destruction, so that few trees remained, not enough to make any export trade.

The Report of the Montreal Society, for 1877, has a paper by Haskett & Brown, of Montreal, apple exporters, shipping 20,000 barrels a year. They say:—"The apples for export are easily summed up. They are winter apples and the fewer kinds in a shipment the better." They name the Northern Spy, Spitzenburg, Golden Russet, Baldwin, Greenings, and Canada Red as being the chief kinds.

### DEVELOPMENT OF UNSATISFACTORY CONDITIONS.

How far back tricks in the trade were known may be judged by Haskett's statement: "As regards packing, the urgent requisite is honesty," and an exact method for packing is described as follows:—"The apples must be hand-picked, and in packing and handling too much care cannot be taken, as every bruise shows itself sooner or later. Grow good, straight kinds of apples, handle them carefully, pack them properly and honestly, and you will find it a profitable business."

In 1880, a paper issued by Vipond, MacBride & Co., of Montreal, on the Export Apple Trade states:—"The export apple trade has grown up almost exclusively during the last ten years and mainly in the last five years that nearly 300,000 barrels had been exported that season. The paper states, regarding this trade: "Apple exporting has never been a profitable business for three reasons: Shipping unsuitable fruit, bad selection and packing, and shipping fruit out of season." With regard to the latter point the paper states: "Most of the lots sent in the fall realized fair, while some paid well; but the winter business had been very disastrous, a great many, not realizing the charges on the fruit, and at the present time (April) whole cargoes of apples are being sold at Liverpool for about the freight on them."

### HALF A CENTURY LATER.

Over forty years have passed since this paper by business exporters was written, and the vicissitudes of the export apple trade may still be judged from the following taken from the Dominion Department of Agriculture's Report, October, 1920:—"Sales (Ontario) on an f.o.b. basis for winter stock run from \$5.25 to \$6.50 per barrel in carloads." Barrels cost \$2.00, while pickers got \$4.50 upwards per barrel.

For the last forty or fifty years, the great market for apples of this Province has been in Great Britain. Reviewing the conditions under which the marketing of this fruit is carried on, the amazement is that up to this time no serious effort seems to have been made, either to direct the fruit growers of this Province to the disadvantages under which their product is marketed, or to the enormous losses which have accrued to them during these years under the disadvantageous conditions aforesaid, nor has any practical suggestion been made, either to the Government, or to the exporters, or to the growers, whereby these adverse conditions might be remedied.



## FROM AN EMINENT SPECIALIST.

In a memorandum submitted to your Committee by Dr. P. H. Bryce, of Ottawa, the well known eminent bacteriologist, he writes:—

“The history of the Canadian Export Apple Trade is such as to force upon the attention of every person interested in the country’s commercial progress, the several underlying principles involved in this problem. Obviously these are three:

1. Apple culture and production.
2. Apple packing and conservation.
3. Apple transportation and marketing.

## I. APPLE CULTURE AND PRODUCTION.

“The experience of fifty years amply demonstrates that there are a few varieties of apples which, like standard growers, have originated or been acclimated in the St. Lawrence and Great Lakes area, and that a few only for each season are suitable for the export trade—

1. *Early Apples.*

(a) Early Transparent or Harvest apple, (b) Red Astrachan, (c) Duchess of Oldenburg, (d) St. Lawrence.

2. *Autumn Apples.*

(a) Fameuse, (b) Macintosh Red, (c) King of Tompkins Co., (d) Greenings, (e) Wagener.

3. *Winter Apples.*

(a) Spies, (b) Spitzenburg, (c) Baldwin, (d) Stark, (e) Golden Russet, (f) Pewaukee.

“It is probable that even these varieties could be reduced in number, but as all are acclimatized and since the varieties do not produce equally each season, owing, perhaps, to seasonal variations in the period of blossoming; it seems desirable that orchardists prove through experience the varieties most profitable to their various soils and climates. Obviously, the highest degree of soil cultivation and fertilizing, with the most diligent care of the trees as regards pruning, liming, and control of insects and fungoid pests are important in the growing of apples for profit.”

## II. APPLE PACKING AND CONSERVATION.

“The Dominion Fruit and Vegetable Crop Report (No. 5 of October, 1920,) under the heading ‘Slacks’ has the following—‘Reports received from the markets of the United Kingdom, also from officials of the Dominion Department of Agriculture indicate that the number of slack barrels being shipped is greater than in pre-war years.’ It is remarkable after what Haskett & Brown said in 1877—‘After doing this (this is making a layer in the head end) use your baskets to fill up, shaking the barrel well down several times in filling’—that we should find the above statement in a report of 1920, which further goes on to say: ‘Prices realized for ‘slacks’ as against ‘tights’ show that the difference is as much as 15 shillings per barrel. . . . ‘All apples, whether for home market or export should be thoroughly rocked and properly tailed.

If this is done, only slightly more pressure is necessary for export than for home markets. . . . .’ Attention is also called to the failure to securely fasten quarter hoops on the barrels.”

### THE UNCHANGING CONDITIONS.

“Another quotation from Haskett and Brown in 1877 contains the very essence of successful packing: ‘The apples must be hand-picked and in packing and handling too much care cannot be taken, as every bruise shows itself sooner or later.’ Yet we find it stated in a Dominion Bulletin, 1920: ‘Unfortunately the practice has been, when sizing machines are used, for the barrel to be placed at the end of the machine and the apples automatically rolled into it; the rocking being done when the barrel is almost full. ‘It is evident, then, that as bruising before packing is thus possible, the bad effects of defective ‘rocking’ are thereby made still greater. Thus while much depends upon the careful handling of fruit, a yet greater matter enters into the problem, which, while exemplifying the wisdom of Haskett & Brown’s remarks in 1877, “Every bruise shows itself sooner or later,” involves a principle of which the public at that time were wholly ignorant.

### SCIENCE FINDING A REMEDY.

It was in the year that Pasteur was affirming to the world the truth of his germ theory, viz., that, “Every germ comes from a pre-existing germ. To-day we know absolutely that no decay in apples can take place apart from the presence of microbes, and that in the degree conditions are favourable, will such, if present, multiply rapidly and destroy fruit, such as strawberries within a few hours; or apples, within a few days. Every farmer knows that milk requires only warmth to turn it sour in a few hours, since there are present germs, food and heat, the conditions of all fermentation, putrefaction or decay of organic matter, whether animal or vegetable.”

“Viewing the question of utilizing profitably the apple crop of Ontario from the standpoint of its export, the many facts already cited make it obvious that but little advantage has hitherto been taken of the discoveries based upon the germ theory as it bears upon the keeping of fresh fruit. The fermentative processes involved in butter-making cheese-making etc., have long been utilized, while the preservation of fruits by boiling has been practised for a century. Yet the principles applied in those instances as a routine have, in the packing of apples for export, been practically overlooked.”

“Organic tissues, whether animal or vegetable, can be preserved in three ways:—

- (a) By sterilization, that is, killing any germ that is present, as seen in canning meats and vegetables;
- (b) By drying or removing the moisture, which is necessary to germ growth;
- (c) Cold, which prevents the germ from multiplying rapidly.”

“It is obvious, then, that for preserving the delicately flavoured and highly coloured apple of Ontario for distant markets, only the third means comes under consideration; but before describing the methods of producing cold, two or three facts indicating the necessity therefor must be pointed out.”

## OPERATION OF NATURAL LAWS.

Everyone looks upon the skin of an apple as a sort of tissue, as compared with the soft rind of a peach, and yet it really varies in different varieties of apples almost as much as these do from potatoes. The rind is, however, the real protective cover of the delicate tissues, but we know it has pores or minute spaces in it through which bacteria and other microbes growing freely on the surface can readily penetrate into the interior. The tissues consist of starched cells containing 16 per cent, of water, while each cell is enclosed within its own outer membrane. How sensitive the apple tissues are to external agents is seen in the fact that the freshly broken or cut surface of a raw apple becomes rapidly discoloured when exposed to air, turning reddish or brown. Now, the housewife knows, that while this does not occur if the cells of the fruit remain unbroken until the apple has been boiled, yet this change in the cell contents is now known to be due to a ferment and change in the starch cells, which acts at once when exposed to the oxygen of the air. This marks the first change of the fruit starch into sugar and prepares the tissues for the growth of mould and other bacteria. These changes in the starch go on slowly in the apple when its skin is unbroken whenever warmth is present, so that quite apart from the action of germs, starch cells change slowly into sugar in a warm cellar, whether it be that of apples or potatoes."

"It is this internal change which is marked by the brown spotting, due to the tannin present in sound apples, owing to its oxidation and especially affects some of the more tender varieties."

## THE INEVITABLE RESULTS.

"Now, what may take place slowly during months in cold storage, will take place rapidly in a few days, even if apples are packed when warm in tight barrels. With such packing, however, a quite new condition is introduced. Everywhere in the dust-laden air of our cultivated fields and orchards are innumerable bacteria and moulds ready to infect any wound or bruise on the surface of fruit. All that is required for this result are heat, moisture and absence of free air and sunlight. Hence, when we have picked the apple it is like any other lifeless thing, ready to undergo decay, if the conditions are favourable.

Follow the apple from the day it is picked till that when it is eaten. On a pleasant autumn day the sun's heat raises the atmospheric temperature in the orchard to 75° or 80° F. by 2 p.m., and of course the fruit takes the temperature of the air. Assuming that the apples have been hand-picked, and carefully placed in a tight barrel, the present practice is to put the head in the barrel in the orchard, thus inclosing air at the day temperature. By six o'clock on an autumn day, the outer air will have fallen at least ten degrees, and dew is seen on the grass. Now, what has happened outside has slowly taken place in the barrel. It has no air movements to evaporate the moisture within, so that by morning, if opened, the apples will be found to be damp inside, or to have sweated, as popularly expressed. Really, what has happened is that the dew-point has been reached by the air in the barrel, that is, it can hold no more water as vapour. The following table shows the relative humidity of the air at different temperatures, as well as the dew-point."

“Table giving per cent. of relative humidity of outer air and dew-point at different temperatures:—

Temperature of Outer Air	Per cent of Humidity 67%	Per cent of Humidity 73%
	Dew-Point.	Dew-Point.
30° F.	27°	27.5°
40° F.	36°	37.0°
50° F.	45°	46.0°
60° F.	54°	55.0°
70° F.	63°	64.5°
80° F.	71.5°	73.3°

“Thus, with an air temperature of 80° F. and relative humidity 73 per cent., the saturation point is reached in the barrel at 73.3°.”

### UNSATISFACTORY RESULTS DEMONSTRATED.

“That this barrel temperature, under ordinary surroundings, keeps high, may be judged from a statement in a 1905 Dominion Government Report, as to the condition of a cargo of 28,000 bbls. of apples shipped from Montreal—“Shed temperature, 65° F.; temperature of fruit in barrels 70° to 80°. Many of the Snows, Greenings, etc., were badly spotted, and many of the King Pippins were bronzed or scaled. Many barrels were slacked and the big percentage ‘slightly wet,’ and ‘wet.’”

“While some germs grow at a temperature below freezing, and some above 100°, yet common observation shows that those bacteria which produce changes in fruit, do so at temperatures from 40° to 100° F. If, then, our object is to preserve fruit for export or distant transport, it is essential that the fruit at the earliest possible moment have its heat removed and be kept at a temperature at which the germs will not multiply on either the outside or within the fruit. To do this some source of cold must be supplied.

“The following table and diagram shows the various conditions through which apples pass after picking and in the process of cooling by refrigeration:—

Following very many years of experimenting, science has clearly established the fact that the pre-cooling of apples is an absolute necessity, and that this can be properly done by the fruit reaching these refrigerating stations within 36 hours after being taken from the trees. By the fruit undergoing this process of pre-cooling, it is properly preserved from the danger of premature decay or deterioration, and retains its preserving qualities, and thereby its market value is maintained at the highest price.

### INSIGNIFICANT RETURNS TO GROWERS.

The earliest settlers in the Province quickly discovered the value of apple growing. Stumps of apple trees may still be found that were planted a century ago. In not a few districts not much more attention is paid to orchards, the product, harvesting, packing and marketing than was given by the early settlers to this phase of agricultural life. And this, notwithstanding the fact that properly cared-for fruit, properly harvested, packed and marketed is always in active demand throughout the world, and invariably costs the overseas consumer fabulous figures in comparison to the insignificant return that is secured by the grower.

It is needless and unnecessary to apportion the blame for this unsatisfactory situation. Your Committee at the moment is only dealing with conditions. Legislation has been enacted, regulations have been issued, instructions have been given, but for some reason or another these have been more honoured in the breach than in the observance, resulting in a lamentable decline in the cultivation and output of a fruit for which the world offers an unlimited and profitable market. But the conditions surrounding this market have created adverse conditions for the growers securing or receiving a fair share of the enormous profits and fortunes that have accrued elsewhere.

#### BENEFICIAL CHANGES POSSIBLE.

Your Committee is impressed with the conviction that this unsatisfactory situation can be changed. Proper care of orchards, proper harvesting, proper grading, proper packing, proper transportation facilities, proper marketing—these problems must be solved or the apple-growing industry in this Province will gradually disappear. Some other than the ordinary “red-tape,” official, governmental methods must be inaugurated to bring about the necessary changes. Much more difficult ones have been solved, not one of which, though, means so much to the wealth and prosperity of this Province.

It is quite true that efforts have been made from time to time to secure better grading and better packing, and also general standardization of apples prepared for the export trade. But no matter what might be done in this particular, no matter how clearly the instructions in regard to standards and grading might be carried out, inevitable, enormous losses constantly fall upon the exporters and the apple-growers of Canada.

This is evident from the fact that during these years huge fortunes have been lost, sometimes in a single season, by exporters of Canadian apples. This business is practically in the category of the most precarious of business enterprises, instead of, as it should be, a business upon a clear and safe foundation.

#### FLOODING THE MARKETS.

In the first place, apples are shipped to Liverpool, which is the central and main market, without any care whatever being taken to ensure that the market should not be over-supplied, and regardless of the inevitable result that the suggestion of an over-supply might at once be met with an excuse for a reduction in the price offered by the wholesale trade; an excuse which is ever to the fore upon the slightest possible provocation. Apples from Ontario, Quebec, Nova Scotia and British Columbia—to say nothing about the competitive consignments from the United States' ports—arrive at the Liverpool docks by tens and twenties, and sometimes to the extent of 100,000 barrels beyond the demands of the market. The effect of this over-loaded supply is inevitably followed by a considerable drop in values. This creates an unfortunate situation, but that is not by any means the sole cause of loss to the apple-growers of the Province.

The next phase is much more serious, and presents a problem which must be solved if the apple-growers of this Province are ever to secure the return which is their due for the capital and labour invested in the apple-growing industry.

## EARLY AUCTION SALES IMPERATIVE.

It is well known that the apples must be disposed of almost immediately on arrival at the British ports. The principal apple markets are at Bristol, Hull, Manchester and Liverpool. Liverpool is pre-eminently the central market.

But before the apples are offered for sale by auction, expert buyers and agents of buyers, nominally examine a certain proportion of arrivals by rapping on the top of the barrels; whereby they are able to decide whether a barrel is properly packed and full to the top, and whether it is more or less slack. In the first named, the barrel being full, it is so designated by a mark. If it is "slack," more or less it is also marked accordingly. And if, by the sound, it signifies "very slack," then the barrel is marked to signify that the contents have little value.

October Day	2 p.m.	Temperature 75° to 80°F.
Humidity of Air	8 p.m.	75° of Saturation.
Dew Point	6 p.m.	Temperature 70°F.
Temperature in barrel	next morning	Temperature 67°F.

1. Bacteria, Yeasts and Fungi growing on Apples—Temperature between 80° and 40°.
2. Drying Fruit Removes Moisture, Prevents Growth of Germs.
3. Canning, By Boiling, Kills Germs.
4. Refrigeration, By Cold, Prevents Germs Multiplying.
5. Warmth and Moisture Change Starch to Fruit Sugar, Germs grow in Sugar Solution.
6. Ice Machine, Produces Cold, Removes Heat.

It is seen, then, that when the fruit at the time of picking is at 75°F., and the relative humidity, or per cent. of moisture in the air is 75° per cent., that the Dew-point is 69°F. It is also apparent that to reduce one pound of apples from 75°F. to 30°F., or just below freezing, that 45° of heat must be removed, or be absorbed by ice, or some other source of cold. It is usual to say that one unit of heat (British Thermal Unit or B.T.U.) raises one pound of water through one degree F., or the converse is true that one pound of ice, or its equivalent in cold, will abstract that amount of heat. As a barrel of apples weighs about 150 pounds, it is apparent that 150 multiplied by 45 equals 6,750 B.T.U.'s; or that number of heat units will be removed by reducing the temperature in the barrel to 30°F."

## THE DIRECT CAUSE OF DECAY.

The reasons that were given for this procedure may require a word or two of explanation in other than scientific terms. It clearly establishes, that apples taken from the trees and packed immediately contain sufficient natural heat to cause sweating. This is followed, of course, by deterioration rapidly developing into rot. And, taking place, as it invariably does, in the centre of a barrel, causes shrinkage of apples from the top, leaving sufficient space which is easily

discovered by a hollow sound when the barrel is tapped with a mallet or hammer overseas, and a barrel is then graded as slack, more or less, and the contents are correspondingly graded as deteriorating in value.

#### PURCHASERS FIXING STANDARDS.

The market value of the apples is therefore first fixed by these agents of the purchasers, so that when the barrels are bid up by auction, they are already graded, not by the seller, but by the purchaser. This creates the situation respecting which there is no occasion for this Committee making any recommendation or comment. All that it means is self-evident.

The next phase is the offering of stated numbers of barrels by auction in, for instance, the Liverpool Apple Exchange.

#### SELLING TO A CLOSE CORPORATION.

This Exchange is a close corporation, and a monopoly of apple-buyers. The membership of the Exchange is limited. No one who is not a member of the Exchange is allowed to make a bid or to trade in the Exchange. But any one who is not a member of this Exchange may do business through one who is a member, or make purchases through this agency. The Committee is informed that the Minister of Agriculture, Hon. Manning Doherty, on the occasion of his recent visit to England, secured abundant assurance of the practical restrictions surrounding the sale of Canadian apples in the Liverpool Apple Exchange.

It is not unfair to presume that this close Corporation, controlling the grading of fruit in the manner indicated in the preceding paragraph, and also controlling the prices which may be bid upon the fruit in question, is not a philanthropic one. The members of this Exchange are shrewd business men. They are not there in the interest of the Canadian grower, but are looking entirely after their own interests. Every possible excuse is given as a reason for depressing the market and minimizing the value of the apples; and it will, therefore, be seen by referring to the Reports issued by the Canadian Fruit Commissioner, who is attached to the Department of Trade and Commerce, at Ottawa, that almost from the beginning of the season to the end, regret is expressed that additional arrivals to an already over-stocked market is the cause of the comparatively disappointing prices received from time to time for the apples that are offered at auction in the Liverpool Exchange, or at the other market centres.

#### CORROBORATIVE OFFICIAL TESTIMONY.

In an official letter, the Canadian Fruit Commissioner at Liverpool says—  
“It is a fact that the buyers are a strongly organized body, active in furthering their own interests, and that some of the regulations they insist on are not to the advantage of the Canadian barrel shippers.”

The Guilds, Associations and combines, which so seriously affect the returns that Canadian apple-growers receive for their product, are among the most powerful in the world. It is not within the range of possibility for

private dealers to compete with these organizations. They are strongly entrenched and regard their profitable privileges in the light of vested interests. Government assistance and co-operation is an absolute necessity. Beyond the combines is the purchasing public, who can undoubtedly be successfully reached, particularly with anything in the form of food. Everything in the nature of eatables finds a market in Great Britain. And upon this fact, your Committee bases its assurance that with proper Government assistance upon this question, and co-operation between Ottawa and the agricultural interests in the various Provinces, a successful policy is capable of development which will change for the better the entire agricultural life of the Dominion.

#### DEPRESSED VALUES NOT BENEFITTING CONSUMERS.

Now, while this is proceeding in the Apple Exchange, at Liverpool, and prices are tumbling far beyond the faintest appreciation of the Canadian growers and exporters, no corresponding decline in price or prices being charged to the actual consumers anywhere in Great Britain is evident. Apples may drop to-day in the Liverpool market to half the price at which they selling yesterday, and the consumer pays no less for the apples that are sold to-day, than what he may have had to pay for those which were sold at the higher price yesterday or the day before.

It would be difficult to imagine clearer evidence being offered than this, of the very serious disadvantages under which the apple product of Ontario has been marketer for 40 years, and which exist to-day. These conditions will continue to be in evidence for the next 40 years unless some satisfactory solution is found to the problem.

#### PRICES RECEIVED BY GROWERS.

It is not unfair to suggest that taking the average price received by the Ontario apple-growers for the last twenty-five or thirty years, these prices have run, probably, all the way from 75 cents to \$2.50 a barrel. It is not unfair to calculate that few apple-growers have received, on an average, during these years more than \$1.25 per barrel in their orchards.

As your Committee states in a preceding paragraph, the great bulk of the Canadian apples have been marketed in Great Britain during these years. Your Committee is not in a position to quote from official sources of the price or prices paid by British consumers during all these years. But your Committee is satisfied that sufficient information has been presented to justify the Committee in discussing the question. It will be borne in mind, that apples, like very many other fruits and vegetables, are sold to consumers in Great Britain by the pound.

#### GROWERS VS. CONSUMERS.

Your Committee has been furnished with well authenticated information, proving beyond the shadow of question, that Canadian apples have generally been sold to ordinary consumers overseas at prices ranging, usually, at 7 pence to 9 pence per pound, running to 1/6 in the ordinary business of the season. In currency, these figures represent from about 14 to 17 and 36 cents.



There have been abnormal periods when ordinary good Canadian apples have run from 2/6 (60 cents) per pound, up to 4 shillings (96 cents) per pound; which latter figure was reached in December, in 1918. It is an easy calculation to make, with an average weight of 135 pounds of apples to a barrel, proving that the British consumer ordinarily pays at the rate of from \$25 to \$37.50 a barrel; choice Canadian apples having frequently gone as high as at the rate of \$75.00 a barrel, and upon one occasion referred to, within the past three years, to \$130.00 a barrel. And while, at the same time, it is quite certain that the producers of these highest priced apples, received no more than from \$3.00 to \$4.00 per barrel for the fruit.

#### FURTHER CORROBORATIVE TESTIMONY.

Following information that had been presented to your Committee regarding the prices that are paid by consumers overseas, a report of which had been cabled to the British press, the Canadian Trade Commissioner at Liverpool, in a letter to the British Ministry of Food, declared that the overseas consumer pays from \$26 to \$28 per barrel for Canadian apples, and thus the retailer, for handling a package over his counter, receiver more than the grower does for cultivating, spraying, picking, grading and selecting the fruit for export.

Among the Press comments on the question, the *Pall Mall Gazette*, one of the prominent London journals, stated, regarding prices of Canadian apples as specific instances of profiteering by middlemen,—“The Canadian grower gets 27 to 37 shillings (\$6.50 to \$9.00) a barrel for apples that are sold here at 130 to 140 shillings, \$31 to \$33 a barrel.” It adds,—“What is required is a system of co-operation, bringing producer and consumer together.” The *Gazette* asks,—“Why do not the Canadian apple-growers establish their own agencies here and so cut at the root of the evil against which they protest.”

#### HUNDREDS OF MILLIONS OF DOLLARS.

Between 1909 and 1919, the enormous quantity of 15,200,000 barrels of apples were exported from Canada to Great Britain. It is difficult to fix the actual value of this fruit at the port of consignment, and it would be a needless detail to calculate the average price that was received for the various consignments aggregating the total of these shipments. It is fair to suggest that the Canadian producers did not receive, on an average, during these years, more than \$1.50 per barrel. At that average it means that Canadian apple-growers were reimbursed for their labor and capital in this particular to the amount of \$22,300,000. It is certain that, if the apples referred to arrived overseas in good condition, the consumers in Great Britain paid on an average of from 6 pence (12 cents) to 9 pence (18 cents) per pound for these apples. A gross payment of from \$225,000,000 to \$350,000,000, or from ten to fifteen times the amount that was received by the Canadian Growers. A statement of this character needs no comment.

This is the problem which offers the statesmanship of this Province and of the Dominion a serious question for early solution.

## AN ENORMOUS TRADE.

The following table furnishes conclusive evidence of the volume and extent of the apple trade between Canada and Great Britain.

## EXPORT OF APPLES (CANADIAN PRODUCE) FROM CANADA.

PERIOD.	QUANTITY.	VALUE.
	BLS.	\$
Fiscal Year ended June 30th, 1896 .....	567,182	\$1,416,470
“ 1897 .....	1,664,470	2,502,968
“ 1898 .....	439,418	1,306,681
“ 1899 .....	1,075,068	2,621,352
“ 1900 .....	956,458	2,578,233
“ 1901 .....	678,651	1,482,927
“ 1902 .....	516,215	1,566,808
“ 1903 .....	1,000,528	2,758,724
“ 1904 .....	1,598,614	4,590,793
“ 1905 .....	1,037,148	2,627,467
“ 1906 .....	1,217,564	4,083,482
Fiscal Year ended March 31st, 1907 (9 months)	977,961	2,634,609
“ 1908 .....	1,629,130	4,822,594
“ 1909 .....	1,092,066	2,804,087
“ 1910 .....	1,604,477	4,417,926
“ 1911 .....	523,658	1,756,884
“ 1912 .....	1,664,165	5,104,107
“ 1913 .....	1,324,769	4,047,806
“ 1914 .....	947,382	3,465,475
“ 1915 .....	1,117,336	2,657,115
“ 1916 .....	577,451	1,766,171
“ 1917 .....	570,854	1,979,574
“ 1918 .....	103,626	408,029
“ 1919 .....	405,058	2,041,076
“ 1920 .....	873,882	4,242,219
“ 1921 .....	4,242,219	8,299,099
Eleven months ending February 28th, 1922 ...	1,661,481	8,041,483
	30,066,821	86,323,159

The value given in the table includes the cost F.O.B. Canadian shipping port, and in some instances the cost of transportation overseas. To arrive, therefore, at the amount received by producers, these several charges must be deducted. It is probably a liberal allowance to say that an average of \$1.50 per barrel represents the amount received during these years by the producers. This would represent about \$45,000,000 received by Canadian apple growers between 1896 and 1922 for this product that found a market overseas.

## POSSIBLE CONSUMERS' COST, \$750,000,000.

If this enormous quantity had arrived overseas in good condition, the British consumers would have paid, at the lowest possible calculation, the enormous sum of \$753,000,000 for these apples. This calculation is made upon the actual prices that were paid for Canadian apples overseas in several years during this period. And it does not include instances year after year of payments of a franc and a mark, or the equivalent of one or the other, for Canadian apples in leading European cities.

Unfortunately a considerable quantity of these apples arrived overseas in a more or less damaged and depreciated condition. In respect to the actual proportion that arrived in good condition, your Committee is unable to arrive at any definite conclusion.

## DEPRECIATION NOT EXCUSABLE.

On the other hand there is no reasonable excuse whatever why the contents of every barrel should not have been in perfect marketable condition. That it was not so is due beyond question to the unpardonable neglect and indifference of all who were in any way connected with the apple interests. Not a little share of the blame must be assumed by the various Provincial and Federal Departments of Agriculture. During all these years highly paid officials have, apparently, been occupied in the export of Canadian perishable products. Laws have been enacted and regulations have been issued regarding the capacity and size of barrels, and the assortment and grading and packing of the fruit.

## THE GREAT REQUISITE LACKING.

But consideration of the one great requisite to ensure the delivery of the fruit overseas in a saleable condition has been omitted. It can scarcely be conceived that responsible officials, either Provincial or Dominion, were unaware of the necessity of practical steps being taken to prevent this valuable fruit from deteriorating between the date of packing and arrival overseas. Nor is it conceivable that these officials were unaware of the steps being taken by rival countries to present their fruit on the overseas market in saleable condition. And yet the fact remains that officialism has been unconcerned about this serious situation in regard to Canadian apples for fifty years, while other countries, with more perishable fruit, have taken practical and efficient steps to market their fruit with much more success and profit to domestic producers. During this half century Canadian exporters have lost enormous fortunes endeavoring to carry on an export trade under absolutely impossible conditions. The statement was made to your Committee by one apple exporter that he had lost \$200,000 in efforts to carry on the export of Canadian apples to the British markets.

This loss may appear to be individual, but in fact it is national. The failure to realize through indifference, ignorance or carelessness, the full value of the apple crop in the markets of the world, is as serious in its national character as to regard with indifference the destruction of the wheat crop.

Equal care should be taken to realize to the full extent the value of every kind of fruit that is harvested, particularly when there is no occasion for waste or loss in view of the fact that profitable markets are available.

#### RESPONSIBILITY OF THIS COMMITTEE.

As is shown elsewhere in this Report, practical science has provided a simple process to secure proper preservation, conservation and the marketing of all perishable fruits. By the application of these simple principles, there is no occasion for a single consignment of Canadian apples arriving overseas in any other than perfect condition, and realizing to the growers of this country ample and valuable returns for the labor and capital invested, both in the apple and every other fruit industry. Your Committee cannot avoid expressing surprise that although three-quarters of a century have elapsed since the export of Canadian fruit became a subject for public or Legislative enquiry, it has fallen to a Committee of this Assembly to assume the responsibility of directing attention to the desirability of Government action, with a view of affecting changes in unfavorable marketing conditions that have been allowed to exist for much too long a period. The enormous difference between the actual price received by the Canadian grower for apples exported between 1896 and 1922, \$45,000,000, and the selling value of that product to the British consumer, \$753,000,000, needs no comment, but it represents an enormous loss to the Canadian producer. The problem ought to be solved to the advantage of Canadian producers.

#### AMERICAN VS. CANADIAN APPLES.

The attention of your Committee was drawn to the difficulty existing between the marketing, both for home consumption and export, of the apple crops of Canada and the United States. Information that was received on this point prompted the appointment of a sub-committee to visit the United States for the purpose of getting information as to the mode and manner in which the Eastern United States apple crop is harvested and marketed. The Committee did not feel justified in incurring too great a financial liability in making these inquiries, and very largely confined themselves to seeking information in the State of New York and in the apple growing areas along the Atlantic Coast.

In so far as the Committee was enabled to pursue its inquiries, these facts seemed clear:—

1. That no American apples are placed on the market, either in the United States or abroad, without going through a pre-cooling process.
2. That in all apple-growing areas, pre-cooling stations are erected for this purpose.

#### DECREASE IN APPLE ORCHARDS.

It is evident that for many years the apple-growers have been groping in the dark for some solution of their failure to secure a proper return for the capital and labour expended upon their orchards. Very many of them have long since become discouraged at the outlook. With an abundant crop of

magnificent fruit, they were no better off than if the crop was almost a failure, owing to the general excuse that the market was glutted. With a poor crop—usually of excellent fruit—they still failed to secure much, if any, additional increase in price, from the fact that the supply was not equal to the demand. The effect of this unvarying discouragement upon apple-growers is evidenced by the fact that there are fewer apple trees in Ontario by hundreds of thousands to-day than there were twenty-five years ago. In the United Counties of Northumberland and Durham it is generally recognized that the orchards contain 100,000 fewer apple trees than were bearing fruit a quarter of a century ago, and these are not being replaced by new plantations or orchards.

#### ONTARIO'S MAGNIFICENT FRUIT.

Considering the unimpeachable fact that there is no part of Canada where more magnificent fruit can be grown than in the apple-bearing districts of Ontario, this decline in the number and extent of the orchards is exceedingly regrettable, no matter from what standpoint it may be regarded. Nature is lavish with her gifts, but there is an unalterable law in nature that cannot be ruthlessly violated. Climatic conditions and soils particularly suitable for fruit, will not respond with equal satisfaction to the cultivation of cereals, and vice versa. Scientific investigation long since proved that the great fruit growing belts of Ontario are better fitted for fruit growing than for any other purpose. Therefore it is all the more necessary that cultivation should continue on these natural lines, and that problems connected with these interests securing a proper return for their capital and labour should be satisfactorily solved.

#### OCTOBER MARKETED IN JUNE.

One of the advantages accruing from this pre-cooling process was directed to the attention of the sub-committee which visited Northern New York, by the statement that at that date (the first week in June) apples were then being removed from a cooling station and placed on the American market, entering into competition with the fruit from the tropical climates of the United States, and for which exceedingly advantageous prices were being received. These particular apples had been in these pre-cooling stations for six months. The texture of the fruit, as well as the flavour, had been wonderfully preserved, and the fruit was finding a ready active market at that particular time referred to.

Without going into further details, and therefore leaving much to be inferred, your Committee respectfully submits that there is open here a great opportunity for considering a question and solving a problem which is of enormous economic interest to the agricultural life of this Province.

#### RECOMMENDING GOVERNMENT COLD STORAGE.

Your Committee unanimously arrived at the conclusion that it was its duty to recommend to the Government of this Province the advisability of erecting Pre-cooling or Cold Storage Warehouses in several of the apple-growing centres of this Province. This conclusion was forced upon the Committee by the view that the apple product of this Province could not

enter into successful competition with that of the United States, either in the domestic market or abroad, with other than under the same conditions as those governing the harvesting and the marketing of the United States product. Whatever doubts the Committee had upon this phase of the question, were entirely dispelled by the Report of the Sub-Committee that investigated the conditions prevailing in the United States.

Your Committee fully sympathized with Departmental hesitancy in launching on a scheme of this kind without the express authority of the Legislature, and without more detailed information than the time at the disposal of the Committee had permitted it to secure, and the fear that the expense involved in the erection of Pre-cooling and Cold Storage Warehouses, to the extent which the Committee was desirous of seeing carried out, was greater than might be justified. It was finally decided, however, with the unanimous approval of your Committee, that as an experiment the Government should complete, as an experiment, one such Pre-cooling and Cold Storage Warehouse in one of the principal apple-growing centres.

#### FINANCIAL RESULTS OF BRIGHTON EXPERIMENT.

This was eventually carried out and the Cold Storage facilities at Brighton were completed in time to test this manner of dealing with apples and other fruits of the harvest of 1921.

The following is a statement of the receipts and expenditures for the period of six months, showing a surplus of \$434 after providing for six months' interest at the rate of 6% upon the capital invested by the Government

#### RECEIPTS.

5,114 x 11 Plums .....	\$ 102 68
323 x 11 Pears .....	8 22
49 x 11 Apples .....	98
368 bus. Apples .....	74 10
331 crates Celery .....	56 35
50 x 6 Peppers .....	2 00
7 Boxes Cheese .....	1 40
466 Boxes Apples .....	43 30
1,280 Bbls. 1 mth @ 15c. ....	192 30
2,559 " 2 mths @ 30 .....	767 70
2,733 " 3 mths @ 40 .....	1,093 20
190 " 1 mth @ 5 .....	9 50
610 " 3 mths @ 10 .....	61 00
3,101 " 3 mths @ 15 .....	465 15
	<hr/>
	\$2,877 58
	<hr/>

EXPENDITURE.

Salary—6 months @ \$125 .....	\$750 00
Labor (to date) .....	218 00
Telephone (to date) .....	13 05
Hydro power and light .....	457 23
Water .....	75 00
Six months' interest on Capital Investment @ 6% per annum .....	930 00
	\$2,443 28

Your Committee regards this report as the first season's experiment as particularly satisfactory, and may confidently look forward to more favourable returns in the future when the advantages to be derived from the system become better known among the fruit growers.

TRANSPORTING AND MARKETING UNDER  
SUGGESTED NEW CONDITIONS.

From what has been stated, it is plain that the carefully picked fruit, under the proposed new conditions, should be sent directly from the orchard in open holders like tomato boxes, where the air can readily move throughout the apples when placed in the pre-cooling room. Spring wagons, or motors, carefully driven, should be used and hauling be done with the same care as picking. Arriving at the Cold Storage such boxes should be placed conveniently for cooling in a pre-cooling room, large enough to hold the picking of one day. The fruit brought in one day should be cooled during the next twenty-four hours, while that cooled yesterday is being packed in the pre-cooling room, whence it goes to the adjoining store-room, and these kept cool by sufficient cold piping.

Having thus done all possible to conserve the crop harvested, the owner associated co-operatively with other fruit growers in the same local cold storage and with others in neighboring fruit centres, will be in a position to take advantage of the markets through what is obviously necessary,—a shipping and selling association. Such really would have its starting point with the local orchardist, who if he associates himself with others who have their representatives in the foreign or other distant market, will be independent of combinations in the degree that the fruit arrives perfect and sound.

COMPETITION CANADA MUST MEET.

As evidence of the competition that Canadian apples are meeting with in the British market, it may be noted that before the War an experiment was made in the shipment of Western boxed apples in ordinary storage without refrigeration through the Panama Canal. In addition to the lack of refrigeration, the shipment was further handicapped by being delayed for a considerable time in an Atlantic port, and, as might have been expected, the results were disastrous, the condition on arrival being deplorable.

The first experiment in the shipment of boxed apples through the Panama Canal in cold storage, direct to a United Kingdom port, was in the autumn of 1920. The consignment consisting of apples from Seattle, pears and grapes from San Francisco, was sold at auction in Southampton on November 30. The whole shipment—seven weeks in transit—arrived in perfect condition, and the result of the experiment proved conclusively that the Panama Canal route—under refrigeration conditions—may safely be depended upon for the transportation of even soft fruits. Another most important point to be noted in favor of direct water transport is that the consequent diminution of handling greatly diminished the normal percentage of package breakage. Out of the 31,025 boxes of apples, 183 only required the attention of the coopers, and most of these were only slightly injured. The boxes, of course, were all wired. The Emperor grapes were packed in cardboard drums, packed with redwood sawdust, and arrived absolutely intact.

The cost of transportation and refrigeration was \$1.60 per box, as compared with 85 cents inland freight to New York and 70 cents ocean freight, or a total of \$1.55.

This has since been followed by several other shipments and the reports of the conditions in which the fruit reached the British market are equally satisfactory.

It may also be noted that the New Zealand Government is arranging for a more careful supervision of shipments of apples from the Commonwealth, and is also arranging that the transportation facilities shall deliver the fruit in good condition on arrival in Great Britain.

#### TOUCHING UPON FEDERAL JURISDICTION.

The next stage is that of shipping fruit, and depending upon the season, the distance to the point of export by vessel, or western destination, the problems of refrigeration cars will be determined. If shipments are to be made from Montreal, from October onwards, it is obvious that tight cars will be all that are required against day temperatures, if the fruit leaves the cold storage market at 32 degrees. Of course, this means that the transportation delay is not more than twenty-four hours. If such cannot be assured them, ice for warm weather is desirable, and warmth in the car during cold weather. A similar rule will apply to storage on shipboard. During an ocean passage of a ten days' ship, cold storage is the only guarantee of fruit reaching Liverpool in perfect condition for storage, in order that advantage may be taken of the best market prices. Nothing is more certain than that all the care of the orchardist in growing, picking, packing, cooling, and shipping his fruit may practically be lost, if he is forced to sell his fruit at auction on arrival at Liverpool and Glasgow docks.

An inter-Dominion overseas warehouse co-operative scheme has been suggested and is desirable, wherein the fruits of Canada can be stored in their season, to be followed, possibly, by those from New Zealand and South Africa during the succeeding six months. With, however, the extension of cold storage methods for handling and shipping carcasses from Calgary and other Alberta and American packing-house centres, and the need for storing Canadian cheese and butter, there should be no difficulty in Canadian producers



organizing to provide all the year round, goods for profitable storage at Liverpool or Glasgow. When the science of caring for the matured Canadian product, whether fruit, cheese, butter or meat, shall have been placed on the same plane as that of the United States or New Zealand producer, then, when the abundant means of land and ocean transportation—with provision for cold storage en route, and the relative nearness to European markets—ought to place Canada, and especially Ontario, in so favored a position as to guarantee a steady and assured profitable trade for all the high-class products which she can grow.

#### DEPLORABLE PRESENT CONDITIONS.

The conditions under which apples are transported overseas are, in very many instances, deplorable. The appalling waste that occurs en route, resulting in the loss, or extreme depreciation in value, of thousands of tons of the choicest produce of our orchards. In one week's shipments in 1921, the Federal Government fruit reports showed that some 30,000-odd boxes of the finest Canadian apples had been made unsaleable, or nearly so, because of suffering from frost during the voyage to British markets.

Following are three extracts from Report No. 41:—

Liverpool—(February 9)—Car of British Columbia "Jonathans"—badly frosted.

Glasgow—(February 10)—3,468 barrels of Nova Scotia apples, ex *S.S. Canadian Settler*, badly frosted.

Liverpool—(February 11 and 13)—14,000 barrels of Nova Scotia apples, ex *S.S. Stanmore*, very badly frosted and in deplorable condition.

Glasgow—(February 13)—1,400 boxes of British Columbia "Jonathan" and "Wagner," ex *S.S. Pretorian*, badly frosted.

These telegraphic reports arrived weekly, beginning with the first autumn shipments of fruits reaching British ports, and in nearly every instance have told the same tale of shocking loss and waste from frost.

High-water mark would seem to be reached in third quotation above, where even the official commentator is moved to the use of the word "deplorable" in describing the conditions of one single shipment of 14,000 barrels of Nova Scotia apples.

#### INDIVIDUAL AND NATIONAL LOSS.

The farmer is contending with many obstacles. This applies with particular force to the fruit-grower. His crop becomes ready for market only after having successfully run the gauntlet of pests and the elements, and through the application of months of unremitting toil. What has taken a whole season to bring to perfection may be lost in a few days by reason of lack of facilities for its proper care after picking, or because of inadequate agencies for its effective marketing. Not only is the loss a serious one for the farmer as an individual, but from a national standpoint, it is an economic waste which should not be allowed to continue, if by any means it may be prevented.

### THE OCEAN RATES COMBINE.

One of the greatest problems to be solved in marketing overseas products, centres around the cost of transportation. Previous to, and for two or three years following, the formation of the North Atlantic conference or combine, it cost two shillings and six pence per barrel, freight charges, from the Canadian port to Liverpool. Due partly to the falling off in price of shipping, this charge was increased to \$2.50 a barrel in 1918. At that time, the Steamship Service was clearly under the control of the British Government; and a Shipping Board fixed ocean freight charges. This year, 1918, the freight charges, per barrel, from Montreal to Liverpool, were fixed at 85 cents. The shipping companies on their own account (or through the amalgamation of shipping interests) actually charged exporters \$2.50 per barrel! Since then, freight charges have varied, until last year the rates were fixed by a meeting of the shipping interests in New York at \$1.25 per barrel. Your Committee is justified in making the statement that the rate was fixed in New York by a general meeting of the shipping interests, inasmuch as this statement was made by the representative of the Canadian Merchant and Marine Service at a convention of apple-shippers at Presqu'île Point last year. On this occasion, this gentleman stated that their company would be unable to quote an ocean freight rate for apples, until the question should be decided by the Conference which was due to meet in New York in October. There are other phases of an incidental inquiry by your Committee, respecting the general conditions under which Canadian natural products are marketed overseas, and in this connection your Committee might add incidentally, that in respect to this other phase, to which reference will now be made, it may be said that practically no jurisdiction or authority rests with your Committee, or with the Provincial Legislature.

The result of the disadvantages surrounding the marketing of Canadian apples overseas, covered by the preparation for market, transportation by land and sea, is less or more operative upon all natural products finding a market overseas—cheese, butter, cattle, wheat, barley, oats, etc. In one form or another these various products pay toll—an enormous toll—every cent of which comes directly or indirectly out of the pockets of the growers, or cultivators, here. And it is this serious phase of the question that calls for consideration and practical action by the Legislature. It is not going too far to say that this phase of the subject practically affects every branch or form of the natural products, not only of the Province, but of the Dominion, which finds a market overseas.

### ALL NATURAL PRODUCTS BEARING BURDEN.

The general principles of ocean transportation are applicable to the main to any other of the perishable products of this country that have to be marketed overseas; wheat, flour, grains, dairy products generally, and cattle. All these are immediately affected by the marked increase in ocean freight which has been steadily going on since the formation of the North American combine, over twenty years ago. Upon more than one occasion, this aspect has secured the attention of the Federal Government. In a marked way, so far, these increased freight rates have only occasionally affected the export of

flour. It is quite within the range and knowledge of those interested in the export of grain, that the ocean freight rates upon wheat between Canadian ports and Liverpool have varied greatly during the last twenty years.

#### BLEEDING THE FARMER WHITE.

Up to about 1904, the ocean rates upon wheat were  $1\frac{1}{2}$  cents per bushel; by 1913, this had increased three-fold, or to  $4\frac{1}{2}$  cents per bushel. In 1918, the steamship companies charged 30 cents per bushel. Rates were increased upon cereals, but not to the extent mentioned herein in regard to wheat. There can be no question as to where the responsibility for the payment of these increased rates was placed. Liverpool, being the wheat market for the world, and therefore the place wherein the value of wheat is fixed, it is the inevitable conclusion that the cost of transportation, whatever that cost may be, comes directly out of the pockets of the producers. It makes little difference, if any, to those who, as grain merchants, deal in these products, what the cost of transportation may be. Any addition added to cost of transportation costs them nothing; the only sufferer or victim is the original producer.

#### THE FARMER AS BURDEN BEARER.

It is, therefore, easy to compute the enormous additional cost which the development of recent years has placed directly upon the farming population of this country. In the aggregate, the extra cost of marketing the farm products runs into millions of dollars annually, and in the course of ten or fifteen years, has run into hundred of millions of dollars, or, in other words, the farmers of this country have contributed enormous fortunes to those interested in the transportation of the natural products of this country. At the moment, your Committee desires simply to direct the attention of the Members of this House to this distressing and discouraging phase of the agricultural life of this country. This question affects not only the farmers of Ontario, but the whole farming interests from the Atlantic to the Pacific.

Ontario does not stand alone in the disadvantages surrounding marketing conditions overseas. Authentic information reached your Committee regarding South Africa's perishable fruits in England. Pears, peaches and plums, most carefully graded, assorted and packed, arriving at Southampton by refrigerator steamships, in thirty and forty ton consignments, are necessarily sold at auction the day of arrival. On official authority, the Committee makes the statement that this fruit frequently realizes not more than one-half penny per piece, to the grower, owing to the necessity for immediate sale, and the arrangements among the wholesale buyers. The following day, the fruit is offered for sale to customers in Great Britain at 1/- and  $\frac{1}{6}$  each—or from twenty-four to thirty-six times the price received by the grower. Such glaring instances of the workings of different phases of trade combines overseas need no comment.

#### TOUCHING THE FRINGE ONLY.

Your Committee is convinced that it has been able only to touch the fringe of the problems that are involved in the scope of this inquiry. Many of them, and probably the most vital, are beyond the authority, jurisdiction or control of your honourable House. While these undoubtedly affect in the

most direct manner every phase of agricultural life in the Province, power, or authority, or control over a possible solution of the problems at issue, is more largely within the purview of the Federal authorities. So that in respect to these aspects of the case, your Committee will confine itself to the expression of a hope that these problems may be an early subject for enquiry elsewhere.

#### VITAL INTERESTS NEGLECTED.

While it cannot be suggested that the great agricultural interests of this Province have not received attention and consideration from Governments and officials during the last fifty years, and while there is little doubt that this attention and consideration has evolved many advantages and improvements in the details of farm life, it is also reasonably clear that much has been left undone which ought to have been done which might as well have been left undone. Theoretically, the great Agricultural interests have received thoughtful care and attention. Practically, the most vital questions have been unnoticed and uncared for. Of officialism there has been a superabundance. In the accumulation of red tape, the bounds of avarice have been exceeded. In the working out of successful Government policies, the outside of the platter and the cup have been most diligently cleansed. But in the great vital necessities of the everyday life of the Agriculturist, the actual return which he should receive for the sweat of his brow, very much should have been effected to his benefit, has been left unconsidered.

On the contrary, those in authority, power or control—probably for the want of their attention being called to the necessities of the case—have carelessly allowed certain phases of agricultural life under the working out of which the farmer fails utterly to secure a proper return for his capital and labor.

#### THE GREAT ESSENTIALS.

There are three great essentials to the success of farm life—labor, transportation, and market. Without each and every one of these, within moderate limits successful farm life becomes impossible; and sooner or later, those engaged in agriculture will seek callings elsewhere. Unless the farm life of this Province is successful—and that it is not as it should be, in this particular, is evidenced in the decline of the rural population—this Province cannot possibly retain the premier place in the economic councils of the Dominion. Its agricultural life is, therefore, of primary importance in the solution of this all-important problem.

#### PROBABLY OF FEDERAL JURISDICTION.

The question of farm labor will largely settle itself by immigration or otherwise. But the successful solution of the transportation and marketing problems is more perplexing and yet is not impossible of solution. It may very properly be contended that both of these—transportation and marketing—are more properly within the domain of Federal administration or consideration. Granted. Your Committee recognizes that these aspects of the case are Dominion-

wide in interest and authority. It is, therefore, all the more important that the attention of this honorable House should be directed to this fact, and that the Province should unite in directing attention elsewhere to the necessity of finding a solution to these problems.

#### INCREASED COST OF TRANSPORTATION.

During the last twenty-five years, transportation charges on farm products to domestic and foreign markets have increased enormously—five, ten and twenty times over previous charges. Every kind of farm produce is subject to these additional rates and pays so much additional toll to reach its market. Cereals, dairy, livestock, vegetables and fruit, all bear this burden of this additional tax.

No one can doubt but that the farmer, whether he is principally engaged in growing cereals, raising stock, cultivating fruit, or dairying, is the only one upon whom this burden falls. The sweat of his brow pays.

#### RECOMMENDATIONS BY COMMITTEE.

Your Committee respectfully submits that facilities shall be provided, either under Provincial or Federal jurisdiction to ensure:—

1. The practical application of the most approved scientific methods to the cultivation of fruits, with a view to securing the most desirable varieties to meet the demands of the markets in their highest perfection.

2. The most perfect conditions in the picking and packing of all perishable products.

3. Ample facilities for transportation by land and sea of such perishable products to either domestic or foreign markets.

4. Such arrangements being made overseas by which the present adverse conditions may be overcome, both in the matter of freight and marketing.

Your Committee believes that it is advisable that the various Provincial Governments should co-operate with the Federal Government in the solution of the problems outlined in this report.

#### HOW THE PROVINCE MAY ASSIST.

Your Committee believes that this Province should assume its share of responsibility by arranging for the establishing of cold storage warehouses at such points in the Province as will best serve the preservation of fruit and other perishable products in preparation for or en route to markets.

And that in this connection special enquiry should be made wherein possible markets may become available for fruits and vegetables; for which, hitherto, the markets have been somewhat restricted.

And that steps shall be taken to avoid the enormous annual waste of the apple product, for a great part of which markets may be secured under proper conditions.

#### PROVINCIAL STATUS AT STAKE.

Your Committee is fully convinced that this Province can only retain its proper place in the markets of the world by possessing equal facilities with those that are afforded to agriculturists in other competitive countries, as illustrated

by the cold storage arrangements for the preservation of fruits in the fruit-growing districts of the United States.

Your Committee is assured that the successful solution of the overseas marketing conditions of Canadian apples will result in great expansion of the profitable export of other natural products of this Province, including pears, plums, grapes, cherries and tomatoes, all of which are capable of cultivation in profusion in this Province.

#### PUBLIC EXPENDITURE JUSTIFIED.

The general result of the enquiries that have been made by your Committee, leads to the conviction that the general success of the agricultural life of this Province depends upon the satisfactory solution of the problems that are imperfectly presented in this report, and that a generous expenditure of public money is amply justified in seeking and working out the means whereby the advantages suggested shall accrue to the agricultural life of the Province. Your Committee believes this question transcends in importance many others which engross public attention, and amply justifies favorable consideration on the part of the Government and members of the Legislative Assembly.

Respectfully submitted,

W. J. BRAGG (*Chairman*).

J. R. COOKE (*Secretary*).

MANNING W. DOHERTY.

W. MONTGOMERY.

C. F. SWAYZE.

GEO. M. LEESON.

GEO. D. SEWELL.

THOS. MARSHALL.

W. D. BLACK.

**Appendix No. 2**

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**REPORT**

OF THE

**Standing Committee on Public  
Accounts, 1922**





## Appendix No. 2

### REPORT

OF THE

# Standing Committee on Public Accounts, 1922

*To the Honourable the Legislative Assembly of the Province of Ontario.*

Your Committee has had produced before it the following accounts, vouchers, correspondence, and particulars in connection with the Public Accounts of the Province of Ontario for the fiscal year ended the 31st October, 1921, and also certain copies of evidence, convictions, informations, letters, vouchers, statements, and other documents relating to the enforcement of the Ontario Temperance Act, which it has carefully examined and considered.

Details in connection with the following items:—

#### *Chippawa Power Development.*

Item \$62,865.69, page Q. 4.

Hydro-Electric Power Commission expenditures appearing in the Public Accounts.

#### *Lands and Forests.*

Item \$5,675.00, page E. 118.

B. C. Rochester \$1,092.96; L. Rochester \$710.43; and L. B. Rochester \$501.45.

Exploratory aero trip to Hudson's Bay \$6,499.75, page E.118.

#### *Provincial Highways.*

\$9,925,022.75, page I.13, and \$776,011.46, page I.27.

#### *Workmen's Compensation Act.*

Charges on pages J.39 to 43; D.90; E.53; G.15; H.41, 42; H.71; I.10; N.73.

Votes and Proceedings, page 319, relating to the 31 doctors referred to.

#### *Ontario Temperance Act.*

Items, \$97,991.59, page C. 35; \$7,388.88, page C. 37; \$2,492.59, page C.37; \$3,091.91, page C.34; \$2,364.30, page C.35; \$2,492.59, page C.37; \$2,711.22, page C.35; \$2,220.75, page C.35; \$18,017.54, page C.35; \$624.38, page C.35.

*Inspection of Theatres.*

Item, \$13,455.76, page K.12.

*Provincial Motion Picture Bureau.*

Item, \$6,144.29, page K.13.

*Purchase of Moving Picture Machines.*

Item, \$28,505.25, Pathescop Co. of Canada.; films \$27,530.42, page K.14.

On June 1st, 1922, the following Resolution, Moved by Mr. A. T. Walker, and seconded by Mr. R. Reece Hall, was passed by the Committee:—

“That Whereas Mr. T. H. Lennox, Member for North York, in the Provincial Legislature, made certain charges on the Floor of the House against the Honourable the Attorney-General, in the enforcement of the Ontario Temperance Act, the main charge being made in the following words, as reported in the *Mail and Empire* newspaper of April 7th, 1922:—

‘With full responsibility as a member of this House I shall show that not only does the Attorney-General give employment to thugs and criminals, but I say further, with all the emphasis that I can command, that these men were kept and are being kept to-day by the Attorney-General assisting him in the enforcement of the Ontario Temperance Act. I can quite understand the administrator of a Department being deceived by his officials and servants, that is inevitable; but I cannot conceive nor will the public condone any minister keeping in his employ men that have been convicted and served terms to his knowledge in the enforcement of the Ontario Temperance Act.’

“And Whereas we, the members of the Public Accounts Committee of the Provincial Legislature, after hearing the evidence submitted by the Member for North York and by the Honourable the Attorney-General, are of the opinion that no evidence has been produced to prove the said charge, but that on the contrary, the Honourable the Attorney-General has proved by his own and other evidence, including the production of numerous memoranda of instructions and letters, that he has taken every precaution to see that only men of good record are employed in the enforcement of the Ontario Temperance Act.

“Therefore, this Public Accounts Committee hereby expresses implicit confidence in the Honourable the Attorney-General and in his administration of the Ontario Temperance Act.

“And this Committee hereby authorizes and instructs the Chairman to embody a copy of this Resolution in his Report to the House.”

The following witnesses were examined:—

G. A. Gaby, Chief Engineer Hydro-Electric Power Commission.

W. C. Cain, Deputy Minister of Lands and Forests.

W. A. McLean, Deputy Minister of Public Highways.

F. L. Stuart, Consulting Engineer of Hydro-Electric Power Commission, (New York).

- W. L. Rochester, Culler, (Montreal).  
L. B. Rochester, Culler, (Ottawa).  
Jas. Haverson, K.C.  
R. S. Lea, Consulting Engineer, Hydro-Electric Power Commission,  
(Montreal).  
H. H. McCutcheon.  
S. McCutcheon.  
Lloyd Gordon.  
E. D. L. Hammond, Inspector under O.T.A.  
Major Gen. H. M. Elliot, Late Commissioner of Provincial Police.  
W. W. Dunlop, Inspector of Prisons.  
J. A. Ayearst, Chief Inspector, O.T.A.  
A. E. Sarvis, Inspector, O.T.A.  
W. E. Partridge, Inspector, O.T.A.  
J. B. Bryant, Court Reporter, (Welland).  
Frank W. Budway.  
John Cruickshank, Police Inspector, (Hamilton).  
William Davidson, Police Constable, (Hamilton).  
William McBeath, Police Constable, (Hamilton).  
Thos. Joynt, Hotel-Keeper, (Shallow Lake).  
A. A. Montgomery, License Inspector.  
A. E. Lavelle, Officer of Board of Parole.  
Attorney-General, W. E. Raney, K.C.  
J. D. Flavelle, Late Chairman of Board of License Commissioners,  
(Lindsay).  
Mathew Beckett, Inspector, O.T.A.  
B. C. Rochester, Culler, (Ottawa).  
John A. Charlton, Inspector, O.T.A.  
Grant Fielding, Special Officer, O.T.A.  
H. Ellis Gridley, J.P., (Cochrane).  
Joshua Jacques, Hotel-Keeper, (Hamilton).  
W. S. Blackwall, District Inspector of Police.  
Walter T. Moore, District Inspector of Police.  
Samuel Smith.  
Albert H. Rogers.  
Herbert H. Cross.  
John W. Dickson, Inspector, O.T.A., (Hamilton).  
John R. Smythe, Provincial Constable, (Fort Erie).  
Frank B. Creasy, Provincial Constable, (Bridgeburg).  
T. B. Kirk, Officer, O.T.A.  
I. E. Weldon, Barrister, (Lindsay).  
Frank Smith, Garage-Keeper, (Belleville).  
W. B. McCarger.  
T. H. Lennox, M.L.A.  
Samuel Price, Chairman—Workmen's Compensation Board.  
Percy W. Bull, Motion Picture Bureau.  
H. M. Blake, Motion Picture Bureau.  
Otter Elliott, Director—Motion Picture Bureau.

Your Committee has held, during the Session, twenty-six meetings, and submits herewith the Minutes of the Proceedings and the evidence given as taken by stenographer.

EDGAR WATSON,

*Chairman.*

Committee Room,

Toronto, June 8th, 1922.

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## MINUTES AND PROCEEDINGS.

Public Accounts Committee Room,

Legislative Assembly,

Toronto, April 5th, 1922.

9.30 A.M.

The Select Standing Committee to whom was referred the examination of the Public Accounts of the Province for the Fiscal Year, 1920-21 and composed of the following members:—

Messieurs:—Biggs, Bowman, Brackin, Buckland, Carmichael, Clarke, Cooper, (Toronto), Cooper, (Welland), Cunningham, Curry, Dewart, Doherty, Drury, Ferguson, Freeborn, Godfrey, Grant, Greenlaw, Halcrow, Hall, Hay, Henry, Hicks, Hill, Hogarth, Homuth, Johnston, (Simcoe), Johnson, (Lanark), Lennox, McAlpine, McCrea, McLeod, McBride, MacVicar, Mageau, Magladery, Marshall, Mills, Murdoch, Nickle, Nixon, Oke, Pinard, Price, Raney, Rollo, Ross, (Oxford), Sewell, Sinclair, Smith, Swayze, Thompson, Tolmie, Tooms, Walker, Warren, Watson, Widdifield, met this day for organization.

Present:—Messieurs Biggs, Bowman, Buckland, Carmichael, Curry, Doherty, Ferguson, Freeborn, Hay, Henry, Hicks, Drury, McAlpine, McCrae, Mills, Murdoch, Nixon, Raney, Sewell, Smith, Walker, Warren, Watson.

Moved by Hon. Mr. Smith, that Mr. Edgar Watson be chairman of the Committee for the Session. Carried.

It was moved by C. McCrea, seconded by W. Hay:—

“That such official or officer or clerks in the employ of the Attorney-General’s Department or in the employ of the Board of License Commissioners enforcing the Ontario Temperance Act or in the employ of any Department of the Ontario Government having the charge or custody of the books, accounts, vouchers, cheques, receipts or other evidence touching the accounts

or items referred to in the Public Accounts for fiscal year ending October 31st, 1921, namely:—

1. Page C35 Item "Special Officers, Services and Expenses." .....	\$97,991.59
2. Page C35 Item "Employment, Detective Agency, etc." .....	2,711.22
3. Page C35 Item "W. N. Simpson." .....	2,220.75
4. Page C35 Item "White, M. E., etc." .....	18,017.54
5. Page C35 Item "Hammond, D. L., etc." .....	2,364.30
6. Page C34 Item "Hammond, E. D. L., etc." .....	3,081.91
7. Page C35 Item "F. E. Elliott." .....	624.38

do appear with such accounts, books, vouchers, receipts and cheques before this Committee at its next meeting and that F. E. Elliott, E. D. L. Hammond, W. N. Simpson, M. E. White, named on page C35 aforesaid to be summoned to give evidence in connection therewith at the next meeting of the Committee. Carried.

It was moved by G. H. Ferguson, seconded by Chas. McCrea:—

"That F. A. Gaby, Chief Engineer of the Hydro-Electric Power Commission of Ontario, and W. W. Pope, Secretary of said Commission be summoned, to attend this Committee at its next meeting and bring with them and produce all estimates reports and memoranda or correspondence between the Commission or any member thereof and any Minister of the Government or between the Commission or any member of the Government and any engineer or contractor relating to the Chippewa Power Scheme in reference to item \$62,865.69, page Q4." Carried.

It was moved by C. McCrea, seconded by W. Hay:—

"That the Deputy Minister of Lands, Forests and Mines (or such officer in the Department aforesaid as has a knowledge of the matters hereinafter referred to ) appear before this Committee at its next sitting to give evidence touching item "Gamble, Geo. H., etc., \$5,675.00" and appearing at Page E118 Public Accounts and that he produce at such time the timber berth survey plans and records and the contract, referred to in such item, together with all vouchers, cheques, receipts, accounts and correspondence in connection therewith." Carried.

It was moved by C. McCrea, seconded by W. Hay:—

RE ITEMS—PAGE E86.

Rochester, B. C. ....	\$1,092.96
Rochester, L. ....	710.43
Rochester, L. B. ....	501.45

That the said B. C. Rochester, L. Rochester, L. B. Rochester appear before this Committee at its next meeting to give evidence touching above items.

And that the officer or clerk of the Government having charge of the vouchers, receipts, cheques, and accounts do also appear at the same time with the said vouchers, receipts, cheques, and accounts, etc. Carried.

The Committee then adjourned to Friday, April 7th at 10 a.m. on the understanding that that meeting would be confined to the production of the documents required by the above resolutions.

Public Accounts Committee Room,

Friday, April 7th, 1922.

The Committee met at 10 a.m., Mr. Watson in the Chair.

Present:—Messieurs Biggs, Bowman, Buckland, Cooper, (Welland), Curry, Doherty, Ferguson, Freeborn, Hall, Henry, Hicks, Lennox, McAlpine, McCrea, McLeod, Marshall, Murdock, Nickle, Nixon, Oke, Raney, Ross, (Oxford), Sewell, Sinclair, Smith, Swayze, Tooms, Walker, Watson.

The minutes of the previous meeting were read and confirmed.

In accordance with the instructions of the Committee at its last meeting, the following persons who had been summoned appeared and produced the documents mentioned:—

*By J. F. Mowat*, Chief Officer, Ontario License Board.

List of vouchers submitted to Public Accounts Committee (1—17, as per list.)

*By G. A. Brown*, Provincial Auditor, statement of vouchers, receipts, cheques, etc. relating to the account of B. C. Rochester, L. Rochester, and L. B. Rochester.

*By W. C. Cain*, Deputy Minister of Lands and Forests, correspondence re Geo. H. Gamble, estimates, surveys and plans.

*By W. N. Simpson*, accounts re "Special Officers, services and expenses, Employment Detective Agency. W. N. Simpson and M. E. White." Mr. Simpson informed the Committee that M. E. White was ill in hospital.

Messrs. James Hales, Chairman Board of License Commissioners, E. D. L. Hammond, and F. E. Elliot, of the License Department, attended as ordered by the Committee.

Mr. W. W. Pope and Mr. F. A. Gaby attended with certain documents. Mr. Gaby was sworn and examined as to the documents he proposed to produce. A general discussion took place between the members of the Committee, and it was moved by Mr. Ferguson, seconded by Mr. Lennox "that the Committee do now hear Mr. Gaby and permit him to identify the documents brought with him."

It was moved in amendment by Hon. Mr. Raney, seconded by Hon. Mr. Doherty:—

“That the witness be asked to identify the documents produced by him pursuant to the subpoena of the Committee and that the consideration of the production of further documents by the witness be deferred until the examination of the witness and the determination by the Committee as to what (if any) further documents are required to be produced.”

On a vote being taken, the amendment was declared carried.

It was moved by Mr. Ferguson, seconded by Mr. McCrea:—

“That Mr. F. A. Gaby be summoned to attend at the next meeting of this Committee and produce all reports, estimates, memoranda and correspondence dealing with the Chippawa development which are part of the Hydro expenditures appearing in the Public Accounts.’

The motion was agreed to, subject to an understanding,

“That if the House takes action in this matter in the direction of appointing either a Committee of the House or a Commission, the Government reserves it to itself to suggest to the Committee that the Committee should not proceed further with this matter.”

Moved by T. H. Lennox, seconded by C. McCrea,

“That General Elliott—Police Commissioner—be summoned to appear before this Committee at its next meeting and to give evidence touching item of \$97,991.50 set forth at Page C35 of Public Accounts.” Carried.

It was moved by Mr Sinclair, seconded by Mr. Hall,

“That Deputy Minister of Highways McLean, be summoned to appear before the Public Accounts Committee on Wednesday April, 12th, 1922, at 11 A.M. to appear and give evidence with reference to certain items under “Statutory Provincial Highways Act, 7th Geo. V. Chap. 16, Sec. 5 (\$9,925,022.75) Public Accounts, Page 1-13 *et seq.*, which relate to purchase of property, purchase of gravel pits, and legal services, and to produce all papers and documents relating thereto, and also as to item Page 1. 27” Department of Public Highways accountably \$776,011.46 and to produce all papers connected therewith.” Carried.

It was moved by Mr. Sinclair, seconded by Mr. Hall,

“That E. D. L. Hammond be summoned to appear before the Public Accounts Committee on Wednesday April 12th at 11 a.m. to give evidence with reference to the following items.

Page C37 “Criminal Investigations, R.S.O., 1914; Cap. 23, Sec. 18.”

Page C37 E. D. H. Hammond accountable . . . . . \$2,492.59

Page C34 E. D. L. Hammond, 10½ months . . . . . 3,081.91

Page C35 E. D. L. Hammond, Travelling Expenses . . . . . 2,364.30

and to produce all vouchers, papers and documents in possession of the Crown or the License (O.T.A.) officials relating to or bearing to the items referred thereto." Carried.

On motion it was resolved that the Committee adjourn until Wednesday 12th instant at 11 A.M.  
Read and Confirmed.

April 12th, 1922.

## MINUTES AND PROCEEDINGS.

Public Accounts Committee Room.

Legislative Assembly.

Friday, April 7, 1922.

The Committee met at 10 A.M. Mr. Watson in the Chair.

Present Messieurs—

Biggs	Hicks	Raney
Bowman	Lennox	Ross (Oxford)
Buckland	McAlpine	Sewell
Cooper (Welland)	McCrea	Sinclair
Curry	McLeod	Smith
Doherty	Murdock	Swayze
Ferguson	Marshall	Tooms
Freeborn	Nickle	Walker
Hall	Nixon	Watson
Henry	Oke	

The minutes of the previous meeting were read and confirmed.

In accordance with the instructions of the Committee at its last meeting, the following persons who had been summoned appeared and produced the documents mentioned:—

*By J. F. Mowat*, Chief Officer Ontario License Board.

List of vouchers submitted to Public Accounts Committee (1-17, as per list).

*By G. A. Brown*, Provincial Auditor, statement of vouchers, receipts, cheques etc. relating to the account of B. C. Rochester, L. Rochester, and L. B. Rochester.

*By W. C. Cain* Deputy Minister of Lands and Forests, Correspondence re Geo. H. Gamble, estimates, surveys and plans.

*By W. N. Simpson*, accounts re "Special Officers, services and expenses, Employment Detective Agency. W. N. Simpson and M. E. White." Mr. Simpson informed the Committee that M. E. White was ill in hospital.



Messrs. James Hales Chairman Board of License Commissioners. E. D. L. Hammond and F. E. Elliott of the License Department, attended as ordered by the Committee.

Mr. W. W. Pope and Mr. F. A. Gaby attended with certain documents. Mr. Gaby was sworn and examined as to the documents he proposed to produce. A general discussion took place between the members of the Committee, and it was moved by Mr. Ferguson, seconded by Mr. Lennox "that the Committee do now hear Mr. Gaby and permit him to identify the documents brought with him."

It was moved in amendment by Hon. Mr. Raney, seconded by Hon. Mr. Doherty,—

"That the witness be asked to identify the documents produced by him pursuant to the subpoena of the Committee and that the consideration of the production of further documents by the witness be deferred until the examination of the witness and the determination by the Committee as to what (if any) further documents are required to be produced."

On a vote being taken, the amendment was declared carried.

It was moved by Mr. Ferguson, seconded by Mr. McCrea.

"That Mr. F. A. Gaby be summoned to attend at the next meeting of this Committee and produce all reports, estimates, memoranda and correspondence dealing with the Chippawa development which are part of the Hydro expenditures appearing in the Public Accounts."

The motion was agreed to, subject to an understanding

"That if the House takes action in this matter in the direction of appointing either a committee of the House or a commission, the Government reserves it to itself to suggest to the Committee that the Committee should not proceed further with this matter."

Moved by T. H. Lennox, seconded by C. McCrea,

"That General Elliott, Police Commissioner, be summoned to appear before this Committee at its next meeting and to give evidence touching item of \$97,991.50 set forth at Page C. 35 of Public Accounts. Carried.

It was moved by Mr. Sinclair, seconded by Mr. Hall.

"That Deputy Minister of Highways McLean, be summoned to appear before the Public Accounts Committee on Wednesday April 12, 1922, at 11 A.M. to appear and give evidence with reference to certain items under "Statutory Provincial Highways Act, 7th Geo. V. Chap. 16 Sec. 5 (\$9,925,022.75) Public Accounts, Page 1-13 *et seq.*, which relate to purchase of property, purchase of Gravel pits, and legal services and to produce all papers and documents relating thereto and, also as to item Page 1. 27 Dept. of Public Highways accountably \$776,011,46 and to produce all papers connected therewith." Carried.

It was moved by Mr. Sinclair, seconded by Mr. Hall.

“That E. D. L. Hammond be summoned to appear before the Public Accounts Committee on Wednesday April 12 at 11 a.m. to give evidence with reference to the following items.

Page C. 37 “Criminal Investigation R. S. O. 1914 Cap. 23 Sec. 18”

Page C. 37 E.D.H. Hammond accountable.....\$2,492.59

Page C. 34 E.D.L. Hammond, 10½ months..... 3,081.91

Page C. 35 E.D.L. Hammond Travelling Expenses..... 2,364.30

and to produce all vouchers, papers and documents in possession of the Crown or the License (O.T.A.) Officials relating to or bearing on the items referred thereto.” Carried.

On motion it was resolved that the Committee adjourn until Wednesday 12th instant at 11. A.M.

Read and confirmed.

April 12, 1922.

## MINUTES AND PROCEEDINGS.

Public Accounts Committee Room,

Wednesday April 12th, 1922.

The Committee met at 11 A.M., Mr. Watson in the Chair.

Present:—Messieurs Drury, Cooper, (Welland), Ferguson, Freeborn, Henry, Hicks, Momuth, Johnson (Lanark), Murdock, Oke, Ross (Oxford), Smith, Tolmie, Warren, Watson, Widdifield.

The minutes of the previous meeting were read and confirmed.

The Clerk of the Committee read a letter from General H. M. Elliott stating that he was unable to attend the meeting owing to sickness, with an accompanying certificate from his medical attendant, Dr. R. J. Mac-Millan.

Mr. G. A. Gaby, Chief Engineer of the Hydro Electric Power Commission being sworn, produced the memoranda, reports, estimates and correspondence, being Exhibits “A” to “Q” filed this day.

Mr. Gaby was examined by Mr. G. H. Ferguson and others.

The Committee adjourned to Wednesday, the 19th instant, at 10 A.M.

Read and confirmed, April 19th, 1922.

## MINUTES AND PROCEEDINGS.

Public Accounts Committee Room,

Legislative Assembly,

Wednesday, April 19, 1922.

The Committee met at 10 A.M., Mr. Watson in the Chair.

Present:—Messieurs Drury, Biggs, Bowman, Buckland, Clarke, Doherty, Ferguson, Freeborn, Hall, Hicks, Homuth, Johnson (Lanark), McCrea, MacVicar, Nickle, Pinard, Raney, Rollo, Sewell, Sinclair, Smith, Tooms, Walker, Watson.

The minutes of the previous meeting were read and confirmed.

Mr. G. A. Gaby, examined by Mr. Ferguson and others, produced copies of original tenders on Niagara Development (marked Exhibit "R").

It was moved by Mr. Raney, seconded by Mr. Drury,

"That the papers produced by Mr. Gaby or Mr. Pope be left in their possession and produced for use of this Committee, subject to the further order of this Committee."

Carried.

It was moved by Mr. Ferguson, seconded by Mr. McCrea,

"That Francis Stuart, C.E., H. S. Kerbaugh and R. D. Johnston be summoned to attend at the meeting of this Committee on Wednesday, 26th April instant, to give evidence and to bring with them and produce all reports, estimates, memoranda and correspondence they may have touching the Chippawa Canal Power Development."

Carried.

Mr. W. C. Cain, being sworn, was examined by Messrs. McCrea, Ferguson and others.

It was moved by Mr. R. Reece Hall, seconded by Mr. Walker,

"That Mr. Cain attend this Committee, and produce documents *re* Canadian Aero trip to Hudson Bay, item \$6,499.75, Page E 118 of Public Accounts."

Carried.

It was moved by Mr. Ferguson, seconded by Mr. McCrea.

"That Messrs. B. C. Rochester, L. Rochester, and L. B. Rochester be notified to attend the meeting of the Committee on Friday next, and that

Mr. McMillan, of Rowell, Reid & Co., be communicated with to obtain their attendance."

Carried.

The Committee adjourned to Friday, the 21st instant, at 10 A.M.  
Read and confirmed,

April 21, 1922.

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## MINUTES AND PROCEEDINGS.

Public Accounts Committee Room,

Legislative Assembly,

Friday, April 21, 1922.

The Committee met at 10 A.M., Mr. Watson in the Chair.

Present:—Messieurs Biggs, Brackin, Clarke, Dewart, Doherty, Ferguson, Freeborn, Hall, Hay, Johnson (Lanark), McAlpine, McCrea, Watson, Nickle, Ross (Oxford), Smith, Walker, Warren.

The minutes of the previous meeting were read and confirmed.

The Clerk of Committee read the correspondence from Mr. E. G. McMillan and Mr. D. B. Rochester respecting the attendance of Messrs. B. C. Rochester, L. Rochester and L. B. Rochester before the Committee, and stated that Mr. L. B. Rochester was present.

It was moved by Mr. C. H. McCrea, seconded by Mr. G. H. Ferguson,

"That in view of the communication received by the Secretary of the Public Accounts Committee from D. B. Rochester advising that two of his sons were writing examinations at McGill, and that they will not be finished until after the 28th instant, the examination of the Rochesters, as requested in the original motion fyled, be fixed for May 3rd, 1922."

Carried.

The Clerk of Committee read the telegrams to Messrs. F. L. Stuart, H. S. Kerbaugh and R. D. Johnson, and replies of Messrs. Stuart and Kerbaugh.

It was moved by Mr. C. H. McCrea, seconded by Mr. G. H. Ferguson,

"That Mr. F. L. Stuart be asked to attend the meeting of this Committee on Wednesday, April 26th, and Messrs. R. S. Kerbaugh and R. D. Johnson be asked to attend the meeting of this Committee on May 3rd."

Carried.

Is was moved by Mr. G. H. Ferguson, seconded by Mr. C. H. McCrea,

"That Mr. R. S. Lee, C.E., of Montreal be summoned to attend before this Committee on Wednesday, 26th instant to give evidence with regard to the Chippawa Power Development and to bring with him and produce all estimates, reports, communications, plans and memoranda or copies thereof in his possession or control touching the matter of the said development work."

Carried.

It was moved by Mr. Dewart, seconded by Mr. Hay,

"That the next meeting of this Committee be held on Wednesday, April 26th at 10.30 A.M."

Carried.

Mr. W. A. McLean, Deputy Minister of Public Highways being sworn, was examined by Messrs. Dewart, Ferguson and others.

The Committee adjourned to Wednesday, the 26th instant at 10.30 A.M.

Read and Confirmed.

April 26th, 1922.

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## MINUTES AND PROCEEDINGS.

Public Accounts Committee Room,

Legislative Assembly,

Wednesday, April 26th, 1922.

The Committee met at 10.30 A.M., Mr. Watson in the Chair.

Present:—Messieurs Drury, Biggs, Clarke, Dewart, Ferguson, Freeborn, Greenlaw, Hall, Henry, Hicks, Lennox, McCrea, McLeod, MacVicar, Marshall, Murdoch, Nickle, Raney, Sewell, Sinclair, Smith, Walker, Warren, Watson.

The minutes of the previous meeting were read and confirmed.

Mr. F. L. Stuart being sworn was examined by Mr. G. H. Ferguson and others.

Mr. Gaby produced copy of Report of F. L. Stuart dated September 30th, 1920, which was filed as Exhibit "S."

It was moved by Mr. Dewart, seconded by Mr. Sinclair,

"That Samuel Price, Chairman of the Workmen's Compensation Board (Salary \$10,000 *per annum*), W. B. Wormwith, Secretary (\$4,758.34 *per annum*) and D. E. Bell, Medical Officer, (\$4,383.33 *per annum*) employees

of the Province under the Workmen's Compensation Act be summoned to appear before the Public Accounts Committee on the 5th day of May, 1922 at the hour of 10 A.M. to give evidence with reference to the items charged regarding the Workmen's Compensation Act in the Public Accounts at pages, J.39 to 43; D.90, E.53, G.15, H.41 to 42, H.71, 1.10 and N.73, and also to produce and show to the Committee all accounts, reports, information, correspondence or other documents relating to the 31 doctors referred to in the answer of the Minister of Labour upon Page 319 of the Votes and Proceedings of the present Session, and particularly to give evidence as to the "inefficient service, neglect or unreliability in giving necessary reports and information, rendering of exorbitant or padded and dishonest accounts or other cause and which were not considered to be conducive to the proper administration of the Act, and show why the doctors so black listed by the Board while in good standing as physicians should have been so dealt with."

Carried.

It was moved by Mr. Lennox, seconded by Mr. McCea,

"That the papers in connection with Item E. D. H. Hammond amounting to \$2,492.59 which appears on page C.37 of the Public Accounts be produced."

Carried.

It was moved by Mr. Ferguson, seconded by Mr. McCrae,

"That Charles Mathews, Assistant Treasurer, be asked to attend before this Committee to give evidence and produce the Cash-book of the Treasury Department at meeting on Friday, 28th instant."

Carried.

It was moved by Mr. Lennox, seconded by Mr. McCea,

"That Mr. E. D. L. Hammond, and Major General Elliot be requested to attend for examination at the meeting of the Committee on Friday next."

Carried.

The meeting adjourned to Friday, 28th instant at 10 A.M.  
Read and Confirmed.

April 28th, 1922.

## MINUTES AND PROCEEDINGS.

Public Accounts Committee Room,

Legislative Assembly,

Friday, April 28, 1922.

The Committee met at 10 A.M., Mr. Watson in the Chair.

Present:—Messieurs Biggs, Buckland, Clarke, Cunningham, Curry, Dewart, Doherty, Ferguson, Freeborn, Greenlaw, Hall, Henry, Hicks, Lennox, Marshall, Nickle, Oke, Smith, Thompson, Tooms, Watson.

The minutes of the previous meeting were read and confirmed.

The Clerk of Committee read a letter from W. S. Lea, Montreal, dated April 27th, asking that he be paid \$150 *per* day and expenses, to which the Committee agreed.

E. D. L. Hammond, being sworn, was examined by Messrs. Lennox, Ferguson, Curry and others.

It was moved by Mr. Lennox, seconded by Mr. Thompson,

“That the following be subpoenaed to attend the next sitting of this Committee—namely, Mr. James Haverson, Mr. Dunlop, S. McCutcheon and H. H. McCutcheon.”

Carried.

The meeting adjourned to Wednesday, May 3rd, at 10 A.M.  
Read and Confirmed.

May 3rd, 1922.

## MINUTES AND PROCEEDINGS.

Public Accounts Committee Room,

Legislative Assembly,

Wednesday, May 3, 1922.

The Committee met at 10 A.M., Mr. Watson in the Chair.

Present:—Messieurs Brackin, Buckland, Dewart, Doherty, Ferguson, Freeborn, Hall, Hay, Hill, Johnson (Lanark), Lennox, McAlpine, McCrea, MacVicar, Marshall, Mills, Murdoch, Nickle, Nixon, Pinard, Raney, Smith, Thompson, Tolmie, Tooms, Walker, Warren, Watson.

The minutes of the previous meeting were read and confirmed.

The Clerk of Committee read the correspondence with Mr. R. S. Lea, of Montreal, of April 29th and May 1st.

Messrs. W. L. Rochester, L. B. Rochester, and B. C. Rochester, being sworn, were examined by Messrs. McCrea, Ferguson and others.

Mr. James Haverson, being sworn, was examined by Mr. Lennox and others.

It was ordered that H. H. McCutcheon and S. McCutcheon attend at the next meeting.

The meeting adjourned to Friday, May 5th, at 10 A.M.  
Read and Confirmed.

May 5th, 1922.

### MINUTES AND PROCEEDINGS.

Public Accounts Committee Room,

Legislative Assembly,

Friday, May 5th, 1922.

The Committee met at 10 A.M., Mr. Watson in the Chair.

Present:—Messieurs Drury, Clarke, Curry, Dewart, Doherty, Ferguson, Freeborn, Hall, Henry, Johnston (Simcoe), Lennox, McCrea, Magladery, Marshall, Murdoch, Nickle, Price, Raney, Ross (Oxford), Sewell, Smith, Thompson, Tolmie, Walker, Watson.

The minutes of the previous meeting were read and confirmed.

It was moved by Hon. Mr. Raney, seconded by Mr. Walker,

“That the taking of evidence with reference to the administration of the Ontario Temperance Act be proceeded with as the first order at the next meeting of the Committee and be continued from day to day until the inquiry in that regard is concluded, subject to the further order of this Committee.”

It was moved in amendment by Mr. Tolmie that all after the word “Committee” in the third line be struck out.

On the amendment being put to the meeting it was declared lost, and the original motion was declared carried.

Mr. R. S. Lea, being sworn, was examined by Mr. Ferguson and others.

It was moved by Mr. Lennox, seconded by Mr. Thompson,

“That Lloyd Gordon, Church Street; the Inspector of No. 3 Police Station, Hamilton; Sergt. Davidson, Hamilton; and Provincial Officer Partidge be subpoenaed to attend at the next sittings of this Committee.”

Carried.

The Committee adjourned to Tuesday, May 9th, at 10 A.M.  
Read and Confirmed.

May 9th, 1922.



## MINUTES AND PROCEEDINGS.

Public Accounts Committee Room,

Legislative Assembly,

Tuesday, May 9th, 1922.

The Committee met at 10 A.M., Mr. Watson in the Chair.

Present:—Messieurs Bowman, Brackin, Clarke, Cooper (Toronto), Cunningham, Curry, Dewart, Ferguson, Greenlaw, Halcrow, Hall, Henry, Hicks, Homuth, Johnston, Lennox, Nickle, Nixon, Raney, Sewell, Sinclair, Thompson, Warren, Watson.

The minutes of the previous meeting were read and confirmed.

It was moved by Hon. Mr. Raney seconded by Mr. Lethbridge,

“That Frank William Budway, Samuel Arton, and A. Arton be summoned to attend and give evidence before the Public Accounts Committee at this meeting.”

Carried.

It was moved by Mr. Dewart, seconded by Mr. Sinclair,

“That J. B. Bryant, Court Reporter at Welland, be summoned to appear before the Public Accounts Committee on Thursday, the 11th day of May, at 10 A.M., to give evidence on oath and to produce his notes of the evidence in the cases under the O.T.A. tried before His Worship, P. M. Goodwin, at Welland, on February 26th, 1921, against Luther Merritt, Jack Demartell and Carl Holt:

And, also, that J. F. Mowat, Chief Officer, produce before the said Committee at the same time and place, all accounts showing the employment and amounts paid to special O.T.A. Officers, West, Cox, and Lodge during the years 1920 and 1921.”

Carried.

It was moved by Dewart, seconded by Mr. Sinclair,

“That J. F. Mowat, Chief Officer, W. T. Pullan, Special Officer, O.T.A. and W. S. Dingman, Vice-Chairman O.T.A. Board, be summoned to appear before the Public Accounts Committee, at the Parliament Buildings, on Wednesday, the 11th day of May, at 10 A.M., to give evidence on oath respecting the item of W. T. Pullan, 4½ months, \$570.70., (Public Accounts, page C-34) and also, all other payments made to the said W. T. Pullan since the 31st day of October, 1921, and to produce all accounts covering the said item and other payments, and particularly to produce all papers, letters or other documents, received from any source relating to the case of George Cruickshanks, tried before C. A. Reid, Police Magistrate, at Goderich on or about the 10th day of August, 1921; and also, that the Honourable W. R. Raney, Attorney

General for the Province of Ontario be summoned to appear before the same Committee at the same time and place, to give evidence on oath respecting the case above set out, and particularly to produce all correspondence, letters, or copies of letters, between him and any other person, and all documents in his possession or power relating to the said case, the evidence or copy of the evidence in the case including three Statutory Declarations filed or deposited with him or in his Department; and also that George Cruickshanks, Railway Conductor, (8 Galley Avenue), Toronto, Harry Riordon of Goderich, Telegraph Operator, and Chas. M. Lechie, of Goderich, Trainman, be summoned to appear and give evidence on oath before the said Committee in the same matter, on Thursday, the 11th day of May, 10 A.M."

Carried.

H. H. McCutcheon, being sworn, was examined by Mr. Lennox, and others.

The witness produced a letter to him from Major General H. H. Elliott, Commissioner of Provincial Police, dated January 20th, 1922, which was marked as Exhibit "T."

The meeting adjourned to Wednesday, May 10th, at 10 A.M.

Read and Confirmed.

May 10th, 1922.

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## MINUTES AND PROCEEDINGS.

Public Accounts Committee Room,

Legislative Assembly,

Wednesday, May 10th, 1922.

The Committee met at 10 A.M., Mr. Watson in the Chair.

Present:—Messieurs Bowman, Brackin, Clarke, Cunningham, Curry, Dewart, Ferguson, Freeborn, Greenlaw, Hall, Henry, Hicks, Homuth, Johnson (Simcoe), Johnson (Lanark), Lennox, McCrea, Mageau, Marshall, Murdoch, Nixon, Oke, Raney, Smith, Thompson, Tolmie, Tooms, Walker, Warren, Watson.

The minutes of the previous meeting were read and confirmed.

The examination of H. H. McCutcheon, was continued by Mr. Lennox and others, and the witness was cross-examined by the Attorney-General and others.

The witness produced a letter to him signed by Mr. T. H. Lennox, dated February 9th, 1922, which was filed as Exhibit "U."

It was moved by Mr. Tolmie, seconded by Mr. Ferguson,

“That the witness receive the protection of the Committee.”

Carried.

The examination of the witness was concluded and he was discharged.

It was moved by Mr. Lennox, seconded by Mr. Thompson,

“That Mr. Jackes, Hotelkeeper, Hamilton, be summoned to appear before this Committee on Friday next.”

Carried.

It was moved by Mr. Tolmie, seconded by Mr. Dewart,

“That W. T. Pellow, License Inspector at Goderich, be summoned to appear before the Public Accounts Committee, at the Parliament Buildings, on Thursday, the 11th day of May, at 10 A.M., to give evidence on oath respecting an item of “Huron, \$3,497.87” at page C-34 of the Public Accounts; and also, regarding the case of George Cruickshanks, tried before C. A. Reid, Police Magistrate, at Goderich, on or about the 10th day of August last; also that J. F. Mowat, Chief Officer, O.T.A., be summoned to appear at the same time and place to produce all accounts included in the said sum of \$3,497.87.”

Carried.

The Committee adjourned to Friday, May 12th at 10 A.M.

Read and Confirmed.

May 11th, 1922.

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## MINUTES AND PROCEEDINGS.

Public Accounts Committee Room,

Legislative Assembly,

Thursday, May 11th, 1922.

The Committee met at 10 A.M., Mr Watson in the Chair.

Present:—Messieurs Buckland, Curry, Ferguson, Freeborn, Hall, Henry, Hicks, Hill, Lennox, McCrea, Marshall, Nixon, Pinard, Raney, Sewell, Sinclair, Smith, Tolmie, Tooms, Warren, Watson.

The minutes of the previous meeting were read and confirmed.

H. H. McCutcheon, recalled, was examined by the Attorney-General. The witness asked permission to make a statement respecting Mr. Sarvis.

S. McCutcheon, being sworn, was examined by Mr. Lennox and others.

Lloyd Gordon, being sworn, was examined by Mr. Lennox and others.

Major General H. M. Elliott, being sworn, was examined by the Attorney-General and others.

The Committee adjourned to Friday, May 12th, 10 A.M.

Read and Confirmed.

May 12th, 1922.

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## MINUTES AND PROCEEDINGS.

Public Accounts Committee Room,

Legislative Assembly,

Friday, May 12th, 1922.

The Committee met at 10 A.M., Mr. Watson in the Chair.

Present:—Messieurs Buckland, Clarke, Cunningham, Ferguson, Freeborn, Grant, Henry, Hicks, Lennox, McCrea, MacVicar, Marshall, Murdoch, Nixon, Raney, Thompson, Tolmie, Watson.

The minutes of the previous meeting were read and confirmed.

The examination of Major General H. M. Elliott, was continued by Mr. Lennox, and others. The examination was concluded and witness discharged.

W. W. Dunlop, Inspector of Prisons and Public Charities, being sworn, was examined by Messrs. Lennox, Ferguson and others.

A copy of an Order-in-council, dated May 20th, 1921, respecting Extra Mural Employment of persons under sentence and a copy of the said rules and regulations, were filed, and marked as Exhibit "V."

It was moved by Mr. Lennox, seconded by Mr. Thompson,

"That the following be subpoenaed to attend the next sittings of this Committee, for the purpose of giving evidence: Dr. Lavelle, J. A. McElhiney, A. N. Middleton, Thos. Joynt, Shallow Lake, E. Ellis Gridley, Cochrane."

Carried.

It was moved by Hon. Mr. Raney, seconded by Mr. A. T. Walker.

"That Mr. J. D. Flavelle, F. B. Creasy, J. R. Smythe, Howard Case, and Grant Fielding be summoned to attend and give evidence before this Committee, on the 16th day of May, at 10 A.M."

Carried.

The Committee adjourned to Tuesday, May 16th, at 10 A.M.  
Read and Confirmed.

May 16th, 1922.

## MINUTES AND PROCEEDINGS.

Public Accounts Committee Room,

Legislative Assembly,

Tuesday, May 16, 1922.

The Committee met at 10 A.M., Mr. Watson in the Chair.

Present:—Messieurs Biggs, Curry, Dewart, Ferguson, Grant, Hall, Hothum, McCrea, Marshall, Nixon, Pinard, Raney, Sinclair, Thompson, Watson.

The minutes of the previous meeting were read and confirmed.

J. A. Ayearst, being sworn, was examined by the Attorney-General and others.

The witness produced a receipt for Liquor, dated September 2, 1922, to Alexander S. Courrian, from the Board of License Commissioners, which was marked as Exhibit "VV."

A. E. Sarvis, being sworn, was examined by the Attorney-General and others.

It was moved by Mr. Dewart, seconded by Mr. Lang,

"That Inspector McCarthy, Record Officer of the Toronto Police Department, and Curran Morrison, Police Clerk for the City of Toronto, be summoned to appear before the Public Accounts Committee, at the Parliament Buildings, on Thursday, the 18th day of May, A. D., 1922, at 10 A.M., to give evidence upon oath and to produce the record of all charges for B.O.T.A. in the Police Court, for the City of Toronto, against Nathan Slavin, and Fanny Slavin, respectively and also against Nathan Slavin, H. H. McCutcheon and one Gross upon a charge of conspiracy about October, 1920, showing the date, nature of charge, and result, whether conviction or acquittal, with penalty imposed, if any, and also the information and papers in each case, including and subsequent to the charge against Nathan Slavin, tried before a Police Magistrate for the City of Toronto, on the 14th day of December, 1918."

Carried.

W. E. Partridge, being sworn, was examined by the Attorney-General, Hon. Mr. Ferguson and others.

The witness produced a copy of a letter (not addressed or signed) from him to Major General Elliott, dated June 21, 1921, which was marked as Exhibit "W."

It was moved by Hon. Mr. Raney, and seconded by Mr. Hall,

That in the matter of Mr. Lennox's charges against the Attorney-General's Department, in connection with the enforcement of the Ontario Temperance Act, the Committee do, to-morrow, hear the statements on oath of Mr. Lennox and the Attorney-General.

Carried.

The Committee adjourned to Wednesday, May 17th, at 10 A.M.  
Read and Confirmed.

May 17th, 1922.

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## MINUTES AND PROCEEDINGS.

Public Accounts Committee Room,

Legislative Assembly,

Wednesday, May 17th, 1922.

The Committee met at 10 A.M., Mr. Watson in the Chair.

Present:—Messieurs Buckland, Clarke, Dewart, Halcrow, Hall, Henry, Hicks, Lennox, McCrea, Mageau, Marshall, Mills, Murdoch, Nixon, Price, Raney, Rollo, Smith, Thompson, Tolmie, Walker, Warren, Watson.

The minutes of the previous meeting were read and confirmed.

J. B. Bryant, being sworn, was examined by Mr. Dewart. The witness identified the evidence of February 26th to 21st, in the cases of : Rex v. Luther Merritt; Rex v. Carl C. Hall; Rex v. Jack Demartell.

The witness was discharged.

Mr. T. H. Lennox and the Attorney-General made statements concerning giving their evidence before the Committee and Mr. Dewart made a statement respecting the procedure in the matter of giving evidence.

Frank W. Budway, being sworn, was examined by the Attorney-General, Mr. Lennox and others. The witness produced a statement signed by him dated April 4th, 1922, which was marked as Exhibit "X."

The Secretary of the Workmen's Compensation Board produced certain documents referred to in the resolution of Mr. Dewart, on April 26th.

It was moved by Mr. Raney, seconded by Mr. Hall.

"That in the matter of Mr. Lennox's charges against the Attorney-General's Department in connection with the enforcement of the O.T.A., the Committee do, to-morrow, hear the statements on oath of Mr. Lennox and the Attorney-General."

It was moved in amendment by Mr. C. H. McCrea, seconded by Major Tolmie,

“That the Attorney-General be heard to-morrow, if he desires, but that Mr. Lennox present his side of the case in his own way to the Committee and that Mr. Lennox go into the box (if he is willing), after he has presented the evidences of his witnesses first.”

It was moved in amendment to the amendment, by Mr. Clarke, seconded by Mr. Mageau,

“That Thursday and Friday Committee meeting be devoted to hearing any more evidence by witnesses relating to O.T.A., and that Tuesday next be taken up to hear the evidence of the Attorney-General and Col. Lennox.”

The amendment to the amendment, being put to the meeting, was declared carried.

It was moved by Mr. Tolmie, seconded by Mr. Clarke,

“That the name of Samuel J. Dickson, Chief of Police for the City of Toronto be substituted for that of Inspector McCarthy in the resolution passed by the Committee on the 16th day of May instant, upon the motion of Mr. Dewart calling for the production of certain records and papers in the case of Nathan Slavin, Fanny Slavin and others.”

Carried.

The Committee adjourned to Thursday, May 18th, at 10 A.M.

Read and Confirmed.

May 18th, 1922.

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## MINUTES AND PROCEEDINGS.

Public Accounts Committee,

Legislative Assembly,

Thursday, May 18th, 1922.

The Committee met at 10 A.M., Mr. Watson in the Chair.

Present:—Messieurs Biggs, Curry, Greenlaw, Johnston, (Simcoe), MacBride, Mills, Swayze, Walker, Buckland, Dewart, Hall, Lennox, MacVicar, Raney, Tolmie, Warren, Clarke, Freeborn, Hicks, McCrea, Marshall, Sewell, Tooms, Watson.

The minutes of the previous meeting were read and confirmed.

S. J. Dickson, Chief of Police, Toronto, Ont., produced a sealed envelope containing certain documents asked for by the Committee, on the understanding that the envelope is not to be opened or papers examined, unless required by the Committee.

Curran Morrison, Police Court Clerk, Toronto, produced certain informations and convictions against Nathan Slavin and Annie Slavin and certain informations against Fanny Slavin and Natham Slavin which were marked as Exhibits "Y," "Z," "A.1," "B.1," respectively.

It was moved by Mr. Lennox, seconded by Mr. MacBride,

"That the following be subpoenaed to attend the next meeting of this Committee:—Ex-Provincial Officer Baugh, Ex-Provincial Officer Stanley Hallam, Ex-Provincial Officers Andrews, McCarger, Joseph Martin, Operators Raymond Phillips and Tony Phillips, and that Mr. Warren be invited to give evidence and Mr. Dyre, Crown Attorney for Grey, and produce the evidence given at the trial of Rex v. Joynt."

Carried.

Inspector John Cruikshank being sworn, was examined by Messrs. Dewart, MacBride and others.

Mr. J. W. Curry took the Chair temporarily in place of Mr. Watson.

William McBeath being sworn, was examined by Mr. Lennox and The witness was discharged.

Inspector John Cruikshank was further examined by Messrs. MacBride, Curry, the Attorney-General and others. The witness was discharged.

William Davidson being sworn, was examined by Mr. Lennox and others. The witness was discharged.

Thos. Joynt being sworn, was examined by Mr. Lennox, the Attorney-General and others. The witness was discharged.

It was moved by Mr. McCrea, seconded by Major Tolmie,

"That Inspector Sturdee, of Hamilton, be summoned to appear at the meeting of the Committee on Tuesday next."

Carried.

The Committee adjourned to Friday, May 19th, at 10 A.M.

Read and Confirmed.

May 19th, 1922.

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## MINUTES AND PROCEEDINGS.

Public Accounts Committee,

Legislative Assembly,

Friday, May 19th, 1922.

The Committee met at 10 A.M., Mr. Watson in the Chair.

Present:—Messieurs Buckland, Cooper, (Welland), Curry, Dewart, Freeborn, Raney, Thompson, Tolmie, Hall, Henry, Hicks, Johnson,



(Simcoe), Lennox, McCrae, Walker, Warren, MacBride, MacVicar, Marshall, Mills, Murdoch, Nickle, Watson, Widdifield.

The minutes of the previous meeting were read and confirmed.

A. A. Montgomery, License Inspector for Toronto, Ont., being sworn, was examined by Attorney-General and Mr. Lennox and others.

It was moved by Mr. Nickle, seconded by Mr. Johnston, (Simcoe),

“That in the event of it being ascertained that any of the witnesses ordered by the Committee to be summoned being at present under restraint in Gaol, Reformatory or Penitentiary, that the Chairman forthwith communicate with the proper authorities to facilitate his, or their attendance.”

Carried.

The Committee adjourned to Tuesday, May 23rd, 1922, at 9.30 A.M.  
Read and Confirmed.

May 23rd, 1922.

## MINUTES AND PROCEEDINGS.

Public Accounts Committee,

Legislative Assembly,

Tuesday, May 23rd, 1922.

The Committee met at 9.30 A.M., Mr. Watson in the Chair.

Present:—Messieurs Clarke, Curry, Ferguson, Freeborn, Hall, Hay, Hicks, Hill, Johnston, (Simcoe), Johnson, (Lanark), McCrea, MacBride, MacVicar, Murdoch, Nickle, Nixon, Pinard, Raney, Rollo, Sewell, Sinclair, Tolmie, Tooms, Walker, Warren, Watson, Widdifield.

The minutes of the previous reading were read and confirmed.

Mr. Warren made a statement to the Committee.

A. E. Lavelle being sworn, was examined by Mr. Lennox.

Statements were made by the Attorney-General and Mr. Lennox.

The Attorney-General produced requisitions for liquor as follows:—

E.Y. No.	2962
G.D. "	6003
G.D. "	6004
E.Y. "	2985
E.Y. "	2946

which were marked as Exhibits

C1., D1., E1., F1., G1., respectively.

The Attorney-General was examined by Mr. Lennox.

J. D. Flavelle being sworn, was examined by the Attorney-General and others.

The witness was discharged.

It was moved by Mr. Lennox, seconded by Mr. MacBride,

“That Joseph Martin, Earl McCoy and B. McCarger be summoned before the Committee on Thursday morning next.

Carried.

Mathew Beckett being sworn, was examined by the Attorney-General and others.

The witness was discharged.

John A. Charlton being sworn, was examined by the Attorney-General and others.

Mr. Lennox referred to Certificates of previous convictions of the following persons, viz:—Leonard Belair, April 25th, 1921; Stanley Nash, June 11th, 1919; Wm. J. O’Leary, November 2nd, 1921; Tony Phillips, August 12th, 1918; Raymond Phillip, October 7th, 1919; Vincent Nash, November 6th, 1917; Walter C. Ingram, July 26th, 1921.

The Committee adjourned to Thursday, May 25th, 1922, at 9.30 A.M.

Read and Confirmed.

May 25th, 1922.

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## MINUTES AND PROCEEDINGS.

Public Accounts Committee,

Legislative Assembly,

Thursday, May 25th, 1922.

The Committee met at 9.30 A.M., Mr. Watson in the Chair.

Present:—Messieurs Brackin, Clarke, Cunningham, Curry, Ferguson, Hall, Freeborn, Henry, Hicks, Johnston, (Simcoe), Lennox, McCrea, MacVicar, Marshall, Nickle, Pinard, Raney, Ross, (Oxford), Sewell, Sinclair, Tolmie, Warren, Watson.

The minutes of the previous meeting were read and confirmed.

Grant Fielding being sworn, was examined by the Attorney-General and Mr. Lennox.

It was moved by Mr. McCrea, seconded by Mr. Lennox,

“That the witness, Fielding, be directed to answer the question of Col. Lennox as to who accompanied him (Fielding) to Sutton the night of the raid in *re* Ontario Temperance Act, other than the officers.”

On the Yeas and Nays being taken, the motion was declared lost.

H. Ellis Gridley being sworn, was examined by Mr. Lennox and others.

The witness was discharged.

Joshua Jacques being sworn, was examined by Mr. Lennox, the Attorney-General and others.

The witness was discharged.

W. S. Blackwall being sworn, was examined by the Attorney-General.

Walter T. Moore being sworn, was examined by the Attorney-General and others.

Samuel Smith being sworn, was examined by Mr. Lennox, the Attorney-General and others.

The Attorney-General read a statement of witness, dated May 22nd, 1922, which was verified by the witness as correct, and was marked Exhibit "H.1."

J. A. Ayearst was recalled and examined by the Attorney-General.

The Committee adjourned to Friday, May 26th, 1922, at 9.30 A.M.  
Read and Confirmed.

May 26th, 1922.

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## MINUTES AND PROCEEDINGS.

Public Accounts Committee,

Legislative Assembly,

Friday, May 26th, 1922.

The Committee met at 9.30 A.M., Mr. Curry in the Chair.

Present:—Messieurs Brackin, Curry, Dewart, Ferguson, Greenlaw, Hall, Henry, Homuth, Johnston, (Simcoe), Lennox, McCrae, MacBride, Murdoch, Nickle, Price, Raney, Sewell, Thompson, Tolmie, Tooms, Walker, Warren, Widdifield.

The minutes of the previous meeting were read and confirmed.

The following witnesses being sworn were, by the permission of the Committee, examined by J. A. Ayearst, Inspector of Prisons, and also by members of the Committee:—John A. Charlton, Albert H. Rogers and Herbert H. Cross.

J. A. Ayearst was re-examined by the Attorney-General.

John W. Dickson being sworn, was examined by the Attorney-General and others.

John R. Smythe being sworn, was examined by the Attorney-General and Mr. Lennox.

Frank B. Creasy being sworn, was examined by the Attorney-General and others.

Grant Fielding was re-examined by Mr. Lennox.

E. D. L. Hammond was re-examined by Hon. Mr. Ferguson, the Attorney-General and others.

J. A. Ayearst was re-called to enable him to make a statement.

It was moved by Mr. Ferguson, seconded by Mr. Thompson,

“That H. R. Boal, Amusement Tax Inspector, be summoned to give evidence before this Committee on Tuesday next.”

Carried.

It was moved by Mr. Lennox, seconded by Mr. McCrae,

“That William Graham, of Sutton, be summoned to appear before this Committee at its next sitting to give evidence.”

Carried.

The Committee adjourned to Tuesday, May 30th, 1922, at 9.30 A.M.  
Read and Confirmed.

May 30th, 1922.

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## MINUTES AND PROCEEDINGS.

Public Accounts Committee,

Legislative Assembly,

Tuesday, May 30th, 1922.

The Committee met at 9.30 A.M., Mr. Watson in the Chair.

Present:—Messieurs Hon. Mr. Drury, Biggs, Cunningham, Dewart, Grant, Halcrow, Hay, Hicks, Hill, Homuth, Johnston, (Simcoe), Lennox, McCrea, MacBride, Marshall, Murdock, Nickle, Nixon, Pinard, Raney, Sinclair, Smith, Tolmie, Warren, Watson, Widdifield.

The minutes of the previous reading were read and confirmed.

T. B. Kirk being sworn, was examined by Mr. Lennox.

I. E. Weldon being sworn, was examined by Mr. Lennox.

Frank Smith being sworn, was examined by Mr. Lennox.

W. B. McCarger being sworn, was examined by Mr. Lennox.

F. W. Budway was re-examined by the Attorney-General.

The Attorney-General made a favourable statement respecting Major-General H. M. Elliot, late Commissioner of the Provincial Police.

Mr. Lennox made a statement respecting the charges he had made in the Legislature and was questioned thereon by the Attorney-General.

It was moved by Mr. Ferguson, seconded by Mr. McCrea,

“That J. G. Smith, St. Thomas, and E. Hennesey be summoned before this Committee to give evidence on Thursday, June 1st.”

Carried.

The Committee adjourned to Thursday, June 1st, 1922, at 9.30 A.M.  
Read and Confirmed.

June 1st, 1922.

## MINUTES AND PROCEEDINGS.

Public Accounts Committee,

Legislative Assembly,

Thursday, June 1st, 1922.

The Committee met at 9.30 A.M., Mr. Watson in the Chair.

Present:—Messieurs Rollo, Mills, McAlpine, Halcrow, Hon. Drury, Biggs, Buckland, Carmichael, Curry, Dewart, Doherty, Ferguson, Freeborn, Grant, Sewell, Pinard, McCrea, Hill, Hall, Hay, Henry, Hicks, Homuth, Johnston, (Simcoe), MacVicar, Murdoch, Nickle, Nixon, Smith, Price, McLeod, Johnson, (Lanark), Raney, Ross, (Oxford), Sinclair, Thompson, Tolmie, Walker, Warren, Watson, Widdifield, Tooms,

The minutes of the previous reading were read and confirmed.

It was moved by Mr. Walker, seconded by Mr. R. Reece Hall,

“That whereas Mr. T. H. Lennox, Member for North York in the Provincial Legislature made certain charges on the Floor of the House against the Honourable the Attorney-General in the enforcement of The Ontario Temperance Act the main charge being made in the following words as reported in the *Mail and Empire* newspaper of April 7th, 1922:—

‘With full responsibility as a member of this House I shall show that not only does the Attorney-General give employment to thugs and criminals, but I say further, with all the emphasis that I can command, that these men were kept and are being kept to-day by the Attorney-General assisting him in the enforcement of the Ontario Temperance Act. I can quite understand the administrator of a Department being deceived by his officials and servants, that is inevitable; but I cannot conceive nor will the public condone any minister keeping in his employ men that have been convicted and served terms to his knowledge in the enforcement of the Ontario Temperance Act.’

“And Whereas we, the members of the Public Accounts Committee of the Provincial Legislature, after hearing the evidence submitted by the Member for North York, and by the Honourable the Attorney-General, are of the opinion that no evidence has been produced to prove the said charge, but that on the contrary, the Honourable the Attorney-General has proved by his own and other evidence, including the production of numerous memoranda of instructions and letters, that he has taken every precaution to see that only men of good record are employed in the enforcement of the Ontario Temperance Act.

“Therefore, this Public Accounts Committee hereby expresses implicit confidence in the Honourable the Attorney-General and in his administration of the Ontario Temperance Act.

“And this Committee hereby authorizes and instructs the Chairman to embody a copy of this Resolution in his report to the House.”

On the question being raised as to whether the Motion was in order, and the Chairman having ruled in the affirmative, Mr. Tolmie appealed from the ruling of the Chair. Upon the yeas and nays being taken the ruling of the Chair was sustained by the following vote:—

To sustain the ruling, Messrs. Drury, Biggs, Cunningham, Curry, Doherty, Freeborn, Hall, Hicks, Johnston, (Simcoe), Johnson, (Lanark), McAlpine, MacVicar, Murdoch, Nixon, Rollo, Ross, (Oxford), Sewell, Smith, Tooms, Walker, Widdifield—22.

Against the ruling, Messrs. Buckland, Dewart, Ferguson, Hill, McLeod, Pinard, Sinclair, Thompson, Tolmie—9.

Messrs. Nickle and Raney did not vote.

It was moved in amendment by Mr. Sinclair, seconded by Mr. Thompson,

“That this Committee affirms its position under the rules and precedents, as a Committee of inquiry only into the Public Accounts of the Province, and to report the evidence to the House, and that it is beyond its well recognized powers to make a finding upon the evidence, as proposed by the Resolution.”

It was moved in amendment to the amendment by Mr. W. F. Nickle, seconded by Mr. C. H. Buckland,

“That all the words after the word ‘that’ be struck out and the following substituted therefor:

“That this Committee report the evidence taken in reference to the charges of the Member for North York against the Attorney-General and his Department to the House for consideration and action.”

Upon the yeas and nays being taken, the amendment to the amendment was declared lost upon the following vote:—

In favour of the amendment to the amendment, Messrs. Buckland, Dewart, Ferguson, Halerow, Henry, Hill, McLeod, Nickle, Pinard, Sinclair, Thompson, Tolmie—12.

Against the amendment to the amendment, Messrs. Drury, Biggs, Carmichael, Cunningham, Curry, Doherty, Freeborn, Hall, Hicks, Johnston, (Simcoe), Johnston, (Lanark), McAlpine, MacVicar, Mills, Murdoch, Nixon, Rollo, Ross, (Oxford), Smith, Tooms, Walker, Warren, Widdifield—23.

Not voting, Hon. Mr. Raney.

Upon the yeas and nays being taken upon the amendment to the main motion, the amendment was declared lost, upon the following vote:

In favour of the amendment, Messrs. Buckland, Dewart, Ferguson, Halcrow, Henry, Hill, McLeod, McCrea, Pinard, Price, Sinclair, Thompson, Tolmie—13.

Against the amendment, Messrs. Drury, Carmichael, Curry, Doherty, Freeborn, Biggs, Hall, Hicks, Johnston, (Simcoe), Johnson, (Lanark), McAlpine, MacVicar, Mills, Murdoch, Nixon, Rollo, Ross, (Oxford), Sewell, Smith, Tooms, Walker, Warren, Widdifield—23.

Not voting, Hon. Mr. Raney, and Mr. Nickle.

The Yeas and Nays being taken, the main motion was carried upon the following vote:

In favour of the motion, Messrs. Drury, Biggs, Carmichael, Cunningham, Curry, Doherty, Freeborn, Hall, Hicks, Johnston, (Simcoe), Johnson, (Lanark), McAlpine, MacVicar, Mills, Murdoch, Nixon, Rollo, Ross, (Oxford), Sewell, Smith, Tooms, Walker, Warren, Widdifield—24.

Against the motion—None.

The following members did not vote, Messrs. Buckland, Dewart, Ferguson, Halcrow, Henry, Hill, McCrae, McLeod, Nickle, Pinard, Price, Raney, Sinclair, Thompson, Tolmie—15.

It was moved by Mr. MacVicar, seconded by Mr. Freeborn,

“That this Committee requests that the evidence taken before this Committee be printed and reported to the House.”

Carried.

It was moved by Mr. Ferguson, seconded by Mr. Thompson,

“That P. W. Bull, Clerk in the Motion Picture Bureau, be summoned to give evidence before this Committee at its next meeting.”

Carried.

The Committee adjourned to Friday, June 2nd, 1922, at 9.30 A.M.

Read and Confirmed.

June 2nd, 1922.

## MINUTES AND PROCEEDINGS.

Public Accounts Committee,

Legislative Assembly,

Friday, June 2nd, 1922.

The Committee met at 9.30 A.M., Mr. Watson in the Chair.

Present:—Messieurs Buckland, Dewart, McAlpine, McRea, Mills, Murdoch, Nickle, Rollo, Tooms, Warren, Watson.

The minutes of the previous reading were read and confirmed.

The Clerk of the Committee read the motion of Mr. Dewart, of April 26th, calling upon Messrs. Price, Wormwith and Bell to appear and give evidence before the Committee.

Samuel Price being sworn, was examined by Mr. Dewart.

The witness produced a Form of "Doctor's Account," which was marked as Exhibit "I.1."

The Committee adjourned to Tuesday, June 6th, 1922, at 9.30 A.M.

Read and Confirmed.

June 6th, 1922.

## MINUTES AND PROCEEDINGS.

Public Accounts Committee,

Legislative Assembly,

Tuesday, June 6th, 1922.

The Committee met at 9.30 A.M., Mr. Watson in the Chair.

Present:—Messieurs Buckland, Dewart, Greenlaw, Hicks, Homuth, McAlpine, MacVicar, Murdoch, Nixon, Pinard, Sinclair, Smith, Swayze, Thompson, Tooms, Walker, Warren, Watson, Widdifield.

The minutes of the previous meeting were read and confirmed.

The examination of Samuel Price was continued by Mr. Dewart. The witness was discharged.

The Committee adjourned to Wednesday, June 7th, 1922, at 9.30 A.M.

Read and Confirmed.

June 7th, 1922.



## MINUTES AND PROCEEDINGS.

Public Accounts Committee,

Legislative Assembly,

Wednesday, June 7th, 1922.

The Committee met at 9.30 A.M., Mr. Watson in the Chair.

Present:—Messieurs Biggs, Buckland, Carmichael, Curry, Dewart, Ferguson, Grant, Greenlaw, Hall, MacVicar, Murdoch, Nickle, Nixon, Ross, (Oxford), Smith, Thompson, Tolmie, Tooms, Walker, Warren, Watson, Widdifield.

The minutes of the previous reading were read and confirmed.

It was moved by Mr. Nickle, seconded by Mr. Buckland,

“That the Committee suggest to its successor the wisdom of making arrangements by which a copy of the evidence taken from time to time be available, at a place to be designated, to any member of the Committee.”

Carried.

W. A. McLean being sworn, was examined by Mr. Dewart.

Percy W. Bull being sworn, was examined by Mr. Ferguson.

It was moved by Mr. Ferguson, seconded by Mr. Smith,

“That Mr. H. M. Blake be summoned before this Committee to-morrow morning.”

Carried.

The Committee adjourned to Thursday, June 8th, 1922, at 10 A.M.

Read and Confirmed.

June 8th, 1922.

## MINUTES AND PROCEEDINGS.

Public Accounts Committee,

Legislative Assembly,

Thursday, June 8th, 1922.

The Committee met at 10 A.M., Mr. Watson in the Chair.

Present:—Messieurs Cunningham, Dewart, Ferguson, Freeborn, Hay, Hicks, McCrea, MacVicar, Marshall, Murdock, Warran, Nixon, Oke, Pinard, Sinclair, Smith, Watson.

The minutes of the previous reading were read and confirmed.

H. M. Blake being sworn, was examined by Messrs. Ferguson and Dewart.

Otter Elliott being sworn, was examined by Messrs. Ferguson and Dewart. The witness produced a file of letters, which was marked as Exhibit "J.2."

It was moved by Mr. McCrea, seconded by Mr. Dewart,

"That the Committee present its usual Report to the House."

Carried.

The Committee then adjourned.

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PUBLIC ACCOUNTS COMMITTEE.

April 7th, 1922.

The Committee met at 10 A.M., Mr. Watson in the Chair.

F. A. Gaby, Chief Engineer of the Hydro Electric Commission of Ontario, called and sworn.

HON. MR. FERGUSON: Mr. Gaby, you have been asked to produce here certain estimates, reports, memoranda, correspondence and documents, in compliance with a resolution passed at the meeting of this Committee on Wednesday last. Have you them here?

MR. GABY: Yes, as far as I am able to gather from the resolution I have produced the information asked for. It is more or less a general question. . . . In answer to the first question, in reference to \$62,865.69, with reference to Chippawa; the items on page 24, Statement No. 1, of the Public Accounts of the Province of Ontario, there is, under the heading of "construction account," \$62,865.69, which I believe is the item referred to in this memorandum.

HON. MR. FERGUSON: That hasn't anything to do with the matters in question, but in order to bring you here one has to show the department is connected with the public administration and you have to make reference to an item in the public accounts, to lay a foundation for it. Have you got the estimates, for instance, on Chippawa?

A.—Yes, Sir.

Q.—Will you just recite what you have here in chronological order?

A.—I have here the estimates submitted to the Government in the years 1920-1921.

HON. MR. RANEY: They were not asked for.

HON. MR. FERGUSON: Oh, yes.

THE CHAIRMAN: Here is the resolution (resolution read).

MR. FERGUSON: We are entitled to ask him for any estimates. The resolution is simply the foundation for bringing him here. He is an official of the Hydro, and we are entitled to bring him here and examine him in reference to anything.

THE CHAIRMAN: In reference to this \$62,865.69?

HON. MR. DOHERTY: Why is it he has it here?

HON. MR. FERGUSON: Because I have asked him to bring it. They asked me what this resolution meant.

HON. MR. RANEY: I think that would be for the Committee to say what the resolution meant.

HON. MR. FERGUSON: It may be for the Committee to say. I anticipated that such a thing would happen from what was said here the other day. I pointed out to the Commission that what I wanted was all the estimates and that is what we are entitled to have.

HON. MR. RANEY: Then I think that for the present the witness ought to be asked to leave with the Committee what he is asked by the subpoena to produce, and if anything more than that is desired there should be a new resolution.

HON. MR. FERGUSON: What is the object of that, to block and delay the inquiry?

HON. MR. RANEY: No, just to have the proceedings regular.

HON. MR. FERGUSON: I propose to ask the Committee that Mr. Gaby be allowed to produce this data. You can look up the practice of this Committee since it has been a committee, and you will find that as long as it is shown that it is an expenditure, in connection with services in the Public Accounts, you can subpoena a witness and produce anything.

HON. MR. DOHERTY: What is the objection to including this in your resolution?

HON. MR. FERGUSON: None, whatever, but since he is here with all this stuff I want to put it before the Committee.

HON. MR. RANEY: How did he come here with all this stuff?

HON. MR. FERGUSON: Because I have asked him to.

HON. MR. RANEY: The resolution says all the estimates . . . *re item* so and so of the Public Accounts, and that is all you asked him for.

HON. MR. FERGUSON: Is it the desire of the Committee to burk the opportunity of getting this before the Public Accounts Committee? Is that what you desire?

HON. MR. RANEY: I think the obvious procedure would be this; here is an item in respect to which information is desired. It is quite regular and proper to ask the witness to produce anything he has in his power bearing on that item. When the time comes, if the witnesses are called in regard to this item and it becomes apparent to the Committee that there are matters and documents to produce, the Committee will consider whether they will order them or not, and not order a raft of stuff here, that has no reference to the item, just because the gentleman who moves the resolution notifies the witness that he desires something more brought than the subpoena asks for.

HON. MR. FERGUSON: Surely for the purpose of facilitating the work of the Committee . . . the witness is here with the documents to show this

Committee, and the documents desired by the Committee. All you do by putting forward the technical objection is to block and delay the proceedings until another meeting.

MR. CURRY: I rise to a point of order. It is discourteous to this Committee for a member to undertake to communicate with a witness as to what he is to bring here.

HON. MR. FERGUSON: Is that your point of order?

MR. CURRY: Yes.

HON. MR. FERGUSON: I do not think it is so serious that I need pay any attention to it. What I say is this; there is an opportunity to get before the Committee all the information that I desire in connection with this matter. It is here. The witness is here. The only purpose of going on with it this morning was to have him identify this data and have it in the custody of the Committee, so that it can be looked into. The Attorney-General, acting doubtless for the Government, takes the purely technical objection that, although the witness is here and the documents and everything that may be required, they should be sent away again until the formality of a new motion is complied with, altering a few words in a subpoena and bringing it all back here another day. There can be only one object in that, and the only thing that can be achieved is a few days delay. I submit that in the interest of expedition, if nothing else, when you have the witness with all the papers here, that they should be put in the custody of the Committee.

THE CHAIRMAN: If that is the stuff you required, why didn't you put your motion in a proper manner?

HON. MR. FERGUSON: The resolution, you know, was written hurriedly. Everybody understood perfectly well what I was after.

HON. MR. SMITH: By what authority did you order this stuff?

HON. MR. DOHERTY: I can understand Mr. Ferguson asking Mr. Gaby to bring this stuff here, but I cannot understand Mr. Gaby bringing it here. The resolution and the notification set out what this Committee asked for.

HON. MR. FERGUSON: I was asked what the resolution meant, because the resolution was in my name. They asked me what the resolution meant and what did I want. I said I wanted all the estimates and reports in connection with Chippawa.

HON. MR. DOHERTY: The resolution states very clearly what was wanted.

HON. MR. FERGUSON: It is an easy matter to issue a new subpoena and make it as wide as you like, and the witness will come back next Wednesday with the same stuff that he has here to-day. If the Attorney-General thinks that is a proper position to take on the barest kind of a technicality, you delay the proceedings of this Committee until next week.

HON. MR. DOHERTY: This is entirely irregular and cannot be considered anything else.

HON. MR. FERGUSON: Let me ask you this, what different position will you be in next Wednesday.

HON. MR. DOHERTY: We will be in an intelligent position to pass a resolution here, knowing what you are asking.

HON. MR. FERGUSON: What difference will there be in the position as far as the witness and the documents are concerned?

HON. MR. DOHERTY: We are not worrying about that, we are worrying about having things done regularly.

HON. MR. RANEY: I should think the procedure would be this. It is quite improper to ask this Committee to ask anybody to come here to produce documents not relevant to the item under consideration. The resolution is properly drafted to bring all the documents that relate to the item in the accounts referred to. It would be quite improper to ask the Committee to go beyond the scope of that item, unless the evidence when it is brought before the Committee satisfies the Committee that it should ask for further documents. When you get to that point, that is the time to ask for an enlargement of the subpoena. In the meantime it must be confined to the matters in issue before the Committee and that is the item of \$62,865.69, and not matters having reference to estimates of years ago. These things may or may not become pertinent. If they become pertinent, the Committee will decide the point.

HON. MR. FERGUSON: This Committee has always proceeded on the broadest lines and the fullest kind of inquiry and you are going to set a new precedent, and, at the dictation of the Government, limit things to the narrowest possible scope for the purpose of excluding things the members may want to know. If that is to be the line of procedure of this Committee, I would like to know it. I can issue a new subpoena and bring the witness back here on Wednesday next, and go all over this ground again. But the witness is here, and the documents are here, and there is no reason in the world why the resolution should not be ended right here and now.

HON. MR. RANEY: That is assuming the mind of the Committee. The Committee may or may not decide to go into matters of this kind.

HON. MR. FERGUSON: I am going to put it up to this Committee, and I am going to put it up to you, whether you are going to dictate to this Committee, as to what it shall do, and whether the Committee is going to follow your suggestion that we should not have a full and open inquiry into everything in connection with the Public Accounts, or narrow it to a position where it will protect you the most.

MR. CURRY: When these exhibits are here before this Committee in respect to this item, can they be subpoenaed or taken away from here with the consent of the Committee for any other purpose at all?

HON. MR. FERGUSON: Well, that is purely a matter of law. I suppose the Attorney-General can advise you that they can. I am quite willing to ask the Attorney-General's advice about all these matters..... I propose to move, just here and now, if the Committee will hear a resolution, that the Committee do now hear the Commission's engineer, Mr. Gaby, and that, if technically, the productions now produced by the Engineer were not specifically called for, nevertheless being here, the examination of Mr. Gaby be proceeded with and the exhibits filed.

HON. MR. RANEY: That is against the entire understanding arrived at, that there should be no examination to-day.

HON. MR. FERGUSON: I am not asking to examine him except for the purpose of identifying the documents.

HON. MR. RANEY: There was to be no examination at all.

HON. MR. FERGUSON: The documents were to be produced and put into the custody of the secretary.

MR. LENNOX: I do not quite apprehend the objection to the witness producing these documents. It has been said that they are not incorporated in the original motion. The Attorney-General knows, probably better than I do, that when a witness comes under a subpoena into a court—and this is the same as a court—and he has documents, although they are not specifically mentioned in the subpoena that brings him to court, if he has them in his possession they must be produced. Now, I presume that at least it is the desire of everyone here that the fullest ventilation should be given to the matters that are in question. These documents have to be produced, and it ill-becomes the Attorney-General or the Minister of Agriculture to suppress or endeavour to suppress the production of these documents, by reason of the fact that they are not specifically mentioned in the subpoena. They have to be produced sometime. I would like to hear the Attorney-General in a court of justice, getting up and objecting to the production of documents that were in the hands of a witness in the witness box, because these particular documents had not been enumerated in the subpoena which brought him under the jurisdiction of the Court.

HON. MR. RANEY: Yes, if they were irrelevant entirely to the question.

MR. LENNOX: Whether irrelevant or not, that is not the point. They are objected to because they are not asked for in the original subpoena. When they are produced then a time arises when this Committee shall say whether they are relevant or not, but no person can take that position at the present moment. All we are asking is that they be produced, and if they are not relevant, that can be brought out in evidence.

MR. CURRY: As I understand the rules of procedure before this Committee, the item in the accounts that is to be investigated is set out in the resolution and then the Committee has power to ask for the production of documents relating to that item.

HON. MR. FERGUSON: You were chairman of this Committee for a couple of years. Was that the procedure followed—be careful before you answer?

MR. CURRY: I haven't any recollection of any other procedure being followed.

MR. FERGUSON: Oh, yes, you have. Just look up your own records.

MR. CURRY: I have no recollection of any other.

HON. MR. FERGUSON: No, you have forgotten.

MR. CURRY: That may be, but if a question arises, I know how I should have ruled in regard to the matter. If there are items in connection with the accounts that require the production of documents, they ought to be produced, but we should proceed regularly in regard to the matter. As far as this Committee is concerned, the same irregular procedure went on last year as is now going on, that is, that communications were made to witnesses, not through the Committee at all, and at times things might have been produced that were not ordered to be produced by the Committee. We should have a resolution here, and then know what we have to go on, and what we may be prepared to examine.

HON. MR. FERGUSON: Have you any objection to the original resolution being amended to incorporate the production of these documents?

MR. CURRY: I have no objection to proceeding regularly and no objection to their being produced, but there is one thing I desire to know, and that is whether the object is to get these exhibits here so they cannot be produced anywhere else.

MR. LENNOX: You know they can be. This Committee has power, any time, to have them sent some place else. You know that can't be.

MR. CURRY: I don't know it can't be.

MR. LENNOX: They can be taken out of the hands of the Committee any time the majority of the Committee says so.

MR. CURRY: Yes, but if the Committee doesn't say so, if the Committee doesn't release the documents, can they be used anywhere else?

MR. LENNOX: Then if the Committee doesn't say so, they ought to be released.

HON. MR. FERGUSON then moved his motion and Hon. Mr. Raney moved an amendment that the witness be asked to identify documents produced by him pursuant to the subpoena of the Committee, and that consideration of the production of further documents be deferred until the examination of the witness and the determination of the Committee as to whether further documents are required to be produced.

HON. MR. RANEY: The objection to the present procedure is both on the ground of irregularity and irrelevancy. When you come to the production of papers belonging to other years, it will be quite proper to submit to the Committee then, whether they desire to go into that question. Does this Committee desire to extend the inquiry into other years? If it desires to do so it must do so. Both Mr. Ferguson and myself, and everyone here are in the judgment of the Committee. It is a question for the Committee.

HON. MR. FERGUSON: Surely. There is no question about that.

MR. MCCREA: The function of this Committee as I understand it is to enable a committee of representatives of the people, who are chosen for the purpose of running the affairs of the Province of Ontario, to inquire into the expenditure and into the accounting which has transpired during the past year. The announcement was made in the House the other day by a Minister of the Crown, who was a member of the Hydro Commission, that he had learned during the past year that the estimates, which were submitted by the Commission to the Government, were so at variance with the facts that he considered the Commission was either inefficient or dishonest. Now that is a serious statement for a Minister of the Crown and a member of this Commission to make, and inasmuch as our Government recognized that the function of the Committee on Public Accounts is the inquiry into the disposition of public funds and all matters leading up to such disposition and the reasons for them, and this being the Committee appointed for that express purpose, I say it is entirely within the jurisdiction of this Committee to ask for all the ground work, all the preliminaries, all the estimates and everything that leads up to show why the moneys were expended. If some of the papers which Mr. Gaby produced here this morning are not specifically set forth in the resolution, does the Government take the position that because the information is not specifically set



forth in detail there should be an attempt to prevent the discussion of matters which are entirely relevant to the expenditure of money, and which are here before the Committee being dealt with. I had the privilege, one time, of being chairman of this Committee and it was my endeavour that when anybody put a motion before this Committee for matter or material relating to any item of public expenditure, whether it was considered directly or indirectly relevant, or whether it had a remote or distant bearing on the situation, to have produced all the available material here, so that this Committee of the House might have the amplest opportunity of going into it. Mr. Gaby is here, he has these facts and the only reason I have heard so far is that because of a technical objection that some of the productions he has were not specifically demanded, they have no right to be here. Surely the Government is not going to take that position in reference to public moneys.

HON. MR. RANEY: If you were going on with the examination of Mr. Gaby this morning, he would be asked about the papers, pursuant to this subpoena, and if, when we came to the end of that, the Committee desired to hear about other matters, it would be proper to put in other material. What I am objecting to is that it is entirely improper that any evidence be offered, and a mass of material brought here that has nothing to do with the motion, and put on file.

HON. MR. DOHERTY: Dangerous, too.

HON. MR. RANEY: He has not justification for bringing it here at all.

HON. MR. FERGUSON: It is here.

HON. MR. RANEY: It should not be here, and he can take it back again. Mr. Lennox spoke of a court of justice. Who ever heard of a man bringing a bundle of papers into a court of justice, in pursuance of a subpoena, going into the witness box, and then putting the papers into the hands of the Clerk of the Court. I never heard of it.

MR. McLEOD: Is it not a fact that there is a motion to delve into this matter by a Committee of the House?

HON. PETER SMITH: May I say a word. I am not so conversant with these things as some of my honourable friends, but my experience last year and the previous year was, that we could not ask for or subpoena any papers that were not touching the last year's operations, without a resolution of the House. I think I am perfectly correct when I say that.

MR. McCREA: As I have understood the practice here, in the general business before the Committee, that goes on in the ordinary way, it is as stated by the Minister, that the public accounts for the last year are laid before the Committee, and that if we want to go back into other years, it requires a resolution of the House. But the matters, which are here this morning are matters which have arisen during the past year, and are matters directly pertaining to the past year. It is because, in the last year's transactions and expenditure of this money, it was learned that they are millions out in the estimates, that we want to have the estimates and information on which the last year's moneys were spent and made in the interval between October 31, 1920 and October 31, 1921; and in that there is bound to be the previous estimates, which joined up with the estimates of that year, form the total that is directly within the jurisdiction of this Committee.



HON. MR. RANEY: That shows very clearly the impertinence of this whole procedure. There is an attempt made by the gentleman who fathered the resolution at the first meeting of the Committee to bring all this material before the Committee without even asking the consent of the Committee or giving anyone a chance to say a word about it. The argument of Mr. McCrea is a proper argument when the time comes. But to supersede the Committee itself and to bring this material before the Committee in this way is a gross impertinence.

HON. MR. FERGUSON: You know as a lawyer and you know perfectly well that if you subpoena a witness the witness asks you what you want him to produce. Some official at the Hydro called me up and asked me what was meant by this resolution and I told him what was meant. The Hydro would not have brought anything here. I wanted the estimates in connection with the Chippawa expenditure, and let me point out to the Attorney-General this: had I said item so and so in relation to the salary of F. A. Gaby, on page Q 1, I would have gone on and examined Mr. Gaby under that item. I could have examined Mr. Gaby as to what were his duties, the scope of them and all the work he has done for this money, what estimates he has made and everything in connection with his work. All that can be gone into by this Committee. Now, technically, I put in a different item. I put it to you, whether you are serious in your objection, when you say it is due entirely to that technical error in the resolution.

HON. MR. RANEY: It is not a technical error.

HON. MR. FERGUSON: What I call a technical error.

HON. MR. DOHERTY: When you drew up this resolution had you it in your mind that this was what you wanted?

HON. MR. FERGUSON: Assuredly, I did.

HON. MR. DOHERTY: Why didn't you ask for it?

HON. MR. FERGUSON: Because the practice of this Committee always has been—and I have been a member of it for a good many years—that to get an official here all you have to do is to lay a foundation for bringing a man here as a witness. By showing some expenditure in the public accounts in relation to the work in which he is engaged, you can get him here properly before the Committee. That has been the practice before the Committee and this is the first time I have ever seen an attempt to burk an inquiry before this Committee, on purely narrow technical grounds. If I had substituted an item on Q 1, I could have gone into all this. I want to ask this Committee that since Mr. Gaby is here, that he be allowed to identify these documents and leave them with the Clerk of the Committee, so that the members who desire to see them can examine them.

HON. MR. DOHERTY: Would you have considered it perfectly regular if, under this resolution, you had gone to Mr. Gaby, we want all the correspondence and papers in reference to the transfer of the street car company in Guelph to the Hydro. Do you think it would be proper for you or any member of this Committee to go to Mr. Gaby and say this resolution only calls for correspondence and papers in reference to such and such an item, but what I want brought is all the papers in reference to the Sandwich and Windsor Railway.

HON. MR. FERGUSON: Assuredly.

HON. MR. DOHERTY: Well, you are creating a dangerous precedent.

HON. MR. FERGUSON: Not at all.

HON. MR. DOHERTY: It is irregular. The Government has no desire to burk any inquiry. We want it wide open and regular.

HON. MR. FERGUSON: All I have to say is that if it is the desire of the Attorney-General to stampede the majority into burking this inquiry and delaying it, he can do it. If that is the attitude to be taken by the Committee, I propose to press my resolution that since the witness is here and the documents are here the Committee direct that he be allowed to identify them and leave them with the clerk. That is the purport of that resolution.

MR. SINCLAIR: It does seem strange to me that there should be this attempt to prevent discussion of this matter. The witness is here and the documents are here before this Committee, and the Government is here this morning with seven Cabinet Ministers to delay investigation into this matter.

HON. MR. DOHERTY: Did you expect these documents to be here?

MR. SINCLAIR: I did not know what would be here. It doesn't stand to the credit of this great democratic government of the people to send seven Cabinet Ministers into the Public Accounts Committee to hold up on purely technical grounds the investigation asked for here. I am not interested one way or the other in this thing but I am interested in getting some progress, in getting something going before this Committee. This is the 38th day of the session and God knows it is time we got something going in the Public Accounts Committee. It looks almost to me as if the Government does not want this investigation to proceed very fast when it takes purely technical objections, for under another motion all this material can be got here. The Attorney-General seems to find fault with Mr. Gaby, what else would he do. He asked what information was wanted and came up here with it. Surely as business men we can go ahead with this investigation and not go on record on purely technical grounds that we cannot proceed with this investigation here. I have been a member of the Public Accounts Committee for several years, but never have I seen an exhibition staged like this with the Government, seven Cabinet Ministers strong, here to hold up investigation before the Public Accounts Committee. I say that it is not to the credit of the Government that it should stage such an exhibition here to-day. The Public Accounts Committee belongs to the Legislature. The Government may tell us we are delaying the progress of the session, but I can tell the Ministers of the Government here this morning that they are delaying the progress of the Public Accounts Committee. I want to see this go along. I want to see these exhibits. Let us make some headway and have these exhibits filed, and let Mr. Gaby get away, and at another meeting of the Committee the investigation can go on.

HON. MR. BIGGS: As far as I am concerned I didn't intend to have anything to say in the matter at all until the member for South Ontario said there were seven Cabinet Ministers here blocking and delaying the Committee. I had said nothing. It is entirely uncalled for that he should make any such blanket statement. I am representing a constituency just the same as you are and I am appointed to this Committee, and have a right to

be here whether a Cabinet Minister or not. I think this Committee wants to play fair. There was a resolution passed here, and there are documents produced here this morning that the resolution didn't call for.

HON. MR. FERGUSON: They are public documents aren't they?

HON. MR. BIGGS: Quite so.

HON. MR. FERGUSON: Doesn't anyone want to see them. Are you standing on that technical ground?

HON. MR. BIGGS: I am standing on the resolution passed by this Committee. I want to ask you where you stand. Yesterday you gave notice in the House of a Committee which you nominated to go into the questions that are contained in the documents that somebody has produced this morning without a resolution of the Committee. Are you going in the Public Accounts Committee to carry on an investigation that you are asking to have carried on by a Committee of the House or are you consistent enough to stand behind your resolution?

HON. MR. FERGUSON: Both. Am I not entitled to get preliminary information, and has not every member of this Committee a right to know something in a preliminary way about this Chippawa matter before the Committee take it up. A lot of people in this committee will not be on the other committee. Is the whole thing to be strangled on a technicality. Is that what you are asking for?

MR. LENNOX: Would the Minister permit me to ask him a question. Will you please tell me what injury is being done or will be done by the production of these estimates?

HON. MR. BIGGS: I would say this in answer to your question, that when the Committee is through with these documents and this particular item it is the duty of this Committee to make a report to the House. If that report is made to the House before the report of the special Committee of the House is made, then the report of the special committee, as moved by Mr. Ferguson, would be biased, and every member of this Committee will agree with me, that if another investigation is made then that report is biased as far as the report of the Committee of the House is concerned.

MR. LENNOX: May I ask the Minister this question. The report can not be put in until this Committee finishes. Now what difference is there in having this same evidence produced next week than in having it produced to-day?

HON. MR. BIGGS: I am perfectly willing to have it produced as soon as the Committee says so. You have carried this before the House.

MR. LENNOX: A few of us fellows think we are right. I want you to tell me why it cannot be produced to-day as well as next Wednesday.

HON. MR. BIGGS: It can be produced as soon as the Committee demands it, but it should not be produced on personal representation of any kind. Pass your resolution and get these things before the Committee regularly.

MR. LENNOX: What difference will that make?

HON. MR. BIGGS: This difference, that this Committee will be running it and you or some other fellow won't. The honourable member knows this Committee has to report to the House before the House adjourns.

HON. MR. FERGUSON: After we get this information.

HON. MR. BIGGS: Yes. The Committee of the House cannot complete its work before the session is over as far as the Chippawa investigation is

concerned. You have a report of the Public Accounts Committee with certain views given in that report.

MR. LENNOX: We will have a report from the Public Accounts Committee, a committee upon which the Government have a majority of members and they can make that report just whatever they like.

HON. MR. BIGGS: They are not in the habit of doing that.

MR. LENNOX: They wouldn't do that kind of a thing I know. But you will have the opportunity.

HON. MR. FERGUSON: The Government has absolute control of every committee in the House as far as voting power is concerned, and that has been demonstrated a great many times. The point is, does this Committee controlled by the Government want to say that although the documents are here, and the witness is here for the purpose of identifying the documents so that they may be left in the custody of the Committee in order that members who desire to examine these documents belonging to the Province of Ontario shall have an opportunity of doing so—does this Committee want to say that that shall not be done? If the Committee desire to vote that way they will have an opportunity.

The question was then put, the amendment offered by Hon. Mr. Raney, being carried by a vote of 15 to 6.

MR. GABY: Before answering any questions, I would like to make the Commission's position and my position clear in reference to the subpoena sent to myself. The subpoena called for the following: —

"I have been instructed to request you to be present at the next meeting of the Committee on Public Accounts, which will be held at 10 a.m. on Friday April 7th, in the Public Accounts Committee Room, Parliament Buildings, Toronto, to give your evidence with regard to the Chippawa Power Scheme with reference to item \$62,865.69, Construction Department, on page Q 4 of the Public Accounts of Ontario, for the year ending October 31st, 1921, and to bring with you and produce all estimates, reports and memoranda or correspondence between the Commission or any member thereof and any Minister of the Government, or between the Commission or any member of the Government and any engineer or contractor relating to the Chippawa power scheme."

I took the last paragraph to mean—it was a very broad request—but I took it to mean the correspondence and estimates between the Commission and the Cabinet and any outside engineers or contractors. I took that to be a request for the correspondence in reference to all matters in connection with the estimates of the Queenston Chippawa development. We have not with us all the contracts between the Commission and others. It would require probably a dray-load to bring such information before the Committee. But I have brought specific details.

HON. MR. RANEY: The words in reference to item \$62,865.69, should have been added after "Power Scheme."

MR. GABY: That is not in this that I received. That was our understanding of what was required here in connection with this matter.

MR. MCCREA: Might I suggest to the Attorney-General and to the Minister of Agriculture, that apparently there has been some misunderstanding, and the letter addressed to Mr. Gaby clearly exculpates him the intimation given that they could not understand why Mr. Gaby should have brought these papers here.

HON. MR. DOHERTY: I can quite understand why Mr. Gaby would produce them under this notice he had. But in the resolution it says "with reference to item \$62,865.69 on page Q 4. But that is not in the notice to Mr. Gaby.

MR. LENNOX: As the subpoena covered these things then the Attorney-General has fortified it by asking him to identify all the documents referred to by this subpoena. That is what you moved and there is his subpoena. Perhaps you will wiggle out of that.

HON. MR. RANEY: I won't wiggle out of anything. The Committee will do what it intended to pursuant to the resolution of the Committee. I still think the subpoena is intended to be pursuant to the resolution. There is no doubt about that "with regard to the Chippawa scheme with reference to item \$62,865.69, construction department, page Q 4, of the Public Accounts and bring with you and produce all estimates etc." Of course that is an impossible subpoena.

HON. MR. FERGUSON: It just shows what the practice has always been and it shows on what narrow ground you were standing when you forced the Committee to take the position you did.

HON. MR. RANEY: There is no doubt as to what the Committee intended to do. The Committee intended to require the production and the marking of documents here pursuant to the resolution, and if Mr. Ferguson isn't willing to accept that we will have to put the matter before the Committee again.

HON. MR. FERGUSON: Mr. Gaby, will you go through your documents there seriatim, so we will see what you have.

MR. GABY: I have before me correspondence with reference to the estimates and expenditure of the Commission which includes the estimates of the Queenston Chippawa scheme for 1919 and 1920.

HON. MR. FERGUSON: Have you them for 1921?

A.—Yes, also a file of the correspondence for 1919-1920 and 1921; a file of estimates and correspondence for 1922, correspondence with reference to the Queenston Chippawa development with the Prime Minister of the Province of Ontario; I have here correspondence with respect to the engineers, the consulting engineers of the Commission and detailed reports referring to the reports which they have submitted to the Commission; R. D. Johnston; R. S. Lea; Hugh L. Cooper; H. S. Kerbaugh and F. C. Stewart; and a final report from Hugh L. Cooper; another from R. D. Johnston, dated April 18th, 1921 another from R. D. Johnston, of March 1st, 1920; another from R. D. Johnston of January 31st, 1919; another February 1st, and the correspondence relating to it, as mentioned previously; also a memorandum which includes correspondence of 1921-1922 with estimates and reports attached, submitted to the Premier under a letter of January 21st, 1921, and a memorandum prepared March 9th, 1922, which has attached to it detailed reports from 1920 of the engineers and letters pertaining to the Queenston Chippawa development up to February 16th, 1922.

HON. MR. FERGUSON: Are these originals or copies?

A.—There are both originals and copies here. Some are originals and some copies.

Q.—Will you leave these in the custody of the Committee, Mr. Gaby? The understanding was that I should not examine you to-day with reference to any of them. You can leave them with the clerk of the Committee.

HON. MR. RANEY: Just a moment now; Mr. Chairman, there are two proposals now before the Legislature for consideration, one formal and the other informal; two propositions, one looking for an investigation of this matter by a Committee of the House as suggested by the resolution of the honourable member for Grenville, the other, an informal intimation by the Government that it is the intention of the Government to nominate a Commission to investigate this matter. Now, it is difficult to understand the motive of starting this inquiry before this Committee.

MR. HALL: Is this not a Committee of the House?

HON. MR. RANEY: Of course it is a Committee of the House.

MR. HALL: Then hasn't this Committee power to ask for returns?

HON. MR. RANEY: I am not questioning the authority of the Committee. The Committee has full power to proceed with this inquiry. There is no question about that at all. But I am pointing out to the Committee the fact that when either of these two proceedings is going to be taken, it is going to be put to the House, and the House will decide for either a Commission or a Committee of the House. What I am saying is, what is the purpose, what is the motive, what object is to be attained by starting this inquiry before this Committee on Public Accounts. That is question number one. The other thing I desire to say is this: this Committee voted for an amendment to a resolution under the impression that the subpoena was pursuant to the resolution of the Committee. In other words the Committee decided they would not now go into the question of the relevancy of any documents beyond the scope of resolution. And I want in view of that to ask Mr. Gaby this question; whether there would be any difficulty in your answering the requirement of the resolution, which is for the production of all estimates, reports and memoranda or correspondence between the Commission and any member thereof, and any Minister of the Government or between the Commission or any member of the Government or any engineer or contractor relating to the Chippawa Power scheme in reference to item \$62,865.69 on page Q4, limiting the matter in that way. If you were given time, until the next meeting of the Committee, would you be able to answer that requirement by the production of the different documents?

A.—I believe so. The only answer I could make is that there is only one name mentioned in that list of \$62,865.69, that has any reference whatever to Chippawa—Mr. A. S. Robertson. That is the only reference to Queenston Chippawa. The others are on other works of the Commission. I do not know of any correspondence in the books of the Commission with reference to that particular item.

HON. MR. RANEY: My suggestion would be, Mr. Chairman, that Mr. Gaby should return the documents to his own files and his own office, and answer the resolution of the Committee. If that were done, before the next meeting of the Committee, the probabilities are that the matter will be settled

either by appointment of a Commission or a Committee of the House, and then, obviously, it would be idle for this Committee to proceed with this inquiry.

HON. MR. FERGUSON: Mr. Chairman, the Attorney-General wants to know what the motive is behind this resolution. I am the motive power at any rate and my object was to get information with reference to the Chip-pawa development and estimates in connection with it, and other matters in reference to it. That is the sole motive. I would like to ask the Attorney-General what his motive is in seeking to prevent this Committee going into this matter. The Commission that you may appoint and will undoubtedly force upon the House with the usual solid block majority does not in any way represent this Committee. No member of this Committee will be on that Commission. This Committee is made up of members of the House who are individually representatives of the people, and each member is entitled to the fullest possible opportunity for inquiry for himself regardless of the operation of any Commission or Court or any other Committee. That is the function of this Committee. There are other members here, as the member for Parry Sound says, who want to know something about it. I do not know how he is going to get this information in detail unless he gets it here. I do not see how he is going to discuss in the House intelligently any procedure or any report that may be brought in by any tribunal unless he has had an opportunity personally to make such inquiries as he may desire before this Committee, and I am not only astounded but at a loss to understand why the Attorney-General should desire to prevent that, because that is the effect of it if not the purpose, to prevent the members of the House having an opportunity to pursue their own line of inquiry and get what information they may think is of value according to their views. If this matter is taken from this Committee and referred to a committee of eight or ten or referred to a commission, there will be no opportunity of that kind and all the individual members of this committee will know about it is the conclusion which some commission reaches after an inquiry about which the members of the House have nothing to say whatever. That is all the object I have in bringing this before this Committee. Now the fact that a Commission may be appointed surely doesn't stop the functions of a Committee of the House. Surely the appointment of no tribunal can stop the members discussing this matter in the House and they have a perfect right to discuss it. To enable them to discuss intelligently what is a matter of public business they are entitled to make such inquiries as they see fit, to secure the necessary information and satisfy themselves about it. That is why this Committee is called and that is why this inquiry was instituted. The fact that I may have given notice of a resolution in the House for a special committee has nothing to do with it. If it goes to a special committee, some of the members will have an opportunity of intelligently informing themselves. We will be in an infinitely worse position if it goes to a Commission, about which none of us will have anything to say. Therefore, I say it is exceedingly important and the Attorney-General and the members of the Committee are taking a serious responsibility if they are going to stand in the way of a thorough investigation in this Committee by any member of the House who chooses to conduct such an examination and who is entitled, as every member of the House is, to



examine these documents. We have them all here this morning, and we have the officer conversant with them and in charge of them, producing them here for the information of the members of the House. There may be some members who will follow the lead of the Attorney-General and say "we don't want to know anything about it" but there are a lot of members who do desire to know and they are only exercising an undoubted right in asking that these things be produced before this Committee that they may have an opportunity of examining them. For that reason I suggest to the Attorney-General that aside from any technical objection he may raise the documents should be available in the hands of the clerk, to any member of the Committee. If they go back to the Commission I suppose they are available there, but they are distributed on the files of the Commission and it is difficult to get at them. There is no reason why these documents should not be left in the hands of the Clerk of the Committee where they will be available to everybody.

HON. MR. RANEY: I am disposed to move—and I think it will appeal to the Committee—that further consideration of this matter be deferred until the judgment of the House is known in the matters now pending before the House. We will have that decision next Tuesday.

HON. MR. FERGUSON: You are going to exclude the members of this House from getting personal knowledge of these matters.

HON. MR. RANEY: I am only asking if it is the wish of this Committee to defer further argument until the decision of the House is known as to what form the inquiry into Chippawa is to take, either a Commission or a Committee. In either case this Committee will desire not to proceed as soon as that is known.

Hon G. H. Ferguson then moved for the appearance of Mr. Gaby and his documents at the next meeting of the Committee.

HON. MR. RANEY: I do not want it to be understood that the Committee is going to commit itself to proceeding with this inquiry if the House takes any other action.

MR. HALL: Is it not the fact that this Committee is appointed for the purpose which we are trying to do now. Is it not a fact that this Committee is appointed for the purpose of inquiring into the Public Accounts and expenditures of this Province, more especially those operations which we do not thoroughly understand, so that we may get a better understanding. If that is the case, why then, what is the object of trying to choke off this Committee and letting a select Committee do the business for which we are appointed?

MR. FERGUSON: We are both going to check it. We are going to have it now.

MR. HALL: I am not speaking for myself and my constituency. I am speaking for the Province of Ontario. I want to free my skirts clear when I leave this job.

HON. MR. RANEY: I see no objection to this resolution, subject just to this; that if the House takes action in this matter in the direction of appointing either a committee or a commission, the Government reserves it to itself to suggest to the Committee that the Committee should not proceed further with this inquiry.



HON. MR. BIGGS: This resolution is carrying out just the views I expressed a few minutes ago, that when the Committee orders these papers produced, Mr. Gaby should produce them. I am in sympathy with the resolution, entirely. And I would like to have the estimates for 1922, which I do not think the Government have seen or anybody has seen, and I think those estimates are not contained in the resolution. I am not blaming Mr. Gaby for bringing them up because the notice he got was very wide. I think first we should deal with the accounts that have been put in the item in the public accounts, and that the members of the House, as a whole should, at least, have the privilege of considering the estimates for the coming year, before they are considered by any Committee of the House.

HON. MR. FERGUSON: I would like myself the opportunity of looking over these documents, in the meantime.

HON. MR. RANEY: Is that what your resolution says? Mr. Gaby is to produce it at the next meeting of the Committee.

HON. MR. BIGGS: These are not in our possession until they are produced.

HON. MR. FERGUSON: It is just a matter of convenience. Mr. Gaby says they are here, and if they are sent back to the Hydro, I can look at them there, but it means going down there. It was merely as a matter of convenience that I asked.

HON. MR. RANEY: I think they had better keep charge of their own records until the Committee takes them in hand.

After certain motions were put in, and approved, the Committee adjourned.

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#### PUBLIC ACCOUNTS COMMITTEE.

April 12th, 1922.

The Committee met at 11 A.M., with Mr. Watson in the Chair.

F. A. Gaby recalled;

Examined by Hon. Mr. Ferguson;

Q.—Mr. Gaby, this notice you produce is the notice you received from the Clerk of the Committee, Mr. O'Brien?

A.—Yes.

Q.—It reads, "F. A. Gaby, chief engineer of the Hydro Electric Commission; Dear Sir,—I have been instructed to request you to attend the next meeting of the Committee on public accounts, at 11 a.m., on Wednesday, April 12, in the Public Accounts Committee room, Parliament Buildings, Toronto, and to produce all reports, estimates, memoranda and correspondence dealing with Chippawa Development, which are a part of the Hydro expenditure appearing in the Public Accounts." Have you those papers with you?

A.—No, Sir. That is a general order, and would mean practically the whole correspondence of the Commission in reference to the Queenston Chippawa Development. I have, however, as instructed at the last meeting, brought back the documents I had in my possession on that date.

Q.—It is only fair to Mr. Gaby, after what transpired at the last meeting that I should say, that it was this very question that arose, and that was my reason for telling him exactly the papers I wanted, because he said there was an almost unlimited quantity to bring up if he was to obey the subpoena to the letter. So he followed the usual practice, and asked me what it was, particularly, that I wanted, and I outlined it to him. Will you produce what you have here, Mr. Gaby?

A.—First, there is a copy of correspondence with the various consulting engineers; R. D. Johnson, Hugh L. Cooper, F. L. Stewart, H. S. Lea, along with the report which they have submitted. One of R. D. Johnston, dated February 2, 1917, which is in the file, another of April 18, one of February 1, 1917, another report of January 31, 1919, a report of March 1, 1920, and the final report of Hugh S. Cooper, of October 22, 1920. The correspondence on the Niagara Development, with the Government members, the correspondence with the Prime Minister of Ontario. The correspondence with reference to the estimates to the Government for the years, 1919-1920, 1921, and 1922, and the memorandum, which I had here on the last day, with reference to the consulting engineers and the reports of these consulting engineers and the memorandum in connection with the same.

HON. MR. FERGUSON: Now Mr. Chairman, I would like to have these marked as exhibits so they will be in the custody of the clerk of the Committee, so they will be available. . . . If the Clerk will be good enough to mark them so that we will be able to identify them, I can, in the meantime, go on with such examination of Mr. Gaby as I can.

Q.—Mr. Gaby, you are a Hydro engineer, how do you term yourself, professionally?

A.—An electrical, mechanic and hydraulic engineer.

Q.—You are Chief Engineer of the Hydro Commission of Ontario?

A.—Yes, Sir.

Q.—How long have you occupied that position?

A.—As assistant chief, from 1907 until 1911; as acting chief engineer, from 1911 until July of 1912; since that date chief engineer.

Q.—When was the power commission organized as it exists to-day?

A.—It was organized under the Act of 1906, amended in 1907.

Q.—So that your experience covers practically the whole term of this proposition?

A.—Yes.

Q.—You are familiar with the various undertakings of that commission?

A.—So far as I have been connected with them, yes, sir.

Q.—Now, you have been conversant with the Chippawa development practically since its origin?

A.—Yes, Sir.

Q.—I want you to tell the members of this Committee something of the history of this project. When was the Chippawa development scheme first taken up.

A.—It was under discussion in the fall of 1912, due to the reports of the engineers as to the necessity for an increased development. The Commission authorized a thorough investigation and the report was submitted in 1913.

Q.—Do I understand from that, that it rose out of further power requirements?

A.—Yes, Sir.

Q.—Authority was given to make an investigation, as to how best a further supply of power could be secured?

A.—Yes. The Legislature, in 1914, passed an appropriation for that purpose, to continue the investigation of a supply of additional power for the municipalities in the Niagara district.

Q.—Have you the report of that investigation?

A.—That report was submitted to the Government in September, 1915, making a certain recommendation as to Queenston Chippawa development.

Q.—The result of that investigation was compiled and put in the form of a report in 1915?

A.—Yes, Sir.

Q.—There is a copy of that report available in the records of the Commission?

A.—Yes, Sir.

Q.—Have you it here this morning?

A.—I believe there is a copy of that report here in the file.

Q.—Now, shortly, in a few words, what was the essence of that report?

A.—That report first set out the power requirements of the Commission, future prospects and markets and gave our estimate of the increase in load, up to the year 1919.

Q.—Can you put your hand on that at the moment?

A.—I think I can. (Report produced.)

Q.—Is this report, dated September 13, 1915, and addressed to the Prime Minister and the Cabinet, one of the results of your inquiry, made because you were not able to secure enough power already developing over there to meet your requirements?

A.—We set forth in the report that, in our opinion, it was not possible to obtain the required amount of power from the existing plants, and that it would be necessary to have a new development, and set forth what we estimated as our probable requirements in various years.

Q.—And is it in this report that you recommend the undertaking of the Chippawa development?

A.—Yes, Sir.

Q.—Directly under the Commission?

A.—Yes, Sir.

Q.—Then this was the origin of Chippawa?

A.—That was the first report submitted to the Government in connection with Chippawa development, other than the preliminary discussions on which the appropriation was made in 1914.

Q.—That was, of course, the preliminary discussion which brought about the appropriation?

A.—Yes, Sir.

Q.—Upon which, the investigation was proceeded?

A.—Yes, Sir.

Q.—You made certain forecasts as to the probable requirements?

A.—Yes, Sir.

Q.—I notice here, in paragraph two, under the heading, growth of load on the Niagara system, "The following shows the very rapid growth in the load on the Niagara system." You began in 1910?

A.—Power was first taken in September; in January, 1911, the load had increased to 4,200 horsepower. In January, 1912, the load had increased to, approximately, 19,000 horsepower, in January, 1913, to approximately, 36,000; in 1914, the load had increased to approximately 48,000; and in December of 1914, it had increased to approximately 82,000, "and it is estimated that the load of municipalities served, without any addition to the number, will reach 100,000 horsepower during the coming winter, without considering the loads of municipalities under contract, which have passed the necessary by-laws at the present time for the supply of power." Now, how correct was your estimate of 100,000 horsepower?

A.—The actual demands of the municipalities would have exceeded that in the fall of 1915, had we been able to supply power. In the spring of 1916, we contracted with the Canadian Niagara Power Company for an additional 50,000 horsepower and in January, 1917, all that had been used.

Q.—This is another case where you exceeded the estimate?

A.—Another case where the market exceeded our estimate.

Q.—You estimated an increase in the loads of the Commission as follows: 1915, approximately 100,000; 1916, approximately 125,000; 1917, approximately 150,000; and in 1919, approximately 200,000. That is the increase in the load—that is not the total load, that is the increase?

A.—Yes, we had only, at that time in 1914, 100,000 horsepower.

Q.—Then, as a result of this report, what action was taken?

A.—The legislation of 1916; the Niagara Development Act was enacted.

Q.—First, let me ask you. I see there are apparently a number of estimates here. How has your experience compared with the estimates and reports, speaking generally?

A.—They have exceeded them, or they would have exceeded them if we had had the capacity to meet the demands at the times specified.

Q.—And how as to cost?

A.—In the original reports, submitted to the Government, the estimates provided for a plant of 100,000 horsepower capacity, with a canal capable of supplying about 6,500 second feet, or approximately, 190,000 to 200,000 horsepower. For a canal of that capacity and 100,000 horsepower installed, at the prices then existing in 1913 and 1914, with conditions as they were then, we estimated \$10,500,000 approximately.

Q.—And what happened as a result of that report and that estimate? What action was taken?

A.—The legislation of 1916 was enacted, authorizing the Commission to go on with the engineering and procuring the right of way. An appropriation, I believe, was made then of \$500,000.

Q.—So that the work, the actual preparatory work, in connection with construction was then begun?

A.—The order in council was passed sometime in July, 1916, which authorized us to go on with the necessary engineering work, and the purchase of the necessary right of way for the construction of the plant.

Q.—Now, this is the plant which you have told us was to cost \$10,500,000 and was to develop—how much?

A.—The installed capacity at that time was to be 100,000 horsepower, with a canal capable of developing up to 190,000 to 200,000 horsepower.

Q.—The maximum capacity of the canal was to be 200,000?

A.—Yes.

Q.—You actually began construction on that basis?

A.—No. On the vote of the people in 1917, the legislation was amended as provided in the Niagara Development Act, of 1917. Instead of having it as it was in 1916, it was placed under full control of the municipalities in 1917. By 1917—the original report was in September, 1915—we would have exceeded 150,000 horsepower, for the demands of the municipalities were in excess of 150,000 horsepower. At that time a new report was prepared, which was incorporated in the Johnston report of April 17, which provided for a ten thousand second feet canal or a maximum of 300,000 horsepower. It started at that time. The Order in Council, authorizing the going on with the construction of the canal, was passed in July, 1917, that is speaking from memory.

HON. MR. BIGGS: What was the estimated cost at that time?

A.—As I remember, for an installation of 250,000 to 300,000, the estimated cost as stated in the reports there, was \$27,000,000 to \$29,000,000. That is without any intake—we put in a \$900,000 intake—without any lining of the canal. With an installation of 250,000 to 300,000, it was about \$27,000,000 to \$29,000,000, speaking from memory. That was based on conditions and prices in 1916, which were the lowest in a great many years.

HON. MR. FERGUSON: I suppose you have available the estimates upon which that cost was worked out?

A.—Yes.

Q.—Are they here to-day.

A.—The estimates of the canal, as submitted by R. D. Johnston, are here.

Q.—Is that the 1917 canal you are talking about?

A.—Yes, that is the canal, only it doesn't include the electrical equipment or the power-house or other works in connection with it.

Q.—That is just the waterway?

A.—Yes.

Q.—Who was employed by the Commission in 1916, as consulting engineer on this work?

A.—Mr. R. D. Johnston.

Q.—Who is R. D. Johnston?

A.—He is of the firm of R. D. Johnston and Wahlman, of New York, consulting hydraulic engineers. He has been engaged practically since the commencement of construction of the hydraulic plants on the Niagara River as a hydraulic engineer. He was employed by the Ontario Power Company from the beginning as one of their expert hydraulic engineers.

Q.—So that he has had experience in the locality and with the conditions there?

A.—Yes.

Q.—I suppose you knew that, and that that was one of the reasons for calling him into consultation?

A.—Our experience is that a man familiar with the district is preferable to one who had had no experience in handling the water in that particular locality.

Q.—Locality has a lot to do with it?

A.—Yes, it is an important consideration in the preparation of reports and the construction of hydraulic works.

Q.—I am told he is one of the leading hydraulic engineers in the United States?

A.—I believe he is the foremost expert on hydraulics in America, and other engineers of repute have so stated.

Q.—So that your original estimate was worked out in collaboration and was based upon the judgment of the leading hydraulic expert of America?

A.—Yes, Sir. And in addition to that, there was also the expert opinion of contractors familiar with conditions at that point.

Q.—I was just going to ask you about that. Had you any other opinions, besides that of Mr. Johnston?

A.—We had, a number of contractors and engineers, familiar with conditions of actual construction work in that district.

Q.—Can you tell us some of the leading men?

A.—We had several. Moody and Sangster, contractors in the Niagara district; Douglas, a contractor who was the contractor on the Electrical Development, the Canadian Niagara and the Ontario Power Company; Hugh L. Cooper, who was employed in connection with that work.

Q.—On the American side?

A.—No, on the Electrical Development plant.

Q.—What was he? In charge of construction or merely consulting engineer?

A.—He did both. He was in charge of construction for a time, and he had to do with some of the engineering. I believe he was also employed as a consulting engineer, with the Electrical Development Company.

Q.—So your 1917 report was not exclusively the estimate of the engineers of the Hydro Electric Commission?

A.—No, information was obtained from these other sources.

Q.—You gathered all the expert testimony you could?

A.—Yes, Sir.

Q.—And you collaborated with them and made your estimate upon that basis?

A.—Yes.

Q.—Now, you began construction work upon that project when—in 1918?

A.—In 1918, yes. Before doing so, the Commission requested tenders from leading contractors on the work and we were unable to get a definite tender on the construction of this work at that time. They would

only consider it on a cost plus basis. After considering the facts and conditions in connection with the operation, and the advice of these large contracting firms, the Commission decided to go on with the work under their own construction staff, in view of the difficulty, and the special plant that had to be provided for such a work.

Q.—Can you tell us any of the contractors who were asked to tender, or was it a general advertisement?

A.—There were five or six of them. I cannot off-hand give them all. Most of the contractors then engaged on the Welland Canal, this Sangster firm and a number of others.

HON. MR. BIGGS: That is to say, bids were invited?

A.—Yes. I do not know if I have that information here, but I can get it. Quinlan and Robertson was one, O'Brien. There were five or six of them, large contracting firms in the Niagara district, who had worked on the Niagara development, and also for American concerns.

HON. MR. FERGUSON: At any rate, they were invited to submit tenders for which they would undertake the construction contemplated?

A.—Yes.

Q.—I understand you were unable to secure bids from any of them.

A.—We could only get an offer on a cost plus basis, plus rental of equipment. They had various plans as to how they would handle it. Some went as high as cost plus 22 per cent.

Q.—Were these offers made in writing?

A.—Yes, Sir.

Q.—Have you them here?

A.—No.

Q.—They are available on the records of the Commission?

A.—Yes.

Q.—I would like you to bring them. So you got no offer in the form of a contract of any kind. They were all elastic and uncertain.

A.—Yes.

Q.—Did you discuss it with any of these men as to why they would not make you an offer of a firm contract?

A.—Yes, Sir.

Q.—What were the reasons given?

A.—In view of the difficulties, the conditions at that time, the uncertainty as to labor costs and material costs, the uncertain supply of labor and other things, entering into such a proposition as that. They said it was practically impossible to submit any definite offer in connection with such a proposition.

Q.—Did they say anything about the physical conditions?

A.—No, Sir. That was quite satisfactory. They felt they could carry on the work quite satisfactorily. It was labour and material conditions, and the supply of labour, that was the paramount thing in their minds.

Q.—The uncontrollable features?

A.—Yes, the necessity for supplying the plant and handling this proposition most efficiently.

Q.—So that the Commission was forced to undertake this work themselves by day labour?

A.—Yes, Sir.

Q.—When did you begin actual construction work.

A.—These tenders were in June, 1917. We were authorized to go on with the work in June or July, 1917, and we actually commenced construction work in May, 1918. We had a certain period in which we had to prepare necessary plans and obtain equipment to start this work. In May, 1918, was about the first work on the canal, and that was only preparatory work, the excavation necessary for the construction of railways and auxiliary equipment necessary for the commencement of operations.

Q.—That was in May, 1918?

A.—Yes, Sir.

Q.—What was the estimated period of construction. When did you expect to complete the work then outlined?

A.—Three and one-half to four years.

Q.—That would be in the fall of 1921 or the spring of 1922?

A.—Yes, that was with favourable conditions.

Q.—How long did you proceed with the work on that basis? The basis outlined in that report?

A.—When the preliminary work was accomplished on the basis of that early report, in view of the demands of the municipalities and the fact that the market was increasing so rapidly the Commission and the Government decided to increase it on the recommendation of the engineers to 15,000 second foot capacity. That, by means of such things as improved quality in the work, in the headworks and so forth, has increased the capacity of the canal which we believe now to have a capacity of 18,000 to 20,000 second feet.

Q.—What does that mean in horsepower?

A.—Between 550,000 and 600,000 horsepower.

Q.—That is your estimate of the capacity of the present canal?

A.—That is the present canal in the rock section. Of course, the estimates submitted do not provide for the earth excavation in the river up to the maximum capacity.

Q.—The rock section of the canal and the permanent works have been constructed for a capacity of 550,000 to 600,000?

A.—Yes.

Q.—Now, who did you consult outside of your own staff with reference to the expanded programme. As you say, you found there was such a demand for power that your original scheme was not going to meet the situation and you decided to enlarge?

A.—Yes.

Q.—Did you consult with anyone outside your own staff with respect to that?

A.—Yes.

Q.—As to physical conditions?

A.—Yes, the consulting engineers were always consulted. They made reports in collaboration with our own engineers on the design of the canal and its carrying capacity.

Q.—If I understand you right, you laid the situation before your consulting experts and pointed out to them that the project as then outlined



would not meet the situation and discussed with them what plans should be adopted for an enlarged canal?

A.—Yes.

Q.—In collaboration with your own engineers?

A.—Yes.

Q.—And you, of course, like anyone calling in consulting engineers, were largely directed and influenced and largely dependent on the expert advice you got?

A.—Yes, Sir.

Q.—Did they figure the estimates for the increased canal capacity?

A.—Up to 1920 they figured the increased cost on most of the work which had to be done.

Q.—They did actually figure the estimates?

A.—Yes, along with the engineers of the Commission. Further, during the years 1918, 1919 and part of 1920 experiments were carried on under the direction of the consulting engineers with reference to ice conditions and things of that kind, which was another thing the consulting engineers collaborated on, and which required a very extensive intake.

Q.—That is something that would require actual tests?

A.—It was based on experiments on a model of one to twenty under actual conditions as they obtained on the river.

Q.—Tell us what you mean by an actual experiment by a model?

A.—The construction of a model on the lines of one to twenty of the conditions as nearly as they could be reproduced on the river as they existed or would exist after construction of the works. That was carried out at Niagara, at Dufferin Islands.

Q.—So that you actually built a miniature plant?

A.—Yes, as far as the intake was concerned.

Q.—To demonstrate conditions by actual test?

A.—Yes.

Q.—So that there was no theorizing with reference to that?

A.—No.

Q.—And that was done under the supervision and direction of the consulting engineers?

A.—Yes.

Q.—Now, you told us you began work in May, 1918. How far had your work gone before there was any change decided upon in your plans?

A.—No more than preliminary work.

Q.—The class of work you spoke of, getting ready for railways and surveying roads, etc.?

A.—Yes, just preliminary work.

Q.—And when was the new plan actually adopted?

A.—Sometime in 1918. I don't know the exact date from memory.

Q.—You might get us that date. It might be important. So that construction work, the real construction work began then on the enlarged plan we have been speaking about?

A.—Yes.

Q.—The plan that was advised and directed by your staff of consulting engineers?

A.—Yes.

Q.—What was the estimate for that, the estimated cost, have you that?

A.—They still used the estimate that had previously been made in 1917, and added to that the changes necessary to enlarge the canal to a capacity of 15,000 second feet.

Q.—What was the amount?

A.—I haven't that from memory, I will have to look it up.

Q.—You might get us that estimated cost on the enlarged work as decided upon in 1918.

A.—There is one item I remember, the item for the intake which was increased from \$900,000 to \$3,500,000 approximately, that was for ice protection, protection from the fragile ice and anchor ice and the conditions met in the river. That is one of the things the Commission endeavoured to protect the plant against, the possibility of a shut down which occurs every winter to a more or less extent in the plants of the Niagara development, some more than others. The Canadian Niagara drops down as low as five per cent. capacity due to ice conditions, and these were the things we wanted to eliminate by ice experiments. Such protection as that required a much more expensive construction than the ordinary boom intake we originally estimated upon.

Q.—In other words, consistency in flow is the essence of efficiency in your whole scheme?

A.—Yes, and loss of revenue, not only so far as the Commission is concerned, but so far as the customers are concerned.

Q.—The basis of it is that your scheme to be efficient must have a consistent flow of water, so you won't have to suspend operations?

A.—Yes.

Q.—That was one item you say increased from \$900,000 to \$3,500,000?

A.—Yes.

Q.—And that canal now is a canal that has a capacity of 550,000 to 600,000 horsepower?

A.—Yes.

Q.—Has there been any change in the plan, as far as capacity is concerned, since that date?

A.—Not that I know of.

Q.—Of course, you would know?

A.—Yes.

Q.—There may have been some alterations or improvements in construction methods in detail?

A.—Yes, improvements in the quality of the work, which help to some extent.

Q.—You have never contemplated any change to increase the quantity of power that would be developed?

A.—No.

Q.—Then you went on with this estimate that was prepared in consultation with these engineers and how did you find that the costs compared with the estimate as you went along?

A.—The labour cost was increased from two and a half to three times and the value of labour to two and a half to five times.

Q.—That is, the costs went up and labour efficiency fell down?

A.—Yes, that is it.

HON. PETER SMITH: During what period?

A.—From 1918 to 1921.

HON. MR. FERGUSON: You say the cost went up two and a half to five times.

A.—That is the direct charge. Of course, you have to figure on the value which went up two and a half to five times.

HON. MR. BIGGS: What time in 1921 did you reach the climax?

A.—I would say the climax was reached in the fall of 1920 and the spring of 1921. This price was maintained right through until the middle of August, 1921.

HON. MR. FERGUSON: You mean the price of labour was constant during that period?

A.—No, I mean our increases came each year, for instance, 1918 was higher than 1917, and there was an increase in 1919 and 1920, they kept on increasing.

Q.—Can you tell us what proportion of the cost of this project is labour?

A.—Not off hand, but it is a very large proportion.

Q.—I suppose you could figure that out?

A.—Yes.

Q.—Will you make a note of that, just what percentage of the cost of this scheme was labour.

A.—Yes, of course material also increased.

Q.—Now, on the question of the efficiency of labour. You say that the falling off in labour efficiency was even more serious than the increase in prices?

A.—I would not say more serious. It was a serious proposition. There was a great shortage of labour and a great turnover. Men would leave the job to go to some other job and turn around and come back again. In fact, we had a turnover of 26,000 men in one year, with an average staff of between five and six thousand. That is a turnover of five times in a year; and those who handle construction work will appreciate the enormous cost in such a turnover of labour, a tremendous cost due to conditions over which the Commission had no control.

Q.—What was the cause of that?

A.—The scarcity of men and plenty of jobs with every man looking for an opportunity to sell his labour in a higher market.

HON. MR. BIGGS: Can we get the proportionate rate in efficiency, Mr. Gaby says the labour cost increased two and a half to three times. Can we get the proportion as to how efficiency ranged.

HON. MR. FERGUSON: He said two and a half to five times. I would like, Mr. Gaby, if, when you are working out the proportion of labour cost, you would at the same time calculate just what these two factors mean in increased cost that could not be anticipated?

A.—There are other things, too, not anticipated.

Q.—You think more rapidly than I do. I was just going to ask you what other factors there were that you could not have had in contemplation, that led to increased cost?

A.—We had the surtax and increased duties.

Q.—Let us get them one at a time; the surtax, tell us what that is?

A.—An increased tax on the goods we bought of one and a half to three per cent.

Q.—What goods?

A.—Material and equipment we purchased for this work.

Q.—That is on the proportion that came from the United States?

A.—No. In Canada as well. We had to pay one and a half to two per cent. for every thing we bought, and in addition to that we had to pay 7½ per cent. additional on the equipment brought in from the United States.

Q.—I suppose you can calculate what the surtax amounted to?

A.—Yes.

Q.—Then there was the duty on materials and plant which you have brought in from the American side?

A.—Yes.

Q.—Why did you go to the American side?

A.—Because it couldn't be got any other place.

Q.—Was there anything but duty to be paid on that, any surtax on that when it came in from the American side?

A.—Yes, sir.

Q.—Duty and a surtax as well?

A.—Yes, sir.

Q.—The duty was what?

A.—There was 7½ per cent. extra duty. There was a standard duty of thirty to thirty-five per cent., and in addition to that there was an additional duty of 7½ per cent.

HON. PETER SMITH: That wasn't an increase on what it had been before?

A.—Yes, it was an increase. It was an increase not contemplated in the estimates of 1917.

HON. MR. FERGUSON: It was not put on until 1919.

HON. MR. SMITH: There was a duty on then.

WITNESS: Yes, but this was an additional 7½ per cent.

HON. MR. BIGGS: Probably Mr. Gaby can give us the exact periods of the surtax and when the change in duty came.

HON. MR. FERGUSON: Yes, my idea is that these calculations should be made to show what addition to the cost arose from these factors that he is talking about. Now, were there any others?

A.—An increase in freight rates.

Q.—Just give us what other factors were not contemplated where you had to face increases?

A.—Those were the important ones. There may have been others but I do not just remember them.

Q.—I want you to make a calculation, and briefly what I want is this: that you bring us a calculation here so that we can have, as briefly as you can put it the various items of increase that you could not have contemplated and over which you had no control, such as you have spoken of.

A.—Of course you appreciate that it is an enormous job to get this analysis and that it would take some time.

MR. TOLMIE: Then there is the increase in material?

A.—Yes.

HON. PETER SMITH: When you decided on the expanded programme did you consult the Government of the day?

A.—That, I am not in a position to say, I believe the Commission did so. I understand they did so.

Q.—If you did you will have some correspondence.

A.—I cannot speak of that matter. That is something the Commission will have to answer. The correspondence, of course, is in the files and I haven't looked over it.

Q.—If you have any correspondence with the Government in connection with the expanded programme I would like to have that.

MR. TOOMS: I notice the gentleman has said something about the lack of efficiency of labour. He said that labour required considerable money and time to spend it. Does that apply to the professional staff and the office staff?

A.—Not to the same extent. As far as the engineering staff is concerned there has been very little turnover in that staff, practically none.

HON. MR. FERGUSON: In 1918 did you get very far with construction work?

A.—No sir, it was mostly preparatory work.

Q.—At what period did you start in, in a serious way, with construction work, the excavation and so on?

A.—As you will readily appreciate our auxiliary plant was an extensive one on account of the magnitude of the work. We had done in the fall of 1920 and the spring of 1921 approximately 25 to 30 per cent. of the canal but practically nothing on the power house or equipment. That is, by the fall of 1920 and the spring of 1921.

Q.—Up to that time there was no work beyond the actual excavation work?

A.—And the power house, just enough to get ready for the foundations.

Q.—Nothing done with the intake?

A.—Very little.

Q.—Nothing with the ice protection scheme?

A.—Some excavation in the river had taken place, excavation in the area over the intake, and the coffer dam. That had been commenced.

Q.—I am told the ice conditions on the Niagara River are peculiarly difficult owing to the current and eddies and that sort of thing?

A.—In certain locations they are. It depends on the location how difficult they are. The Canadian Niagara plant is practically shut down at times due to physical conditions. The Electrical Development Company have very little trouble, and the Ontario Power Company a little more than the Electrical Development Company.

Q.—It is a very difficult situation to cope with in the Niagara River?

A.—It is in all large rivers carrying so much ice as the Niagara does.

MR. WATSON: Did you carry on the experiment in the Niagara River?

A.—As closely as conditions could be reproduced, in the Niagara River.

HON. MR. FERGUSON: Where was the model?

A.—At the Dufferin Islands in the Niagara River.

HON. MR. BIGGS: Climatic conditions would be the same but you couldn't get the currents.

A.—We had to use, as far as the experiments were concerned, artificial ice loaded to the same density as ice, also for anchor ice we had articles floating in the same way as ice would float. Flow conditions were reproduced. It was really a model of the river located at the Dufferin Islands. The flow conditions were regulated. A model of the canal was also put in on a scale of one to twenty.

HON. MR. FERGUSON: You actually put in a constructed work that created a replica of the Niagara as far as it was possible to do so?

A.—It was the largest model ever attempted for reproducing conditions anywhere. We spent from two to three years in actual experiments with different designs and models of intakes and sections of the canal and currents to check up the design in points in the canal.

MR. TOLMIE: Is it customary for engineers to do that?

A.—No sir. They usually carry on without that. But that is an extra precaution the Commission carried on to insure that things were right. They don't do it as a rule.

MR. MURDOCH: What was the cost of that model?

A.—I couldn't say off hand but it cost considerable. I would not like to say off hand but it would be a lot of money, thousands of dollars.

Q.—You could get that?

A.—I could.

MR. FERGUSON: Was that contemplated in the estimate of cost?

A.—Not in the beginning, no. It was an extra precaution.

Q.—Now, I think you told us the increased cost of material was more than you contemplated?

A.—Yes, running up to three times.

Q.—Can you tell us how much was invested in plant to carry on the work?

A.—Yes, sir.

Q.—How much?

A.—The total for plant and stores was approximately \$17,000,000 to \$18,000,000. That is, plant and stores.

Q.—Supplies?

A.—Yes.

Q.—Did you carry your own food camps, boarding camps?

A.—We had some camps operated by the Commission staff, but as a rule we provided camp buildings and facilities and contracted out these facilities to other parties who fed the men at certain rates, checked up by the Commission. In other camps we simply rented the camps and they provided their own food.

Q.—Was there any loss in that branch?

A.—No, it was carried on at cost. We charged rates from time to time to meet the cost. It was practically all carried out under contract.

Q.—Did your original plan contemplate just an open earth canal?

A.—Yes, open earth and rock.

MR. GREENLAW: You never considered a tunnel?

A.—Yes, we had a careful analysis and comparative estimates made

of a tunnel and open canal and a combined tunnel and open canal. A great deal of time was spent in checking one against the other to see which was the most efficient and which was the lowest in cost and most efficient as to cost of operation.

MR. FERGUSON: There was a suggestion, wasn't there, that you tunnel right under Niagara Falls?

A.—Yes. We checked up these three different plans, the open canal, a tunnel and this combination of both. After a thorough investigation by the consulting engineers, the one that was most efficient to our mind was the open canal and the one we would be most certain of as regards construction cost.

MR. GREENLAW: You think it would cost more for a tunnel than an open canal?

A.—Yes, sir. There are a great many unknown conditions you may have to contend with in tunnel construction. To take out rock in the hundred foot levels where you would have to go to get proper rock would make the cost very much higher. That is the advice of experienced men who have built tunnels. A further thing we had to contend with, and that was the gorge which apparently had no bottom, only glacial morain, and it would be a difficult thing to construct a tunnel in that material and be sure you had something that would not settle. I am referring to the whirlpool gorge where you can bore for from two hundred to four hundred feet and can find nothing but glacial morain.

HON. MR. BIGGS: You could not have got a rock built tunnel and maintained the grades.

A.—You would have to go 200 feet down and that would be a tremendous thing. That has been more or less proved by the construction of the tunnel at Niagara Falls to-day. The costs are very high. This matter was very carefully considered in 1916 and one of the reports is in there at the present time.

MR. GREENLAW: You gave consideration to the bridges and the loss of land you cut up and the dumps?

A.—Yes, all those things were considered.

MR. TOLMIE: The canal you have, is it a steady grade down?

A.—It is a uniform grade. In other words, water put in at one end will flow out the other.

MR. WATSON: What percentage of flow do you gain by concreting the sides of the canal. I understand the friction is less and that you get more capacity.

A.—We estimate that we gain anywhere from 20 to 25 per cent. in improved conditions and the smoothness in connection with it. We figure the gain at from three to five thousand second feet.

HON. MR. BIGGS: That is where your gain in horsepower would come in after the original side of the canal was decided on?

A.—In the original plan it was not lined at all, just a channel side canal. Then the lining was added. It was practically impossible to get a smooth channel side and it would have to be concreted anyhow, so we decided to concrete the whole.

Q.—Then the investment in lining up the sides of the canal and the extra expenditure would ultimately lower the cost per horsepower by increasing the carrying capacity of the canal?

A.—Yes, sir.

Q.—So that the extra investment in lining the canal was actually a gain in horsepower and the ultimate production of the canal?

A.—That is right.

HON. MR. FERGUSON: I understood that to get rid of erosion was the reason for your cement lining?

A.—And also the fact that we could have a large section lined in any event for practically all the rock.

Q.—Part of it had to be lined in any case?

A.—Yes.

MR. MURDOCH: How much wider and deeper had the canal to be made for this increased capacity?

A.—I cannot say off hand. Over the original 10,000 second feet estimate it was deepened more than three feet and slightly wider. It had to be widened also in connection with the lining which is from eighteen to twenty inches on each side. That is just a general answer.

MR. TOLMIE: You spoke one time about an estimate of \$29,000,000. That didn't include the lining and things of that sort?

A.—That was a three hundred thousand horsepower canal without lining and under the conditions of 1915 and 1916. That is from memory.

HON. MR. BIGGS: Just before we leave that lining proposition. When was that idea ultimately adopted of lining the canal, when did that come in as a stated feature of construction?

A.—I will have to refresh my memory. It came in in the 1917 estimates as to what extra lining would have to be put in to take care of the overbreak. As to when the lining of the whole canal was decided upon, I would have to look that up.

MR. MURDOCH: Didn't it occur to the Commission when they first thought of an open ditch that they would have this difficulty of erosion and other things. Why was the idea of lining not thought of at the start?

A.—All the canals up to this time had been constructed on those lines. They allowed sufficient area to overcome that friction. This is the first large canal that has ever been lined in the world, that is an open ditch canal in a rock section. It was after further investigation—and these investigations were going on all the time to lessen costs, improve conditions and increase efficiency. It was through these investigations by the consulting engineers and our own that it was finally recommended to the Commission that it should be done and they, I presume, recommended to the Government.

MR. TOLMIE: You made an estimate of what it would cost to line the whole thing?

A.—Yes, an estimate was made.

Q.—What was it?

A.—The lining cost us about \$7,000,000, somewhere in the neighbourhood of \$7,000,000.

Q.—Was that the total lining or the extra lining?



A.—That is the total cost of the lining.

HON. MR. BIGGS: The forebay is not concreted—that is gunited?

A.—Yes, the velocity is low there, and it was not necessary to concrete it. A tougher surface will do. It was gunited for the purpose of protecting it against leakage.

A MEMBER: You just shoot the cement out of a gun under water?

A.—The cement is in a liquid grout, and is put under compressed air and forced out like in the ordinary compressed air painting, at very high pressure, about 150 pounds pressure.

HON. MR. FERGUSON: I understand that when you decided to concrete the canal all the way through, that you wanted to provide for the maximum possibilities of the canal as to development?

A.—Yes, that was the idea.

Q.—You were looking to the future?

A.—Yes, Sir.

Q.—It was to be a permanent job, and you had to provide for the future?

A.—When you put water in that canal you cannot touch it again. You cannot change its capacity when the canal is completed unless you unwater it.

Q.—You could not change the capacity. You would have to unwater it, take the lining out to change that, so you had to provide for the ultimate maximum?

A.—Yes.

Q.—Now, all these matters that came up for consideration from time to time, were they considered by these consulting engineers you have spoken about?

A.—Yes. That is what the Commission employed them for. Any change that was proposed was always taken up with the consulting engineers and discussed with them.

Q.—Where you made any changes, you consulted them?

A.—Yes.

Q.—They were on the ground and were taken into consultation, and it was with their approval that alterations, that became necessary, were made?

A.—Yes.

Q.—When you say these engineers were on the ground, what do you mean by that, that they were there checking up on the work?

A.—From time to time, if there was any proposed change in the design, they were advised, and would come up and go over the proposition, discuss it and make their report to the engineers or to myself. There were practically very few changes after the design was finally decided upon.

Q.—As I understand it then, any suggestions that came to you from time to time were submitted to them?

A.—Yes.

Q.—You got their advice?

A.—Yes, that is as to important features, as far as the canal was concerned.

Q.—Has there been any checking up of the work by these consulting engineers?

A.—Yes, sir. In addition to that, other consulting engineers have been employed by the Commission for checking purposes.

Q.—Who has been checking up on the work?

A.—Hugh L. Cooper was employed in 1920, and prepared a report on the work as it existed then, and the design of the canal; Mr. Kerbaugh, Mr. Stewart, the engineer; Mr. Lea, a hydraulic engineer; and in collaboration with Mr. Johnston, Mr. Wahlman.

Q.—All these engineers from time to time checked up this work and approved of it, as it has gone on?

A.—Yes.

MR. MURDOCH: Before we get away from this; the original estimate was \$10,500,000 on 150,000 horsepower?

A.—The original estimate was \$10,500,000 on the basis of 1913-14 conditions, for 100,000 horsepower, with a maximum capacity of 190,000 to 200,000 horsepower.

Q.—Then, how many horsepower did you figure on by increasing the size of the canal and the lining?

A.—That was an estimate of 15,000 second feet, approximately, or about 450,000 horsepower; and with the lining up to 550,000 to 600,000 horsepower.

Q.—The widening would amount to about 300,000 horsepower?

A.—Yes. The first was an estimate of 100,000 horsepower, then it went to 300,000 and then that was increased to 450,000, and by improvements and so forth, to 550,000, to 600,000. That was due to the increasing market demand and to the fact that it was not constructed at the time we expected.

Q.—The market conditions made a difference in the capacity of the canal?

A.—Not as to physical conditions, but it was a reason for additional capacity to take care of the future. Our load increases anywhere from 50,000 to 55,000 horsepower every year and we had available to start with, a demand of 115,000 horsepower, which is being taken from the Queenston Chip-pawa with two machines.

HON. MR. FERGUSON: In other words, if you had stuck to the original plan of an open ditch development of 110,000 horsepower, with a capacity for a development up to 200,000 horsepower, it would not now come near to meeting your requirements?

A.—It is estimated it would hardly meet the demands under normal conditions operated to full capacity, which is not the most efficient way of operating, by December of this year. Further, if we had gone ahead with that canal it would have been necessary, two years ago, to start the construction of another canal of equal capacity or larger, as it takes anywhere from two and a half to three years to excavate a canal of that character.

MR. TOLMIE: It has a capacity now for nine units?

A.—Ten.

Q.—You can increase it to ten?

A.—We are putting in five units of 55,000 capacity, and we contemplate putting in an additional five units of 75,000 horsepower capacity.

The Committee then adjourned.

## PUBLIC ACCOUNTS COMMITTEE.

April 19, 1922.

The Committee met at 10.30 A.M., Mr Watson in the Chair.

F. A. Gaby recalled.

HON. MR. RANEY: Just a moment, before Mr. Ferguson begins his examination; I am told that the Commission of Inquiry has been asking for the production of documents, and has been told that the documents are before this Committee. I suggest that at the close of to-day's sittings, the documents be returned to the custody of the Commission and if the Committee desires their production in the future I presume there will be no difficulty in arranging it, but we do not want to delay the getting of information by the commission of inquiry. I suppose there will be no objection to that, Mr. Ferguson?

HON. MR. FERGUSON: No, I haven't any desire or thought to interfere with the operation of the Commission, but I do desire that this Committee shall be given every opportunity to function properly and that at all times there will be available to this Committee and the reports and documentary evidence in the Commission's offices. I don't want to be placed in this position—I suppose this Commission will have a clerk or secretary or somebody and if the documents that are necessary to a proper investigation and examination here are handed over to some other tribunal, I do not want them impounded.

HON. MR. RANEY: We haven't reached that stage yet. I do not know whether Mr. Gaby has been taking the documents back or leaving them here with the clerk, but I suggest that for the present, as a working arrangement that Mr. Gaby keep the documents in his own custody and if we come to the stage where there is any difficulty about the documents being in two places at the same time, we can discuss it then. In the meantime a *modus vivendi* can be adopted, under which the documents will be available for the purpose of everybody. I think, perhaps, Mr. Gaby can adjust things so there will be no trouble.

HON. MR. FERGUSON: The members of this Committee are laymen and need time to study these documents. But I am quite content if the Attorney-General gives the Committee an undertaking that these things will be available, and are not going to be taken away from here, so that we will be deprived of an opportunity of seeing them again before this Committee.

HON. MR. DRURY: I have a letter here from Mr. Gregory: "At our meeting with the members of the Hydro Commission yesterday, we asked for the production of certain reports, estimates, etc. Mr. Pope, the secretary, stated that a number of the documents required by us had been sent up to the Parliament Buildings, for the use of the Public Accounts Committee, and, therefore, the Commission was not in a position to produce them for us. If it would be convenient to do so, our Commission would be obliged if the Committee would have the documents returned to the Hydro Commission, so that they may be made available for us."

HON. MR. FERGUSON: We were discussing that as you came in Mr. Premier. I haven't any objection, and I want to expedite your commission, but I want an undertaking that these things will be available for this Committee.

HON. MR. RANEY: I suggested to Mr. Ferguson, that instead of the documents being left with the clerk of the Committee, they should be left in Mr. Gaby's custody, that he should take them back and produce them here when called upon. If any difficulty should arise, any occasion for the documents being called for from two quarters at the same time, then we can consider that matter. In the meantime, as a working arrangement, we could let the documents remain in Mr. Gaby's custody, and if a difficulty arises we can consider it.

HON. MR. FERGUSON: If this is to be an abortive inquiry, there is no use beginning it. The Attorney-General says: "If a difficulty arises, we will consider it." My idea is to preclude the possibility of any such thing arising. There is no doubt the Attorney-General could arrange it. I do not want to get on with two or three days examination, and then find that the documents are not available. I have no doubt the Attorney-General is in a position to say that he will undertake to get us such documents as we will require. I have no thought of impeding the Commission, but I do not want to run into a difficulty where I will get to an impasse, where I cannot do anything more. I think the Attorney-General should be prepared to say that, and that will be quite satisfactory to me.

HON. MR. RANEY: I do not see how I can give an undertaking, whether on behalf of the Hydro Power Commission or on behalf of the Commission of Inquiry. I do not think any undertaking is necessary. We are not asking for anything except that the documents be left with the Commission. We are not seeking to do anything to interfere with this Committee's proceedings.

HON. MR. FERGUSON: I am a bit suspicious of you, to be candid, and I do not want to be placed in that position. When I begin an examination and take two or three days of the Committee's time, I do not want to find that this examination must cease and amount to nothing. That is unfair to the Committee.

HON. MR. DRURY: I do not think there is any question of such a situation arising. The Commission want the documents for certain purposes for their own information. That does not mean they would be unavailable for the Public Accounts Committee.

HON. MR. FERGUSON: I don't know whether it would or not. But the Attorney-General can arrange it.

HON. MR. RANEY: I am prepared to go to this extent, that the Government will be prepared to facilitate, that is all you can ask for.

HON. MR. DRURY: Perhaps Mr. Gaby could tell us if it would not be perfectly possible that the documents would be available for both, for all practical purposes?

MR. FERGUSON: Mr. Gaby cannot tell. If the Commission say, we want these documents to peruse temporarily, you know that, ordinarily, when one of these things is brought before a Commission it will remain in the custody of that Commission.

HON. MR. RANEY: I suppose some of the documents have been multiplied?

MR. GABY: All the documents could be copied except some of the original plans. There is only one difficulty and that is that attached to some of these records are original plans, and there is only one copy available. We might be able to obtain additional copies.

HON. MR. RANEY: Do you see any difficulty in the course I am suggesting?

MR. GABY: If copies are satisfactory, I see no difficulty in making copies of the data.

HON. MR. DRURY: It seems to me that if copies were made of those which could be copied, you would reduce the other thing to a minimum, and it would be quite possible to have the documents here and take them back again.

HON. MR. FERGUSON: The documents are in the custody of this Committee, at the present time.

HON. MR. DRURY: The Committee would reasonably do that now that the investigation is proceeding, there ought to be an arrangement by which the Committee will, if you like, retain them in its custody, but let them be used for the purpose of the Commission.

HON. MR. FERGUSON: I have no objection to that at all.

HON. MR. DRURY: We have no desire to make the inquiry before this Committee abortive, but we do not intend to have the work of the Commission held up.

HON. MR. FERGUSON: Nobody is trying that. That idea arose in the mind of my friend behind you the other day.

HON. MR. DRURY: Mr. Raney, will you give an undertaking?

HON. MR. RANEY: I won't give any undertaking at all. I do not know what it will mean, but the Government will endeavour to facilitate the work of this Committee.

HON. MR. FERGUSON: What I would like the Attorney-General to say, and I am quite sure he can say it because I am quite sure he can go to the Commission and make that arrangement—is that this Committee will not be delayed in its examination or interfered with by the operations of your investigating commission. That is what I am anxious about.

Hon. Mr. Raney then moved that the documents be left in Mr. Gaby's custody, and produced by him subject to the further order of the Committee.

HON. MR. FERGUSON: That is taking them out of the custody of the Committee isn't it?

HON. MR. RANEY: No, it isn't because he is to produce them subject to the further order of the Committee.

HON. MR. FERGUSON: That doesn't mean anything. They are in the custody of the Clerk of the Committee now, and he should be instructed to produce them for the use of the investigating commission, if they are needed there. He can be called to produce them and Mr. Gaby can be called as a witness to give evidence in respect to them. But all the time these documents should be available.

HON. MR. RANEY: I am sure Mr. Gaby will facilitate you in that.

HON. MR. FERGUSON: I am not worrying about Mr. Gaby. It is you I am worrying about. . . . Well, then, I suppose you will let matters remain in *statu-quo* with the clerk of this Committee—is that it?

HON. MR. DOHERTY: I think there was an understanding when these documents were ordered. The question was asked. In case of the appointment of an investigating Commission, and that Commission wanting these documents, what about it? Your reply was that at all times this Committee could send these documents back.

HON. MR. FERGUSON: Yes, I remember that perfectly, that was part of your speech. I do not want this Committee to release these documents unless they are required by the Commission. They are in the custody of a Committee of the House and therefore of the House itself, and when your Commission wants them, they are available. That should serve your purpose. The Commission is an independent thing over which we have no control and if the documents go down there no one can touch them.

HON. MR. DRURY: There is one further course which the Government would be loth to take. I find that this was anticipated for at the former meeting “that—

Quote from minutes of April 7 referring to “understanding that if a Commission was appointed the Government would reserve it to itself to suggest that the Committee should not proceed further with the inquiry.

“The Government is loth to make that suggestion but there must be no such holding up of documents as would impede the investigation of the Commission. We do not want to take that action and we won't take it but it seems to me Mr. Raney's motion gives this Committee all it needs.

HON. MR. FERGUSON: I take issue with you there. There is this; these documents are in the possession of a committee of this House. This Committee desires to make that information available for your recently appointed commission. When that Commission requires it all they have to do is to summon the clerk of this Committee to produce the documents and summon Mr. Gaby to give evidence with respect to them. That would be the ordinary usual and simple course, the documents all the time in the custody of the Commission.

HON. MR. RANEY: That is not the situation at all. These Commissioners desire to see these documents. They want an opportunity of knowing something about the situation before they start to function.

HON. MR. FERGUSON: Then let them take Mr. O'Brien down with them. What is the object in wanting to get them out of the custody of the Committee?

HON. MR. DRURY: What is to be gained by holding these documents nominally in the possession of the Committee of the House by making Mr. O'Brien carry them around? Why not release them subject to the order of this Committee which is the effect of Mr. Raney's motion.

HON. MR. DRURY: There is no question in your mind as to the safety of these documents either in the hands of Mr. O'Brien or Mr. Gaby is there?

HON. MR. FERGUSON: No, the question is this, to put it bluntly. Your attitude two meetings ago was entirely different than what it is to-day in respect to the activities of this Committee.

HON. MR. DRURY: What is the difference?

HON. MR. FERGUSON: It was laid down here definitely and emphatically that when your commission was appointed it was useless to go on with this investigation here.

HON. MR. DRURY: Oh no.

HON. MR. FERGUSON: Oh yes.

HON. MR. DOHERTY: When you intimated that you had no desire to impound these documents, and that these documents were to be at the disposal of the Commission it was appointed, our attitude absolutely changed, but now if you are going to—

HON. MR. FERGUSON: I am not going to do anything but maintain the *status quo*. The clerk is available and he can carry them down and bring them back to the Committee.

HON. MR. RANEY: Put the motion.

HON. MR. FERGUSON: I know he says "put the motion" in his usual arbitrary way but that is not fair to this Committee. It is properly organized and it has these documents in its possession, and it is a question whether we can release them or not. But instead of doing that, the clerk of this Committee is the proper official to take them there if they want to use them. Mr. Gaby is only a witness. He is not the custodian of these documents even at the Hydro offices. The clerk of this committee can retain the documents all the time under his control. The rights of this Committee are paramount to any commission or anything else. At the same time I want to make it clear that I haven't any thought of impeding or obstructing in any way the operations of your Commission. What I do say is that this Committee has a right of way in this investigation ahead of any Commission or any tribunal and it would be a remarkable thing if a committee appointed by Parliament is to take secondary place to a commission appointed by Council behind closed doors.

HON. MR. DRURY: It could only be done by the will of the Committee.

HON. MR. FERGUSON: Of course the will of the Committee will be what you want it to be. The Government have seen to it that it has a sufficient majority. They would be foolish if they didn't. . . . I think the motion should be in a different form entirely.

HON. MR. DRURY: It seems to me that in practice these difficulties would disappear.

HON. MR. FERGUSON: There is nothing like taking the ordinary course in these things. If that policy is pursued no difficulty will arise.

Hon. Mr. Raney's motion was then put to the Committee and adopted. The examination of Mr. Gaby was then proceeded with:

HON. MR. FERGUSON: Well, Mr. Gaby, at the last sitting you undertook to make some calculations for us with reference to the excess cost of labor and materials and various other items. Have you those here with you?

A.—I haven't completed the calculations with exactness but I have a more or less general statement as to approximately what this difference would mean in connection with labor. As to material it had been very difficult. It means a reference to practically all the vouchers of the Commission, the checking of the same and the different prices that have obtained from time to time before we can sum up what the difference would be between conditions in 1916 when our estimates were prepared, and the actual cost

to the commission; but a general survey of a number of items has been made to give you some idea of what these changes have been, and the other can be prepared at a later date if the information we have is not sufficient for your purposes.

HON. MR. FERGUSON: Then we will have what you have here, Mr. Gaby. I think the first item I have here is labor.

A.—In connection with labor; on \$50,000,000 of approximate expenditure on the canal only, the power house and hydraulic works the direct labor charge is \$11,855,770. For the operation of trains, operation of sub-stations, pressure house and auxiliary equipment in handling the excavation there was an expenditure on labor of \$12,353,400 which included approximately one to two millions in repair parts for the plants which was included under the head of operation. Approximately altogether there was a total on labor of \$23,000,000 to \$25,000,000 and in addition to that we have, superintending and field force, \$1,272,000; head office and general engineering \$1,283,520 roughly making a figure of approximately \$25,000,000 which may be attributed to payrolls and labor not including the accounting staff or head office at all. We have analysed the payrolls for the years 1916 to 1921 and we find that the average increase is approximately 124 per cent.

HON. MR. FERGUSON: That is the difference between the prices prevailing in 1916 and the prices prevailing in 1921?

A.—Yes.

Q.—That would be 124 per cent., you say.

A.—Yes, \$125 per cent. increase or a difference in the neighborhood of \$12,500,000 on that account only. That of course does not include the labor that will be involved in the construction of the plant from December 31, in the neighborhood of \$2,000,000. This item refers only to the period up to December 31, 1921. We have found that on an analysis of materials such as cement—taking cement for instance. The average price as between 1917 and 1921 is given. On the actual payments by the Commission the price of cement increased from \$1.85 to \$2.37 in 1917. In 1921 it was \$4.45 and \$4.55, \$5.35 and \$3.47.

Q.—What was the average?

A.—\$4.40.

Q.—That was including bags?

A.—Yes.

HON. MR. BIGGS: That means 80 cents a barrel off on the one?

A.—Yes.

Q.—And 40 cents off on the 1916 price?

A.—Yes.

Q.—80 cents off the \$4.40 if you returned the bags?

A.—Yes.

Q.—That would be \$3.60 and 40 cents off the 1916 price would be \$1.45?

A.—Yes.

Q.—So that you increased from \$1.45 in 1916 to \$3.60 in 1921?

A.—Yes, subject to an allowance for loss in bags.

MR. HALL: Can you give the Committee an idea of what the change in the price of cement made per cubic yard of concrete?



A.—That depends on the class of concrete. The class of concrete in which this cement went ranged from four bags per cubic yard up to seven or eight bags depending upon the class of concrete and the mixture.

Q.—Can you give us any idea of the average cost per cubic yard of concrete?

A.—It would run about six bags per yard. Allowing for about a thirty per cent. loss in bags, about 60 cents from returns, or \$3.80 per barrel—it would be between \$6 and \$7 per yard.

Q.—I am speaking of a yard of concrete placed.

A.—Six to seven dollars per yard in 1921.

HON. MR. BIGGS: He means the total cost per cubic yard. He means the block of concrete itself, cement, gravel, material overhead and everything.

A.—Well, our labor for instance increased 125 per cent. or  $2\frac{1}{4}$  times what it was in 1916. Labour runs—depending on conditions, and there again you have to take into consideration the class of work—anywhere from \$12 to \$25 in 1916 and \$24 to \$40 in 1920, for the same class of concrete. That is, our ingredients have increased in the neighbourhood of approximately double. It increased by 100 per cent.

MR. HALL: I placed a lot of concrete in 1920 and while I got \$24 I thought I was getting a pretty fair profit, making forms and everything else.

A.—It all depends on the character of the concrete which you are placing, the relative cost of the forms to the total cost of the concrete. For instance if you put concrete in the thin linings of eighteen to twenty inches on the sides of the canal it would cost you much more than putting in mass concrete in bodies of twenty to thirty feet in section. Our prices ranged anywhere from \$14 to \$15 up to \$40.

Q.—I wanted the average cost.

A.—I cannot give you that.

HON. MR. BIGGS: Can we ask, just before we leave the cement what the price has ranged down to at the present period?

A.—I think it ranges at present down as low as \$3.50 to \$3.40.

Q.—Bags included?

A.—Yes.

MR. WATSON: With an allowance for bags of 80 cents per barrel?

A.—Yes, but you must take into consideration that there is always some loss on bags, a twenty to thirty per cent. loss.

HON. MR. FERGUSON: What difference in the cost then, in the aggregate has there been with reference to the cost of cement and material in 1916 and the last year, 1921?

A.—I haven't gone into the details, in that way, as to take a cubic yard of concrete. I have simply taken material and tried to get the increased cost and then take an average over the total cost of material and give you a rough estimate. On crushed stone for instance we were paying \$1.25 to \$1.40 in 1917—and less in 1916—and it cost \$2.17 per ton in 1921. Gravel cost us 95 cents to \$1.12 in 1917 and \$1.35 to \$1.97 in 1921; lumber ranged from \$28 and \$29 to \$35 in 1917 to from \$55 to \$78 in 1921, according to the class of lumber, timber \$45 to \$80 and so forth. Taking a summary we have an increase of 66 to 80 per cent. in the cost of materials over the period from 1916 to 1921.

Q.—The increase in the cost of material from 1917 to 1921 was 66 to 80 per cent.?

A.—Yes.

HON. MR. BIGGS: How did you arrive at the price of crushed rock in the last two or three years of operation, is it not a fact that you have been crushing nearly all your own supply. How did you arrive at that cost?

A.—We figured out our own overhead and expenses. Of course, in the early days we had to buy some, but not much. Practically all the rock was crushed by ourselves.

MR. MURDOCH: You would not be using much cement in 1917?

A.—We had to use some but not a great deal.

Q.—Did you use much in 1918?

A.—Some in 1918 for the purposes of foundation, as far as the auxiliary plant is concerned. Our great quantity of cement was used in 1920 and 1921.

HON. MR. FERGUSON: Have you figured that out approximately in dollars and cents?

A.—Roughly figured, I have it here. The cost of transformers increased—in 1915-1916 it was 125 per cent. over 1914 and 250 per cent. in 1918. The price remained approximately the same from then on.

Q.—Did you figure that in any detail—talking about materials?

A.—Yes. Allowing approximately 80 per cent. for the increased cost of material and equipment we have a sum in the neighbourhood of \$10,000,000 to \$11,000,000 as the increased cost of materials entering into that work.

Q.—This of course is an approximation?

A.—Yes.

HON. MR. BIGGS: Your estimate of the increase in cost of materials on the whole project up to date would be from \$10,000,000 to \$11,000,000.

A.—That is on materials alone. That is roughly. It may be more and it may be less. I believe though that that is a conservative estimate of what the increased cost of materials and equipment has been.

HON. MR. FERGUSON: In that increased cost have you figured out the increased duties?

A.—We have been endeavouring to do that, that is a difficult matter.

Q.—Have you included that in the \$10,000,000 to \$11,000,000?

A.—It would be included in the increased cost of materials to some extent.

Q.—Now, you made a little memo of these things, didn't you?

A.—One was the surtax of one to one and a half per cent. I haven't been able to get that worked out with any degree of accuracy owing to the magnitude of the work. The staff is working on it at the present time. It means a reference to the vouchers.

Q.—The increase in freight rates was another thing to which you referred?

A.—There has been a seventy-five per cent. increase in freight rates since 1916.

Q.—Can you tell us approximately what it would amount to.

A.—Not at this time.

Q.—Now I understand that the commission went on the assumption

that their machinery and plant that would have to be imported, would be free of duty, and that you have made a claim against the Dominion Government on that account. What did that amount to?

A.—Three quarters of a million to a million dollars.

MR. HALL: Can't we get that machinery here?

A.—It was not manufactured in Canada. It was large excavating machinery, only manufactured in the United States. It was machinery that was not manufactured in Canada.

HON. MR. FERGUSON: Then the question of interest charges. What was the total of that?

A.—Approximately about four millions, as near as we can estimate it, that is over and above what was estimated as interest charges.

HON. MR. BIGGS: How do you make a total of that kind? We can understand where there would be a four million interest charge, and of course the difference between a normal rate of interest in 1917 and 1918, and when it went to the peak in 1921.

A.—The way I arrived at it is this. We had in 1916 an estimate which provided for \$1,628,000 of interest charges during construction or about 7½% during the term of three to three and a half years over which we were to construct this plant. The actual interest charge chargeable to the job in view of the annual increase of costs and the increase in rate which we figured at five per cent. has been somewhere in the neighbourhood of six millions, directly chargeable against expenditure on account of the Queenston-Chippawa Development.

Q.—How do you figure out this excess?

A.—The estimate in 1916-17 provided for an interest charge of \$1,628,000 on the then cost of the work, which is sufficient to take care of a five per cent. interest charge on that capital expenditure, spread over a period of three and a half years.

Q.—That would be on the original cost of \$10,500,000.

A.—No, that is on the estimate on which the work was started. The original estimate upon which legislation was enacted, is not the estimate on which the work was started.

MR. MURDOCK: Which are these figures you are giving us? Are they the original estimate?

A.—The figures of increased labour cost are on actual conditions, and what it would have cost if we had constructed that work at the rates of pay and costs of material in 1916.

Q.—That is on the ten million estimate?

A.—The ten million estimate was made on the conditions of 1913-14, and was an estimate for a different proposition entirely.

Q.—You gave us here a percentage of increases. On what basis were those estimated? What is the amount of the original estimate on which they were based?

A.—As I stated before, there were two estimates, \$29,000,000, the other about twenty-four or twenty-five millions.

Q.—This is figured on the twenty-four or twenty-five million estimate?

A.—Yes.

HON. MR. SMITH: The interest charges increased to six or seven millions?

A.—They will. Up to December thirty-first last they were between five and six millions.

Q.—So that your estimate of total expenditure on Chippewa would exceed one hundred millions, very appreciably.

A.—No, you must remember we have been operating since 1917, and that you would have an average of ten per cent. interest during that period, because you pay interest for each succeeding year of three and a half years. It averages approximately ten per cent. interest over the total capital expenditure on that job. For instance, you would spend in the first year a million, the next year two millions, the next year three millions, the third year sixteen millions and the last year twenty-six millions or an average yearly interest charge over each year accumulated, would amount to the sum of between five and six millions.

MR. HALL: Could you give us the percentage of the cost of labour, the actual labour, in comparison with the cost of managing the labour, the engineers, and so on?

A.—Our overhead for administration and engineers would amount to, as near as I can remember, taking it for the whole job, to not over three to three and a half per cent. of the total cost. On the labour cost it would be approximately about one and a half or two per cent. or less. That includes all manner of accounting as well. It includes items which are usually in a contract chargeable to the contract.

MR. HALL: One thing I am not clear about. We keep getting estimates all the way along the line from 1916 down to the present time, and I would like to know if we are to understand that a new estimate was made year by year as you struck difficulties or was there an estimate made of the total cost of the work, and then did you afterwards make new estimates as you went along?

A.—It takes anywhere from two or three months without analysis to prepare and check up all the data available on a job like this. We do not prepare estimates from year to year, as you will appreciate in 1920, conditions as to labour and material were very much in chaos, and up until 1920 there had not been actually excavated more than twenty-five per cent. of that job, thus seventy-five per cent. or more of that work was done during the years 1920 and 1921, and no one could tell you what the conditions would be from year to year. It was a matter of meeting conditions as they came. Labour had increased from one hundred to two hundred or forty-three per cent. in 1921, and materials had increased all the way from one hundred to two or three hundred per cent. and some materials cost four times as much as in 1916. In addition to that, we had other conditions to contend with, such as fires. We had one or two fires. We had a great labour turn over, and one or two things of that kind. We had increases on any amounts we had to pay for equipment in the United States. We had an increase on exchange up to seventeen and a half per cent., and our duties increased seven and a half per cent., an increased sale tax of one to three per cent., depending on the class of

material, and an increase of seventy-five per cent. in freight rates. All these were practically caught at the peak, because the greater part of the work was done during the latter part of 1919, 1920 and 1921.

Q.—As a practical engineer of whom the province feels proud, would you if you had not been working for the commission on this job, if you had been using engineering skill and knowledge as an engineering contractor, taking the job for yourself, would you have been satisfied to start on this job with the meagre information you had?

A.—I don't agree with the meagre information, because our estimates were based on detailed plans when we started on that work, and as will be shown that estimate of twenty-four to twenty-nine millions in 1917 when we commenced this work, has increased by approximately thirty million or more, due to increased rates of wages, increased costs of materials and other differences in conditions estimated on at that time.

Q.—Perhaps you would like to know why I asked you that question. The country are assured that this job can be done for a certain sum of money.

A.—Not assured.

Q.—Practically that. Estimates were given. Very few men can appreciate a job that goes into millions, and then we find this estimate exceeded by so many millions. That is why I think you had meagre details.

A.—We had all the details, as I have stated. Taking the quantities we used in the preparations of the original estimates and applying the rates of pay and the cost of material at that time, we got an estimate of twenty-five to twenty-nine millions. If you take the increased cost in wages which alone amounted to twelve and a half million, this twenty-nine millions plus twelve and a half millions brings you up to the sum of forty millions. Then we had a material cost of ten to eleven millions in addition to that. Increased interest charges of four millions and then there was an increase on the canal lining of five to six millions. That was the only increase made in connection with that estimate, and that was a change made to change the canal from a ten to a fifteen thousand second feet, and to improve the quality of the work. Now in answering that question at the last meeting, I was asked to bring the names of various contractors who were asked for tenders on that work. Here is the opinion of men who were very large contractors such as Baldry, Yerburch and Hutchinson, Limited, The Dominion Construction Co., working on the Welland Canal, Wm. Cowlin & Son, Larkin and Sangster of Buffalo, The Foundation Company of New York and Montreal. These were asked to tender on the construction of that work in 1916-17, and tenders were to be in by January 17th. Here is what Larkin and Sangster say. They say they would not take the contract, although the plans and specifications were before them. They would not take the contract in view of the conditions, the uncertainties as regards labour and material, and they say they would only do it on a cost plus basis, and with some of these tenders the cost plus reached as high as twenty-two per cent. Some were eight and some were ten, not including rental of equipment they might own or purchase or that the commission might purchase. These propositions were submitted to the commission and after a thorough investigation the commission decided that in view of the uncertainty it would be in the interests of the commission to carry on the work under their own direction. Larkin and Sangster say:

"We are in receipt of your favour of the 27th inst. inviting us to tender on the earth and rock work in connection with the proposed Niagara Development.

We may say that we understood that the Commission intended to undertake this work itself, and as this was so obviously the proper course to take under existing circumstances, your enquiry was somewhat unexpected.

We can safely assume that your decision to proceed with the work at this time is forced upon you by the increasingly serious shortage in the Niagara power supply. You must therefore aim at a maximum of economy and speed in construction. As regards economy, your decision to use electric power is well advised, in view of the price at which you will be able to obtain it, and a very great saving in construction cost should result.

To ensure speed, it will be absolutely necessary to use new electrically driven plant of the newest, heaviest and most up-to-date type that money can buy.

We do not know of any contracting firm on this Continent which can meet the above requirements, or which could meet them, by the purchase of new plant of the requisite type inside of one year or eighteen months.

Apart from the time which we would require to install a plant under the foregoing conditions, the capital charges, together with a margin of profit commensurate with the risks involved, would result in a tender price probably far in excess of any estimates your Engineers have made on a strictly cost basis, and with the added advantage of the basis, and with the added advantage of the Provincial interest rate.

Under the circumstances, therefore, we do not consider that any good purpose would be served by submitting a tender on the work.

We have taken the liberty of expressing our opinions at some length, first because we have watched the development of this project through its preliminary stages with great interest and have given it considerable thought, and second, because we have a desire to have clearly understood our reasons for not submitting a tender, as we do not wish to prejudice our standing with the Commission in connection with future work which may be carried out under normal conditions, and which we may be better able to handle."

That was the tenor of all these letters. Conditions were so chaotic that they could not tender on any other basis than a cost plus basis.

MR. CLARK: Didn't the Hydro Commission put in an estimate for the Government in 1920 for the completion of this work.

A.—In 1920 a very complete report was made and is submitted to the committee here. In 1920 in view of these conditions as to cost, the Government requested that we should submit to them an estimate of the work as it was at that time, and in order that they should have the best possible results, the Commission asked the permission of the Government to employ Consulting Engineers. Mr. Hugh L. Cooper was employed to prepare a report and an estimate. In view of the variance of the reports he submitted, two other firms were asked to report. Mr. Stewart who is an Engineer of outstanding reputation, and a man who has handled twenty-five to six hundred million dollar contracts, four hundred millions for the Government during the war, was asked to report on the cost of the work. Mr. Kerbaugh, who

built the Kensic dam for New York, and big aqueduct, and had had contracts with the Pennsylvania Railway and was familiar with that class of work was asked to give his report along with Mr. Stewart as to what the probable cost of the work would be. In addition to that Mr. R. D. Johnston who had been our Consulting Engineer from the fall of 1916, was asked to report on the engineering features of the work and R. S. Lea of Montreal was also asked to report on the engineering features. Now these reports were in and were submitted to the Government in October or November of 1920 and on these reports, the Commission submitted an estimate for an appropriation in January 1921 of a certain amount. Now on the conditions then existing, and on their estimated schedule of carrying out the work in a certain way by new equipment by a certain time. Their estimate was that in their best judgment, we could carry out the work for that amount, provided the schedule was carried out. But our shovels came six weeks late, which was over twenty-five per cent. of the total capacity and held up the program as far as the excavation was concerned. The shovels did not do the amount of work it was anticipated they would do. They fell down probably forty per cent. in capacity, notwithstanding the fact that we had the same equipment under electrical operation which was doing the work. They were forty per cent. less efficient although steam was stated to be more efficient than electricity.

HON. MR. FERGUSON: Did you put in this steam auxiliary on the advice of the consulting engineers?

A.—Yes, sir. It was the only thing we could do because it would have taken a year or eighteen months to purchase electrical equipment. We could not wait.

Q.—Because you could not get the machines made?

A.—Yes.

MR. CLARK: The shovels did not do the amount of work you expected of them?

A.—No. Then in addition to that we bought the very best concreting plants there were in the country. We made a thorough investigation into the matter and got manufacturers' designs and advice as to the best concreting plant and type of forms. Steel forms had to be used. These were forms already in existence and had been used. We put these forms into operation and they absolutely failed. We had to re-design new forms for the concreting of these sides. That delayed us probably another six weeks or two months, re-designing and manufacturing these forms on our own account. In all we lost nearly three months in concreting operations and we had to double up on our plant. I may say that I believe we now have an offer to purchase the original forms.

MR. WATSON: Are they made of lumber?

A.—No, sir, of steel.

HON. MR. FERGUSON: You expect to salvage something out of that.

A.—I think we will probably get very nearly what we paid.

MR. WATSON: Taking your original figures as normal, have you any estimate of the complete increase in cost of the canal on account of abnormal conditions?

A.—(Not answered).

MR. CLARK: When you made this estimate in 1920 things were pretty nearly at the peak?

A.—Yes, and remained so all that year.

Q.—So that your estimate should be a reasonably sound estimate. There was no extraordinary increase in material or labor since that time? We have been going back to 1914, but these increases that you have been speaking of would not have any bearing on a 1920 estimate?

A.—The estimates were prepared with the Consulting Engineers, and in the Fall of 1921, they were called back again to supervise the work as it went on, called back to report as to the reasons for these probable changes, and their report has been submitted. Their statement is that there was ten and a half million of a difference there attributed to conditions over which they could have no control, the fire, the extra plant on account of these delays. The difference in the character of rock, and things of that kind which they have as engineers gone over and justified.

MR. HALL: Were the increases in any way due to changes in design owing to the opinions of outside engineers?

A.—At what period?

Q.—From the beginning, from the consulting engineers, from Mr. Cooper?

A.—No, not from Col. Cooper. He had no suggestions that were not already taken care of. We had a consulting engineer on the job all the time during the years 1917, 1918, and 1919. The Commission as I stated at the last meeting had carried on a certain investigation as the best possible structure to put in to eliminate possible shut downs. These experiments were carried on under Professors of the University, and also under the direction of the consulting engineers, and they had to change the design from one which was suggested by Col. Cooper, and adopted in the first place to an intake which is of more scientific design and which is hoped will eliminate these ice conditions, and which would cost anywhere from two to two and a half millions more. We are not installing that complete intake for the first five units as recommended. They recommended stages of it. We are installing a part of it, and at a later date, as the plans become fully operative, we will install the rest if it is at that time necessary. Now the first will cost probably in the neighbourhood of one and a half to two millions, whereas the original estimate was about nine hundred thousand for the intake, and further than that this intake has now a capacity for twenty-five thousand second feet, whereas the original intake was only from ten to fifteen thousand.

MR. HALL: You say probably. Are we to understand that the scheme is in embryo?

A.—The situation is this. To-day our estimate is one and a half millions, but actual tenders before the Commission are two to three hundred thousand less than the estimates. These tenders are being considered by the Commission to-day, but we have definite knowledge that it will not exceed the estimate.

Q.—Have you arrived at an estimate which you think in your opinion will complete the job.



A.—Yes Sir.

Q.—Can you relieve our minds on that—for the first five units, there are to be nine.

A.—That is sometime in the future. We do not know about that.

Q.—Then say for five units. Have you got to the place where you can give us that information.

A.—We submitted a total estimate to the Government in February of this year.

Q.—For the final completion of five units?

A.—Yes Sir. When we asked for a certain appropriation for the year 1922.

Q.—They are not likely to go up now?

A.—The tenders we have received recently for work that has to be done as far as the canal is concerned are materially under our estimates that have been submitted to the Government as the amount to complete the work. We feel we will considerably reduce the estimate we have given.

HON. MR. FERGUSON: That is for five units?

A.—Yes.

MR. WATSON: What was the figure Mr. Gaby?

A.—We had about seventeen to eighteen millions in plant material, and stores, and allowing three and a half millions for salvage it was about sixty-five million and some odd thousand to complete the work.

Q.—That was the total to complete five units and put them in operation?

A.—Yes.

Q.—Deducting these salvage figures.

A.—Yes.

HON. MR. BIGGS: \$65,365,003?

A.—Yes, that is it.

MR. MURDOCK: The other day we asked you as to the cost of that model. Can you give us that.

A.—I think about twenty thousand dollars was the cost of the model, but not over twenty-five thousand. It was a small item, but was of great advantage to the Commission in determining what was the best thing to put in.

Q.—Another thing; In regard to the cement, you stated that twenty-nine millions was the basis of the estimate. You did not estimate using a great deal of cement at that time did you. You did not intend then to line the canal.

A.—There was about six to seven hundred yards of concrete in that job. Lining the canal only required about one hundred and sixty-five thousand yards, so it was only a small proportion of the total.

Q.—Where did you expect to use such a big percentage if you did not use it in the lining.

A.—In our power house foundations, screen house and intake, and in the whirlpool section.

Q.—This particular intake was not figured in at that time?

A.—No it was not, but the concrete in the intake is not more than thirty-five thousand yards. The old estimate probably would have been about twenty-five to twenty-six thousand yards. There is only a difference of

about five or six thousand yards. It isn't the amount of concrete, it is the difference in character.

Q.—In figuring the increased cost of the canal due to the increased prices of cement, and so forth, the lining of the canal should not be considered on that twenty-nine million basis?

A.—It is not. I took the actual amount of yards of actual material used and I said that if we could have bought at the prices prevailing in 1916, if we could have had the prices prevailing for labor and material then, we would have reduced the cost twelve and a half millions in one case and eleven millions in another case. I showed you how the interest charges increased.

Q.—When you estimated on using cement in lining the canal, you estimated on the higher price, because it was at the time of higher prices when you made that estimate.

A.—No it was not, because the lining of that canal was in the estimate in the year 1919, when prices had not reached the maximum.

Q.—But they were up pretty well?

A.—Yes.

HON. MR. FERGUSON: Speaking about the contractors' offers—that was merely for the excavation?

A.—All the work such as excavation and concrete work, in connection with the canal. It didn't include the power house or the plant.

Q.—They wanted you to furnish the plant or to be paid extra for that?

A.—Yes.

MR. HALL: With regard to the plant, they could get the plant from the manufacturers just as the Commission could?

A.—Yes.

Q.—The Commission didn't manufacture the machinery?

A.—No.

Q.—So that the contractors would have as good a chance of buying as the Commission did?

A.—Yes.

HON. MR. FERGUSON: The contractors offered merely on the excavation work and the concrete work. The big item on that would be the shrinkage on the plant they would have to buy. They said they didn't propose to stand for that. They wanted cost plus in addition to that, that the Commission must pay rental on or furnish the plant. That was a tremendously large item if the contractor didn't have to furnish the plant?

A.—Yes.

Q.—It would enable the contractor to take the contract at a much lower price than otherwise?

A.—Yes.

Q.—In other words, the contractor who says I will do this work on a cost plus basis of 22 per cent., you to furnish the plant, must have a lot more than that if he is to furnish the plant. He will want a lot more than 22 per cent. over cost to cover shrinkage and loss in salvage?

A MEMBER: What is the ordinary rate?

A.—The standard is about fifteen per cent.

HON. MR. FERGUSON: Cost plus fifteen per cent. is the rate on most of the big public works I think.

MR. MURDOCK: Mr. Hall stated that he put in a contract for concrete around \$24 a yard. Were you finding your own plant Mr. Hall?

MR. HALL: Yes, sir.

HON. MR. FERGUSON: It would be a different plant, . . . I want to get these figures so they will be available for everybody in evidence. Your increases, Mr. Gaby, as I have them here—please verify them—are; payroll labor, about twelve and a half millions; cement and materials, ten to eleven millions; surcharge and duties, three-quarters to a million; and the increase in interest charges four millions approximately.

A.—Yes.

Q.—You haven't in that calculation your increase in freights?

A.—No.

Q.—Nor your duties?

A.—Duties are four millions. You mean the sales tax?

Q.—Oh, yes.

A.—That is not in there.

Q.—You haven't in that, your sales taxes?

A.—No.

Q.—So that we have \$28,500,000 of increases outside of freight and sales taxes between 1917, and 1920, or last year?

A.—Yes.

Q.—Now have you here, Mr. Gaby, the first report you made making a change in the estimates? The first report you made to the Government that increased the original estimate?

A.—I do not believe I have. You will appreciate that year to year these things were taken up by the Commission with the Government of which the chairman of the Commission was then a member. I haven't with me the estimates of 1914 to 1919. Those from 1919 to 1922 are with the clerk of the Committee.

Q.—These various changes in the estimates were always submitted to the Government, the old Government or this?

A.—Not always in writing, but the matter was discussed with them from time to time.

MR. HALL: Don't you think they should have been in writing?

A.—Well the chairman of the Commission was a member of the Government at the time, and they had full information from him.

HON. MR. FERGUSON: What is the first written estimate you have here with you?

A.—I will have to refer to the file. . . . The first written report is of September 13, 1915. Previous to that time the matter was taken up with the Government in 1913, and an appropriation was made in 1914, to go on with the work of investigating and preparing a report. This report was submitted to the Government on September 13, 1915. That is the first report we have on file. That was submitted in writing to the Government.

Q.—The other was largely preliminary discussion, considering the feasibility and cost and all that sort of thing, but you have it in concrete form in 1915?

A.—Yes.

Q.—Now what was that estimate?

A.—That was an estimate on 100,000 horse power installed and approximately 192,000 horse power canal capacity, carrying 6,500 second feet, at a cost of \$10,500,000. Subsequent to that the Premier requested a full report in connection with it, and on October 21, 1915, a report was made.

Q.—What change did that make?

A.—That was a further explanation, and not any change. A further explanation of the project the Commission was proposing to the Government. There was a further request for data as to the manner of management of the work, and that was submitted to the Premier on January 12th, 1917. That was in response to a letter from him, in which he asked definite questions as to the plans and phases of the work, as to the men who would be engaged in connection with it, and as to the estimates, and we told him then that the estimate would be \$13,215,000 for 200,000 horse power, and the increased cost of materials was estimated anywhere from 15 to 20 per cent.

Q.—Then that is what we may call the second report. It is on a little larger scheme?

A.—It is on the same thing. The one was 100,000 horse power capacity installed and also 200,000 installed. This increased to \$13,215,000 is this. There was the old estimate of 1913-14, but we stated in here, "It will be necessary to increase it possibly to the extent of 20 per cent. in view of the increased costs of material." It might be mentioned that both estimates included twenty-five per cent. for engineering contingencies.

Q.—You reported that there would be an increase due to the advance in costs of material?

A.—Yes.

Q.—I want to get this chronologically. When was the next change in the estimate made?

A.—In the spring of 1917, the Commission took over the plant of the Ontario Power Company. They acquired these properties in the spring of 1917, which made available additional water. The Act provided that for this development, we could use the water then available, and it was estimated in 1917, that with the other companies operating, there would be available, 6,500 second feet, in addition to which there would be available the surplus waters of the Welland Canal of 1,600 second feet, depending on conditions. The Ontario Power Company plant only had an installed capacity of 160,000 horse power and was not operated to the capacity the Queen Victoria Park Commission (permitted). Therefore, there was an additional water there enabling us to obtain anywhere up to 10,000 second feet. At that time the Government amended the Act so that the works to be constructed by the Commission should be constructed on behalf of the municipalities. New estimates were then prepared to utilize the additional water and in view of the fact that we had exceeded a capacity then available on the demands of the municipality. The Commission with that additional water available, increased the capacity to 10,000 second feet, and had reports from the Consulting Engineers submitted on April 18th, 1917, for a 10,000 second feet canal, and the estimates I am referring here to-day are these estimates of \$24,000,000 and \$29,000,000 based on ten thousand second feet capacity.

Q.—That was made when?

A.—In 1917, in the Spring or Summer of 1917.

Q.—Is that available in writing?

A.—Yes Sir.

Q.—Are those with the clerk?

A.—No it is not.

Q.—You might get us that. Was this estimate in 1917 prepared on the recommendation of your Consulting Engineers?

A.—Yes.

Q.—Who had you to advise on that?

A.—Mr. R. D. Johnston.

Q.—He is the man you say had been with you since the inception of the work?

A.—Right from 1916, when we were authorized by the Government to go on with the engineering in connection with Queenston Chippawa.

Q.—Now coming on from 1917, when did we have another estimate?

A.—No additional detailed estimates were made because we had not commenced to work, and nobody knew the probable changes in labor and material. Things were chaotic, and we were hoping for prices to come down. No work was done as far as this proposition was concerned to the end of 1919. A memorandum was submitted to the Government which dealt with the 10,000 second feet estimate, taking into consideration the increases from the time that estimate had been prepared.

Q.—Have we that here?

A.—I do not believe we have. Then later on in 1919 in view of the further increasing demands of the municipality, in view of the extraordinary demands for power and the necessity for having this plant completed at the earliest possible moment, it was necessary to again change the design as recommended by the Consulting Engineers. That was, that instead of channeling the sides which would take from three to six months longer, they recommended that we submarine drill and concrete the sides, thus gaining not only three to six months in time, but gaining also in efficiency and reducing the friction loss in the canal, and giving us an increase in capacity. It was estimated that we could add this concreting at then normal rates and gain anywhere from 30,000 or more horse power.

Q.—What was the total capacity estimated then?

A.—We estimated then that this would probably give us 37,000 horse power or more, to be conservative. It was estimated that it would give us approximately 15,000 second feet in this canal.

Q.—What was the figure of cost in that estimate?

A.—What we did was based on \$12.00 concrete and what we considered we could get that rock out for. The extra cost would run probably in the neighbourhood of one and a half to two millions, and as a set off against this you have to take off the difference in the cost of channelling which it was estimated would cost a little more than steam drilling. Somewhere in the neighbourhood of three-quarters of a million we estimated the additional cost would be to get a canal of a capacity of 15,000 second feet.

Q.—What would that develop?

A.—A little over 450,000 horse power.

Q.—Is that for five units?

A.—The original estimates provided for 300,000 horsepower, six units

of 50,000 horsepower each. We also had to increase the forebay to take care of nine units for the 450,000 horsepower capacity which would be another \$800,000 or \$1,000,000 at the prices then existing, the increase in the screen-house from six to nine units, which meant another \$250,000. Those are simply just rough estimates.

Q.—Are they set out in the memorandum you speak of?

A.—Not all, just the advances are set out.

Q.—That was in 1919?

A.—Yes.

Q.—When is the next estimate you furnish?

A.—In the Spring of 1920. At the request of the Government a further investigation was made which extended over a period of six months as to the cost of and the design of the canal. For that purpose the Commission employed Hugh L. Cooper, for three months, Stuart and Kerbaugh, and R. D. Johnston and Lea, those reports being submitted to the Government in October or November of 1920.

Q.—Did you consult the Government as to whom you should engage?

A.—Yes, sir, at least the Commission did.

Q.—Have you correspondence with respect to it?

A.—The correspondence I believe is incorporated in the memorandum.

Q.—That will be available?

A.—Yes.

Q.—Did you make any further report and estimate?

A.—Yes, the reports of these engineers were submitted to the Government, and during the Summer of 1921, a further check on the cost was prepared and submitted to the Commission in, I think, September 1921. An appointment was arranged to take the matter up with the Premier, and it was taken up on October 12th, and the increased cost was discussed at that time.

Q.—You say these things were prepared and submitted to the Commission? By whom were they prepared?

A.—By myself.

Q.—Under the supervision of anybody? In consultation with anybody?

A.—Not at that time.

Q.—Were they subsequently?

A.—Yes. Subsequently Stuart and Kerbaugh were asked to go over these estimates and prepare a report on the same.

Q.—How did theirs agree with yours?

A.—Not a great deal of difference between the two estimates as far as expenditure was concerned. Their report was principally an explanation of the difference between their estimate and the then expected estimated cost.

Q.—They were reporting on why there was an increase.

A.—Yes.

MR. HALL: In 1915, Mr. Gaby tells us they prepared an estimate to install 100,000 horsepower at a cost of ten and a half millions.

A.—Yes.

Q.—And in 1917, they agreed to change it to a 200,000 horsepower plant?

A.—No, the equipment was installed, in that estimate to full capacity. It was still the same design estimated on in 1915.

Q.—That brought it up to \$24,000,000 to \$29,000,000 for the 200,000 horsepower?

A.—No sir, what I stated was this. In 1915 a report was submitted on an installation of 100,000 horsepower with a canal of 190,000 capacity at \$10,500,000. In January, 1917, a report was submitted to the Government, in which we pointed out that the old estimate on 100,000 horsepower was still \$10,500,000 and that to install 200,000 horsepower would cost \$13,200,000, but that costs had increased from fifteen to twenty per cent. in the meantime, and therefore you would have to add fifteen to twenty per cent. to these estimates to get the estimate of January, 1917. In 1917, in view of the purchase of the Ontario Power Company and other things, and also the extraordinary demand for power, the canal was increased to a 300,000 horsepower canal, with ten thousand second feet and the \$24,000,000 to \$29,000,000 estimate applies on the 300,000 horsepower plant.

Q.—What I am trying to get at is this. You had the equipment in for the \$10,000,000 job. When you increased it you still had that equipment, what I cannot understand is why there should be such a spread between the two years. You would have the forms and everything there to proceed with.

A.—We had done no work at all up to that time.

Q.—Regarding the rock, I am sorry I did not take enough interest in it to go over there and look at it before, but did you crush your own rock that you took out?

A.—Yes sir, we did.

MR. MURDOCK: Regarding the size of the canal in the original estimate, it was a canal of a capacity of 192,000?

A.—Yes sir.

Q.—Then you enlarged it in 1917?

A.—To 300,000.

Q.—By widening and deepening it?

A.—Yes.

Q.—Then you increased it later and your last estimate is 600,000 horsepower?

A.—We changed it in 1919 to fifteen thousand second feet flow.

Q.—How did you make that change?

A.—By deepening it three feet and putting in concrete lining of the sides.

Q.—What change did you make in the canal to increase it from 300,000 to 600,000.

A.—Not by any material change in the section of the canal or the quantities of rock, but more in the sides and improvement in the form and character of the work we put in there. That increased it by another three thousand or more second feet.

Q.—And you doubled the power?

A.—No, we added about one-sixth.

Q.—But how did you get it from 300,000 to 600,000?

A.—The 300,000 was on ten thousand second feet and the fifteen thousand second feet capacity and the increase due to the lining brought it to 450,000.

Q.—But how did you get it from 450,000 to 600,000?

A.—By improvements in the work.

Q.—But you have reduced the friction already in this 450,000 horsepower. I cannot see where you get your 150,000 horsepower?

A.—Our estimate was a conservative one in the first place.

Q.—Your estimate was 150,000 horsepower out?

A.—About 100,000 horsepower out.

Q.—From 450,000 to 600,000 would be 150,000.

A.—Yes if you say 600,000. We say 550,000 to 600,000.

MR. HALL: Can you give us a rough estimate of the cement on the job, the value of the cement?

A.—Roughly. As far as I can remember it must be in the neighbourhood of 700,000 to 800,000 barrels at an average price of \$4.00 and taking off an allowance of the bags, you would pretty nearly get what it is \$2,000,000 to \$3,000,000.

Q.—Don't you think it would have been a good speculation to install a cement plant for work like that? In connection with the Good Roads scheme and the Chippawa scheme, I should have thought it would have been a great saving to the Province to install a cement plant?

A.—The Commission did consider the question of that and I think the matter was discussed at the time, but they had in the year 1919 or 1920 arranged for the purchase of a quarry and for the full output of a cement mill at cost, and they had that for 1920 and 1921. From necessity it was forced upon them to do that. They purchased this quarry and arranged for the cement stone and the whole output of the cement mill, in addition to which we had to buy cement outside. We required 600,000 barrels in a period of eight months.

Q.—In view of the experience you and the Province have had in this matter with cement, would it not be in order even yet with the great work anticipated on the roads and the further development of Hydro in the future to take that into consideration.

A.—I would not like to answer that question in that way without having all the facts and figures.

HON. MR. BIGGS: There is one question I have before we leave the matter. When was the maximum reached as to capacity and total power development. When was the maximum scheme reached?

A.—That is a hard question to answer, because the estimate of the engineers after they had seen the quality of the work, they stated that it had a capacity of 100,000 horsepower more than we estimated. That is the last estimate we prepared in connection with any changes. The last important change in the design of the canal was in 1919.

Q.—Probably I could make it plainer if I put it this way; When was the last change in construction made that made an increase in the cost of the work in any way, either by enlargement, or in materials, a change that would involve additional material and wages. When did you reach your formal estimate of construction that you now say will deliver 550,000 horsepower?



A.—I would say in the first place that as far as change in design is concerned 1919 was when the last important change was made.

Q.—That would include the lining scheme and the increase in the power house and fore bay and all those things.

A.—That was the only change from the commencement of operations in 1917.

Q.—The rest is made up by under-estimates, the improvement of the canal and that kind of thing?

A.—Improvements in the character of the work.

Q.—Anything that would cost additional money, additional size, lining, power house and those things were all covered up to the end of 1919.

A.—They were all covered in the Spring and Summer of 1919.  
Witness excused.

\* \* \* \* \*

Mr. Caine called and sworn.

Examined by Mr. McCrae.

Q.—You were Deputy Minister of Lands and Forests?

A.—Yes.

Q.—In the public accounts for the fiscal year ending 1922, appears an item of \$5,657, "Geo. H. Gamble, Timber Berth Survey plans etc., as per contract \$5,675." Who was Geo H. Gamble?

A.—Geo. H. Gamble, I believe, is a resident of Duluth, at least of the United States.

Q.—What is his business?

A.—I do not know what his business is except that he is a lumber man or a lumber dealer. I heard him give his evidence and I think that he pointed out he was a lumber dealer of several years' experience.

Q.—These Public Accounts on page E118, mentioned that this payment was made as per contract. Do you know anything of a contract with Gamble?

A.—I have a copy of a letter written by Gamble to the Solicitor to the Chief Counsel in the Shevlin-Clark action, dated May 26th, 1921, which I believe is the basis of this agreement.

Q.—Will you read that?

A.—It is addressed to A. G. McMillan, and dated May 26th, 1921.

"Confirming our recent conversation with reference to the terms upon which I would be prepared to give my services to the Ontario Government in connection with the preparation of its action against the Shevlin-Clark Co., I wish to state my position as follows:

I am satisfied to deposit all my books, plats, records and information with the Sterling Bank of Canada, or any other chartered bank of Toronto, in the joint names of yourself and myself until such time as I obtain the consent of my associates, the Government in the meantime to deposit \$5,000 to the joint credit of yourself and myself pending the obtaining of such consent, whereupon, the books etc., are to be handed over to you and the \$5,000 is to given to me, I agree to obtain such consent within a reasonable time. I am also to be paid the further sum of \$10,000, \$5,000 of this after I have completed the cruise and investigation in the woods, and the remaining

\$5,000 after I and my cruisers have furnished all the information, records, and verifications as the Government may require at such time and place as they may decide upon. Payment in New York Funds.

Yours truly,

(Signed) G. H. Gamble.

Q.—The \$5,000, was that subsequently paid to him?

A.—Yes.

Q.—Have you any reference to that on your files?

A.—I have a voucher here. A statement by our department to the Treasury Department, \$5,675.

Q.—Was this contract with Mr. Gamble negotiated by any official of the Government, or was it negotiated by the solicitor in charge of the Shevlin-Clarke case for the Government?

A.—As far as my knowledge goes it was negotiated exclusively by the solicitors for the Government, through the Government, of course.

Q.—I notice that it specifies that this shall be paid in New York funds?

A.—Yes.

Q.—Was that done?

A.—Yes that was done, at least according to the voucher I have here, the statement of the Treasury Department.

Q.—And the exchange paid him on this \$5,000 was \$675.

A.—Yes, I think the rate was ten or twelve per cent.

Q.—And the further sum of \$5,000 was paid when?

A.—I cannot tell the date of the further sum but I can get it.

Q.—The second sum of \$5,000 has been paid?

A.—I believe so.

Q.—I notice a letter dated May 31, 1921, what is that?

A.—That is a copy of a letter written by the Attorney-General to Mr. McMillan, the solicitor.

Q.—Please read it.

A.—“Dear Mr. McMillan,

I have your letter of yesterday covering a copy of a letter from Mr. Gamble, dated 26th instant, and a copy of a letter from Mr. Rochester, dated the 30th inst., which I have read.

I have also a letter from Mr. Rowell in the same matter and have had an opportunity of conferring with the Premier, and we have decided to accept the terms of the proposal as outlined in Mr. Gamble's letter.”

Q.—Then this letter from you to Mr. Raney, will you read that letter?

A.—“I am attaching hereto an extract from a letter of May 26, 1921, from Mr. George Gamble to Mr. E. G. McMillan, solicitor for Rowell chief counsel in the action along with a further extract from a letter dated December 12, 1921, from E. G. McMillan to the undersigned in which he submits an account for \$5,000 on behalf of George H. Gamble.

Mr. McMillan attaches an account of Mr. Gamble for \$5,000 as per arrangement by correspondence with yourself at the end of May and the beginning of June, 1921.

Before passing this account to the auditor for payment I would respectfully ask you to certify to the same and return it to the undersigned for the additional necessary procedure required by the auditor.

This is the second payment to be made to Mr. Gamble under the arrangement effected with the Crown Counsel in the case.

Yours truly

(Signed) W. E. Cain."

Q.—What notations have been made on that letter by the Attorney-General?

A.—There is a notation in the lower left margin by Mr. Raney who initials it; "Make second payment of \$5,000" and also in the lower right corner is a memorandum to the following effect made I think by A. N. M.—Mr. Middleton "Saw Mr. McMillan who says that arrangement made of total of \$15,000, \$5,000 to be paid when he turned over his plats (this has been paid) \$5,000, when investigation in woods completed (this should be paid now) \$5,000 when evidence at trial given (this is really due now) 18/1/22."

Q.—So his terms were \$15,000 altogether? \$5,000 when he put up his plats, and plans, \$5,000 when he made some further cruise and investigation in the woods, and the final payment when he gave his evidence at the trial in the case of the Crown versus Shevlin-Clarke?

A.—That is right.

Q.—Had your department any knowledge, or had they examined these plats, maps, plans etc., as to their sufficiency, or as to the information they purported to disclose to the Government before this money was paid?

A.—Not to my knowledge.

Q.—Where are these plats and plans now?

A.—They are here.

Q.—Have you made an examination of them?

A.—No I received them only the night before I had notice to appear with them before the Public Accounts Committee.

Q.—Will you open them up now? What is that?

A.—That is apparently T.B. and it apparently attempts to make a more or less detailed analysis of the estimated timber upon that area. That is not one of our plans, that is one delivered by Gamble.

Q.—Are you able from the plat itself to interpret it and say what it means?

A.—No, I am not. I haven't gone through it at all. The notation that is down here is a summary I presume of a detailed section of the analysis which would indicate a total there of 42,860,000 I would judge.

HON. MR. FERGUSON: What is that on?

A.—That looks to be T.B. (timber berth) 49. Whether that includes the whole lot I don't know.

Q.—The paper on which these figures are plotted in is manufactured by stationers in Milwaukee. Do you know at what date these plans were made?

A.—No, I don't. That was one of the exhibits in the action.

Q.—You are convinced this is part of the plats and plans that went in under the contract?

A.—I have no reason to doubt it. They were handed over to me by the solicitor to the Chief Counsel.

Q.—Will you look over the date of these and see if you are able to say on what date any of these were made?

A.—The only date that appears upon this one I have in my hand is December 1921, when it was submitted as an exhibit.

Q.—That is the date of the filing in court, that is not the date of the plan?

A.—No, there is no date apparently on it.

Q.—Are you able to say Mr. Cain when these plans, maps and plats for which the Government, according to you paid \$15,000, were made and prepared?

A.—No.

Q.—Has the department any knowledge of that?

A.—Not that I know of.

Q.—Apparently they were compiled, not recently, but a number of years ago?

A.—Yes, a number of years ago.

Q.—The Government having these plans and having paid these prices for them who is there in your department can interpret them and say what they mean?

A.—I do not know that there is anyone who can. They did not come into the hands of the department until just before the meeting of the public accounts committee.

HON. PETER SMITH: Would these be the property of the department?

A.—I would say so, absolutely.

MR. MCCREA: This bundle of papers is what you purchased from Gamble?

A.—That is all I have.

Q.—These were purchased from Gamble?

A.—Yes.

Q.—I notice there is a letter of March 6, 1922 from Mr. MacMillan to the Attorney General asking for a final payment of \$5,000 which is O.K.'d by the Attorney General for payment?

A.—Yes.

Q.—Do you know anything as to the intervening part of the work. There was \$5,000 paid when these plats and maps were deposited in the first instance. Then there was \$5,000 of a final payment after he gave his evidence at the trial. Then there was an intervening payment. What did Mr. Gamble do in the bush in connection with the second payment \$5,000.

A.—I cannot tell in detail.

Q.—What other papers have you concerning this matter in the department?

A.—I have none.

Q.—You have produced all you have?

A.—Yes.

Q.—Your knowledge of the matter is simply that of an official handling the documents?

A.—Yes.

Q.—I notice Mr. Bradley's name mentioned here. He is down as services as forest engineer at \$1,100 per month. I did not ask you to produce all the papers, but are the papers in this file?

A.—That file is intended to cover practically all the correspondence dealing with the action.

Q.—Who was Mr. Bradley?

A.—Bradley was a special forest engineer, I believe, secured by counsel in the action.

Q.—Had he ever been employed by the department as forest engineer?

A.—Not to my knowledge.

Q.—How long have you been in the Department of Lands and Forests?

A.—Approximately twenty years.

A.—Had you known Bradley before?

A.—No.

Q.—Where does he come from?

A.—I rather think he comes from Ottawa.

Q.—Is he a timber cruiser, do you know?

A.—If I had known you were going to make any inquiries respecting him I would have looked into it. His record is here.

MR. CLARKE: Is his record good?

A.—On paper it could not be better.

Q.—Was he appointed under this Government or the old Government?

A.—He is just a special investigator employed by counsel in the action.

MR. MCCREA: I notice here Mr. Cain that he was getting his expenses in addition to a salary of \$1,100 a month.

A.—Yes.

Q.—Who is Mr. Lount?

A.—He is our accountant.

Q.—I notice here he raised some objection to some of his items for expenses.

A.—There were some detailed items to which I took exception at the time the bill came in. I think we excluded them.

Q.—I see there was .55 for a laundry bill "for cleaning my own blankets which I used during the summer instead of Government blankets," and others. You refused to pay these accounts?

A.—I believe so.

Q.—Do you know where Gamble is now?

A.—I do not.

Q.—Had he done any work before for the Ontario Government, to your knowledge?

A.—Not to my knowledge.

Q.—There is another man named there, R. D. Craig, forest engineer, services at \$1,100 per month. Where does he come from?

A.—Montreal. He was engaged with the Dominion Conservation Commission. I had his record, if I had known you were going to make inquiries I could have had it here.

Q.—Had he ever done any work for the Government before?

A.—I do not think so.

HON. MR. FERGUSON: Mr. Cain, this is part of the purchase from Gamble, these books, these purport to be estimates. Take one of them, look through it and tell me if that is of any value to the department. Can you tell what it is or make any use of it.

A.—Without some explanation by the party by whom it was made and as it stands it is of very little value to me.

Q.—Here is another one—go through all of these and see if you can see that Gamble's name is in any way attached to them any place.

A.—This one I have is Lewis, of Pine Lake, Thunder Bay District. E. Lewis, estimator. Here is another, I cannot make out the name.

Q.—What is the date of that?

A.—June 27, 1906.

Q.—Just go through them and see if you see Gamble's name connected with them in any way.

MR. WATSON: Do you know if the court accepted them as estimates?

A.—I cannot see where these were accepted as exhibits. Those I referred to in the first instance were marked as exhibits. . . . I do not see Gamble's name.

HON. MR. FERGUSON: Can you tell what these estimates run, there are ten or twelve of them here?

A.—Not without some further explanation, I would not be able to undertake to.

Q.—Take his records, can you make head or tail of them without him coming in and telling what they mean?

A.—No.

Q.—Or any other man.

A.—No.

Q.—Just look through these books further and see if you can find Gamble's name anywhere certifying to this work in any form?

A.—I find but this one G. H. G. I do not see his name on any of these. There is a name on this one but it is not Gamble, the ink is somewhat obliterated.

Q.—And the Government purchased these from Gamble. This is part of the \$5,000 purchase. They paid \$5,000 for these old records?

HON. MR. SMITH: There is no evidence I have heard to show that the department paid \$5,000 for these books and other papers you have here.

MR. MCCREA: Oh yes.

HON. MR. SMITH: That was a bargain for \$15,000, \$5,000 payable when these books were handed over, \$5,000 when he has given evidence and \$5,000 when he makes a cruise.

MR. MCCREA: He would have got his \$5,000 and walked away by depositing these books and records.

HON. MR. FERGUSON: The Attorney General laid great stress on the fact that they had obtained a lot of cruising records. . . . You have looked at some of the dates, Mr. Cain?

A.—Yes.

Q.—Have you observed many with any date at all?

A.—Some apparently are not dated. There is a date of 1906 on some of them.

Q.—And would you say this, that these were all made about the same time? all these dated 1906?

A.—Apparently.

Q.—And there are some drawings, when would you say these were made, those that are not dated at all?

A.—They all look to be made about the same time.

Q.—Without having Gamble here, if he died to-morrow, are these records any value to your department?

A.—That I am not prepared to say, they would not unless someone who is acquainted with the system on the part of those who made the reports would be able to amplify them. It may be possible that Gamble submitted evidence on these records in court.

Q.—These were purchased evidently with the idea that they would be of value to the department, as being reliable cruises. I cannot conceive of any other reason why they would be purchased. Cruisers have a variety of methods of marking plans and cruise reports?

A.—Yes.

Q.—To enable you to interpret that you would have to have the man who did it?

A.—Yes, unless there is some written explanation elsewhere.

HON. MR. SMITH: Would it not be possible for someone else to have the key?

HON. MR. FERGUSON: If you are paying out large sums of money on possibilities—These were not germane to the action. The action was about 45 and 49 of the Quetico Park, these do not deal with 45 and 49.

HON. MR. SMITH: Do they mention any other timber berth but 45 and 49?

HON. MR. FERGUSON: One can't tell where they run, one is T.B. 41. Can you tell anything about that Mr. Cain?

A.—No, not off hand.

Q.—“Town 40”—do you know what that means?

A.—No.

Q.—“Berth 40, jackpine.” Is there anyone who can tell what that means?

A.—Not without a key of some kind.

Q.—Here is one-half cut out before it came. So it is all through these things. I would like Mr. Cain if you could go through them and say if it is possible for your officials to interpret these without having Mr. Gamble here.

HON. MR. FERGUSON: I was saying Mr. Clarke that these were not in the action at all. The action was about 45 and 49. These are other estimates, part of the consideration of this \$15,000 deal.

MR. CLARKE: Were these supposed to affect 45 and 49?

HON. MR. FERGUSON: The Department were purchasing from Gamble as part of this deal what purported to be valuable records.

MR. HALL: There is a date, 1906 on them. Is it possible that this is the wrong bunch of books?

A.—These came here from the department.

Q.—He was not making any survey regarding Shevlin Clarke?

HON. MR. FERGUSON: It had nothing to do with Shevlin Clarke. These were purchased by the Department for the purpose of saving large sums of money in cruising.

Q.—Are these the books they paid \$5,000 on?

HON. MR. FERGUSON: This is part of the stuff for which they paid \$5,000.

WITNESS: Accompanying these books was this list, which purports to be an official estimate on each berth where these berths are covered by this. It is possibly this in which the official estimate is made, but it is not signed by anyone.

Q.—These books are not certified in any way, and there is nothing to indicate that this list deals with these books at all?

A.—I want to make this clear and distinct, that as far as these records are concerned this matter was dealt with absolutely, by the Crown Counsel, in the action of the Attorney-General versus Shevlin Clarke. They came up to the Department exactly as you see them there, and they came the first morning after the meeting of the Public Accounts Committee. The presumption is this: they were required, along with 45 and 49, for the purpose of observation and comparison. I am presuming that.

A MEMBER: Then very probably the Crown Counsel can give the Government information in regard to these.

A.—He should.

HON. MR. FERGUSON: Do you think the Crown Counsel can read these records?

MR. WATSON: He may have the key.

HON. MR. FERGUSON: The key is in the estimator's head. Tell us this Mr. Cain, if you were asked to estimate on berth 24, or some other berth in the Rainy River District, and you went through these books, could you ascertain from them, where any estimate in here would apply?

A.—Unless I went into them more closely to ascertain what some particular hieroglyphic meant I couldn't, off hand, I would have to answer no.

Q.—They are according to townships and ranges, that is not our system of surveying, is it?

A.—No.

MR. CLARKE: Couldn't you get some value out of them for comparison purposes?

MR. FERGUSON: Take a book like that, B 40, range so and so.

A.—He means berth so and so, although he hasn't eliminated town and range.

Q.—They are not made out like our estimates?

A.—No.

MR. WATSON: You cannot say there is no key?

A.—I do not say it.

MR. HALL: I notice here on this same page, reference to an aeroplane trip, which cost this Province over \$495, an aeroplane trip to Hudson Bay. I see here another item, E. T. Ireson, services as observer, \$25 per day, and \$1.45 travelling expenses in addition.

A.—I will be glad to produce the papers.

Q.—What did we get for that money?

A.—If I am asked to produce the report of the cruise, I shall be very glad to present it. Then you may be able to judge for yourselves.

HON. MR. FERGUSON: Was it done for your department?



A.—Yes.

Witness excused.

The Committee then adjourned.

PUBLIC ACCOUNTS COMMITTEE.

April 21, 1922.

The Committee met at 10.30 A.M., Mr. Watson in the Chair.

W. A. McLean, Deputy Minister of Highways, called and sworn;

Examined by Mr. Dewart.

Q.—Mr. McLean, I take it, you have before you the Public Accounts of the present year, in which the Department of Public Highways figures from page 1 to page 54.

A.—Yes.

Q.—I see the total expenditure of the Department of Public Highways for the year, was \$14,311,216.69.

A.—Yes.

Q.—And if you go back to page 6 of these accounts we only find two of these items that appear to be the revenue of your Department, and they are not included in any special statement, at least, there is no statement appearing beside that; Motor Vehicles branch, \$2,945,360.36.

A.—What page is that?

Q.—That is on page 6, the only place I find receipts credited to your Department, is on page 6, two thirds of the way down are two items. Motor Vehicles Branch, \$2,945,360.36, and the Department of Public Highways, \$69,948.43: They are not scheduled in any statement or accounted for. Take the item of \$2,945,360.36, from Motor Vehicles Branch. How is that sum made up?

A.—That sum is made up by fees from automobiles received at the branches.

Q.—Why is there no statement as in the case of other Departments, showing details as to how that money is made up and paid?

A.—What other Departments, for instance?

Q.—Take the item above in statement 24, Provincial Secretary's Department, and when we run along to that, we find out on page 61 how the receipts for the Provincial Secretary's Department are made up; amounting to \$2,530,000. What I mean to say is this: Why have we no details to show how the sum of \$2,945,360.36 is made up?

A.—That is prepared by the Treasury Department, and I assume, that because it is one class of receipt from automobile fees, with the exception of some small items, for example, the sale of lists of automobile owners.

Q.—And the sale of cars, for example?

A.—No, there is no sale of cars there. That is wholly income for the automobile branch.

Q.—Is there not a varying sum charged according to the different classes of vehicles that are used?

A.—Yes.

Q.—Why should you not supply a statement showing how that is made up? How many motor cars there are of one kind, and how many of another kind?

A.—If the Department had had any intimation that that was desired, we could have had it. In fact, I have it in my office.

Q.—Does it not strike you as peculiar that when so many other Departments give details of their receipts, there are no details of these receipts which amount to nearly three millions in your Department.

A.—Only in this way, the item has steadily grown from a small amount, and at no time in the past has it been suggested to the Department that this classification for the Public Accounts would be desirable.

Q.—You are aware that there is a suggestion to capitalize what are supposed to be certain receipts, so as to enable the Minister of Public Works to put through a loan of \$30,000,000 this year?

A.—Yes.

Q.—Under these circumstances, didn't it occur to you that it would be wise to have the details of what these receipts were, so that the House would know on what basis it was going?

A.—We can place the details of this before the House at any time.

Q.—Then upon a request for a return, that can be given?

A.—Yes.

HON. MR. FERGUSON: I suppose you can get it down before the Committee?

HON. MR. BIGGS: At any time. Mr. McLean says he has it in his office.

HON. MR. FERGUSON: I suppose that it is right in his office he can send up and get it.

WITNESS: I think I can.

MR. DEWART: Then I find in the Department of Public Highways, two items, one of which you put in ordinary receipts and which I referred to, \$69,948.43, and the other, which you put in as capital, and extraordinary receipts of \$2,295,927.91.

A.—What page is that?

Q.—On the same page, number 6, the next item. Why are no details of these receipts given, as in the case of other Departments, under the different headings.

A.—I am unable to say why. It has simply not been suggested to our Department that these items were called for. If they were called for we would be glad to get them.

Q.—Did you realize the importance of showing how your ordinary receipts are made up, as compared with capital and extraordinary receipts?

A.—Yes.

Q.—What distinction did you make. What constituted ordinary receipts that make up this \$69,948?

A.—Well, to be strictly correct, I would have to see the statement.

Q.—You see, there is a large difference between what you put in as ordinary and what you credited as capital and extraordinary receipts. On what basis did you make the distinction.

A.—Receipts from the Motor Vehicles Branch. . . . .

Q.—I am asking now as to the Department of Public Highways?

A.—I do not see anything referred to as ordinary receipts and extraordinary receipts.

Q.—If you still follow the item, you will see Department of Public Highways, ordinary receipts is the head of the column, \$69,948, and capital, and extraordinary receipts \$2,295,000. On what basis did you make the distinction, and put the one as ordinary and the other as capital and extraordinary?

A.—The capital and extraordinary receipts, are receipts on the Dominion subsidy to Highways under the Canada Highways Act. That includes also the percentage received also from the municipalities on the expenditure on Provincial Highways.

Q.—How is this \$69,000 made up?

A.—That item I would have to look up.

HON. MR. BIGGS: It is incidentals largely. I think it would be well if these were brought down in accurate figures. I do not think the Department has any excuses to offer for these not being carried out in detail. It has not been the habit. It is composed of ordinary revenue, such as fees, and small incidentals. I suggest that this item be brought in in detail to the Committee.

MR. DEWART: That is what I am endeavouring to get.

HON. MR. BIGGS: We will be glad to bring it down, either in the Committee or in the House, either one.

MR. DEWART: Then perhaps if they were brought down in the Committee here, they can form part of the record of the Committee.

HON. MR. BIGGS: The only difficulty is that such a small portion of the Members of the House who will be interested in the bill are on the Committee, and the report of the Committee does not get back to the House until late in the Session. But whatever the Committee suggest will be done.

MR. JOHNSON, (Lanark): Bring them down in the House.

MR. DEWART: I think they should be brought down in both places. I think they should form part of the Public Accounts Committee's report, which is printed and forms part of the Journals of the House.

WITNESS: I would be only too glad to do so.

MR. DEWART: That being so Mr. McLean, you realize that altogether there is less than five and a half millions of receipts for all purposes that come directly from motor vehicles, and the Department of Public Highways, and if you turn to Page I of Public Highways account, we find a total expenditure of the Department was \$14,311,216.69, so there is approximately nine millions spent on highways last year that did not come from any source you would regard as revenue from highways. Where did that nine millions come from? What source?

A.—That is authorized by the Statutes with respect to highway improvements. The Statute of 1920 deals with the Highway Improvements Fund.

Q.—You do not refer to the Statute of 1920, if I may say so.

A.—I think that is it.

Q.—I was going to take up the question of statutory expenditure because you will see on page I, the first page, after going into miscellaneous expenditure you take statutory expenditure up, and statutory expenditure came to \$13,913,658.59. Then if you will turn to page I 13 you will find the first item statutory expenditure under the Provincial Highways Act, 7 Geo. V, chapter 16, Sec. 5, and Amendments, \$9,925,022. Now referring

to that particular section, I find that that section only provides that subject to the provisions of section 9 of the Ontario Public Works Act, when the Minister desires to acquire any existing highway and so on, he may deposit in a registry office a plan, etc. Then I find Section 10 which is not referred to there at all. "The cost of material and labour, special engineering or other services, plant machinery and equipment, the repair and maintenance of plant machinery or equipment, and all expenditure in or about anywhere undertaken by the Minister in this Act, or incidental thereto, or contracts therefor, shall be paid out of the funds set apart from Consolidated Revenue Fund, under the Highways Improvement Act, on a certificate of the Minister" and so on. Is there any record of the sum set aside which the Minister is allowed to extend out of the Consolidated Revenue Fund, under the Highways Improvement Act.

A.—Yes. A complete record is kept. This Section 5 should be really Section 10.

Q.—I had to look into the Act pretty carefully to find that Section 5 had no bearing and gave no authority for the expenditure of any money.

A.—It was a clerical error. That is under Section 10.

Q.—Then these sums set aside out of the Consolidated Revenue Fund under the authority of the Highway Improvement Act. You say the details of these are all obtainable. Are the sums voted from time to time or appropriated by Order in Council?

A.—They are not appropriated by Order in Council. They are simply advanced on the requisition of the Minister, and are accounted for after.

Q.—The Act says for that purpose, accountable cheques may from time to time be issued against such fund in payment to the Department on the requisition of the Minister therefor. What I want to know is this. As far as this tremendous expenditure is concerned, largely exceeding the revenue obtained from any source to the credit of public highways, are these sums simply advanced from time to time by the Treasury Department on the simple requisition of the Minister?

A.—Under the authority of this Act and the authority of the provisions respecting the Highway Improvement Fund.

Q.—Exactly, that is the clause to which I have referred, Section 10 there. Then can statements be procured or furnished that will show just what these sums are that are required from time to time, and just how they have been advanced?

A.—Yes.

Q.—Am I to understand that as far as your Department is concerned that you put in your requisitions and get what you want from time to time, without these matters coming before Council at all?

A.—Just what may occur in Council with respect to discussion of our expenditure I do not know.

Q.—Is it a fact that these advances are made as far as you know without any Order in Council at all?

A.—Yes, as far as I know.

HON. MR. FERGUSON: You would not know if he did make a requisition to Council. You would make requisition to the Minister, and he would make it to Council. You would not know.

MR. DEWART: It begins to appear as if this Department of the Highways was an unlimited spending Department.

A.—No. We are restricted by the amounts appropriated in the Statutes.

Q.—But you know very well that as far as the amounts are concerned, the appropriations for highways last year has been exceeded by millions?

A.—No they have not.

HON. MR. BIGGS: Every dollar spent in the Highways Department is voted by the House under the Statute.

WITNESS: It has all been appropriated by Statutes.

HON. MR. BIGGS: And the expenditures have not been exceeded in any way.

MR. DEWART: What I am endeavouring to point out, is that while these were appropriated, and while it was statutory expenditure, it is not money voted for these purposes by Statute or the estimates.

HON. MR. BIGGS: Yes, voted by the House.

MR. DEWART: We will take that up later. I am laying my foundation now. When we come to these items, beginning at page I 13, you have two pages at least nearly three, regarding stone gravel, sand and screenings purchased. How were those purchases made. Were tenders called for?

A.—In a majority of cases, yes, the smaller items not wholly so. The price was in some cases fixed.

Q.—By whom?

A.—By our department. By the chief engineer, myself and the Minister, as to what we could pay in any locality.

Q.—Have you a Committee that governs Highway expenditure composed of the Minister, yourself and the Engineer?

A.—We act quite closely in co-operation.

MR. HALL: And the owner of the quarry had to accept what you gave him?

A.—These items were I take it principally for field stone purchased from the farmers and delivered on the road at so much per load.

MR. DEWART: Take page I 13. You find an item Ed. Brule, \$26,200.23. What was that for?

A.—I would have to look up the records for that item. That was for stone supplied on the Ottawa-Prescott Highway at so much per yard or ton, I am not sure which.

Q.—Were tenders asked for?

A.—I am not sure they were.

MR. HALL: Was it crushed stone?

A.—Yes.

MR. DEWART: You are not sure tenders were called for?

A.—I am not sure they were in that case.

Q.—Will you look into that and tell us at the next meeting?

A.—Yes.

Q.—Then there is the Canada Crushed Stone Corporation, \$238,123.88. What was that stone used for?

A.—That stone was used generally on the Provincial Highway System, where it could be used and supplied by the Canada Crushed Stone Corporation.

Q.—Where were their works?

A.—At Dundas.

HON. MR. FERGUSON: Where are their quarries?

A.—At Dundas.

Q.—What County is Dundas in?

A.—Wentworth.

HON. MR. FERGUSON: Is it a fact that you shipped some of that stone away down into Eastern Ontario?

A.—No.

Q.—How far east did you ship it?

A.—The furthest east would be Pickering.

Q.—None east of that?

A.—No.

HON. MR. BIGGS: Pickering is within the minimum freight rate.

MR. DEWART: Were tenders asked for as far as that large contract was concerned?

A.—Yes.

Q.—You can produce those?

A.—Yes.

Q.—I prefer to ask you questions, rather than give you a requisition, because some of these matters we can clear up without that. On page I 14 I find the larger items. You have told us that there were small matters that you did not ask for tenders on them. On I 14 I find Crushed Stone, Limited, \$21,069.68. Where is that company located, and where does it carry on its operations?

A.—I think that is in Wentworth—no, that is the Kirkfield Quarry, the Essery Quarry.

Q.—Were tenders asked for that large quantities of stone?

A.—I think that was purchased under tender.

HON. MR. BIGGS: I might say in connection with these items of stone that in these different cases tenders were called for and advertised and bids were made, but you could only supply stone within the minimum freight area, and tenders were required from different companies in the district in which the minimum freight rate would serve.

MR. DEWART: What I was going to say Mr. Minister was this, I think it would be more satisfactory if the tenders were produced by the Deputy, and we would not have these desultory suggestions that are not evidence. Then, a little further down Mr. McLean, there is Foster and Cram, \$36,596.69. Where are their works?

A.—That is on the Ottawa-Prescott Highway, near Ottawa.

Q.—Where are their works?

A.—Near Ottawa.

Q.—Were tenders called for?

A.—I believe so. That situation there was somewhat different from the rest of the Province. The work was extremely urgent, and the supply of stone was restricted, and we had to get the stone where we could in that locality.

Q.—Then we have in the same column, Hagersville Crushed Stone Company, \$501.00 and the Hagersville Quarries. Were tenders asked for there?

A.—That stone was purchased under a general call for tenders and quotations.

Q.—In what county is Hagersville?

A.—That is in the county of Haldimand.

Q.—Then I come to the next column, and there is an item—I am only taking the larger items—Hydro Power Commission, \$2,697.34. What is that for?

A.—That is stone supplied from the Hydro-Electric Commission's Quarry at Niagara Falls.

Q.—Where was it used?

A.—It was used on the road in the vicinity of St. Davids, near Niagara Falls.

Q.—Then a little further down there is J. McCabe, \$1,794.00. Where was that stone put, and where is that quarry?

A.—I will have to look that up.

Q.—And a little lower down in McGinnis and O'Connor, \$2,106.20. Where is their quarry?

A.—That was near Kingston. They were contractors on the work there and this was extra stone supplied.

Q.—Were tenders asked for that?

A.—Yes. I think they were.

Q.—Then we have page I 15, F. Milligan, \$1,283.13.

A.—He was a contractor in the vicinity of Prescott.

Q.—Were tenders asked for there?

A.—Yes.

Q.—Then take J. A. Parisien, \$1,189.30. Where were his works and were tenders asked for there?

A.—That is in Eastern Ontario. I cannot place the item at the moment.

Q.—Do you wish information in regard to all these referred to?

A.—All those you have not given information with reference to.

Q.—Then A. G. Perley, \$8,916.43. Who is he?

A.—He is a contractor in the vicinity of Ottawa. We purchased stone for that road from the three available quarries. Some from Brule, some from Perley and some from Foster and Cram.

Q.—Were tenders asked for?

A.—I think so. They were in some way. I do not know just how.

Q.—You can tell us later and bring down the tenders in each case. Then there is the Point Anne Quarries, Limited, \$10,816.77. Where are those quarries situated?

A.—Near Belleville.

Q.—Whose quarries are they?

A.—M. J. Haneys.

Q.—I see. The man just appointed to this Commission?

A.—I have no information as to that.

Q.—Were tenders asked for there?

A.—Yes.

Q.—Will you bring those down?

A.—Yes.

Q.—Then there is the Queenstown Quarries, Ltd., \$20,184.96. Where is that quarry?

A.—That is in the vicinity of St. Davids, near Niagara Falls.

Q.—Were tenders asked for there?

A.—Yes.

MR. HALL: Do you consider that stone is good for road work?

A.—The best in the vicinity.

Q.—You would not call it good wearable stone.

A.—It is when used as it was there. It was used for foundation purposes.

MR. DEWART: Who passes on the quality of the stone and decides whether it is suitable?

A.—We have a testing engineer who reports on all the material used in highway work.

Q.—What is his name?

A.—Davis.

Q.—And is he available as a witness?

A.—Yes.

Q.—Were tenders asked for in that case?

A.—I believe so.

Q.—You will look that up please?

A.—Yes.

Q.—Then there is the Rideau Supply Company, Ltd., \$8,810.71. Where are those works?

A.—At Ottawa.

Q.—Were tenders asked for there?

A.—That was sand supplied in connection with culvert and bridge construction in that vicinity.

Q.—Then B. Seabrook, \$1,183. Where are Seabrook's works?

A.—I will have to look that up.

Q.—And in the other cases, I take it, where the amount involved is \$500 or less, you set your price and made the purchase.

A.—To quite an extent. These were bought at local market prices for this stone, just what we could get the stone hauled out for.

MR. HALL: Are all the items in these columns just for stone?

A.—Those are all stone, sand and gravel.

Q.—The smaller amounts would be sand and gravel?

A.—Some is for field stone, hauled out to the road.

HON. MR. BIGGS: In Eastern Ontario, it is hard to get stone. The farmers brought the stone out and put it in piles along the road. That is why there are so many items there. They delivered the stone in groups, and then we set up a crusher and crushed it at these points.

MR. DEWART: On page 1-15, you will see "purchase of property." We find twenty-one different pieces of property purchased in the township of Ancaster. That is in Wentworth?

A.—Yes.



Q.—What was the necessity for purchasing twenty-one different pieces of property?

A.—That was in connection with the road from Hamilton to Brantford, and to its branch at Galt. When we assumed it, it was only about fifty feet or less in width, and we had to have this property for widening the Highway.

Q.—What was the width of the Highway before, and to what did you widen it?

A.—It was about fifty feet, before; and it is eighty-six feet now.

Q.—Were all these properties acquired for that purpose?

A.—Yes, I think they were.

Q.—Take the McKittricks Limited, \$1,851.60. What was that property?

A.—That was for widening, exclusively.

Q.—What frontage did you get and what depth?

A.—We got twenty-eight feet deep, and purchased by the acre, in order to get the frontage.

HON. MR. BIGGS: The frontage was approximately one and a half miles.

MR. DEWART: What is the acreage? What did you pay per acre?

A.—\$1,285 an acre, and a portion of it at \$750. I may say that the Suburban Area Commission, of Hamilton, before our undertaking to do the widening, had taken options at much higher rates, and when we undertook to carry on the widening, we were seriously handicapped, but the rates we have paid are much less than the Suburban Commission had agreed to pay. The property is all suburban, and it takes off to a considerable extent the lawns of numerous homes. The great part of it was subdivided.

Q.—In the case of the McKittrick properties, is it not a fact that you bought portions of surveyed lots, which had not been sold.

A.—Yes.

Q.—Take the other properties; \$999, John Barber. What acreage did that cover?

A.—That covered about twenty-one one hundredths of an acre, and 650 feet frontage.

Q.—So, approximately \$5,000 an acre was the price at which you valued this frontage?

A.—No, \$1,285 an acre.

Q.—If you got 21/100 of an acre for \$999.00, it would be approximately that. If you got 21/100 for \$1,000, it would be exactly \$5,000 an acre.

A.—That included also an area that we acquired for the purposes of a subway. It was not wholly for widening. We had to pay the full market value of the land for a portion of it.

Q.—Is land in Ancaster worth \$5,000 an acre?

A.—In the suburbs of Hamilton, yes.

MR. HALL: That is if it is subdivided and sold as a company proposition?

A.—It is held at that price.

Q.—But as farm land, what is it worth?

A.—The land on this Highway is worth \$5,000 an acre, and you cannot purchase it for less.

MR. DEWART: Then, Mr. McLean, we come to the township of Barton. That is in Wentworth, too, isn't it?

A.—Yes.

MR. WATSON: In considering this area for subway purposes. Is that included in this 21/100ths?

A.—No, I do not think it is.

MR. DEWART: Then C. W. J. Gibson, township of Barton, \$538.70. What area did that cover?

A.—I haven't the particulars of that here.

Q.—On page I, 18, I see that in Saltfleet, options were taken on sundry properties in that township. That is also in the County of Wentworth?

A.—Yes.

Q.—What is the purpose of taking over those?

A.—The widening of the Provincial Highway.

Q.—Where?

A.—In the township of Saltfleet.

Q.—From what point to what point. Is it going up the mountain or down east?

A.—That is running east of Hamilton, toward Niagara Falls.

Q.—I see. To what extent was the Highway widened there?

A.—From sixty-six to eighty-six.

Q.—I do not want to go into these matters too much in detail, except to find out generally the principle on which you went. You will find on that same page, I 18, toward the bottom of the second column, York Township, Hughes and Agar, Ridley Subdivision. What is that?

A.—That refers to property, consisting of two lots in the vicinity of Hogs Hollow, up Yonge Street.

Q.—What area did that cover?

A.—I cannot give the area at this moment. They were purchased at so much per foot frontage.

Q.—For what purpose were they acquired?

A.—We have in view the possibility of a diversion, or an alternative route to Yonge Street, at that point, for the purpose of escaping the hills, and this route would carry the Highway around those hills. These lots in question are the key positions.

Q.—Where are they located?

A.—Right at this side of Hogs Hollow.

Q.—Take the old Hotel there. Are they on that side or the other?

A.—On the west side of the road.

Q.—On the York Springs side?

A.—Yes.

Q.—Can you give us the frontage and depth?

A.—I will have to look into that.

Q.—Who are these gentlemen named Hughes and Agar. Are they solicitors practicing in Toronto here?

A.—Yes.

Q.—That is rather interesting, because on the top of the next page find this item, T. J. Agar; Fees in connection with the appropriation of the Rideau River Branch of the Nepean and North Gower Consolidated road,

\$650.85. Services *re* Province, \$41.75. Toll road arbitration, \$200.00. The total for that item of \$892.62. He is one of these gentlemen from whom you purchased one of these key properties you spoke of?

A.—No. The property was simply purchased through him acting as our agent.

Q.—When you say you purchased the property from Hughes and Agar, he was acting merely as your agent?

A.—Simply acting as our solicitor in the matter.

Q.—Then what did you pay him for the work he did in that connection—\$41.75, is shown on that page under services *re* Province, and this \$200.00, is it in that?

A.—No, there are three items there. The first item of \$650.00, was for expropriation of a toll road. The next item is services *re* the Province and Venor Ridley Park. That is for \$41.75, and those were his fees with this purchase amounting to \$3,000.00.

Q.—Do you realize, Mr. McLean, that it would be absolutely impossible to ascertain what that \$41.74 was paid for, from the way you made up your accounts?

A.—It is not as clear as it ought to be.

Q.—What does Venor, Ridley Park mean?

A.—Venor, I believe was the owner of the property, but in order that I may be strictly correct, I will have to look into the papers.

Q.—What you mean to say is this, that you have paid for the Ridley subdivision, \$3,000.00, and here is a heading where \$41.75 was paid for legal fees, and there is nothing to show what it was for.

A.—I may say that that came to my attention after the accounts were printed, and I took exception to that, that we should show these things.

Q.—Were Hughes and Agar solicitors for the Ridley people?

A.—Hughes and Agar were our solicitors, acting for us.

Q.—Were they not also solicitors for the Ridley Park people?

A.—No.

Q.—Are you sure of that?

A.—Absolutely sure.

MR. HALL: Do you consider that a firm of lawyers are good people to negotiate the buying of a right of way. I do not think they can buy it advantageously.

MR. DEWART: Regarding these key properties for possible diversions that have not taken place, may I ask you further has any action been taken to make any use of this \$3,000 property?

A.—Yes, we are taking action.

Q.—What has been done?

A.—We are arranging to have the road opened up in part.

Q.—Will you bring down the account and tell us how that item of \$650.85 is made up?

A.—Here is that item.

Q.—These can be left with the Committee for consideration?

A.—Yes.

Q.—Was there arbitration?

A.—It was before the Ontario Railway and Municipal Board.

MR. BRACKIN: And carried to the Court of Appeal?

A.—I believe it went to appeal.

MR. DEWART: That at any rate you can leave with us and not delay the Committee now?

A.—Yes.

Q.—This same firm that you used to buy these two lots at \$3,000 and to whom you paid in this first item \$892, I find referred to also in the public accounts at another point. On page I 31, near the bottom of the page, "Hughes and Agar, revising deeds, C.P.R. \$10, *re* expropriation Cobourg and Grafton road \$2,566.49, and services *re* Beatty property \$150." Will you explain those items please?

A.—The item on page 31, the \$10, I do not recall at the moment. The Cobourg and Grafton road is a road between Cobourg and Grafton. It was assumed as part of the Provincial Highway. It is on the line of the Kingston road between Cobourg and Trenton and was some seven miles in length. We expropriated it for the purpose of the Provincial Highway but we were unable to agree with the company owning it and the case went to arbitration before the Railway Board and subsequently to the Court of Appeal.

Q.—What was the amount you paid for the Cobourg-Grafton toll road?

A.—I would have to look that up.

Q.—Is that the item on page 19 in the second column, \$27,335.67?

A.—Yes, that is the item.

Q.—So the costs you paid to this selected firm of solicitors for a road that cost \$27,000 was \$2,566 or approximately ten *per cent.* of its value?

A.—The case we felt to be an extremely important one as it affected other roads that were to be purchased—and the account has been taxed.

Q.—And will be produced?

A.—Yes.

HON. MR. BIGGS: The arbitration in connection with the Cobourg-Grafton road was carried out just prior to arbitration and settlement for roads in the Ottawa district. Is that a fact?

A.—Yes.

Q.—And it was carefully guarded on account of the arbitration to follow at Ottawa?

A.—Yes.

HON. MR. FERGUSON: What effect would the value of a road near Cobourg have on values at Ottawa 150 miles away?

A.—The principle involved in placing the value on the roads, whether to base it on physical assets or on the basis of a going concern.

MR. DEWART: Then take another item on page I-19 Cleaver and Cleaver, legal services *re* purchase of Bray property in East Flamboro. That is also in the county of Wentworth?

A.—Yes.

Q.—\$65.81, what was that service?

A.—That was the purchase of property required in connection with the Hamilton entrance scheme for the Toronto Hamilton Highway, the road from Guelph and the road from Dundas, for the general scheme.

Q.—Have you no lawyers in your department at all?

A.—No.

Q.—Nobody available in the Attorney General's Department who could look after a little matter like that?

A.—We haven't found we could satisfactorily depend on the lawyers of the department to carry on our routine proceedings.

Q.—You couldn't trust them to search a title in Hamilton?

A.—Oh yes we could.

MR. HALL: Couldn't they put through a little matter like that?

A.—I believe they have their own affairs to look after.

MR. DEWART: Then there is another item on page I-20 Honeywell and Caldwell legal services, \$37.42, what was that for?

A.—They are an Ottawa firm.

Q.—Do you recollect what that work was?

A.—As I recall it they were employed by the Ottawa Suburban Commission at the time we took the road over and we had to assume the obligation.

HON. MR. FERGUSON: They are solicitors for the County of Carleton?

A.—Yes.

MR. DEWART: In the middle of the second column there is an item Langs, Binkley and Morwich *re* Nickerson arbitration \$3,438.90.

A.—They were solicitors for the man Nickerson with whom we had arbitration and that amount was fixed after an appeal and includes the amount of damage paid Nickerson and the expropriation fees assessed on the department.

Q.—Doesn't it occur to you that the item as it is given here doesn't give us any inkling of the information you are now endeavouring to give us?

A.—The accounts would have to be greatly expanded in volume in order to give all that information.

Q.—This is put down as legal fees. How much was legal fees and how much went for the property?

A.—I will have to look that up.

MR. BRACKIN: Most of it must have been damages to the owner but it appears as legal fees.

A.—The damage I see here was \$2,103, the remainder, arbitration fees of \$173, stenographers' fees \$135, solicitor preparing award, \$10, caretaker of the courthouse \$3. This was the award of the arbitrator Judge Snider.

Q.—Where was the arbitration held?

A.—In Hamilton.

Q.—Where was this property?

A.—It is a property in the township of West Flamboro.

Q.—This is in Wentworth too?

A.—Yes.

Q.—How much was paid for it?

A.—The amount I have stated here is the amount we were fighting. The Department was fighting the claim of the owner.

Q.—What area did you get?

A.—We haven't any area. We took stone from the quarry.

MR. BRACKIN: What percentage of the \$3,438.90 is really legal services. It is all described as legal services. What percentage is in fact legal services?

A.—Less than one tenth.

MR. DEWART: Who is your solicitor in the matter?

A.—Bruce and Counsell.

Q.—What did they get?

A.—I cannot say from memory. They are not in this.

Q.—Will you look that up?

A.—Yes.

HON. MR. FERGUSON: Did you pay the solicitors' fees on both sides?

A.—That is the award I believe and under our act that is what we have to do when the award is against us.

Q.—Who were the solicitors on the other side?

A.—Langs, Binkley and Morwich.

Q.—So that under that item of legal services *re* the Nickerson arbitration, you have bunched what you were paying this man for his stone, what was paid for the arbitration, and the different expenses in connection with arbitration, and it all went in as solicitors' fees, when there were no solicitors' fees there at all.

A.—No we have not. They were bunched in that way by the Judge.

Q.—But that is the fact. They are all bunched together?

A.—Yes.

HON. MR. FERGUSON: In the award or statement you got from the judge they were all set out in detail, in different items?

A.—I think they are set out in the award. The amount of the cheque issued by the Treasury Department is given.

Q.—As a matter of fact you issued a cheque and charged up the cheque?

A.—Yes, as one item, and in accordance with the usual practice, it was accompanied by a brief description. Sometimes the clerical work is not always accurate.

MR. DEWART: We have had two items as far as the Grafton Toll road arbitration is concerned. Hughes and Agar \$2,566 on an expropriated road costing \$27,335, and if you will observe on page I-21, K. W. McKay legal services \$120.00. What was that item for?

A.—That was wrongly described. It was expert services, services as a witness.

Q.—Who was K. W. McKay?

A.—He is County Clerk of Elgin, a former member of the Toll Road Commission, and looked upon as one of the leading authorities on municipal matters.

Q.—I think he was Chairman or Secretary of the Municipal Union for a while?

A.—Yes.

Q.—At what rate were his services charged for?

A.—I would have to get the account.

Q.—Be good enough to look that up.

A.—Yes.

Q.—They were not legal services?

A.—No. Special services in connection with the valuation of the road.

Q.—Then in the second column of I-21, I find Snider, Morgan and Walsh, legal services *re* F.M. Fice. Will you explain that?

A.—That was an item for services in connection with our purchase of a property at the Hamilton entrance bridge. When we took over that property it was occupied by a tenant. We opposed his claim, and the case went to arbitration. Snider, Morgan and Walsh were the solicitors for Fice, and the amount of the award was paid to them on behalf of Fice.

Q.—What was the amount of the award?

A.—The amount of that award was \$1,106.45. The original amount of the award was \$2,106.45. We appealed the case and \$1,000 was struck off the amount.

HON. MR. FERGUSON: How much property was there? What acreage?

A.—Eleven acres.

MR. BRACKIN: This was not payment for the property. This is just the tenant?

A.—Yes.

MR. DEWART: Where do you find the solicitors' fees. You evidently had to arbitrate?

A.—Bruce and Counsell acted for us in that case.

Q.—Where are their fees? This is the second case in which you say that Bruce and Counsell acted for the Government, and so far as I have been able to discover, there is no reference to any account paid them.

A.—I do not think their account had been paid at the end of the financial year.

Q.—It was one of the held-overs, was it?

A.—It was not held over, other than by Counsell.

Q.—Will you produce the account at the next meeting?

A.—I have the accounts if it is the wish of the Committee.

Q.—We desire the information. Here you put in a charge of legal services of \$1,106.00 and that you say is what was paid for the property. If there were legal services, the Committee is entitled to know what was paid.

HON. MR. FERGUSON: Haven't you the account here?

A.—No, that is not in this statement. It will be in the accounts of 1921-22.

Q.—But incurred in the previous year?

A.—Yes.

MR. DEWART: May I ask Mr. McLean to produce that as it is important in that connection. I find another item on I 22, Bain and Bicknell legal services *re* Beatty property, North Toronto, \$596.70.

A.—That was the purchase of property at the head of Yonge Street at Hoggs Hollow.

Q.—The property you have already referred to?

A.—No. There was a further purchase there. In fact that referred to the main purchase of property at that point.

Q.—Were there several properties purchased?

A.—Two.

Q.—Just the two?

A.—Yes.

HON. MR. FERGUSON: He said in the Hamilton case that eleven acres were purchased where Fice was the tenant. Did you purchase the property?

A.—Yes.

Q.—How much was paid for the eleven acres?

A.—Eleven thousand dollars was the amount.

Q.—Who did you buy it from?

A.—I forget the name.

Q.—You paid \$11,000 for the property and \$1,100 to the tenant?

A.—Yes that was the award.

Q.—You can't complete that item in the accounts can you?

A.—I really can't at this moment.

MR. BRACKIN: I am not sure the property was not settled for the year previously.

A.—I think it was settled for the year before.

MR. DEWART: Then I was asking you a question as to the item on page I 22 for the Bain firm. How was that made up, the \$596.70.

A.—That I would have to turn up. It was for legal services in connection with the purchase of the property.

Q.—Then these items you will look up. I think these are the only legal fees we have discovered so far in this department.

HON. MR. FERGUSON: You mentioned, Mr. McLean, a while ago that it was not necessary to go to Council as orders were given for each expenditure, cheques are signed against the Fund by some of the officials?

A.—Yes.

Q.—Who has authority to sign these cheques?

A.—They are signed primarily by the Accountant of the Department and countersigned by myself for all items over three hundred dollars, except where they relate to wages. The accounts originally have to be approved before they pass.

Q.—Then the cheques are signed by the Accountant and yourself. Nobody else has authority to sign?

A.—Except in my absence.

Q.—Who signs in your absence?

A.—The secretary of the Department would countersign in my absence.

Q.—He has proper authority to do so?

A.—By special instructions.

Q.—The auditor accepts that?

A.—Yes.

Q.—So that all expenditures are checked over by your Accountant and cheques are signed by him and countersigned by you or the Secretary, and nobody else has any authority? You had no other officials to sign cheques? You haven't a lot of officials signing cheques?

A.—Well only in the absence of certain officials.

Q.—Who are the people around you who have control of the money? You say the Accountant must sign all the cheques.

A.—In his absence the chief clerk can sign for him.

Q.—And the countersigning is done either by you or the Secretary?

A.—Yes, myself or the Secretary, and the case of small accounts pertaining to wages, the clerk in the office.

Q.—I wanted to ask you this. You were speaking of quarries. You have a quarry at Washago?

A.—Yes.



Q.—Is that owned and operated by the Department?

A.—It is not operated at the present time. We own it.

Q.—Did you operate it?

A.—Yes, for some time.

Q.—For how long?

A.—For approximately a year and a half speaking from memory.

Q.—Why did you suspend operations?

A.—For the reason that the price of stone has been falling, and we find that the quarries in that vicinity were able to give us a service they had not been able to before.

Q.—You could buy it cheaper than you could produce?

A.—Yes.

Q.—You could not compete and you stopped, is not that the fact?

A.—Yes.

Q.—That was really the fact? What did it cost you for stone when you were operating.

A.—The price varied from time to time. It is an especially good stone, and an especially hard stone. It cannot be compared with the ordinary lime stone, and the cost varied from \$1.00 a ton to \$1.50 and possibly at times slightly higher.

Q.—That is crushed at the quarry?

A.—Yes, crushed at the quarry.

Q.—F.O.B. at the quarry?

A.—Yes.

Q.—\$1.00 to \$1.50?

A.—Yes.

Q.—How long since it was operated?

A.—Just about three months ago. We suspended a few months ago.

Q.—How did that price compare with what you were paying for stone?

A.—When we compared the freight rates we had to pay we found it about the same.

Q.—From the quarries in that locality?

A.—That was the only quarry in that locality and on that road.

Q.—I thought you said a moment ago that you stopped because the quarries in that locality could undersell you?

A.—For the section of road over which we were shipping, we shipped from Kirkfield.

Q.—Where is the delivery from Kirkfield to-day, at what point on the road?

A.—On the Grand Trunk, at Caledon Road.

Q.—What section are you spreading stone on?

A.—We put in a stock pile at Aurora and one at the extreme limit of the South end of the road.

Q.—Where is the Washago quarry?

A.—Right at Washago.

Q.—Did it develop as a result of canal construction?

A.—No, I don't think so.

Q.—Then you say you can get stone cheaper from Kirkfield over to Aurora than around from Washago?

A.—Just as cheap.

Q.—Freight makes the difference?

A.—Yes.

Q.—Tell us how much you took out during the time you were operating and how much cost. You will have those details in the Department?

A.—We will have to look that up.

MR. HALL: Would not the superior quality of the stone balance whatever difference there was in cost?

A.—Yes.

Q.—Between that and Kirkfield I mean?

A.—Yes.

HON. MR. FERGUSON: Now you have been buying stone by tender this year?

A.—Yes.

Q.—Altogether by tender? You have no operations of your own?

A.—Well, not at the present time.

Q.—Did you have, excepting this quarry, any others last year?

A.—In a small way only, local quarries with a portable crusher.

Q.—Outside of that you bought all your stone?

A.—Yes.

Q.—What did you pay as a rule, *per ton*?

A.—Last year it was \$1.25 *per ton*.

Q.—There is a plant in the County of Renfrew crushing stone, a big operation there. Do you know about that?

A.—I know there was one put in a year or so ago.

Q.—It has been running two or three years?

A.—Yes.

Q.—Have you bought any stone from them?

A.—I do not think we have. I don't think they have ever tendered.

HON. MR. BIGGS: I think they tendered this year. The tenders will be brought down. I do not believe they tendered previous to this year.

Q.—Everything has been bought by tender except your own production. That is a fact?

A.—Yes.

MR. WATSON: That Washago quarry is not shut down for good?

A.—Oh no, we have the plant and it is ready for operation whenever it is advisable to operate.

HON. MR. FERGUSON: You haven't bought any stone from anybody except by tender?

A.—Only in a small way. In order to be strictly correct, I put it that way.

Q.—Who checks over the accounts in your department?

A.—My signature is placed on the voucher before they are passed for payment.

Q.—You sent in a lot of accounts in October and September that were sent back to you?

A.—No, I do not recall any.

Q.—You are quite sure about that?

A.—I do not recall any.

Q.—Would they come to you if sent back?

A.—Not necessarily, but I do not think they were.

Q.—What official would they come to?

A.—The accountant of the Department.

Q.—Who is he?

A.—Mr. Austin.

Q.—He is the man who would know?

A.—Yes.

MR. DEWART: G. C. Austin, I see here. Is that the man?

A.—Yes, that is him.

MR. HALL: On page I 20 right at the end of the column there is McDonald, lease of land, hauling and storing of gravel for ten years at \$300.00 per annum \$3,000.00. What is the idea? Is that a sort of ground where you draw anything left over?

A.—That is a place where we lift gravel from the Lake Shore. It is the best beach for the elevation of gravel, or is looked upon as such by the engineers and others from Port Stanley west. We haven't any material in the Township of Albany, other than what is obtained from the Lake there. We could not purchase rights with the consent of the owner. We leased that right to use the shore and the gravel on it, and have retained an area of two and a half acres or as much more as we require, and a right of way along fifteen hundred feet of the property. The shore line has a frontage of two thousand feet, and we have the right to the use of the gravel in that deposit, lift it, and haul it over this right of way and store it for operations.

MR. CLARK: Does he own the gravel on the shore?

A.—That is a question that appears in dispute and difficult to ascertain. The fact is that we could not use the shore without his consent. We cannot get the gravel without his consent, and the County had been paying twenty-five cents a yard to this man.

A MEMBER: Some of these titles go to the water?

A.—That was the case in this instance. The title of the land went to the water's edge.

HON. MR. FERGUSON: Who owned the water lot?

A.—T. G. MacDonald.

Q.—I mean the lot under the water. Is that in the Crown?

A.—That would probably be in the Crown.

Q.—Did you look into that?

A.—Yes, we looked into that.

Q.—You did not have to pay him for the gravel?

Q.—This man apparently owned the riparian rights?

A.—He has practical ownership, and you cannot get the gravel out without his consent.

Q.—The gravel itself is in the Crown, and you would not have to pay him for that?

A.—I looked into it as far as I could, and the advice I obtained was that we could not get the gravel without entering into the agreement.

Q.—Then it is an agreement to reach the gravel?

HON. MR. BIGGS: Why is storage required? Is it not on account of gravel being needed only at certain times?

A.—Yes. There is a height of about eighty feet and we have to elevate it continuously into a pile in order to get it there.

HON. MR. FERGUSON: How many miles of permanent surface road are finished in the Province?

A.—We are just preparing an answer for that question for the House, and in order to be strictly accurate, I would have to wait for that.

Q.—I heard of you making an address where you gave it as seventy miles?

A.—We have that in permanently finished surface exclusive of gravel, macadam and other things last year.

Q.—That is for last year's operations only? I am speaking about up to date. How many miles of permanent surface are there in the Province in your Road Construction scheme?

A.—I will have to ask you to let me look up the figures.

MR. DEWART: I just want to ask one or two questions. On page I 7, I refer to one legal account of the Robinette firm, \$82.30. What is that for?

A.—I think that was a case at Peterborough in which we had difficulty with our Issuer of Automobile permits. The case was one which was very much involved and we employed that firm to handle it.

Q.—Instead of a local firm at Peterborough?

A.—Yes. I wished to be able to consult with them here.

Q.—Auto markers and supplies, there is an item Canadian Color Type Limited, markers as per contract, \$64,441.62. Were tenders asked for, for that matter.

A.—Yes.

Q.—Will you bring those down?

A.—Yes.

Q.—Can you speak as to what difference there was in the prices paid to this Company and the St. Thomas firm that had a contract before?

A.—The price the previous year was about thirty-six cents, and to this Company as I recall twenty-eight cents a pair.

Q.—What Company has it this year?

A.—A firm in this city, the McDonald Manufacturing Company.

Q.—What was their price?

A.—Fourteen cents a pair.

Q.—Then there is an item I want you to look into, on page I 27, in the second column "Department of Public Highways accountable \$776,011.46." That is a rather large amount. Will you be able to account for that?

A.—It will be a little hard to say just exactly what was paid out of that item. That is accountable and is in the same class as the item on page 51. That is accountable in 1920, \$462,000. That item was accountable, and was over ten per cent. of our expenditure for the year. This item is under ten per cent. considerably for the year.

HON. MR. BIGGS: I probably can explain that. These cheques have been issued prior to the first of November, and the vouchers have not gone through the hands of the auditor soon enough to be placed in the Public Accounts, and this is the amount of cheques issued the last week or two, or three weeks of the fiscal year, and the items cannot be individually given by the auditor.

HON. MR. FERGUSON: In other words, cheques sent out in the last couple of weeks and which would not be returned in time to be in the Public Accounts?

A.—They will appear next year.

MR. DEWART: I see on page I 51, you have accountable and outstanding \$776,011. You make your total expenditure \$10,387,000 and then you deduct accountable \$462,776. Where are the items that make up the \$462,000?

A.—They are in here and are all itemized. You can understand we are just carrying on these items in the way they were usually carried on.

Q.—What I mean to say is that you should have put accountable items that you have accounted for in one group so that we would know them.

A.—That is the items making up that \$462,000?

Q.—Yes, where can I find them? Are they itemized?

A.—They are itemized through here.

HON. MR. BIGGS: In bringing down the Public Accounts another year, it would be easy to keep these accountable items separate.

MR. DEWART: I would suggest that.

HON. MR. BIGGS: It can be very easily done.

MR. DEWART: Commencing with the miscellaneous on page I 19, I want to go next week into the expenditure for properties. You see large property purchases here, \$4,499, \$5,210, and several thousand dollar items. I want to generally go into the system under which these lands were purchased. I want you to look up a sufficient number of these large purchases, so that we may find the basis on which purchases were made, the prices paid, and some comparison as to different localities. Then there is an item on page I 54. I would like you to bring down the account of T. H., engineering expenses \$3,572.00. If you will do that we will save more time by not going into the matters now.

HON. MR. BIGGS: You want the vouchers down for eight or ten of the largest ones?

MR. DEWART: Yes.

HON. MR. FERGUSON: The accounts that have been spoken of, the accounts of the last week or two are those for which cheques would be sent and would not be returned in time to get into the Public Accounts of last year.

A.—No, in order to have accounts which the auditor will accept, we have to supply him with a receipted voucher. Our cheques are sent out with the account. It is receipted by the man to whom payment is made and returned to us.

Q.—What I am getting at is this. There would be a certain proportion of your payments in the latter part of October that would not appear as charges in the Public Accounts for the past year?

A.—Except under that item of \$776,000.

Q.—That would be involved in that?

A.—Yes.

Q.—Does that \$776,000 mean that you sent out that number of cheques during the last week or two?

A.—I would not be positive. Some might be represented by money in the bank.

Q.—I see. With your system of accounting in the Department, you have

an appropriation placed to the credit of your department. You have a regular method of bookkeeping and accounting in your own department, and I suppose you are able to balance that almost any day?

A.—Yes.

Q.—I would like you to look up and tell us what outstanding accounts you have and what liabilities of your Department were on the 31st of October last. In other words take stock of your Department on the 31st of October, and see how much money you owed then. You get so much and you spend so much, and there are so many accounts not paid. I want to know what the total expenditure of the Department was during the year ending the 31st of October last. Your accountant can make that statement?

A.—I think so. I will try and get it.

Q.—Yes, so that we can know what accounts are outstanding.

A.—Very well.

The Committee then adjourned.

## PUBLIC ACCOUNTS COMMITTEE.

April 26, 1922.

The Committee met at 10.30 a.m., Mr. Watson in the Chair.

Francis Lee Stuart called and sworn; Examined by Mr. Ferguson.

Q.—What is your full name?

A.—Francis Lee Stuart.

Q.—What is your address?

A.—949 Broadway.

Q.—New York City?

A.—Yes.

Q.—What is your business?

A.—Civil engineer, consulting engineer.

Q.—How long have you been in that business?

A.—36 years, that is, as an engineer, not always as a consulting engineer.

Q.—What is the extent of your experience in large public works or in large construction propositions?

A.—Well, I graduated from the A—— institute and had the usual experience as a young engineer until I went to Nicaragua, where I was made district engineer in charge of the service on the eastern side of the canal.

Q.—Was that the Panama Canal?

A.—No, the Nicaraguan. I came back to the United States and was put in charge of the estimates of various Isthmus works by the Commission.

Q.—What Commission?

A.—Isthmus Commission.

Q.—Is that a Government Commission?

A.—Yes.

Q.—A federal Commission?

A.—Yes.

Q.—And by that Commission you were put in charge of the estimates for canal construction?

A.—Yes.

Q.—What further construction experience have you had in recent years?

A.—In recent years; from 1905 to 1910, I was chief engineer for the Erie Railway, and from 1910 to 1915, I was chief engineer of the Baltimore and Ohio Railway. During the war I gave my services to the Government, first as advisor to the Red Cross War Board, and then as chairman of the terminal port facilities commission.

Q.—I am speaking more of constructive work.

A.—In 1918, I was chairman of the budget committee of the United States Railway administration in charge of the budgets of expenditure. I passed on them and passed them on to Washington, all the Railroads east of Chicago and North of Norfolk.

Q.—That is, the making of estimates?

A.—No, that was a board to which the Railways came and presented plans and estimates and I approved or disapproved and sent them on to Washington.

Q.—You revised them on behalf of the Government and forwarded them?

A.—Yes.

Q.—Are you a member of the firm of Kerbaugh and Stuart?

A.—There is no such firm.

Q.—Are you practicing alone?

A.—Yes.

Q.—Your names have been coupled a good deal in this Province.

A.—We made this report together and signed it together, he as a contractor and I as an engineer. Suppose I continue, and tell you in my own words what my experience was. I was consulting engineer for the Q. and R.—

Q.—What is that?

A.—That is a proposal to spend about \$50,000,000 on the Jersey side of the Hudson River for a large development for steamships. It is held up now. Then I was technical advisor to the New York port authority. That is a body composed of representatives of two states. I was engineering expert also of the Baltimore Port Commission, and am to-day consulting engineer of the Hudson River Bridge project. That is a project for putting a very large bridge across the Hudson River, of 3,200 feet span and involves an expenditure of half a billion dollars.

Q.—\$500,000,000?

A.—Yes. The bridge itself is about \$150,000,000 and the terminal about \$350,000,000, and the approaches. I am also consulting engineer for several railways.

Q.—So that you have had a fairly wide experience in engineering and consulting work?

A.—Yes.

HON. MR. BIGGS: Can you give us some idea of your experience in Hydraulic work, work similar to the work at Chippawa?

A.—As chief engineer of the Erie Railway I put through a four-track cut adjacent to the present two track tunnel through the B—— hill which is very similar to this. It is an eighty to ninety foot rock cut four tracks wide to a possible depth of 130 feet. I consider that is the nearest to the work at Chippawa that I can remember, although there is really no precedent for Chippawa.

Q.—What we want to get is something of a similar nature.

A.—That is of a similar nature.

Q.—Then something along the line of the earth section, the earthwork and dredging proposition at Chippawa?

A.—The M—— cut on the Baltimore and Ohio was a cut of 180 feet of rock and earth and cost about \$10,000,000 for five miles. There is a number of that kind I could mention.

HON. MR. FERGUSON: When were you first approached or consulted with reference to the Chippawa development?

A.—In August, 1920.

Q.—You were asked by whom, to look into this work?

A.—I was asked by Sir Adam Beck. He asked me to come and see him at his hotel, and we talked the matter over. He told me of his difficulties and how he felt about it. He said he would like me to come up and examine the work and report on the cost and plant and the progress of the work. And he also said—which I think is to his credit—that he did not have the power of the Commission but he felt so deeply about it that if they did not employ me he would pay me out of his own pocket.

Q.—He was anxious to have some outside advice on it apparently?

A.—Yes.

Q.—You did come on and make some examination?

A.—I came on and spent pretty near a month, consecutively at different times examining the work and went all over it. I had the engineers and the superintendents in. They furnished us with past records and we asked them to get up other information which they did. We went on from day to day working the thing out, what progress we could expect and what difficulties and we finally made an estimate.

Q.—You gathered all the information you thought was necessary upon which you could base an estimate?

A.—Yes.

Q.—And having done that you made a report?

A.—Yes, we made a report.

Q.—To whom?

A.—To Sir Adam Beck.

Q.—What is the date of that report?

A.—September 30, 1920.

Q.—That is the report here?

A.—Yes.

Q.—I notice in this report dated September 30, you say "In compliance with your request that we make an inspection of your construction, equipment, and methods at Chippawa-Queenston development on the Niagara River, and to advise you of our opinions and conclusions on the following features of the undertaking, to wit—



1st—Suitability of the plant for the construction programme proposed.

2nd—Possible dates of completion of the canal for generation of power by the first and second units at power house.

3rd—Probable cost to complete.

Q.—These three features pretty well covered the whole scheme?

A.—Yes, those are the essential things.

Q.—This is the line you followed in making your report?

A.—Yes.

Q.—I wish you would tell us as briefly as you can, doing justice to yourself, the contents of that report. First as to the suitability of the plant for the construction programme proposed?

A.—We first sized up the undertaking and the plant they had doing it. We made certain recommendations as to additional plant, and made a programme just as you would in building a house, to be finished by a certain date. To finish one date required a certain plant and another date more plant.

Q.—Now can you show me here in the report your recommendation as to additional plant or changes in the plans. I haven't seen the report before.

A.—The first thing we did was to make a schedule of how many yards that had to be moved to complete by a certain date, and then we investigated the plant there was to do it with, and we stated in this report what the difficulties were, where the points were that controlled the situation, and what had to be done at particular places.

Q.—Just give us those seriatim and briefly so that the Committee will understand what you thought to be the difficulties.

A.—The problem at Chippawa was that the earth above the rock and the earth below the rock contained a lot of ore. The ordinary steam shovel you use in railway construction was always in trouble. Its wheels would sink into the soft sand or quicksand and it was a matter of keeping the shovels working in these places. They brought on these ninety foot shovels with a ninety foot boom and they were able to put the construction tracks on the top instead of in the cut and raise the dirt out. That was right. They had done right in putting them in but they needed a couple more to make the progress necessary and we recommended them. Then as to the rock; in order to take out the least amount of rock, the slopes were perpendicular and there was sixty-five feet from the top of the rock to the bottom. If you had taken that up with the ordinary shovel you would have had to make the slopes like that (indicating "V" formation) so that you could put in construction tracks.

Q.—Bench it down?

A.—Yes, bench it down and take out more rock than that was necessary by the use of these big shovels by which they were able to take it out vertically. Owing to the fact that it is to be concreted it is important to take out no more rock than is necessary. On that basis the work was carried on and we approved and helped that process by an estimate of what each shovel can do and how many would be needed.

Q.—Just let me interrupt you there, had the capacity of the shovel itself in excavation anything to do with it?

A.—Surely. These shovels are very costly. The shovel itself is only an incident of the cost. The cost is in the tracks and cars and engines to get

the output away. You can hardly get the output away from one of these shovels. There were only three of them at first and five at the last. Each one of them had to do one-twentieth of the excavation. The last two of them that were bought, bought because they were the only ones available, got in a couple of months late and fell down in output that threw out all calculations and made things very much more costly. If you were building a building with brick and three out of five men kept up but the fourth and fifth fell down they would hold up the whole undertaking until they caught up.

Q.—You say the use of these shovels with the long arm avoided the necessity of getting the shovels down, or of making benches for taking your plant down from time to time to begin operations again?

A.—Yes.

Q.—Then the use of the long arm shovels was really a matter of economy?

A.—They would have been working at it yet if they hadn't done that.

HON. MR. BIGGS: The shovel with a ninety foot beam had been a consideration in the work ever since the first estimates were made?

A.—Yes. There were three and then they increased it to five.

Q.—You say the last two shovels fell down, probably you would continue that out—why?

A.—You cannot tell, what has made everything fall down in the last year. The workmanship was bad, probably. The repairs were larger than on ones built in slower times. Possibly you ought to have foreseen it on a big undertaking like that but we thought we had foreseen all ordinary difficulties.

HON. MR. FERGUSON: That would be due to a defect in the machines themselves?

A.—Yes.

HON. MR. BIGGS: It was not on account of any condition you came to on the job, getting to a different kind of rock?

A.—I will deal with that later.

MR. WATSON: In connection with the shovels, was there any difference in design of the shovels that fell down?

A.—Yes, the two last were steam and the three others electric. The electrical shovel has the advantage. They do not require steam in the boiler. It is the water rushing over the dam that is pushing them. It is an advance on steam. I have always been using steam because in most places you have to rely on that, you cannot get the power. The electrical shovels on this worked proved that they cost a thousand dollars or more less per month for up-keep, and possibly made an output of ten to twenty thousand yards more. I do not know that that is the exact figure but I am giving my recollection.

HON. MR. FERGUSON: What would your opinion be as between these five large shovels and a larger number of smaller shovels, as to efficiency and economy.

A.—I do not think the work ought to be undertaken with smaller shovels, not that kind of work.

Q.—Why?

A.—You would destroy the slopes and it would cost so much more and be so much slower work.

Q.—How do you mean cost more?

A.—Overhead, the cost of operation. It couldn't have been done within a year of what the big shovels did, or maybe two years. I saw some small shovels in trouble very often, that is, in keeping a foundation under them.

MR. WATSON: Before you leave the shovels. It was said that the large shovels obviated the necessity of working on the quicksand. My impression is of them working on the bottom of the canal?

A.—The large shovels were on the rock. There may have been a little dirt over them but that does not matter as long as the rails supporting them were on the rock.

HON. MR. BIGGS: You went through the earth to get at the rock?

A.—Yes.

Q.—Which would be impossible with the smaller shovels?

A.—They were down in the mud but it didn't matter where the wheels were as long as the rails were on the rock and supporting the shovel.

HON. MR. FERGUSON: Can you suggest anything more that might improve conditions, lessen the cost of the work and expedite it in any way?

A.—No, Sir. We went on that work with great earnestness, not only because of our introduction to it but because I felt it was a valuable addition to the resources of America, and it ought to be done right, and, I did all that I thought should be done to help on the work to get it completed within the scheduled time and at a reasonable cost.

Q.—You thought it was a big engineering feat and were interested personally in seeing it succeed?

A.—Not an engineering feat. I think it is a big business feat.

Q.—So you went very carefully into it?

A.—Yes.

Q.—Then your second heading was as to the "possible dates of completion of the canal for generation of power by the first and second units at the power house?"

A.—I think I have something here that will show you that. There is a certain speed you can make and beyond that you are wasting money. We tried to keep well within that schedule and not waste money.

Q.—There is a sort of economic balance?

A.—Yes. We gave the Commission two schedules, one to put the water in by September 1st, and one about October 15. We took that profile and divided it up to show every shovel we had on the work, what it would do and where it would be at any month. Then reports were made during the course of the work at certain stages and that shows what was actually done. Each shovel is marked with a number, the month, and the yards it took out. We made fifteen to twenty studies of these things before we decided that they could get through by a certain date, and then we told the Commission how much more plant they would have to get through by October 15, and also by September 1st. You will notice down here the south end was dirt. In the quick schedule we recommended dredging there, bringing the water with you and dredging to get rid of the problem of getting away with the material and putting more disposal plants on.

HON. MR. FERGUSON: You estimated the total quantity to be excavated?

A.—Yes.

Q.—You had a certain plant of fixed capacity?

A.—Yes.

Q.—And you calculated how long that plant would take you to do that work?

A.—Yes.

Q.—You divided the quantity by the capacity of the plant?

A.—Yes.

Q.—And then you divided your work into blocks and estimated the date on which each block should be completed?

A.—Yes.

Q.—And in that way you were able to keep a check. For instance, take any one of them. Here is one of June 21. By that you were able to check up when you got to June 21, whether that work was keeping pace with the schedule or going behind?

A.—Yes. I was not on the work all the time or in all months, but they sent to my office a weekly report and this is a record of the shovel output. Each shovel is shown just exactly what it is scheduled to do in June, July, August, and September, and what it has done. You take this sheet here and you can see what it is scheduled to do, and it fell down that month fifty per cent. on that date, that is in June.

MR. WATSON: Were explanations of why they fell down filed with these reports?

A.—Yes.

HON. MR. FERGUSON: When you got a report like that, showing the work had fallen down, what action did you take?

A.—Mr. Ferguson, after these men had been on that work for four or five months, daily struggling with it, meeting their problems without help and assistance, they were more competent to deal with that than I was or anybody else I could put there. They knew their own problems. You put a new man there and it would take him four or five months to find out what they had already learned.

Q.—Were you on the work occasionally or frequently?

A.—Frequently.

Q.—How often?

A.—Until March, 1921, I was there quite often, once or twice a month, and after that I was not there until the latter end of the year.

Q.—At any rate from personal observation you are thoroughly familiar with the progress of the work?

A.—Yes. I was until the last stages of it. During the critical period I consider that I was well versed in everything that was going on.

Q.—You had close personal supervision during the critical period. What do you call the critical period?

A.—From 1920 to the winter of 1921, to January or February, 1921. That was the period when the plant was going in and there were delays and you had to change the programme and meet unusual conditions.

Q.—Now what was the limit for this special speed programme?

A.—The time limit for this speed programme was the first of September, 1921. It was later I understand that conditions which made it necessary

to get through in that time were changed and their object then was to finish it so that electricity could be turned on in the winter.

Q.—After the necessity for the haste programme had passed?

A.—Yes.

Q.—I wanted to ask you, do you know anything about the delay in the delivery of the plant?

A.—Well, I did about the delivery of shovels, and I think, some other things, the delivery of the dredge. The dredge just got in before it had frozen up. The shovels were two months late or a month and a half late, all of which had its bearing on the cost.

Q.—Would that be a serious delay in the construction of the work, a couple of months delay in the delivery of the shovels?

A.—Why, it is one and a half months and a very serious delay. It represented about 180,000 yards, and that you have to scheme to make up in some other way.

Q.—Then you said something about the steam shovels, were the steam shovels satisfactory in operation?

A.—They are both called steam shovels, the electrical and the steam, but the ones actually run by steam were not satisfactory. I think it was material and workmanship.

Q.—These last two put on, were they operated by steam?

A.—Yes.

MR. WATSON: The haste programme was mentioned. Can you tell us what that haste programme involved and why that would increase the cost?

A.—You can take your own experience in building a house. If you want to get through in three months what ordinarily takes four, it takes more to do it.

Q.—My own experience is that if a job hangs on it usually takes more.

A.—Surely, but there is an economic line. To go slow in that work for the last six months was poor economy.

Q.—There is a medium line?

A.—Yes. We used our best judgment in giving Sir Adam Beck the date of September 1st. That was economically possible. We saw the possibility of using the plant to advantage to finish at that time and gave them a programme to do it.

MR. WATSON: What are the factors of increased cost that would enter into the haste programme?

A.—Two shovels could be worked to better advantage two to three thousand feet apart so that they could be served to better advantage by the trains than if they were two to three hundred feet apart where they would interfere with each other. There would be a loss there.

Q.—But were they?

A.—No. I showed you that plan. It was made to keep them a distance apart that would not cause congestion. Now when you disturb it and break it up you have more or less congestion before you can make up again. For instance we had a fire. The fire was not very much of itself but it raised the deuce with the programme. It put low voltage in the engines and caused a lot of trouble, which these men can probably show you themselves.

Q.—I cannot see that that has anything to do with the haste programme.

A.—Well, it is incidental to it. I will tell you another thing about this haste programme. The foreman and men around the work are thinking about getting the work done and they will keep a man on when possibly they ought to let him go, and things of that sort. That is my experience with a great deal of work and I am to-day in favour of a moderate haste programme.

Q.—Would they pay higher wages under a haste programme?

A.—No but they would be working overtime and at night and so on. I am unable to tell you that they would save any money by not using the programme they did, and I am pretty familiar with the work.

Q.—In other words your haste programme didn't add materially to the cost?

A.—I think it did but I would not put my finger on it.

Q.—I thought you said the haste programme you recommended for September was as far as possible on that medium line and that therefore you reached the maximum of efficiency at the time you made your recommendation?

A.—Yes, but this is what happened. The steam shovels fell down and other things went wrong and made it still more of a haste programme.

Q.—That might occur in any programme?

A.—Yes, you might say that experienced men should have anticipated that in such a great big undertaking but nobody has in the last four years.

Q.—Things occurred that nobody could foresee?

A.—Yes.

MR. MCLEOD: What would this increased cost, were these expensive shovels they put in?

A.—Well not very much. The cost of the shovel, the increased cost for shovels isn't much when divided into 120,000 yards a month. It is doing a great deal of work. But if you bought it and it sat around doing nothing that is a different thing. These shovels do a great deal of work.

Q.—These shovels were mostly a dead loss when the scheme was completed, on account of their size?

A.—I do not know but I think if you will hold them you will get a good price for them. I was in Southern Ohio in the Mississaga Range three or four years ago and they were recommending the use of more of them. They have their use and I think you will find a market for them.

Q.—Was it the haste programme that necessitated the purchase of two extra shovels?

A.—Yes I think it was. It was two fifths of the work.

Q.—That additional cost of extra plant was necessitated by the haste programme?

A.—Yes.

MR. MURDOCH: If you sell these two shovels it won't add materially to the cost?

HON. MR. FERGUSON: If they sell for what they paid for them it won't add anything.

MR. WATSON: What are they worth?

A.—About \$150,000, but you know the shovel itself as I tried to ex-

plain to you is rather a small part of it. The tracks, trains, engines and things of that kind are as expensive again.

HON. MR. FERGUSON: Each shovel requires so much operating plant around it?

A.—Yes.

Q.—That is all part of the unit of operation?

A.—Yes.

Q.—Where you buy a shovel you have to have the rest of it?

A.—Yes.

Q.—It would perhaps amount to more than \$300,000 altogether?

A.—Oh yes, more.

Q.—More than that for each unit?

A.—Yes.

Q.—And these two extra units would not have been necessary except for the haste programme?

A.—No, they would not.

Q.—They did that to shorten the period their machines would have to operate?

A.—Yes, if you hadn't done that why bless me you wouldn't have finished next winter.

Q.—And the cost would have been materially the same only over a longer period?

A.—The cost would not have been any less when you consider your overhead.

MR. WATSON: Don't you think the interest charges would take care of the increased equipment?

A.—Yes, I think you got through well as you have done. That is my opinion. I haven't any criticism to offer. If you were to take off these two shovels, it would add a year, and would mean an added interest charge of three to four millions a year before you commenced to get returns. You are going to get a return of two millions this year.

Q.—The haste programme was to shorten the period you were paying interest on?

A.—Yes.

A.—You remember that you, whether the Government or not are paying interest on the money. When it is the Government, our Government does not charge interest. Yours does.

Q.—Suppose you are going to undertake a job of this kind, wouldn't you put on a haste programme in consideration of the enormous interest charge?

A.—I would.

Q.—The same programme used?

A.—I would. I haven't a single criticism to make of the speed programme.

HON. MR. FERGUSON: You would do it to-day?

A.—Yes.

Q.—Only it didn't work out as you anticipated?

A.—It came very near it as far as time is concerned, but it cost more money.

Q.—I want to ask you about the third line of inquiry, the probable cost to complete the work. How did you go about it to estimate that? Did you adopt the unit basis of estimating?

A.—First we got thoroughly familiar with the work. We talked with the superintendents and the engineers, and they had a great deal of data. I have taken the trouble to put that together there. It represents a great deal of work. Then they made us a memorandum and got up estimates that we wanted in that way, in which we could analyze it and put them before us and we would sit down and talk the matter over. Take in the case of the rock, it was discussed *pro* and *con* and we finally decided on the price we would put in. It was not an unknown undertaking. Let me read you for your own information what I wrote to Sir Adam Beck: "We have to advise you first that while this is a large undertaking it is in excellent shape for early completion. Second, all unknown conditions, uncertainties of construction have been eliminated." Now as to "excellent shape for early completion" what we meant by that, there was a large part of the plant on, and some of the work had been done that would have given bother and might have caused delay, and I considered it in pretty fair shape. As to "all unknown conditions and uncertainties of construction have been eliminated," I mean by that that they had bored out the work, and knew what the foundations were. The foundations were really the important thing, and they knew all about it. They didn't know all about the cost, but we knew they could get through last year.

MR. WATSON: Before you leave that point, will you say there was no doubt as to the material they would have to take out after making these drillings?

A.—Oh yes, I will tell you when we are talking about the rock. They made drillings from two hundred to five hundred feet apart. It showed at places sixty feet of rock and thirty feet of rock, and at the time we went there, No. 1 shovel had taken out several thousand feet and showed the rock to the bottom. We based the schedule on that at sixty-five thousand yards a month. At the other part of the cut, the dirt had been taken off and the rock was exposed. It had happened as it usually does. When they came to that the character of the rock had changed and that rock cost several millions more than it would cost from what had been shown and exposed in the fore bay end of the canal. Now in boring you get rock and nobody can tell from that boring whether you are going to get laminated or heavy bodies or gas pockets that give all kinds of trouble, and break up the rock on the head of the shovel and all kinds of things. There was a change in the character of the rock. No matter how carefully you examine it in the first place by boring, when you begin to cut there is a large element of uncertainty.

Q.—There is a large element of uncertainty?

A.—There is, yes, especially in this particular kind of work. This work had to go down there, and then you had to fill up what you took out by filling it up with concrete and it cost fifteen dollars a yard. You have to be very careful what you take out when you fill again with fifteen dollar concrete.

MR. WATSON: Then what did you mean by saying that all elements of uncertainty had been eliminated?

A.—If you can follow me, it is this. A section was dirt with slopes of one to one at which dirt will stand up. The rock went down perpendicularly



and was to be lined to avoid friction. Now the rock might stand on a perpendicular slope, or it might fall off. It might be in seams and break and there was enough of that shown for us to say it was possible to go ahead with that programme of vertical slopes, that it would be all right. We might have some slides, but you are not using that canal to capacity for several years, and a slide here and there won't do any harm, and you can clean it up whereas if you had to put in the water there for 600,000 horse power right at the beginning, you would not have a chance to do it. So they did the economic thing. Then there was the whirlpool, which might have given all kinds of trouble, but hasn't given any. That was settled. Then there was the intake. The ice problem of the Niagara River was a serious one. It was not so serious to you because you did not need your full flow for 600,000 horse power in the first four years, so you could afford to do it in two sections. Your engineers have what I think is the right plan there now. Your power house was another problem. Your foundations might have been bad and slid into the River. Those things were all examined when we went over the work, and we settled to our satisfaction and to my satisfaction, as far as my experience is concerned.

HON. MR. FERGUSON: In other words, you had made inquiries to ascertain and you received sufficient information from which to base that statement?

A.—Yes. There was a lot naturally about that work which was unusual.

HON. MR. RANEY: You didn't include and hadn't in mind the possibility that the rock formation might give you trouble?

A.—We thought of that but let me tell you in a large piece of work, if you take a pessimistic view of everything that surrounds it with uncertainty, you would never do anything. Now as to the statement "all unknown conditions and uncertainties of construction have been eliminated" I will admit that that was an unwarranted statement to the extent of the change of the rock, because I don't know of any other way to put it in words.

HON. MR. FERGUSON: Had you taken the usual reasonable methods to satisfy yourself about it?

A.—Yes. I consider those were well taken.

MR. McLEOD: Was the change in the character of the rock?

A.—The strata making up the rock too. There were heavy ledges of rock and underneath a lot of little ledges, and the bore would go into these ledges and the big rock would fall into the bottom and everybody would have to stop work while they shot it up with powder. Now where No. 1 was working, when it was shot up, it was the usual thing for them to have to back up and shoot this rock on the breast. That was a big thing. Another thing these heavy pieces would break on the sides, and you couldn't have much of that going on if you are going to fill it with concrete. You would have to shoot lighter. I wrote these men three or four times to shoot heavier, but I don't believe they did, because they were afraid of going into the sides.

Q.—If they blew up too much, it broke into the sides?

A.—Yes.

Q.—And if they blew up too little, the rock fell in too large pieces?

A.—Yes, and the shovels would have to go back, the men back and the engines stand still and delay the shovels while they shot it again.

Q.—That couldn't be told definitely and certainly by any drilling?

A.—No. The only way is to put down a square hole.

MR. McLEOD: In shooting in the bank did you use reamers on these holes after drilling?

A.—I suppose so. That was channeled. They channeled until they had protected their upper slope enough, so they were sure of it, and would not pull off thousands of yards of it but lower down they quit channeling and went down with the ordinary shovel. "Fourth, that the equipment is suitable; that we think the peak of efficiency of labour and the peak of prices of material and labour have been reached." Well, now, I admit I do not know whether it has been reached to-day. In some sections of the United States they are paying \$18 a day for plasterers.

HON. MR. RANEY: You say "We think the peak of efficiency in labour and the peak of prices for material and labour have been reached." When was that?"

A.—That was in 1920.

Q.—What month?

A.—September. I suppose it was wrong to the extent of two or three months possibly.

Q.—Then the peak didn't come until two or three months after that?

A.—No I don't think it did. In Canada as far as your experience is concerned it did not come until that winter or spring.

"Fifth, that with no unusual labour conditions and with materials properly supplied, we consider the estimates of cost and dates of completion as feasible and dependable. The project and its purposes appeal to us in all its phases. The conception and design is simple and effective and the construction work is being carried out with proper present-day equipment and in an intelligent, capable way, with credit to all concerned." That was my opinion at the time I wrote it and I have had no reason to modify it, except that we might have made some unforeseen mistakes.

HON. MR. RANEY: Will you leave a copy of that letter here so we can get it in the notes?

A.—That is my report of September 30 to Sir Adam Beck.

MR. GABY: That is on the file.

HON. MR. FERGUSON: Now, you say in this report, and I want to get it on the notes:

"a comparative estimate of the capital required for the various stages of the undertaking with rock section of the power canal deepened for the ultimate use of 22,000 second feet is as follows: Based on the present plans of five units for partial use of 15,000 second feet will give 250,000 horsepower at an estimated cost of \$43,271,759." That is complete is it?

A.—On another page you will see that is \$49,000,000.

Q.—Estimated net cost to deepen rock section \$3,700,000 less receipts for broken stone, which makes a total of \$46,971,000 or a total cost per horsepower, 15,000 second feet capacity of \$173.00; total cost per horsepower 22,000 second feet \$187.00. The ultimate capacity of present plans contemplates the full use of 15,000 cubic second feet and the installation of a total of nine units producing 450,000 horsepower and will require when

installed \$9,000,000 additional capital, making a total estimated cost of \$52,271,759; estimated net cost to deepen rock section less receipts from broken stone \$3,700,000 which leaves \$55,971,759 or a total cost per horsepower, 15,000 second feet capacity of \$116.15; total cost per horsepower 22,000 cubic second feet capacity of \$124.38; increasing the capacity of the canal as a whole to 22,000 cubic second feet and putting in operation a total of twelve units producing 660,000 horsepower will add \$11,900,000 to the above cost of nine units making a total estimated cost of \$67,871,759, or a total cost per horsepower of \$102.83.

That is, if this canal was constructed to operate to the limit of its capacity, 660,000 horsepower the power will be produced at \$102 per horsepower?

A.—Yes, that is allowing for salvage, etc.

MR. MARSHALL: When was that report made?

A.—September 30, 1920.

Q.—That is your first report?

A.—Yes.

MR. MURDOCH: You believe the canal will produce 660,000 horsepower?

A.—I think it will. I think the workmanship is such that it will.

Q.—Do you think the water will flow through fast enough?

A.—Yes.

MR. WATSON: I would like to ask you about that. The drop in that canal is only about seven feet is it not?

A.—I do not know what it is. I don't think it is quite seven feet. It is about that.

Q.—It is said the drop is not sufficient to get a sufficient supply of water to run the total maximum number of units.

A.—I cannot tell you about that, but I know that the two units working now have hardly made a perceptible drop in it. Three to four inches I understand.

Q.—Do you think that that canal will be able to produce 660,000 horsepower?

A.—Yes.

Q.—And that water will come down fast enough?

A.—Yes, it will come down fast enough.

MR. MARSHALL: What speed would it have to travel to give that capacity?

A.—I do not know. I haven't burdened my mind with that. Perhaps fifteen feet a second. That is when it is down to full capacity. It will run pretty fast.

MR. McLEOD: Did you estimate the increased number of horse power gained by lining the rock with cement.

A.—No, sir, I am not that kind of an engineer. I have to take from what experience tells me, and draw my own conclusion. I know enough about the business to feel confident that you are going to get a much better return than you anticipate.

Q.—You are just depending on the information you have obtained from others as to the canal capacity?

A.—Yes.

Q.—You are not giving it on any authority?

A.—I believe they will get from that canal some new formulas the people in that business don't know.

HON. MR. FERGUSON: You had more or less supervision and more or less inspection of this work after you made your first report?

A.—Yes.

Q.—Now you made a subsequent report?

A.—Yes.

Q.—What was the date of that?

A.—It was in December. I think December 13th, 1921.

Q.—At whose request did you make that report?

A.—Sir Adam Beck's.

Q.—Did you see anybody else with reference to it?

A.—Mr. Acres.

Q.—Just the engineers?

A.—Yes.

Q.—Now what was the occasion for that report?

A.—The occasion was that the work had cost more than the estimate, and they wanted me to make an explanation to Sir Adam Beck as to how that occurred.

Q.—In other words, they asked you to investigate and report on why your estimate had been exceeded?

A.—Yes.

Q.—Now what was your explanation?

A.—I went over the work with the engineers in charge, went over their accounts and statements, and so on and considered it, as if I were the Chief Engineer of a Railway and they were contractors. They conferred on the items as to how they had been over-run, and I segregated them into two values, one on which a contractor if he had done it by contract could probably have gone to the owner and asked him to reimburse him, all kinds of unforeseen contingencies, and the other was over-run which possibly a man should have foreseen. The first amounted to \$7,500,000 and the other to \$3,600,000.

Q.—That is on the first classification there was increase in cost of \$7,500,000?

A.—Yes, which we said were unforeseen conditions. As I said, I divided them into two general classes. Items of cost arising out of conditions which were justifiably unseen and unexpected, and items of excess cost arising out of conditions which were foreseen and were appreciated from the beginning, but which were not seen in their true prospective, as relating to twelve months work under the schedule. Now we did that Mr. Ferguson to make the explanation to Sir Adam Beck as clear as it was possible to make it. The simple answer is that the work over-ran owing to conditions over which the engineers did not have control, and that was a condition common to all work going on.

HON. MR. FERGUSON: Can you tell us a little more in detail the different items that added to that increased cost?

A.—I have them segregated. First, abnormal accidental contingencies. That was due to the fire, a fire of a kind that was particularly costly, because it destroyed some of the sub-stations, and they had to over load the motors. They had seven thousand men at work at that time, and you cannot throw a

large proportion of them out for weeks and pick it up again without the organization suffering severely.

Q.—It disorganized the whole work?

A.—Yes. We went over that and made our own estimates of what we thought was justifiably unforeseen about it, and put that at one million dollars.

MR. WATSON: The fire and incidental effects? That was a million dollars?

A.—Yes. Their engineers estimated somewhat higher, up to eight hundred thousand in one case, and enough to put it above the million. We considered what they had to say and all the circumstances surrounding it, and we put it down in our explanation as one million.

HON. MR. FERGUSON: That is abnormal accidental contingencies one million dollars?

A.—Yes.

Q.—The second item is change in the character of the rock, \$2,500,000?

A.—Another engineer could go over that and say one and a half millions or he might have it costing three to four millions. We did the best we could in our judgment.

Q.—It is an approximation?

A.—Yes.

Q.—Based on your best judgment?

A.—Yes. If you inspect the canal or go down, you can see yourself the change in the rock there. There is a lot of it uncovered. I have some photos that I stuck in here, but the best way is to see it.

Q.—You have here cement and sand \$350,000?

A.—The cement went up eighty cents a barrel on a falling market, which could not have been anticipated. I think a contractor would certainly have been justified in claiming in respect to that. They had to get sand at places other than they had provided, and it cost them something like one dollar more. For this \$350,000, I think we took the figures of cost, and it was clear.

Q.—They had to find new sources of supply for sand?

A.—Yes.

MR. MARSHALL: Would it be unusual to stock up with cement, and paying a definite price for the whole job?

A.—In contracting, most men will protect themselves by buying cement or getting an option on it. We do that for our own protection. But there was three hundred and fifty thousand to four hundred thousand yards of concrete to go in there in 1921, and all the mills in Canada could not have furnished cement enough for that, daily. They had to begin in 1920 to store it.

Q.—To accumulate it?

A.—Yes. To accumulate it constantly, so they would get a large stock on hand. They had to make contracts in 1920, and the price was up eighty cents.

Q.—Could you have got a fixed contract during the war, anything like that?

A.—I do not know of any. I have an intimate knowledge of a great deal of construction during the war. I do not know how many hundreds of millions, and we had to do it. I was connected with the construction divi-

sion of the Army, a member of the Depot Board, and they had to do every bit of it on a cost plus basis.

Q.—On account of the chaotic conditions and the changing situation from day to day, you could not get a firm contract covering a period?

A.—No.

MR. WATSON: Could cement have been bought cheaper in United States?

A.—I do not know what your duty is. There is a duty on everything. I know the duty on machinery is very heavy. I presume they bought the cement as cheap as they could. It was a matter of quite a good deal of discussion as to whether they should grind their own cement or buy a cement mill, or protect themselves in that way. How it ended I don't know, except that they paid eighty cents a barrel more than they expected.

Q.—Do you know there is a big margin, regardless of the duty?

A.—I think there is. Cement is a very much controlled industry.

HON. MR. FERGUSON: Both here and in the United States.

A.—Yes

Q.—Now your fourth item is labour turn-over, \$613,000.

A.—Labour turn-over; I know something about it. They had, possibly, twenty thousand men of a turn-over, and that cost from \$100 to \$50. Some Canadian experts, Professors in the Colleges, give it at \$50 a man, but experience is that that is low. It isn't just the loss of the man in paying him off and replacing him, but the gang get disorganized, and you break up your organization. We put that at \$613,000. We discussed it very seriously and thought that was very low.

MR. WATSON: That was prior to September 20th?

A.—No, since that.

Q.—The turn over means putting on a new gang, and it takes time to get them going smoothly.

A.—Yes. I believe they had quite a number of men who were discharged from the army and were not meant for that kind of work. It needs men of muscle.

Q.—That would add largely to, not only the turn-over, but to efficiency?

A.—Yes. It was perfectly proper to do it, but it cost money in addition to what you paid.

Q.—If they had many, there would be a substantial amount accounted for in that way?

A.—Yes.

MR. McLEOD: You were taking it, that all the discharged men were inefficient?

A.—No, I am just taking the man out of the gang.

Q.—Why did they keep men who were inefficient?

A.—If you have to reorganize the gangs it costs money.

HON. MR. FERGUSON: You have a fifth item, extra plant, \$1,381,487. That was a matter of calculation?

A.—I think the first item of that was two millions and something, and we segregated that, showing as justifiably unforeseen about one and a half millions and put the other in contingencies, which we ought to have foreseen.

MR. MARSHALL: Did you go into the matter as to whether the number of men employed on the work was greater than necessary for proper efficiency?

A.—No, you cannot do it by your eye, you have to do it by their output. A certain number of men is necessary for an output of 60,000 yards. Further on they may have trouble and will not get out that much and therefore you will have more men employed per yard of output. These daily reports they tried to make for our guidance were an explanation of why things fell down. They are always falling down, but I cannot say that they had too many men. It took about \$65,000,000, and you get about \$20,000,000 in labour, and that isn't a high proportion of labour for that kind of work, taking it far and wide. I suppose you had on all jobs more men than you needed, more than would do the work to-day. When labour is scarce you get out of ten men work that required fifteen or twenty during the war. That is a condition you cannot explain.

MR. MARSHALL: There is a good deal of criticism that there was not the efficiency got from the labour that should have been got. Are you in a position to say as to that? Was that due to war conditions?

A.—That is a criticism very easy to make, and no one can refute it. You can see yourself that if labour was \$20,000,000, and it was inefficient here and there—and it always is, in every hundred men, there are always three or four who give a black eye to the other ninety-seven—but they are very small when you come to add it up in money in the undertaking. The main thing is the operating cost and the material.

HON. MR. FERGUSON: That would have a greater effect on the added cost of the whole operation than the small allowance of three per cent.

A.—Even then, you cannot discharge men frequently, or you cannot replace them at certain periods.

Q.—You think that a proportion of \$20,000,000 to \$65,000,000 is what is usual in other works of that magnitude.

A.—Yes, roughly, I think so.

MR. WATSON: How did wages on this job compare with wages in your country?

A.—Much lower. To-day you are getting men for twenty-five cents.

Q.—I am speaking of the time of the haste programme.

A.—I think they were lower every year than in our country.

MR. HALL: Would it not have made a wonderful difference in the class of men they had working on this rock work, if they had selected quarry men and paid them a little more money. Would they not have got much better results than taking this heterogeneous gang?

A.—Undoubtedly, if you could have got trained men, but you could not get them. They had to do with what material they had.

MR. WATSON: They had some trained men on the rock?

A.—Oh, yes, the foreman and some of the leaders in the gang have to be trained, no matter what is paid them. They had to have a certain amount of them.

Q.—A man not accustomed to quarry work is rather a nuisance than a help.

A.—Yes, sometimes more a nuisance than a help.

HON. MR. FERGUSON: Now, you have the sixth item, miscellaneous overhead, \$1,559,000.

A.—Well, those were items that could not be foreseen. They were left out at the time of our original estimate. We were given an estimate of what the work before that time had cost. This million and a half should have been in that estimate, if everything had been cleared up and the accounts straightened up. There is always a certain amount lagging behind, amounts not segregated and put in their proper places. There was also some interest in this and there was nowhere where we could have placed it, so we put it there.

Q.—You say this covers various suspended items which were not or could not be incorporated in the unit cost, at the time of the investigation?

A.—Yes. There was at the time of the first estimate, about \$24,000,000 spent, and we took into our accounts about \$12,000,000 and something, and if it had been properly defined, we would have taken in \$13,500,000.

MR. WATSON: I notice in the letter from Sir Adam Beck—I presume he is following your report—he mentions two items, “difficulty arose in the operation of new construction plant,” and further down he gives another item “defective operation of steam-shovels.” Were there any other outstanding difficulties arose except the steam shovels?

A.—No, except the first efforts on the canal lining. These plants were inefficient. They didn’t work as it was hoped.

Q.—What was wrong?

A.—They were too light, and left the side of the canal in panels and not as smooth as what they finally got.

Q.—You have reference to the forms?

A.—Yes.

Q.—I mean the change in plant. Would that cost much?

A.—I do not know that it cost very much, but it had a considerable cost effect, for the reason that they had to pile a lot on concrete in a shorter number of months than they would have had to do if the original plants had been efficient.

Q.—So you have a total in this report of extra expenditures of \$7,600,000 accounted for in the way you have just told us?

A.—Yes, we had made that segregation for Sir Adam Beck’s information.

HON. MR. SMITH: That is after what date?

A.—That is December 13.

HON. MR. FERGUSON: Did you come in contact with any other consulting engineer?

A.—Yes, I came in contact with Mr. Johnston and Mr. Lea, and with the contractor, Mr. Kerbaugh. Mr. Kerbaugh and I signed this report.

Q.—So that it was prepared in consultation with him, a practical operator?

A.—Yes, we had discussions on everything in it.

Q.—Were Lea and Johnston consulted with reference to it?

A.—Yes.

Q.—It is the result of the combined judgment and consideration of Lea and Johnston, Kerbaugh and yourself?

A.—Yes, I think we can say that.



MR. MURDOCH: He doesn't sign that report?

A.—No.

Q.—Did they make a separate report?

A.—Yes.

HON. MR. FERGUSON: Have you seen their reports?

A.—Yes.

Q.—Do they differ from yours?

A.—They are on entirely different subjects.

Q.—Different phases of the work?

A.—Yes, we discussed the matter together. We had meetings together, all of us, and with your engineers, too.

Q.—I suppose you had a number of these meetings?

A.—Yes.

Q.—That was for the purpose of thoroughly studying the situation?

A.—Yes, talking over our problems. They might give us some ideas and we might give them some ideas.

Q.—Do you remember what date that was?

A.—I don't remember, I think it was in November, possibly. We had several meetings.

Q.—Do you remember the Prime Minister was there?

A.—I happened to be away then. I was there at the opening of the work. I didn't see him. I wasn't there when he was there. The engineers told me there had been a meeting with Mr. Drury.

Q.—Did you, at any time, discuss these reports with the Government?

A.—Yes, the Prime Minister asked me to come up and see him a month or so ago.

Q.—Just recently?

A.—Yes. I called upon him and had several conversations on the subject.

Q.—What was the purpose of that interview, what transpired?

A.—Well, he wanted to understand how the work had over-run. I tried to make as clear an explanation to him as to what had occurred as I have to you.

Q.—That was just with the Prime Minister?

A.—No, there was a gentleman, General Mitchell, there.

Q.—Had you more than one interview of that kind?

A.—Three I think.

Q.—What line of inquiry did that take or what was considered. Tell us in your own words what transpired?

A.—I think the Prime Minister wanted to know why the work over-ran \$10,000,000—as representing the Government—I tried to tell him as clearly as I could of the conditions. We tried to make a reasonable estimate, and we know how to make estimates. We don't have to apologize for that. We did not have any control over the cost, but we believe the work was done properly. We know it was done properly. And that in order to satisfy Sir Adam Beck we had taken this method of sub-dividing the \$10,000,000 of over-cost, in such a way as to try and make an explanation of it, to make it clear. Among men that are accustomed to business the best thing we can say is that the work overran, and was owing to general conditions of the work at that time,

in a big undertaking of this kind. I also said to him, and may I say the same to you also, that the work over there was well done, and is well designed, simple, and any body of engineers going over it will feel that you have a good work, well conceived, no frills on it, no waste of Government money, as far as I can see. And personally, I think it is the best thing that has been undertaken of its kind in Canada or any place else, and it is going to have a great effect on your country as an example and as an actuality.

MR. HALL: You were present while the work was going on?

A.—Yes.

Q.—Don't you think there was considerable over-lapping in the system of carrying on the work, which cost a considerable extra amount?

A.—Well now, I tell you, I have been in business all my life, and very actively, and these men have difficulties in carrying on this work that we don't know anything about, that a man examining it superficially can't see. They did some things I didn't recommend them to do, but I am perfectly willing to give up my idea on the matter to their actual knowledge that they have gained in doing the work and I cannot say that I could do any better. I could say, but it would be just talk.

Q.—But there were cases where work was done and then undone and replaced with a new idea?

A.—There may be a few but I do not know of a serious mistake on that job and I do not believe it can be there without my knowledge. There may have been some work done over again. Sometimes a superintendent may get away from you or misunderstand you but that might occur to anyone. But there is not anything outstanding there.

HON. MR. FERGUSON: I gather from you that your opinion is that the plant, the lay out, the schedule established and the way the work was carried on is all that can be desired, as far as your opinion goes.

A.—Yes, as far as my opinion goes.

Q.—Outside of the small matters you have just mentioned, that a foreman may not carry out his instructions or a gang may get going wrong, outside of that and similar things is there any outstanding feature of the work that you say should not have been done?

A.—No, and I have given it very serious thought.

Q.—Nothing you would not have done yourself?

A.—I would not say that. I might change some methods but if I had known of anything that was going on that I would not have done myself I would have called their attention to it.

Q.—I thought you said a moment ago that you had kept a pretty close check on it and that there had not been any blunders made?

A.—No. For instance I did this; I went into the question of a central concreting plant but when it came to that [I deferred my judgment to theirs because they were in intimate touch with all phases of it and their judgment on that job may have been better than mine.

Q.—That was largely a matter of local conditions?

A.—And conditions of manufacture.

MR. MURDOCH: You estimated the concrete around \$15.00?

A.—Yes.

Q.—And the actual cost was around \$24.00?

A.—Yes.

Q.—Evidently their work didn't prove as efficient as you estimated it would be.

HON. MR. FERGUSON: Tell me, in a general way; in view of the magnitude of this work, because it is a large undertaking, is the increase in estimates a startling thing to you?

A.—Oh no, it isn't. Dozens of great public undertakings in the last three or four years have over-run 100 per cent. to as high as 130 per cent.

Q.—Varying according to local conditions?

A.—Yes.

Q.—Unforeseen things that arose?

A.—Yes, in fact there are very few estimates on large pieces of construction which have not been exceeded.

Q.—Do you know of any in your experience in the last four years?

A.—I do not know that I know of any particularly. Where they have to make estimates in commercial life, where you have to get the authority of directors and so on, most of those estimates have been over-run. In some Government estimates where some employee doubles the cost and puts in a price like that, as they did during the war it might have been within the estimate. For instance, the Muscle Shoals was estimated roughly at \$36,000,000 and cost about \$78,000,000.

Q.—That is as Muscle Shoals, the estimate was \$36,000,000.

Q.—When was that made?

A.—At the beginning of the war. I am not connected with the Muscle Shoals, I have just talked to the engineers.

MR. CLARKE: That estimate of \$36,000,000 was made when?

HON. MR. FERGUSON: The Muscle Shoals was about 1917—and it has so far cost \$78,000,000?

A.—\$70,000,000 or \$80,000,000—that is the nitric part.

Q.—The reports in the engineering journals say \$80,000,000?

A.—Yes.

Q.—What has been done with it, is it completed?

A.—The dam has not been completed. The dam also has cost more than when it was estimated.

Q.—When you were speaking of the Muscle Shoals to cost \$36,000,000 you didn't include the dam?

A.—No, the dam, I think they spent \$30,000,000 to \$40,000,000 on that and will have to spend as much more.

Q.—Do you know as a matter of fact whether the work has been abandoned or not?

A.—Just what I get from the newspapers. I hear Ford is still negotiating for it.

Q.—I mean as far as the United States Government is concerned?

A.—They are doing nothing so far as I know.

Q.—It is reported in some scientific journals that the work has been abandoned and that the United States has written it off as a war loss?

A.—I understand from the newspapers that Ford expects to spend \$30,000,000 to complete the dam.

MR. McLEOD: In connection with your own experience with railways, have your own estimates been exceeded in the same proportion?

A.—Yes sir, my own have been exceeded many times and I have had to walk the floor for that. I give you as my own experience that anyone can make a safe estimate if the person who is to furnish the money will accept it because he can double it and be sure.

HON. MR. SMITH: With your experience, at what period during the past two or three years did costs reach the peak?

A.—I should say about the end of 1920 or the beginning of 1921, in December. We thought it was here then.

Q.—You mean at the time you made this first report?

A.—I thought it was here then but it wasn't.

HON. MR. FERGUSON: Have you any doubt about the canal having a capacity to develop 600,000 horsepower you are talking about?

A.—I haven't, if you give it the water.

Q.—What you mean by that is that if you get the treaty water the plant and equipment is sufficient?

A.—Yes.

MR. McLEOD: Not being a hydraulic engineer how can you answer that question?

A.—I can't answer as a hydraulic engineer, only as a student of the subject.

MR. MURDOCK: It is merely guess work?

A.—Yes.

MR. FERGUSON: Would you say it is guess work, that is a serious statement.

A.—Well, people pay me for it.

Q.—But are you putting it on record that you are merely guessing?

A.—I do not propose and I am not proposing to qualify as a hydraulic engineer.

Q.—From your experience, study and knowledge, your view is that it is ample.

A.—Yes. I will be much surprised if it isn't.

Q.—Can you add anything to what you have already told us, with reference to the expenditure, the construction and completion of this scheme?

A.—I do not know that I can, my belief is that this work has been carried on honestly and with less difficulty than a work of that size usually is, but has over-run the estimate. That is all there is to it.

Q.—Have you seen any evidence of inefficiency or dishonesty anywhere?

A.—I have not.

Q.—All you can say is that in your view it has been carried on as efficiently and economically as conditions would permit?

A.—Yes, and I think your men should be commended for the way they have done it.

MR. CLARKE: I suppose you were on the job only occasionally?

A.—I was on the job very often from September.

Q.—You were employed by Sir Adam Beek for consulting? You were not employed by the Government?

HON. MR. FERGUSON: Do you know whether the Government approved of your appointment or not?

A.—I understand they did.

MR. CLARKE: But you were employed by Sir Adam Beck?

A.—Yes.

Q.—You gave him an estimate on September 30th of the cost?

A.—Yes.

Q.—And your estimate has been exceeded?

A.—Yes.

Q.—Your estimate was different from that of the Hydro engineers, was it not?

A.—No, my estimate has been exceeded about ten or eleven millions, outside of interest.

Q.—In that you said you had made no provision for any unforeseen conditions?

A.—Oh yes we did. We made an estimate and added a certain amount for contingencies. These contingencies proved to be too low.

Q.—What is the usual percentage for contingencies?

A.—I think about fifteen per cent. We put it at five, six, eight or ten per cent.

Q.—You put \$3,600,000 here?

A.—Yes, that is it, about 8 per cent.

Q.—Anyway they were exceeded, your estimates, in accordance with these figures you have given, even with the eight per cent added?

A.—Without the interest it was to cost \$49,000,000. It has cost \$59,000,000.

Q.—Your estimate, in round figures of \$50,000,000 included the completion of five units?

A.—Yes.

Q.—Then you say they exceeded your estimates by ten or eleven millions. As a matter of fact I think they were exceeded by fifteen millions.

A.—That is interest and so on, things foreign to the ordinary estimate. There is about \$11,000,000 chargeable to the estimate which we endeavoured to explain. If we had used \$50,000,000 and estimated about 20 per cent. for contingencies we would have been near right.

MR. HALL: Regarding these estimates as put out by the Hydro engineers. Is there any way of accounting for the wide spread between their estimate and the cost?

A.—That spread is \$11,000,000 and we have been trying to explain that \$11,000,000.

Q.—I do not think you just get me. I am speaking of the first estimates as to the cost of this plant that were made not by yourself but by the engineers employed by the Hydro Commission before you came on the job. Have you any way of explaining why there was such a large spread between the actual cost and their estimate?

A.—I cannot tell you anything back of September, 1920. I came on the work then and can only explain what has happened since.

MR. WATSON: You say your estimate to complete was \$50,000,000?

A.—\$49,000,000 and some odd.

Q.—And now the estimate to complete is \$68,000,000?

A.—There are certain items in there not properly there, as far as I am explaining it.

HON. MR. DRURY: You made an estimate of what it was going to cost to complete five units?

A.—Yes.

Q.—Did that mean the entire completion of the canal with five units installed?

A.—Yes.

Q.—The dredging, excavation, intake?

A.—Yes, the dredging, excavation and intake, so far as the first stage of it is concerned.

Q.—The earth section and rock section were to be completed?

A.—Yes.

Q.—At the time you made the estimate it was proposed to line the canal with cement in the manner subsequently carried out?

A.—Yes.

Q.—And there have been no changes in design or workmanship since you made that estimate?

A.—None at all.

Q.—Now, your estimate was for how much?

A.—\$49,000,000.

Q.—And in that how much did you allow for contingencies?

A.—About \$3,600,000.

Q.—That was intended to include what sort of contingencies, what unforeseen conditions?

A.—The ordinary conditions on a piece of work.

Q.—You thought that was quite enough for the sort of work to be carried on?

A.—Yes.

Q.—In making your estimates, where did you get your data. I take it your estimates were made on the per unit cost. Where did you get your data to determine the unit cost?

A.—Principally from the work that had gone before. I have here the basis on which the thing was calculated.

Q.—Then it was principally from the work gone before on this piece of work?

A.—Yes.

Q.—You took the actual cost per unit of earth and rock on the canal on data given you by the Commission?

A.—Yes.

Q.—Did you verify it?

A.—No, there was no way of verifying it.

Q.—You took the unit cost given you by the Hydro Commission?

A.—Yes, we discussed that unit by unit with the men on the work, and among ourselves as to how to treat it.

Q.—But wasn't the unit cost on which you figured the unit cost given you by the Commission for earth and rock on the work that they had already accomplished?

A.—Yes.

Q.—And you allowed sufficient for contingencies?

A.—Yes.

Q.—And in that way you arrived at the estimate of \$49,000,000?

A.—Yes.

Q.—Interest is not included in that?

A.—No.

Q.—The interest would amount to how much—\$2,500,000?

A.—I don't know.

Q.—I think it is said that the interest during the time of construction was two and a half millions. That brought it up to \$51,500,000, as the cost of canal with interest, on your estimate, did it not?

A.—The interest is shown as \$6,591,000 on the work.

HON. MR. RANEY: That would be the total interest from the beginning?

A.—Yes.

HON. MR. DRURY: I mean the interest for this period, from the time your estimate was made to the time of completion of five units.

A.—I would say three to four millions—what is the interest? . . . I see the interest chargeable this year is two millions, chargeable in 1921.

Q.—Then the Hydro engineers added to your three and a half millions of contingencies another substantial sum for contingencies?

A.—Yes, I understand the estimate was put in in round figures of \$55,000,000.

Q.—That was exceeded by ten to eleven millions?

A.—Yes.

Q.—Were there any features about the cost that were noteworthy, for instance, was the amount of the plant, what proportion did that bear to the cost of the work?

A.—I do not know.

Q.—Did it bear as high as forty per cent.?

A.—I should not think so, twenty-five to thirty per cent. I should think.

Q.—Do you know?

A.—No I don't.

Q.—I was informed the plant had gone up as high as forty per cent. of the total cost of the work?

A.—I do not believe so. I do not think it is that high. The measure of the value of a plant is how much did it work. They had it working all the time.

Q.—You do not think they had an excessive amount of plant?

A.—I cannot say they had. In some cases they were a little short. In some cases it might have been high.

Q.—When you estimated, did you anticipate that the work would be done under what is known as the haste programme?

A.—Yes, we gave two programmes, one to finish some time in October or before the frost and the other to finish on September 1st.

Q.—The programme for the \$49,000,000 estimate was to finish on September 1st?

A.—Yes, with the addition of a dredge. It was stipulated that a dredge must be put in.

Q.—Your estimate was \$49,000,000 to finish on September 1st?

A.—Yes.

Q.—What was to be finished at that date?

A.—Enough for three thousand cubic second feet, for one unit. The water was to be in and one unit working.

Q.—The earth dredging was not to be completed?

A.—No.

Q.—The water was to be in the rock section and one unit installed?

A.—Yes.

Q.—As a matter of fact when was the rock section finished?

A.—Sometime in November.

Q.—When was the one unit installed?

A.—I went there Christmas to see the water turned on.

Q.—What effect should that delay of two or three months have on the cost. Should it increase it or decrease it?

A.—Well, we have discussed that earlier in this investigation and there is a question there whether the interest on the amount of money won't offset the increase in cost.

Q.—But leaving the interest out of consideration?

A.—If you leave the interest out of consideration, if you lengthen the job three or four months you might lessen the cost.

Q.—It has been urged that the cost of material increased. Has that been true? You made your estimate when?

A.—It was made on September 30th, 1920.

Q.—Did the cost of material increase afterwards?

A.—I think it did, I know specifically of cement it did. I do not know about steels and things of that kind.

Q.—Isn't it a fact that steel went down very remarkably during the last year?

A.—I think it has gone down.

Q.—Very considerably?

A.—I think it has gone down to pre-war prices.

Q.—That decrease took place during the last year?

A.—That decrease was in the last six or eight months.

Q.—It was going down before that?

A.—It was going down, when the peak was I do not know.

Q.—Then should you consider that the cost of material taking the year as a whole and having regard to the fact that the work was not completed on the first of September, would you consider then that the cost of material added to the cost of the work?

A.—You mean between the first of September and the first of December?

Q.—You made an estimate in September that was going to take the year as a whole and not the peak. Material had to be provided during the whole year?

A.—Well, most of it had to be provided ahead, had to be bought in 1920. It couldn't be bought currently in the market.

Q.—Most of it was bought in 1920?

A.—Yes.

Q.—So that the conditions under which material could be obtained



were known when you made your estimate so there would not be much difference in the cost of material bought in 1920 and the increased price would not make much difference in the cost?

A.—No, not much difference.

Q.—When did the peak of prices of labour come?

A.—I believe the peak of prices of labour came in 1920.

Q.—If most of your material had to be bought in 1920 and you made your estimate in 1920, it is reasonable to suppose then that your estimate was made at the peak of prices?

A.—Pretty nearly.

Q.—You would not think there was a great deal of force in the argument, if the cost of cement and material after you made your estimate in February, had declined?

A.—No, I do not think there was much increase in material except in cement. That was an actual increase.

Q.—You made an estimate in September and the Hydro engineers made an estimate of \$55,000,000 and submitted it in February, I believe. At the time the Hydro engineers made their estimate were they figuring or should they have figured on the peak of costs of material?

A.—I think they should.

Q.—Then there would not be anything in the contention that after they made their estimate in February material increased and increased the cost.

A.—I think not.

Q.—Now then, labour, did labour go up in cost?

A.—I think your labour was the most inefficient for the whole period about 1920.

Q.—Did labour go up in cost?

A.—I cannot tell you. There are men who can give you the facts. I cannot tell you.

MR. GABY: Labour prices remained uniform as far as rates were concerned, until August the 8th or 9th, 1921.

THE WITNESS: Then you can say that labour costs were the same—the rate.

Q.—What happened then, did they go up or down?

A.—It ought to have gone down.

Q.—What do you say about the efficiency of labour?

A.—As far as my experience goes, during the fall and winter and early spring of 1920-21 labour was about as inefficient as during any time in the last five years.

Q.—Was it more inefficient?

A.—I am inclined to think so.

Q.—What happened to it during the rest of the year. Remember these estimates were submitted to the House during the spring session. What happened to labour during the rest of the time. Did it become more efficient?

A.—Yes.

Q.—I am told by the Works Department that labour was more efficient than it was before?

A.—I think it was in 1921 more efficient than in 1920. That is my experience.

Q.—And that would have tended toward a decrease in the cost of the canal rather than an increase?

A.—It should tend toward a decrease in the cost of the canal if it is applied in time. If it is felt in time.

Q.—Under efficient management it would tend to decrease the cost?

A.—Yes.

Q.—As to the increased cost, it has been claimed that the character of the rock changed. . . . I understand that has been threshed out this morning. How much of the added cost of the canal is due to the change in the character of the rock?

THE CHAIRMAN: He has that all in the record.

HON. MR. FERGUSON: In view of what the Prime Minister has said about you taking the cost price from the Commission—I understand you got their information as to what their labour costs were, you discussed that with others you were consulting with and you arrived at a cost of your own?

A.—Yes.

Q.—You didn't adopt their figures necessarily?

A.—No, we took what they had to say.

HON. MR. DRURY: I thought you told me you had taken practically their unit cost, given you by the Hydro engineers—you didn't check them up?

A.—I could not check the cost. They gave us detailed estimates and everything we asked for.

Q.—Supposing these estimates were under estimates had you any means of knowing?

A.—No, if they were under estimates they would have influenced our judgment.

Q.—If through some form of bookkeeping things were not charged to unit cost that ought to have been charged to unit cost and for that reason the unit cost was lower than it ought to have been you could not have known?

A.—We could not have known but I will modify that by saying that if their results had been any considerable amount over we would have used our own judgment. I would probably put what I thought the estimate should be just the same.

HON. MR. FERGUSON: You say you were on the work yourself observing the activities and operations of the men. You had the quantities blocked out. Couldn't you figure out for yourself what it actually cost per unit to take out sections?

A.—Yes.

Q.—Was that the method you adopted, having got the prices from the Hydro engineers?

A.—After we got the prices from them, discussing it with the men, considering how we could do a little better here and a little worse in other places we finally decided on a figure which we put in in each case.

HON. MR. DRURY: How far out do you suppose the unit cost could have been without you detecting it, taking, as you did, the figures of the Hydro engineers?

A.—That is a very difficult thing

Q.—Could it have been ten per cent. out?

A.—Yes.

Q.—Could it have been fifteen per cent. out?

A.—Yes, possibly fifteen. I think if it had gone twenty to twenty-five possibly we would have gone into it a little more seriously.

Q.—But as far as fifteen per cent. your suspicions would not have been aroused at all and it would have passed?

A.—Yes. Let me give you an example. There are contractors who make a living doing this work who have just bid on a certain work and their estimates vary from \$400,000 to \$1,000,000.

Q.—That is a work that has not been going on?

A.—That work has been going on, it has been going on for a year.

Q.—Here was an excavation work going on. It was not likely to change then. You knew from practical experience what the nature of the rock was. It was actual experience you were making your estimate upon.

A.—Very much so.

Q.—If it had been desired to get a low estimate . . .

A.—Do you mean could the accounts have been doctored and so affected my opinion—they could.

Q.—You told me that could have been done to the extent of fifteen per cent. and you would not have known it?

A.—Yes.

Q.—And that would have amounted to \$7,000,000?

A.—Yes.

Q.—So your estimate could have been put \$7,000,000 lower if that had been done?

A.—Yes, I would not deny that for a moment because nobody is infallible, especially where they have to deal with such elements as they encountered at Chippawa.

HON. MR. FERGUSON: The Prime Minister is suggesting dishonesty.

HON. MR. DRURY: I did not.

HON. MR. FERGUSON: The Prime Minister suggested, could you have been deceived if they had doctored the books to show a lower unit cost?

A.—Certainly.

Q.—That could occur in a bank or anywhere else if they kept it covered up?

A.—Yes.

MR. McLEOD: Have you had any experience of work of this character on a greater or smaller scale in the same period in which estimates which you gave have been exceeded by a very substantial amount as in this case?

A.—I do not know of any that haven't been exceeded.

HON. MR. DRURY: You speak of your experience where estimates have been exceeded. Of course we know that everywhere estimates were exceeded, but that was during the period of inflation wasn't it?

A.—Yes.

Q.—Would it be equally true of a period of deflation?

A.—It might be. We have had a period of deflation, but it has come so suddenly we haven't felt it in large public works.

Q.—I can quite understand that a man taking a contract in 1917, with

prices of all sorts of stuff soaring, would find his estimates materially exceeded, but would that be true of an estimate made in 1921?

A.—Not to the same extent.

Q.—Would it be to any extent?

A.—Yes, I will give you an example. Contracts up to \$20,000,000 have just been let for the vehicular tunnel in New York, and the contractor has insured himself as to his materials, before he made his bid. Otherwise he didn't know, he couldn't tell whether it was going to cost \$18,000,000 or \$26,000,000.

Q.—Isn't there a difference between the sort of estimate you made and the bid a contractor puts in on a piece of work. I could imagine in 1921, with work becoming scarcer and contractors anxious to get work, they would figure on deflation which they would possibly expect and which would tend to cut their bids. In making your estimate, did you figure on deflation or on things at the peak—you figured on things at the peak, didn't you?

A.—Yes.

Q.—You would not expect such an estimate as you made to be exceeded as you would the estimate of a man who figured on a deflation, which might not come?

A.—No.

Q.—You were not under the necessity of getting a low estimate?

A.—No. We wanted to give the best in the shop. We could easily have put in contingencies of twenty per cent. We did the best we could. And we took what these men told us as one hundred per cent., as the best they could give us. We could have been fooled, but we were in constant intercourse with these men for a year, and I know we were not. The accounts may be mixed up but if there was anything it was accidental.

MR. HALL: When you made your estimate of \$49,000,000, was that with a view to conditions that had actually obtained?

A.—At that time, yes, as far as we could see. They were not made in a moment. They were fully considered and discussed, the ways and means and the details. Everything we could think of was considered.

Q.—And yet it exceeded by a considerable amount of money?

A.—Yes.

MR. CLARKE: I understand that in the last year it would not be exceeded. You gave an explanation of the excess on labour at something like one and a half to two and a half millions?

A.—No, that was a certain amount we made as an estimate on the turnover, the cost of the turnover in labour.

HON. MR. FERGUSON: One other question, was the excess cost in any way attributable to the actual increase in the unit cost, which was based on the Hydro experience, or to unforeseen contingencies of another character?

A.—We think it was unforeseen contingencies. That is our opinion based on examination. Here is the point. If you put these unforeseen contingencies and apply them on the rock and earth you put up the price. We think the price for the rock was right.

Q.—Then you haven't found anything yet to show you the unit costs given you were out?

A.—No.

The witness was excused.

The Committee then adjourned.

PUBLIC ACCOUNTS COMMITTEE.

April 28th, 1922.

The Committee met at 10 A.M., Mr. Watson in the Chair.

Mr. E. D. L. Hammond, called and sworn.

Examined by Mr. Lennox.

Q.—Mr. Hammond, what position do you occupy under the Government?

A.—At the present time, I am rated as Provincial Police Inspector.

Q.—How long have you been with the Government?

A.—Since the 15th of December, 1920.

Q.—And all that period, have you occupied the same position?

A.—No, Sir.

Q.—What was your former position?

A.—As a matter of fact, I was never quite clear as to what my former position was. I understood I was to be appointed Superintendent of Law Enforcement for Toronto, and a number of adjoining counties, but I found afterward, that in correspondence that was drawn to my attention, I was rated as a Provincial Officer, so I did not know as to whether I was to be termed Inspector, or Provincial Officer, or Constable, or what.

Q.—What are your duties in the present position?

A.—The enforcement of the law in general.

Q.—In what way?

A.—In enforcing the O.T.A., and any criminal work that may develop.

Q.—What means do you adopt to enforce the O.T.A. What method?

A.—My method is to employ men who are termed special officers, who are to go and seek information in places where they are selling liquor or dealing illicitly in liquor, and purchase it if possible, and notify me as to what they have done. After which, I will have a warrant issued if I see fit, regarding those places.

Q.—Is there any other official in the same capacity as you in the Department?

A.—There is Mr. Ayearst, the Chief Inspector.

Q.—What position does Mr. Sarvis hold?

A.—I understand he is termed a Provincial Inspector.

Q.—What was the position of Jeffrys?

A.—Provincial Officer or constable.

Q.—Were you over or under all of these men?

A.—I was under Inspector Ayearst.

Q.—And over the others?

A.—Yes.

MR. DEWART: Over Sarvis?

A.—Oh, no, not over Sarvis. I had nothing to do with Sarvis.

MR. LENNOX: He was in a different branch?

A.—Yes.

Q.—Who was your superior officer?

A.—In the first part of the time I looked to Mr. Flavelle, Chairman of the Board of License Commissioners, although I was supposed to be directly under Mr. Ayearst.

Q.—Then during the last year?

A.—Under General Elliott.

Q.—What was his official position?

A.—Commissioner of Police, I believe, for the Province of Ontario.

Q.—Was there a man there by the name of Collison?

A.—For a while, yes.

Q.—In what capacity was he?

A.—At one time I was led to understand that he was Assistant Commissioner of Police. I heard that from his own lips. I was afterwards informed that he had a position as License Inspector.

HON. MR. SMITH: You didn't know what his position was?

A.—No.

MR. LENNOX: He is not in the Department now?

A.—No.

Q.—Is Jeffrys there?

A.—No.

Q.—Is General Elliott there?

A.—Yes, I understand so.

Q.—I was under the impression that he had resigned, and had been superseded by General Williams.

A.—I understand he was to be there until the end of the month. That was my impression.

HON. MR. FERGUSON: Who did you report to, as your superior?

A.—To General Elliott.

Q.—Since General Elliott has become Commissioner?

A.—Yes.

MR. LENNOX: Going back to these operators you speak of. They were sent out for the purpose of securing evidence of violation of the Act?

A.—Yes, Sir.

Q.—Now, what check did you have on them?

A.—I had no particular check at all, Sir. It was impossible to check these men unless I would use one man to trail another the whole time, and that was impossible.

Q.—Give me the name of one of your operators, so that I may use him as an example.

A.—McLaren.

Q.—When you sent McLaren out in the morning, did you know where he was going?

A.—Yes, Sir. I would have a list of complaints of various places supposed to be selling liquor, and I would send him out to these places to endeavour to see if he could purchase liquor there.

Q.—What about the moneys that are expended? What instructions did they get?

A.—I had always to advance them certain moneys for expenses, that is to purchase liquor, at these places. When they have got it, they report back, and the next thing I do is to have a warrant issued for the people in this house, or houses, whatever the case may be. Sometimes, the operative may meet some friend who will take him in to one of these places, and make him sufficiently well known that he can go back the second time on his own initiative, to buy a drink or bottle as the case may be, and to make a raid on the place. There are occasions where a man goes to a house in the first instance and purchases a bottle of liquor, and brings that back to the office. We cannot, and I have not, laid an information at any time on a case like that, although, I believe, it has been done in the Province. In the case of my own men, we have instituted a certain line of procedure with all the men, so that there should be no crooked work on the part of the men in securing evidence against these places. I have the men searched in the office. Everything is taken off the men, and then they are given a certain amount of marked money, just so much to buy drinks or a bottle. They are shadowed then to the place they go, so that there can be no collusion.

HON. MR. FERGUSON: What do you mean by shadowed. Do you send one to watch the other?

A.—No, not an operator, but an officer.

Q.—It takes two men to do a job like that?

A.—Yes, Sir, it does, that is so there should be no collusion or crooked work or anything underhand on the part of the operators.

Q.—Then you don't trust your own operators?

A.—I have not always done that, Sir.

Q.—You sent someone to watch them?

A.—Yes, Sir.

MR. LENNOX: It is your invariable rule that one shall watch and shadow the other?

A.—Yes.

MR. FERGUSON: Why don't you get a third man to watch the second?

A.—That is not necessary, because we are following him. We go almost all the way there when we are on a raid.

Q.—So they go in three batches?

A.—No, we all go in a car to a certain point. The officer is in the car with the operator. We go to a certain place and one of the officers shadows him to the house.

MR. HALL: You do that when you have a reasonable suspicion that you have a case?

A.—Yes.

MR. LENNOX: If I understand you correctly, one operator is following the other, and then the officers are immediately behind?

A.—No, I only use the one operator, and one of the officers, it may be myself would get out of the car and shadow the officer to the house.

Q.—Who shadows you?

A.—There is no person.

Q.—Where do the rest of the contingent go when you get out?

A.—They are quite close by.

Q.—So you are all pretty well shadowed?

A.—Very much so.

HON. MR. FERGUSON: Do your operators know they are being shadowed?

A.—Yes.

Q.—What is the object in shadowing them if they know it?

A.—The object is that there shall be no question of collusion, because when they are questioned in the Police Court, by Counsel, it is asked, did you see these men? Did you have these men under surveillance from the time they left the office until they went to this house? And if we didn't have the men under surveillance, Counsel could argue, and have argued, that these men took that bottle from another house to this house with them.

Q.—Tell me this, why don't you sent two operators together?

A.—There have been cases where we have sent two.

Q.—Instead of having a procession on the street, why don't you have a couple go together to the house?

A.—That would not be possible, because if I sent an officer into the house to purchase, his evidence would be discredited, immediately, and he would be held responsible for getting this other party there to break the law, and you could not get a conviction. By using an operator, that is not the case. He is not an officer, at least, not a sworn officer.

Q.—Tell me this, then. You say you usually start out with a car load, and you are with them?

A.—Yes.

Q.—A number going in a car?

A.—Yes.

Q.—And you are present then, and a party to all raids?

A.—Quite a majority of them.

Q.—Did they conduct many of them, a car going out in that way, not in charge of yourself?

A.—We have conducted a few, but not very many. In fact, we cannot do it in the city, owing to the fact that we are often shadowed by members of the bootlegging fraternity, right from the time we leave the office. Men sit around and shadow our officers all day long. It would be next to impossible to do it without a car. We have to go in a car, because it is only by going in a car that we can escape these men.

Q.—Then there is only one operation of this kind at a time, if you go out all the time?

A.—That is all.

Q.—Then the whole thing turns on one man having the ability to cover the whole ground, because it is necessary for you to be there?

A.—I haven't had a number of men to be able to do more than one job at a time.

MR. CLERK: I suppose the city is sub-divided into districts?

A.—No.

Q.—You cover the whole city?

A.—Yes.

MR. LENNOX: How many of you go out at a time?

A.—Usually four of us.



Q.—Now, have you no check made upon the expenditures made by the operators?

A.—We have no other check than what the bill of expenses shows.

Q.—That is, the operator puts in a bill of expenses, and you have to accept that?

A.—The men are questioned as to the expenses, but I have to accept their statement. There is no way in which I can check them.

Q.—I will take one statement up here. There are dozens of these. Would this be a fair index of the others?

A.—No, that one wouldn't. In the majority of cases the account shows what they have expended.

Q.—Here is one, John Lang, bill of expenses, \$54.55; John Young, \$6.74, and another Frank Truedell, \$42.05. Now, these items contained in these expense sheets, are made up by them and you have no means of checking them?

A.—No, Sir, not other than by questioning them as to the veracity of these expenditures.

Q.—Here is one of a charge for liquor at 827 Queen West?

A.—He was evidently in that place.

Q.—What is that \$1.80?

A.—That is incidental expenses in that place. That means drink with the men who took him in, and, perhaps, with some friends he met.

Q.—Here is a bottle of whiskey from Tony, \$5.00.

A.—That was brought into the office.

Q.—You took his word for the price?

A.—We have to do that.

Q.—At all events these expense sheets, put in by these operators, are made up by them, but you have no means of checking them?

A.—We have no means of checking them, and if they say they spent from ten to twenty dollars in incidentals, you have to accept that. There have been cases where two men have gone together, and I have been able to check one man's expenses against the other, and have found they were not correct, and I would not pay them.

Q.—You found one dishonest?

A.—Yes.

MR. CLARKE: And if they were not correct, you would not pay them.

A.—No.

MR. DEWART: I see that a man named Solway, who was discredited in Parry Sound, has an item in February 22nd here, "Furniture for house, \$48.05."

A.—That was an account I took up with Mr. Flavelle. We had at that time a big gang. Some of the higher-up men in the bootlegging business.

Q.—Was that in North Bay?

A.—No, Sir, that was in Toronto. They had headquarters in one of the hotels, and the only way in which I was able to make a success of it was to have a house rented, where these fellows could deliver the stuff, and a small place was rented, and all this junk shoved in to make believe. They

did make a delivery of about twenty gallons of liquor. That was approved of by Mr. Flavelle. I think they had about twenty to thirty gallons.

Q.—The reason I asked, was because there were so many items, furniture, coal oil, candles, broom and so on.

A.—That was the reason.

Q.—You knew at that time, he had been discredited by the District Judge of Parry Sound?

A.—I did not know that.

Q.—You have learned it since?

A.—I learned afterwards at North Bay.

Q.—You know that he had been discredited by the District Judge, who said he was unworthy of belief?

A.—I have understood that, Sir, subsequently.

MR. LENNOX: When this whiskey is seized, where is it taken?

A.—It is always brought, first of all to the office.

Q.—Where is that?

A.—It formerly was at 46 Richmond St. West.

Q.—You took it to 46 Richmond St. Where are the headquarters of these operators?

A.—At Richmond St. We had no other place.

Q.—They would meet there in the morning for their instructions?

A.—Yes.

Q.—They would meet in the room where this liquor was placed?

A.—Yes.

Q.—It was stored, apparently, quite accessible to the operators?

A.—Yes.

Q.—So the operator, if he wanted to be dishonest, he could easily have gotten a bottle of liquor?

A.—He could have done so.

Q.—And if he wanted to be dishonest, and wanted to catch somebody, he could take that bottle with him, and afterwards charge it up to the Department?

A.—Yes.

Q.—At that time it was easily accessible to that extent?

A.—Yes.

Q.—These men when they were not working were in this room where this liquor was lying around?

A.—Not without one of the officers.

Q.—But they were there?

A.—There was no other place for them to go.

Q.—If they wanted to take a bottle of whiskey and go into the cellar, they could do it?

A.—If they were dishonest enough to do it, but we would know if a bottle was taken.

A.—It was all checked up?

A.—Yes. Every bottle was checked, and we never took a bottle out until the case was disposed of, when it was afterwards sent down to the Government Warehouse, on Trinity Street.

Q.—It was checked when it came in?

A.—Yes. Every bottle was checked and labeled.

Q.—The same thing with beer?

A.—The same thing with beer. Every bottle of beer.

Q.—So these operators were surrounded with liquor in that room?

A.—Yes, Sir.

HON. MR. SMITH: Was any liquor stolen that you know of, as a matter of fact?

A.—There was, to my knowledge, about three bottles stolen, and I got the man who took that stuff.

MR. DEWART: How much was stolen at North Bay, when you seized the Sandrelli stuff?

A.—Not a bottle, to my knowledge.

MR. DEWART: You had better make inquiries.

MR. LENNOX: Who was the man who stole the three bottles?

A.—I don't just remember his name.

Q.—Was it Hays?

A.—No, it was long before he came in. It was a French-Canadian.

Q.—Now, coming down to something more specific. I want to draw your attention first to the McCutcheon matter. What was H. H. McCutcheon's position?

A.—He was an operator.

Q.—Now, then, did you know that he had got into trouble at Guelph?

A.—I heard so.

Q.—What trouble had you heard he got into?

A.—He told me personally.

Q.—What did he say?

A.—He told me he had been arrested in Guelph, charged with an assault on some young woman.

Q.—And did he tell you the result of the charge?

A.—He told me he was convicted.

Q.—Now, tell me what month it was that conviction took place?

A.—I cannot say that.

Q.—What time was it he informed you of the conviction?

A.—To the best of my knowledge, it would be about the beginning of March, or the latter end of February, 1921.

Q.—Up to that time, had he been in your employ?

A.—I never knew the man until the day he came in and told me his troubles.

Q.—Was it after he was in your employ, or at the time he entered your employ, that you knew of the trouble he had been in in Guelph?

MR. CURRY (interrupting): What was that conviction for?

MR. LENNOX: For criminally assaulting a young girl.

MR. CURRY: That was the charge. What was the conviction? A conviction on a charge of that kind might be for common assault.

A.—I understand it was reduced to common assault.

MR. LENNOX: That would be in March?

A.—Yes.

Q.—And he then began to work for you?

A.—Yes.

Q.—And remained with you, how long?

A.—One month.

Q.—During the time he was with you, what were his duties?

A.—He was not given any set duties to do at all. As a matter of fact, after McCutcheon came to me and explained the circumstances under which he had been held in Guelph, he asked me to speak to Mr. Flavelle, who was then Chairman, and I went to Mr. Flavelle with McCutcheon, and his case was discussed between the Board and myself, and Mr. Flavelle suggested that McCutcheon be paid \$100.00, that he thought he had been wronged, and the boy was up against it in every way at the time, and he thought that would help McCutcheon out a little. I said if McCutcheon, who I understand, knows many of these liquor dives in Toronto, if he can be of any assistance to us, why not let McCutcheon take some of my men in, and let us get some of these places, and we will not use McCutcheon to give evidence in the trial, but keep him out of it altogether.

Q.—Why?

A.—Because of the conviction.

Q.—What effect would that have on his evidence?

A.—I was under the impression that it would not help us in any way.

Q.—Why? Do you mean it would not be accepted in court?

A.—It always has that effect.

Q.—You are willing to use a man for the purpose of getting information, but you are not willing to use him in the box?

A.—I was not at that time.

HON. MR. FERGUSON: In other words, you thought that would discredit him?

A.—I told Mr. Flavelle I thought it might discredit him.

MR. CURRY: You thought McCutcheon might and, perhaps, could enter certain places and you were willing to have reliable people go with him to see what did take place? Somebody in respect to whom you had more confidence than in McCutcheon?

A.—Yes.

MR. LENNOX: What became of McCutcheon after the expiration of the month?

A.—McCutcheon came to me and said, "I am going to leave, I have a better job." I said, "Oh, where are you going," and he said, "I am going to drive an auto for a man named Slavin." I said, "All right, go ahead, if you can make better money, do so." Of course, I had no intention of keeping McCutcheon on any longer.

Q.—Then do you remember the Morris Gross case?

A.—I do, yes.

Q.—McCutcheon was interested in that?

A.—It was during this time that McCutcheon was with us that he took one Stanley Nash, Tony Perille and Tony Phillips, into Morris Gross's house at 243 Beverley Street. Nash reported to me that he had been in there with McCutcheon and Perille and Raymond Phillips. I then made an arrangement with Nash, Perille and Phillips that they should make a deal with Gross, to buy ten cases of liquor. Gross would not sell anything under ten

cases. That was the arrangement made with Gross at that time. I went to Mr. Flavelle and told him my arrangement, and the time was set in the evening to make this raid. McCutcheon was not with us or with any of the men when we left the office, and I did not know he would be there, but it so happened, that when we went and made the raid, McCutcheon happened to be there with a man named King, Samuel King, thus McCutcheon came into the Gross case.

Q.—Did you know that Phillips and Nash and McCutcheon had gone to King before going to Gross'?

A.—No, Sir. I did not. King's name was not mentioned, until I questioned King in the house and asked him his name.

MR. HALL: They were not there under your instructions?

A.—No, Sir. King was an agent for Gross in the liquor business.

MR. CURRY: King was not there with your knowledge?

A.—No, Sir.

Q.—Not at that time?

A.—No, Sir.

MR. LENNOX: Was McCutcheon in the employ of the Government at that time?

A.—McCutcheon was in the employ of the Government at that time.

Q.—Then, what happened in respect to the Gross seizure?

A.—The case came up and was remanded from time to time and finally dismissed.

Q.—What became of Nash in connection with the Gross case?

A.—Nash was the operator that I had placed all reliability on in carrying the thing through, and McCutcheon, who had left was working with Slavin. Slavin, Gross and Courrian then arranged to get McCutcheon to bribe Nash to stay away from giving evidence in the trial against Gross. Nash reported to me daily all that transpired between himself and McCutcheon, who was interceding on behalf of Gross and Slavin, with Nash. He was practically handling all the transaction for them. He was a servant of the others. Then Nash reported to me, that he had made an arrangement that they intended to bribe him and they had offered him, I think it was \$250.00 to go to Niagara Falls, or New York, or Montreal. It was immaterial, as long as they got rid of him.

Q.—Whom do you refer to when you say they?

A.—Slavin, Gross, and Courrian.

Q.—What about McCutcheon?

A.—McCutcheon, then was just working according to their orders.

MR. CURRY: He was the negotiator?

A.—He was.

MR. LENNOX: Was he negotiating for them?

A.—He was negotiating for them.

MR. CURRY: You mean Slavin and Gross?

A.—Yes.

MR. LENNOX: Although he was in your employ?

A.—No, Sir. McCutcheon was not along with me then.

MR. CURRY: You are sure about that? How long after the seizure was he dismissed?

A.—This was about a week or so after. The case was remanded a week, and then another week, and in the meantime he had left.

Q.—He was in your employ about a week after the seizure?

A.—Yes, I would not be quite sure of the dates.

Q.—In that neighbourhood, more or less?

A.—Yes.

MR. LENNOX: Was Nash paid money to leave?

A.—He was, Sir.

Q.—Paid by whom?

A.—Paid by McCutcheon.

MR. CURRY: How do you know that? You have been asked, and you say, "Yes, he was". How do you know he was?

A.—As a matter of fact, the day they left to go to Niagara Falls, to be bribed, Nash reported to me at 10 o'clock in the morning, and said, "Mr. Hammond, I have told them I am leaving the Department, and I have come down for my check to let them believe I have left the Department." I drew out his check for his time, up to that time, and made believe he had left. I then hired a car and, with Jeffreys, I preceded them to Niagara Falls.

Q.—You made believe he had left?

A.—Yes.

Q.—He was still in the Department?

A.—Yes.

Q.—Who are you speaking of now?

A.—Of Nash, Sir.

Q.—Nash was paid \$250.00 to leave so he would not give evidence?

A.—I think it was \$150.00 he was paid.

Q.—Paid by McCutcheon?

A.—Yes, Sir.

Q.—Who, at that time, was not in your employ?

A.—No, Sir.

A.—Then Nash came back?

A.—Yes, Sir. We brought Nash back.

Q.—You went over and brought him back from Niagara Falls?

A.—Yes.

Q.—He gave evidence at the trial?

A.—Yes.

Q.—Did Phillips give evidence?

A.—Yes.

Q.—And Perille?

A.—Yes, and King and myself.

Q.—King is the man from whom they bought the bottle of whiskey, before they went to Gross'?

A.—At Gross's place, I believe.

Q.—Then as a result of what took place between McCutcheon and Nash, they were both arrested?

A.—Yes.

Q.—With a man by the name of Slavin?

A.—Yes.

Q.—Arrested for conspiracy?

A.—Yes, Sir.

Q.—And that arrest took place in the month of April?

A.—The 6th of April, yes.

Q.—Charged with conspiracy against the Crown?

A.—Yes, Sir.

Q.—And the result of the trial was that Nash and Slavin were acquitted and McCutcheon convicted?

A.—Yes, Sir.

Q.—Of conspiracy?

A.—Yes, Sir.

Q.—And was allowed out on suspended sentence?

A.—He was, Sir.

Q.—Who was he convicted of conspiring with?

MR. LENNOX: With these men and others. These two men were allowed off, Nash and Slavin.

MR. CURRY: He was convicted of conspiring with them?

MR. LENNOX: Yes.

MR. CURRY: Was that by a jury?

MR. LENNOX: By a jury before Judge Widdifield, no, Judge Coatsworth.

MR. CURRY: And a jury?

MR. LENNOX: Yes. . . . That trial didn't take place until about September.

A.—September or October.

Q.—In the fall sittings?

A.—Yes.

Q.—McCutcheon was in your employ at the time of arrest?

A.—No, Sir, he was not in my employ.

Q.—When was he taken back?

A.—In June.

Q.—He was taken back during the time he was out on bail, charged with conspiring to defeat the ends of justice?

A.—Yes, Sir.

Q.—And he remained with you till November?

A.—Until a week after his trial, or a few days after his trial.

Q.—His trial must have been in September or October?

A.—October the 6th, I believe.

Q.—During the time he was with you, between during June and July, what other charges were laid against him?

A.—A charge of assisting to set up an illicit still.

Q.—There is no such charge as assisting.

A.—Well, that was the wording of the charge.

Q.—Assisting in making whiskey?

A.—Yes.

Q.—Operating an illicit still?

A.—Yes, Sir.

Q.—And what was the result of that charge?

A.—He was convicted, I think.

MR. CURRY: Who brought that charge against him?

A.—Magistrate Jones suggested that a charge be laid against McCutcheon and a charge was laid, and an information sworn to by the Inland Revenue officer.

MR. LENNOX: Just before you go any further, I have a statement of McCutcheon's expenses during March and April. Apparently, he left you on the 18th of April. You see that?

A.—Yes, Sir.

Q.—That is his signature?

A.—Yes.

Q.—It starts on the 24th of March. "Drinks, drinks, drinks, drinks, drinks, drinks," all drinks?

A.—Yes.

Q.—\$37.50 for drinks in eighteen days? I see eleven drinks at 452 Richmond Street on the 9th of April, and on the same day four drinks at Creston St. fifteen drinks in all that day, anyway, which cost apparently \$8.50. Now that bill is signed as you will see by McCutcheon?

A.—Yes, Sir.

Q.—And was not sworn to?

A.—No.

Q.—And I see a memorandum on here, "This man double-crossed the Department, and left before having this sworn to," Whose initials are those?

A.—Those are mine.

Q.—Is that statement true?

A.—At least I thought he had double-crossed the Department, and didn't come back to have that bill sworn to.

Q.—So that on the 18th of April when he left your employ, you had stated over your initials that McCutcheon had double-crossed the Department?

A.—Yes, Sir.

MR. CURRY: That was then your opinion?

A.—That was my opinion, and I put it there.

HON. MR. FERGUSON: After he had had fifteen drinks, could you place any reliance on his statement? Do you think he would know how many he had had when he got up to fifteen?

A.—That depends on when he got them.

Q.—But this was all in one day? The 9th of April, and the statement is made on the 18th of April. This man had fifteen drinks, and no statement he will make on that date of what occurred would be of any use.

MR. CURRY: Does that mean consumed by him, or bought by him in these places?

A.—That is what he spent on drinks. There would always be a number of men in the house and he had to spend money with the parties he was with. I never saw McCutcheon with a drink in him, to my knowledge, and I never smelt drink on McCutcheon's breath.

MR. CURRY: So that it might be only one or two rounds of drinks?

A.—I cannot say Sir.

MR. LENNOX: At all events, on this particular day, this man did charge up \$8.50 for fifteen drinks?

HON. MR. SMITH: Not necessarily for himself?



A.—No.

MR. HALL: Where is that place?

A.—That place has been closed up since.

MR. CURRY: Was it raided, and a conviction made eventually?

A.—Yes. The majority of the places named in these accounts have been raided.

MR. LENNOX: Now then, what I am interested in is this. On the 18th of April your impression was that this man had double-crossed the Department?

A.—Yes. When McCutcheon left, the reason I came to that conclusion, was that when he left, he promised me he would assist the Department in every way, and when the conspiracy charge arose, and I found he had paid Nash money and was assisting them to get Nash out of the country, I naturally though like any other person would have done, that he was double-crossing us.

Q.—What do you think to-day about it?

A.—My impression is that so much has developed since, so many different facts revealed, that I have a different impression altogether.

Q.—Then he was out of your employ from the time you thought he had double-crossed you until some time in June.

A.—Yes, he was.

Q.—What was he doing during April, May and part of June?

A.—He was doing nothing until after he had been arrested and charged with conspiracy with Gross and Slavin. I think it would probably be ten days afterward.

MR. CURRY: When was he arrested?

A.—On May 6th. McCutcheon came to the office, and wanted to tell me a lot of stuff, but I would not listen to McCutcheon then. I said, "if you have anything to say, or any information you want to divulge, you must go right to the Commissioner who is in charge." He asked, "who is that," and I said, "Major General Elliot. I don't want to know anything about it. Anything you do now must go through him." I did not see him any more until I was telephoned by General Elliot, and called to his office, where I met McCutcheon.

MR. CURRY: That was what date?

A.—I cannot remember the exact date now that that interview took place. I know it was a short time after he had been charged with conspiracy. It would be around about the sixteenth or the 18th of May.

Q.—On the 18th of April he had left you?

A.—Yes.

Q.—And he didn't get back until when after that?

A.—In June he started to work under instructions.

MR. LENNOX: What was he paid for during April, May and part of June?

A.—To my knowledge, I do not think McCutcheon was paid. I do not know about that. I have no recollection of that, but I do know that McCutcheon was given money by me for doing work around, and investigating as he claimed for the Department.

Q.—Whose money?

A.—The Department's money.

Q.—So he was in the employ of the Department, working for the Department? Why do you say he was not working for the Department?

A.—I was not under the impression that he was actually being employed directly.

Q.—Do you mean to say that you thought he was not employed, and still were paying him Departmental money?

A.—I paid him money at the end of May and the beginning of June.

Q.—For what purpose?

A.—This money was paid McCutcheon for incidental expenses and his salary for getting information against officials working in the License Department.

Q.—So that he was in your employ?

A.—Yes.

Q.—Then why did you say he was not?

A.—He was not working for me.

Q.—Let us clear this up. McCutcheon received money for May and part of April. That is correct?

A.—Yes.

Q.—This is your signature?

A.—Yes.

Q.—So that McCutcheon received Government money during April and May?

A.—I do not know what he was paid during April and May. He was paid for these months, but what I cannot just remember. If I saw the statement. . . .

Q.—You are not going to see the statement.

A.—He was paid up to the 16th or 18th of April and he was afterwards given money and expenses for bringing in information to the Department.

Q.—Bringing information to the Department during what period?

A.—McCutcheon evidently found out the seriousness of the charge against him, and went to General Elliot and told General Elliot that he could furnish the Department all kinds of information against officials in the Department, and their underhand methods.

MR. CURRY: So it was a special service, not of obtaining evidence of breaches of the O.T.A. but a special service in regard to your own operatives and officers.

A.—Yes.

MR. LENNOX: Do not be misled by my friend here. I have all the papers here.

HON. MR. FERGUSON: That would be a much more important service than the ordinary prosecution of the bootlegger.

A.—I thought at that time it was.

Q.—It was much more important service to know whether you had reliable operators or not, than the prosecution of the ordinary bootlegger?

A.—I thought it was Sir.

MR. LENNOX: He came back to work for you about the beginning of June, doing special work?

A.—That is when he actually reported to me. General Elliott was responsible for McCutcheon from that time on.

Q.—From the time he came back and reported to you in June, is that correct?

A.—General Elliott was responsible for his re-employ from the time McCutcheon went up there and explained this stuff regarding the officials, which we all felt was absolutely true.

Q.—Who were the officials?

A.—Courrian, and other members of the Department there.

Q.—I want you to tell me, did McCutcheon perform one minute's work for the Province of Ontario from the time he left on the 18th of April, until he was taken back by you at General Elliott's request?

A.—No, I don't think so.

Q.—Then I want you to tell me why he was paid the moneys of this Province?

A.—I do not know, Sir. I cannot remember that at all.

MR. CURRY: You have said so already, that after he had been arrested, that you then employed him and gave him certain disbursements for the purpose of getting information in regard to men who you believed were in the employ of the Department, and were not honest in their endeavours for the Department?

A.—This was at General Elliott's request. I had nothing to do with that.

Q.—When did that work start?

MR. LENNOX: To be perfectly fair to Mr. Hammond, he is not responsible for this. He was only working under instructions.

A.—I did not pay McCutcheon one cent on my own initiative, after he left me to go along with Slavin. That was on the 18th of April.

HON. MR. FERGUSON: On whose instructions did you pay him?

A.—On the instructions of General Elliott.

MR. CURRY: You had information that he was being used for certain purposes in connection with the investigation of these officials?

A.—I did, Sir.

Q.—Courrian was one of the officials against whom evidence was being obtained?

A.—Yes.

MR. LENNOX: Well now, just speaking of Courrian, he remained with the Department until when, how many months after this?

A.—Until just before the conspiracy trial came on, Sir.

Q.—That was in October?

A.—September or October.

MR. CURRY: Who was responsible for Courrian remaining.

A.—Courrian was to be discharged some time previous, and I made a suggestion to General Elliott that he hold Courrian a little longer, until I was able to get the information I wanted to prove to the Department what was going on, and to arrest Courrian.

Q.—I see here a statement signed by you. Amongst other items is this, August 22nd, 1921, bill of H. H. McCutcheon, investigating rumours of corrupt methods of officials of the Department in enforcing the O.T.A.?

A.—Yes.

Q.—That is the date that he was engaged to perform these special duties?

A.—It was, Sir.

Q.—And he was engaged to investigate the corrupt methods of officials, at a time when he himself was charged with conspiracy and operating an illicit still?

A.—Yes.

Q.—And after you had known that, he had been convicted of assaulting a young girl in Guelph?

A.—Yes, Sir.

Q.—And this was the man in whom, rightly or wrongly, you placed confidence to get sufficient evidence to prove to the country the corrupt methods being adopted by other officials in the Department? Is that correct?

A.—It was correct. He was the man employed.

HON. MR. FERGUSON: A man under indictment for conspiracy against the Crown was engaged by the Crown to conspire against its own officials. That was it, wasn't it?

A.—That was it, Sir.

MR. CURRY: It is not an unusual thing, is it, where a man is charged for the police officials to use information that he is willing to give in order to get the others?

A.—The police official often has to resort to the under-world to get the evidence he wants.

MR. LENNOX: Was it necessary to have a man of the type of McCutcheon to get the information you required?

A.—I believe so, both General Elliott and myself thought so.

Q.—Was it necessary, yes or no?

A.—In my opinion, yes.

Q.—Then I suppose I may say that if anything had happened to McCutcheon you would not have been able to have this investigation, because you could not have got another man under indictment?

A.—I do not say that.

MR. CURRY: I believe Mr. Hammond, that the man most likely to get information, is the man mixed up with the others?

A.—Yes, and is in with them, and is one of the gang.

MR. HALL: In other words, he had the goods and you knew it, and he was the only man to deliver it?

A.—Yes. As a matter of fact, he led General Elliot to believe that, and myself.

HON. MR. FERGUSON: I suppose it is necessary to have a man on whom you can rely if you are going to investigate heretofore trusted officials?

A.—Yes, quite so.

Q.—And McCutcheon was the man whom you picked?

A.—I did not pick him.

Q.—Whoever picked him, he must have been picked on that basis?

A.—He came to me.

Q.—I do not care how he got there. He was put at that duty as a reliable man?

A.—Yes.

MR. CURRY: In regard to that matter, McCutcheon was a man who undertook to say that he could give certain information in respect to the dishonesty or lack of good faith of your own officials?

A.—Yes, Sir.

Q.—And you employed him to give you that necessary information?

A.—Yes.

Q.—He was employed eventually whether by you or not?

A.—Yes.

Q.—And you thought the information that he could give you would enable you to be in a position to get the information which you wanted to lay a charge and make an arrest in regard to these matters?

A.—It was, Sir.

Q.—And you had other witnesses other than McCutcheon?

A.—I would have eventually.

Q.—Because of the fact of the information he gave?

A.—Certainly, Sir.

Q.—It would not necessarily follow that because McCutcheon was able to assist you knowing of their practice, that he was the only witness to be relied on.

A.—No.

Q.—You knew he was mixed up with them?

A.—Quite so.

Q.—You believed that though unreliable, he was able to get you information that you would be able to get reliable evidence on which you could get a conviction?

A.—I had every reason to believe that.

MR. LENNOX: Just dealing with what my learned friend says as to other reliable evidence. . . .

MR. CURRY: I said reliable evidence.

MR. LENNOX: Let us see what other evidence you had. You had a man named Gordon?

A.—Yes, Sir.

Q.—He had been in jail, too. He was another confidential agent?

A.—I did not know he had been in jail.

Q.—Did you know that T. L. Gordon was the man who had taken \$600.00 at Kitchener to run away from Regina?

A.—I understood that, Sir.

Q.—What officials of the Ontario Government did you want to catch?

A.—I was under the impression that. . . .

Q.—Just name the officials.

A.—Courrian was one.

Q.—Who else?

At this point objection was taken by Mr. Curry and others to questions of this character.

MR. LENNOX: (continuing his examination). You, representing the people of this Province thought there were some corrupt methods being adopted in the Department?

A.—I did, Sir.

Q.—And you wanted to ascertain who the men were?

A.—Yes.

Q.—You knew or had heard of Courrian, and you suspected him?

A.—Yes.

Q.—What other officials did you suspect?

A.—I also suspected the Chief Inspector, Mr. Ayearst.

Q.—Who else?

A.—Some officers working at the time.

Objection was taken by Mr. Hall and Mr. Curry, and after some argument, the Chairman ruled that Mr. Lennox should not ask for opinions from the witness.

MR. LENNOX: (continuing). Did anything arise as a result of this investigation?

A.—No Sir, as a matter of fact, I was taken sick in July, and General Elliott was away. While I was away sick, the investigation on at that time was turned over to Captain Collison to look after and carry out, but it was not done.

Q.—Now if you had a suspicion of these operators, why were they not discharged?

A.—They were not in my Department.

Q.—Why were they not discharged? Here were men under suspicion, was there any reason, had they any hold on the Government?

MR. CLARKE: They hadn't any proof?

MR. LENNOX: You didn't need proof to discharge them.

A.—As things came to me, I reported them.

Q.—Whom did you report your suspicions to?

A.—To General Elliott.

Q.—So that General Elliott knew for some time that in the employ of the Department, there were operators whom you suspected of being dishonest and corrupt?

A.—Yes, Sir.

MR. CURRY: I suppose Mr. Hammond your suspicions could be aroused by circumstances which would not be evidence against the men?

A.—Yes, Sir.

Q.—Would you discharge a man just simply on suspicion, without having that suspicion confirmed in some manner?

A.—It would just depend.

Q.—On how strong the suspicion was?

A.—Yes.

MR. LENNOX: If you had a man working for you as an operator or a spotter, and you suspected him, you would not discharge him?

A.—I would not retain him if I suspected a man.

Q.—If you hadn't the utmost confidence in him?

A.—If I haven't that, I don't want him.

Q.—If he wasn't in your opinion above reproach, he would not be retained?

A.—No. Our work would be useless.

Q.—In your business, in the work in which these men are engaged, you would have to have or you should have men in whom you have every confidence for reliability?

A.—Yes.

Q.—And the moment a man in your employ came under suspicion, you would discharge him?

A.—Absolutely, unless there has been something I want to get from that man.

MR. CURRY: I would like to know this. Suppose you have been told by one man, who said, "I am satisfied Courrian is not straight, he is crooked and is not acting fairly by the Department," would that be sufficient for you to discharge him?

A.—Not altogether, Sir.

MR. LENNOX: Would it not have been sufficient to put a suspicion in your mind as to his integrity?

A.—That just depends on where it comes from.

MR. CURRY: Didn't I tell you a long time ago that from what I saw going on around, that Mr. Courrian was not straight?

A.—You did, Sir, and I had had men in my own Department, who have claimed they have been paid by Courrian to come into my Department to secure information about what other men were doing and go and tip them off.

MR. LENNOX: Was that reported to General Elliott?

A.—It was.

Q.—Prior to this investigation?

A.—Yes.

Q.—And he was still retained?

A.—He was retained, Sir. It was my own suggestion to General Elliott, that he retain Courrian for possibly another three months, until I could put him where I wanted him.

Q.—Months before that he had been reported to General Elliott?

A.—I reported everything I knew of to General Elliott, and I also reported to Mr. Flavelle on certain indiscretions going on.

Q.—You would not ask for an investigation or General Elliott would not, unless you thought there was something wrong?

A.—Not necessarily so.

Q.—You would not put the country to expense to satisfy your own ambition?

A.—Not at all, Sir.

Q.—When you asked for this investigation, did you believe there were corrupt methods being adopted in the Department?

A.—I did, indeed.

Q.—What corrupt methods? Courrian standing with the bootleggers?

A.—Yes. I have been called upon by different Jews and other people of the City of Toronto, who came into the office and reported directly of cases where they had paid Courrian money, and where he has assaulted different women, when he was in a house to make a raid, of cases where, when he couldn't get a certain amount of money, he has assaulted women.

Q.—Did you report that?

A.—I have reported everything.

Q.—Was Courrian kept on after you had made these specific reports?

A.—He was, Sir, because of my suggestion.

Q.—Then the information you got in respect to Courrian had been received by you for months?

A.—Yes, practically from my start with the Department.

Q.—Until the time of the investigation, did you report to General Elliott every time you heard anything corrupt or dishonest about Courrian?

A.—I did, Sir.

Q.—From the time you went into the Department up to the time of the investigation, General Elliott knew of the methods being adopted, of the corrupt methods being adopted by Courrian?

A.—He did, Sir. I had explained everything I knew to General Elliott.

MR. CURRY: That is not corrupt methods to obtain convictions?

A.—Oh, no.

Q.—These were to protect people from possible prosecution?

A.—Yes.

MR. LENNOX: The corrupt methods I am interested in was the corruption on the part of Courrian and others around at the time.

MR. CURRY: I mean, that they were not corrupt in getting convictions, but corrupt and dishonest in administration.

A.—Yes, in administration in general.

MR. NICKLE: What did you include in the expression, “assaulting women?” That is a very broad term.

A.—One man, I think, named Goldstein or Goldberg, came to me to complain about Mrs. Goldberg. His complaint was that he had assaulted her, that he had abused her and struck her several times, because she would not allow her husband to pay him certain moneys.

MR. NICKLE: He violently laid hands upon her?

A.—Yes.

MR. LENNOX: There was no attempt at criminal assault?

A.—No, I don't think so.

MR. WATSON: Have you full confidence in the class of people who made these charges. What type of people were they?

A.—They were Jews. I did not know them, but I based my convictions, solely upon my men who were working under me, and what I saw and have seen at different times. I knew that my own Department was being discredited, that they were doing their level best to discredit my witness in every way, shape and form. My men were aware they were being shadowed. Our men were tipped off, and it got to a time where something had to be done. Men have been in a house and spent hundreds of dollars for absolutely no use at all, practically squandering it, owing to the fact that the men were tipped off deliberately. I have sent men out to a place, and they have gone back to the house a second time, and they have been told their names and addresses, and where they lived, and all that.

MR. NICKLE: You mean by that expression, that information is given to people, so that they may know what has taken place?

A.—Yes. I have here a sample of just what happened. Just at the beginning of October, I was instructed by General Elliott to have Courrian shadowed, and a man was placed on his trail to see where he went. He was supposed to be leaving the City, and at that time I had a man who had just



come into the Department, who had only been there a short time, and was the only man I could rely on, as I thought.

MR. LENNOX: Who was that?

A.—That is a man named Hayes.

MR. LENNOX: He was in jail, too.

A.—I did not know that.

Q.—He was a man you thought you could rely on?

A.—Yes. He came here with good references. He declared he did not know Courrian, and I did not think any person in the Department knew Hayes, and I thought it was quite safe for me to put him on it. And the following day, this is what he comes in and leaves on my desk:

This is to tell the truth about which I have been sent out to see where a man named Courrian is, or what he is doing. Well, I know him, and he is the man who swindled me in to Mr. Hammond's Department, and on September 24, him and Mr. Budway, came to me and asked me if I would like a job, and I said, what is it? and he said, it had nothing to do with whiskey at all and Courrian said he would give me \$150 a month till I got a job in Mr. Hammond's office and said the Attorney-General gave Mr. Ayearst permission to hire a man for this office, and on Saturday, 24th September, why I made my first trip up to Mr. Hammond's office, about 11.30, and was told to come back on Monday 26th of September and did so, and was told to come in at 9.30 on the 27th of September, and did not get started till October 4th, and then they tried to get me to tell things and I would not tell anything to them, and they are mad, and I never gave them a word, because on the first of the month I was to have \$33.00 check coming to me, and I did not receive it, so my wife rung up Mr. Ayearst, and he said he had no man by my name working for him, and then she rung up Courrian, and he did not have a man by that name, and if anyone hired him, why it must have been Mr. Budway, but I say no, Mr. Courrian did it, and I was to put in reports on every trip I came up here and done so, not knowing what I was doing was wrong, and they said to me, Mr. Ayearst is sick, and that is why I did not receive my check, and so when Mr. Ayearst said he did not have me working for him, why I began to open my eyes. I am now working for Mr. Hammond, and have never told one word to them because we are not speaking, because they found out I have got it on them, but they have nothing on me or Mr. Hammond, which I am working for, and they are trying to abuse me and my wife over it, but I am willing to go ahead and trace them to the finish and find out more, and when the guy that drives them around at night and where they hang out till three and four in the morning, Yours truly, Cecil Hayes."

MR. LENNOX: You did not know Hayes before?

A.—No Sir. He came there with good references and I telephoned two or three people, whose numbers were given me by Hayes, and they spoke highly of Hayes, and he was employed.

Q.—What was his former history according to these people?

A.—It was good as far as I got it over the phone. In several cases returned men would come there and give me names to call up. I would telephone if I wanted them, and if I thought the answer satisfactory, I would employ them.

Q.—You never suspected you were being framed?

A.—I expected anything, but I did not expect it in this one. It was a revelation to me when he laid this on my desk.

Q.—You never suspected that these telephone recommendations were phony?

A.—No I didn't. They often would have written references from different employers.

Q.—Did Courrian have references?

A.—I didn't know anything about him. He didn't work with me.

Q.—He was there when you came in?

A.—Yes.

MR. WATSON: Do you think there is very much of this framing up by these men to get them in the Department by interested parties?

A.—I do Sir. I believe there has been an insidious propaganda going on for a long time.

MR. CURRY: Sending you men with bad records who will bring your department into discredit.

HON. MR. FERGUSON: Knowing that you accepted telephone references without making any inquiry?

A.—I did not know so much about that at that time as I do now.

Q.—What would be the object in framing you?

A.—To get information so that we could not get convictions.

MR. LENNOX: Just clear this up. This tip of which you spoke, is where one operator in the Department gives information when they find out some other operator is going to a house to try and get liquor?

A.—Yes.

Q.—Does that obtain to any large extent in the Department, or did it?

A.—It did Sir.

Q.—You were honestly under the impression that there was a great deal of corruption in the Department?

A.—Yes Sir.

Q.—It was your intention as far as possible to clean up the Department?

A.—It was Sir.

Q.—And in order to do so you thought that an investigation ought to be made?

A.—Yes Sir; sooner or later Sir.

Q.—And upon the report of that investigation, you would expect the Government to act?

A.—Yes Sir.

Q.—Now then, tell me, to whom did you intrust the duty of getting the information?

A.—From McCutcheon.

Q.—Did you employ any one else for that purpose?

A.—A man named Gordon.

Q.—So as to identify him, Gordon is the man who received \$600 from Kitchener to skip to Regina?

A.—I understand so.

Q.—Did you employ any others in this confidential capacity?

A.—There was a man named Stewart.

Q.—Who also had been in jail?

A.—Not to my knowledge.

Q.—Didn't you know he had been in jail?

A.—No.

Q.—Did you know he had been convicted?

A.—No Sir.

Q.—Who else?

A.—I employed McCutcheon's brother.

Q.—So we have H. H. McCutcheon at the time of his employment, under two indictments, we have his brother Samuel McCutcheon, who went under an alias?

A.—I believe he did.

Q.—Alias Dunn.

A.—Yes Sir.

Q.—And we have Lloyd Gordon, the man who skipped from Kitchener and we have Stewart. Is that correct?

A.—Yes Sir.

Q.—These four men were selected by the Department for the purpose of cleaning up the Department or securing evidence that would lead to the cleaning up of the Department?

A.—Yes.

Q.—And it would be upon their report that any action would be taken by the Department?

A.—No not entirely. They were for a special purpose, to give us the ground on which to work, so to speak, and then I would have had other men take hold of it in a proper thorough manner, but we had to get the facts in the first place, and without that information, we could do nothing.

Q.—They were to report to you on the result of their investigation?

A.—Yes Sir.

Q.—And did they?

A.—They did sir. I have all their reports.

Q.—Have you received any other reports from any other source with respect to this cleaning up?

A.—I have Sir.

Q.—By outsiders, or by people appointed by you?

A.—By outsiders.

Q.—These are the only men paid by the Government that were interested in getting information?

A.—I had some of my operators working on it too. They were not included in that.

Q.—They were doing general work, and incidentally this as far as they could?

A.—Yes Sir, as far as they could.

Q.—Now then, they started on this clean up investigation about the beginning of June?

A.—Yes Sir.

Q.—And it lasted until some time in October?

A.—I think it did.

Q.—And you were getting reports from day to day?

A.—Not every day.

Q.—Every two or three days?

A.—Yes.

Q.—From McCutcheon telling you the information he had obtained.

A.—Yes Sir.

Q.—And these reports were being forwarded to the Buildings?

A.—Yes.

Q.—So they were in the hands of the Department since last June?

A.—Yes.

Q.—They were on tap and on file?

A.—Yes Sir.

Q.—Now without going into that specifically, did that disclose any corruption on the part of these men?

A.—Yes, I think that did.

Q.—Was any action ever taken on these reports?

A.—No Sir.

Q.—Were these men who were implicated as a result of these reports, still kept in the employ of the Government?

A.—Courrian was one. Of course—

Q.—Were they kept?

A.—I only know of one or two men who have gone. Courrian and Cross.

Q.—He is another man who has been in jail?

A.—I didn't hear that. I cannot say. They were out of my Department, and I didn't bother about them.

Q.—Then no one was discharged from June to October, although these reports were coming almost daily. No one was discharged as a result of these reports?

A.—Not to my knowledge.

Q.—Now I have here a statement, a cash statement, of E. D. L. Hammond, showing advance money to H. H. McCutcheon for investigation on behalf of Major General H. M. Elliott for the Police Department, and this begins, the first entry is dated July 7th, "Paid in cash to H. H. McCutcheon, service of Car, \$250." I want you to explain that.

A.—I understand from General Elliott, McCutcheon was to receive a car, an auto to carry on his work.

Q.—This is the same man who was under these two indictments, and is to-day in jail?

A.—Yes. He was to receive this car. He had discussed the matter with him quite considerably, and he said that he would want a car to carry on his investigating work. They were in the bootlegging business and he might if necessary have to use a car himself to get around. It was a necessity for McCutcheon to have a car.

Q.—Was there a car bought for him?

A.—There was a car bought. I paid McCutcheon \$250. The actual value of the car was \$500.

MR. CLARKE: Was that car McCutcheon's or did it belong to the Department?

A.—No.

MR. LENNOX: The car is in McCutcheon's possession?

A.—No Sir.

Q.—The car is in a garage?

A.—I don't think so.

Q.—Where is the car?

A.—The car I think, eventually went back to its owner.

MR. CLARKE: You paid them for the use of the car?

A.—Yes.

MR. LENNOX: Now then we have McCutcheon with a car on the 7th of July, and will you kindly explain to this Committee what these items of \$25.00, \$25.00, \$50.00 and \$60.00, amounting in all to \$300 for a car during July and August mean? After you bought this car.

A.—As a matter of fact, I took that to be what McCutcheon said. He stated to me that General Elliott had explained that he should put it in as car hire, and I could not say anything one way or the other about it.

HON. MR. FERGUSON: Did you ask General Elliott about that?

A.—I asked him in the first place before he went away whether that was correct, if he meant to give McCutcheon a certain sum of money for this car, and I understood from General Elliott, that that was correct, and on July 7th, I think, I got an accountable warrant for \$2,000 for the Department to carry on this investigation, the North Bay investigation, and two other smaller investigations, and I paid out to McCutcheon that morning \$250. I had previously paid something in the neighbourhood of \$30 with McCutcheon at a garage on Yonge Street, asking them to hold that car for him. More than that, to confirm my own statement, Captain Collison who was in the employ of the Government at that time, made an arrangement with McCutcheon to purchase that car from McCutcheon, as soon as it became his.

HON. MR. FERGUSON: That is, McCutcheon was going to buy the car?

A.—Yes, and he was going to buy the car off McCutcheon.

MR. LENNOX: That is, after McCutcheon got through with his work?

A.—Yes.

MR. CURRY: Was the car always the Department's car or was it McCutcheon's car?

A.—I understood it was to become McCutcheon's property for his services.

MR. CLARK: Did he get any pay for his services?

A.—Yes, he did Sir.

MR. CURRY: And this was to be in addition?

A.—I understand so, Sir.

MR. LENNOX: Now you received instructions from General Elliott that McCutcheon was to be paid for the car?

A.—That I was to advance McCutcheon this money.

Q.—What about the other allowances paid for cars during this period? Let me just read some of them to you. This is McCutcheon's account dated the 22nd of July?

A.—Yes, Sir.

Q.—And beginning with this July account?

A.—Yes, Sir.

Q.—Now I find here an item for car hire of \$25 on the 4th of July; on the 11th of July, car hire \$25; 12th of July, car hire \$10; 18th of July,

car hire \$25; 23rd of July, \$25. That is \$110 for car hire after you paid \$250 on this car you bought for McCutcheon?

A.—That is what I explained. He had been told to put it in in that way rather than show the \$250 on the car in the first place.

MR. HALL: That is how the \$250 is made up?

MR. LENNOX: Don't say that, because you are going to get mixed up. So McCutcheon was paid not only the \$250 but he was paid these amounts I have read to you in addition?

A.—No, I don't think so.

Q.—Would it be right if he were?

A.—No, it would not.

Q.—Let us go into the August account—here is car hire, \$4 on the 25th, \$8 on the 28th, \$10 on the 31st—No, that is in July—then beginning in August there is \$6 on the 3rd, \$10 on the 7th, \$8 on the 9th, \$25 on the 21st, \$25 on the 28th and \$25 on the 5th of September: \$9.26 he was fined and apparently that was paid, and on the 12th of August \$25—now what does that account amount to?

A.—\$230.05.

Q.—And that includes these items I have just read for car hire?

A.—Yes.

Q.—And that first item on the account is what?

A.—\$250.

Q.—Paid on July 7th?

A.—Yes.

Q.—Without going into the details at present, that account amounts to \$1,125?

A.—Yes.

Q.—Now then we have a bill of expenses of McCutcheon of \$895, and a bill of expenses of McCutcheon \$230.05, paid by the Department?

A.—Yes.

Q.—What does the item of \$895 represent?

A.—They were the first bills he turned in and they amounted to \$895 and then the other two bills were added here. Here it is. This number of bills amount to that.

Q.—So that he received altogether \$1,125?

A.—Yes, Sir.

Q.—And in that is included that \$250 that you advanced?

A.—Yes, on the car.

Q.—And these other items that I have just enumerated are put in as car hire?

A.—Yes.

Q.—They are in the amount, just as drinks are in the amount?

A.—Yes, just the same.

Q.—And this is the amount of money paid to McCutcheon as a result of the work he performed in discharge of his duties as investigator in cleaning up the department?

A.—Yes, Sir.

Q.—And the car is not now in the possession of the Department to your knowledge?

A.—No Sir.

Q.—That expenditure was from a period from the 7th of July up to the time that he was convicted?

A.—About four months.

Q.—It extended to the time he was sent to jail?

A.—Yes.

MR. CURRY: Did the Government buy the car?

A.—No Sir, the car went back to the garage.

MR. WATSON: Who owns the car now?

MR. LENNOX: McCutcheon owns the car.

WITNESS: I don't know.

HON. MR. FERGUSON: I thought you said your instructions were to buy a car for him?

A.—I understand the car was obtained in McCutcheon's name, bought in his name in the first place.

MR. CLARKE: Who bought the car?

A.—McCutcheon.

HON. MR. FERGUSON: You advanced the money?

A.—Yes, under instructions. I could not have done it otherwise.

MR. CURRY: Now then, you have here \$250 for the car, in this statement?

A.—Yes.

Q.—Have you anything as a debit against that?

A.—I have nothing as a debit against that.

Q.—So you have the \$250 here and then an amount paid to him by way of wages and expense money?

A.—Yes.

Q.—That amounts to how much?

A.—\$1,125.

Q.—\$1,125—and that whole thing is the total amount received?

A.—Yes.

Q.—So you have \$1,125 as the total amount expended and you have on the opposite side \$895 made up of these three items here?

A.—Yes.

Q.—Are these three items included in here?

A.—Yes, including this statement showing the moneys received, these are bills of expenses.

Q.—Where are the three that total \$895?

A.—Those there. There are four bills.

Q.—And that \$895 you say is here?

A.—Yes.

Q.—That is money paid him, and that is there.

A.—Yes.

Q.—Then there is \$230.05, that is in here?

A.—Yes.

Q.—So that he has not been paid the \$230.05 and the \$250?

A.—No Sir, that is all in there.

Q.—Now that \$895 is these four bills?

A.—Yes.

Q.—That money that pays for those four bills is in there?

A.—Yes.

Q.—That shows the division on which he received these moneys and the \$250 here in that bill, that also is here?

A.—Yes.

Q.—Then that amounts to \$1,125?

A.—Yes.

Q.—And that is the total amount paid him?

A.—Yes, from start to finish.

Q.—And this \$230.05 and this \$895 comprise these two lots of bills?

A.—Yes, Sir.

Q.—And the \$895 and the \$230.05 includes the \$250?

A.—Yes.

HON. MR. FERGUSON: He got the \$1,125 and the car.

MR. CURRY: Oh no.

MR. LENNOX: He got the \$1,125 and the car?

A.—Yes.

Q.—These items here—you checked up all of them?

A.—Yes.

HON. MR. FERGUSON: That is his own voucher, he put in vouchers of that kind?

A.—They cannot get vouchers in these places.

MR. CURRY: He has a little book and he puts it in there, he makes a memorandum of whom he paid to and what he paid.

A.—I know how much money these men get before they go out and they have to explain when they ask for more what they have done with the other.

MR. CURRY: You furnish the men with a little book?

A.—Yes, they have to have that book to produce as evidence in court if necessary.

Q.—That book is produced to you every day?

A.—If they come to me or my officers to give them money.

Q.—Each day?

A.—Every day, every morning.

Q.—So it is there, there is a check upon them and it cannot be written up all at one time, a week afterwards?

A.—It could not be done for the simple reason that we might arrest that person and he has to appear in court to-morrow morning, therefore that entry must be there to be used in court if necessary.

MR. LENNOX: But we were speaking of McCutcheon.

A.—I understood Mr. Curry to be speaking in general.

MR. CURRY: I was speaking in general.

MR. LENNOX: In McCutcheon's case he kept his own record and you had to accept it?

A.—Yes.

Q.—Here is an account here. Gordon, that was paid for assisting McCutcheon?

A.—Yes.



Q.—Now I see on August 4th “Given to Miss Bailey expense money to secure evidence with McCutcheon for the Department?”

A.—Miss Bailey and Mrs. Collins were two ladies who, we were given to understand, could furnish the department with a lot of information and I was instructed to obtain every person who could give evidence.

Q.—Is Mrs. Collins the woman who ran away with this man Gordon from Kitchener to Regina?

A.—I believe so.

Q.—Is Miss Bailey the woman who was mixed up in the Cross matter?

A.—She did go to Niagara Falls with the party.

Q.—You had a man in your employ A. M. Solway, a license inspector?

A.—No, just an operator.

Q.—I find he was paid \$565.85 on the 26th of September 1921?

A.—Yes.

Q.—And amongst other things I find this entry on August 16th last year “Paid bribe, \$10 to Fred Lefebre.” Where is he?

A.—He is at North Bay.

Q.—That \$10 item was paid by the Department, how do you explain the payment of this \$10 bribe by the Department?

A.—As a matter of fact Solway and a man named Chopin were employed at North Bay to secure evidence for the department and while up there Solway was stopped, I understand, by Constable Lefebre. He was searched and he was found to be carrying a revolver. The revolver was out of commission and he was merely bluffing with it. Constable Lefebre threatened to lay a charge against Solway for carrying that gun. Solway was afraid of his name coming out so they might find out he was working in our interests in North Bay. Lefebre told him if he paid him \$10 nothing would be done.

Q.—That is, the Provincial constable?

A.—Yes, and he paid the \$10.

Q.—So that we have one official of the Government paying another official of the Government a \$10 bribe?

A.—He didn't know he was.

Q.—He paid him so he wouldn't lay an information against him?

A.—Lefebre asked him to do that.

Q.—But it was a bribe to the officer?

A.—Yes. The reason he did that was to prevent Lefebre finding out that he was working in our interest.

Q.—The \$10 was paid for bribery?

A.—Yes.

Q.—Was Lefebre discharged by the Government as a result of that?

A.—I do not know what was the result of his trial.

Q.—Was there ever any investigation made about him accepting the bribe?

A.—We laid an information against Lefebre charging him with receiving a bribe.

Q.—Do you know whether he is still in the Department?

A.—I cannot say that.

Q.—I suppose it is the duty of Solway and Lefebvre to obtain evidence of the breach of the law of any kind?

A.—Yes Sir, both criminal or otherwise.

The Witness was then excused and the Committee adjourned to the following Wednesday.

PUBLIC ACCOUNTS COMMITTEE.

May 3, 1922

The Committee met at 10 a.m., Mr. Watson in the chair;

W. L. ROCHESTER called and sworn,

Examined by MR. LENNOX;

Q.—Where do you live Mr. Rochester?

A.—In Ottawa.

Q.—What is your age?

A.—Twenty.

Q.—When were you twenty years of age?

A.—In December last.

Q.—You were in the employ of the Provincial Government during the year 1920?

A.—Yes, Sir.

Q.—On the Shevlin Clarke limits?

A.—Yes.

Q.—Where have you been since you were working on the Shevlin Clarke limits for the Government?

A.—In college.

Q.—Where?

A.—At McGill.

Q.—You are a McGill student?

A.—Yes.

Q.—What year?

A.—Second year.

Q.—Where were you working before you went to work on the Shevlin Clarke limits for the Government?

A.—With the Riordan people.

Q.—In what period of the year.

A.—Just before that.

Q.—In the summer months?

A.—Yes.

Q.—In the Winter months what were you doing?

A.—I was at college.

Q.—You were a student except for what summer employment you could get and still go to school?

A.—Yes.

Q.—What class of work were you doing for the Riordans?

A.—Cruising, I was measuring.

Q.—You were with a party that was cruising?

A.—Yes.

Q.—Who appointed you to that position?

A.—Mr. Dickson, of the Riordan people.

Q.—What experience had you as a cruiser before you went to the Riordans?

A.—I was out in the summer of 1918 with my father and I was out in November, 1918 and also for several weeks before I went up with the Riordan people.

Q.—What are your father's initials?

A.—D. B.

Q.—Is he the D. B. Rochester who had charge of the timber cruising and estimating for the Ontario Government on the Shevlin Clarke limits?

A.—Yes.

Q.—And it was he who appointed you to this work for the Government?

A.—Yes.

Q.—Is it he who certifies to your bills that are here?

A.—Yes.

Q.—You are down in the public accounts as a culler. Have you ever written on a culler's examination?

A.—No.

Q.—Are you qualified as a culler?

A.—No. I was not culling. I was keeping charge of the books.

Q.—You were not culling? Do you know why your name is entered in the Public Accounts as drawing \$175 a month for services as a culler?

A.—No.

Q.—When did you go to work on the Shevlin Clarke limits?

A.—About the 15th of June, I think it was 1920. I am not exactly sure about the date.

Q.—Will you look at this bill written in lead pencil for \$710.43, whose writing is that?

A.—My brother's I think.

Q.—Not yours?

A.—No.

Q.—It isn't signed by anybody?

A.—No.

Q.—Which brother?

A.—L. B. I think that is his writing.

Q.—Did you receive a check for that?

A.—I received it part by check and part by cash.

Q.—Who did you get the part in cash from?

A.—My father.

Q.—How much in cash?

A.—About a hundred dollars I think.

Q.—Was that for expense money or was it part wages?

A.—Part expense money and part wages.

Q.—And the balance by check?

A.—Yes.

Q.—Was that turned over to your father or retained absolutely by you?

A.—It was retained by me.

HON. MR. FERGUSON: Whose check was it?

A.—My father's check.

MR. McCRAE: When did you get the check—after you quit work?

A.—Yes, when I was leaving.

Q.—And going back to school?

A.—Yes.

Q.—That was the money, I suppose, that was to carry you through your college term, partly?

A.—Yes, partly.

Q.—You went to work in June on the Shevlin Clarke limits?

A.—Yes.

O.—Were any other members of the family with you?

A.—They didn't go out with me. They were there at the time.

Q.—What are their names?

A.—Lloyd and Bert.

Q.—They were there already, ahead of you?

A.—Yes.

Q.—What work did you do there?

A.—For a week or two I was doing work in the bush and then I was working on the books until I left.

Q.—What sort of work were you doing in the bush?

A.—I was acting as a culler for a time. I was out with another fellow working in the gang.

Q.—Who?

A.—Knechtel, I think it was, William Knechtel.

Q.—What were you and Knechtel doing, culling and measuring?

A.—Yes.

Q.—What part were you doing?

A.—I was tallying.

Q.—And measuring?

A.—Well, yes.

Q.—What was Knechtel doing?

A.—He was measuring too.

Q.—Where is he from?

A.—He is from Ottawa, I think.

Q.—He is a student too?

A.—Yes, at Queen's.

Q.—How old is he?

A.—I cannot tell you that.

Q.—You and Knechtel, he a student at Queen's and you a student at McGill were culling and tallying these logs on the Shevlin Clarke limits?

A.—Yes.

Q.—And your reports as to what you had done and as to measurements and conditions you found were reported to whom?

A.—They were entered in the book.

Q.—And were these supplied to your father?

A.—Yes.

Q.—I see that William Knechtel was drawing \$120 a month. Do you know Thomas Riley?

A.—Yes, he was a cook I think.

Q.—What other students were on the job beside your two brothers, yourself and Knechtel?

A.—There was Doorley.

Q.—Where was he from?

A.—Ottawa I think.

Q.—An Ottawa student too?

A.—He was going to Queen's.

Q.—He was a student?

A.—Yes.

Q.—He was drawing \$200 a month?

A.—No, I guess that was his father. There is Peter and Tom Doorley.

Q.—Tom then it was?

A.—Yes.

Q.—And he was drawing \$150 a month?

A.—Yes.

Q.—What was he doing?

A.—He was helping his father.

Q.—By what?

A.—Measuring, his father was a culler.

Q.—Was he putting the figures down in the book?

A.—No, he was tallying them on the card.

Q.—Who was the man in charge on the ground of this work you were doing? The foreman or boss on the ground who was superintending this work and had active charge and control of it?

A.—O'Brien.

HON. MR. FERGUSON: What was your father's job?

A.—O'Brien was a kind of overseer. He laid out the work for the men and showed them where to go.

Q.—And what was your father's job?

A.—He was overlooking the whole thing.

Q.—O'Brien and all the rest?

A.—Yes.

MR. McCRAE: Your father was in there every day?

A.—No, he was in there from time to time.

Q.—It was only occasionally that he was in there when the work was going on?

A.—No, not occasionally.

Q.—Was he there more than once or twice a week?

A.—Oh yes.

Q.—How often would he be there every week?

A.—He would come there and stay for a week or two and then go out for a while.

Q.—How long would he go out for?

A.—Probably a week or less.

Q.—Who else besides Doorley and Knechtel and the three Rochester boys were students in there measuring and culling timber?

A.—I think that was all.

Q.—Was W. E. Tichbourne one of your gang?

A.—Yes.

Q.—He was drawing \$200 a month I think?

A.—Yes.

Q.—Do you remember where this bill of yours was made out. Was it after the job was completed, this \$710.43?

A.—I don't remember that at all.

Q.—You don't know anything about the making out of the bill of L. B. Rochester?

A.—No. I had nothing to do with the accounts, with money matters. I was just looking after the books on the bush work.

Q.—What was your work on the books?

A.—The men would come in at night and I would take off the cards on the books. They would read them off and I would make them up.

Q.—Who kept the time of the men?

A.—My brother, L. B.

MR. WATSON: What do you say you got from the cullers?

A.—They came in with their cards and would read them out and I would put them in the book.

Q.—And L. B. Rochester was the timekeeper on the job?

A.—Yes, he was looking after that.

HON. MR. FERGUSON: Do you say that he was the timekeeper?

A.—We didn't have anyone specially looking after the time. There wasn't anybody specially taking care of the time.

Q.—Then you should not say so if you are not sure of it. You are not sure there was anybody at all?

A.—If anybody left the job my brother would keep track of that.

Q.—But he was not specifically looking after the time?

A.—No.

MR. McCRAE: Are you employed by your father or the Ontario Government to go out anywhere this summer?

A.—No. Not yet.

Q.—Do you expect to be?

A.—No.

Q.—You worked for a time making a butt and top measurement?

A.—Yes.

Q.—You had never done that work before?

A.—Not that butt and top measurement.

Q.—You had never done that before?

A.—No.

Q.—And the work you were doing was for the information of the Government in the Shevlin Clarke area?

A.—Yes.

Q.—Do you know whether your brothers or Doorley who were doing the same class of work had ever done butt and top measurement before. Do you know that?

A.—I don't know about Doorley. I don't think my brothers did.

Q.—When you went to make this butt and top measurement will you just describe to us what your work was and what your instructions were?

A.—Well, the work was that there were two men to a gang and one man did the tallying and the other took the other end of the tape. He did the tallying and measured the butt and the other man would take the other end of the tape and take the length where the top would be found.

Q.—So that in making a butt and top measurement your job was, from the evidence on the ground, to try and determine what size a tree had been and what logs were taken out of it, and the quality of the log and put that down in the book?

A.—We determined the length taken out. We didn't put down the logs at all.

Q.—What did you do about a decayed tree?

A.—If there was a decay in the tree that was taken off.

Q.—A decay in the tree where?

A.—In the butt.

Q.—How much did you take off for that?

A.—It all depends on the size of the rot and the tree.

Q.—In other words, the tree itself is gone and you look at the stump and if it is rotted you guess at what the effect may be in the tree?

A.—No, from the rot you can tell pretty well.

Q.—Was that left to your judgment and the boys doing the work?

A.—Yes.

Q.—What experience did you have in guessing the length of logs or the rot or anything else?

A.—There was no guessing about it.

Q.—So that you won't be saying something you don't want to say, let me put this clearly to you. You went in to make a butt and top scale?

A.—Yes.

Q.—And a butt and top scale is made for the purpose of determining measurement when the timber which had been there between the butt and the top is already away out of the country and you cannot see it. The butt and top measurement is to try and determine what that timber was that has gone?

A.—Yes.

Q.—And for the purpose of determining that you first have to find out what the length would be?

A.—Yes.

Q.—How did you judge it?

A.—We didn't judge it, we measured it.

Q.—How did you measure it?

A.—By the top.

Q.—From what?

A.—From the butt to the top, to where the top is lying.

Q.—To where the top is lying on the ground?

A.—Yes.

Q.—Are you always positive, where there is a thick growth of pine that the top you measure is the top that came from the tree whose butt you knew was in another place?

A.—Unless we were sure we left it and took the butt.

Q.—Unless you were sure of the top you only took the butt?

A.—Yes.

Q.—What amount would you put down in a case like that?

A.—Nothing.

Q.—What value would that be in determining the length of that tree?

A.—We would make it up from the average of other butts of that size.

Q.—If there was decay in the butt there, a little rot in the centre. How far would you estimate that that had penetrated in the tree that had gone out of the woods?

A.—We would not estimate how far that had gone.

Q.—If it was rotted you would estimate how much that would take off the logs that had gone?

A.—I do not know as there is any fixed rule.

Q.—It is a mere guess isn't it?

A.—Yes.

MR. WATSON: Was there very much rot in the trees you measured? Would it amount to a great deal?

A.—No, not a great deal.

MR. RANEY: If you found in a butt three inches of rot out of a total of say 14 inches, would you reduce the size of the log by that amount?

A.—Oh no, not by three inches.

Q.—How would you arrive at an idea of how far up the tree the rot would go or would you estimate that it went through the whole tree?

A.—Well, I don't know. I never thought of estimating how far it went. The rot was there and you would take off so much from the tree.

HON. MR. FERGUSON: But how would you get at that? Suppose that it was a twelve inch tree and there was a three inch hole in the butt on the ground. What allowance would you make, what percentage would you take off your sound log?

A.—Oh, about an inch.

Q.—Of the whole tree?

A.—Yes.

Q.—Regardless of the length of it?

A.—Yes, of course you would have to use your own judgment.

MR. McCRAE: It is a matter of judgment?

A.—Yes.

Q.—And judgment must be gained largely by experience. A man has to know something about these things from experience?

A.—Yes, something.

MR. WALKER: After the tree fell they would often cut away the rotted length and leave it there?

A.—Yes.

MR. FERGUSON: When you found a tree left and not taken away there would be no difficulty in finding how far the rot went in that tree because it was there for you to see?

A.—Yes.

Q.—But when it is not there it is a pure matter of guessing by an inexperienced boy like yourself?

A.—No.



Q.—What experience had you had in guessing on a butt and top scale before you did this work?

A.—I had been in the bush before and had some experience at trees.

Q.—What experience had you had at butt and top measurement before you did this work on the Shevlin Clarke limits? Had you ever done that sort of work before?

A.—No but I had had other experience that would help me in that.

Q.—What other experience?

A.—Working in the woods, cruising.

Q.—Where did you cruise?

A.—I cruised in the Rouge woods.

Q.—How long did you cruise there?

A.—About three and a half months.

Q.—What were you doing there?

A.—I was measuring and tallying.

Q.—Helping your father?

A.—Yes.

Q.—Measuring trees that were cut or standing?

A.—Standing.

Q.—None that were cut?

A.—No.

Q.—You couldn't tell yourself whether there was any rot in the trees or not?

A.—No, not to any extent.

Q.—And yet that was your experience for judging timber on a butt and top scale on the Shevlin Clarke limits?

A.—Yes, that and some more.

HON. MR. DOHERTY: Did you ever have any experience in a saw-mill?

A.—No, I never did.

Q.—Ever spend any time in a saw-mill?

A.—No.

HON. MR. FERGUSON: Did you ever look into a saw-mill?

A.—Yes.

MR. WATSON: Is your father an experienced culler?

A.—Yes.

HON. MR. FERGUSON: For how many years?

A.—My father has been in the culling business all his life.

MR. WATSON: Did he keep a pretty close tab on you and teach you how to do this job?

A.—He did, yes.

HON. MR. FERGUSON: He taught you in three and a half months what he has spent his whole life learning?

A.—He didn't teach me all.

MR. McCRAE: Did you measure from the butt to where the top lies?

A.—Yes—well, you allow three to four feet for jump.

Q.—How much did you allow on a side hill. After a tree has fallen it sometimes goes more than two or three feet?

A.—If it has jumped very much we allowed for that.

HON. MR. MILLS: What other experience have you had besides the three and a half months you have just referred to?

A.—Besides that I was up in the Kenojevis.

Q.—Working for whom?

A.—The Riordan people.

Q.—Anywhere else?

A.—Yes, on the Pettawawa River.

Q.—How long were you there?

A.—Two or three weeks, and on the Kipper lake.

Q.—How long there?

A.—Five or six weeks.

HON. MR. FERGUSON: What were you doing on the Kipper lake area?

A.—Cruising.

Q.—Who with?

A.—My father.

Q.—What was your part of the job?

A.—I was tallying.

Q.—What was going down on the tally?

A.—The standing timber. The number of trees and their size.

Q.—You took the size, what your father said. He was the cruiser and you tallied whatever he said?

A.—No, they were measuring.

MR. McCRAE: You don't want to tell this Committee you are an experienced timber cruiser?

A.—No, but I have had some experience.

Q.—Experience around with your father when he has been doing a job, when he has been making a scale.

A.—Yes.

MR. WATSON: How much time have you spent with your father in this way?

A.—Oh probably six or seven months.

Q.—Were you brought up in the bush?

A.—No.

MR. McCRAE: You have just finished writing an examination at McGill?

A.—Yes.

Q.—You do not intend to make the timber business your life work?

A.—No.

HON. MR. FERGUSON: Just a question or two—you didn't make out your own account?

A.—No.

Q.—You didn't have anything to do with it?

A.—I saw it was right.

Q.—You made a bargain as to how much you were to get?

A.—There was no amount mentioned, I left it to father. I knew he would give me what I was worth.

Q.—When did you find out what he was giving you, after the job was done?

A.—Yes, when I was leaving.

Q.—You found out when you were leaving that you were getting \$710.43 for your time and expenses?

A.—Yes.

Q.—In the meantime you had got \$100 from your father?

A.—That was when I was leaving.

Q.—When the job was finished, you got nothing up to that time?

A.—No.

Q.—Your father was paying whatever expenses there were up to that time?

A.—There were no expenses.

Q.—Then your father had to give you a balance of \$610.43?

A.—Yes.

Q.—In a lump?

A.—Yes.

Q.—With his own check?

A.—It was his check yes.

Q.—Signed D. B. Rochester?

A.—Yes.

Q.—It was on his account with the Government?

A.—It was his check, yes.

Q.—Was there anything on the check to show it was a Government check?

A.—No.

Q.—It was just D. B. Rochester's personal check?

A.—Yes.

Q.—He paid you the \$610.43 balance?

A.—Yes.

HON. MR. MILLS: Was that the same method he paid the other men too?

A.—Yes.

Q.—Has your brother L. R. Rochester had more experience that you have had? Have you had as much experience as he has had?

A.—I don't know. He would be able to tell you better.

Q.—Don't you know your brother pretty well?

A.—Yes.

Q.—Does he live at home?

A.—Yes.

Q.—And don't you know his movements pretty well during the summer?

A.—Yes.

Q.—And do you mean to tell us you don't know whether he has had any more experience in the bush than you have had?

Objection was taken to the form of this question but Mr. Ferguson repeated his question.

HON. MR. FERGUSON: Have you had as much experience as your brother L. R. Rochester?

A.—Yes, I think perhaps I have.

Q.—Then tell me, why was he paid \$200 a month and you only \$175.00?

A.—I had nothing at all to do with what they were paid.

MR. WATSON: Do you know what experience your brother has had?

A.—No, not—no.

Q.—Then how can you compare your experience with his?

A.—Just the summers he has been away. I don't think he has had any more.

HON. MR. FERGUSON: You have lived together all your lives at home?

A.—Yes.

Q.—And you know one another's pursuits and hobbies, comings and goings?

A.—Yes.

Q.—And you would know where he was going and what he was going to do?

A.—Yes.

HON. MR. DOHERTY: How many times have you spent out in the bush with your brother?

A.—I was never out with my brother.

Q.—Then how would you know his experience if you were not out in the bush with him?

A.—For that matter I don't know.

Q.—You were not culling in the bush with him and you don't know whether he was experienced or not?

HON. MR. FERGUSON: Would you know whether the jobs he had during the summer were bush jobs or not?

A.—Yes.

Q.—And you would know how long he was away?

A.—Yes.

Q.—And from that knowledge of yours you say that he has had no more experience that you have had?

A.—Yes.

MR. McCRAE: He was not out with you when your father was using you on the different cruises, your brother was not along?

A.—No.

Q.—As a matter of fact, you have been out more with your father than your brother has?

A.—Yes, I think perhaps I have.

Q.—And you are the most experienced man of the family as far as going out with your father is concerned?

A.—I would not say that.

Q.—Who has had more?

A.—My brother B. C. has been out with him several times.

Q.—Does he know most about the timber business as far as the Rochester boys are concerned?

A.—I cannot say that he knows the most.

Q.—HON. MR. FERGUSON: Did you make out any memorandum or account of any kind in connection with wages or time?

A.—No.

Q.—Who kept track of your time, yourself?

A.—No.

Q.—You hadn't any timekeeper on the job?

A.—No.

Q.—You don't know who kept track of the time?

A.—No.

Q.—When the account was made up you accepted it?

A.—I came there on a certain date and I left on a certain date and I was there every day in between.

Q.—Who presented the account to you?

A.—I don't remember.

Q.—Did you sign or certify to anything?

A.—Yes.

Q.—Before whom?

A.—I don't remember.

Q.—Somebody presented something to you in the way of an account and you certified it was correct?

A.—Yes.

Q.—Who would that be turned into?

A.—My father.

Q.—So that your time was kept track of by your father?

A.—No, by whoever was making up the books. I think my brother looked after the money. I do not know how the men's time was kept. I had nothing to do with that whatever.

HON. MR. FERGUSON: Is that your signature?

A.—W. L., yes.

Q.—That is a receipt for \$57.55 for railway fare berth and expenses Ottawa to Fort Frances, dated June 17, 1920. That appears to be the only receipt or document you signed, according to these accounts. That is the only one here. Are you quite sure you signed anything other than that?

A.—I think I signed a receipt for wages at the end.

Q.—That would be to your father?

A.—Yes.

MR. McCRAE: Did you see any of these departmental papers showing the time per day in connection with this work, on the job?

A.—I say that I didn't have anything to do with that.

Q.—Did you see this?

A.—I think I saw that.

Q.—Did you see any sheets of that sort kept in the bush while this work was going on?

A.—If it comes down to that I cannot say I did.

MR. TOLMIE: Did I understand you to say that you checked up your account to say it was right?

A.—Yes I went over it.

Q.—Then you must have known how much you were getting. When you started you knew then?

A.—No.

MR. McCRAE: Your father made a bargain for you and you had nothing to say about it?

A.—He paid me what I was entitled to.

Q.—You don't know how the amount was arrived at? You had nothing to show how long you were on the work yourself?

A.—No.

HON. MR. BOWMAN: You have nothing to show any more than the time you were in?

A.—No. I want to say this, the lowest wages being paid there was \$150 per month. I was working on the books, and men received that who were working as helpers. I started at seven and worked to five. I was working on the books and I had to check off their cards, and I was working from eight to nine o'clock every night, and besides that I was working on Sundays and all other days. After I left they put on a bookkeeper at \$200 a month, and his work had to be checked over. I think my work went to the auditors and they found it was correct. They said they didn't need to go over it any.

HON. MR. FERGUSON: How many cullers did you keep a check on?

A.—I think eight or nine.

Q.—When did you do the measuring?

A.—That was a week or two before I took over the books.

Q.—Your estimating was a week or two in the early stages.

A.—Yes.

Q.—You didn't work in the bush after that?

A.—No.

Q.—Your work became that of bookkeeper?

A.—Yes.

Q.—Did you know Doorley? Did you work with him?

A.—No.

Q.—Do you know anything about his experience in the bush?

A.—No, I do not.

MR. WATSON: Did your father ever check up any of your work as a culler or anybody else's work?

A.—The foreman was going around all the time.

Q.—Who was he?

A.—O'Brien.

Q.—He was an experienced man?

A.—Yes.

Q.—Did he check up the work of the cullers?

A.—Yes. He was going around all the time to see if anything was missed. We marked every stump and anyone going around afterward could see what was taken and what was not. He would go around and see what was taken.

Q.—He would go around and see what they were doing?

A.—Yes.

HON. MR. FERGUSON: What you tell us is that you found a stump and measured that, and then looked around to find where the top was?

A.—Yes. You could tell where the tree was, you could tell by the way it was cut where it was falling.

Q.—You measured from the stump to the top, and made an estimate on that basis?

A.—Yes.

Q.—And that is the report that went into the Government in connection with measurements?

A.—Yes.

The witness was then excused.

L. B. Rochester called and sworn.

MR. McCRAE: Where do you live Mr. Rochester?

A.—In Ottawa.

Q.—Are you the L. B. Rochester mentioned in the Public Accounts as having drawn \$511.45?

A.—Yes Sir.

Q.—\$433.30 and travelling expenses of \$68.15?

A.—Yes.

Q.—You are down there for that money for giving your services as a culler. Are you a culler?

A.—No Sir, I am not, that is a mistake.

Q.—You were working under your father on the Shevlin-Clarke Limits?

A.—Yes.

Q.—He appointed you when?

A.—I was out on a mining trip at the time in the West, and I had been in correspondence with him, and he said if I was not engaged, if I had not got a position up there, there was a position open for me, with the party going up to investigate these limits.

Q.—And you were to come down if there was nothing doing in the West?

A.—Yes.

Q.—And when you got that word to come down and went on, it was at how much per month?

A.—I was to get \$200 per month while I was on the work there.

Q.—\$200 was the price you were to get?

A.—Yes.

Q.—And expenses?

A.—Yes, although when I was engaged, I do not think there was any mention of price made at all.

Q.—Was this \$200 per month and travelling expenses fixed before you went on the work, or fixed after the work was over?

A.—No stipulation was made as to the amount of money I was getting.

Q.—How much money did you draw before you left the work?

A.—That I cannot say. The account is in there.

Q.—You got this when the job was over?

A.—Yes, if I remember right, I got that when the job was over.

Q.—And did you pay for board?

A.—That was furnished. You see there was a party, and we had a cook and brought supplies there.

Q.—So your wages of \$200 per month were over and above expenses?

A.—Yes.

MR. BOWMAN: Were you working for the Timber Commission or Mr. Rowell at this time?

A.—That I understood was for the Timber Commission.

Q.—Under whom?

A.—Mr. Harding?

HON. MR. FERGUSON: Were you under Mr. Harding?

A.—I understood so, Mr. Harding was the lawyer in charge.

MR. McCRAE: It was Mr. Harding who directed this arrangement in 1920?

A.—Yes, he was the lawyer in Toronto. At least he undertook the case for the Timber Commission in Fort Frances.

Q.—He was the man you understood was giving instructions as to what was to be done?

A.—Yes.

Q.—What is your occupation?

A.—Mining Engineer.

Q.—When did you graduate?

A.—I graduated from McGill in 1921.

Q.—What is your age?

A.—Twenty-nine.

Q.—You are not a culler?

A.—No.

Q.—Had you ever done butt and top measurement before this Shevlin-Clarke case?

A.—I never did.

Q.—And that was the work you were doing in there this summer?

A.—No.

Q.—What work were you doing, what was your job?

A.—I worked as a culler for about three days, and my brother was on for a week as a culler. He was measuring butts and tops. That was on the Rat Portage limits, comprising part of the limits of the Shelvin-Clarke limits, and it had no bearing at all on the case which came up.

Q.—What work did you do after you had done three days culling?

A.—I was helping with the computing of the results as they came in, and we found it necessary to survey a berth up there. The map we had was not in sufficient detail.

Q.—You had charge of that work?

A.—Yes, there were two of us, my brother and I, who were surveyors.

Q.—Are you an Ontario Land Surveyor?

A.—No, but that is part of our training.

Q.—You are in the same position as a man who has passed a medical examination at the University, and still has to take his Council before being admitted to practice?

A.—Something along that line.

HON. MR. FERGUSON: How long were you surveying?

A.—Ten days.

Q.—And three days culling? What were you doing the rest of the time?

A.—I was helping with the books.

Q.—You were assisting your brother who was just in the box?

A.—We were both working on them.

Q.—So there were two bookkeepers?

A.—Yes.

Q.—Did you work as long hours as he did?

A.—Yes. Our work was not confined to any hours at all. You had the work to do when the men came in at night. It was necessary to enter the results on their cards in the book for reference, as the cards might be lost.



Sometimes we would not get through before half past eight. That was not confined to the week, it was on Sunday too.

Q.—There were eight men working?

A.—Eight parties.

Q.—You did the checking up for eight parties?

A.—Yes.

Q.—And the daily cards kept you busy all day and up to eight or nine at night?

A.—Yes. When you take into consideration the fact that there are probably ninety thousand trees in that vicinity. That means ninety thousand measurements, and as each tree had to be computed separately, it gives you an idea of the amount of work.

Q.—Was your work computing or merely transferring the cards to the books?

A.—Transferring and computing.

Q.—After the work was done in the bush by the men?

A.—Yes.

Q.—After the work was done and allowance made for the defects and all that sort of thing, to preserve it you transferred it into the books?

A.—Yes.

Q.—And that was your job?

A.—Yes.

Q.—And the rest of the time, except the thirteen days you spoke of you were doing that work?

A.—Yes.

Q.—What became of the original records, the cards brought in by the men?

A.—I think Mr. McMillan has those at present, either Mr. McMillan or Harding. They can be got at any time.

Q.—Then this is the scale that Mr. Harbinson said was so badly mixed up he could not make head or tail of it?

A.—I do not know whether it was or not.

Q.—That came out in evidence, they put Harbinson in the box to give evidence, and his statement was that this scale which cost \$34,000 was practically valueless?

A.—I do not know anything about that.

Q.—This is the scale he was referring to. This was the only scale made?

A.—Yes.

MR. WATSON: Do you absolutely know it was?

A.—No I don't, but it was the only scale going on.

MR. McCRAE: You are satisfied in your own mind that this is the case it had reference to?

A.—Yes.

Q.—You do not make any profession of being an expert cruiser or culler in the woods?

A.—No, but I have had a certain amount of experience.

Q.—You have been out with your brother at different times?

A.—No, this is the first time I have been out with him.

HON. MR. DOHERTY: Did you have any work to do in connection with

this case that you considered you were too inexperienced to do, or that with more experience you would have done better or more efficiently?

A.—No.

Q.—You did not do any work but what you were perfectly competent to do?

A.—Yes.

Q.—It was a matter of average common sense?

A.—Yes.

Q.—And engineering training?

A.—Yes.

MR. WATSON: You do not consider a culler's job requires many years' training?

A.—I do to a certain extent. He has to know his job all right.

HON. MR. FERGUSON: You think this job of culling didn't require any experience?

A.—Yes I did.

MR. McCRAE: Did you have that experience?

A.—I did not do any culling, I had nothing to do with that at all, it was merely the computing.

HON. MR. DOHERTY: And that was Engineers' work, mathematical work?

A.—Yes.

MR. McCRAE: You worked three days at it?

A.—Yes, but it had no bearing on the case at all.

HON. MR. FERGUSON: Why did you quit?

A.—Because on a job like that, you are finding out something all the time. You found out that everything you did is open to question, so that subsequent to that time, qualified cullers were in charge of our party.

Q.—Why did you quit in August?

A.—I had to go back to College.

Q.—Your brother went on till September?

A.—Yes.

MR. McCRAE: Do you know Knechtel?

A.—Yes I know him.

Q.—He is a student at Queen's?

A.—Yes.

Q.—Was he out counting stumps?

A.—Yes he was an assistant.

Q.—To whom?

A.—I don't just recollect, to a culler.

HON. MR. FERGUSON: You can't remember who Knechtel was with, and yet you were checking the tally over every night?

A.—Yes.

Q.—You can't tell who he was out with?

A.—No.

Q.—Do you know who you were out with?

A.—Yes.

Q.—Who?

A.—Bob O'Brien.

Q.—He was in charge and you were assistant?

MR. McCRAE: Did you see any of these sheets of the Department of Lands on the job while you were there?

A.—No I do not think I did. It was not hard keeping a man's time. He came up at a certain date, and was working to the time he left, and his time was easy to compute.

Q.—Will you look at this time sheet sent in to the Government for all this money, and tell me whether on that, there is any man's time marked down as he worked?

A.—I can point to one man's time. I arrived on the first of June, my time started on the first of June, and ended on the 5th of August I think it was.

Q.—Show me where it is, where the time sheet is marked?

A.—Just the time of starting and the time of finishing.

Q.—These sheets produced and sent into the Crown are certified to and dated at Ottawa the 14th day of April 1921. That is where they were made out as far as you know?

A.—I do not know anything about that part of it at all. I had left long before that.

HON. MR. FERGUSON: They appear to have been made out at Ottawa in April 1921?

A.—Yes.

MR. JOHNSTON (Simcoe): Were you engaged as a culler?

A.—No.

MR. FERGUSON: Then why did they put you at culling?

A.—I was there only three days.

MR. McCRAE: Do you know why you were represented to the Government and to the Department as a culler?

A.—I do not know unless it was due to the fact that I was getting the same, \$200 a month.

HON. MR. FERGUSON: When you were engaged, what were you engaged to do?

A.—I was just told that a position was open for me.

Q.—Your father told the different members of the family that there was a job open to you all?

A.—No he didn't.

Q.—At any rate, he got you all together?

A.—Yes.

Q.—You were to be fitted in to some job when you got there?

A.—No not exactly, if we had not been qualified to carry on there, we would not have held the position.

HON. MR. SMITH: Your father wanted somebody who was competent?

A.—Yes.

MR. JOHNSTON: From your knowledge of this kind of work, is it customary to employ assistants such as you.

A.—Yes it is.

MR. MAGEAU: Did I understand you to say you were assisting a culler?

A.—No I was not.

MR. WATSON: Was any of your work as a culler checked up by any one?

A.—Yes it has been.

Q.—By whom?

A.—It is on the cards, which can be got. It was checked up by some one.

Q.—By your father?

A.—Yes.

MR. McCRAE: How was it checked? Was the work of culling checked, or were the figures you arrived at checked?

MR. WATSON: Did any one ever go into the bush and go over your work, and say that is right?

A.—I do not think they did, but I was with O'Brien, and he is an old timber man.

Q.—You were with him?

A.—Yes.

Q.—And you checked your figures together?

A.—Yes.

MR. McCRAE: Did you check your figures together. Isn't this the way it was done? You probably measured the top and he measured the butt, and he yelled an observation to you and you put it down. That is the first operation?

A.—Yes.

Q.—What the chairman means, did any one go over the work and see that has been done, the actual figures on the work?

A.—The figures were gone over by Mr. Harbinson.

Q.—Did somebody go over and re-measure the trees and do the work you had done to see if it was done correctly?

A.—No I don't think so.

MR. WATSON: Working together as you and O'Brien did, could you with your inexperience get very far astray?

A.—No.

The witness was then excused.

B. C. Rochester called and sworn.

MR. McCRAE: You were B.C. Rochester, who drew \$1,090 according to the Public Accounts?

A.—Yes.

Q.—Where do you live?

A.—Ottawa.

Q.—What is your occupation?

A.—I am going to McGill at the present time.

Q.—What year do you graduate?

A.—I graduate in 1923.

Q.—You are going through for what?

A.—An electrical engineer.

Q.—You have been a student all your life, except whatever work you were doing in the summer periods?

A.—Well I was overseas three years.

Q.—But apart from that?

A.—Yes.

Q.—You were working on the Shevlin Clarke Limits in 1920 with your brothers?

A.—Yes.

Q.—Under the supervision of your father?

A.—Yes.

Q.—Are you a qualified culler?

A.—No.

Q.—You have never done culling before 1920?

A.—I have never done any culling at all.

Q.—Do you know how it is your name appears in the Public Accounts of the Province as being paid \$200 per month for services as a culler?

A.—No.

Q.—You had nothing to do with making representations of that sort?

A.—No.

Q.—You went to work about the 28th of May?

A.—Yes.

Q.—What work did you do, Mr. Rochester?

A.—When I first went up. I was out helping one of the cullers as a helper, and then I was with my brother on survey work, and after that, I was working on the books and making out reports. I made up all the reports that went to Mr. Harding and the Timber Commission.

Q.—Which of you three brothers is the one who had the responsibility of making out the reports? Was it you?

A.—I made out the detailed reports put before the Timber Commission at Fort Frances.

Q.—Where did you get that information?

A.—It came out of the books kept in the woods.

Q.—By whom?

A.—They were kept by Lloyd and myself.

Q.—And the final analysis was made by you and supplied by the Timber Commission?

MR. FERGUSON: You mean by you and your two brothers?

A.—You couldn't work steadily on the books all the time. We used to take a day off and go out in the bush as helpers. It was too much of a good thing to sit in the tent all the time in the heat. We would take a day off during the week and go out and help.

Q.—Did you work on Sundays?

A.—We did.

Q.—What will your uncle say about that?

A.—We haven't told him about it.

Q.—Who kept the time of the men?

A.—I believe my brother kept the time, That is L. B.

Q.—He has told us he had never seen any of these Departmental time sheets in there. Did you ever see those?

A.—Yes.

Q.—Take a look at them, and tell us whether they were made up as the work went on or were written up after the work was over.

A.—I cannot say, I do not know.

MR. MAGEAU: I supposed you kept the time?

A.—There wasn't much time to keep. You went up at a certain time, and you came back at a certain time. Rainy days or not, everybody gets paid whether they work or not.

MR. McCRAE: Was the time kept in a regular time book?

A.—Yes.

Q.—Did you ever see the time book?

A.—Yes.

Q.—I thought your brother said there was no regular time book?

A.—There was a book that said B. C. came up on May 8th, and was there until such and such a day. If you got any money during the time, if any money was advanced it was entered in the book and when a man went away, it was checked up, and his time from such and such a day calculated and the amount he had been given was deducted.

Q.—There was no regular daily time book, you just kept an account? You had no regular time book and entered the time from day to day?

A.—No. There was a diary kept to show the money advanced but as far as I know, no time was kept from day to day.

MR. HILL: Have you been out in a logging camp?

A.—No, but I have been in the woods.

Q.—Do you know the duties of a shanty clerk?

A.—No.

Q.—Your duty was the filling in the forms as the returns were brought to you?

A.—Yes, and computing the results.

Q.—Taking it off the cards the men brought in?

A.—Yes, I did not do any culling.

Q.—You would be doing just what the clerk in the shanty does?

A.—I do not know what a shanty clerk does.

MR. McCRAE: Who fixed the rate of wages, Mr. Rochester?

A.—It was the Dad. He said "It depends on what work you do."

Q.—When did you know you were getting \$200 a month?

A.—After I started as surveyor and making out these reports?

Q.—He told you he would give you \$200 a month?

A.—Yes.

Q.—And settled with you with his own check the same as your brother?

A.—Yes.

MR. FERGUSON: Have you any more brothers than the two?

A.—No, that is all.

The witness was then excused.

Mr. James Haverson, K.C., called and sworn.

Examined by Mr. Lennox.

Q.—Mr. Haverson, you are a barrister and solicitor practising in the city of Toronto?

A.—Yes Sir.

Q.—Do you know a firm by the name of the United Shippers?

A.—I do.

Q.—And they carry on business where?

A.—Winnipeg and Rainy River.

Q.—What is their business?

A.—In Winnipeg they were Government vendors of liquor under the Manitoba Temperance Act.

Q.—What was your connection with that firm?

A.—Well, they were vendors in Manitoba, and when the Manitoba people changed their system to the same as we did and the Government went into the business, they had a large quantity of liquor there which the Government did not buy. They shipped it down to Ontario, to Rainy River, in two cars. Some time in the early part of July or the latter part of June. When it got down to Rainy River, Ontario Government officials seized the two cars, and took proceedings under the Ontario Temperance Act to confiscate the liquor. The case was tried before Police Magistrate Hollins and the prosecution was dismissed. Thereupon, it became the duty, I think anybody will conceive, under the Ontario Temperance Act, to hand back the liquor to the people they took it from. They did not do that, and proceedings were taken by the United Shippers to compel its delivery, and an appeal was taken by the Provincial authorities to reverse the judgment of the Police Magistrate. I entered into some negotiations with the authorities here.

MR. FERGUSON: Who were they?

A.—The License Board.

Q.—Who did you see?

A.—Mr. Hales and others, I saw, and they came to the conclusion that it was not wise to go any further with the Appeal, and they arranged to have it withdrawn.

MR. LENNOX: That is the Department did?

A.—Yes. The case however came on before that telegram came to the authorities, to the prosecutor at Rainy River. The judge was there, and everybody was ready to proceed when this telegram was shown and the appeal was taken by the Provincial authorities to reverse the judgment of the Police Magistrate.

Q.—What was the result of the appeal?

A.—It was dismissed, and the liquor ordered to be returned to these people, but it was not.

Q.—Where did the appeal come up. At Osgoode Hall?

A.—No. It came up at Fort Frances.

Q.—Before the District Judge?

A.—Yes. Then there was an action brought in the meantime, because that the United Shippers took the attitude that when a prosecution was dismissed the liquor should be returned, and they took that attitude and an action was brought against the Government.

Q.—Against whom?

A.—The constables and the authorities that had seized it. That was compromised by the action being dismissed and by the payment of costs and all the liquor being sent back. Well it took a long time after that to get it back. There was something like \$800 odd paid for demurrage and police

protection and freight running it up and down between Fort Frances and Rainy River.

Q.—Paid by whom?

A.—By the Department, and they paid the costs.

Q.—Amounting to what?

A.—Four hundred dollars.

Q.—So that was between twelve and thirteen hundred dollars in all?

A.—No, about nine hundred. Then ultimately the liquor was delivered by the Department out from the car and checked out into a warehouse.

Q.—Where.

A.—In Rainy River.

Q.—Into whose custody?

A.—The United Shippers. Then they got possession of the liquor and went on disposing of it, and they continued until some time in the end of November, when it was again seized, this time in the warehouse of the United Shippers.

Q.—Is this the warehouse it was put in at the request of the Government?

A.—Not at their request, at the Shippers' request. They checked it out. They had seized a large quantity of liquor and naturally as they wanted to use the stuff they had seized, it had gone back again. I am not saying the Department was in any way responsible for where the liquor went, but the liquor was put into the warehouse. They went on and sold quite a large portion of it, and then as I said, in the end of November, it was seized again, this same liquor.

Q.—Seized by whom?

A.—By the Provincial authorities. A similar seizure had been made in Windsor of liquor owned by a concern called the Essex Export Co. but the difference between that seizure and this was that whereas in the Essex case one single bottle was seized. In the United Shippers' case, there was over fifty thousand dollars of it seized. It didn't make any difference in the Essex case if it was never tried, but it made a great deal of difference to the United Shippers, because the liquor and all their business was tied up. I started then some negotiations with Mr. Hales.

Q.—Chairman of the License Board?

A.—Yes. And he admitted frankly enough that it didn't seem exactly right to seize one bottle of one concern and hold fifty thousand dollars of another. Well then, these negotiations were not very satisfactory, and the local Solicitor of the United Shippers people come down here.

Q.—Who was he?

A.—A man called Green of Winnipeg. He came down here and he and I together had an interview with Mr. Hales towards releasing the liquor and trying the question afterwards if they liked, but we could not make any headway, the Green went back to Winnipeg, arriving there on Christmas day, without having achieved anything, for which he was sorry, and I said I was. Well that remained then during the Christmas holidays. Nothing could be done. Then on the 3rd of January, Mr. Hales rang me up by telephone, and he said to me that he would be disposed, if we would



take this liquor to British Columbia in one consignment to drop the whole matter, and I thought here is a happy issue of all our difficulties, and I telegraphed Green to that effect, and on the same day I wrote him a letter, and this letter is exactly the position of affairs on the 3rd of January. This is the letter I wrote.

My dear Green:

I am sorry that I was unable to make very much progress during the holidays, but it seemed impossible to get in touch with anybody. However, this morning I had a conversation with Hales and he authorized me to send the wire which I sent you this morning.

He is disposed to allow the liquor to be released on condition that it is sent at once to British Columbia, and the business discontinued. Of course there is no way now to continue that business as you are aware on anything but an illegal basis, and you have assured me that your clients have no wish to conduct such a business.

Hales still persists that part of the liquor comes back here, and I suppose will continue to think so to the end. Neither you nor I can make him think otherwise and I do not know the source of his information. I think a very great deal of responsibility attaches to advising what should be done under the circumstances.

I think I would be disposed to agree to this proposition. There is always a risk of litigation and it does not seem to me that we will get at the end of this litigation in a hurry. I do not know the situation as well as you do and must therefore leave the matter with you. The same proposition of course would govern in the Kenora case, which I assume you control. Do you?

I expect an answer to my wire long before this reaches you and I do not know that this letter adds very much to the wire, but give the matter your consideration, and I will carry out whatever you say to the best of my ability."

Q.—Where did the trial take place, the Magistrate's trial? .

A.—The Magistrate's trial didn't take place until long after that letter was written.

Q.—Did Mr. Hales tell you to ship to British Columbia? Did I understand you to say that he suggested or said "Why not ship to British Columbia?"

A.— Yes.

Q.—He said that?

A.—Yes, and I don't think he disputes that.

Q.—I understood him to say the other day that he didn't.

A.—No that is not fair to Mr. Hales, because that is not true. The answer to that letter was this, that they had had difficulty in getting their people together, and that Mr. Frankfurter, the President of the Company would come down to see me, and meet me at the King Edward Hotel on the following Sunday night. I went down to the King Edward that night and had dinner and discussed this situation, and the next day we came up and saw Mr. Hales. Now that was the first time that anybody from the North had discussed the proposition with Mr. Hales or anybody else. He came up, and we had a long conversation and the British Columbia proposition was

threshed out in every way. Mr. Hales tells me, that at the same time it was mentioned that it might be sent to Quebec. Well, all I can say is that if any such thing was said, I have no recollection of it, but it would not have made any difference. There was only one place in my mind, and that was British Columbia, and what I wanted was to get rid of the stuff.

Q.—What about the States? Was that suggested?

A.—Why that was where we wanted it sent.

Q.—Wouldn't they let it go there?

A.—No, that was the trouble, and for reasons I could never understand and do not understand now, Mr. Raney once put it to me that his every view point on life is different from mine, which I believe is true, and I think that is the trouble now. And Mr. Hales adopts the same viewpoint as Mr. Raney, and that is that the liquor should not be sent to the United States, and I think it should, and I had Chief Justice Meredith agree with me in a written judgment, when he said that we should do as St. Patrick did with the snakes, and send it out of the country. The reason given was this, and I think I have seen it publicly stated by both Mr. Hales and Mr. Raney, that they had given some sort of pledge from somebody that they would do what they could to stop the export of liquor to the United States, in which I have no doubt there are people who would agree with them. I do not. And so there was no use in talking about the States. It had to be Quebec or British Columbia, and I said, "Why debauch British Columbia to save the Yankees and I have never yet got an answer to that from anybody, either from Mr. Raney or Mr. Hales, or anybody else.

MR. RANEY: Would you think the idea was that in both Quebec and British Columbia that liquor could be sold legally, and the idea was to dispose of the liquor to the Government of British Columbia or the Government of Quebec?

A.—Now you have the idea exactly.

MR. WALKER: Then why did you speak of it as debauching?

A.—That all depends on a man's view point. I do not care whether you debauch people or not. I let people look after themselves. I am not my brother's keeper, never was and never will be.

Q.—Is that what liquor usually does?

A.—I do not know. I do not use liquor at all and never have. Anyway, that was the proposition and it failed. Then the prosecution went on and it was dismissed and still the liquor was kept. There was an appeal by the authorities and that was dismissed, and still they have the liquor, notwithstanding that the Statutes say it shall be returned.

MR. LENNOX: Is the liquor still in their possession?

A.—Yes.

MR. McCRAE: Haven't you got the liquor yet?

A.—No.

Q.—Is it still under their protection?

A.—Yes.

Q.—At their expense?

A.—I suppose so.

Q.—And in every court the Company has succeeded.

A.—Yes.

Q.—Why don't they give it up?

A.—Ask Mr. Raney and he will tell you, I don't know.

MR. FERGUSON: Did you ever ask him?

A.—Yes.

Q.—What did he say?

A.—“We are going to appeal.”

MR. LENNOX: Appeal again?

A.—Yes.

Q.—Have you the evidence taken in that case?

A.—I do not care about using that evidence unless compelled. When this thing was exploited in the House, I thought “I am getting myself in a serious position. People will say, what is the use of asking Haverson to do anything for them, the first thing you know it is brought up in the House.” As a matter of fact, on the files of the Department, you will find all of that evidence. All this was given in proceedings before the Magistrate, after it had occurred, and all before I had said a word to you about it.

Q.—Let me have a copy of that evidence if you have it.

A.—All there is in this is the mere fact that a proposition had been made and declined.

Q.—Turn to that part of the evidence that refers to the proposition. This evidence you say is on file with the Department?

A.—Yes.

Q.—What page is it?

A.—On page 32 of this evidence.

Q.—I am reading from the evidence. “Did you receive some proposition from Mr. Hales in reference to the liquor that is under seizure now in this action?”

A.—Yes I did.”

MR. LENNOX: Who is giving evidence.

A.—That is Mr. Frankfurter.

Q.—Who is he?

A.—The president of the Company.

Q.—And the trial took place before whom?

A.—Before Magistrate Hollands at Fort Frances.

Q.—I see the trial took place on the 3rd of February of this year. Who represented the Crown?

A.—Mr. Murray of Toronto was there for the Crown.

Q.—And the defense?

A.—The defense was represented by Mr. Green and a local solicitor.

HON. MR. RANEY: I am not raising an objection, but this isn't evidence. If this man's story is to be taken before the Committee, he should be here.

MR. LENNOX: I wanted to save time. You can bring him here if you want to.

MR. RANEY: I don't want to bring him here.

MR. LENNOX: This is from Mr. Frankfurter's evidence. He is asked “Did you receive some proposition from Mr. Hales in reference to the liquor that is under seizure now in this action. A.—Yes I did. Q.—And as a result of the proposition did you go to Toronto? A.—Our solicitor down here did.

Q.—Mr. Haverson? A.—No. Mr. George.” Now coming down here to page 37 of the evidence given by Mr. Frankfurter.

HON. MR. FERGUSON: Is this something said to him by Mr. George?

MR. LENNOX: No by Hales. (Reading) “What was Hales proposition. Mr. Frankfurter. He offered that I ship all these goods to British Columbia and he would drop all prosecutions against us and any others that were intended. Q.—And when you offered to export them to the United States?

A.—He absolutely refused to allow it. He said he had given his word, and so had Mr. Raney, and he certainly was going to by some means or other, stop the export to United States.”

MR. HAVERSON: Now then I think that is all I know about it. Of course I did say, what is the good of sending it to British Columbia. It can be shipped to United States, I suppose from there.

Q.—That is page 37 read from?

A.—Yes.

Q.—That refers to whom?

A.—That is a conversation between Hales and Frankfurter. I may say that evidence was objected to, and I do not think it should have been used.

MR. LENNOX: It is under oath, anyway. (Reading) “And when you offered to export them to United States? A.—He absolutely refused to allow it. He said he had given his word, and so had Mr. Raney and he certainly was going to by some means or other stop the export to United States.” You heard those words?

A.—Yes.

Q.—(Reading) “And he was to release these goods that are under seizure in this case? A.—All was to be released, everything was to be dropped, if we would ship any place else but the United States. Q.—And before you had gone down there, had Mr. Haverson your counsel wired you this proposition? Q.—Mr. Hales confirmed that? A.—Yes, and also Mr. Brennan of the Attorney General’s Department.”

A.—That is what I didn’t like, bringing up into it, casual conversation.

Q.—Did you ever have any conversation with Mr. Raney with respect to this particular matter.

A.—I do not remember any, I don’t think so.

Q.—Do you know whether Mr. Raney was in touch with Mr. Hales while the negotiations were going on.

HON. MR. RANEY: Certainly I was, I take full responsibility for it.

MR. LENNOX: I saw in the newspaper some interview you gave where you had a talk with the Attorney-General, who said you had had your chance.

A.—That was later, and that he had nothing to do with it.

Q.—Did you have that interview. Was that with the Attorney General?

A.—That was long after.

Q.—Did he say that?

A.—Yes he said that, I was trying to open negotiations again and I failed.

Q.—This is after the British Columbia suggestion?

A.—Yes. Long after.

Q.—What did he mean when he said you had had your chance?

A.—The Department offered if we would take it out to British Columbia they would release it, and we turned that down. You can say that was not my work in turning it down, for I was favourable, and something was said that we were not going to hold out salvation forever, and the door was shut.

MR. FERGUSON: Was the reference to British Columbia, that you had your chance to ship it there and you refused?

A.—Yes.

MR. HALL: Why didn't you send it to British Columbia if it was legal to send it?

A.—I will tell you why. The reason they didn't accept the offer to ship it to British Columbia, was because it would have taken a lot of money to send it there, and when they got it there it was not worth as much money as where it was. It was purely commercial.

Q.—It was not the legal phase of it?

A.—No, No.

HON. MR. RANEY: There are two Provinces of Canada to which this liquor could have been legally shipped Quebec and British Columbia.

A.—Yes.

Q.—I suppose nobody would have suggested sending it to Quebec?

A.—I never heard of Quebec. Mr. Hales said it was mentioned but I have no recollection of it.

Q.—And the other possible place to which it could be shipped legally would be the United States?

A.—Yes.

Q.—I suppose as a matter of fact that was the business your clients were doing?

A.—Yes.

MR. FERGUSON: The price is better in the United States?

MR. RANEY: Their sales were either in the United States, or to persons in Ontario, if there were sales in Ontario, as the Department suspected there were?

A.—Yes I don't think there was any doubt about that.

HON. MR. RANEY: Mr. Hales' statement is to this effect, speaking of this interview "I asked them since there was uncertainty in law as to which party would succeed in the case, whether under the circumstances they would be willing if proceedings were ended to ship the liquor out of Ontario to some place where it could be lawfully sent to."

A.—Substituting that lawfully sent, British Columbia, it is exactly right from my recollection.

MR. RANEY: (Quoting) "A discussion took place about sending it to different places."

A.—I have no recollection of that. If Mr. Hales hadn't said Quebec was mentioned I would have said, absolutely that Quebec was never mentioned.

Q.—You might not pay any attention to it, because you would know that no business would send it to Quebec as a commercial proposition?

A.—Before Mr. Frankfurter and I had this conference with Mr. Hales,

I had had it alone, and it was at Mr. Hales' instance that I sent that telegram.

Q.—At any rate, you don't remember Quebec being mentioned?

A.—No.

Q.—It might have been?

A.—Anything might have been.

Q.—(Quoting) "I absolutely decline to give any consent to the sending of the liquor to any place other than one to which it could lawfully be sent."

A.—That is true.

Q.—(Quoting) "At a later time, Mr. Haverson read me a copy of a telegram he was sending."

A.—That is true.

Q.—(Quoting) "I never assumed any responsibility whatever for selecting the province or country to which they should send their liquor. I never departed in any way from the expressed stipulation that there should be no violation of the law of the province or country to which the liquor would be sent." Mr. Hales did not care where you sent it, so long as you could send it to a place to which you could legally send it?

A.—No, not quite.

Q.—You are not suggesting that he was particularly interested in sending it to British Columbia?

A.—I am.

Q.—What was his interest in sending it to British Columbia?

A.—Because the only other place I had in mind or that he had either was the United States, and the objection to the United States was that when it got to the States we were dealing in contraband goods.

Q.—You could send it and were actually sending this liquor to the United States?

A.—And had been.

Q.—No doubt about that?

A.—No.

Q.—And he would not agree to its being sent there?

A.—No.

Q.—Then as a commercial proposition the only other place open was British Columbia?

A.—That is right.

Q.—In the discussion which took place between you British Columbia would be the place to which it would go if it went out of the Province?

A.—Yes.

HON. MR. FERGUSON: And if anyone was being debauched it would be British Columbia that would be debauched?

A.—Yes.

HON. MR. RANEY: Then Mr. Hales proceeds "Mr. Haverson spoke to me by telephone, and I believe he agrees with this statement of the case." He read that statement to you over the telephone?

A.—No. He gave me the substance of it however.

Q.—Mr. Hales goes on "It may be that during the course of our negotiations, I suggested that if they had no better way for disposing of their

liquor, the dispensaries might take it over at a fair valuation." Do you recall that?

A.—No, that may very well have been a conversation with Mr. Frankfurter, because I was not concerned about that.

Q.—There is very little difference between you?

A.—There is very little difference between myself and Mr. Hales. I can see little.

Q.—British Columbia was the only place to which you could ship commercially if you were not permitted to ship it to the United States?

A.—Yes.

Q.—Now I want to ask you a particular question. I am quoting from Mr. Lennox's address in the House, when he was addressing the House in his late famous speech which "covered him with glory," as the *Mail and Empire* said:

"Will you believe me when I tell you that the Attorney-General offered to give up that liquor to the men who owned it, if they would not take it into the States but would let them have it if they would debauch the citizens of British Columbia." "Is that true?"

A.—If he means—

Q.—Answer my question.

A.—It is not quite correct. Nobody is going to attribute to you or Hales the debauching of any Province.

Q.—I wish to know about the "debauching."

A.—That is my own, pure and simple.

Q.—You put that into Mr. Lennox's head—at any rate you used the word to him?

A.—Yes.

MR. LENNOX: Explain how you used it.

HON. MR. RANEY: Let me read this again, and I would like a straight answer whether it is true or not. "Will you believe me when I tell you that the Attorney-General offered to give up that liquor to the men who owned it, if they would not take it into the United States but would let them have it if they would debauch the citizens of British Columbia." Had I ever said a word about it?

A.—You did not. You had nothing to say on it. Nor do I think I used your name, but I am not going to be sure about that.—Let me put that clearly; I do not think I used your name at all because it was not with you I had the conversation, it was with Mr. Hales; but I have found myself more than once using your name when I should have used Hales'. But I do not think I used your name. I never intended to use your name because I never discussed the question with you.

Q.—This gentleman pledged himself to resign if this statement were not true.

MR. LENNOX: If any statement I made is not true.

MR. RANEY: (Quoting). "Will you believe me when I tell you that the Attorney-General offered to give up that liquor to the men who owned it if they would not take it into the United States, would let them have it if they would debauch the citizens of British Columbia." Is that true?

A.—No.

Q.—You understood from the attitude of the Department that it was not friendly to this export house business?

A.—Understood? I knew it.

Q.—And from your experience you have no hesitation in saying they were doing the best they could to prevent the carrying on of this business in the Province of Ontario?

A.—More. I suppose I have no right to ask you a question; but I never yet could understand why the Attorney-General or anybody else should make it his business to see whether liquor went to the United States or not.

MR. RANEY: We won't argue that.

A.—I am not arguing, I am only making a statement.

HON. MR. RANEY: In order that there may be no question about what Mr. Lennox said I will read from the *Mail and Empire* report of his address. "Will you believe me when I tell you that the Attorney-General offered to give up that liquor to the men who owned it if they would not take it into the United States, would let them have it if they would debauch the citizens of British Columbia." It is word for word the same. Is that true?

A.—It is not true. I do not know what Mr. Lennox says but I do not think I ever said it. You hadn't anything to say about it. You never discussed this question with me at all.

Q.—(Reading). "The York Member declared that he realized his responsibility for his statement, and if he could not prove it in the Public Accounts Committee that that offer was made by Mr. Raney or through his Department, he was not worthy to be a member of the House and would not be a member." Now we have got down, one step further, if Mr. Haverson, the statement I read had placed Mr. Hales name instead of mine, if the statement had read thus: "Will you believe me when I tell you that Mr. Hales offered to give up that liquor to the men who owned it if they would not take it into United States, would let them have it if they would debauch the citizens of British Columbia." Would that statement be true?

A.—It would not. Remember there are a number of statements there where I say it was not, I mean that last one about debauching. You never said that and I repeated that a dozen times.

Q.—And Mr. Hales never said that?

A.—No, Hales never said it.

Q.—The point is this. These people offered to take it out of the Province of Ontario to some place to which it could legally be taken and you both regarded British Columbia as the only place commercially possible?

A.—I said, "why debauch British Columbia," that is my own language.

HON. MR. FERGUSON: Did you mean that if liquor would debauch people in Ontario it would have the same effect in British Columbia?

A.—You can say that, Mr. Ferguson. Mr. Raney and Mr. Hales both think that to use liquor that way is to debauch people and I was using their idea. What do I care whether you debauch them or not.

Q.—When you were talking to Mr. Hales you knew you were talking to the Attorney-General's Department?

A.—I thought I was.



Q.—You knew Mr. Hales was the chief officer under the Attorney General?

A.—Oh yes.

Q.—So you were dealing with the Attorney General through his official?

A.—In that way.

Q.—You could not deal in any other way with the department?

A.—No, not without going over his head.

Q.—Another question or two; in the conversation you had with the Attorney General subsequently when he said you had your chance, did he mean by that that you had had an opportunity once of getting rid of litigation and shipping this liquor to British Columbia?

A.—Yes.

Q.—In other words he had acquiesced in that, according to his own statement?

A.—I haven't any doubt of that.

HON. MR. RANEY: Of course not, I accept the entire responsibility.

HON. MR. FERGUSON: The Attorney General had personal knowledge at that time and had acquiesced, because he said to you, that you had had your chance.

A.—Why, Hales told me he did. Mr. Raney doesn't deny it.

Q.—Mr. Hales told you he had discussed it with Mr. Raney?

A.—Yes.

Q.—So Mr. Raney knew?

A.—Yes.

Q.—And you knew he knew?

A.—Yes.

HON. MR. FERGUSON: I think in there the Attorney General offered to resign too.

HON. MR. RANEY: This is the question with which Mr. Lennox closed this matter, the final instalment of his speech. Addressing me he said, "Were you right when you stood up on the floor of the House, when you accused me of lying when to you I said you were willing or your department was willing to release \$40,000 worth of liquor seized at Rainy River." You notice the difference between that and the charge? He welched on the statement.

MR. LENNOX: We will see how the people welch on you.

HON. MR. RANEY: Here is the charge: "Will you believe me when I tell you that the Attorney General offered to give up that liquor to the men who owned it if they would not take it into the United States, would let them have it if they would debauch the citizens of British Columbia?"

A.—That is a mistake at the end.

Q.—When he comes to the end of his speech after that had been denied, when he knew it was false, this is the way he puts it: "Were you right when you stood up on the floor of the House, when you accused me of lying when to you I said that you were willing or your Department was willing to release \$40,000 worth of liquor seized at Rainy River?" There was nothing there about debauching, and besides he puts in the word "Department?"

MR. LENNOX: Now, Mr. Haverson, let me read this to you again; this is from the paper: "Will you believe me when I tell you that the Attorney General offered to give up that liquor to the men who owned it if they would not take it into the United States." Is that true?

A.—Substitute "Hales" for "Attorney General" and it is true.

Q.—Let me read it to you again; would this be correct? "Will you believe me when I tell you that the Attorney General or someone in his Department offered to give up that liquor to the men who owned it if they would not take it into the United States?"

A.—That would be true.

Q.—Absolutely?

A.—Yes.

Q.—(quoting) "Would let them have it if they would debauch the citizens of British Columbia." What is there in that sentence that is not true?

A.—If that sentence gives the idea that Mr. Hales was offering to debauch the citizens of British Columbia, it is not true. If it is that I used the phrase, it is true. It is a difference between my using it and Hales using it. Of course Hales doesn't say that kind of thing.

Q.—Then is this correct, outside of the use of the word debauch, is that statement true or untrue?

A.—It is true when you take that out.

Q.—Now then, when you said in that unqualified way of yours when Mr. Raney read that statement to you that it wasn't true, what did you mean?

A.—I meant to say what I had said in the earlier part of my evidence that he proposed that this stuff should be taken to British Columbia, and that this shipment would be released. That is true.

Q.—You don't understand the question. Mr. Raney read you this statement and you said it wasn't true. In what respect isn't it true?

A.—It isn't true that Mr. Raney said anything. If you substitute for Raney's name, Hales name, that is true, and take out that debauching of British Columbia, which is my language, it would be true.

Q.—Would it be true if it read this way? This was given to Mr. Raney in writing at the conclusion of my speech. "Were you right when you stood up on the floor of this House and accused me of lying, when to you I said that you were willing or your Department was willing to release the \$40,000 of liquor seized at Rainy River?"

A.—That is all right.

Q.—Is that true?

A.—I think so.

Q.—Is there any correction to be made in that?

MR. RANEY: (interrupting) Do you know anything about that, whether I accused him of lying or not?

A.—No.

MR. LENNOX: Will you just read that yourself?

A.—All I have to say about that statement is that there is nothing here about sending it anywhere. There is no condition attached to this at all.

Q.—Is the statement correct?

A.—No it is not correct, for this reason. They were not willing, and

the best proof of it is that they didn't do it. Neither was the department willing to release the \$40,000 worth of liquor seized at Rainy River.

Q.—Unless it should go to British Columbia?

A.—Yes.

Q.—And would not then go to the United States?

A.—No manner of doubt about it.

Q.—Mr. Raney stated in the House that there was no foundation whatever for the statement I made with respect to British Columbia. Is that true or untrue?

A.—I thought there was foundation for it. The best answer I can give is that if what I have said is no foundation for his statement, then he is right, but if it is a foundation for his statement, then he is wrong, and I am not pretending to judge.

HON. MR. RANEY: You saw what I stated in the House, and my denial about British Columbia. Quote what I have said.

MR. LENNOX: I am conducting this examination. Mr. Haverson has read in the paper that Mr. Raney stood up in the House and said there was not the slightest foundation at all for the statement I had made with the reference to the shipping of liquor to British Columbia. Is that correct?

MR. RANEY: The only fair way to deal with this matter is to take your own newspaper report of what happened.

MR. LENNOX: You are not conducting this investigation.

MR. RANEY: You are not going to state facts that are not true.

MR. LENNOX: (Quoting) "Now I will take you on for a minute more. You have made a statement that what I have said is absolutely false. "Absolutely false," repeated Mr. Raney. "Will you in the presence of this House say that you did not make that offer to Mr. Haverson?" "Certainly I will." "Will you say that it was not made through your department?" Mr. Raney appeared to hesitate a moment, and then said "I have not the least doubt it was not."

MR. RANEY: That is all true.

MR. LENNOX: (Quoting) "The York Member declared that he realized the responsibility of his statement, and if he could not prove it in the Public Accounts Committee that that offer was made by Mr. Raney, or through his department, he was not worthy to be a member of the House and would not be a member." And further down "Will you in the presence of this House say that you did not make that offer to Mr. Haverson?" "Certainly I will." "Will you say it was not made through your department?" Mr. Raney appeared to hesitate a moment and then said "I have not the least doubt it was not." Now let me read you just before that. I am quoted as saying "You have made a statement that what I have said in this house was absolutely false" and Mr. Raney says "Absolutely false." Now Mr. Haverson, was the statement absolutely false, if it was made that this liquor was to be released—

HON. MR. RANEY: (Interrupting) You are not reading the statement from the report.

MR. LENNOX: Don't get excited. Was the statement absolutely false that any offer was made to send the liquor to British Columbia?

HON. MR. RANEY: That is not the statement at all.

MR. LENNOX: That is only a part. There was an offer made to this company to take this out of the Province. (Quoting) "Will you believe me when I tell you that the Attorney General offered to give up that liquor to the men who owned it if they would not take it into the United States." Is that true?

A.—Partially, but that is not the whole statement.

Q.—Let us take it by degrees.

A.—Taking it by degrees that is true. If you say the Attorney General it is not true.

Q.—When you speak of the Department, whose name do you usually use?

A.—Hales I think?

Q.—Do you remember what name you used in respect to this?

A.—Hales I think, but I wouldn't be dead sure.

Q.—Then if you substitute the name "Hales" for "Attorney General" so that it will read this way, "Will you believe me when I tell you that Mr. Hales offered to give up that liquor to the men who owned it, if they would not take it into the United States." Is that true?

A.—Not quite.

Q.—Is it true as far as it goes?

A.—Yes.

Q.—(Quoting) "Would let them have it if they would debauch the citizens of British Columbia." Was the word debauch used?

A.—Yes.

Q.—Was it used in conversation with me by you?

A.—Yes.

Q.—What was said with respect to the word debauch?

HON. MR. RANEY: Are you going to deal now with what took place between you and Mr. Haverson with respect to the word debauch?

MR. LENNOX: Is there anything incorrect in that statement putting in Hales' name and leaving out the word debauch, is it correct?

A.—Yes. Mr. Raney says that himself.

Q.—Now let me read you a little further. This is from a newspaper report "Will you in the presence of this House say that you did not make this offer to Mr. Haverson?" "Certainly I will." "Will you say that it was not made through your department?" "Mr. Raney appeared to hesitate for a moment, then said "I have not the least doubt it was not."

Is that statement true that he had not the least doubt?

A.—I have no doubt he had, as far as I am concerned.

MR. FERGUSON: You had a talk with the Attorney General you say subsequently?

A.—Yes.

Q.—He only made the statement a week or so ago. It was before that that he made that statement to you when he said "You had your chance." He understood what the chance was when he made that statement?

A.—Yes.

Q.—He knew his officers were responsible when he made that statement?

A.—I do not think there was any doubt about it.

Q.—And that conversation took place subsequent to the offer to send it to British Columbia?

A.—Yes, long after.

Q.—And Mr. Raney, knowing what had taken place told you “You had had your chance” and that chance was to ship it to British Columbia?

A.—Yes.

MR. LENNOX: And in view of that, is the statement true when Mr. Raney said on the floor of the House, that he knew nothing about it?

HON. MR. RANEY: I never made such a statement. That wasn't the statement.

MR. LENNOX: That certainly was. Is that statement true?

MR. RANEY: There was no such statement.

MR. LENNOX: Bear in mind what you have said. Mr. Raney told you that “You had lost your chance,” that you should have accepted the offer to ship to British Columbia. Listen to this: “Now I will take you on for a minute more. You have made a statement that what I have said in this House is absolutely false,” “Absolutely false.” “Will you in the presence of this House say that you did not make that offer to Mr. Haverson?” “Certainly I will.” “Will you say that it was not made through your department?” “I have not the least doubt it was not.”

Could there be any doubt in his mind in view of what he had said that you had lost your chance to ship it into British Columbia?

A.—Mr. Raney knew that there had been negotiations between myself and Hales. He knew that. If you cut loose this debauch business, then he had a general knowledge, he must have had, because Mr. Hales told me he had. He doesn't say he didn't have it, and having that knowledge, how he can say there was no doubt about it—well, I don't know what he means.

Q.—Could you have said it?

A.—I would not like to have said it.

Q.—Could you have said it in his position and have spoken the truth?

A.—The old question what is true.

Q.—I want you to answer that.

A.—It is a very difficult question to answer.

MR. LENNOX: It is only fair to the witness to let him read the context (Witness reads).

A.—If by “Attorney General” it is meant the Attorney General made that offer personally, he never did. If you mean Mr. Hales, with his knowledge, then he did, but not himself. “If they would take it into the United States, would let them have it if they would debauch the citizens of British Columbia.” That is what creates the trouble.

MR. LENNOX: When he states it is absolutely false without an atom of foundation, is that true?

A.—I have told you the foundation. I have told you the foundation of the story. It was this conversation between myself and Mr. Hales, which nobody repudiates. If Mr. Raney can say that, and say it was without an atom of foundation, I do not know how he justified it. I do not see how I could justify it, but he mixes up this debauching the citizens of British Columbia and gets out of it that way. If he says the Attorney General never made that proposition, I am not going to be Mr. Raney's judge.

MR. LENNOX: Read that again. Does that say Mr. Raney used the word "debauch?" Does it say he used that word, or does it merely say it was to debauch the citizens of British Columbia?

A.—The Attorney General didn't use that language.

Q.—No one says he did?

A.—And I know Mr. Hales didn't.

Q.—But outside of that, everything is correct?

A.—Yes.

MR. TOLMIE: Have you used that language "debauching the citizens of British Columbia" in talking with Mr. Hales?

A.—Yes.

MR. LENNOX: And afterward you repeated it to me?

A.—Yes.

MR. HALL: When you were stating about the Attorney General and he said you had your chance, there was added to it the chance to send it to British Columbia. Did he say "You had your chance to send it to British Columbia?"

A.—I don't know, I can't remember. The remark was made as Mr. Raney was going into the Chamber.

MR. LENNOX: It was with respect to getting the goods released?

A.—Yes.

MR. TOLMIE: You understood the reference was to British Columbia?

A.—Yes.

Q.—That if you shipped it to British Columbia, and accepted that chance, all litigation would end?

A.—Yes.

Q.—And because you did not accept this chance, they are fighting you again to the Court of Appeal?

A.—Yes.

MR. HALL: If it had gone to British Columbia, instead of remaining here, the people of British Columbia would have been debauched according to your idea, instead of Ontario?

A.—No, I don't mean that. I was using the language of temperance men.

MR. LENNOX: I see here on page 33 of the evidence a question "You saw Mr. Hales?" A.—"I spent seven hours with him." Q.—"What did he tell you was the intention of himself and Mr. Raney?" A.—"He told me that Mr. Raney and himself had promised officials in the United States to stop the export of liquor to the United States and he was going to do it." Did you hear that?

A.—Yes, I heard that.

The witness was excused, and the Committee then adjourned.

## PUBLIC ACCOUNTS COMMITTEE.

May 8, 1921.

The Committee met at 10.30 a.m. Mr. Watson in the Chair; R. I. Lea called and sworn. Examined by Mr. Ferguson.

Q.—What is your full name?

A.—Richard L. Lea.

Q.—Where do you reside?

A.—Montreal.

Q.—What is your business?

A.—Consulting Engineer, specializing rather in hydraulic engineering.

Q.—What experience have you had as an engineer, how long?

A.—It is thirty-two years since I graduated from the engineering faculty at McGill. My education was in McGill and Cambridge, England, and I have practised mostly as a consulting engineer.

Q.—What experience have you had on projects of importance or magnitude?

A.—Well in thirty-two years of course, I have had to do as an engineer with a great many projects. In my earlier days, I was occupied more with water works and drainage systems, and my experience along those lines extends considerably over one hundred. Many of course were small towns, some of them in the United States. In latter years, I have had to do with hydraulic and electrical power plants, both as a designing engineer, a consulting engineer, and constructing engineer as well. I am senior member of the firm of R. S. and W. S. Lea, and between 1906 and 1914 up to the war consulting engineer and vice-president of an engineering company, which not only designed works and dams, and foundations and so on, but built them as well, sometimes by contract, but oftener in the same way that the Chippawa job was built.

Q.—You are a consulting engineer as well?

A.—Yes. The principal works in Canada are the waterworks of Montreal, of two or three conduits including a canal, the aqueduct, six miles long with pumping station and filtrating plants, amounting from fourteen to fifteen millions; the main draining system of Vancouver and district, which is a comprehensive scheme for Vancouver and adjoining municipalities to carry out and which is estimated to cost twelve million dollars of which four to five millions have been spent; the new water supply for Winnipeg, a concrete aqueduct, one hundred miles long.

Q.—Is that the Greater Winnipeg system?

A.—Yes, and small works in Edmonton, Medicine Hat, Regina and other places out west, Ottawa—

Q.—In other words you have had a pretty wide experience. I do not want to go into details.

A.—Yes. We built the Bassano dam for the C.P.R. across Bow River, one of the most important works of the kind. We built the Calgary dam and several others. I am also at present consulting engineer for the Hydro Electric Development for the Manitoba Power Company of 170,000 horse

power capacity. That is a bigger capacity than any of the plants at Niagara with the exception of the Chippawa.

Q.—You have had some work to do in connection with the Chippawa power scheme?

A.—Yes.

Q.—When did you first come in to it?

A.—In August 1920.

Q.—At whose invitation?

A.—The immediate invitation of Mr. Acres. I had a telegram from him asking me to go to Niagara Falls.

Q.—He is the engineer in charge?

A.—Yes Sir. He is the hydraulic engineer of the Hydro Commission.

Q.—And in answer to his telegram?

A.—I went to Niagara Falls and he then explained to me what he wished?

Q.—And did you come into contact with any one other than Mr. Acres connected with the Hydro Commission or the Government in any way?

A.—Yes. His assistants, some of his principal assistants.

Q.—Did you have anything to do with the Chairman of the Commission. Did you see him?

A.—No, not at that time.

Q.—As a result of your conference with Mr. Acres, you went over the work, and did you make a report?

A.—I did. He explained to me that Mr. Cooper had been engaged by them to make a report.

Q.—That is Hugh L. Cooper?

A.—Yes, of New York. I was engaged to make a report on certain features of the project, and a report had been made in respect to the working levels of the river at the entrance of the canal. He had differed radically from the ideas of the Commission's engineers in respect to the pool level, as it is called. The work at the entrance of the canal was referred to as the Chippawa pool, and he also differed as to the time of the completion of the work.

Q.—You mean he had extended the time, almost twice what the Hydro engineers estimated it?

A.—Yes, and the cost per horse power of the work, which of course is a significant figure of cost, also the capacity of the canal for carrying water, in view of the pool levels adopted by Mr. Cooper, and also the character of the intake proposed.

Q.—Then you looked into these matters?

A.—Mr. Acres told me, Mr. Stewart and Kerbaugh of New York had been asked to make an estimate of the total cost, though not regarding the cost per horse power, that was not referred to then; and the time of completion. That is to say, they were to examine the proposed working program, the construction program and report on it, approve of it, or modify or alter it, and also the time required for completion, but with regard to the pool levels, which are more or less the determining factor in the capacity of the canal, and the water carrying capacity of the canal itself when finished, and the intake, were subjects that were to be referred to me. I was asked to



make an investigation, get what facts I required and make a report, which I did.

Q.—You made a report to Sir Adam Beck?

A.—Yes. That was in August and about a month later I met Sir Adam Beck for the first time in my life, and discussed matters generally with him, and later he wrote me a letter embodying the questions that I was to answer, and I have it here.

Q.—Now then, on October 26th you made a report?

A.—As a matter of fact, the report itself includes pretty nearly the whole letter from Sir Adam Beck.

Q.—So then you filed a report with the Commission, or sent it up to Sir Adam Beck? It is dated October 26th and this is a copy of that report?

A.—Yes. That copy was brought by me personally at nearly the end of October, about this date. It was modified slightly, but only in phraseology and subject to that it was not released as far as I was concerned until about the first of November.

Q.—Here is what you say in this report, so as to get the matter briefly before the Committee. Your reports begins “On Sept. 14th last,—you were addressing Sir Adam Beck—you wrote asking me to prepare a report for the Commission on the Queenston-Chippawa Development scheme covering the following points:—

(A) A discussion of the water levels previously existing, and now hereafter capable of being maintained on the Chippawa Grass Island Pool, as a basis for establishing the water carrying capacity of the power canal.

(B) A discussion and report on the design of the intake proposed by the engineers of the Commission, having particular reference to the merits, if any, it may have as applied to the special conditions it is designed to meet, and as compared with other types of intake which you might consider are suitable, having due regard to efficiency and capital cost.

(C) An opinion based on your conclusions in regard to the above as to the water carrying capacity of the power canal as now designed.

Q.—So that briefly, the three points you had for consideration were the level of the pool, the design of the intake and the carrying capacity of the canal?

A.—That is right sir.

Q.—Now you deal with them seriatim here?

A.—Yes.

Q.—That is a very important feature of the situation that I think the Committee should know, dealing first with the river level, at the Chippawa Grass Island Pool. Your report says, “The water levels previously existing at the Chippawa Grass Island Pool had been recorded semi daily since 1902.” In other words, an accurate record had been kept over all these years?

A.—Yes.

Q.—(Reading) “The essential facts thereby established are for the period covered by the records, the mean level of the pool was elevation 560.5, the maximum level of the pool was 563.0 and the minimum level of the pool was elevation 558.5.” So that established pretty well the levels over that long term of years?

A.—Yes.

A.—(Reading) “The Standard low Water Level for the Chippawa Grass Island Pool, adopted by the U.S. Lake Survey is El. 559.5. It is true that the pool has temporarily dropped below this level, but such a contingency is somewhat rare, having occurred only thirty-one times during the past eighteen years; and on only eight of these occasions has it fallen below El. 559.0. In advance of Section (C) it may be here stated that the discharging capacities corresponding to these elevations are 15,500 and 15,100 second feet respectively. Moreover, Pool levels below 559.5 are always the result of an unusual combination of natural causes. They are therefore not only of rare occurrence, but are necessarily of short duration, having never lasted longer than twenty-four hours at any one time, and have probably not averaged much over six or eight hours. In other words a pool level of 559.5 or higher can be depended upon for all but about one-tenth of one per cent. of the time.

So far as the regular output of the Power plant is concerned, the result is still more favorable, for the reason that of the total number of times that there is any deficiency in level, only about one-third occur in December and January, when the load is greatest; and even in these months account should be taken of the fact that they may happen during off-peak hours, or on Sundays or other days of light load.

In view of the considerations just referred to, it is my opinion that the dependable capacity of the Power Canal and the Chippawa-Queenston Hydro Electric Power Development, in so far as they depend upon the Niagara River levels, can be very conservatively based on that stage of the river which under present conditions corresponds to El. 559.5 in the Chippawa Grass Island Pool.”

In other words, your conclusion was that that was a fairly dependable operating level?

A.—No. My conclusion there was that that was practically a minimum level of what you have to deal with one hundred per cent. of the time, but a condition which is not attained in any other Hydro-Electric power I know of. When I said “very conservatively” I meant extremely conservative.

Q.—This is absolutely dependable in your view?

A.—It depends on the time. I would like to make this explanation. At that time, the Power Canal was not nearly finished. It was not nearly excavated and practically none of the lining, the concrete lining, intended to facilitate the carrying of the water, was in place, and I had to allow for that fact. I did not know how it was going to be finished, how it might be finished. I knew they had a rush programme ahead of them, and I could not base a statement like that on anything else than on the minimum level, which would allow a very wide margin. What I mean by that was that I think that was about a foot too low.

Q.—(Reading) The diversion of part of the flow of the Niagara River into the Chippawa-Queenston Canal however tends to lower the water level in the Pool, unless compensated for in the river at or below the entrance to the canal. As will presently be referred to under Section (C), the quantity of water it is proposed to divert will be between 15,000 and 16,000 second ft., and even if no special nor incidental compensating works were provided at all, the diversion of this quantity of water would not lower the pool, at

the most, by more than five inches. As a matter of fact, however, the compensating effect of the Canal Intake structures as proposed, and of the adjacent and incidental work connected therewith, will be sufficient to offset any effect the proposed diversion tends to have in the way of lowering the level of the Grass Island Pool."

Q.—I just want to be clear as to just what you mean by that. There are certain works submerged in the River, at the intake that tend to maintain the level by obstructing the rapid flow of the water?

A.—That is partly it. The intake extends seven hundred feet into the River, and restricts the Channel to that extent and this happens to be also in a pretty deep portion of the River, so that the obstruction of the River at that point really corresponds to 30,000 second feet of water, flowing under natural conditions. That would tend, and other works would tend to raise the water, and this restriction of the river to a narrow channel raises the water and so compensates for the four to five inches by which the water would be lowered by the abstraction of fifteen to sixteen thousand second feet.

Q.—You further say "It should further be observed with regard to the permanence of the level of the Pool and the possibility of maintaining it, that if further diversions are permitted in the future, the natural conditions in the bed of the river below the Canal entrance lend themselves very favorably to the convenient and economical construction of whatever remedial works may be found necessary to maintain the present levels or to raise them to some extent if it should prove desirable to do so."

Just explain what you mean by that.

A.—In the first place the total range in levels, determined by the monthly mean levels at that point in the River, is only a little over two feet in the whole period of forty to fifty years, of which records have been taken, so there is no great range in level to control there, and just below the Chippawa intake, as the water approaches the head of the Rapids above the Falls, the River has a natural shoal, and rock almost bare, and that is what I mean by saying that natural conditions lend themselves favorably to the construction of some form of obstructing dam that would easily raise the river one to three feet.

MR. DRURY: What you mean is that you could construct there if necessary what is called a wing dam to hold the water back?

A.—Yes, any obstruction. It doesn't need to be a dam, because there is no necessity for it detaining. A pile of rock, anything of that kind.

MR. FERGUSON: You would retard the flow and increase the head?

A.—Yes. In fact you could double the variation, the natural variation of the River, by simply raising it from one to two feet, which is a mere trifle.

MR. FERGUSON: I propose Mr. Chairman to read largely from this report, because I have read it, and it puts the whole case very concisely, so I think every member of the Committee will be interested. (Reading).

"When therefore, the dependable capacity of the Power Canal is dealt with under Section (C) it will be based on River Elevation of 559.5 at the Chippawa Grass Island Pool."

A.—I call the attention of anybody who examines the report to the fact that I am basing it on a level which was only attained in the period of observa-

tion one-tenth of one per cent. of the time, and over the greater part of the time, these levels were only reached at times when they made no difference to the capacity of the plant. What I mean by saying that it makes no difference in the capacity of the plant is that at certain times the load of the plant is greater, in the winter time especially at the end of the year when it is higher than at any other time of the year. The peak comes about Christmas time, and the peak for the year comes in the latter half of December and the first half of January. So if you take the two months of December and January you will include the time in which any deficit in the level or the supply would probably have an effect on the power capacity of the plant. If it happens in the latter part of February or March or April or through the summer it makes no difference because there is lots of power anyway.

Q.—You have plenty of power then?

A.—The whole load doesn't require the capacity of the plant.

Q.—Now, dealing with section (B), the design and construction of the intake—this is the intake feature you were discussing:

“The design and construction of the necessary works at the entrance to the power canal present no difficulties so far as summer conditions are concerned. In the Winter season, however, the Niagara River at times carries considerable drift ice and frazil against which all power plants in Northern climates require protection.

“In the Chippawa scheme this feature is of more than ordinary importance on account of the great length of the power canal, approximately twelve miles, and the magnitude of the development. The extent to which the ice can be eliminated from the water diverted into the canal will be the measure of the success of the design and construction of the intake works. The problem is not an easy one and it has never been completely solved under similar conditions in connection with the works of the extent proposed in this development. In the absence of successful precedents exhaustive tests have therefore been carried out over a period of two years by Professor Angus of Toronto University under the Commission's engineers all of whom have had many years' experience in connection with the construction and operation of Hydro Electric Development at Niagara Falls.

“These experiments were conducted on a larger scale than any previously attempted in connection with hydraulic work of this kind. A section of the Niagara River channel embracing the entrance to the Welland River and extending for a long distance up and down stream was constructed on a scale of one to twenty.”

Q.—That is, a miniature replica of this canal was actually constructed?

A.—The river and entrance to the canal.

Q.—(Reading) “Experiments were made with different kinds of intakes as a result of which a certain type was evolved which indicated marked superiority over the others as a means of preventing ice from being carried into the canal. A special series of tests of this type were carried out under the general direction of Mr. R. D. Johnston, Consulting Engineer, of New York, who subsequently worked out the design which has finally been adopted.

“Without referring to details with which you are familiar, the canal entrance works as designed may be described as forming two intakes which

are quite separate in their action and which may be operated either independently or in combination. One of these is a surface intake of the so-called fixed or permanent boom type, constructed throughout of concrete and provided with fifteen openings eighteen inches wide and twenty-eight feet deep below the curtain wall, all controlled by gates operated from an upper platform or deck. This structure, including the navigation lock, which is incorporated with it will extend out into the river for a distance of seven hundred feet in a direction slanting down stream. It represents the simplest and best method for the control and admission of water into the power canal except at such times as the ice conditions are troublesome; and since it is of paramount importance to insure continuity in the operation of such a large plant the second intake has been specially designed for ice protection.

"It is entirely submerged and consists of six parallel concrete tubes, one hundred feet on centres and six hundred feet in length which extend out diagonally into the river, in an upstream direction, from the boom type intake referred to above. These tubes will be built on rock which occurs here about sixteen feet from the river bottom. They will be set at such depth that the top of the tubes will be at the same elevation as the original river bed. They are horseshoe shaped in cross-section with an inside diameter of twenty feet for the greater part of their length, terminating in a tapering section at the outer end. They enter the canal through the surface intake and between its openings at which point they are provided with control gates and expanding mouthpieces. For the first hundred feet from the control gate the wall of the tube is continuous, but beyond this and extending to the outer end, there is a longitudinal opening or slot of varying width, located a little below the top and provided with guide vanes to properly direct the entering water. A most important and unique feature is that the tubes and inlets are so designed that the inflow of water will take place at a pre-determined rate per foot of length of tube.

In addition to the excavation necessary to set the tubes at the proper elevation the earth overlying the rock will be removed on the upstream side of each tube. In the case of the tube furthest up this trench will have a width of 100 feet."

You go on to say: "This special form of intake just described will have several advantages over any so far devised for excluding ice from the canal." In other words, this was an entirely new design for this work?

A.—Yes.

Q.—And in your opinion, from this report, it was a decided improvement on anything hitherto devised?

A.—Oh yes.

MR. CURRY: To what extent was it an additional feature?

A.—The main additional feature was this, that all intakes up to this time were what are called surface intakes. That is to say the water flows directly from the surface by an intake and under a curtain into the canal whereas in this case the openings instead of being between the surface of the water and the bottom were lying along the bottom at the same level

as the original bottom so that there was no obstruction to the water entering the intake any more than there had been in the natural flow. The water carrying ice could flow, as far as this work was concerned just as it had before because it was built below the level of the earth bottom originally there so that the openings were as far below the surface as they could be. They were lying on the bottom.

MR. DRURY: That was to be clear of floating ice?

A.—That was to avoid the entrance of floating ice as far as possible. There were slots of varying width, each of the fingers had 500 feet of slots.

MR. DRURY: The slots were facing upstream?

A.—Yes, as a matter of fact I think that is the way they are built. These slots would have two thousand feet of total length.

MR. DRURY: Mr. Lea, this matter is a matter that interests me a great deal. Of course I am not an engineer, merely a layman. This is an entirely new form of intake?

A.—At that time it was.

Q.—Has it been tried anywhere since?

A.—Yes, it is being tried out by the Shawinigan development.

Q.—Has it been tried in operation?

A.—I believe so, yes, in South America.

Q.—I want to know what was the cost of this form of intake?

A.—It is not built yet.

Q.—What is the estimated cost?

A.—The estimated cost is nearly \$3,000,000.

Q.—\$3,500,000 wasn't it?

A.—No, \$3,000,000 I think.

Q.—The advantage was that the ice would flow over the top of these slots and not enter with the water?

A.—The advantage was that the entrance of water would be as free from as much ice as possible.

Q.—Speaking again as a layman I have heard a term I would like explained, what is frazil ice?

A.—It is ice which is formed throughout the body of water under extreme conditions of cold and the motion of the water. That is you may describe it as being formed under conditions when the water is flowing so fast it is difficult for it to form. The water is cold to the freezing point or even a degree below it.

Q.—What is peculiar about it?

A.—It is distributed through the water and as it is slightly lighter than the water it tends to float. Its peculiarity is in the fact that it is composed of small particles distributed through the water and it thickens the water slightly and in very cold weather, colder than probably occurs at Niagara.

MR. DRURY: You don't think then, it is a danger there?

A.—Most of the power plants there are quite able to solve the question of frazil when it gets to the power house. But frazil does cause trouble if care is not taken when the water is coming out of the river into the channel conveying it to the power house. When it gets to the power house they know now pretty well how to take care of it.

Q.—It would cause trouble in the canal?

A.—Yes.

Q.—Now there is one thing more I want to ask you; with the current of the Niagara River I have told there is a certain amount of debris rolling on the bottom, gravel, stones and that sort of thing. Is it a fact that the power companies operating there have had trouble with that sort of thing?

A.—They haven't had any special trouble.

Q.—But these stones and gravel roll down the bottom?

A.—Yes.

Q.—And the power plants have that to deal with?

A.—Yes.

Q.—They have to take that out periodically.

A.—Yes.

Q.—Would these submerged intakes offer any difficulty in taking care of that sort of thing?

A.—They are fourteen feet above the bottom and rolling gravel and boulders could not get into them at all. They are away above the adjoining bottom of the river.

Q.—You told us the tops were level with the bottom?

A.—I said the openings were practically on a level with the original bottom.

Q.—There is an excavation then?

A.—Yes.

Q.—So that rocks and anything rolling down would form a drift in that excavation?

A.—Yes. In this report I say: "In addition to the excavation necessary to set the tubes at the proper elevation the earth overlying the rock will be removed on the upstream side of each tube. In the case of the tube furthest up this trench will have a width of 100 feet."

Q.—So that any matter coming along the bottom would fall into this drift?

A.—Yes, there would be a surface 100 feet wide up and down stream.

Q.—And in time that would fill up?

A.—Yes, in a great many years.

Q.—And have to be dredged out again?

A.—Yes.

Q.—That is the idea of this?

A.—Yes.

MR. HALL: Is there any danger of the soil depositing on the bottom and covering these tubes?

A.—As a matter of fact, there is little soil. It is a clear river. What they were referring to as rolling along, were boulders and small stones.

Q.—Would there not be a danger of all this gathering at the intake and filling it up to the original level?

A.—Yes, but there is no danger that it will fill in less than forty or fifty years perhaps.

Q.—Might it not come sooner?

A.—Oh no, but whatever time it comes, they will simply have to do

what other Companies do, dredge it out, but there is no danger of it getting in the tubes.

MR. FERGUSON: The tube keeps it out of the plant itself and out of the canal.

A.—It cannot get into the tubes.

MR. CURRY: As I understand it, these fingers extend out how far?

A.—They extend six hundred feet.

Q.—They go out parallel to each other?

A.—No they spread a little.

Q.—And they are how much above the bottom?

A.—After the excavation has been taken out on the upstream side, the bottom is fourteen feet lower than that and they are set so that the top of the tubes is level with the original bottom.

MR. WATSON: So that the bottom of the tubes is resting on the bottom and the slot is nearly fourteen feet above where you dredged it out?

A.—You have six of these tubes there just where the present bottom is, and these cover an area of about an acre.

Q.—You have told us the top of the tubes was on a level with the old bottom?

A.—Yes.

Q.—And is the top of the fingers level with the old bottom?

A.—Yes.

Q.—And on the up stream side before the tubes, it is dredged down to fourteen feet below, and also out how many feet in front of the fingers?

A.—Upstream from the fingers one hundred feet.

Q.—And this is dredged down fourteen feet?

A.—Yes, down to the rock.

MR. CURRY: So you have a distance of one hundred feet into which will roll stones and rocks and things of that kind, and the top of the fingers, the top of the intake is on a level with the old original bottom?

A.—Yes.

Q.—And frazil ice will you say float over it?

A.—Yes. The effect of that is that we have three thousand feet of slot or opening to take care of the water. The water is falling into these from all directions. As a matter of fact, it is like a lake with a bottom full of leaks. The pull downwards is almost imperceptible. That is part of the idea, so that the draw will not be sufficient to draw the ice or any other body.

MR. DRURY: The bottom of the river is covered with earth, is it?

A.—It is now.

Q.—What is the character of the earth?

A.—The usual boulders and clay.

Q.—When that dredging is completed for one hundred feet, will this earth not tend to fill it again.

A.—It will have sufficient slope up stream, so that the adjoining earth will not come in.

Q.—Won't the current of the river have a tendency to move that earth? You have a ditch on the bottom of the river. Will that current tend to bring the earth down and fill that ditch?

MR. FERGUSON: Do you mean around the side of it?



MR. DRURY: I mean this. The term we used is earth, earth of all sorts is liable to movement, under the action of water, even clay is, although not so much as sand. Would the movement of water not tend to bring this earth covering in and fill it up?

A.—No Sir, it will be taken out with a proper slope. The St. Lawrence is full of channels of that kind, dredged out by the Works Department.

MR. FERGUSON: They give them a scientific slope that experience has shown won't be subject to erosion or drift?

A.—On the other side of the river a power company has dredged a channel over a mile out at right angles. There is no necessity for limiting that distance to one hundred feet. It is a simple matter of putting in a dredge and keeping it clear.

Q.—You said the Shawinigan was installing a similarly designed intake?

A.—An intake designed on the same principle.

Q.—Where did they get the idea, from this?

A.—Yes.

Q.—And the Shawinigan is about the biggest power concern in Quebec?

A.—Yes, one of them.

Q.—They are making use of the same sort of design?

A.—Yes, they had the same designer.

MR. FERGUSON: I will quote from your report again. (Reading): "Since it is of paramount importance to insure continuity in the operation of such a large plant, the second intake has been specially designed for ice protection.

"It is entirely submerged, and consists of six parallel concrete tubes, 100 feet on centres and 600 feet in length, which extend out diagonally into the river, in an upstream direction, from the boom type intake referred to above. These tubes will be built on rock, which occurs here at about 16 feet below the river bottom. They will be set at such a depth that the top of the tubes will be at the same elevation as the original river bed. They are horseshoe-shaped in cross section, with an inside diameter of about 20 feet for the greater part of their length, terminating in a tapering section at the outer end. They enter the canal through the surface intake and between its openings, at which point they are provided with control gates and expanding mouth-pieces. For the first hundred feet from the control gate the wall of the tube is continuous, but beyond this and extending to the outer end, there is a longitudinal opening or slot of varying width, located a little below the top and provided with guide veins to properly direct the entering water. A most important and unique feature is that the tubes and inlets are so designed that the inflow of water will take place at a pre-determined rate per foot of length of tube."

Q.—It is designed so they can actually regulate the rate per foot that the water shall enter the tubes?

A.—That is it, and that is a feature no intake ever before constructed has.

Q.—And that is a very important thing?

A.—Yes. May I explain that a moment.

Witness then explained the details of the plans to members of the

Committee, including the reasons for the variation in the size of the slots.

MR. FERGUSON: If you had had tubes of uniform size with uniform openings, all the water would come in close to the power plant, and for that reason they had to design it to regulate the inflow and pressure?

A.—Yes, that is one of the best features of this intake, and is the first time in history of engineering that such a tube was ever designed, and that is the reason the Shawinigan people adopted it for the entrance to their big new unit.

MR. WALKER: None of this you say is constructed, and you have yet to find out whether it will work?

A.—No, a model of one to twenty as long as this room was constructed. Not only that but the Shawinigan people who adopted this feature for their plant, had a very large model made of that, and tested at the hydraulic laboratory of the Cramp Shipbuilding people in Philadelphia, which absolutely verified the prediction of the designer. They made a slight variation for the sake of cheapness in part of that when they built it, and one part of these slots carried four per cent. more than it should. The alteration and the slight variation in construction was discovered, and when it was corrected it worked exactly right.

MR. CURRY: Then these slots are not continuous?

A.—Yes, but it is divided by regulating veins. These veins are to support it.

MR. FERGUSON: Now Mr. Lea, just to hurry along a bit, I think you are giving the committee an excellent idea of what this thing is. I think we are hearing to-day some very valuable information.

MR. CURRY: How does the guide vein slope?

A.—Towards the direction the water would naturally flow toward the intake.

MR. FERGUSON: (Reading) In addition to the excavation necessary to set the tubes at the proper elevation, the earth overlying the rock will be removed on the upstream side of each tube. In the case of the tube furthest up this trench will have a width of 100 feet.

The special form of intake just described will have several advantages over any so far devised for excluding ice from the canal. In the first place, on account of its submergence, it is free from one of the principal objections to the boom type of intake, which of necessity forms a surface obstruction against which the floating ice tends to accumulate and be drawn under by the down draft of the inflowing water. In the second place, and for the same reason, the inlets are as far removed as possible from the surface water where most of the ice is carried which is likely to give trouble in connection with the operation of the canal. In the third place, the openings are distributed over such a considerable area of the bottom of the river, that the water will enter the tubes with minimum disturbance of the flowing stream. Moreover it is the only intake yet proposed in which the rate of inflow at every point can be effectively and positively controlled."

That is an important feature in connection with it?

A.—Yes.

MR. McLEOD: Is this the original idea of intake, or a supplementary one?

A.—They made a series of tests of different kinds of intake and this was the one that demonstrated itself to be superior.

Q.—Were the first calculations and estimates based on this intake, or another of a cheaper kind?

A.—The estimates and calculations that were made in 1920 were based on this.

Q.—And the first thing you had to do with it was in 1920.

A.—Yes.

MR. HALL: Was this an original idea taken from the consulting engineers other than the Hydro men?

A.—I think this was the idea the consulting engineers and the Hydro engineers in collaboration produced.

MR. TOLMIE: They evolved it from experiments?

A.—Yes.

MR. DRURY: Did you anticipate that without this form of finger there would be much trouble with ice?

A.—Very likely, because of the fact this power plant is over twelve miles in length, and every precaution possible should be taken to prevent all the ice you can prevent coming in.

Q.—The other intake is the common type of masonry screen boom. It is a masonry boom and the water would get in at a depth of what?

A.—The curtain wall is about nine feet below the surface.

Q.—So there is a space of nine feet below the surface, and ordinary ice floats on the surface, and the idea of the masonry boom is to draw the water under the ice. That was successful in a great many places where ice comes down against it, was it not? For instance such a plant as the Iroquois Falls Plant. That is the type used there, taking it out under the surface?

A.—You mean the water for the Power House?

Q.—Yes.

A.—Yes.

Q.—That was the same type as in other power plants at Niagara? Have they had much trouble with ice there?

A.—Yes, some, but the position of other plants is quite different to what it is here.

Q.—Is it not a fact that this intake work is built out into the river, and the current of the river flows past it?

A.—Yes.

Q.—Flows down stream, continually down stream, so there is a sort of double current, the current into the intake and the current past the intake?

A.—Yes.

Q.—Does that not tend to keep clear of the intake?

A.—Yes, and that is the object of building that kind of an intake at all.

Q.—Has the masonry boom not a good chance of performing the work without the fingers?

A.—No Sir, not a good chance.

Q.—But better than usual wouldn't it? better than a case where there is a dam, better than that?

A.—Oh yes, because there is a difference in taking part of the water out of a stream and diverting it and taking the whole water out of a stream.

MR. FERGUSON: If there was a dam you would have practically still water, but where there is a current it tends to carry the ice away.

MR. DRURY: This is the same principle as where they skim it and divert it with a skimming device. The current flowing past is the same principle.

A.—The skimmer of the intake if built at all takes it over a lip into a cross channel which has a high velocity and when the ice passes over it cannot get back.

Q.—You do not get my idea. I say the action of the current at the intake would act like the skimming device...it would tend to take the ice away?

A.—Yes. The only trouble about the intake is that the velocity is only four feet a second and the velocity down at the other intakes which operate successfully more or less, is fifteen or sixteen to eighteen feet a second. You have a great fall there.

Q.—You mean to say that before this intake the velocity is not sufficient to take it across?

A.—There is almost no flow in the river there. There ought to be a drop in the river to make that effective. In all the cases you have mentioned in which these boom intakes act more or less successfully they are at the power house and I have already said that if the water comes directly to the power house if it troubles them there they can take care of it. There is twelve miles between the power houses and the intakes you are discussing. And it is in that canal that we don't want any interruption because if that stops the whole work stops.

MR. HALL: At what angle does this canal strike the Niagara River?

A.—I don't know, I think about thirty to thirty-five degrees.

Q.—There would not be much come down the river which would pass into that?

A.—All the ice of fifteen thousand second feet would normally be there.

Q.—I asked a question a minute ago, and I am not quite sure about it. It is with regard to the idea of constructing this new system of taking in water. The Commission has been charged with the extra expense of that thing and I want to get to the bottom of it, whether this idea is absolutely necessary and whose idea was it. Was it our own engineers, or the consulting engineers that were put in by the Government to look into the matter, this Mr. Stuart and Kerbaugh, who was it?

A.—It was the idea of the engineers, the Hydro Engineers.

MR. FERGUSON: The original conception was that of the Hydro Engineers?

A.—Absolutely, and developed from these experiments.

Q.—And the estimates that were exceeded were based on putting in that intake?

A.—Yes.

MR. HALL: I would like to know was it an original idea? When you men came on as consulting engineers, did you find this idea worked out by our own engineers?

A.—Yes Sir.

HON. MR. FERGUSON: (Reading) "Usually only the surface intake will

be in service and the loss of head at the entrance to the canal will be of little importance. It is estimated however that when the gates of this intake are closed, and a draft of 15,000 sec. ft. is drawn entirely through the submerged intake, the loss of head will be somewhat less than six inches. This condition will prevail for only a comparatively small proportion of the total time, but in estimating the dependable carrying capacity of the power canal, the loss at the canal entrance has been based on the assumption that only the second intake is in service."

A.—That feature there, that was a matter of extraordinary caution on my part. As a matter of fact it will be rarely indeed when only one intake is in operation, and that loss I have allowed for there will not take place except for a small portion perhaps one per cent. of the time. I figure that if you shut the regular one altogether and make all the water go through these six tubes you would get a loss of not more than six inches as that is the drop in the water flowing into the canal from the river.

MR. FERGUSON: Now then, as to cost.

"The cost of the entire structure will be at least twice that of the ordinary fixed boom type of intake of equal stability and with as effective provision for the requirements of navigation. The total estimate prepared by your engineers is a little less than \$3,000,000. In the initial installation, however, it is intended to build only part of the submerged intake, terminating the tubes about 100 feet from the control gates. This will reduce the estimate for immediate expenditure in connection with the intake of \$2,000,000. When the draft of the power canal increases to such an extent as to require it the second intake will be carried to completion."

"Experience on the St. Lawrence and other rivers in Canada had demonstrated that the difficulties of dealing with ice are much greater in the case of a long canal or headrace than where the supply is directly to the power house. Hence every care should be taken, as has been done here, to ascertain the form of intake which will provide the best possible protection against the entrance of ice under the conditions which exist in the river in the vicinity of the intake; and, as the canal is the sole channel of supply to the entire power plant, the effectiveness of this protection becomes of still greater importance and a relatively high first cost is fully warranted. I am therefore of the opinion that the expenditures involved in the construction of the Chippawa intake as proposed, is justifiable on the grounds just mentioned, in view of the additional security which this particular type of intake will afford against serious troubles from ice entering the canal."

Then you deal with the carrying capacity of the power canal, and that is very brief.

"After having observed the character of the work of lining the rock section and having given due consideration to other points which have an important bearing on the matter, I am of the opinion that conservative values have been adopted by your engineers for the hydraulic co-efficients which are the controlling factors in determining the discharging capacity of the canal. I am therefore in agreement with their estimates in this regard.

"The dependable capacity as far as power is concerned can, as stated previously, be based on a river level at Chippawa of 559.5. With this elevation and assuming a loss of head in the intake of six inches the calculated

capacity of the canal as now designed is about 15,500 second feet. With a river level of 559.0 and a similar intake loss the capacity would be about 400 second feet less."

That would be 15,100 second feet. You go on:

"In view of what has just been stated and of the fact that provision is to be made for keeping the canal open in the reaches of low velocity, where an ice cover may tend at times to form, I am of the opinion that the dependable capacity for power purposes may safely be taken at not less than 15,000 cubic feet per second."

Q.—Then at a later date you made a report?

A.—As I explained in the beginning, at this time the power canal was only partially completed and practically none of the lining was in place. There was enough for a sample but whether the canal would be carried out in as perfect a way as would be necessary to produce this flow or more I had to take a chance, and in making a prediction of the carrying capacity of the canal I had to allow for that. When the concrete section of the canal was finished, the concrete lining section which was the governing part as far as the carrying capacity was concerned I came to Chippawa, and that was on the 6th of December last. The water was going to be let into the canal.

MR. TOLMIE: At whose request did you come back?

A.—The same request as before, Mr. Acres'. I came with Mr. Johnson to make a final inspection of the work.

MR. FERGUSON: That is Mr. R. D. Johnson of New York, one of their consulting engineers?

A.—Yes. We then made a thorough inspection of the canal, noted the quality of the work and the character of the surface of the channel, and the smoothness of the surface, and calculated the carrying capacity of the canal on the basis of actual knowledge instead of calculating on what might be the case or might not as I did in the first place. We estimated that with a pool level of 560.5 the carrying capacity of the canal would be such as would produce 550,000 horsepower in the power house. I should add here that that would require a little over 18,000 second feet, and I had also at that time exact knowledge as to what a given quantity of water would produce in horsepower through the turbines because they were then installed. They were not tested out at that time but we knew what similar turbines on the other side of the river would produce, and whereas my estimate was made for an efficiency of 88 per cent. on the other side of the river they realized 91 per cent. And as a matter of fact since that time the turbines we have been speaking of have been tested and they also realize 91 per cent.

MR. CURRY: What do you mean by the pool level?

A.—That means the portion of the river at the entrance to the canal. It happens to be a slack water stretch and is usually referred to as the Chippawa Grass Island Pool. That is the river at the entrance to the canal outside the intake.

MR. FERGUSON: You went back and made a further report addressed to Sir Adam Beck and dated February 15, 1921?

A.—Yes.

Q.—What did your report cover?

A.—That was at the beginning of February 1921 or five months after the programme of operations recommended by Stuart and Kerbaugh and agreed to by the Hydro engineers had been in operation, and the object of that report was simply to have a look at the work and see how they were getting on.

Q.—To inspect the progress?

A.—Yes.

Q.—And, I suppose, the character and efficiency of the work?

A.—Yes. The findings are stated in the report. The programme of the power house and the forebay and the gate house just above the power house was about up to the schedule, the earth and rock excavation was about fourteen days behind the schedule set and the cost was, in the case of the earth, at that time something over \$700,000 above the estimate for the final cost and the rock was about \$500,000 less at that time.

Q.—I see you have summarized the whole thing?

A.—Yes.

Q.—So that we can get it on the record, the summary of what his conclusions were. I will read it—

MR. HALL: Regarding the forebay; we have heard a good deal about the forebay. Was the forebay finished according to the original design or was it changed in conformity with the consulting engineers' ideas?

A.—No.

Q.—There was no change from the original? There was an original design for the forebay?

A.—There was a design for the forebay at the time I went there to consult with the engineers.

MR. TOLMIE: That was in 1920?

A.—Yes. That design has been adhered to with one exception.

MR. HALL: Can you tell whether or not the original, the first forebay as outlined by the engineers was changed afterwards from the consultation with the other engineers?

A.—I don't think so.

MR. FERGUSON: There was an original design for the canal for 100,000 horsepower at a cost of \$10,500,000, that was away back in 1914? Do you know anything about that?

A.—I suppose that design had been enlarged. It was the same kind of a forebay.

MR. HALL: I have been led to believe from some source that when the consulting engineers were brought on the job, Col. Cooper, yourself and others of the consulting engineers didn't agree with the design, the original design of our own engineers and that they suggested improvements which were adopted and which cost a considerable amount more money than the original design would have?

A.—Not that I know of, what Cooper has said is in his report.

HON. MR. FERGUSON: To some extent it was the Cooper report that brought you to the service of the Commission?

A.—I was told so.

MR. FERGUSON: (Reading).

"The comparisons of actual costs with the estimates of Mr. Cooper show

that the latter exceed in every case the costs obtaining as of January 31, 1921, these differences ranging from \$90,000,000 in the case of the penstocks to \$1,106,000 in the case of the power house rock.

"The net result of the above items is a total cost exceeding the Stuart and Kerbaugh estimates by one per cent.

"In general it may be said that as a result of our observations at this time, there appears to be no doubt that the work will be completed close to the anticipated date, and that the cost will be in substantial agreement with the estimate as submitted by Messrs Stuart and Kerbaugh."

Then Mr. Lea gives these items.

#### POWER HOUSE ROCK.

	Quantity	Cost
1. Estimate of Commission's engineers (a)	251,000 cu. yds.	\$595,000.00
2. Estimate of H. L. Cooper Co.	312,664 " "	1,749,000.00
3. Actual to Jan. 31, 1921 (b)	280.00 " "	643,000.00

(b) This quantity includes about 30,000 yards removed from the site of units 6 to 9 which is not included in the estimate (a) above.

(c) This figure includes items aggregating \$460,000 covering Mr. Cooper's provision for unwatering which has been found unnecessary and for possible faulty foundation conditions which have not materialized."

Then you come to the "power house' substructure concrete."

	Quantity	Cost
1. Estimate of Commission's engineers	14,000 cu. yds.	\$406,000.00
2. Estimate of H. L. Cooper Co.	14,000 " "	553,000.00
3. Actual to Jan. 31, 1921	14,000 " "	378,000.00

#### PENSTOCKS

1. Estimate of Commission's engineers	4,668,000 lbs.	\$653,000.00
2. Estimate of H. L. Cooper Co.	5,536,000 "	716,000.00
3. Actual contract cost		626,000.00

#### CANAL EXCAVATION IN EARTH.

1. Estimate of Commission's engineers	7,877,320 cu. yds.	\$6,110,000.00
2. Estimate H. L. Cooper Co.	7,877,320 " "	7,255,000.00
3. Actual to Jan. 31, 1921	7,877,320 " "	6,837,000.00

#### CANAL EXCAVATION IN ROCK.

1. Estimate of Commission's engineers	2,235,000 cu. yds.	\$6,855,000.00
2. Estimate of H. L. Cooper Co.	2,235,000 " "	6,818,000.00
3. Actual to Jan. 31, 1921	2,235,000 " "	6,339,000.00

And you go on to say that in this there is no salvage and that this item will be a large one,

"It should be borne in mind that in these estimates and costs as well as in the actual figures as determined no inclusion is made for salvage of any kind. This item will be a large one particularly with respect to the disposal of crushed stone, and will materially influence the final costs.

"It will be noted that no detailed comment has been made regarding the three other main items entering into the final cost of the project; namely the intake, the Welland River excavation and the concrete lining of the canal. In respect to the intake and the Welland River it may be said that the work done to date indicates that these portions will be completed within the estimates, the intake dredging having been practically completed at a cost of 8



per cent. less than the engineers' estimates, and the Welland River excavation at a cost of 4 per cent. above the engineers' estimates but with a large proportion of the material still to be removed under favorable operating conditions. The combined total cost of these two pieces of work is  $1\frac{1}{2}$  per cent. below the estimates."

Q.—When you speak of more favorable conditions you mean that the season is changing and that conditions of operation will be more favorable?

A.—Yes.

Q.—You conclude by saying:

"It would be improper in closing this report not to call attention to the record breaking progress which has been made on this work during the last half year period. The canal excavation has advanced at a surprisingly rapid rate, twice as fast as was estimated by a construction expert of wide experience; but this is as nothing when compared to the advance which has been made in the foundations and substructure of the Power station, which is little short of phenomenal when compared to the rate of progress of exactly equivalent work, of which a good many examples are available."

And this is signed by R. D. Johnson and R. S. Lea.

MR. DRURY: What is the date of that report?

MR. FERGUSON: Feb. 15.

WITNESS: That was on conditions at the end of January 1921.

MR. DRURY: At that time, you expected the canal with five units to cost how much?

A.—I did not make any estimate of the cost.

MR. FERGUSON: Your report was as to the design and efficiency, and that phase of it?

A.—Yes.

MR. DRURY: You haven't examined the cost?

A.—I just saw the report at that time.

Q.—And you have not examined the cost since?

A.—No Sir.

Q.—And you are not prepared to express an opinion on the cost?

A.—No Sir.

Q.—All you can speak of is the water flow and the efficiency of the work?

A.—In that first report.

Q.—In the second report did you deal with estimates?

A.—We took the estimates of the Commission's engineers, the estimates as compared to the actual cost for the data to make that table. As to the correctness of the estimates, I did not go into that.

HON. MR. FERGUSON: (Reading) It would be improper in closing this report not to call attention to the record breaking progress which has been made on this work during the past half year period. The canal excavation has advanced at a surprisingly rapid rate, twice as fast as was estimated by a construction expert of wide experience."

That will be Mr. Cooper?

A.—Yes.

Q.—The programme had been twice as rapid as he estimated?

A.—Yes.

Q.—And that report was signed by R. D. Johnson who knew his work, and yourself?

A.—Yes.

Q.—What is Mr. Johnson's standing and experience as an engineer?

A.—He is one of the leading hydraulic engineers in America, or in the world.

Q.—Now subsequently, you made a report dated the 11th of April 1921, a sort of supplementary report?

A.—Yes Sir.

Q.—Supplementary to the joint report presented by you and Mr. Johnson?

A.—Yes.

Q.—And this report was to bring up to date the progress made?

A.—Yes.

Q.—Speaking about the several features of it, about the power house, you say that great progress has been made. "The first two turbine units and accessories each of 55,000 horse power are already in place, and the entire substructure for the first installation of five units is very largely completed."

A.—Yes.

Q.—You say "The greater part of the generator equipment has been delivered and is being installed and the balance is practically ready for shipment. The work on the erection of the superstructure is proceeding smoothly, the permanent crane has been set up and is in use, and the whole work is well in advance of the schedule. The unit costs have continued to diminish, and the showing on this score is therefore still better than that previously reported."

Then as to the Penstocks you say,

"Several of the sections are on the ground; and delivery is proceeding satisfactorily, and in such order as to facilitate in every way the construction of the gatehouse and other related parts of the work. The escarpment excavation is proceeding at the required rate and there is every reason to expect that the penstocks will be completely installed on the scheduled date."

Then as to the gatehouse you say,

"Since the February report, work has been started on the gatehouse, and is well in advance of the schedule and proceeding at the scheduled rate. All of the excavation work has been completed, and nearly half of the forms are erected. Although only about two thousand yards of concrete have been poured out of a total of twenty-five thousand, the costs are already running very close to the estimate."

Then the concrete canal lining,

"This is necessarily the last work to be done on the water-way of the canal, as it must follow the final rock excavation and trimming. Up to the present time, only two of the ten plant units provided have been in operation and they have so far completed a little over twelve per cent. of the entire length. The other plants are being built and assembled, and will be prepared to start work as soon as their allotted sections are ready for them. Under these circumstances it is difficult to make at the present time a very close estimate of the ultimate cost. In the work done to date, the concrete materials have had to be heated, the work protected from frost, and the conditions gen-

erally have been less favorable than will be met with from now on. Nevertheless, both the total quantity of work completed and the rate of progress are already ahead of schedule. Such results at this stage are so promising that in all probability fewer plant units than the ten proposed will be required. They also furnish fair indications that the expectations expressed in the previous report as to time of completion and ultimate cost will be realized."

Then as to excavation,

"When the February report was made nearly half of the total excavation which remained to be done on Sept. 1st, 1920, had been completed and the work was fourteen days behind the schedule time. The output of the two months since then has averaged twenty per cent."—or is it thirty per cent.—"more than had previously been obtained."

A.—As a matter of fact, I think that 20 per cent. is the proper figure.

MR. FERGUSON: (Reading) "And the work is now only nine days behind schedule. The daily output will continue to increase on account of the advent of summer weather and because the big suction dredge has now got fairly to work on the upper earth section, and is working at a capacity which will increase the total schedule excavation output by twenty five-per cent. With the exception of this dredging work the entire earth excavation is now nearly finished. There can no longer be any uncertainty in connection with the earth excavation such as troubles from water and quicksand, and from now on the facilities for loading, hauling away and the disposal of the excavated material will greatly improve.

"Taking all these factors into consideration there is no reason to doubt that the excavation deficit of nine days referred to above will be fully made up before the scheduled date for completion of the work."

Now you speak finally of the Welland River intake,

"The progress made in this portion of the work is not of importance in so far as the schedule is concerned as there is already ample provision for the operation of the first power installation"—

Q.—You mean the first two units?

A.—Yes.

Q.—(reading) "It is proceeding satisfactorily both as to progress and cost and in accordance with the engineers' plans."

"I may briefly state in conclusion that the general conditions on the work and the progress which has been made since the February report are exceedingly satisfactory, and add very materially to the evidence in support of the expectations expressed in that report, viz, that the work will be completed close to the anticipated date of September 1st, 1921, and at a cost in substantial agreement with the estimates of Messrs. Stuart and Kerbaugh and of the Commission's engineers," and that report is signed by you.

Then on December 8th, 1921, you and Mr. Johnson made a further inspection and you reported to Sir Adam Beck. That report reads:

"An inspection of the finished channel of the Queenston-Chippawa Power canal was made on December 7 for the purpose of determining, by observation of the quality of the workmanship, the probable power capacity of the canal.

"Such an estimate had never before been made by us because we believed it could not be conclusive until the degree of smoothness and straightness of the channel had been ascertained and an inspection made of the general quality

of the work actually accomplished. It is gratifying at this time to be able to confirm a capacity which has long been anticipated and hoped for by the Commission's engineers but which could only become possible with the highest quality of finished work and which could not reasonably be definitely stated prior to this time.

"A comparatively slight variation in the smoothness and straightness of the channel could easily cause a change of 50,000 horsepower in capacity and it is pleasing to be able to predict at this time with all reasonable assurance that the continuous output at ordinary water stages in the Niagara River will be 550,000 horsepower or 100,000 horsepower greater than the capacity originally forecasted by the Commission's engineers as a safe basis for estimate.

"We understand that the cost of producing this high quality of workmanship has overrun the estimates to some extent but it should be emphasized that a very slight sacrifice of quality would result in a material loss of power capacity which could not be justified by even considerable saving in money."

"When the elevation of the Chippawa Pool is adjusted according to the report of the International Waterways Commission we believe that an installed capacity of 650,000 horsepower at Queenston will be easily accommodated by the carrying and storage capacities of the canal.

HON. MR. DRURY: What is the last figure?

A.—650,000 horsepower.

MR. FERGUSON: "When the elevation of the Chippawa pool is adjusted according to the report of the International Waterways Commission" he says.

MR. MURDOCK: How many feet per second would that mean?

MR. DRURY: Twenty-one thousand.

A.—Somewhere about that.

MR. MURDOCK: I thought you said eighteen thousand would be the limit of capacity?

A.—The head would be greater, probably three or four feet greater.

MR. FERGUSON: Have you been there since, Mr. Lea?

MR. MURDOCK: I cannot understand how you could raise the head any higher than the Niagara River.

A.—They propose to put in a dam down there and raise the ordinary level to 563.6.

MR. FERGUSON: What you were talking of was that the canal has the capacity to take care of an amount of water that will develop that horsepower.

A.—Yes. Whether the Government put that dam there or not, it is easy to get that increase in power. You can get what pool level you like. If they ever come to need it, they surely will put it there.

MR. DRURY: You mean by that a wing dam?

A.—Yes.

MR. FERGUSON: Is that a matter that is under consideration?

A.—Oh yes, of course.

MR. CURRY: For the purpose of raising the level of Lake Erie?

A.—That is a dam proposed by the Deep Waterways Commission to help regulate Lake Erie. What I say is that circumstances are so favorable to putting a dam there, which will increase the power capacity so much, that it will surely be placed there by the Power people quite irrespective of the regulation of Lake Erie when the time comes that the power is required.

MR. CURRY: Would they have to extend it all the way across?

A.—Not necessarily, but probably it will extend all the way across.

MR. MURDOCK: The pool as it stands to-day, and the head there to-day doesn't fill the canal?

A.—Oh, no.

MR. FERGUSON: It was never anticipated it would with the amount of water available that would run the canal to capacity. In other words, this canal was built with a view to an inevitable change in conditions.

A.—That was practically the reason for adopting the canal rather than a tunnel.

Q.—You speak of eighteen thousand second feet and twenty-one thousand second feet. How do you anticipate that quantity of water is going to be available?

A.—By raising the pool level to that extent.

Q.—What reason have you for thinking that is likely to be done?

MR. DRURY: The idea of your question is under an arrangement between the two nations.

MR. FERGUSON: Why should our engineers build a canal to deliver more water than is available?

A.—Have they done that? It was not put down for sake of being expanded in the future, but it can be done.

MR. MURDOCK: What head do you figure they have at the Power House?

A.—They have a head in the vicinity of three hundred feet, sometimes a little more and sometimes a little less.

Q.—That doesn't fill the forebay.

MR. CURRY: And with twenty-one thousand second feet capacity, the head would be increased at the forebay how much?

A.—Probably about the same amount as the pool level would be raised.

Q.—That would be three feet?

A.—Yes.

MR. FERGUSON: Just one question. I take it from what you have said that even if the water was not actually available at the present time, it was a sound proposition on the part of the engineers to design a canal to take care of as much water as they could to the largest possible capacity?

A.—Yes.

MR. DRURY: Now Mr. Lea, I want to ask you a few questions. I didn't know you were going to be here this morning, and I had little time to prepare, but I have dictated a few questions to guide me. You have been in consultation with the Hydro Engineers in the construction of this canal?

A.—Yes.

Q.—And having been in consultation that way, I take it you familiarized yourself with the plans from the first. Have you?

A.—Yes Sir, to the extent that that was necessary.

Q.—You know then the original plans of the original capacity?

A.—If you refer to the plans when I went on the job, I do.

Q.—Did you not go back of that?

A.—No, I only took the plans on the job, the plans they intended to carry on the work with.

Q.—Can you tell me this, what was the water carrying capacity of the original canal, in capacity per second feet?

A.—I do not know.

Q.—I expected you would have familiarized yourself with all that?

A.—It was not the same canal, it had nothing to do with this.

Q.—What was the canal as designed and contemplated in 1919 when you came in?

A.—I came in in 1920.

Q.—What was the capacity then?

A.—The canal was not built at that time.

Q.—What was the capacity as designed and contemplated? What was the capacity expected?

A.—Well, they expected to get at least 15,000 second feet at an elevation in the river of 558, I believe, and sufficient capacity to produce commercial horsepower of, I believe, 500,000 horsepower.

Q.—15,000 second feet at an elevation of 558 and a 500,000 horsepower development?

A.—That is what I understood.

Q.—What speed would the water have to flow to produce that effect?

A.—The 500,000 horsepower?

Q.—To deliver 15,000 second feet?

A.—That velocity would vary—I am only giving it from memory, from eight to nine to ten to twelve feet per second.

Q.—What capacity was expected in the spring of 1921 when you made your report?

A.—In the fall of 1921.

Q.—I think you said there was 500,000 horsepower expected then?

A.—Yes.

Q.—The capacity then would be what?

A.—About 18,000 second feet.

Q.—And what would be the velocity in the canal?

A.—The velocity in the canal with that flow would be a maximum of about 14 feet a second, or thirteen feet a second, and the minimum very much as it was before, or a little less.

Q.—From eight to fourteen feet per second?

A.—Yes.

Q.—What is the capacity as now expected?

A.—That is it.

Q.—500,000 horsepower?

A.—No, 550,000.

Q.—That is the expected capacity now?

A.—That is just what I have been talking about.

Q.—What about the 650,000?

A.—In what way?

Q.—You mentioned 650,000 horsepower and 21,000 second feet, that is expected as a limit?

A.—That is what the capacity would be if they raised the level three feet at the intake.

Q.—The change from 15,000 to 18,000 second feet, how was that got?

A.—It wasn't got. It was the difference between my estimate before the lining was put in and my estimate after.

Q.—That is what I am asking. When you say it was not got, it was estimated. It was estimated that there has been an increase of three thousand cubic feet per second?

A.—Not quite.

Q.—Very close to it?

A.—Oh, no.

Q.—You have told me that in 1920 it was 15,000 cubic feet per second?

A.—No, you asked me what the expectation of the engineers was, as I understand it. The amount of my estimate was given. It was 15.59 cubic second feet at a pool elevation of 559.5.

Q.—I didn't ask you as to the engineers. I asked what was the capacity as designed and contemplated. I took it it was your opinion you were giving at that date as to the capacity designed and contemplated, and you were asked what was the water capacity. What is your estimate?

A.—What is my estimate of the water capacity? My estimate would be about 16,000 second feet as compared with 18,000 second feet shown in the report of December, 1921.

Q.—Let us go back and start over. I am not asking for the engineers' estimate of the capacity I want your estimate of the capacity. What was the capacity in your opinion, as designed and contemplated in 1920?

A.—Under the conditions comparable with the 18,000 second feet referred to in the report of December 21, it would be 16,000 second feet.

Q.—What do you mean, under the conditions referred to?

A.—I mean this. At that time, as I have explained already I was making an estimate on a structure not yet built and whose qualities I could not therefore be expected to know accurately. I took such measurements as were possible and one was that I took the elevation of the pool at 559.5 in the river, and explained in the report that that could be obtained practically one hundred per cent. of the time. I took that as being the level in the river. I also assumed in getting my figures that of these two intakes only one was going to be employed and the loss of head from that intake would be six inches, so that when I said 559.5 I was really only allowing 559, all for the sake of caution.

Q.—What was your estimate?

A.—My estimate was 16,000 second feet and the horsepower at that time—

Q.—500,000?

A.—I did not give you that, that is the engineers', my estimate would be about 495,000. I want you to be clear that I was not referring to something that you did not ask me before.

Q.—Your estimate was 16,000 cubic feet per second and 495,000 horsepower, that is your estimate?

A.—Yes.

Q.—And the speed would be eight to twelve miles an hour?

A.—No, feet per second.

Q.—In the spring of 1921 you made a report, what was your estimate of the capacity of the canal then?

A.—In the fall of 1921?

Q.—What was your estimate of the capacity of the canal then?

A.—At that time the canal was completed and it was estimated to carry at ordinary levels in the river 18,000 second feet.

Q.—And would develop how many horsepower, in your opinion?

A.—550,000—the 18,000 second feet is in round numbers.

Q.—And what speed would be the flow in the canal?

A.—That speed we referred to as from eight to fourteen feet per second. These are simply memory figures.

Q.—It is only memory in my case too. What are the reasons for this increased capacity and speed. Has the cross section of the canal been increased?

A.—No, it is just the same.

Q.—Has the slope of the canal been increased?

A.—You mean the bottom?

Q.—Yes.

A.—No, it is just the same.

Q.—What then has been the factor that has increased the capacity of the canal?

A.—The quality of the lining which is a governing factor and the fact that the lining is carried a little higher than it was proposed to put it at the time I made my estimate. The water would flow between surfaces of rock on the upper portion.

Q.—That smoothness of surface is vital in producing a greater flow?

A.—Oh yes.

Q.—And in your opinion it increased the flow 3,000 second feet?

A.—No, 2,000—from 16,000 to 18,000.

Q.—I have heard engineers talking about the formula, I think it is called Cutter's formula. This is the formula in which you work out the flow in regard to friction, is it not?

A.—It is one of them.

Q.—In that formula there is a factor called "N" what is "N".

A.—"N" is a factor which is intended to indicate the quality of surfaces.

Q.—The smoothness?

A.—More than smoothness, the character of the surface with regard to whether it is a true plane or a little warped.

Q.—What do you mean by a little warped?

A.—A true plane—take a plate glass, a plate that hasn't a true plane surface will not lie upon a true plane surface. Any warping can easily be done by less rigid specifications and methods of construction.

Q.—I take it that in working out this 18,000 second feet you used the Cutter's formula?

A.—We did, in a way.

Q.—You would have to?

A.—Oh no, there are other formulas.

Q.—But this is the formula that is used?

A.—Not necessarily. It is one of the formulas.

Q.—I want to know what is the value of "N"?

A.—If you use Cutter's formula you have to use a certain value of "N".



The value of "N" used in connection with some engineers' calculations is .014 and the value of "N" if you use Cutter's formula is about .012.

Q.—Let us get on with this. Did you calculate in this 650,000 horsepower that you have spoken of a continuous output of electrical energy or a peak output?

A.—The peak output. That is shown by the foot-note in the report where we said that a capacity of 650,000 could easily be accommodated by the carrying and storage capacities of the canal.

Q.—Where are the storage capacities there?

A.—In the canal itself.

Q.—At the forebay for immediate use isn't it?

A.—Yes.

Q.—How long could the peak be maintained?

A.—That could be maintained probably four or five hours.

Q.—The peak of 650,000 horsepower?

A.—Yes, it would not be 650,000 all the time.

Q.—But a peak of 650,000 could be reasonably maintained for four or five hours?

A.—Yes.

Q.—What would be the effect of that on the forebay, would it affect it at all?

A.—It would lower the forebay probably a couple of feet, I do not remember exactly, but whatever would be necessary to get that storage out.

Q.—And the flow of the canal in the rock section would have to increase how much in velocity?

A.—Perhaps two to three per cent., four to five per cent., probably five to six per cent., just the variation in depth. If you draw it down two feet—the depth there before would be thirty feet and if you drew it down to twenty-eight—it would be about 7 per cent.

Q.—And that would run it up to fifteen or sixteen feet per second?

A.—No, it would run it up one foot more.

Q.—To fourteen or fifteen feet?

A.—Yes.

Q.—Do you know anything about the cost, the total cost of this work?

A.—The total cost?

Q.—Yes, have you looked into the question of cost at all?

A.—No, I have not, I knew what the reports were on the original cost.

Q.—You are not qualified to express an opinion as to the cost?

A.—No.

Q.—Neither as to the estimate given the Government by the Hydro Commission and the Stuart and Kerbaugh estimate a year ago?

A.—No, they went through that themselves, they made it up themselves.

Q.—You know nothing about it?

A.—I do not. That was a matter of weeks of work and I had this other matter to attend to.

Q.—You could not express an opinion at all as to the cost?

A.—Not from actual knowledge.

Q.—You have constructed similar works?

A.—Yes.

Q.—You have constructed them yourself?

A.—Yes.

Q.—You know something about it?

A.—Yes.

Q.—What about the plant used in construction. Is there a percentage which engineers or contractors allow as being a reasonable percentage of cost upon the cost of the whole work?

A.—Oh no, not a fixed percentage.

Q.—There is a range I suppose, isn't there?

A.—It all depends on the quality of the work. For instance take the construction of railways. For the Winnipeg aqueduct 100 miles long they built a railway that cost them a million dollars for a construction railway but that was an unusually high rate in my experience for a construction railway. In this case they had to construct a canal through a deep cut which the borings showed to be wet.

Q.—Have you any conception of the total value of equipment that would be reasonable?

A.—No, that is hard to say.

Q.—Within four or five per cent.?

A.—It would not be fair for me to make that statement.

Q.—You don't know anything about that?

A.—I do not know enough to answer that question.

MR. FERGUSON: I wanted to ask you a question I forgot a moment ago. You had a conference with the other engineers some time in the fall of 1921 wasn't it?

A.—Yes.

Q.—Who were present at that conference?

A.—I attended two or three conferences.

Q.—There was a conference over there and the Prime Minister and some others went over?

MR. DRURY: Mr. Lea remembers the conference, the members of the Hydro Commission were all there, and the Prime Minister and the consulting engineers Stuart and Kerbaugh and one or two others?

MR. DRURY: Your partner, Mr. Johnson was there?

A.—He was there.

MR. FERGUSON: Your partner? Is he your partner?

A.—No, not except in the making of this report.

Q.—What was the purpose of this conference?

A.—Mr. Drury as I understood it had made an inspection of the whole work that day, or perhaps the day previous in order to acquaint himself with it, and as far as I was there my purpose was to explain to him the subject of this report, more or less.

MR. DRURY: To get down to something a little more definite; you remember that night the chief matter of conversation was the report prepared which showed costs very much in excess of what we expected?

A.—Yes Sir.

Q.—That was the chief subject of conversation?

A.—Well, I read my report.

Q.—Your report bore on that as showing that the work of the Commission was up to schedule time?

A.—No, that report was the first one. I didn't report anything about the schedule.

MR. FERGUSON: The report you read was this report dealing with the water level, the design of the intake, and the carrying capacity of the canal?

A.—Yes that was almost at the beginning of my connection with the matter, as it was with the others.

MR. FERGUSON: The object of that was to have a round table conference, so that everybody would understand the situation?

A.—Yes. I suppose so.

Q.—All their engineers were there, Acres and Hogg and the Prime Minister made an inspection, and it was for his information you were all there to make the matter clear for him?

A.—That was the idea.

Q.—Were there reports submitted at the same time by the other engineers, do you know?

A.—I don't know, but I think there must have been, but I went away, I had to leave.

MR. DRURY: Yes, they were, and the unit costs and the fact that the work was proceeding according to schedule were taken up.

A.—You will remember that I had to leave. My part was taken up at the start and I went away.

MR. FERGUSON: You dealt with this phase of the Cooper report, and you reported on these three factors, and your job was to go into these things and make this report, and you made a report and at this conference you read that report?

A.—Yes. Before other business was taken up.

Q.—You don't know the conclusion of that conference?

A.—No.

MR. DEWART: Did Mr. Lea fix the date of that conference?

A.—The 28th of October, I think it was.

MR. FERGUSON: Your report was dated the 26th of October and the conference was two days after apparently.

MR. THOMPSON: How does this work compare in magnitude with other engineering projects you have knowledge of? Is it smaller or larger?

A.—It is by far the greatest in the world, absolutely, three times as great as any other.

MR. FERGUSON: Following that, would you say that an excess of fourteen to fifteen millions in the estimated cost was unusual in a work of that magnitude?

A.—Well, an overrun in cost is not unusual, in any work of magnitude.

Q.—Is that a high percentage?

A.—It is not an extraordinary percentage.

MR. DRURY: Is it a high percentage, taking the work as of February 1921 to the end of 1922. That is not the whole work. We had a fresh estimate and made a new start at fifty-five millions then.

A.—A large part of the work was done after that. As a matter of fact,

the achievement of doing that work is one year, is amazing to me. I hadn't the slightest idea it could be done.

Q.—You said it could be done?

A.—No, I didn't.

Q.—You said it at that conference.

A.—I did not say anything about it at that conference.

Q.—That may be true.

A.—How could I? Of course by that time, I knew Stuart and Kerbaugh had said it could be done, and I had already seen the plant they had, and neither I nor any one else ever before saw such a plant of such capacity. I do not believe that in the engineering experience in the world, any such achievement has ever been performed as that.

MR. DRURY: Of course those are generalities, and very nice, but here is the fact. Mr. Stuart told us in this committee a few days ago that he made an estimate of the cost in the fall of 1920 and that at that time, the haste programme was contemplated, and he made his estimate in view of the haste programme.

A.—I appreciate that.

Q.—At that time, labor was at its height of cost and inefficiency, and conditions improved afterwards.

MR. FERGUSON: He did not say that. He said it was not for three months afterward.

MR. DRURY: He said on the greater part of the work they were improved, and they improved much in the summer of 1921.

A.—Yes, but through that winter they had not improved.

MR. DRURY: Now Mr. Stuart made an estimate of forty-nine millions in the fall of 1920. That estimate had added to it two and a half million dollars for interest and some three and a half millions for extra contingencies to make it safe, making a total estimate submitted to the Government, and by them to the House of fifty-five millions a little over a year ago. Do you consider that in view of the fact that that latest estimate was not an estimate on the whole work from the beginning, but on a work then in progress, the increase of eleven, twelve to fifteen millions is excessive?

A.—Eleven to twelve millions on fifty millions is not unusual under the circumstances, as I understood they were and as I saw it to a great extent, I think it was not.

Q.—Even when the work was in progress?

A.—The estimate was made in progress, but only about one fifth of the job was done, and the main part was still to be done when they made the estimate.

MR. DRURY: You say that when Stuart and Kerbaugh made the estimate only one-fifth or one-sixth of the work was done?

Q.—How much money had been spent on it?

A.—About eleven million dollars. I mean spent in construction. It was reported that the total cost including plant and everything else at the beginning of the schedule was twenty-one millions to twenty millions, and about one-half of that was plant. You will find that in Cooper's report.

MR. DRURY: His report was made before that.

A.—Oh no, it wasn't. What time are you referring to?

MR. DRURY: We will just let that go on the record that only about one-fifth to one-sixth was spent at the time of the Stuart and Kerbaugh estimate was made.

A.—Absolutely, that is what I state.

MR. CURRY: That was what date?

A.—Toward the end of October, 1920. September or October. The schedule began on the first of September, 1920.

Q.—It was regarding the schedule begun on the first of September 1920 that the estimate of fifty-five millions was made. Is that how you understand it?

A.—It was supposed to apply from the first of September, 1920.

Q.—And up to that time, so that there may be no mistake about it, there had been how much work performed?

A.—There had been a total expenditure reported of twenty-two to twenty-three millions in round figures, speaking from memory, but I think it is about right, and I should say that about one-half of that is for plant.

Q.—And it is because of the expenditure made that you are estimating the proportion of the work done? Not by viewing the work itself?

A.—No, what I referred to then was the expenditure.

Q.—And you calculated from the expenditure the percentage of the work done?

A.—Yes. At any rate, what I say is this, the greater part of the difficult part of that work remained to be done.

MR. FERGUSON: That is the uncertainties were ahead?

A.—The rock work nearly all was ahead.

MR. MURDOCK: Mr. Stuart made a statement that he didn't think the haste programme increased the cost of the canal, that it was built at a point of speed that gave a maximum result as far as economy was concerned. Do you consider the haste programme increased the cost of the canal?

MR. FERGUSON: There was the added factor of the extra plant to do the work.

WITNESS: The time for the completion that had been proposed, certainly increased the cost of the job.

MR. MURDOCK: He said it didn't.

MR. CURRY: We have this completed now, irrespective of what it has cost us, and I understand you to say that calculating the head of water at 559.5, which you think will be the average normal elevation of water—

A.—No higher than that.

Q.—What do you say is the normal height of the water?

A.—The normal dependable height of water for power purposes should be taken at 560.5.

Q.—And taking that as the normal height of water and taking the canal as it has been finished, you say that the flow through that canal would be eighteen thousand second feet capacity?

A.—Yes Sir.

Q.—And with that flow you will have developed when the complete instalment is in, of how many thousand horse power?

A.—550,000.

Q.—And you say also that by the building of a dam the normal head of water could be raised what?

Q.—And that would be what?

A.—563.5.

Q.—And as a result of that you will have a flow of twenty-one thousand cubic second feet.

A.—Yes. Sufficient to give a peak horsepower of 650,000.

MR. DRURY: For a five hour period?

A.—That all depends on the load.

MR. CURRY: You say sufficient. When you say sufficient flow of water, you are not now prepared to say twenty-one thousand cubic second feet?

A.—Yes I am, because it has a capacity to supply a flow necessary to produce 650,000 horsepower for a peak period.

Q.—And that would be twenty-one thousand second feet?

A.—Somewhere from twenty-one thousand to twenty-two thousand.

Q.—And as I understand you, the canal is lined at the present time, sufficiently high that this raising of the water three feet will not at all subtract from the natural flow?

A.—If you raise it three feet, I imagine it would be out of the lining a little.

Q.—How much?

A.—Perhaps a foot or two.

Q.—As I understand it, you say that it would supply a peak load of 650,000 horsepower for about four hours. That might be more or less.

A.—That depends on the character of the load. It is different on different days.

Q.—Then for the balance of the twenty-four hours, what could you depend on?

A.—Plenty to carry the load. I am referring to the load which has that peak.

Q.—With a peak load to be supplied, this would supply 650,000 of a peak load, and the peak load required would come down and the canal would then supply all purposes that would be required?

A.—Yes, using a load factor, such as the Niagara load is at present, and is likely to be in future.

Q.—And the 650,000 being the peak, it would hold that peak as you believe for four hours?

A.—For the necessary time.

Q.—So that you could depend on having for the handling of the peak load, 650,000 horsepower.

MR. MURDOCK: What would be the continuous producing power of the canal. When finished what will it produce continuously?

A.—I will try and give you that. I should say it would be within ten to twelve per cent. of that.

MR. CURRY: That would be in the neighborhood of 600,000 horsepower?

A.—Yes.

Q.—And the ordinary length of time the peak is required in your experience, would be how long?

A.—The peak load itself if only required for a very short time, during the peak hours, it may be at the highest point only about ten minutes.

Q.—That peak is reached usually within a period of two hours?

A.—I should think that if you take it over a stretch it could be figured within four hours. The continuous draft at the peak rate, which is more than the canal would have might be really twice as long as that or more.

Q.—It usually extends about two hours?

A.—It is longer than that. In some little plants it is very short, but in the Niagara plant it must be longer than that, because it takes care of such a great variety of loads.

Q.—So you are not able to ascertain what the peak requirement would be? But the peak rate of 650,000 would not last more than two hours?

A.—No.

MR. WATSON: It is a lack of flow that limits your peak of 650,000 from being continuous. You simply run out of water?

A.—We run out of water that would produce 650,000 horsepower.

Q.—You lower the head and cannot maintain that peak load?

A.—No, we draw down storage as all power plants do.

MR. HALL: Taking into consideration the magnitude of works you have had to do with what is your opinion as regards this work being done by contract. Don't you think contractors could have been found to take this work even though it is of such magnitude?

A.—Without a doubt.

Q.—What is your opinion in regard to that. Is it not an established fact that we can get works of this description done much cheaper under contract?

A.—Sometimes that is the case and sometimes not. As a matter of fact one half the big work in the country is carried out as this is.

Q.—You refer to the cost plus system?

A.—Yes.

Q.—There are one or two questions I would like to have made clear. We have heard a good deal about the elevation of the pool, that is above the intake tubes.

A.—That is the river opposite the intake.

Q.—Actually the power is drawn from the elevation of the forebay?

A.—Yes.

Q.—Some people have the idea when you are talking about the pool that you get your power from the pool.

A.—You are getting it there in this respect, that on the water you have in the pool depends not only the head but the quantity of water.

Q.—The height in the pool guarantees the continuity of flow into the forebay but the actual computation must be made from the level of the forebay?

A.—Yes, the computation for head. There are two elements in power. One is the head and the other is the quantity of water and that is determined by the pool elevation. The head at a power plant is limited by the elevation in the pool. But that is only one of the elements.

Q.—The actual horsepower is drawn from the head in the forebay?

A.—No, only partly from the head, and the quantity of water.

Q.—You mean the velocity or push of the water into the forebay assists the power head?

A.—The amount of water that flows down a particular section multiplied by the head gives you power.

Q.—Doesn't it resolve itself after all into the amount of water taken out of the forebay?

A.—Not at all.

Q.—The pool is in the Niagara river and it doesn't matter what happens down at the power house?

A.—The pool is on the Niagara River and the Niagara River flows according to its own ideas and that doesn't change. If you draw on the pool faster than it can come up it won't change the level of the Niagara River.

Q.—After that flow has gone down into the open canal and into the forebay with the exception of what is taken by the penstocks that forebay is dead water isn't it? Except what flows through the penstocks?

A.—The velocity in the forebay varies from fourteen feet where the canal merges into it down to two feet immediately in front of the penstocks. It is flowing all the time if any is going through the penstocks.

MR. MURDOCK: If the water didn't flow down there out of that canal fast enough the power you could develop would immediately decrease?

A.—Yes.

Q.—Do you think with the level in that canal it will?

A.—Oh yes.

Q.—How many feet of fall is there in the twelve miles?

A.—For 18,000 second feet there would be about twelve feet of fall.

Q.—But how many feet of fall in the level of the canal?

A.—I don't know, that has nothing to do with it.

A MEMBER: Seven feet, isn't it?

A.—You would have five feet more over that seven. The bottom of the canal might be level and still it would flow.

MR. TOLMIE: I am an ordinary layman but I want to say this as a member of this committee that I for one appreciate very much what we have heard here this morning. It has been a most enlightening morning for everyone of us. We have learned what we could not have learned in any other way in regard to the character of the inlet and all through the thing has been of great importance to everyone? I am sure we appreciate what Mr. Lea has done in giving us in this clear and simple way which we as untechnical men can understand the character and construction of this work and the possibilities of it.

The Committee then adjourned.



## PUBLIC ACCOUNTS COMMITTEE.

Toronto, May 9, 1922.

The Committee met at 10 a.m., Mr. Watson in the Chair.

H. H. McCutcheon, called and sworn.

Examined by Mr. Lennox.

Q.—Where do you live?

A.—4 Whitby street, Toronto.

Q.—And you have been an employee of the Government for some years?

A.—From time to time, about six or seven years.

Q.—In what capacity?

A.—Up until 1920 or 1921 I was working as a special officer.

Q.—And then, what were your duties?

A.—In 1921 I was put on to investigate—on special duty.

Q.—You have had a lot of trouble during the last couple of years.

A.—A lot of trouble.

Q.—Your troubles seem to have come after the change of Government?

Your record was clear up to that time?

A.—I was never in trouble, only while I was working for the Government.

Q.—Your first trouble occurred in Toronto?

A.—Yes.

Q.—What were you charged with?

A.—There was a charge of juvenile delinquency laid against me.

Q.—That charge was laid in what month of what year?

A.—I forget now, it was in 1920.

Q.—A year ago?

Q.—Were you arrested?

A.—Yes, I was arrested in No. 2 police station.

Q.—What time of night?

A.—About 10.30.

Q.—At the time of your arrest you had in your automobile a woman?

A.—A woman with a young girl.

Q.—A child of fourteen years of age?

A.—Yes.

Q.—Did you have any liquor?

A.—Some liquor we had bought.

Q.—Who had bought the liquor, the woman or you?

A.—I bought the liquor.

Q.—Then you were taken to what station?

A.—No. 2.

Q.—And were bailed out how long after you were taken in?

A.—Mr. Ayearst bailed me out Sunday morning.

Q.—That is the chief inspector?

A.—Yes.

Q.—Then the trial came in the Juvenile Court before Judge Mott?

A.—Yes Sir.

MR. FERGUSON: What were you charged with then, this delinquency?

A.—Yes.

MR. LENNOX: Aiding and abetting the delinquency of a child of fourteen years of age?

A.—Yes.

MR. DEWART: How old was the witness at that time.

A.—Twenty-six.

Q.—You are twenty-six now?

A.—I am twenty-eight now.

MR. LENNOX: And as a result of the trial the charge was dismissed?

A.—No evidence was placed.

Q.—Evidence was taken on behalf of the prosecution but you were not called upon to give evidence?

A.—They ascertained the facts and with Mr. Hughes acting for me they threw the thing out.

Q.—And some time after that while in the employ of the government as an operator you were sent to Guelph.

A.—Yes sir.

Q.—With whom?

A.—There were two men there, Meek of Hamilton and Charles Webb of Toronto.

Q.—You and Meek were there first?

A.—No, Webb and Meek had been there a week.

Q.—And then were you sent up?

A.—Yes.

Q.—Why were you sent up?

A.—It seems they got wise to Webb, that he was not doing as he ought to have done.

Q.—What was the matter?

A.—Meek put in a complaint about him, said he was drinking too much and was not attending to his work.

Q.—What name did Meek go under?

A.—West, I think—no that was Webb. Meek went under the name of Douglas.

Q.—What name did you go under?

A.—Shaw.

Q.—How long were you in Guelph altogether?

A.—Probably a week.

Q.—Let us get these names straight; Webb was under the name of West you were under the name of Shaw and Meek was under the name of Douglas?

A.—Yes.

Q.—And the three of you were known by these names during the time you were representing the Department in Guelph?

A.—It came out in police court that we were under aliases.

Q.—And you were, as a matter of fact?

A.—Yes.

Q.—From whom did you get instructions to use other names?

A.—We never received instructions to use other names. We used our own judgment.

Q.—How long did West remain after you got there?

A.—Two days.

Q.—West, Douglas and other men were drinking in the King Edward hotel.

Q.—What condition was Webb in?

A.—He was drinking heavy at the time.

Q.—Was he able to be up?

A.—He had just got up.

Q.—Where were they drinking, in the bar or in their bedrooms?

A.—In their rooms.

MR. FERGUSON: Where did they get the booze?

A.—They bought it off Rhinehart.

MR. LENNOX: Is that the hotelkeeper of the Commercial hotel?

A.—Yes.

MR. RANEY: When was this?

A.—In 1921.

MR. FERGUSON: Was the hotelkeeper prosecuted?

A.—No.

MR. LENNOX: There was no prosecution of the hotelman. Do you know how many bottles were bought while you were there.

A.—Meek and I bought a bottle off the porter. That was the second information againt that place.

Q.—How many bottles were bought by West or Webb?

A.—About half a dozen.

Q.—And those you drank?

A.—No; drank some of it.

Q.—Did Webb do anything further after you got there?

A.—Nothing. He was supposed to be out of there.

Q.—Why?

A.—Because Rhinehart knew who he was.

Q.—Any other reason?

A.—Mr. Sarvis called up and sent a message to me to send him back.

Q.—Who is Sarvis?

A.—He is the officer in charge of the operators throughout the Province outside of Toronto.

Q.—What reason did Sarvis give you for sending Webb back?

A.—Douglas or Meek phoned to the city to send another man out, that Webb wasn't doing satisfactorily.

Q.—What was unsatisfactory about him?

A.—He was drinking and he was not on the job when he was wanted.

Q.—Then is Webb still with the Department?

A.—I don't know.

Q.—Was he, the last you knew?

A.—Yes.

Q.—Now then, did Webb take any part in endeavoring to enforce the law during the two days he was there with you?

A.—Yes, he went out. I had a car there. He went up to a couple of

places where we secured information necessary to convict and took down notes just the same as if he was there alone.

Q.—There seems to be some dispute as to whether he was giving evidence.

A.—Meek was prepared to give evidence against Reinhart.

Q.—I am speaking of Webb.

A.—They didn't need any. Reinhart had a solicitor there and said he would stand responsible for his porter, and it went around that West did not see the money or the bottle passed, when they were bought from Reinhart, although he had the notes to swear to that.

Q.—Were did he get the notes?

A.—From Meek. Douglas, that is, Meek—bought a bottle from Reinhart, and West copied down Meek's notes, although he was outside at the time. That was the only evidence he had against Reinhart, although it would have been Reinhart's second conviction. Reinhart didn't know this, but Meek told Reinhart, and that was how Meek got \$1,400 from Reinhart, to reveal that fact in court when it came up.

Q.—What you say is that this man Webb wasn't present when the bottle was sold by Reinhart to Douglas?

A.—Douglas says he was drinking in the King Edward Hotel.

MR. RANEY: You say Douglas says a thing. Do you know it?

A.—I arrived there that night and Webb was just getting up.

Q.—But you are telling the Committee now, what Webb told you?

A.—We had several rows about the affair there.

Q.—Who had rows?

A.—Meek, West and I.

MR. LENNOX: Who was with you when you had these rows? Was Webb with you?

A.—Yes.

Q.—So that everything that took place, took place in his presence?

A.—Yes.

Q.—And I understood you to say that Webb, although not present, copied Douglas' notes?

A.—Yes.

Q.—Copied them for what purpose.

A.—To be in line with Douglas.

Q.—Do you mean to go into the box and swear to corroborate the evidence of Douglas?

A.—I suppose that was what it was for.

At this point Mr. Raney took exception to Mr. Lennox's manner of examining, pointing out that he was suggesting answers to the witness.

MR. LENNOX: Then did Webb copy any of your notes?

A.—Yes he did.

Q.—Copied notes in connection with what charge?

A.—I forgot the man's name. It was out of Guelph a piece. Webb simply wanted my notes to write out to send down to the office. Whether he wanted to let Sarvis know he was on the job or not, I can't say, but anyway he got my notes.

Q.—That was while he was in Guelph?

A.—Yes.

Q.—You say you remained there about a week. Where did you stay?

A.—I stayed at Bowles with Douglas.

Q.—Did you eat and sleep there?

A.—It is a rooming house. We ate at the Presto Lunch.

Q.—While you took meals at the Presto Lunch you became acquainted with one of the waitresses?

A.—Two of them.

Q.—They lived where?

A.—At the Bowles apartments.

Q.—The same place you and Douglas were staying?

A.—Yes.

Q.—You got into trouble with one of the waitresses?

A.—I did.

Q.—About the middle of the night you went into her room?

A.—I was in the restaurant. She usually worked until twelve. I was in the restaurant until about 11.05. She came over to me and says "There is a man named Elliot, a Provincial man there, double crossing the Department.

Q.—Who was the Provincial Officer double crossing there?

A.—We were the only men there. He was tipping off every man that was sent there.

Q.—You mean while representing the Department?

A.—Yes.

Q.—Was that known down here?

A.—Not until I arrived there.

MR. RANEY: Then he was tipping people off, so as to double cross the Department?

A.—Yes. This girl, Violet Sears, was Elliott's sweetheart. She told me at 11.05 this night, that he had gone up to Kitchener to tip off a place that we were going to buy a bottle off, because Meek had told everybody who we were. She said "If you come to my room at fifteen minutes after twelve, I will tell you all about it." Naturally I had got the information to get Elliot, and wanted to get some more on him.

Q.—Where were you when you went to her room?

A.—At Meek's room.

Q.—Had you retired?

A.—No.

Q.—Were you fully dressed when you went into her room?

A.—I had my coat and shoes off.

Q.—Then you went into her room, and what took place?

A.—She just started to holler as soon as I got in.

Q.—With what result?

A.—That before I could open the door, there were about six policemen there.

Q.—You had been double crossed again?

A.—Yes.

Q.—When you got in her room, was she dressed or undressed?

A.—She had just come in.

Q.—Were there any marks on her body?

A.—There were no marks on her, only where Elliot had torn her blouse.

- Q.—Is that the Provincial Officer?  
A.—Yes, the fellow we had got.  
Q.—What was the result of the policemen running into the room. Were you arrested?  
A.—Oh yes, right away.  
Q.—And were taken to jail?  
A.—Right away.  
Q.—And your trial came up when?  
A.—I was brought up in court next morning and bailed out.  
Q.—You were charged with criminal assault.  
A.—Yes.  
Q.—And the trial was adjourned and came up in a week.  
A.—Yes.  
Q.—Who was acting for you?  
A.—Nicol Jeffrey.  
Q.—Retained by whom?  
A.—Mr. Sarvis.  
Q.—And Mr. Sarvis is whom?  
A.—The officer in charge.  
Q.—Who was prosecuting you?  
A.—The new Crown Attorney there. I can't remember his name.  
Q.—So we had two officers of the Department there, one working for you and one against you?  
A.—Yes.  
Q.—Who paid Mr. Nicol Jeffrey?  
A.—He was acting in the O.T.A. cases.  
Q.—You didn't pay him?  
A.—No.  
Q.—And the case lasted how long?  
A.—An hour.  
Q.—And the girl gave evidence?  
A.—Yes.  
Q.—Was Mr. Sarvis there?  
A.—Yes.  
Q.—What other officers were there.  
A.—Douglas and West.  
Q.—Any others from Toronto?  
A.—Not that I know of.  
Q.—Now when this girl gave evidence, what did she swear to?  
A.—She swore that I grappled with her.  
Q.—And threw her on the bed?  
A.—No. She said I just walked in and grabbed hold of her, and made these remarks that took place there.  
Q.—And the result of the trial was what?  
A.—Common assault.  
Q.—You were fined?  
A.—Yes, twenty dollars and costs.  
Q.—Or three months in jail?  
A.—No, there was no jail mentioned.

Q.—I think there was.

A.—If there was I didn't hear it.

Q.—At any rate the fine was paid?

A.—Yes.

Q.—That was in February, 1921, and that was well known to Sarvis and Nicol Jeffrey, and to the Department generally I suppose.

A.—It was known to everybody for miles around.

Q.—Everybody in the Department.

A.—Yes.

MR. CURRY: This new Crown Attorney, what was his name?

MR. RANEY: The name is Kearns.

MR. CURRY: You were prosecuted by him, fully and completely?

A.—Yes.

Q.—You didn't get any favors from him?

A.—Nothing whatever. Everybody thought he wanted a conviction.

Q.—On a serious charge?

A.—Yes.

MR. DEWART: Who paid the fine?

A.—I don't know, maybe Mr. Sarvis paid it.

MR. LENNOX. It was not paid by you?

A.—No.

Q.—Then you came back to Toronto with Mr. Sarvis?

A.—Yes.

Q.—Did you remain in the employ of the Department—this was in February?

A.—I remained there until the end of the month, but it was pretty short, a few days.

Q.—Mr. Hammond said until the end of April.

A.—No, I was out within six weeks.

Q.—Then you say you remained in the Department how long? What is your recollection?

A.—That was in February, and I got a month's cheque and went towards the end of March.

Q.—Were you in the employ of the Department, when an information was laid against a man by the name of Gross?

A.—I worked on the case.

Q.—According to Mr. Hammond's evidence, that was in the early part of April. Were you with the Government then?

A.—Yes.

Q.—Still acting as an operator for the purpose of enforcing the O.T.A.

A.—I was acting as a lead.

Q.—Let us know what a lead is.

A.—They get a chap that doesn't understand methods of getting a boot-legger, so Hammond used me to take these other fellows and get them in. They were not going to use me in court, but to get the men into the house.

Q.—Why couldn't you be used in court?

A.—On account of this conviction I suppose.

Q.—But the Department had sufficient confidence in your integrity after the conviction to retain you as lead?

A.—I don't see why they should not either.

Q.—They did as a matter of fact?

A.—Yes.

Q.—You would assist or lead these men who went in so you would not appear in the witness box?

A.—I had nothing to do with it after they got there.

MR. FERUGSON: The bootleggers would let you in, where they wouldn't let the others in.

A.—That wasn't the idea.

Q.—Wasn't it that you knew more bootleggers than they did?

A.—No, it was because I knew how to get them, and the other fellows didn't. I had the experience.

MR. RANEY: You had had several years with the Department, going back seven years?

A.—Yes.

Q.—Even before the O.T.A.

A.—Yes, to the time of local option.

Q.—Under the old liquor license law?

A.—Yes.

Q.—You were a lead man, you were a trainer of these men?

A.—I was showing these men how to get them. I was not after the little fellow either. There were one or two parties of big bootleggers in town and Hammond wanted me to clean them up, it was up to him to clean them up and I was doing it.

Q.—What part did you do in the Morris Gross raid?

A.—I did most of the business.

Q.—Do you remember then, when that took place?

A.—In April.

Q.—Just tell us, give us the facts in connection with that raid.

A.—Do you want the details of the case?

Q.—Yes. What took place at King's?

A.—I met a man named King on Richmond Street in a house we had information against. He was supplying this place with liquor. I told King I was a bootlegger and he said he was an agent and said he would sell me so many cases for so much. I went back and told Hammond after making an arrangement to meet him and Hammond gave me along with Nash and two other men money enough to buy one case.

Q.—Which Nash is that?

A.—Stanley Nash.

Q.—Just before going into that I want to go back for a moment. This man Douglas whose home was in Hamilton, what nationality was he?

A.—Scotch.

Q.—What trouble did he get into, respecting the \$1,400?

A.—He was buying this girl of his fur coats and rings.

Q.—What girl?

A.—Violet Sears' sister.

Q.—The sister of the girl you were mixed up with?

A.—He was buying her seal coats, a \$150 coat and \$150 earrings.

Q.—What about the \$1,400 you spoke of?



A.—That was the money he was spending.

Q.—Where did he get it?

A.—From Rhinehart.

Q.—That is the hotel-keeper?

A.—Yes.

Q.—How long did he remain with the Department after that?

A.—Oh, we cleared him out right away. When I went back to Toronto I instructed Sarvis of what had happened, the \$1,400 and everything else and Sarvis let him out.

MR. RANEY: Sarvis laid Meek off, dismissed him?

A.—Yes.

Q.—How do you know Meek got money from Rhinehart?

A.—Meek told us and Elliott told us, everybody was talking about it.

Q.—And was Rhinehart prosecuted?

A.—An information was sworn out against him.

Q.—For bribing an officer?

A.—No.

Q.—Why not, don't you know?

A.—No I don't. There was something in the paper since then about this \$1,400.

Q.—Who do you say knew of the bribery by Rhinehart of West?

A.—Sarvis knows.

MR. LENNOX: Did he know at that time?

A.—He didn't know the real facts.

Q.—But he knew afterwards?

A.—I expect so. We talked about it.

Q.—You explained it to him?

A.—Yes.

MR. RANEY: Who else knew of this bribery, of Rhinehart having bribed West?

A.—Nicol Jeffrey.

Q.—He knew it?

A.—Yes, he knows everything.

MR. CURRY: How do you know they knew it?

A.—Because we discussed the whole thing in his office.

Q.—Who did?

A.—Sarvis and myself and Douglas and everybody concerned.

Q.—Who got the money?

A.—Meek.

Q.—Was Meek there and did he admit he got the \$1,400?

A.—Certainly Meek wouldn't admit it.

Q.—As far as Meek was concerned how did you learn that Meek got the money?

A.—Because the man with Meek who worked the frame-up came clean afterward.

Q.—Who were they?

A.—Elliott the Provincial man.

Q.—And who else?

A.—Courrian and Rhinehart.

Q.—That is, Elliott, Courrian and Rhinehart were all in on the payment of the \$1,400?

A.—Oh no. Rhinehart paid the \$1,400 to Meek to reveal the fact that Webb copied the notes and his end was to bring that out in court.

Q.—Who knows, outside of Meek and Rhinehart, that money was paid over by Rhinehart to Meek?

A.—Elliott and the girls.

Q.—How do they know?

A.—Because Douglas told them all about it.

Q.—So that it is as a result of what Douglas told them that everybody knows about the \$1,400?

A.—And what Rhinehart says himself.

Q.—Did you hear Rhinehart himself say it?

A.—No, but it was in the paper and they told all about it.

MR. FERGUSON: You can easily get all the facts if you go up there?

A.—Oh yes.

MR. CURRY: Did Douglas ever tell you he got the \$1,400?

A.—He wouldn't admit it.

MR. LENNOX: About when was the interview in Jeffrey's office? During the time you were there?

A.—The evening of the day of the trial.

Q.—Was Sarvis there?

A.—Sarvis was there.

Q.—So that he knew all about it?

A.—Yes.

Q.—The information was withdrawn against Rhinehart?

A.—No, Rhinehart's porter sold us a bottle and Douglas and I, we were prepared to swear to that information but Rhinehart's solicitor said that Rhinehart would stand responsible for his porter and they fined him \$1,000.

Q.—And they released Rhinehart?

A.—There was nothing more said about Rhinehart.

Q.—Although you had got whiskey from Rhinehart?

A.—I didn't, Douglas got it. Rhinehart knew who I was the moment I stepped into his hotel.

Q.—You were speaking of a man of the name of Nash, who assisted you in the Morris Gross case. Is that Stanley Nash?

A.—Yes.

Q.—Is that the man who deserted from the army?

A.—Yes, that is the man.

Q.—Did you hear him give evidence at the conspiracy trial?

A.—Yes.

Q.—Was he asked about that?

A.—I believe he was asked in the police court.

Q.—How many days did he say he had served?

A.—Three months.

Q.—Who else took part in that raid besides Nash and yourself?

A.—I wasn't there, I drove the car into the garage to be loaded up.

Q.—Was that after the arrangement had been made?

A.—Yes.

Q.—When you were in King's house?

A.—Yes.

Q.—Who were with you in King's house before the raid took place?

A.—I was in there alone waiting for King to come home. King came along and got in the car and got out of the car and ran into the house to get a bottle.

Q.—Who paid for the bottle?

A.—Nash had the money and gave it to me and I paid King.

Q.—What became of the bottle you bought at King's before the raid took place?

A.—We drank some on the way to Gross'.

Q.—Whose money was it that bought it?

A.—The Government's.

Q.—Then you would be in pretty good shape by the time you got to Gross'?

A.—It was only a pint.

Q.—Now you didn't go to Gross' house?

A.—I went to Gross' house with King.

Q.—Who were in Gross' house?

A.—King, Nash, the Phillips, Raymond and Tony.

Q.—Any others?

A.—Gross was there. I think that was all.

Q.—What took place when you got into the house?

A.—We had a few drinks. Gross went out the back to unlock the door of the garage. We were sampling the stuff we were going to buy.

Q.—Were all the operators?

A.—Oh yes.

Q.—Did you sample different kinds of whiskey?

A.—Just Green Briar and White Horse.

Q.—Who did the party consist of?

A.—Tony and Raymond, Italians, Stanley Nash, Sam King and myself.

MR. FERGUSON: And you said Gross was there?

A.—Gross was the owner of the liquor.

MR. LENNOX: Just before following the Gross matter, was an information laid against King?

A.—Yes.

Q.—What became of it?

A.—It was dismissed on account of giving evidence against Gross in the conspiracy case.

Q.—Then, it was arranged to buy the liquor from Gross?

A.—Yes, we had paid a deposit on it.

Q.—How much?

A.—I had paid \$45 and had put the car in the garage and had gone back to get \$160. While I went for the money they were supposed to be loading the ten cases in the car but it didn't materialize. He had the liquor in the garage but didn't get it into the car. Hammond, Jeffrey and these fellows went in to search but they couldn't find the liquor.

Q.—How much did you agree to buy?

A.—Ten cases.

Q.—At how much?

A.—\$38 a case.

Q.—And of that you had made a deposit of \$45.00 which had been paid by you?

A.—Yes.

Q.—What became of that?

A.—They couldn't find the money.

Q.—An information was laid against Gross?

A.—Yes, liquor was taken there.

Q.—How much?

A.—286 bottles.

Q.—Taken away that same night?

A.—Yes.

MR. RANEY: I thought you stated they didn't find the liquor?

A.—That was what they found in the house.

MR. LENNOX: That wasn't the liquor that was to be put in your auto?

A.—No, that was in a closet in the roof of the garage.

Q.—Was Gross taken to jail?

A.—Yes.

Q.—And bailed out?

A.—Yes.

Q.—Now before this time came on, from this to the time of his trial were you still with the department?

A.—Yes.

Q.—What took place with respect to this as far as you and Nash and Courrian were concerned. Did he have anything to do with it?

A.—He approached me at the time.

Q.—Was he in the employ of the Department?

A.—Yes.

Q.—What was his position?

A.—Inspector I think.

Q.—What took place between you and Courrian?

A.—Courrian asked me to leave the Department.

Q.—That was in the beginning of April?

A.—Yes. He took me to Slavin's house.

Q.—Who is Slavin?

A.—He is a bootlegger.

MR. DEWART: It that Nathan Slavin?

A.—Yes. Up there we made an arrangement to go and see Horkins in reference to the Gross matter.

MR. RANEY: Who is Horkins?

A.—Lawyer Horkins. He was acting for Gross. I went down in Slavin's car—I am getting ahead of myself. I want everything cleared. I am looking after McCutcheon this morning—I told Hammond that Courrian wanted me to leave the Department, and Mr. Hammond and I had spoken several times of the crooked methods used in the Department.

MR. LENNOX: What do you mean by crooked methods?

A.—The tipping off that was going on from one Department to another.

Q.—Do you mean to say the operators were tipping off the men they were trying to find?

A.—The operators were tipping one another off.

Q.—Was that known?

A.—They had an idea this was going on, but they couldn't find out anything about it.

Q.—Supposing you got a line on somebody and were going down to make a case, do you mean that that man would be tipped off before you got there by another official of the Department?

A.—If you opened your mouth when you got back to the office it would. That was the condition of things in the Department. That is why I was investigating.

MR. CLARK: Did they usually open their mouths. Was that the customary thing to do?

A.—Well I have done a little too much talking for my own benefit.

Q.—You were telling about what took place with respect to the evidence in the Gross matter?

A.—After I instructed Mr. Hammond that I was leaving the Department under Courrian's instructions? I went to Slavin's house and I told Hammond I would be back at the end of a month to let him know what was going on. I went to Horkins with Slavin.

Q.—What took place in Horkins' office?

A.—Horkins cross examined me in the back of Slavin's car, in the presence of Courrian on the actual facts. He asked me "Did you find the money, and was this man and that man convicted," and so on, everything that would knock the case Horkins asked me. Then Courrian said after Horkins got done "Now you see, Billy—

Q.—Who is Billy?

A.—That is Horkins. He was called Billy. He said "You see if Nash gets up and swears in court that McCutcheon paid the money, McCutcheon will say he didn't, and if he says he paid the money, then call McCutcheon and use him against the Department."

MR. FERGUSON: Do you mean to say that a solicitor was framing a thing like that?

A.—No that was Courrian.

MR. LENNOX: The official?

A.—Yes.

Q.—What was the final result?

A.—It was thrown out.

Q.—What did you agree to there? What arrangement did you come to?

A.—With Courrian you mean?

Q.—Yes.

A.—Nothing more than that. I wouldn't swear anything against Gross. I was to keep out of it altogether.

Q.—That was at the request of Courrian, the Provincial Inspector?

A.—Yes.

Q.—What about Nash, the man who was with you when the raid was made?

A.—Courrian got me to drive Nash away.

Q.—What was the arrangement made with Nash?

A.—He was to receive \$150 or \$200 to go to Minneapolis.

Q.—For what purpose?

A.—He was the only witness concerned in the Gross case left. If they got him out there would be no evidence.

Q.—No evidence against Gross?

A.—None whatever.

Q.—You were not to be called, and Nash agreed to accept \$160 and leave the Province and go to Minneapolis?

A.—Till the case was over. They said \$200, but they gave him \$150.

Q.—Then that arrangement having been made, did he leave Canada?

A.—I drove him across the River.

Q.—You mean at Niagara?

A.—Yes.

Q.—Was he paid the money?

A.—We were stopped by the American immigration authorities office, and they wouldn't let Slavin continue. Slavin had the money.

Q.—Who were in the car other than Slavin and yourself?

A.—Miss Bailey and Mrs. Nash.

Q.—Is that Estella Bailey whose name appears here?

A.—Yes.

Q.—Then Slavin you say couldn't get across and he had the money? When he couldn't get across after he was stopped at the Canadian border what took place?

A.—He handed me the money?

Q.—Where did you go?

A.—I just drove over a little bridge into the first street, gave Nash the money, turned around and came back.

Q.—You came back?

A.—Yes.

Q.—And went to Slavin's house?

A.—Yes.

Q.—What connection if any had Slavin with the Department at this time?

A.—He was hiring cars.

Q.—To the Department?

A.—Yes.

Q.—Was he a garage man?

A.—He had a two car livery and he would rent his cars to the Department.

Q.—Were they renting cars from bootleggers?

A.—Anybody that wanted to rent a car could have one.

MR. FERGUSON: Was the Department making use of bootleggers' cars?

A.—They were using Slavin's cars, and Slavin was a bootlegger. That is all I know about it.

Q.—Was it well known that he was a bootlegger?

A.—Well he had been charged about six times.

MR. LENNOX: And his car was being engaged by the Department during February, March and April, while you were operating?

A.—I do not know whether they used them after I was let out or not. I never drove a car for the Department, only while I was with the Department.

Q.—Who was it, who authorized you to engage a car from Slavin this bootlegger?

A.—If I had certain information to secure, I would go to Hammond and say I needed a car to drive, and he would say "Where can you get one? Use your own judgment, and get a car." I would naturally take Slavin's car as it was a nice looking car, and would look like a bootlegger's car if I wanted to represent myself as a bootlegger.

Q.—The Department knew you were using his car?

A.—Hammond knew.

Q.—Was he paid by the Department or paid by you?

A.—He was paid by the Department.

Q.—Now then you say you got Nash across the line and paid him the money. He didn't stay bought, I believe?

A.—No he came back.

Q.—The next day?

A.—Hammond brought him back I believe.

Q.—Was he back in time for the prosecution?

A.—Well, Courrian came back the day after and said, "That son of a gun Nash was back in the office."

Q.—And then you knew Nash was in the employ of the Department all the time?

A.—Yes, I knew.

Q.—You knew when you paid him that he was an employee of the Department?

A.—Certainly I knew.

Q.—You knew Nash had given to Hammond information about the attempt to bribe him. You knew that afterwards?

A.—I didn't know at that time that all these facts were to be carried back to Hammond later on. I was to return in a month.

MR. RANEY: You knew Nash was honest with the Department?

A.—I didn't know what Nash was doing.

Q.—You learned that afterward?

A.—Yes.

Q.—Learned it from whom?

A.—From Judge Widdifield's jury.

Q.—They dismissed the case against him?

A.—They dismissed the case against Gross and Slavin.

MR. LENNOX: At the time you paid Nash, it was arranged that you should go away for a month?

A.—No that Nash was to go away.

Q.—You were not going away?

A.—No. I had the full confidence of these bootleggers. I didn't need to go away. They could depend on me.

Q.—You were not to leave for that length of time?

A.—No.

Q.—When you paid Nash, it was a business transaction as far as you were concerned?

A.—Between Courrian, Gross and Slavin.

MR. DEWART: I understood the witness to say that he would report in a month?

A.—I told Hammond I would be back in a month and let him know some facts. He got me before the month was up.

Q.—Slavin was the man whose car you rented. Was it his car you had that day you took Nash out of the country?

A.—Yes, Slavin got \$50 for the use of the car.

Q.—Gross was the man whose liquor was taken and Courrian was the Provincial Officer. Is that correct?

A.—Yes. He engineered the whole thing.

MR. LENNOX: Courrian was then in the employ of the Government?

A.—Yes.

Q.—As one of its leading officials?

A.—Yes, in that Department.

Q.—Then as far as you were concerned you were carrying out your instructions from Courrian?

A.—I was acting under Courrian's instructions.

Q.—And when you paid Nash you expected he would stay away? That is correct?

A.—Yes. Courrian thought he would stay away. I didn't care whether he came back or not.

Q.—You had carried out your part?

A.—I was doing what I promised to do.

Q.—At the trial before Magistrate Dennison, did you give evidence?

A.—No.

Q.—Did Nash give evidence?

A.—Yes.

Q.—And other witnesses?

A.—Yes, quite a lot, I think.

Q.—And what was the result of the trial?

A.—The liquor case was thrown out.

Q.—Was Courrian called?

A.—No he was around the back of the room some place.

Q.—Do you remember whether Slavin was called or not?

A.—No I don't think he was.

Q.—And the result of the trial was a dismissal, and the 286 bottles that were taken from Gross' house had to be returned to him?

A.—Yes.

MR. FERGUSON: What witnesses were called? You say Courrian wasn't called.

A.—Hammond was called, Phillips was called, King was called against Gross, Mrs. Nash was called against Gross.

MR. DEWART: Was Nash called?

A.—Yes.

MR. LENNOX: And I think the truth is the Magistrate would not believe them.



A.—Mr. Greer said, "How can you expect to believe these men when everyone tells a different story?" Magistrate Dennison said "I think you are right, I will dismiss the case."

Q.—As a matter of fact, somebody else swore they paid the money.

A.—Nash swore that he paid, Phillips swore that I paid, and the next witness didn't know who paid.

Q.—They all differed as to who paid the money?

A.—Yes.

Q.—That trial in the Police Court took place on the 23rd of May, I see here?

A.—I am not sure of the date.

Q.—Were you with the Department at that time?

A.—I was not supposed to be with the Department, but I thought I was with the Department.

Q.—Had you been doing any work for them?

A.—I had been securing them information, nothing only that.

Q.—Then you say you had left in the early part of March, April and May?

A.—April and May. I didn't receive salary from April and May, until June.

Q.—Outside of the Gross case, did you do anything for the Department, or were you representing yourself as a bootlegger in league with Courrian?

A.—Nothing other than I am telling you. I secured the information I am telling you now. That is all I did for the Department.

Q.—They refused to pay you until that time?

A.—They refused to pay me until September.

Q.—They didn't pay you for March?

A.—They said they couldn't pay me out of the O.T.A., and that they were waiting for a cheque to come from the Secretary of this Building, or the Provincial Treasurer or some one.

Q.—As a matter of fact, were you paid for March, April and May?

A.—I think so.

Q.—You were paid when?

A.—In June.

MR. FERGUSON: How much were you getting?

A.—\$100 a month and expenses.

MR. LENNOX: Now then after the Gross trial or about that time, you were arrested?

A.—I was arrested three days after we came back from Niagara.

Q.—That would be in April?

A.—Around April 11th.

Q.—Who else was arrested?

A.—Slavin and Gross.

Q.—What was the charge against you three?

A.—Conspiracy.

Q.—Conspiracy to do what? To defeat the ends of justice by the bribing of a witness?

A.—Yes.

Q.—And that was brought up in Police Court and you were committed for trial?

A.—No we were bailed out and had a week's remand, and Slavin, Gross' brother and Slavin's wife, bailed me out for \$5000.

Q.—That is the brother of the man whose liquor you had taken?

A.—Nathan Slavin's sister-in-law went \$2500 apiece to bail me out so I wouldn't tell Hammond anything if they kept me in.

Q.—Then you were remanded for a week, and the case came up and you were committed for trial?

A.—Yes, I was committed for trial.

Q.—Then the trial didn't take place until the early part of October?

A.—Around that time.

Q.—At the autumn session?

A.—Yes.

Q.—And you were then under a charge of conspiracy to defeat the ends of justice, and were out on bail.

A.—On my own bail in the High Court.

MR. RANEY: Who were the lawyers in this case?

A.—Horkins and Greer, the lawyers in every case.

Q.—You were under that charge from some time in April or May until some time in the Fall?

A.—Yes.

Q.—Then what was your next trouble?

A.—They framed a still against me.

Q.—When did they frame a still against you?

A.—It was on the 7th of September I went with Floody and Courrian to Mr. Ayearst's office. That was after a phone conversation in Carlton Street with Courrian the day before. I went to Ayearst's office, and he and I looked over a city map. I didn't know the name of the street or the number of the house, but I knew where the house was. I knew it was one street east of Woodbine and one street south. I was not sure whether it was south of Gerrard or south of Danforth. I think my arrangement was to meet south of Danforth. I pointed out what I thought was the corner, and then made arrangements with Courrian and Floody to raid the still that very night.

Q.—At any rate you were arrested for assisting in making illicit liquor?

A.—No I was not arrested. Hunt was charged with operating this still.

Q.—Let us get this right.

A.—Well don't forget anything.

Q.—Hunt is the man who was supposed to be operating the still?

A.—He was operating the still.

Q.—Hunt was arrested by Floody. Did you come to Hunt's before or after Hunt's arrest.

A.—I went with three other witnesses that afternoon to make sure of the house I wanted to take them to. I met them at eight o'clock at Woodbine that night, Floody, Courrian, Bell and a whole staff of them, five of them Provincial men and Floody.

Q.—When did they arrest Hunt?

A.—They didn't arrest him. They left him there to appear in the morning.

Q.—What did they find?

A.—They found a little still in operation.

Q.—Did he appear next morning?

A.—Yes.

Q.—When were you arrested?

A.—About a week later. I appeared the second week after.

Q.—What became of the charge laid against Hunt?

A.—Magistrate Jones dismissed it.

Q.—What became of the charge against you?

A.—I had seventeen remands, and then he sent me to jail for six months.

Q.—That was for assisting in operating a still?

A.—That is what the summons read.

MR. RANEY: What ultimately became of the charge against Hunt?

A.—As I understand it, it was appealed to the High Court and he was convicted.

MR. RANEY: And he got his too?

A.—He was the only one who wanted to get anything. I didn't deserve to get anything.

MR. BRACKIN: Who owned the still?

A.—It was Hunt's still. Hunt gave evidence in the Police Court or said "McCutcheon was the owner" or that McCutcheon got him to operate it. Magistrate Jones says "You are acting as his agent and I will dismiss the charge against you and we can put the charge against him." I had seventeen remands, and Magistrate Jones would say "Now McCutcheon, communicate with the Federal people and get this withdrawn." There was never any evidence given against me, and then he sent me to jail for six months. I wasn't allowed to give my evidence.

MR. BRACKIN: You say you were not allowed to give evidence in your own behalf? That is rot.

A.—Well look it up.

MR. DEWART: I think that observation is uncalled for. I object to that kind of brow-beating of the witness.

MR. BRACKIN: Let me ask this question. Are you saying you were tried on a charge in the Police Court in the City of Toronto, before Magistrate Jones, and were not given any opportunity of giving any evidence in your own behalf or calling any witnesses?

A.—Magistrate Jones when I got on the stand said he would not hear any of the case. He said it was a case for General Elliott. Mr. Ross said "I think there should be a cessation of the whole thing" and Mr. Jones said "Yes."

MR. BRACKIN: What I want to get at is this. You say you were not allowed to give evidence in your own behalf. If that is the case I would like to see that Police Court brought here, holus-bolus. You say you were not allowed to give any evidence?

A.—I was called to the stand and when they started to examine me,

Mr. Jones said he would not hear anything more of the case, because it was a case that was up to General Elliott.

Q.—Did you give any evidence?

A.—I gave two or three words.

Q.—Did you have a lawyer there?

A.—Mr. Ross.

Q.—Did you plead guilty?

A.—I pleaded not guilty.

Q.—Did you want to call witnesses?

A.—I had six.

Q.—Why were they not called?

A.—Because he would not bring it on. He would let the case slide from week to week.

Q.—You were not allowed to call witnesses because magistrate Jones would not let you. Is that what you mean to say?

A.—I never asked for these remands. They would meet me at the door and say "Bring your bondsmen."

Q.—And you state that you had six witnesses?

A.—I had six witnesses.

Q.—Did you want to call them?

A.—Yes.

Q.—Why were they not called?

A.—I don't know. I am worrying about that thing as much as you are.

Q.—I am not worrying about it, but if you have that kind of a Magistrate in Toronto, I want to know about it. Are you blaming the Magistrate because your witnesses were not called?

A.—Yes.

Q.—Then we should have Magistrate Jones here then.

MR. LENNOX: A charge was laid, and there were several remands?

A.—Seventeen of them, lasting three months.

Q.—And finally you were sent to jail for six months?

A.—Yes.

Q.—How long did you serve?

A.—I have served every day, and now I have another five weeks to go.

Q.—Are you now serving?

A.—At nights. I was serving first at the Farm, and after I came out of the Farm, I was sick in bed for eighteen days with double pneumonia.

Q.—You go down every night?

A.—I sleep at the Don Jail every night.

Q.—And you have to report at what time?

A.—At eight o'clock.

Q.—And in the morning at what time?

A.—Six.

Q.—Do you motor down to the jail at night, and back to work in the morning?

A.—Yes.

Q.—And who was it was instrumental in getting you out in the day time?

A.—My wife.

Q.—Did anyone in the department have anything to do with it?

A.—I do not think they helped me at all. They were not handling that.

Q.—How do you mean?

A.—It was up to them. I was working for the Department, and the Department knew I was framed, and it is a funny thing to me. I don't know why they didn't do anything. I cannot see where they did do anything. Some of the officials wrote some letters on my behalf, but nothing came of it.

Q.—Did you receive any letter with respect to it from any official?

A.—I wrote to General Elliott after I came down off the Farm, and I had a letter from him.

Q.—Have you got that letter?

A.—Yes.

Q.—Let me see it.

(Letter dated Jan. 20th, 1922, produced.)

Q.—Where were you then?

A.—I had just come home.

Q.—This letter is dated 20th of January and you were convicted when?

A.—Dec. 16th.

Q.—That would be a little over a month after your conviction?

A.—I was about six weeks at the Farm I think. I went in on the 16th of December, and this is the 20th of January. That would be a little over five weeks.

Q.—So General Elliott succeeded in getting you paroled as far as the day time is concerned.

A.—Mr. Hammond and my wife went to see Dr. Lavelle and the man that guaranteed me the work. It was through these three parties that I was relieved in order that I could support my wife and family.

Q.—You were taken back to the Department some time in the Summer?

A.—My first statement to General Elliott was on June 18th.

Q.—Have you a copy of that?

A.—No.

Q.—What statement was that? A report you made to him?

A.—Yes, a written report.

Q.—In what capacity were you working at that time?

A.—I was just writing up what had happened from time to time. I had been away from the Department until that day.

Q.—Had you any conversation with General Elliott?

A.—I think I was in his office on two occasions before that.

Q.—What were you engaged to do?

A.—Secure information as to what Courrian and all these License Inspectors were doing down on Richmond Street.

Q.—Tell me who they were.

A.—They were Courrian, Cantwell, Partridge's name was mentioned and Gross, but Gross I do not think was working there then. He wasn't with the Department.

Q.—These were men in the employ of the Department?

A.—Yes.

Q.—Then you were to investigate certain officials in the Department?

A.—Their actions.

Q.—Now then, at whose request or suggestion were you engaged?

A.—General Elliott's.

Q.—And during the time you were engaged to investigate the actions of these officers of the Department, you were on bail, charged with conspiring to defeat the ends of justice?

A.—I was on my own bail.

Q.—But you were on bail?

A.—Yes.

Q.—And you were found guilty?

A.—Yes they found me guilty.

Q.—The jury found you guilty.

A.—Yes.

Q.—What was the sentence?

A.—Suspended.

Q.—The other men charged were Slavin and Gross. What became of them?

A.—They were acquitted.

MR. RANEY: When was this?

A.—The latter part of October or the first of October.

Q.—Then you were dismissed from the Department I believe?

A.—No I was with the Department up to that time. I was running in and out of the Police Court defending the frame up against me.

Q.—When did you cease to be with the Department.

A.—When I was sent to Jail. That was the only time I knew definitely I was.

Q.—When was that?

A.—The 16th of December.

Q.—What time were you paid up to?

A.—Up to September. I was running around for the Department until I was sentenced, trying to defend myself against the charges laid by them.

Q.—But you were only paid until September?

A.—Yes, but I was promised it.

Q.—By whom?

A.—Mr. Hammond said I would get it.

Q.—Did you put in a bill?

A.—I am grey-headed asking for it.

Q.—Has he promised it to you lately?

A.—Nothing has been said lately.

Q.—Did he promise you more than once that you would be paid?

A.—Hammond said it would be cleared up and I would get what was coming to me.

MR. LENNOX: You started to work investigating the inside of the department?

A.—Yes.

Q.—And the first report you made was on the 17th of June?

A.—Yes.

Q.—To whom did you make reports from time to time?

A.—Mostly or always to Mr. Hammond.

Q.—Were they made verbally or in writing?

A.—In writing and signed.

Q.—And how frequently did you make reports?

A.—Sometimes twice a day or three times a day. Always at his place or some place else or I phoned into his house to meet me at some corner or building where I wouldn't be seen. I would hand him my report or I would be going to see him on some business and give it to him.

Q.—These written reports had reference to the work you were doing investigating for the department?

A.—Yes.

MR. FERGUSON: You were investigating the honesty of other officials of the department?

A.—The dishonesty.

Q.—And to your knowledge was any action taken on the reports you sent in there, from day to day?

A.—None whatever that I ever heard of.

MR. LENNOX: Now then after you had been working as an investigator to clean up the department you found that you would require the services of an auto?

A.—Yes.

Q.—And I see that on July 7 apparently you got a car?

A.—I paid a deposit on a car.

Q.—Just explain to the committee the facts in connection with the purchasing of a car for you?

A.—Well, at the final conversation as to whether I was to be hired—.

Q.—When was that?

A.—I was called to General Elliott's office around June 11.

Q.—Who were there?

A.—Hammond, General Elliott and myself.

Q.—I went to General Elliott's office and I said the information I had was worth \$3,000 and General Elliott couldn't see his way clear to pay me \$3,000 and I said I would go on and investigate but if I did I would want a salary and expenses and a motor car. I told him I was an expert on autos and I knew of a car which I could buy cheap and that I would like to get that car. General Elliott says, suggested to Hammond, advance me \$250 out of this check advanced to him, to secure the car.

Q.—You mean there was money to be advanced to Hammond to pay for expenditure on this investigation?

A.—Yes. \$2,500 or something like that. It was put in his name and he could make checks on it. The check didn't come through for a while and I waited probably a week or two and then Hammond got the check and I went to his house and he gave me the \$250 and I went and got the car.

Q.—What was the price of the car?

A.—\$500.

Q.—And \$250 was paid on the car?

A.—Yes, and then I paid the August payment out of my own pocket.

Q.—Then that was \$300 paid?

A.—Yes.

Q.—Where is the car now?

A.—The bailiff seized it and sold it.

Q.—Seized it from your possession?

A.—It was bought in my name and was to become my property at the end of the investigation. That was the bargain.

Q.—You weren't able to pay the rest and the Government didn't.

A.—They wouldn't pay that.

Q.—So the car was seized and sold?

A.—Yes, sold for \$200.

Q.—When was it sold?

A.—Three weeks ago.

Q.—The first entry in your expense statement is "Cash statement of E.D.L. Hammond showing advances of money to H.H. McCutcheon to investigate on behalf of General Elliott for the Police department moneys received July 17, 1921; paid in cash to H.H. McCutcheon, service of car \$250." This is the \$250 on the purchase price?

A.—Yes.

Q.—Then you received in all \$1125 according to this statement?

A.—If that is my expense sheet there is \$185 of a balance coming to me.

Q.—This comes down to November, they paid you on October 2, \$10, October 4, \$10, October 6, \$10, October 7, \$10, October 11, \$10, October 12, \$25, October 15, \$10, October 17, \$10, November 4, \$10. And on November 11 there is \$30.05.

A.—That is the last date I received expenses.

Q.—November 4.

A.—I didn't get wages from September but I got expenses.

Q.—You got expenses from 17th of July up to the 17th of October in this statement and in this you got \$40 in November, but they didn't pay you a salary during September or October?

A.—No.

Q.—Although they were paying expenses?

Q.—Then the total bill of expense amounted to \$895 up to August 22 and then on September 27, 1921 there is a bill of expenses of \$230.05 or a total expenditure of \$1125.05. Then it says "expense money advanced to H.H. McCutcheon as shown in the cash statement \$1125.05. That apparently is what you received?

A.—I think that includes wages doesn't it?

Q.—Yes, they paid you right along. That is including the car and everything.

A.—That was a pretty cheap statement for a servant like I was.

Q.—They paid \$250 for the car which you got, and it was your car?

A.—Yes.

Q.—And in addition to that in your expense account which amounts to \$1125 there are charges for hire of a car of \$25 a week?

A.—That is the way we covered up the money.

Q.—What do you mean by "covered up the money?"

A.—I was advanced \$250 and I simply put that \$250 on the expense sheet, so much at a time, until it was eat up.

Q.—The car here, added with the other expenses amounts to \$895?



A.—Yes.

Q.—So they must have allowed you \$25 a week for your car while you had the car?

A.—If they had done so I would have paid for the car.

Q.—But it is in your expenses.

A.—That is up to September.

Q.—Now, these items for car hire are included in the amount that you received, are part of your expense account?

A.—Yes.

Q.—Just the same as buying a bottle of whiskey when you are investigating?

A.—Yes.

Q.—So you got the car?

A.—I didn't get the car.

Q.—You got \$250 of value in a car?

A.—Yes, and lost \$50 of my own.

Q.—And they allowed you in addition to that \$25 a week?

A.—No no.

Q.—They paid \$250 on the car?

A.—Yes.

Q.—And in your expense account you charge so much a week for expenses for car hire?

A.—Yes.

Q.—And you were paid \$1125?

A.—Yes.

Q.—And if you hadn't been paid the car hire you charged you would have been paid that much less?

A.—Yes, \$800 and something.

Q.—So that they paid for car hire which brought the amount to \$1125 and gave you the car, that is correct, isn't it?

A.—Yes, the \$250 and all expenses are included in the \$1125.

MR. RANEY: You received \$250 and accounted for that in payments of \$25 a week for ten weeks?

A.—Yes.

Q.—That is the whole story, that is simple enough. If you hadn't had that car you would have had to hire a car and it would have cost a lot more money to the department?

A.—Yes.

MR. LENNOX: They charged you \$250 for the car that they bought, is that correct?

A.—Yes.

Q.—Your total expenses amounted to \$1125 and that total amount was made up in part of the \$250 that they charged you for the car and made up of the \$25 a week that you charged for the hire of the car. In other words if they hadn't advanced you the \$250 for the car and if they hadn't paid you \$25 a week for the hire of the car your expenses would have been that much less, wouldn't they?

A.—Oh no no.

Q.—You see here is a list of your expenses?

A.—Yes, yes, that is the way I expended the money I received.

Q.—And that amounts to \$895?

A.—Yes.

Q.—And the \$895 is made up of trips to different places purchasing liquor and car hire. Now, we will eliminate the \$250 altogether for the moment and suppose it was a car you got from some person else. They were paying you \$25 a week or almost every week for the use of the car. It was part of your expenses and if you hadn't made it part of your expenses you would have been that much out?

A.—No, those are only the items to September 16, how much money have I received up to that date?

Q.—\$1125.

A.—What about November?

Q.—The point I want to make is this; if these charges for car hire had not been in the detailed statement of expenses the amount that they would have had to pay you would have been that much less?

A.—No, it wouldn't have been that much less. They would have had to pay for the car at any rate.

Q.—I am speaking of you. I want to ask you this; if you had not made any charge for the car wouldn't your expenses have amounted to \$895?

A.—In that way, yes.

Q.—And they also paid you \$250 for the car?

A.—No they didn't.

Q.—Didn't they pay McLaughlin's \$250?

A.—No, they advanced me \$250 and I gave it to Breakey.

MR. BRACKIN: Did you get \$250 from the Government to give to the man from whom you bought the car and in addition to that did you get \$25 a week for the hire of the car?

A.—No I didn't.

MR. LENNOX: You got the \$250 to pay Breakey?

A.—I got \$250 and I just continued my expense sheet at so much a week for car hire until I ate up the \$250.

MR. BRACKIN: You didn't get the \$25 a week in addition to the \$250. You absorbed the \$250 they had already paid you by putting it in at \$25 a week for ten weeks, so it was only \$250 altogether.

A.—Yes.

MR. LENNOX: Then why are you charged this \$250?

A.—That is what I don't know.

MR. FERGUSON: You should not be charged twice in your expenses. You see you are charged with \$250 for the car and with the auto hire. You should not be charged with both?

A.—No.

MR. LENNOX: Well you are charged with both. . . . Who were assisting you in this investigation?

A.—There was my brother.

Q.—That is Sam McCutcheon, isn't it?

A.—Yes.

Q.—Who else?

A.—Miss Bailey corroborated a lot of evidence.

Q.—That is the lady who went to Niagara with you?

A.—Yes.

Q.—Who else?

A.—A man named Stewart put in some valuable information.

Q.—Who else?

A.—Lloyd Gordon and Mrs. Collins.

Q.—It was Gordon and Mrs. Collins who ran away to Regina from Kitchener?

A.—Yes. He accepted a bribe there while he was a partner of mine.

Q.—Was Gordon an operator?

A.—Yes.

Q.—He was sent to Kitchener?

A.—Yes.

Q.—He was with you?

A.—Yes.

Q.—What took place while you were there with Gordon?

A.—We secured seven informations.

MR. RANEY: When was this?

A.—In February, 1920.

Q.—That was the year before the Guelph incident?

A.—No, I think it was just a month before that, in 1921, I guess. It was about a month before the Guelph affair.

MR. LENNOX: What took place?

A.—Mr. Ayearst and Mr. Sarvis gave me the information to go to Kitchener and I knew this man Gordon was a native of Kitchener and he wanted to make some money. I thought I would use him to go to Kitchener to clean up these people. He knew everybody in Kitchener and we went there and secured seven informations.

Q.—Had Gordon been in the employ of the Department?

A.—He had just started.

MR. HOMUTH: What did Gordon do before he went into the Department? Do you know?

A.—You mean what did he work at?

Q.—Yes.

A.—Oh, he was a teamster. He had just come back from the West and hadn't struck a job. This man Gordon could get liquor and I went with him. We secured seven informations and gave the bottles as we got them and the reports to Matt Beckett and another inspector, Inspector Elliott.

MR. RANEY: Is Beckett the inspector there?

A.—No, another man is inspector for Kitchener, but the three of them were together there. Elliott suggested that after we came from Toronto at the end of the week we could go to Stratford and spend a few days there.

Q.—Elliott suggested that?

A.—Yes. We went to Stratford Monday morning and returned to Kitchener on Tuesday night. When we got back to the American House, Charles Bruder said to Gordon, "Your uncle wants to see you at the slaughter house" I went up the street. I was expecting to hear from Toronto and I went to the post office. On the way Gordon's father drove up in a car and said "They want to see you in the abattoir, jump in the car." I wouldn't get in the car.

I knew something was up and I went into the post-office and they took Gordon down. When we went back to the hotel Bruder called up and he went to the abattoir. They told Gordon they had our photos.

MR. RANEY: Who do you mean by "they"?

A.—Charles Bruder.

Q.—Had you a case against him?

A.—Yes, three cases. Two were bartenders. But everybody we had information against were at this abattoir to meet Gordon and they told him information had come from headquarters in Toronto, that he was to put it over me and take this money and beat it to Regina.

Q.—What money?

A.—\$700.00.

Q.—And who was to give him that?

A.—The bootleggers.

Q.—These men you had information against?

A.—Yes. They gave him \$700 and two tickets to Regina.

Q.—Why two tickets?

A.—Mrs. Collins, she was to go along with him. When he came back to the hotel he said, "They are wise to us" and I said "I know it, the best we can do is to go back to Toronto." He said no, he had a date with a girl and had to stay there. I couldn't drag him from Kitchener. I caught a train and came home. He was to take the early train in the morning and meet me on Carlton Street. I went to the office and couldn't find him and went back there to where I knew he would be. He was hiding, waiting for Mrs. Collins to pack her trunk and take a car to the station with a man from Kitchener named William Strutt, who came to Toronto with Gordon with the money and stayed with him until he changed his clothes and took the 3.20 train for Detroit, in the afternoon.

MR. LENNOX: You say they went from there to Regina?

A.—Yes.

Q.—Was that reported to the Department?

A.—Yes, that is all in the reports.

Q.—How long did Gordon stay away?

A.—He stayed away a little over three months.

Q.—Then he came back?

A.—Yes.

Q.—And when did he start to work for the Department again?

A.—He wrote me from Regina after he had been away six weeks, saying that he was hard up and they hadn't given him as much as he expected. That he couldn't get a job and wanted to come back, and he offered if I would go to Mr. Ayearst and send two tickets, he would come back and still go on the information.

Q.—That he would double cross them?

A.—Yes.

Q.—Did you reply to that?

A.—Yes, I took it to Mr. Ayearst, and he told me to write another letter.

Q.—Did you get an answer?

A.—Yes. He was willing to come back. Mr. Ayearst told me to write

and see if he would come to Fort William. I wrote again, but in the meantime he had written to Kitchener and received more money.

Q.—Then he did finally turn up?

A.—Yes, he came back.

Q.—When did he come back into the employ of the Government?

A.—Some time in August. I was instructed to get all the information I could and I had Gordon write out his report to Mr. Hammond on just what happened in Kitchener, everything. Hammond had that report, and I said to Hammond “How would it be if I used Gordon to go to Slavin with me, and we will get some real dope there?” However, Gordon worked a little while, but while he was in a Cadillac car, he got into some trouble over a Victory Bond.

Q.—He was arrested and sent to jail?

A.—Yes.

Q.—For stealing a Victory Bond?

A.—For taking part in it, or being in the car. The other fellow got a year.

Q.—How much did Gordon get?

A.—He got thirty days for being there.

Q.—Was he in the employ of the Government then?

A.—Yes, he had been on about two weeks.

MR. RANEY: Under whom?

A.—Under Mr. Hammond and I.

Q.—Did Mr. Hammond know of his having run away from Kitchener, of his having been bribed from Kitchener and run away?

A.—Yes. Those facts were all known. Gordon went to Ayearst's office to look for a job with my brother.

MR. FERGUSON: This information is all contained in the reports.

A.—Yes, a good deal of it.

MR. LENNOX: You say he was with you investigating and cleaning up for two weeks when he was arrested for having some connection with the stealing of a Victory Bond?

A.—He was, yes.

Q.—Then what became of him?

A.—He came back. He got out of jail and I told Mr. Hammond I didn't think we had better have anything to do with this man Gordon. We have all he knows. Give him a few dollars coming to him and let him go. Hammond was satisfied to do that, and since then Gordon didn't do any work for the Department.

Q.—You were telling about talking to Mr. Ayearst, when was that?

A.—In August some time.

Q.—That was after his return from Regina?

A.—Yes. It was around August some time.

Q.—What was the idea of talking to Ayearst? To get him reinstated?

A.—He was asking if they would take him on.

Q.—Was he taken on by the Government after that, other than to investigate?

A.—No Sir, only as I say to get the information as to this Kitchener affair.

Q.—Was he working in connection with you or Mr. Hammond on that occasion?

A.—With me, and under Hammond's instructions.

Q.—Where is he now, do you know?

A.—He is working for the Toronto Transportation Commission, on tracks I think.

Q.—I notice in the expenses there is \$119.60 paid to Gordon?

A.—Yes.

Q.—And that he apparently was working cleaning up from the first of July until the 31st of August.

A.—At what dates?

Q.—From the first of July until the 31st of August. That would be two months. Would that be Gordon?

A.—That would be two weeks in each month, if you look at the dates.

Q.—Let me read them to you. He was working on the 1st, 2, 3, 4, 5, 6, 7, 8, 9th, consecutively, down to the 24th of July, every day. Then he started again on the 24th of August. I see what you mean. Is this correct, that the reason that he was not working from the 24th of July to the 24th of August, was that he was in jail?

A.—That is a fact.

Q.—And after he came out of jail, he still continued with the work?

A.—Well he was with me to finish up a little item or two.

Q.—He came out of jail and went back to work at the same position as he was performing and occupied prior to the time he was sent to jail for thirty days. Isn't that correct?

A.—Under my instructions.

Q.—Who was paying him?

A.—The Government paid him. It was only three days he worked.

MR. FERGUSON: From the 24th of August to the 31st of August, that is one full week. Incidentals are charged every day, to buy drinks, for expenses, hotel, etc. About eight dollars expenses for the week.

MR. BRACKIN: That would not be work in connection with the Kitchener information.

A.—They framed me with this still, and I was sending to these places to get the real dope. He was not supposed to be working with me, he was getting the information.

MR. LENNOX: He rendered the bill in his own name. He was paid \$3.55, \$2.25, \$3.00, \$3.40, about twenty-five dollars all together, from 24th of August, to the end of August. That is his expense sheet.

MR. RANEY: Do I understand that you take responsibility for what was done in that connection?

A.—I will.

Q.—Did Mr. Hammond know he had been in jail?

A.—Not when he started.

Q.—When he came out of jail, I understood you to say he had some little bit of work to do.

A.—Yes.

Q.—Did Mr. Hammond know you had him assisting you after he came out of jail?

A.—Hammond didn't know he had started with me. When I mentioned it to Hammond, Hammond agreed that I should get rid of him.

Q.—Do you take responsibility for having him working with you after he came out of jail?

A.—It depends on whether you mean I hired him or gave him instructions. I took him to Hammond and he read this report, and Hammond said, "He can help you."

Q.—But is in the first instance? After he came out of jail and served this term in jail, he worked for you two or three days or whatever it was?

A.—Yes.

Q.—Did Hammond know he was still assisting you?

A.—He didn't know until I had told him.

MR. LENNOX: Here is a receipt apparently dated August 21, received from H. H. McCutcheon, \$50 advanced by E. D. L. Hammond, for Gordon's wages.

A.—That is two weeks salary paid me, and I gave it to Mrs. Collins.

Q.—That was while he was in jail?

A.—Yes, I had an order from Gordon to handle it, and that was a receipt issued. I had given her the money.

Q.—That was while he was in jail, that Hammond gave you the money and you gave it to her?

A.—He gave me Gordon's wages.

MR. CLARK: Is that wages for while he was in jail, or wages previously earned?

A.—Wages previously earned.

MR. LENNOX: Then he came back apparently on the 24th of August. When did you first see him after he got out?

A.—On that date.

Q.—Where did you see him? In Hammond's office?

A.—No.

Q.—Where did you see him?

A.—I met him.

Q.—What took place between you and him?

A.—I suggested that he go with my brother down east to 33 Waverly Road. I can point out where that money came in, and it was well spent. I sent him with my brother to 33 Waverly Road, East Toronto.

Q.—When did you see Hammond about him?

A.—I could not do the work myself, but I could show the men what to do. After I had been there myself, I sent this man with my brother. That was a case where you couldn't buy one unless you used a certain official's name. I said, "Do you know Alec Courrian?" and this woman said "Yes, come right in." † could have got anything I wanted from gin to apple cider.

Q.—Then did you send Gordon and your brother down?

A.—I had to sample a dozen different brands of liquor, and I made arrangements to buy a case. I went to Hammond's house and had a phone conversation to prove that what I was telling was a fact, and then I made an arrangement to go there in the morning for the case. Hammond couldn't get the money to get that case. We let it go a week, and I let my brother

and Gordon play with them until we did get it, and she was fined \$1,500.

Q.—Was Hammond aware of what your brother and Gordon were doing?

A.—Certainly.

Q.—During that week, he knew they were down to this house you speak of?

A.—He knew where they were.

Q.—And he knew they were working for the Government?

A.—Yes.

Q.—Neither you nor Gordon gave evidence in that case?

A.—My brother gave evidence.

Q.—Did Gordon give evidence?

A.—No.

Q.—Then you and Mr. Hammond discussed the matter and you advised him to get rid of Gordon?

A.—Yes.

Q.—And that is why he let Gordon out?

A.—Yes.

Q.—Did he leave, of his own accord, or was he dismissed?

A.—He was paid up everything coming to him and told they would not need him any more.

Q.—How much was he to get as investigator?

A.—He got that fifty dollars, and I think we settled with him for another thirty-five dollars in wages. He really was entitled to a month's wages, and I think he got the most of it.

Q.—Now have you copies of these reports you put in?

A.—I have Sir.

Q.—Have you them with you?

A.—No.

Q.—Can you produce them?

A.—I think so.

Q.—Now Estella Bailey I see got thirty dollars. Was she working in the clean up too?

A.—She corroborated the evidence from Niagara to Toronto, and the planting of the whiskey in Nash's house and that sort of thing.

Q.—Did she send in a report?

A.—I took the reports.

Q.—I mean over her signature?

A.—Mrs Collins sent in reports over her own signature, and you sent them in and Gordon sent reports over his signature?

A.—Yes.

Q.—I want to ask about another matter. Was there ever any arrangement by Courrian or other officials of the Department to have liquor placed in anybody's house for the purpose of catching them?

A.—Yes there was.

Q.—When was that?

A.—That was while the conspiracy charge was on. That was after Nash came back from Niagara Falls, and he thought he was so smart that Courrian thought they would put a liquor charge against him.

Q.—Was Courrian still in the Department?



A.—I think Elliott gave him an extension of three months.

Q.—What arrangements were made to catch Nash for going back on them?

A.—Courrian asked Miss Bailey to do it. She was living there, and there was a man named Rogers. Courrian asked Miss Bailey if she would take fifty dollars and plant the liquor in Nash's room. She said, no, but there was a man named Rogers who might. Rogers went to Slavin's house and they talked it over with Jack Slavin, and Rogers said he would take the liquor and place it in Nash's room.

Q.—Who was Rogers?

A.—A hang out around Slavin's. He is nobody as far as I am concerned.

Q.—Let us get this right. Courrian was to give Rogers fifty dollars. . .

A.—He went to Miss Bailey first, and she refused it. Then he gave it to Rogers.

Q.—To take this bottle and plant it where?

A.—In Nash's place.

MR. RANEY: You knew these facts of your own knowledge?

A.—I was reporting them from day to day.

MR. LENNOX: This was in the knowledge of the Department?

A.—Yes.

Q.—What was the object of putting this bottle in Nash's house?

A.—To get a liquor charge against Nash. It would do away with the bribery charges, and also the evidence that would be put in in the Gross case.

Q.—You mean to say they were going to put liquor there and then raid the house, and then swear they got it there?

A.—They did do it. Slavin's nephew was a stool pigeon, and was working for Courrian. A man named Cohen, one of Sarvis' operators, was a nephew of Slavin. He was the man with Rogers after he got it done with No. 2 detectives. Cohen went in with the detectives. The first woman he met at the top of the house, happened to be Mrs. Nash, and he said, "This is the woman who sold me the bottle," and he had never seen her in his life before.

MR. FERGUSON: You mean they deliberately framed it to catch this man?

A.—Yes, and then wrote a dozen letters to officials of the Department to say why don't they do something to this man.

Q.—Did they write to the Attorney-General?

A.—Yes, to the Attorney-General, the License Board, Mr. Ayearst and others.

Q.—Speaking generally what would the letters contain?

A.—It comes to my notice that this man Stanley Nash, and went on to say that he had been selling liquor to his son, who was running there and spending all his money. That they had raided this place and hadn't laid a charge, and what was going to be done. Signed "Ratepayer."

Q.—And these letters were sent to the Attorney-General himself?

A.—Yes.

Q.—You didn't sign your own name to them. We would sign "Citizen."

MR. RANEY: So this was to get Nash, was it?

A.—Yes, this was a way of getting Nash.

Q.—You weren't in on all that were you?

A.—I was right in. I was one of the bootleggers, and one of the officers. They trusted me with everything.

Q.—Quite so, you stood in with both parties?

MR. LENNOX: Who was it that actually placed the liquor in Nash's house?

A.—Rogers.

Q.—Rogers was the man who was living at that house?

A.—Yes, until that time.

Q.—Rogers was acting under whose instructions?

A.—Courrian's.

Q.—Now how did Max Cohen come in?

A.—He was working for Sarvis and was living at Slavin's.

Q.—This is the same Slavin you told us about?

A.—Yes.

Q.—How did he come into it?

A.—They couldn't get any one else who would act as a stool pigeon. This Cohen went to Sarvis and said he had bought drinks at Nash's house. He didn't know Nash, and Sarvis went to Aycerst and Hammond, and said, "This man has a job in the city. I wish you would raid it." Finally he got Hammond's men to go, but they refused to go in, when they saw whose place it was. When they wouldn't go in, Courrian went to Cohen and told him to go to No. 2 and get the local police. Cohen went to No. 2 and arranged for certain men, and made a plan to give them a marked five dollars. He phoned to Slavin's house for Rogers to be on hand with a bottle, and when he got down to the house with the detectives, he said, "That is the place."

Q.—Who did?

A.—Cohen. He went in the house, and Rogers was on the stairway with the bottle. He gave Cohen the bottle and Rogers took the five dollars and put it under Nash's rug. Cohen then gave him a chance to run down, and Rogers went away. Cohen went up and the Police searched and found the \$5.00 and the other four or five bottles of liquor.

Q.—Am I to understand the object was to have an information laid against Nash, and Cohen and Rogers were to get into the witness box and perjure themselves to get a conviction?

A.—He went to the Police Court with that intention.

MR. FERGUSON: All to discredit Nash?

A.—Yes.

A.—And to save Gross?

A.—Yes.

MR. LENNOX: What finally became of that?

A.—Well, through Hammond the facts were made known and it was thrown out.

Q.—Did it come before the police magistrate?

A.—Yes.

Q.—Did Cohen give evidence?

A.—I don't think so. He was there to give evidence but I do not think he gave it. Mr Hammond will tell you that. I wasn't there.

Q.—Do you know in what court it was?

A.—Magistrate Jones' court.

Q.—Where is Max Cohen now?

A.—In Montreal.

Q.—How long has he been there?

A.—He left right after that case. Courrian would not pay him \$50. I mentioned it to Sarvis and I think Sarvis let him out.

Q.—How long had he been with the department?

A.—Two or three months.

Q.—Giving evidence from day to day on these different cases?

A.—Yes, he was sent there by Courrian to get a job with them and was transferred to Sarvis.

Q.—And he was giving evidence from day to day?

A.—Yes, on different cases.

Q.—And I suppose a great many convictions were obtained under his evidence?

A.—I did know he gave evidence in Niagara Falls and Welland. I think he got into some jam, I am not sure.

MR. RANEY: Did you hear him give evidence on behalf of the Department?

A.—No.

Q.—Then how do you know?

A.—I was in the department and he would come back with the information and would write it out the same as any person else.

MR. LENNOX: Now, coming back to 46 Richmond street. Is that where you were stationed?

A.—I was working in the liquor part.

Q.—Where were Mr. Hammond's headquarters?

A.—In our office, 46 Richmond street, the second floor.

Q.—When you went out to buy liquor the department of course would not know what you paid for a bottle. They would have to take your word for that?

A.—Yes.

Q.—Then as you would bring the liquor back, the seized liquor, where would you put it?

A.—If the report was to Sarvis we would give it to Sarvis, if it was to Hammond, then to Hammond.

Q.—Where would it be put?

A.—Sarvis had a cupboard but Hammond had the storeroom.

Q.—And who occupied this storeroom?

A.—No one in particular. There was always a man around.

Q.—Where did the operators sit when they were not working?

A.—On the cases.

Q.—On the cases of liquor?

A.—Yes.

Q.—What I want to find out, what check, if any was there?

A.—Usually when they seized a number of bottles or cases they checked it up, then when they went to court they would have a record as to how many

bottles or cases belonged to that party. Outside of that I don't think there was any check.

Q.—Of that, do you know of any liquor taken from time to time?

A.—I can only say that on one occasion, there was a man named Martin, who turned on a tap of some high wine and drank a glass, and Mr. Hammond came in and caught him, and went right to Sarvis about it.

Q.—What is his first name?

A.—I don't know.

Q.—Was he an operator?

A.—He was working with Sarvis.

Q.—John Martin, is that it?

A.—Yes.

Q.—Is he still with the Department?

A.—I think not.

Q.—Do you know whether this is the same man being prosecuted in Orillia for perjury?

A.—I don't know that.

MR. CLARK: Was that the only case?

A.—That is the only case I know of where liquor was tampered with.

MR. LENNOX: Now I want to ask you about some operators. Do you know a man named Norman Hayes?

A.—No.

Q.—Do you know W. J. O'Leary?

A.—No.

Q.—Do you know Len Bellaw?

A.—No.

Q.—Do you know Budway?

A.—Yes I do.

Q.—Stanley Nash you have told us about. Do you know Vincent Nash?

A.—No.

Q.—Do you know Stanley Carrons?

A.—Yes.

Q.—Is he with the Department now?

A.—He wasn't with the Department long.

Q.—Was he a deserter from the Army?

A.—Yes.

Q.—Do you know Ingram?

A.—Yes.

Q.—Was he a bootlegger?

A.—Yes.

Q.—How long was he with the Department?

A.—I didn't know he was employed. I knew he was a bootlegger, for I have bought of him.

Q.—No question about that?

A.—No doubt about it.

Q.—You knew Phillip Raymond, or Raymond Phillips. How long was he with the Department?

A.—Six weeks to my knowledge.

Q.—Do you know whether he was a bootlegger?

A.—I would not be quite sure, therefore I say no.

Q.—Do you know where he is at the present time?

A.—No I don't.

Q.—Do you know whether he is in jail or out?

A.—I can't say.

Q.—Do you know Tony Phillips?

A.—Yes.

Q.—Is he a bootlegger?

A.—They say he was.

Q.—Was he working for the Department?

A.—Yes.

MR. WATSON: You don't know he is a bootlegger?

A.—I am only taking his own word for it, if that is any good.

MR. LENNOX: Both of these men were with you in the Gross raid?

A.—Yes.

Q.—And you say he was a bootlegger. Do you know how many times he was convicted?

A.—No.

Q.—Do you know he was convicted?

A.—He told me he was convicted.

Q.—Did you report that?

A.—I reported it to Hammond and Hammond let him out.

Q.—How long was he there before you let him out?

A.—I can't say that.

Q.—Do you know a man named McCarger?

A.—I have heard of him?

Q.—Do you know if he is in jail?

A.—No I don't.

Q.—For operating an illicit still, you haven't heard that?

A.—No.

Q.—Do you know a Crossman?

A.—No.

Q.—Do you know Grossman?

A.—I did know a Jew of that name.

Q.—Was he with the Department?

A.—I don't know that he was, but he was usually hanging around

Q.—Was he a bootlegger?

A.—No, I don't know that.

Q.—Do you know Partridge?

A.—Yes.

Q.—What connection did he have with the Department?

A.—I believe he was an inspector.

Q.—Do you know anything about him?

A.—No more than that he was in Mr. Ayearst's Department.

Q.—That name I referred to, should have been Kauffman?

A.—Kauffman is the bootlegger, and a partner of Slavin.

Q.—Was he working for the Department?

A.—No I don't think he was, not that I know of.

Q.—Was he a well known bootlegger?

A.—Yes he was.

Q.—Did you make a report on the 8th of May, signed by Estella Bailey and yourself, in which among other things you said:—

“On May 8th at Slavin’s house, along with Courrian, Jack Slavin, Solly Hite”—another bootlegger—“Kauffman, Courrian and Slavin suggested putting half a dozen bottles in different places throughout the house. Courrian asked me (Estella Bailey) if I thought I could get it in alright. I told him I was afraid. He then offered me \$50, to do it. I then had a talk with H. McCutcheon. He told me to get Rogers. McCutcheon and I went to see Rogers, met him coming out of his work.”

MR. RANEY: This report was made to whom?

A.—To Mr. Hammond.

MR. RANEY: How did you come by it?

MR. LENNOX: You may ask, but that is my business.

MR. RANEY: You will tell.

MR. LENNOX: I will be delighted to tell you if necessary.

MR. RANEY: You will tell.

MR. LENNOX: I will tell anything I know. I will be delighted to tell, I am not like you. You will produce this too. (Continuing to read)

“We asked Rogers if he would carry the whiskey into Nash’s house, and he said he would. We took Rogers to Slavin’s house. Fanny took him out to the Garage and gave him the first two bottles. Rogers phoned and said it was all set, but Slavin and Courrian, along with Cohen were to arrange with Rogers to hand over one bottle and place the marked money in Nash’s room. This could not be worked out on May 8th, so it was left over till May 9th and finally to May 10th.”

Q.—Tell us what took place on May 8th?

A.—Hammond was supposed to raid the place, and he refused, and on May 9th some of the party couldn’t be there, so it was finally finished on May 10th.

MR. RANEY: Who did you make this report to?

A.—Mr. Hammond.

Q.—Do you know how it comes to be in Mr. Lennox’s hands or a copy of it?

A.—I can understand part of it.

Q.—How did it come to be in his hands?

A.—I discussed several things with Mr. Lennox in reference to my case.

Q.—Did you give him these reports?

A.—I showed him some of them.

Q.—Did you have copies of them?

A.—Some of them.

MR. LENNOX: (Reading).

“Jack Slavin, Kauffman, and Mrs. Slavin, along with myself watched the house get raided, also how well young Cohen pulled the deal off. After no one was arrested everybody seemed to be sore. After Courrian said that some letters would have to be sent in to Chief Dickson. The letters were written next day.”

Q.—What was that for?

A.—To lay the blame on some other members of the department, that they were not carrying it out in the right way.

MR. LENNOX: (Reading).

“Cohen was to get \$50 from Courrian for this, but did not and there was some loud talking three or four times after about it.” And that is signed by Estella Bailey and yourself.

A.—That is a fact.

Q.—Is that statement correct?

A.—That is correct.

Q.—Now then, you were brought up here. Do you remember the day

Mr. Hammond was examined?

A.—I do.

Q.—Were you here that day?

A.—Part of it.

Q.—What occurred the next day as far as you were concerned. Were you brought to the buildings?

A.—Yes.

Q.—Do you know Mr. Dunlop?

A.—Yes.

Q.—Who is he?

A.—Mr. Dunlop is the inspector of prisons.

Q.—Is he the man who allowed you out on parole, or was it the Parole Board?

A.—I am not sure, Dr. Lavelle is the man I always report to, or if there is anything to deal with in reference to that matter Dr. Lavelle.

Q.—Then how did you happen to see Mr. Dunlop the next day after Hammond had given his evidence?

A.—Well they came down to see me in reference to this matter.

Q.—Who did?

A.—Dr. Lavelle, and I think it was Mr. McElvaine.

Q.—Who is he?

A.—Dr. Lavelle's assistant.

Q.—He is assistant to Dr. Lavelle?

A.—Yes I understand so.

Q.—Where did they see you?

A.—At the Don Jail.

Q.—At what time of day?

A.—At 10.30.

Q.—I thought you left in the morning?

A.—If they want me then I stay.

Q.—Were you asked to stay in that morning?

A.—They kept me.

Q.—Did you know why they were keeping you?

A.—They said somebody wanted me and I had to stay until somebody came.

Q.—These two men came down, and then what took place?

A.—Nothing whatever, only they took me out in a motor car and brought me to the Parliament buildings.

Q.—What time did you arrive here?

A.—Probably about eleven o'clock.

Q.—Where were you taken in the Parliament Building?

A.—To Inspector Dunlop's office.

Q.—Who were present?

A.—Inspector Dunlop Mr. McElvaney, Dr. Lavelle and some other gentlemen, and a shorthand stenographer.

Q.—Who did the talking?

A.—Everyone did a little.

Q.—What reason did they give for bringing you to Mr. Dunlop's office?

A.—They said some one had wanted to inquire why I was out, or something of that kind. Some one thought I was not in jail.

Q.—Who said that?

A.—Inspector Dunlop.

Q.—Didn't he know your position? He is Inspector of Prisons.

A.—Well I could be out and he would not know about it.

Q.—Do you think you could be out and the Inspector of Prisons not know about it?

A.—Things like that could happen.

Q.—At all events you were brought up.

A.—Yes.

Q.—And there was a stenographer there?

A.—Yes.

Q.—What questions were you asked?

A.—Oh how many days I had been down at the Don, what I was working at and who for, the time I was in for, and how long I had been out, how long I had been sick, and when I reported and when I left the farm and what I was doing now. What I had done Friday and Saturday, and where I was Sunday and where I was going Monday and so on.

Q.—After they got through these questions what did they next take up?

A.—I was asked if I saw you.

Q.—I want you to tell me if you can who this other gentleman was who was in Mr. Dunlop's office.

A.—I don't know who he was.

Q.—Do you see him here to-day?

A.—I do not see him around to-day.

Q.—Did he ask you any question?

A.—No he didn't ask me any questions.

Q.—Who did the questioning?

A.—Mr. Dunlop did the questioning.

Q.—I want you to tell the Committee what information he wanted in respect to me.

A.—He didn't say anything about you.

Q.—What information did he want respecting me.

A.—He asked if I had seen you and I said I had been in to see you with reference to my case, and that I had told you you had caused domestic trouble in my home from your speech in the paper.

Q.—That is your wife didn't know.

A.—She didn't know a good many things.



Q.—She knew all but the delinquency, I understand? At all events, you did come to see me?

A.—I did, yes.

Q.—What else did they ask you?

A.—They asked me how many times I had been there. I told them that on going to see you you weren't in, and I saw another Mr. Lennox. I saw your partner, and then you sent me a letter to drop in and I went back and saw you on two occasions. I told them the truth.

Q.—Then did the Inspector of Prisons give any reasons for questioning you about what took place between you and I?

A.—No he didn't, so that I could remember. He just merely said someone in the house had asked why I was at large, and he had me there to find out if I was working, and if I was there, and if everything was on the level.

Q.—I am speaking with reference to the references to me. Did he give any reason for associating my name with the inquiry?

A.—He just merely asked if I had been to see you and I said yes.

Q.—Did you tell him anything?

A.—I explained my case in general.

Q.—Did he ask you if you had been asked any questions by me?

A.—Yes he asked if you had offered me any money and I told him you were not man enough for giving me a car ticket after I told you I had walked to your office.

Q.—Is that true?

A.—That is true.

Q.—You were not paid any way?

A.—No.

Q.—I want you to tell me what was your purpose in coming to my office. Was it a matter of business, or not.

A.—I came to your office intending to get you to help me at Ottawa to find out why I was in jail, which is something I don't know yet.

Q.—You took it up with my brother first?

A.—Yes, and then I received a written note from you to call and see you.

Q.—And then you took it up with me.

A.—No.

Q.—And during the course of our discussion, you made mention to me of some of the conditions in the Department?

A.—I detailed everything to some extent.

MR. FERGUSON: How long did this interview with Mr. Dunlop last?

A.—Probably twenty minutes.

Q.—And it was all taken in shorthand?

A.—I think it was.

MR. CLARKE: Did you understand from Mr. Dunlop that the reason they got you there was to assure people who thought you were at large and not serving your sentence?

A.—That is what I understood.

MR. LENNOX: Was there any reason that was explained to you why, in order to satisfy people on that it was necessary to make reference to what had

taken place between you and me. Did they give any reason for that?

A.—No.

MR. FERGUSON: How did they come to ask you about Mr. Lennox.

A.—They just asked me if I had seen him.

MR. NIXON: Are you still under the regulations of the jail?

A.—I am, of course. Oh yes, Inspector Dunlop asked me if I didn't know I should have been working instead of going to your office. I explained to him how I happened to be at your office and that I was on other business as well as going to see you.

Q.—They quizzed you with respect to me?

A.—They asked me did I know I should not have changed my position without notifying Dr. Lavelle. I said I didn't know and that if Dr. Lavelle had mentioned that I certainly would have reported it.

MR. FERGUSON: Do you see that other man whom you saw in the room there? Is he here now?

A.—No, I don't see him.

Q.—Did you hear his name?

A.—No, I did not hear his name, but I would know him again if I saw him.

MR. LENNOX: Did any one else make reports to the Department, other than those you have told us of?

A.—Yes, I think Mark Heaton made a report.

Q.—To whom did he report?

A.—General Elliott?

Q.—On what?

A.—Something about orders being signed by Mr. Ayearst to have liquor moved up the track or something like that.

Q.—When was that?

A.—In the latter part of August.

Q.—Was Heaton the man who was sent to York to replace Mr. McKenzie?

A.—I don't know that.

Q.—Have you found out since whether he was or not?

A.—I have learned that Heaton was away from the Department and came back in some other capacity.

Q.—Then you had a brother working for the Department?

A.—Yes.

Q.—What is his name.

A.—Sam.

Q.—Under what name did he enter the service of the Department?

A.—Sam McDunn, I think.

Q.—Did the Department know his real name?

A.—They knew he was my brother.

MR. LENNOX: In whose department was this Sam McCutcheon, alias McDunn?

A.—He was in there working for Mr. Hammond.

Q.—Did he work for Hammond first?

A.—Yes he started for Hammond.

Q.—Under what name did he start working for Mr. Hammond?

A.—McCutcheon.

Q.—So that he became a member of the force, or an officer under his proper name?

A.—Yes.

Q.—How long did he work for the Department, or for Mr. Hammond under his proper name?

A.—Two or three weeks.

Q.—Then what took place?

A.—We sent him into Mr. Ayearst's office, on the same day as we sent Gordon in to secure a job as operator.

Q.—When was that?

A.—That was in July.

Q.—Of last year?

A.—Yes.

Q.—What was your object of sending your brother into Mr. Ayearst's office for a job when he was working for Mr. Hammond in the same Department.

A.—He wasn't in O.T.A. work until he started in Mr. Ayearst's department.

Q.—What was he doing with Mr. Hammond?

A.—He was corroborating evidence with me, in Mount Dennis and other places.

Q.—He was assisting you?

A.—He was a corroborating party.

Q.—He wasn't apparently working for you in the cleaning up, because there was no expense account for him.

A.—No. I paid him what little he had. He has been paid by Mr. Hammond.

Q.—He was paid by Hammond during the time he was working for him, and he was assisting you?

A.—Yes.

Q.—Are Mr. Hammond's office and Mr. Ayearst's office both in the same building?

A.—They are.

Q.—Have they each got their own men?

A.—Yes.

Q.—And has Sarvis his own staff?

A.—Yes.

Q.—So we have Hammond, Ayearst and Sarvis, each with their own staffs, three different staffs.

A.—Yes.

Q.—And all doing the same class of work?

A.—Yes.

Q.—And that is headquarters at 46 Richmond West?

A.—Yes.

Q.—What was your brother's object in going to Ayearst's office to get a position under Ayearst?

A.—Well I will have to detail that out a bit. I was putting in reports to show that when members of Ayearst's staff would raid a house, they would

take a bottle that I produced, and if there was one hundred bottles left, they would leave that and probably go back after they had it cleared away.

Q.—What do you mean by that?

A.—Now listen here, supposing I go here and buy a bottle at this Jones place. I see 24 bottles of gin and a couple of cases of Scotch and G. and W. standing along beside the wall. They ask me what I will have. I say I will have Scotch and I buy that bottle of Scotch with Courrian's money and come out with that bottle and give it to Courrian or Gross, or whoever the men are with him. They would come in and raid the place, and would not find that liquor.

Q.—Although you had seen one hundred bottles.

A.—Although I had seen it there. Then they would come back after a while, and this woman gives them \$500 and they clear the liquor away and only produce that one bottle, I found, in court, and she is fined three hundred dollars.

Q.—And saves her liquor?

A.—Yes.

MR. FERGUSON: You say that generally speaking these officers were susceptible to bribes for protecting the bootlegger.

A.—Yes. My brother asked me to corroborate evidence on this woman in the case.

MR. LENNOX: Is that Mrs. Lamanti?

A.—It was on Terauley St. opposite City Hall.

Q.—Where is she now?

A.—Her sons are running a garage in Mount Dennis. I don't know where she is.

Q.—Do you know that this has actually taken place?

A.—Yes. I know there was a case of this Lamanti, who had a raid. I said you only got fined \$300, and he said "Yes, didn't we have to get Courrian \$500 and they took part of the liquor."

Q.—When was this?

A.—In July.

Q.—That was about the same time as this delinquency charge against you?

A.—That would be a year or two ago.

Q.—Was that reported to the Department?

A.—Yes.

Q.—Do you mean to say they kept Courrian in the department after that?

MR. BRACKIN: I think you were going to say you had been out with Courrian?

A.—I had been with him collecting money in hotels. I was a regular brother to Courrian all the time I was investigating.

MR. RANEY: You mean you were standing in with Courrian in these cases?

A.—Yes. Courrian was to my way of speaking the king of the bootleggers. He was the Jew's God, and any time a Jew bootlegger got into trouble, Courrian would have to be consulted.

Q.—Do I understand you were with him?

A.—Yes, I was under his instructions.

Q.—Did you share in the bribes given to him?

A.—I never shared in any. I was offered one hundred dollars once on the City Hall steps, but because I gave evidence in the conspiracy case, I didn't get it.

Do I understand that in all these transactions you were square with the Department?

A.—Absolutely.

Q.—You meant to be square with the Department, but you knew what Courrian was doing?

A.—Why I was reporting it from day to day.

MR. FERGUSON: Did you see many other cases where this same bribery took place?

A.—If I could buy a bottle, Courrian would pay me to give it to him and he would square it.

MR. RANEY: I hope Courrian hasn't any successor has he?

MR. FERGUSON: I just want to ask you one or two questions. You say there were plenty of other cases you know where money was taken by Courrian, and somebody else to cover up a bootlegger?

A.—I went to Woods Hotel at Port Credit. There was myself with others in the party with Courrian who went to Kitchener collecting money.

Q.—For what?

A.—For protecting them, for tipping them off.

Q.—For protecting the bootleggers?

A.—Yes.

Q.—What about the excursion to Kitchener.

A.—There was Slavin and his wife, Courrian, myself and Miss Bailey, Jack Slavin and Mr. Corley's niece. At least they said she was his niece. She was with Jack Slavin.

MR. DEWART: Have you anything further with reference to Wood's place?

A.—There was a car load of us and we arrived at the hotel and went into the reception room, and Courrian called the proprietor. We had gin, beer and whiskey, and sandwiches, in the presence of Courrian, and served by Woods at the hotel.

Q.—What year was this?

A.—Last summer, about the 24th of May. That wasn't paid for. It was simply ordered by Courrian, and this is what makes me say he was collecting. When he left Toronto I wanted some money and he could not lend me any because he only had three dollars in his pocket. After he left the hotel and had these drinks, we went to Rhinehart's in Guelph, where I was the worst enemy in the world Rhinehart ever had. He takes me and introduces me as one of his men. Rhinehart gave him a bottle and fifty dollar bill, and when we got to Kitchener he was drinking and he had a fight in the . . . . . House and the police came in. Finally he showed that he was a Provincial officer and the police let him go, and he gave the fifty dollar bill he got from Rhinehart to Slavin for the car.

Q.—Was that reported to the Department?

A.—Yes.

Q.—And these reports you handed from time to time to Hammond.

A.—Yes.

The Committee then adjourned until to-morrow.

May 10, 1922.

The Committee met at 10 a.m., with Mr. Watson in the chair.

H. H. McCUTCHEON: recalled, examined by Mr. T. H. Lennox, K.C.

MR. LENNOX: Now, Mr. McCutcheon, you were telling us yesterday about your brother and you said he started in under his own name under Mr. Hammond and then he made application to Mr. Ayearst under an assumed name?

A.—Yes sir.

Q.—And did he get the appointment with Mr. Ayearst under an assumed name?

A.—Yes sir.

Q.—How long was he with him?

A.—Four weeks I think.

Q.—And during that period what were his duties?

A.—Operator.

Q.—Now what was the reason for him going from Hammond's office to Mr. Ayearst's Department or Ayearst's office under an assumed name?

A.—To secure information regarding statements I had already made referring to Courvian and other of Ayearst's officers leaving liquor in houses they raided.

Q.—That is, Ayearst apparently did not know he was a brother of yours?

A.—No; if he had he would not have got the job.

Q.—Well, was Ayearst aware that he had been working for Hammond?

A.—Oh, I don't think so.

Q.—Then your object and Mr. Hammond's was—Was Mr. Hammond a party to it?

A.—Oh yes.

Q.—... was to get him into Ayearst's office under an assumed name for the purpose of spying and getting information. Is that correct?

A.—No, not altogether. He merely wanted to get him into the office. I had three places. My brother was not in the habit of drinking. He never drank in his life. But I hired him to send to get three places. Hammond had the information these places were selling through me. My brother could go and buy and let Mr. Ayearst's department raid the places.

MR. LENNOX: What am I to understand then was the object of him going from Hammond's office to Ayearst's office under an assumed name? There must have been some reason?

A.—The only reason I can give you is that if he had not used an assumed name he would not have got the job.

Q.—How do you know that?

A.—What happened when they did find out who he was?

Q.—And those you drank?

A.—They got rid of him.

Q.—But what was the real object of him going there? You had something in your mind? Hammond had something in his mind?

A.—I am telling you, I gave him these three places where we knew liquor was stored and they were willing. I could not act under Mr. Ayearst's Department, but my brother could go and buy and let Mr. Ayearst's men go and raid the places and see if they took the stuff away.

Q.—Then he was acting in the capacity of a detective?

A.—He was serving two masters.

MR. FERGUSON: Your idea was to get information to see if Ayearst's men were acting in good faith and would go and raid a place and take the whiskey away.

A.—(Witness nodded affirmatively).

MR. CLARKE: Why would not Ayearst hire your brother, because he happened to be your brother?

A.—Because they were all scared of me. Because they had got it into their heads that I was after somebody. Courrian himself took me into Mr. Mowat's office while Mr. Mowat was away and demanded them to show him whether you have issued a check to H. H. McCutcheon. I said, "No; I have not received any checks." I did not want them to know I was investigating. The clerk in Mowat's office says, "Yes. I made a check out to him." I said, "I did not receive it." I denied receiving the check because I did not want them to know I was investigating.

Q.—Your reputation was not good?

A.—My reputation was honest.

Q.—But I mean as to the public. You had received money and you said you did not receive it. I understood you said you had received a check?

A.—I received a wage check which I should not have received through the O.T.A. books at all. That was what gave the game away. When they found I was getting a check they knew I was with the Department all the time. I was with the officers and the bootleggers. I was not supposed to be working for the Department.

MR. FERGUSON: You were acting in a special capacity and it was not to be known to the rest of the officers?

A.—Yes.

Q.—You were standing in with the bootleggers but for the information of the Department?

A.—Not the bootleggers, but the officers.

Q.—You were investigating the officers of the Department at this time?

A.—Yes.

MR. LENNOX: You said a man by the name of MacIlvaney was with you at Mr. Dunlop's office?

A.—Yes.

Q.—Did he take any part in the discussion?

A.—No.

Q.—Anything at all; did he make any reference to this investigation?

A.—No.

Q.—Did you have any conversation with Mr. Dunlop at any time excepting in his office?

A.—Just merely to speak to him.

Q.—Anything said to you about your pay?

A.—I said something about that I was entitled to three or four months' pay.

Q.—What did he say, if anything, with respect to your pay here before the Committee?

A.—I think he said that I was right, that I should get it.

Q.—Should get what?

A.—My pay.

Q.—And what allowance did he say should be made to your coming here, your loss of time?

A.—I don't just get that.

Q.—Was there any talk about your being paid for attending meetings of this committee?

A.—This gentleman here, the secretary, Mr. O'Brien, asked me what I was doing, how much I was getting paid. I said I was building for myself; that my time was worth \$10 a day.

Q.—Where did that conversation take place?

A.—In this room.

Q.—How long was that after Hammond gave his evidence?

A.—Oh that was the following week.

Q.—Now tell us what took place?

A.—This gentleman asked me what I was doing, how much I was being paid. I said I was working for myself, building, and he said, he asked me how much I thought was fair for coming down here. I said my time was worth \$10 a day.

MR. CLARKE: That was the clerk?

A.—Yes, Mr. O'Brien.

MR. LENNOX: What else took place? Was Mr. Dunlop there?

A.—Yes.

Q.—Did he say anything when you said \$10 a day?

A.—He said something in reference to some pay; that I should get a little more than that.

Q.—What did he say he thought you ought to get?

A.—At a rate of \$20 a day, I think.

Q.—Now this was all after you had been taken up into his room?

A.—Oh, I am not sure; I think it was the next day.

HON. MR. RANEY: Where was that said? In the presence of Mr. O'Brien?

A.—I think he was there.

MEMBER: Mr. Dunlop said you ought to have \$20 a day?

A.—He did not say I ought to have it. He said my time was worth that if I was building for myself, coming down here and losing time while I was building. I have a loan going through and I am wasting my time to-day.

MR. LENNOX: Do you know a man named Henry, an operator?

A.—Yes.

Q.—Who was with the Government?



A.—Yes.

Q.—Were you ever out with him on a case?

A.—Yes, several times.

Q.—Were you ever up to Owen Sound with him?

A.—Well now, Mr. Lennox, when I discussed my troubles with you I never expected to hear anything more of that. Now I don't care to go into that expected to hear anything more of that. Now I don't care to go into that matter, as it is going to hurt me, but I will tell the Attorney General all about it. I have told other officers of the department, which got me into difficulties for it, but I do not want to open up. You can go ahead if you like; I don't care. But I think it is unfair.

MR. LENNOX: If you don't care we had better get on with it. But I don't want to be unfair. Did you report it to the Department what took place between you and Henry?

A.—Yes.

Q.—Did you report in writing?

A.—I believe I have.

Q.—When was it you and Henry were in Owen Sound together?

A.—Well, I don't know. I reported it and Henry got dismissed for the affair, and I think that was about all that was said. I told the officer in charge all about it.

Q.—Who was the officer in charge?

A.—Storm.

MR. FERGUSON: What did they dismiss him for, dishonesty? On what count? Accepting a bribe?

A.—No.

Q.—What did he do?

A.—Perjury.

Q.—Tell us about it.

MR. RANEY: When was this? When was Henry at Owen Sound? What date was it?

A.—It was in March, 1921.

MR. FERGUSON: A little over a year ago.

WITNESS: That is why I would like to look that up. I am not sure of the date.

MR. FERGUSON: You can verify the date afterwards.

A.—Yes.

Q.—What was the circumstances? Why do you say this man was dismissed for perjury?

A.—How am I going to get protection on this count? I have already been in jail six months. I don't want these fellows to frame me again.

MR. LENNOX: The Attorney General has used the expression that you "turned yourself inside out" to me. What do you say about that?

A.—I do not see where that is right.

Q.—Have you told anything but the truth?

A.—I have told nothing but the truth and nothing only concerning myself.

MR. RANEY: I have not said he told anything but the truth.

(MR. TOLMIE moved, seconded by Mr. FERGUSON, "that this committee,

if we can do it, afford this man protection in the evidence he has given. Carried.)

MR. LENNOX: Now, McCutcheon, you went up to Owen Sound with Henry and you were there how long?

A.—About a week.

Q.—During that time did you get any evidence?

A.—I did.

Q.—Any one convicted in Owen Sound as a result?

A.—There was a man convicted in Owen Sound.

Q.—Then what other place did you visit besides Owen Sound?

A.—We were stationed at Owen Sound. We visited Shallow Lake.

Q.—Had you been in Toronto between the time you first went to Owen Sound and the time you went to Shallow Lake?

A.—No.

Q.—Had Henry?

A.—No.

Q.—Now what took place? Is there a hotel at Shallow Lake kept by Tommy Joint? Was he convicted?

A.—He was.

Q.—And fined how much?

A.—\$500.

Q.—Now will you tell us the circumstances under which that conviction was made?

A.—Yes. We were sent to Owen Sound under instructions of Mr. Sarvis, on information received through Mat Beckett of Owen Sound. We arrived and went to see Mat. Beckett, License Inspector, and he said Tommy Joint was selling and he had been after him for years. In fact the constable out there had the information to convict but he would not go through with it. So it seems that Henry was well known in Owen Sound and he had to lay in the hotel all day in order to keep under cover. I was all right. I had never been there before. There was a sleighing party went out to Tommy Joint's on Friday night. I got in with this sleighing party and went out to Tommy Joint's hotel, and they had a dance, and they sold liquor by the drink—50 cents a drink—from ginger ale bottles through straws. I came back to Owen Sound and saw Henry, and told him he was selling but he was not selling bottles. Henry said, "Well, I cannot do anything. We will go back to Toronto." On the way down in the train Henry made up his notes. Henry said he would go into court and swear that he bought a bottle from Tommy Joint.

Q.—Where did he get it?

A.—He bought it in Toronto.

Q.—Then did you go back to Owen Sound?

A.—The bottle was taken to Owen Sound, and Mat Beckett—not Mat Beckett, but Tommy Joint—was brought up in police court.

Q.—On what charge?

A.—B.O.T.A.

Q.—Selling a bottle?

A.—Selling a bottle of liquor to Henry. Henry got into the witness box first, because I was hanging back all the time. I did not want to do it,

but when we got there Sarvis was up there, counsel, and every one else. Henry started out to say he went into Shallow Lake in a cutter along with me, and met a man on the street, after getting out of the cutter, and said, "Bill, do you know where to buy a crock?" And this man said yes and took him up to Tommy Joint's hotel and walked up to the show case, and this fellow says, this man wants a crock. Tommy Joint handed over a crock and Henry says he paid him \$5.00, and produced the crock in court. And I was not in there. They stood me outside. So when I came in I could not say I saw him buy the crock. I said I saw something pass. Maybe it was the crock. I saw Henry go in the hotel with another fellow and come out.

Q.—And that was not true?

A.—That was not true.

Q.—He had not been there at all?

A.—Henry had not been there at all. I had bought drinks. Henry had not. They said, "When did you leave Shallow Lake?" We said, "We left that night on the train." So the magistrate convicted Tommy Joint on that evidence.

Q.—And that was the bottle he had bought in Toronto?

A.—Yes.

Q.—And upon that Joint was convicted and had to pay a fine of \$500?

A.—Yes.

MR. RANEY: Did you lay any information in respect to the case in which he really did sell liquor to you? You did have a real case against this man?

MR. LENNOX: He didn't say so.

WITNESS: That information was laid by me, but I merely swore to co-operating with Henry, that I saw something pass.

MR. RANEY: Then the case you had was not prosecuted?

MR. FERGUSON: That evidence, I think, came out.

MR. RANEY: Well did that evidence come out? You gave evidence as to what was true and in addition to that you told a story that was not true? You really had bought whisky from this man?

A.—I did. That is the reason, one reason, why I said what I did.

MR. RANEY: Then when you were called as a witness you told what you had actually done, and then, after, to corroborate Henry, you lied, and told the same story that Henry told?

A.—I did not know what Henry told.

Q.—Well, you told something that was not true?

A.—I did.

Q.—But he really had sold whiskey to you?

A.—He had.

Q.—And he was convicted of selling whiskey?

A.—Yes.

MR. FERGUSON: Did you tell when you were in the witness box that you had bought whiskey at the Joint place yourself?

A.—Yes.

MR. CLARKE: He was guilty anyway?

WITNESS: He was guilty of selling liquor. There was no doubt he was selling liquor. But then Henry swore he bought the bottle.

MR. RANEY: Which was a lie?

A.—It was a lie.

Q.—And you knew it?

A.—I knew it.

MR. RANEY: And Henry was dismissed?

A.—I came back and told Sarvis, and Sarvis fired him.

MR. LENNOX: Did you refuse to go out with him any more?

A.—I told Sarvis I would not travel with Henry any more.

Q.—Then the whole story of Henry was absolutely untrue?

A.—Henry was not there.

Q.—His whole story was untrue?

A.—Yes.

Q.—Was the bottle produced in court?

A.—Yes.

Q.—And was it identified as the bottle that was bought from this hotel keeper?

A.—It may have been by Henry, it was not by me.

Q.—You were not in there when Henry gave evidence?

A.—No.

Q.—Do you know whether Henry did go out in the cutter and buy a bottle?

A.—I know for a fact that he did not.

Q.—The whole thing was a framed case on this fellow to make the Department believe you were doing something?

MR. RANEY: Not the whole thing. Henry's part was framed. McCutcheon had bought liquor.

WITNESS: There is one thing that Mr. Sarvis will do where he should not. He will tell his man that there is nothing much doing and you have got to get busy. A man goes out with the idea if he does not get some information on that trip when he goes back he is going to be fired. That is one thing that makes a man do something crooked.

Q.—Well is that the reason this was done?

A.—That was one reason why Henry did that—

Q.—Afraid of losing his job?

A.—Afraid of losing his job.

MR. LENNOX: In other words, if you are not doing any business you are no good.

MR. TOLMIE: But the charge which the man was convicted on was not selling you but selling a bottle to Henry?

A.—He was charged jointly, but I don't know what evidence Henry gave. But the conviction was secured on our evidence.

MR. LENNOX: Does that occur often in the department and with the operators?

A.—Not so much of late.

Q.—It seems to have been very bad in 1921?

A.—Some of the boys that I used to know were not very particular about how they carried on.

MR. RANEY: Are any of them with the Department now?

A.—No Sir.

MR. LENNOX: It was not an uncommon thing, then, for men to be convicted on the evidence of perjured testimony?

MR. RANEY: Well, that is the grossest possible kind of question.

WITNESS: That is a question I cannot give any answer to.

MR. LENNOX: But you do say a man was liable to lose his job if he went out for a week and did not get a conviction?

A.—Well, I cannot altogether say that. I can say that he was threatened.

Q.—And would you spend much money during a week, say the Owen Sound week?

A.—On a trip like that you would receive say \$50 apiece for a week.

MR. CLARKE: Expenses?

A.—That includes hotel expenses, railway fare, and everything.

Q.—And you had to show results?

A.—Oh yes.

Q.—And you say that was the reason that Henry came to Toronto to buy this bottle?

A.—Henry lived in Toronto. He did not have to come to Toronto.

Q.—Just explain what you mean. You said you had to show results. Have we to understand that if you did not succeed in getting a law breaker that you had to create a law breaker, you had to make belief that the man was a law breaker, as you have been telling to us a while ago, or else you had the impression you would be fired?

A.—I say the men had the impression—this was often discussed among the boys at the office. We have been so and so, and we have done nothing. If we don't do anything next week Slavin is going to let us out.

MR. HILL: Did any of the people in authority over you ever give you any idea that that would be the case if you did not get the business when you were on the job; if you did not succeed in capturing somebody you would be fired?

A.—No.

Q.—Did the department give you that impression?

A.—No.

MR. FERGUSON: We started yesterday with a motor load of you and some others and we got as far as Port Credit. I think you said it was a sort of collecting expedition. You stopped on the way, got to Kitchener, Courrian had already received a \$50 bill and a bottle at Rhinehardts, and got into Kitchener, in Joe Zuber's Hotel, and Courrian got into a racket and the local police came in to arrest him.

MR. RANEY: You have told us about that yesterday.

WITNESS: Courrian showed his badge, and at that time Slavin and Kauffman who were in the car had the bottle, and took this policeman and the sergeant for a drive and they finished the bottle.

MR. RANEY: I understand your services with the Department began back about 1915?

A.—Yes, all of that.

Q.—Before the O.T.A. was passed?

A.—Yes Sir.

Q.—You were with the Department under the old License system?

A.—Yes Sir.

Q.—Doing detective work?

A.—Yes Sir.

Q.—Then that was before Mr. Flavelle came in, even.

A.—Yes, I believe it was.

Q.—Then Mr. Flavelle came in and you were kept on under him?

A.—Yes.

Q.—And Mr. Flavelle and Mr. Ayearst were in charge of the work?

A.—Yes.

Q.—Mr. Flavelle at the head, and Mr. Ayearst more directly in charge, and Mr. Sarvis, in charge of this work? Sarvis was directly superior to you?

A.—Yes Sir.

Q.—Was Mr. Sarvis in charge all the time you were with the Department?

A.—No.

Q.—You were in even before Sarvis came in?

A.—Yes Sir.

MR. FERGUSON: Would you ask him, or have him explain to us the difference in jurisdiction between Sarvis and the others?

MR. RANEY: At all events you knew Mr. Flavelle was the head of the law enforcement branch down to the appointment of General Elliott a year ago, and that next under him was Mr. Ayearst in general charge of law enforcement, O.T.A., and that Mr. Sarvis was in charge of the detectives outside of Toronto?

A.—Yes Sir.

Q.—And your record was clean, I believe, down to the time of the Guelph trouble? Am I right?

A.—Yes Sir.

Q.—And the Guelph trouble you say was framed on you?

A.—Yes Sir.

Q.—You were innocent of that?

A.—Yes Sir.

Q.—And when you came back from there were you dismissed?

A.—Yes, when I came to your office.

Q.—Did you see me?

A.—Yes Sir.

MR. RANEY: I do not recall. You came with Mr. Flavelle, I suppose?

MR. TOLMIE: What was the date of the Guelph trouble?

MR. RANEY: I think the 23rd of February, 1921. And I see a letter from myself to Mr. Flavelle, dated 26th February in which I say: "I suppose you have dismissed Shaw and Magee—"

Q.—You were Shaw?

A.—I was Shaw.

MR. RANEY: And I went on to say: "In this connection it occurs to me to inquire why these men found it necessary to register at Guelph under assumed names. On general principle I think this practice should be condemned. There is no reason I know of why officers employed should not register under their own names. I would be glad to have your opinion."

Q.—At any rate you were let out after that?

A.—Yes.

Q.—Then I believe you went back and saw Mr. Flavelle and represented you had a wife and children, and after a while it was agreed you should come on but not go into court, to assist in getting information but not go into court as a witness?

Q.—In other words there would be always somebody with you who would get the information which would be put before the court, and you were a kind of a pilot?

A.—There would be somebody with me on the final trip.

Q.—Then, you have gone very carefully into what followed, but just to go back again for a moment to the first case referred to by Mr. Lennox in the House. You have become famous, you understand that, lately, through the instrumentality of my friend Mr. Lennox. And the first thing he had to charge against you was that you were arrested on a charge of contributing to the delinquency of a girl, and apparently the offence consisted in Mr. Ayearst going your bail, and getting you out of jail. Mr. Ayearst had confidence in you apparently?

A.—Yes, he had.

Q.—He believed you were innocent?

A.—For no other reason.

Q.—And when the case came on in court and the case for the prosecution was heard it was thrown out?

A.—Thrown out.

Q.—And you were not called upon for your defence?

A.—Yes Sir.

Q.—And that established your innocence?

A.—Yes Sir.

Q.—And notwithstanding that, that case is blazoned before the public.

Q.—Now before that?

A.—Well, the man I was working for at that time he got after Mr. Ayearst and I think he came to see you also.

Q.—At all events Ayearst went your bail?

A.—Mr. Ayearst looked after me generally.

Q.—Did you make Ayearst believe you were innocent at that time?

A.—No, I did not.

Q.—Well, you said Ayearst thought you were innocent.

A.—I said he had no other reason.

Q.—Well, you told him the facts and he went your bail?

A.—Yes Sir.

Q.—And the case was thrown out without your being called upon?

A.—Yes Sir.

MR. RANEY: Now, first, I want to call your attention—no doubt you have read it several times—to the charge that is made by Mr. Lennox so far as you were concerned, and so far as other men in the employ of the Department were concerned. He is reported in The Telegram as having said:

“Not only has the Attorney General given the work of enforcing the Ontario Temperance Act into the hands of thugs and criminals, but these same characters were and are being kept to-day by Mr. Raney assisting him in the

working of the O.T.A., men who have been convicted, and have served terms in jail to his knowledge.”

Q.—Do you know anybody corresponding to that description?

A.—No Sir.

Q.—Is that statement true?

A.—No, it is not.

MR. LENNOX: How can he say?

MR. RANEY: Well, I am going to give you a chance to say.

Q.—Now you have had seven years' experience?

A.—Yes Sir.

Q.—Under this and former Governments?

A.—Yes Sir.

Q.—Have you, during that time, known the Department, whether under me or under Mr. MacPherson, before this Government came into office, have you ever known anybody to be employed by the Department who would answer to the description of thug or criminal?

A.—No Sir.

Q.—Have you ever known anybody to be employed who had been convicted as a criminal to the knowledge of the Department after his conviction?

A.—Not after they knew he was convicted.

Q.—And that statement, you say, is false, as far as you know?

MR. FERGUSON: He did not say it was false.

WITNESS: You will have to let me give you an answer in my own way. During the past summer there has been men employed by the Department where some of the officials knew they had been convicted.

MR. RANEY: Who were they and who knew about it? What were the names of these men?

A.—Nash.

Q.—What was he convicted of?

A.—Deserting the army.

Q.—Who else?

A.—Some Italians. As I understood they were found out to be ex-bootleggers.

Q.—Had they been convicted as bootleggers?

A.—That is what they say. I don't know.

Q.—Well, who knew Nash had been convicted?

A.—I did.

Q.—Well, who of the Department?

A.—I think Mr. Hammond did.

Q.—Do you know?

A.—Yes.

Q.—Did you tell him?

A.—Yes.

Q.—Did he keep them on after that?

A.—I don't know how long. For a while he was kept on salary to give evidence.

Q.—For how long?

A.—Probably a month or so.

Q.—And who else besides Nash?



A.—Two Italians; Tony Phillips and Ross Phillips, or something like that.

Q.—What were they guilty of?

A.—They said themselves amongst the men they had been convicted of bootlegging.

Q.—Where?

A.—In Toronto.

Q.—Did Hammond know of that?

A.—No; but when he found out he let them go.

Q.—Then Nash, you say, had been convicted as a deserter, and you say Mr. Hammond knew of that and still he kept him on?

A.—Yes, Mr. Hammond had to keep him, for a witness.

Q.—Yes; for how long?

A.—Until this conspiracy charge was over.

Q.—And then he let them go?

A.—I understand so.

Q.—Are there any other cases you know of except these two?

A.—Martin; he was convicted of drawing a gun and shooting in the street; he was with Mr. Sarvis.

Q.—Who was Martin?

A.—Joe Martin, I think. While I was working for Sarvis he was fined in the Toronto police court for shooting.

Q.—What happened to him?

A.—He was let out.

Q.—Well, we have not heard of him before. Joe Martin? He was fined in the Toronto Police court?

A.—Yes Sir.

Q.—For what?

A.—For brandishing a gun in the streets, and, as I understand, shooting.

Q.—When was that?

A.—Last summer.

Q.—How long was he kept on after that?

A.—I believe he is still with the department.

Q.—Did Mr. Hammond know of that?

A.—He is working for Sarvis.

Q.—Did Sarvis know?

A.—Mr. Sarvis gave him the money to pay for his fine in my presence.

Q.—Gave him the money to pay his fine?

A.—Yes Sir.

MR. RANEY: Any other cases you know where men have been kept in the employ of the Department after they have been convicted?

A.—Not that I can recall.

Q.—Now do you know whether Mr. Ayearst knew of any of these men having been convicted?

A.—I know of one case.

Q.—What case was that?

A.—Slavin.

Q.—When was he convicted?

A.—Two or three times for selling liquor.

Q.—Did Mr. Ayearst know he was employed by Mr. Hammond?

A.—No.

Q.—Was Slavin employed as an officer?

A.—Only round about the time of the Homer investigation.

Q.—What is that?

A.—Around that time when they had the Homer investigation.

Q.—Was he employed as an officer?

A.—After he was convicted? Yes Sir.

Q.—How long?

A.—Probably two or three months.

Q.—When was that?

A.—Oh that is away back two or three years ago—probably four years ago.

MR. RANEY: Well perhaps I was not responsible for that.

MEMBER: That would be the fall of 1918.

MR. RANEY: Now I notice that Mr. Lennox is reported as having said, that is the member for North York, pointed out that McCutcheon was let out on suspended sentence on a conspiracy charge, was convicted of operating a still and sent to jail for six months—"Thank God, there is something that keeps these criminals from working for this Department." Mr. Lennox? You recognize he is referring to you?

A.—I think it is.

Q.—Did you resent that?

A.—I went to see him and ask him what he meant by it.

Q.—Was I wrong when I said a little while ago that you had gone to Mr. Lennox and turned yourself inside out to him?

A.—Were you wrong? Yes, you were.

Q.—Did you go to Mr. Lennox's office?

O.—On my own behalf, yes sir.

Q.—Did you go there on his invitation?

A.—He sent me a letter.

MR. LENNOX: After you had been there?

A.—After I had been there. There is another Mr. Lennox there, Mr. Keith Lennox. I saw him first.

Q.—Have you got that letter with you?

A.—I have, I think.

Q.—Produce it, will you?

MR. RANEY reads letter: 9th February, 1922—"I wish you would call and see me some day when you are down town."—

Truly yours,

(sgd.) T. H. LENNOX.

MR. RANEY: Had you seen Mr. Lennox before that letter was written?

A.—No Sir.

Q.—That was the first?

A.—Yes Sir.

O.—Then you went to his office on his invitation?

A.—Yes Sir.

MR. FERGUSON: You said you went yourself to see Mr. Lennox and he was not there and you saw his brother?

A.—I saw another Mr. Lennox.

MR. FERGUSON: You saw the partner, and then, subsequently, you got this note from Mr. Lennox.

MR. LENNOX: Had your first visit anything to do whatever with these charges or with the enforcement of the Act, or was it on your own private business?

A.—I went through a lot of papers referring to my case, papers that would back up the statements I made before a solicitor to help me. It was on the strength of that I went to see Mr. Lennox. I told him I would like to see Mr. Lennox, and I told him I was working and I could not come down any time in the day.

MR. RANEY: Well, did you tell him you wanted to see Mr. Lennox?

A.—I saw another Mr. Lennox, Mr. Lennox's partner, Keith.

Q.—Had you been there before you received that letter?

MR. LENNOX: You answered that question a moment ago and said you had not.

A.—I said I had not; I had gone there and seen another Mr. Lennox.

Q.—And did you tell Mr. Lennox the whole story as Mr. Lennox has brought it out here yesterday and to-day?

A.—No sir, I did not tell him everything.

MR. RANEY: Because it occurred to me as he was asking you questions he knew a lot about your private affairs. Did you tell Mr. Lennox about all the things that he has asked you about yesterday and to-day?

A.—Not all of them.

Q.—Well, how would he know about them?

A.—I am not a mind reader.

Q.—You did give him a history of your connection with the department?

A.—I gave him a history of my own case in general.

Q.—And you went into these different matters, matters of the conduct of the different people in the Department?

A.—Yes Sir.

Q.—You had prepared reports for the Department in your employment by Mr. Hammond and you had kept copies of them?

A.—Some of them.

Q.—Did you turn these copies over?

A.—Some of them.

Q.—Did not you turn them all over?

A.—No Sir.

Q.—And he copied them, I believe?

A.—I am not sure; he did not say so.

Q.—Where are they now?

A.—Mr. Lennox still has some.

Q.—Copies of confidential reports made by you to the Department?

A.—Papers that referred to my case I gave to Mr. Lennox.

Q.—Copies of confidential reports prepared by you for the Department and paid for by the Department?

A.—They were not confidential at that time.

Q.—Because you were in jail; is that the reason?

A.—Yes; and everybody knew it.

MR. HALL: Yesterday, Mac., you said something, told something, about having gone to Mr. Lennox on account of a speech he made in the House which had caused trouble between you and your wife. Tell us what you meant by that?

A.—I told Inspector Dunlop that I had been there, that I went to see Mr. Lennox about that.

MR. FERGUSON: About these reports you gave to Mr. Lennox; I understand you went to Mr. Lennox's office because you had a personal grievance of some kind and you showed him as you have told all the portions and all the reports that were necessary for him to see; he advised you in connection with that?

MR. RANEY: I will be obliged, Mr. Chairman; I am examining this witness.

WITNESS: I went to see Mr. Lennox in reference to my case in general, and anything that applied to my case I let him have.

MR. RANEY: Do you know a man named J. O. Bell?

A.—Yes.

Q.—Did you see him in connection with this matter?

A.—I saw Bell around Mr. Lennox's office.

Q.—He was a go-between for you and Mr. Lennox?

A.—Well, I cannot tell you; I never spoke to him.

Q.—Who else have you spoken to besides Mr. Lennox about this matter?

A.—I may have discussed it with one or others of the members of the Department.

Q.—With Sam Smith?

A.—I do not know anybody by the name of Sam Smith.

Q.—You know a man named Smith?

A.—Yes I do.

Q.—A former operator?

A.—I know provincial operator Smith.

Q.—Have you discussed it with him?

A.—There may have been something said between us.

Q.—Was your statement made in Mr. Lennox's office, dictated? Was it taken down in shorthand?

A.—No Sir.

Q.—Who took the notes on it?

A.—I cannot tell you.

Q.—Were notes taken?

A.—No; not that I know of.

Q.—You were asked when you were before Mr. Dunlop, after Mr. Dunlop heard what use you were making of your time—by the way you are still in jail. You are not on parole?

A.—No Sir.

Q.—You are sleeping in the jail overnight and simply let out to work?

A.—Yes Sir.

Q.—And Mr. Dunlop wanted an explanation of what you were doing when this matter came out in the House?

A.—Yes.

Q.—And he sent for you?

A.—Yes.

Q.—And your evidence was taken down?

A.—Yes.

Q.—You were asked by Mr. Dunlop, “How did you happen to go to Col. Lennox’s office?” and your answer was, “He wrote me a letter and asked me to call and see him.” Is that a truthful answer?

A.—As far as Mr. Lennox is concerned, yes.

Q.—And you were asked, “And what did you discuss there?” and you answered, “My case in general.”

A.—I have said that to-day.

Q.—And then you were asked, “Well, what other discussion did you have with Col. Lennox?” and your answer was, “He wanted me to identify different names on a list of names he had there, and what I knew about the different ones that he had marked out with different charges against them. He wanted to know if I could corroborate charges against certain names on it.” Is that true?

A.—I said, what I knew I told him.

Q.—Just answer the question, please.

A.—I am looking after McCutcheon and I am not going to get into any more jams.

Q.—Reading from your former question and answer, “Well, what other discussion did you have with Col. Lennox?” And you answered, listen now—“He wanted me to identify different names on a list of names he had there, and what I knew about the different ones that he had marked out with different charges against them. He wanted to know if I could corroborate charges against certain names on it.” Was that answer true?

A.—I think I answered that question. What I knew I told him.

Q.—I am asking you if that answer is true?

MR. LENNOX: Perhaps if the Attorney General reads the next question—

MR. WATSON: You can answer that.

A.—If you take it in the same light as I do it is true.

Q.—Well, in the light of the question put to you, was that true?

A.—He asked me if I knew different parties—

Q.—Answer my question?

A.—He wanted me to identify—

Q.—Was that answer true?

A.—I have given you an answer.

Q.—The answer you gave to Mr. Dunlop, was that true?

A.—He asked me if I knew certain parties and I told him I knew some and some I did not know.

Q.—I am not asking you for an explanation.

MR. LENNOX: You are not going to hold him down to yes or no.

MR. RANEY: Listen again. “Mr. Lennox wanted me to identify different names on a list of names he had there”—Now you swore to that; is that true?

A.—That is true if you look at it the same way as I do.

Q.—“And what I knew about the different ones that he had marked out with different charges against them.” Was that true?

A.—Did I say that?

MR. RANEY: Yes.

WITNESS: I think the shorthand stenographer has made a little mistake there.

Q.—“He wanted to know if I could corroborate charges against certain names on it.” Is that true?

A.—He asked me this question.

MR. RANEY: That is true, then; do not take so long about it.

Q.—“What were some of the names?” And you answer, “Charlton, Webb, Henry. He wanted to know if Mrs. Bailey, T. L. Gordon, and Mrs. Collins were employed or paid by Hammond during the year of 1921. I told him they were not employed. They were paid for giving information.”

A.—Yes Sir.

Q.—That is correct?

A.—Yes Sir.

MR. FERGUSON: Mr. Lennox is a member of the House. I think he has a perfect right to make these inquiries.

MR. LENNOX: I should hope so.

MR. RANEY: Well, that is all right.

Q.—“What arrangement was made with you, if any, by Col. Lennox as to how you were going to be recompensed for this information that you were to get for him or he thought you could give him?” and you answered, “Any information was in my own favour if he could do me any good.”

A.—That is correct.

Q.—He was to help you in your case?

A.—Yes.

Q.—Your case was practically settled, was it not?

A.—No. This is the point, Mr. Lennox knew that I had two convictions registered against me and I was not guilty.

Q.—He thought you were not guilty?

A.—He knows it.

Q.—And therefore you resent his classing you as a criminal?

A.—I don't know that he done that.

MR. RANEY: I know. The rest of us know.

Q.—“Did Col. Lennox say anything during this interview that would indicate that he knew that you were at that moment under sentence?” Answer, “Yes.”

A.—That is right, yes.

Q.—“He knew that you were convicted and sentenced and that you were serving time, and that you were as a matter of fact in his office as a prisoner?” Answer, “Yes sir.”

A.—Yes.

Q.—“He knew under what system you were permitted to be out?” Answer, “I told him I was sleeping at the Don Gaol. Col Lennox told me that he had gone through all the evidence in both cases referring to me, in High Court and the still charge and said that I got off on the conspiracy charge. On the still charge he went through the evidence and said he does not know how Magistrate Jones convicted me. He would try and help me, probably get me a pardon. I expected by the way he spoke that I would not be down here

now. He said he would act for me and help me. Mr. Hammond told me to take the papers and anything that I knew of to Dr. Godfrey at one time. I did not see Dr. Godfrey before I was sentenced. Dr. Godfrey referred me to C. C. Hele." Is that all true?

A.—You have mentioned something about C. C. Hele and I did not see him.

Q.—Is that answer true I have just been reading?

A.—Read it over again, please.

Q.—"Col. Lennox told me that he had gone through all the evidence in both cases referring to me in High Court and the still charge and said that I got off on the conspiracy charge." Is that true?

A.—That is true.

Q.—"On the still charge he went through the evidence and said he does not know how Magistrate Jones convicted me." Was that true?

A.—Yes sir.

Q.—"He would try and help me, probably get me a pardon." Is that true?

A.—Yes, that was discussed.

Q.—"I expected by the way he spoke that I would not be down here now." Now was that true?

A.—Yes sir.

Q.—"He said he would act for me and help me." Was that true?

A.—Yes sir.

Q.—"Mr. Hammond told me to take the papers and anything that I knew of to Dr. Godfrey at one time." Was that true?

A.—Not altogether.

Q.—Well what about that?

A.—Well, Mr. Hammond and I had two or three conversations about the matter of why an investigation had not been made, after they promised they were going to have it investigated. We wondered why they fell back. I asked Hammond what I should do, should I take the papers to Dr. Godfrey, and Mr. Hammond suggested Dr. Godfrey. I went to see Col. Lennox, before I received the letter, I did not see him, and I went back again, and after a conversation with Dr. Godfrey he suggested some Mr. C. C. Hele.

Q.—Do you know who he is?

A.—I don't know.

Q.—Did you see this Mr. Hele?

A.—No.

Q.—Did you know he was Mr. Ferguson's secretary?

A.—I did not know.

Q.—You were not told that?

A.—No sir.

Q.—You were in jail and you had not any money to pay a lawyer?

A.—That was the idea.

Q.—And you know law expenses are high?

A.—Yes sir.

Q.—And Mr. Lennox was to act for you? As a lawyer? And get you out of jail? Is that right?

MR. LENNOX: If his story to me was true.

MR. RANEY: And you say he believed your story?

A.—Yes sir.

Q.—And he was to get you out of jail if he could?

A.—He said he would help me.

Q.—Was that why you gave him this information?

A.—I did not give him the information.

Q.—About the papers you have been telling us about today and yesterday; you gave him all that information?

A.—Not quite.

Q.—Well a lot of it then?

A.—Some of it. Everything in general relating to my case I discussed with Col. Lennox.

Q.—Because he said he would help you?

A.—He said he would.

Q.—Were you to pay him a fee?

A.—There was nothing said about it.

MR. RANEY: No, I suppose not.

MR. NIXON: Who first mentioned Col. Lennox's name, Mr. Dunlop or you?

MR. FERGUSON: The Attorney General can tell you, he has got the shorthand report there.

MR. NIXON: Just read the verbatim report there.

Reading: "Did you discuss your permit to be beyond the limits of the Municipal Farm with any person?"

"A.—Not that I know of."

"Q.—Well, you would be the person to know."

"A.—Yes."

"Q.—Then you did not discuss it with any person?"

"A.—No."

"Q.—Did anybody ask you any questions about it?"

"A.—Yes, Col. Lennox."

"Q.—Where did you meet Col. Lennox?"

"A.—At his office."

Q.—That was the beginning of it, was not it?

A.—Yes sir.

COL. LENNOX: Was that before or after you had been there that the letter was written?

A.—After I had been there.

MR. NIXON: McCutcheon, you appreciate you are under jail regulations and restrictions?

A.—Yes sir.

Q.—Do you think that would have been permitted if you had been in jail? Was Col. Lennox your solicitor?

MR. TOLMIE: Do I understand that when you had this trouble you went to see Mr. Lennox; he was not there; you saw his partner, talked with his partner, and then, when Mr. Lennox came in, told the partner you wanted to see him. And then, when Mr. Lennox came back some time later, then he wrote to you the letter that was produced here this morning?

A.—Yes sir.



Q.—And you went then to see him?

A.—Yes sir.

MR. FERGUSON: In other words, did Mr. Lennox seek you out in the first place or did you look him up?

A.—I went to Mr. Lennox.

MR. HALL: Because you thought he could help you?

A.—Because I had discussed the still charge at the City Hall before I went to the farm.

MR. LENNOX: After you were convicted you sent for me from the cell?

A.—Yes sir.

Q.—And you discussed the question with me there.

MR. RANEY (continuing): “Getting back to your visit with Col. Lennox I understand you to say that Mr. Lennox was to render you some service in that he was to look up your case and help you get a pardon.” Answer, “He had everything looked up and knew that I had got a raw deal.” That was right?

A.—Yes.

MR. RANEY: He did not talk that way in the House.

MR. LENNOX: He certainly got a raw deal if his story was true, that he was not allowed to call witnesses. That is the story he told me.

MR. RANEY: “And he was to get you a pardon, or attempt to?” Answer, “Was to make an attempt to get me free.” That is true?

A.—Yes sir.

Q.—“He told you all that?” Answer, “Yes, sir.” Is that true?

A.—He said he would help me.

Q.—“Before he asked you to give him this information about these employees?” Answer, “Yes sir.”

A.—That is a funny question, “Before he asked you to give him information about these employees?”

Q.—Yes, I will give you the connection, —“And he was to get you a pardon, or attempt to?” Next, “He told you all that?” Answer, “Yes sir,” “Before he asked you to give him this information about these employees?” He told you he would try to get you free before you gave him the information about these employees?

A.—Yes.

Q.—Of course! “And you gave him all the information you could?” Answer, “Of anyone that I know.”

A.—Yes.

Q.—You gave him\* all the information?

A.—Anything I knew in reference to my case I told.

Q.—In reference to the Department?

A.—Not everything, no.

Q.—Everything he wanted to know?

A.—Not everything. There were a lot of things he wanted to know that I did not know.

Q.—You told him about the Henry case and did not want it repeated here to-day?

A.—Yes, I did.

Q.—And Nash?

A.—That was just to show him there was crooked work and framing going on.

Q.—Quite so, and after you had been up to the Buildings here, before Mr. Dunlop, you went back then again to Mr. Lennox and told him all about that?

MR. FERGUSON: Why ask that?

WITNESS: I did not go back. I met Mr. Lennox and I said, "You are getting me into a jam over this." I told him he was supposed to help me and he did not do it.

Q.—And you told him, I suppose, that Mr. Dunlop was present at an interview with Mr. O'Brien, the clerk of the committee, and that Mr. Dunlop said you ought to have \$20 a day for your time here before this committee?

A.—I told him this morning, right here.

Q.—But you must have told that before?

A.—I never said anything to Mr. Lennox or saw him.

Q.—How did he know about it?

A.—I don't know.

Q.—"And you gave Mr. Lennox all the information you could?"  
Answer, "Of anyone that I knew." Was that true?

A.—Of anyone I knew, yes.

Q.—Of anyone, you said?

A.—Well, if that is my answer it is right.

Q.—Did you understand what use he was going to make of it?

A.—I understood he was going to help me.

Q.—Well, how would that help you, to tell about Henry for instance; how would it help you, get you out of jail, to publish the story that you yourself had been guilty of perjury?

A.—If my story was that I had been framed by provincial officers in the employ of the Department then I have witnesses to back up these statements and stories to corroborate my statements.

Q.—How would Henry's story help to corroborate your statement?

MR. LENNOX: Well, isn't it a fact?

Q.—Well, I am not disputing that. What use did Mr. Lennox want to make of these other things?

A.—Now, I cannot tell you that.

Q.—Did you tell Mr. Hammond that you had been offered three or four hundred dollars if you would give information about the Department?

A.—No, I did not.

Q.—What did you tell him about money being offered to you?

A.—Mr. Hammond and I talked about my case, and Mr. Hammond is to-day in my favor and will back up any statement I make.

Q.—What did you tell Mr. Hammond about being offered money for information?

A.—I did not tell Mr. Hammond I was offered money. I told him I would sell the information.

Q.—To whom?

A.—To anybody that would pay for it.

Q.—For how much?

A.—I don't think I set any price.

Q.—No price at all?

A.—No.

Q.—Did you mention three or four hundred dollars?

A.—No, I don't think I did.

MR. LENNOX: Were you ever offered money by me?

A.—No, sir.

Q.—Did Bell offer you money or promise you would be paid?

A.—I never had any such conversation with Bell.

Q.—Did Bell ever say you would be paid any money?

A.—What for?

Q.—Oh now! Did Bell tell you you would be paid money?

A.—I never had any conversation with Bell.

Q.—Did Bell tell you you would be paid money for anything?

A.—No.

Q.—What did Bell say to you?

A.—I never had conversation with him.

Q.—Did Bell write the letter?

A.—Bell did not.

Q.—Have you had a promise from anybody to pay you money?

A.—Only Courrian.

Q.—What was Courrian's promise?

A.—That I would stand pat with him in the conspiracy charge, in the frame up, and stick to the evidence that he had told the others to say, that if I would stand up with him and say what he said, he would give me \$100.

Q.—Where was that said?

A.—At Slavin's house.

Q.—When?

A.—Before the conspiracy charge came on.

MR. RANEY: Oh, I am talking about recently. I am talking about money being offered for the information that you have given in this matter.

A.—I have not seen Bell in months.

MR. CURRY: Did Bell or any other person tell to anybody in your hearing that if McCutcheon will give me this information I will pay McCutcheon so much money, even if he was not talking to you? Did he say it in your hearing?

A.—No, sir.

Q.—Was any such suggestion ever made?

A.—No, sir, because I always a-scared of Bell.

Q.—Did Bell at any time say anything in your presence from which you could conclude he would pay you money?

A.—No.

Q.—Or anybody else would pay you money?

A.—No, sir.

Q.—Have you heard money discussed or spoken of in connection with the information that you have been giving in this matter?

A.—Yes, a Jew, an ex-bootlegger, named Shemnitz, pestered the life out of me by phone for weeks to go to his house. I went to his house and he said he would take, in a conversation, that he would take all those papers I had of the whole outfit and try and get money from Ayearst and Courrian.

Q.—When was this?

A.—Oh last summer, after everything fell through, and I thought it was framed up or they were trying to get something else on me while going to Shemnitz's house and the people I had shadowing me on the outside said Ayearst and Courrian were in there at that time.

Q.—In Shemnitz's house?

A.—Yes.

Q.—Was Shemnitz an officer of the Government?

A.—He was working for the Government.

Q.—After he had been charged with B.O.T.A?

A.—Yes sir.

Q.—Did you see any other persons at Mr. Lennox's office you knew on your visits there?

A.—The same day as Bell was in the corridor, I think it was around the noon hour, one day I was down town on business, and I dropped in to see if Col. Lennox was in, to see how he was coming along, and Budway was there with Bell.

MR. CURRY: Did you say Courrian and Ayearst went into that house?

A.—Yes sir.

Q.—Was that to your knowledge or was it somebody else told you?

A.—Two witnesses.

Q.—Who?

A.—My brother and his wife.

MR. LENNOX: And Shemnitz was in the employ of the Government?

A.—No, he was not.

MR. CURRY: Was he ever in the employ of the Government?

A.—I believe he was.

Q.—Employed by whom?

A.—I think by Mr. Ayearst.

MR. RANEY: You met Bell and Budway at Mr. Lennox's office, you say?

A.—They were standing in the corridor waiting to see Mr. Lennox.

Q.—Did you have any talk with them?

A.—I had a few words with Bell.

Q.—What were they?

MR. CURRY: You said a moment ago you had never spoken to him?

MR. RANEY: What was your talk with Bell?

A.—He just tried to find out what I was doing there. He was after information as near as I could make him out.

Q.—Do you expect money now as a result of the information you have given in this matter?

A.—No.

MR. RANEY: You are not very clear?

A.—Well, I expect my wages.

Q.—From whom?

A.—From the department.

Q.—Do you expect to be paid in money for the information you have given in this matter, in the evidence you have given?

A.—No Sir.

Q.—You are clear about that?

A.—I am certain about that.

Q.—Then you were asked, “You must be pretty well satisfied in your own mind that your name has been used?”—that is used by Mr. Lennox in the House. Answer, “Yes, I know that my name has been used to my sorrow. It was promised that my name would not be used to bring it out in the paper. He was not going to discuss all the different things in the House.” Was that true?

A.—Yes.

Q.—Who promised that?

A.—I told Mr. Lennox I did not want it to get into the paper.

Q.—Who promised it?

A.—Mr. Lennox said he would help me.

Q.—Did he promise your name would not be brought out?

MR. LENNOX: In the paper.

MR. RANEY: “I was promised that my name would not be used to bring it out in the paper.” Who promised you that?

A.—Mr. Lennox.

Q.—And then you went on to say, “He was not going to discuss all the different things in the House.” Did he tell you that? He was not going to discuss all the different things in the House, you told Mr. Dunlop. Did he tell you that, that he was not going to discuss these things?

A.—He did not say he was going to discuss them in the House.

Q.—Answer the question. Your answer before was that he was not going to discuss all the different things in the House?

A.—That was quite true.

MR. LENNOX: It was quite true because I did not. I have quite a lot more yet.

MR. RANEY: “How had he let you know to come in on the Monday afternoon?”—Answer: “I ’phoned him to see if he had heard anything anywhere. He said, ‘Oh, Mac., I have a list here I would like you to drop in and look over and see if you can tell me anything about them?’” Is that true?

A.—That is true.

Q.—List of what?

A.—List of names, a list of people, and he wanted to know if they had worked for the department.

MR. LENNOX: After you had said in the House they were not.

MR. RANEY: “What is your opinion of the manner in which you feel you have been treated now in connection with the information handed out to Col. Lennox?” Answer, “I feel that he used my name for purposes of his own.” Is that true?

A.—That is true.

Q.—“Double crossed you?” Answer, “Double crossed me half a dozen times.” Is that true—not even honor among bootleggers?

MR. LENNOX: Was that question asked by Mr. Dunlop?

MR. RANEY: Not among bootleggers; that is one of my own.

Q.—Answer, “Double crossed me half a dozen times.” And, Question: “You feel that he double crossed you?” Answer: “I do not feel it, I know it.” Is that true?

A.—That is true.

Q.—“What purpose do you think he had in double crossing you?”

A.—“Well, his charge was referring to thugs and criminals and one thing and another. He used my name four different places; he wanted something to back up his statements that I was in gaol and had been convicted for one thing and other. There is really nothing to either of those four convictions, nothing to any one of them. They are the only four things I was ever mixed up in.”

Q.—Now did you ask anyone to see Mr. Montgomery or any other officers and tell them if they would put up enough money you would sell them all the information you had?

A.—I did not ask anyone to see Montgomery. I have nothing against Montgomery.

Q.—Did you offer to sell your reports, the reports you were turning into General Elliott, to Courrian for \$100?

A.—I did not.

Q.—For a thousand?

A.—I did not.

Q.—For any price?

A.—Shemnitz said he could get me a thousand dollars if I would give him the papers.

Q.—For what purpose?

A.—So as this would not come out.

MR. LENNOX: Shemnitz, the Jew?

MR. RANEY: Well, I want you to be clear, because I am told witnesses will say you did do this. Did you ever offer to sell the reports you were turning into General Elliott to Courrian for a thousand dollars?

A.—How could I do that?

Q.—Answer the question.

A.—No, I did not.

MR. LENNOX: What was the date of that letter of Dunlop's?

MR. RANEY: 21st of April.

Q.—Is that since you gave evidence the first time here?

A.—No, since Mr. Hammond gave evidence Mr. Raney—Mr. Hammond gave evidence on the 28th of April.

MR. NIXON: I may say to clear that up that Mr. Ferguson had asked me in the House if this man McCutcheon was out on permit and was running around loose down town, so I instructed Mr. Dunlop to find out if this was the case and how the prisoner was behaving and if he were living up to the whole rules and regulations.

MR. CURRY: You said something here about Slavin. What about Slavin?

A.—Slavin himself was used in the department as a stool pigeon after his place had been searched by Mr. Ayearst and his men and 60 gallons of alcohol taken away. It was after that that the Homer investigation came up, I understood, and Slavin gave evidence for Ayearst.

Q.—Now the Homer investigation was just prior to the election in 1919; is that right?

A.—Yes.

Q.—The Homer investigation, in regard to something that had taken place at Jordon?

A.—Yes sir—some truck loads of liquor.

Q.—And you say that as a result of a search in Slavin's place there was 60 gallons of alcohol seized. How do you know that?

A.—Slavin and his wife had discussed it different times in my presence—in my presence and witnesses I can produce.

Q.—How long was Slavin used in the Department at that time?

A.—Two or three months, he says.

Q.—You had no personal knowledge of that beyond what you were told by Slavin and the others in Slavin's house with other persons?

A.—That is all.

Q.—Latterly was Slavin used?

A.—Just his car.

Q.—Well, who drove it?

A.—Himself.

Q.—That is Courrian drove one car, who drove the other?

A.—I drove one; Slavin drove the other. We had two cars.

Q.—So you drove one of Slavin's cars and Slavin drove the other, and whom did you drive in Slavin's car?

A.—Courrian.

Q.—You drove Courrian?

A.—Yes sir.

Q.—And did Courrian live with Slavin?

A.—No.

Q.—Was he there?

A.—He was there quite a lot.

Q.—Well, during that time, what business was Slavin engaged in?

A.—Selling liquor.

O.—As a bootlegger?

A.—Yes.

Q.—Wholesale or retail?

A.—Some wholesale, some retail.

Q.—How do you know that?

A.—I was there.

Q.—Did you see him sell?

A.—Yes.

Q.—To whom?

A.—Different parties come in off the street, sit down and buy their drinks.

Q.—And was Courrian there?

A.—Yes sir.

Q.—At the time?

A.—Yes sir.

Q.—When these sales were being made?

A.—Yes sir.

Q.—Wholesale and retail?

A.—Wholesale and retail.

Q.—How long did that go on, what length of time?

A.—I think during probably two months.

Q.—What two months?

A.—June and July.

Q.—Of what year?

A.—1921.

Q.—During these two months Slavin was engaged in selling liquor in Courrian's presence and to Courrian's knowledge, and Courrian at that time was in the employ of the Government; that is right?

A.—Part of the time, and part of the time he was suspended, but he was taken back again.

Q.—Well, during the time he was taken back on, did he then continue to be present when sales were being made at Slavin's house?

A.—Oh yes, and he would buy himself.

Q.—Did he sell himself?

A.—No. But he would bring men there to put deals through for big shipments.

Q.—When he was with the Department?

A.—Yes.

Q.—Whom did he bring?

A.—Applebaum.

Q.—Applebaum from Windsor?

A.—I don't know where he was from, but the name was Applebaum.

Q.—So he bought from Slavin, being brought there by Courrian?

A.—Oh they would come together.

Q.—And who protected him in the transport of the liquor? Who protected Applebaum in the transport of the liquor? Did anybody go with him?

A.—I did not see any liquor shipped from Slavin's that anyone could protect.

Q.—Where was the liquor shipped from Courrian in the car on all occasions? Courrian negotiated for some alcohol which I delivered with a man named Rutca that had been working for the Department.

Q.—Rutca?

A.—George Rutca. Courrian says Solly Hite has so many gallons of alcohol he wants to get rid of, you go down to Solly Hite's and see what he will take for the alcohol, so we went down; and then Courrian says go out and do some business and I went out with Rutca to Mimico and we took orders for 25 gallons. Rutca did the talking. We came back—we took the last car. Slavin says you had better take the other car because somebody might tip you off and look for the number coming back. We delivered the alcohol in another car.

Q.—Whose was the car?

A.—Slavin's car.

Q.—The second car?

A.—Yes.

Q.—Who got the money?

A.—Mrs. Slavin was perched in the front seat to receive the money as each gallon was delivered.

Q.—It was delivered in gallon cans?

A.—Yes; two cans, three cans.



Q.—And she took the money?

A.—Rutca would bring the money back after carrying it in.

Q.—Was he a Government official?

A.—No; he was not working; he was suspended over some affair in Brantford.

Q.—But he was delivering at this time, delivering at Mimico, Rutca, yourself and Mrs. Slavin, Mrs. Slavin taking the money?

A.—Yes, at Mimico.

Q.—What percentage did you get?

A.—I was supposed to get a third, but I have not got it.

Q.—Who made the appointment with you?

A.—Courrian.

Q.—And Courrian never paid you?

A.—Oh we got into trouble before we had done much business.

Q.—What became of Courrian?

A.—Courrian resigned.

Q.—Now who else besides Courrian that was in the employ of the Department was at Slavin's place any time you were there?

A.—Max Cohen, Cyril Henry, a man named Fraser or Farrish, and George Rutca, ex-officer Cross, and two other men; I cannot recall their names.

Q.—Did Rutca at any time carry on business on Royce Avenue?

A.—No, him and his brother carried on business in Mimico.

Q.—What business?

A.—Selling.

Q.—Just a business of selling?

A.—Yes.

Q.—Who employed these men you say were there at Slavin's House?

A.—Mr. Sarvis employed some.

Q.—These men were in Mr. Ayearst's Department under Courrian?

A.—No, some of them were working for Sarvis.

Q.—Which was working for Mr. Sarvis?

A.—Sarvis, Carrish Rutca, Max Cohen, Henry.

Q.—They were working under Courrian?

A.—Under Sarvis.

Q.—What department were you in at that time?

A.—I was under General Elliott's orders.

Q.—Supposed to be working for him in what capacity?

A.—Securing this information that I am telling you.

Q.—That is, securing this information about Courrian?

A.—Yes sir.

Q.—While you were there and still associating with these people, was there any discussion of Mr. Hammond's Department?

A.—Yes sir.

Q.—With whom?

A.—The bootleggers in general.

Q.—Was there any discussion with the other officers working in Sarvis' Department and Ayearst's Department, any discussion about Mr. Hammond's Department?

A.—Courrian and Cantwell.

Q.—Then when you were discussing matters with employees of Montgomery's Department did you discuss Hammond's Department?

A.—We would, yes.

Q.—What was the subject of your discussion?

A.—Oh, on one occasion Mr. Hammond had said something about Courrian to Mr. Ayearst and Mr. Courrian had asked for an investigation to prove that Hammond was wrong—over some woman or other.

Q.—Was there any discussion along the line that Hammond was investigating Courrian and trying to get him and therefore you should try and get Hammond?

A.—There was a lot of discussion about how they would like to get rid of Hammond.

Q.—Why?

A.—Because Hammond was supposed to be doing crooked work and they were not.

Q.—You knew they were doing crooked work?

A.—I certainly did.

Q.—Well, was it because Hammond was acting straight?

A.—It was because Hammond was absolutely honest they wanted to get rid of him.

Q.—And that was the question?

A.—Quite a lot of it.

Q.—Now who else could you tell us was sold liquor at Slavin's with Courrian's knowledge and Courrian being present? You have told us about Applebaum—Aby?

A.—Oh, Applebaum, Solly Hite, most of the big bootleggers would meet at Slavin's House; as near as I could make out that was the headquarters for the big bootleggers.

Q.—Now who were the big bootleggers?

A.—Solly Hite, Slavin and his brother, Jake Kauffman, Shemnitz.

Q.—Whom else?

A.—Rhinehardt, Joe Zuber, Kitchener.

Q.—Who else?

A.—Another fellow at the Commercial Hotel in Hamilton.

Q.—Do you know what his name is?

A.—I know but I just cannot think of it now.

Q.—Who else?

A.—There is another fellow on the highway I do not just know what his name is.

Q.—Whereabouts on the highway?

A.—Just out the other side of Port Credit?

Q.—A man at Port Credit?

A.—On the highway, yes. A big house right close to the highway on the north side?

A.—Yes.

Q.—How about a man named Currie at Port Credit?

A.—Currie? I call him Woods.

Q.—Who else?

A.—Morris Gross, Mrs. Onrot, Waverley Road, East Toronto; oh, and he mentioned forty different places in Windsor.

Q.—Now don't tell us what he mentioned but tell us about people you had seen there from time to time at this place?

A.—Well, everyone in Toronto was there?

Q.—Oh no.

A.—Well, everyone I have mentioned who lived in Toronto was there at Slavin's.

Q.—And those that you mentioned out on the Hamilton Highway, Port Credit and beyond, were they there?

A.—No, not that I saw.

Q.—Why did you mention them?

A.—Because we visited them.

Q.—With whom?

A.—Courrian and Slavin.

Q.—For what purpose?

A.—To give our cards.

Q.—Now let us get this card business; you had cards? And those business cards were given to whom?

A.—The bootleggers.

Q.—And the protection of Slavin's business card by a bootlegger would mean what?

A.—That he was O.K.

Q.—To whom?

A.—Anybody who wanted to use the card.

Q.—And in case he was stopped by an officer what would it mean? By one of the Inspectors?

A.—He would be a livery man then.

MR. FERGUSON: Slavin's card was a livery card, was it?

A.—Yes.

Q.—But Slavin's card in the hand of the man driving the car was that the man and the car were O. K. for bootlegging purposes?

A.—Yes.

Q.—Supposing Montgomery who was Courrian's chief, supposing he stopped the car and that card was produced, what happened then?

A.—Oh, I don't suppose there would be anything said.

Q.—Now not what you suppose, don't tell us anything you don't know about. What would happen?

A.—Nothing would happen.

Q.—Why do you say nothing would happen; would not a man be arrested if he had liquor?

A.—I don't think they would bother, because everything was all fixed with Bell and Montgomery. These men were all pretty thick together, and Cantwell, they would go down to the house, in fact I used to meet them, and talk about what they would do with this and that, at Woodbine and Danforth.

Q.—Why do you say Montgomery?

A.—I don't know anything about Montgomery.

Q.—Why do you say Montgomery?

A.—I can only say I have seen him and Courrian together there and together in the other house.

Q.—Well now whom do you say were those present at Slavin's House?

A.—I never saw Montgomery at Slavin's House.

Q.—He had been at Courrian's house, and might properly so; Courrian was then in the employ of the department; do you know anything to the discredit at all of Montgomery?

A.—No, nothing whatever. I am not trying to find fault with anybody.

Q.—While you are not trying to find fault, we want to find out. If there is anything against this department, let us get it. What other wrongs do you know in regard to any of the men of the Department?

A.—Well during our conversation, Cantwell—

Q.—Now who is Cantwell?

A.—He is the man that went around with Courrian in the big car.

Q.—Driven by whom?

A.—Cantwell.

Q.—Is he with the Government now?

A.—I believe so.

Q.—Where does Cantwell live?

A.—I cannot tell you that?

Q.—Now who drives the car?

A.—I understand he is hired by the government to drive his own car.

Q.—And is that Cantwell's employment just driving the car?

A.—I cannot tell you that; he acts in the capacity of officer.

Q.—Do you know whether Cantwell has used that car for the delivery of liquor to bootleggers?

A.—Not only what I have been told.

Q.—By whom?

A.—Art Finn, the big bootlegger on King street.

Q.—Now what is Arthur Finn's address?

A.—Well, his hotel is on King street; I just forget. I don't know the name of the hotel.

Q.—What information can Art Finn give us if we bring him here?

A.—He told me most of the liquor he bought was delivered in Cantwell's car.

Q.—Did he say where the purchase was made?

A.—That they would call—

Q.—Who would call?

A.—Cantwell, Courrian.

Q.—Did he mention Courrian's name?

A.—He just said the dark fellow.

Q.—Well, was there any other dark fellow?

A.—No, there is not; he said the foreigner.

Q.—And Courrian does not speak English very fluently?

A.—No he does not.

Q.—Do you know what his nationality is?

A.—Armenian.

Q.—And Courrian is the dark man and it was Cantwell and the dark

man that Finn said, and it was delivered by Cantwell in Cantwell's car. Did he say there was or was not anybody with Cantwell at the time?

A.—On different occasions, sometimes the dark fellow would take the order and Cantwell deliver; sometimes both would take the order and both deliver.

Q.—Do you mean that?

A.—Yes.

Q.—Where is Finn now?

A.—Finn was at the farm for a while.

Q.—Farm. You mean jail?

A.—Yes.

Q.—Who got the information and particulars which caused the information to be laid against Finn? The city police or the Department?

A.—Both departments, the local and the provincial.

Q.—That is, the provincial police and the city police?

A.—Yes.

Q.—Who obtained the conviction?

A.—Well he got convicted two or three times I understand.

Q.—Were they read as first and second offences, do you know?

A.—No they were not. He said he had been up eight times and got away.

Q.—Eight times and was not convicted?

A.—Not convicted.

Q.—Who were the witnesses that were called?

A.—Oh some ladies, friends, who were selling for him.

Q.—Do you know who defended him?

A.—Tommy O'Conner did.

Q.—Who got the first conviction against Finn, the police or the Department?

A.—I believe it was the department.

Q.—Who of the Department?

A.—I don't know.

Q.—You don't know whether it was under Montgomery or Hammond?

A.—No, I cannot tell.

Q.—What Department is Charlton in?

A.—In Hammond's department.

Q.—Then there are some other ex-Inspectors of police in Hammond's Department are there not?

A.—Mulhall.

Q.—Did they get Finn?

A.—I cannot tell that.

Q.—And you say Finn you think at the present time is out at the Jail Farm?

A.—I know he was out, whether he is in again or not I do not know.

Q.—He served his time and you do not know whether he has been caught again?

A.—Well, I saw something in the paper and that is what makes me believe he may have been.

Q.—Who else do you know of in the city that Courrian or this other man Cantwell has delivered liquor to? Do you know Lewis?

A.—Yes, I know Lewis.

Q.—What position did he occupy?

A.—He was an inspector.

Q.—Did he sell liquor?

A.—Not that I know of. I gave him information of big stills up Yonge street, and I gave him at one time the information as to how to drive along and catch this man that was selling liquor wholesale and Lewis went out and got this fellow but there was nothing came out.

Q.—What do you know about other people selling liquor?

A.—Well I have evidence, witnesses, to prove that Courrian told how to make money and how much he had and where it was.

Q.—That is Courrian?

A.—Yes.

Q.—And how much has Courrian made?

A.—Well, he claims he has made \$210,000.

MR. CLARK: Is that one of our officials.

MR. CURRY: That is the Armenian.

Q.—Is there anything further you can tell?

A.—Well, at Windsor, in Cross' time, Mrs. Slavin, Cross and Henry and other members of the staff were up there and Courrian and Cross made money there. Courrian says in two weeks he paid Cross \$14,800 for assisting him and that he sent him to collect \$1,750 at Beverley Trumble's hotel the night before what you call him, this man, was shot, and Cross came back with \$1,500. He did not tell him he got the \$1,750 and therefore he double crossed Courrian and was dishonest after him keeping the \$250 and so Courrian says he was through with Cross, he got laid off the Department, he would not go out with him any more; and that they collected \$50 a case going across the river. Now I have a man that worked for the Express company who has put in his statement to say that Courrian had liquor coming there in big trunks and that he sold liquor, that Courrian would take it across for \$50 a case, wagon loads of it.

Q.—Who is that?

A.—Stewart, an express driver.

Q.—What Express Company, Canadian or Dominion?

A.—I don't know.

Q.—And that was at Windsor?

A.—Yes.

Q.—Was Courrian at Windsor part of the time?

A.—I understood he was there several weeks.

Q.—And during that time this kind of work was going on?

A.—Yes.

Q.—Now is there anybody else that you came across in Toronto? You told us about Shemnitz. There are a number left yet.

A.—No, I cannot say that I know of any more. I know of a lot but I cannot remember.

Q.—Do you know of any out at Mimico?

A.—That man on the side of the road, in the house—the big bungalow with the fence.

Q.—Do you know Marcowitz, the interpreter?

A.—Yes.

Q.—What can you tell us about him?

MR. FERGUSON: Is he an officer?

A.—No, he is an interpreter at the city hall. I cannot tell you about him. I can only tell you that while discussing matters at Slavin's house, officers and bootleggers they often discussed how they could use Marcowitz to get them a little pull on their cases—"Go and see Marcowitz; he will fix something up for you." That is all I know about Marcowitz.

Q.—You have no knowledge except what people said?

A.—Just what people said.

Q.—That is all you can tell us?

A.—That is all about him.

Q.—Anybody else?

A.—Only Courrian said something in connection with the conspiracy charge that he would get Billy Ward to work a frame up on me—Detective Ward.

Q.—Was that the Ward with Scott and the other man? Greenlee, Ward, Scott and Greenlee.

A.—Ward, Scott and Greenlee.

MR. CURRY: That is my recollection.

MR. RANEY: Mr. Hammond says you told him you had been offered \$400 for information. I want to know whether you dispute what Hammond says in that regard?

A.—I cannot remember telling him anything of the sort.

Q.—Will you deny you told him that?

A.—I cannot recall it.

Q.—Will you deny it?

A.—I do deny it.

MR. LENNOX: Would it be true if you did say it?

A.—No, it would not.

MR. RANEY: Did anybody offer you \$300 or \$400.

A.—No one ever offered me anything. I have been paying out my money.

MR. LENNOX: Now you spoke of a man named Stewart, who was in the employ of either the Canadian or the Dominion Express Co. at Windsor, who was mixed up with Courrian?

A.—Yes Sir.

Q.—I see that in the statement of expenditures there appears the name of Stewart being associated with you in the clean-up. Is that the same Stewart?

A.—That is the same man that put in his statement.

Q.—And his association with Courrian in representing him in the sale of this liquor, was that before or after he was working for the Government in the clean up?

A.—After.

Q.—He worked in Sarvis' time?

A.—In Hunter's time.

Q.—Had he been in the employ of the Government prior to that?

A.—Yes.

Q.—And what was he getting out of it?

A.—\$5 a case.

Q.—And that is one of the others who was assisting you to clean up the Department?

A.—Yes Sir, he was assisting me, he was making a statement to put in, a signed statement, to that effect.

Q.—A case of information?

A.—A case of information

Q.—I see he puts in a bill here, "Given to Howard Stewart, to assist H. H. McCutcheon in securing evidence, ten dollars." That is correct, is it?

A.—That is correct.

Q.—Now you say you never offered to sell the reports; I want you to tell me is there anything contained in any of the reports that you put in that is not true?

A.—I don't think there is a word that cannot be corroborated by reliable people.

Q.—Is there anything that is not contained in the reports, about which you have given evidence here—as fully as you have given?

A.—The only thing I don't think is detailed out is Budway taking me out in a car one night while we had three local detectives shadowing him for three hours.

Q.—What else—I am going to come to that in a minute?

A.—And Courrian, the man that was operating the still, I have witnesses to prove that he said that Courrian paid his son-in-law \$300 to go to court and swear I was a partner; I have witnesses to prove that Courrian paid Hunt somewhere around \$300 to go to court and swear I was a partner in this still, that I am serving time for to-day.

MR. RANEY: I can tell you frankly, that I think you have had a raw deal from the information that comes to me.

MR. LENNOX: Speaking generally with respect to the Department, is there anything that is not contained in your reports that you have told here?

A.—I cannot just think of anything outside of the Budway and the Hunt matter. There is another matter, why Mr. Ayearst gave character evidence against me for Slavin.

Q.—Mr. Ayearst did?

A.—Yes, on the conspiracy charge. He got up and said if his name was mentioned he wanted to be called and he was called to give character evidence for Slavin, after he knew that Slavin had been charged six or seven times with selling liquor, and that he himself had searched his place and taken sixty gallons out of the garage. He said he thought he was a decent man.

Q.—What became of that sixty gallons?

A.—As I understand it, Ayearst took the sixty gallons; that two officers representing themselves as bootleggers, making the sale, collected \$1,400 in cold cash and walked out the front door.

Q.—Collected \$1,400 from Slavin?

A.—For sixty gallons.



Q.—Who collected that?

A.—These two men that delivered it. These are Slavin's own words. Slavin and his wife discussed it, and said he was through, that these two men were supposed to be working for Ayearst. They went around to Slavin's house; a bootlegger, representing themselves as bootleggers, made a deal with Slavin for sixty gallons of alcohol; these sixty gallons, Slavin says, was delivered to his garage. He took the men into the garage and paid them \$1,400 cash. These two men walked out of the front door with Slavin's \$1,400. They had not been gone three minutes before Ayearst, Lewis, Courrian, and other members of the staff came in and said, "We are Provincial officers, we are going to search your place." Slavin says, "All right, search." Mr. Ayearst, they say, said, "Do you know who those two men are that just went out?" Slavin, the bootlegger, said, "Friends of mine." They got to the garage and seized the liquor and Ayearst asked again, "Do you know who those men are?" and Slavin says, "You have got the stuff, what more do you want?" Two or three days later, Slavin says, he found out these men were working for Ayearst, and he gave a man \$100 to show him where Mr. Ayearst's office was, and he went down and Mr. Ayearst squared everything away for \$400 and he says Mr. Ayearst paid him the money back since that.

Q.—When was this?

A.—This was just before the Homer investigation.

Q.—Three or four years ago?

A.—I think it was four years ago.

Q.—Was this matter inquired into by Chief Justice Meredith, on the Commission?

A.—Slavin says that there was an investigation, and that he said H. H. Dewart sent a man up there with \$3,000 for Slavin to go down and tell what he knew about Ayearst on this matter. I have this all down, evidence to back up these statements; Slavin and his wife said that Mr. Dewart sent this man, that Slavin went to see Mr. Ayearst, and whatever passed between them, Slavin swore his life away for Ayearst in the Homer investigation and Slavin claims to-day, any time he wants money he has just to go to Ayearst's office and get it.

Q.—Who was the man said to be sent up by Mr. Dewart?

A.—I don't know who that man was.

MR. FERGUSON: What you mean is, Slavin says he perjured himself to protect Ayearst?

A.—Yes, and he got a job as operator; after that he was working for the Department.

MR. CLARKE: This is all three or four years ago?

A.—Yes.

MR. CURRY: That would be sometime in 1919, during the time of the election.

MR. FERGUSON: About 1918.

MR. CURRY: What else have you there?

A.—I was told to investigate, to try and locate orders signed by Mr. Ayearst to have carloads of liquor moved up the track. I was given instructions to locate or find out what I could about certain orders by Ayearst, to have carloads of liquor moved up the track, whether to be hitched on by another

train or unloaded I do not know, but that was the information I received to work on.

Q.—Who gave that order?

A.—Capt. Collinson, in the presence of General Elliott.

Q.—How late was that?

A.—In August.

Q.—Of 1921?

A.—Yes.

Q.—Now is there anything else you have there?

MR. FERGUSON: Well did you investigate it?

A.—I did what I could.

Q.—Did you get any information?

A.—I did not.

A.—Was there anything else you had there? Do you know Greenberg?

A.—No I do not.

Q.—Do you know Benson the Gypsy?

A.—No.

Q.—Did you report to the Department that you had given perjured evidence at Owen Sound, and that the man had been convicted on that evidence?

A.—I explained to Mr. Sarvis.

Q.—Could you locate the date of the Owen Sound case any way?

A.—No.

Q.—Was it in 1920?

A.—Mr. Sarvis is there, he will tell you.

Q.—Was it last year or the year before last?

A.—1921.

MR. LENNOX: When I was interrupted I was asking you if you reported fully everything that you have given in detail here but not to the same extent, that is, that affected the Department?

A.—Almost everything that has been mentioned here before this Committee has been given to the Department in writing.

Q.—And that knowledge has been within their possession in writing for how many months?

A.—Oh, from June last.

MR. LENNOX: Nearly a year; so that there was nothing outside of the few things you have mentioned that is new to the Department in your evidence? Nothing that they were not in possession of?

A.—I gave the information to Mr. Hammond; sometimes I would bring the reports to General Elliott's office, but most of the reports were made out and taken by Mr. Hammond, to be typewritten out. He kept the copies or kept the originals and sent the copies into General Elliott.

Q.—You mean you went in and verbally told him?

A.—I wrote them out and I handed them to him.

Q.—So they have been in possession of the information you have given us yesterday and to-day, excepting these two cases, Hunt's case and one other?

A.—Yes.

Q.—Now you were talking about Budway. You say this is one of the things you did not tell the Department?

A.—That is, reported to the Department in writing.

Q.—What is that?

A.—At the time Shemnitz was bothering me to go and see him at his house.

Q.—Where is Shemnitz' house?

A.—On Shaw Street. Budway came to me and said he had phoned up my brother's house, and said he had some information, and he would help me go on and prove that Courrian framed me with this still, and he showed me the night the still was raided, Courrian, that he went up to Hunt's house, to the place on Gerrard, that they had small bottles of samples of porter, whiskey, alcohol, and Budway phoned and told me and in the presence of my brother that after he showed how he went and crawled in the fan light with Partridge or some officer and saw all these bottles broken up outside the back door. I made an appointment to meet him at DeGrassi Street and Queen. I took my brother along; we had a big McLaughlin car, "Now," he says, "come on, we are going to get Courrian," told me all I knew about Courrian, what he has done to me and what he is going to do. However, I had made arrangements with No. 8 Police station, and they were right on the job behind with another car, followed us all through the ward, and Budway with a liquor warrant in his pocket to search for liquor, and he must have called at twenty different places. We finally wound up on Queen Street at twelve o'clock, and back on Dundas, and Arthur, and along Dundas, and during that time he was telling me what Courrian had done, what he was going to do, how much money we would get if I would join and give information.

Q.—Did you tell me the same story you have told us here, about this frame up?

A.—I think I did.

Q.—Did you explain how this man had double crossed you?

A.—Yes.

Q.—And did you tell me you had not the opportunity of calling witnesses?

A.—I said I was not allowed to call witnesses, that I was railroaded in Magistrate Jones' court.

Q.—Was it in view of the statement made to me, you stating you had not been treated right, that I offered to help you?

A.—You told me you had looked up the evidence, and I had got a raw deal.

MR. LENNOX: And so for once I was of the same opinion as the Attorney-General. I was willing to help you?

A.—That was what you said.

MR. LENNOX: Was there any suggestion direct or indirect that any assistance I should give to you depended on any information that you gave to me?

A.—No.

Q.—At all events that was the representation you made, that you had been framed?

A.—I am not denying it, either.

Q.—You had been framed at Guelph? Framed in the conspiracy charge, and framed in the illicit distillery?

A.—I was framed in the conspiracy charge, but it was supposed to have been withdrawn when it came to the day of trial.

Q.—Who was supposed to have it withdrawn?

A.—General Elliott guaranteed that protection. After talking for a long time in General Elliott's office, General Elliott said he had every confidence in me, and that he would give me all provincial protection, that if any such thing came up, that I would be framed, which I had been, I was told he would look after me. He did not do it.

Q.—Now at the time of the Gross matter, you were not framed at that time. You were in that?

A.—Yes, I was in that.

Q.—So afterwards he had promised to protect you?

A.—And he has not done it; they were supposed to supply me with counsel and everything else. I was not.

Q.—You were convicted and let out on suspended sentence?

A.—Yes.

MR. RANEY: Did you yourself go to Shemnitz' house?

A.—After that conversation on the street and after three or four phone calls to be there I went to Shimmnitz' house.

MR. LENNOX: I think you used the word in evidence about being double crossed by me. What did you mean by that?

A.—I meant you said you were going to help me, you would write to Ottawa or something and could get me released; you said you would do that and as far as I knew you had not.

MR. CURRY: Your name was not to be published. Was that said?

A.—I said I did not want it coming out in the paper.

MR. CURRY: You said to Mr. Lennox, that you did not want it to come out in the paper. What was the answer?

A.—That it would not.

MR. LENNOX: You knew it was coming up in the House, that your name was going to be discussed there?

A.—Certainly.

The Committee then adjourned until 10 o'clock the next morning.

#### PUBLIC ACCOUNTS COMMITTEE.

May 11, 1921.

The Committee met at 10 a.m., MR. WATSON in the chair.

MR. RANEY: I would like to ask McCutcheon a question before we go on. You said something yesterday about Mr. Dunlop—and I want to be quite fair to you—that Mr. Dunlop suggested that you should be paid twenty dollars a day for your attendance.

MCCUTCHEON: I said my time was valuable, that I was building a house, and I said something about ten dollars a day, and it was Mr. Dunlop suggested that I should suggest twenty dollars or something like that.

MR. RANEY: Mr. Dunlop, will you stand up? Is that the gentleman who made the suggestion?

A.—Yes Sir.

Q.—You haven't any doubt about it?

A.—No doubt about it.

Q.—Where was the suggestion made?

A.—In the presence of this gentleman at the end of the table, (Mr. O'Brien).

Q.—Where was it made?

A.—In this room, we were seated on the chairs.

Q.—You were sitting beside Mr. Dunlop?

A.—Yes, I was sitting beside Mr. Dunlop.

MR. RANEY: All right. I just wanted to make sure.

WITNESS: I would like to correct a statement I made yesterday, if the Committee will permit me. I think I gave the members of the Committee a wrong impression in regard to the statement made about Mr. Sarvis. I said Mr. Sarvis sometimes threatened his men with dismissal if they didn't provide results. I don't mean to say that Mr. Sarvis directly told his men at any time that if they didn't come home with results or strain a point that he would dismiss them. What I meant to say is that Sarvis would advise his men in a very direct way before they left the Department by saying they must be on the job, and the information he would give them from time to time before they left the office was that with the information he had that the men they were sent out to catch were selling, if they used the methods and instructions received from him they would get results. But they must be on the job, and if they didn't come back with results then he thought there must be something wrong. He always advised his men to keep out of trouble, keep away from women and not drink too much liquor. I might say that he is a man of wide experience, from operator to officer in charge.

Q.—What experience?

A.—O. T. A. work. I didn't want to have anyone think, he said directly or indirectly, they would be dismissed if they didn't provide results.

MR. FERGUSON: What you mean is that Sarvis never gave you the impression that he wanted you to do anything improper?

A.—No. He always to my knowledge gave the impression that he wanted the men to be square and on the job.

MR. RANEY: Honest, and square?

A.—Yes.

MR. FERGUSON: Who have you been talking to since you gave evidence yesterday?

A.—I read the papers and they gave the impression that I spoke wrongly of Sarvis.

Q.—Haven't you seen anyone?

A.—No.

Q.—Was it correct when you said the operator appeared afraid of losing his job?

A.—I said they discussed it among themselves, that they must get something this week or they would get fired.

Sam McCutcheon called and sworn. Examined by Mr. Lennox.

Q.—You are Sam McCutcheon?

A.—Yes Sir.

Q.—And a brother of H. H. McCutcheon?

A.—Yes Sir.

Q.—What was your occupation prior to your becoming associated with the License Department?

A.—I was a motor mechanic.

Q.—Where do you live?

A.—At Mount Dennis.

Q.—Then when did you first enter the employ of the Government, in the O.T.A. Department?

A.—Some time in August, 1921.

Q.—And who was your boss?

A.—Well I first started with Mr. Hammond, and gave him a little information and helped out my brother on different things he did. I received expenses but no salary for a couple of weeks to get on to the work.

Q.—What name did you go under while working with Mr. Hammond?

A.—Sam McCutcheon.

Q.—And you worked with him how long?

A.—Two weeks.

Q.—And what class of work did you perform during these two weeks?

A.—I went around with my brother to a place in Mount Dennis to the Lamantia brothers. We went out there. That was the origin of my getting into the Department. I was out at the garage where Lamantia told me he was going to get my brother, and he was waiting for him with a hammer. I didn't know then that my brother was working for the Department. I told my brother, and he says is that true and I said yes, and he said, I would like to see those fellows, and he said if you come along with me I can get you a job.

Q.—What did you do?

A.—I went to see Mr. Hammond at the house with my brother, and they suggested I should go out to Lamantia's garage. We went out and we met Sam Lamantia at the garage and he came out.

Q.—You say Lamantia told you he was waiting for your brother with a hammer?

A.—Yes.

Q.—For what?

A.—For getting a conviction against his mother. Then my brother went out to square matters up. He called Sam Lamantia out to the street and asked him if he said it, and Lamantia said, yes, I did say it, and I will also do it. My brother said, didn't I try to help you when I found out the officers had got your mother? Wasn't it me who got your mother off? I helped to save you that way, and he said, didn't that cost us money, didn't the liquor cost us anything? My brother said, you got off light, and Lamantia said, we gave the officer \$500 and that was money. I don't think there was much more took place apart from the argument of what he would do to him if he crossed his path any more.

Q.—Who were the officers?

A.—I don't know any of the officers.

Q.—You don't know their names?

A.—I was not enough familiar with them at that time to know.

Q.—The officers to whom he referred were the officers who made the seizure?

A.—Yes.

Q.—And who raided the house?

A.—Yes.

Q.—Did you have any other conversation with these men at that time?

A.—No, not at that time.

MR. RANEY: Who was the conversation with?

A.—Sam Lamantia, son of Mrs. Lamantia.

Q.—Where is Sam Lamantia?

A.—On the Weston Road.

Q.—Do I understand that Mr. Lennox has been asking the witness to tell what somebody told him?

MR. LENNOX: I was merely trying to save time. I did not want to bring the man himself here.

MR. CLARK: What is Lamantia's address?

A.—Mount Dennis.

MR. LENNOX: Then you got into the Department from that episode?

A.—Yes.

Q.—And you were working for Hammond how long?

A.—About two weeks.

Q.—What duties were you performing outside of this during these two weeks.

A.—My brother wanted me to help him out, and he took me around with him. He showed me the idea and how we were going to go about it. When the two weeks were up he suggested to Hammond that I try to get a job with Mr. Ayearst's department and see what I could find out there. There was nothing said at that time about an assumed name.

Q.—Tell me what took place in regard to Mr. Ayearst?

A.—I went to Mr. Ayearst's department with a man named Lloyd Gordon. We went down to get a job.

Q.—Who was Lloyd Gordon?

A.—He was with the Department before.

Q.—Is he the man from Kitchener?

A.—Yes.

Q.—The man who went to Regina?

A.—Yes. So we walked into the office and Mr. Ayearst asked Gordon who he was, and he said I am Lloyd Gordon. You know me. Mr. Ayearst said I believe I do. You are the scoundrel who ran away with the money from Kitchener. And Gordon said, Yes I am, but Mr. Ayearst, the money I received came from this Department and Mr. Ayearst said, not to my knowledge and Gordon said it did to my knowledge.

MR. RANEY: You are getting this witness to tell something that Gordon told him.

MR. LENNOX: No it was said in the presence of Mr. Ayearst and it was said in his presence.

WITNESS: Lloyd Gordon said "it was to my knowledge," and at that Mr. Ayearst called Mr. Courrian the Provincial Officer into his department, along with some other man, whose name I don't recall at present, and they had quite a talk and asked me my name. I didn't know what to say at the time, but I thought I was done, and I said I was Dunn. That is how I

got the name of Dunn, so he said he couldn't give Lloyd Gordon a job, and I knew I wouldn't get a job if I said my name was McCutcheon.

Q.—Why?

A.—I knew there was quite a going on at that time.

Q.—With your brother and the Department?

A.—Yes.

Q.—That is the time your brother was investigating the Department.

A.—Yes, so they sent me into Mr. Montgomery's office and sat me down in a chair. Mr. Montgomery said "Do you want to start with us? and I said yes. He said Do you understand the nature of this business. You know it is a pretty low business. You would not want to go to Court and be raked down and told you were nothing but a stool pigeon, what will your friends think? I said I don't care what my friends think, I have to look after myself. He says, At that rate we will give you a job at \$25 a week and dismiss you any time we feel like it. I said alright he said Come in in the morning and start to work. I came back in the morning and I met a man, I don't know what his name was, and I don't know yet. I never found out.

Q.—One of the officers?

A.—No, he was an operator, but he seemed to know more of the Department business than the Department themselves. At least he asked me more questions than any of the Department did. He found out all the information he could from me, and I noticed that he called Alec Courrian the Provincial Officer aside, and told him all he had received from me. So they sent me out that day to see what I could get and I didn't get anything, and it went on for two or three days and I didn't get anything. Then I got a case from a man named Charles Zenna of Baldwin Street and when I got the case I explained to Courrian I would have to have an automobile, as the time I went around before I went around in a car, and if I went any other way it would spoil a good case.

MR. CLARK: Do you mean a case of whiskey?

A.—No a charge, so he got a man named Chalk to lend me his car. He was in the World building, and he loaned me his car and we made an arrangement over the telephone to go around and get the liquor. I went around to get the liquor and tell the officers where it would be, but they lost the man that day and never got him.

Q.—Which man?

A.—The man I got the liquor off.

Q.—Who were the officers who went there?

A.—Courrian, Bell, and Provincial Officers Partridge, Cantwell and Tweedly. At any rate we didn't get the man. The next day we made the same arrangement and I told them to be in a different place. We got the man and caught him cold in the car with the liquor. They didn't go back to the house to search for the liquor, but arrested the man and took him to the Police Station. The whole works went to the Police Station.

MR. CURRY: What do you mean by the whole works?

A.—I mean every officer. They all went to the Police Station and left the liquor unguarded in the house.

MR. FERGUSON: Did you go with them to the Police Station?



A.—Yes. We then went down to the office where Alec Courrian the Provincial Officer went in to Mr. Ayearst's Department. He was in his office and came back a few minutes later and says Dunn the chief wants to see you. I went in the office and Mr. Ayearst sat me down. He said little for a few minutes and then he talked to me about a few little things that did not concern me or the liquor very much as far as I was concerned, and I went back into Courrian's department, where I found the bunch in a pinochle game. It looked to me as if they had just left me long enough to find out what they would do with the liquor.

MR. RANEY: Did you give the name of the defendant in this case?

A.—Charles Zenna. So after a few minutes sitting down in Courrian's Department, Courrian said What did the chief say to you and I explained what the chief said and he flew in the air and got up and made a run into the chief's office. He came back and said, I guess we had better get that liquor. They all got in and went out to get the liquor and we went in to the house. Courrian showed his badge and told the people he was a Provincial Officer and wanted to search the house and the lady let us in. Courrian said, We want that liquor and we want it quick, so tell us where this liquor is. She told him it was in the cupboard and got the key and they didn't search any place else.

MR. LENNOX: How much liquor did you report there was?

A.—I had reported I just forget the amount, but I think a hundred or more bottles, some Scotch and G. and W. A hundred and some odd bottles anyway. I know there was ten cases not accounted for in the Police Court. I took particular notice of that. When they got the liquor they put it on a truck.

Q.—How much did they get?

A.—One hundred and some bottles, I cannot remember now.

MR. CURRY: Was it in cases or bottles?

A.—In bags. But it was not in bags until they sent me out to buy bags to put it in.

MR. LENNOX: How was that kept?

A.—Just loose.

Q.—And in addition to that there were ten cases?

A.—No. Ten cases, that would be ten times twelve bottles not accounted for when the Judge asked Provincial Officer Courrian how many cases were there. He was short about ten cases.

MR. CURRY: You say he was short about one hundred and twenty bottles?

A.—I don't know how many bottles, I know it was ten cases short when it was rendered out in court.

MR. RANEY: I thought you said they only took away one hundred bottles?

A.—There may have been more, there was perhaps one hundred and fifty altogether. I don't know how many there was, but there was over a hundred.

MR. CURRY: How many did they state that they seized?

A.—I don't remember.

Q.—You say there was a hundred and fifty there and there was one

hundred and twenty of a shortage, there would be about thirty bottles accounted for?

A.—I believe something like that.

MR. FERGUSON: Part at any rate was accounted for, and somebody said there was ten cases short?

A.—When they gave it out in court, they gave it out that there was so many bottles.

MR. RANEY: You weren't then able to say what quantity of liquor there was?

A.—I did.

Q.—How many do you say there were in the first instance?

A.—I didn't count them.

Q.—How many did you say you saw?

A.—Something over a hundred or a hundred and fifty. I don't know whether there was that many or not. It was very close to it. They were counted I believe and it is all down some place.

MR. CURRY: Then you went back a second time with the officers?

A.—This was the time I went back. There was no second time.

Q.—When you were there the first time you saw the whiskey?

A.—No I didn't.

Q.—I thought you said so.

A.—No I didn't.

MR. LENNOX: You went back with the officers and the closet was opened, how many bags were taken out?

A.—About five or six.

Q.—How many bottles in a bag?

A.—I believe there were two cases in a bag. Twenty-four bottles in a bag.

Q.—Five or six bags and twenty-four bottles to a bag.

A.—Yes.

Q.—Was this stuff taken to the Police Station?

A.—No, I don't know where it was taken. It was taken in a truck and I was taken away in a car.

MR. CURRY: That would be 120 to 124 bottles taken to the Police Station.

A.—I don't know where it was taken.

Q.—Where did the shortage come in? Were you at the Police Court when the case came up?

A.—I gave evidence.

Q.—You saw the whiskey produced there?

A.—I did not.

Q.—Then how do you know how much was produced in the Police Court?

A.—There was none produced in the Police Court, only one bottle.

Q.—Then how did there come to be a shortage?

A.—Understand me. When we got the liquor, it was counted out at that time, on a piece of paper at the house.

Q.—You don't know how many there were?

A.—I don't know, but I knew at that time.

Q.—You would judge about one hundred bottles?

A.—I think there was more than one hundred bottles.

Q.—Where did the shortage come in.

A.—I knew how many there was when I was in the Police Court, and one of the Provincial officers was asked how many was seized, and he said a sum that was less than the figures I knew were right, but I just forget what the figures were.

MR. FERGUSON: You knew there was a shortage of ten cases between the amount taken and what the officers said was taken?

MR. LENNOX: Is that correct?

A.—That is correct.

Q.—Between what was taken and what he said was taken, there was a difference about ten cases?

A.—I can't exactly say, I know there was some difference. I won't say how many cases, but there was a deal of difference any ways.

MR. CURRY: From your last statement, the conclusion I arrived at was that when the liquor was taken out of the closet it was in bags.

A.—It was put in bags.

Q.—You were asked how much were taken out of the cupboard and you said five or six bags, and you also told us you had gone out to buy the bags. What you mean is that the bottles were stored in the cupboard?

A.—Yes.

Q.—And then taken out and put in bags?

A.—Yes, the bags I bought.

Q.—The impression that I got from your answer to the Attorney-General was that when the bottles were taken out of the cupboard they were in the bag, but I know that isn't what you meant.

MR. NIXON: Were there twenty-four bottles in each bag?

A.—Yes.

Q.—And there were five bags?

A.—Five or six bags.

MR. NIXON: He said 150 bottles were produced in police court.

MR. LENNOX: Oh no, only one bottle is produced in police court:

A.—Yes, that is the idea.

Q.—The bottles seized were taken away from the house in a truck?

A.—Yes.

Q.—And the truck was in charge of the officers?

A.—Yes, exactly.

Q.—And you were sent away in a touring car?

A.—Yes.

Q.—Did you see the liquor after that?

A.—No, never any more.

Q.—The next you heard of it was when you were called in the police court to give evidence?

A.—Yes.

Q.—And you say that from the evidence given there was a discrepancy?

A.—Yes.

Q.—And your opinion is that it was over one hundred bottles?

A.—Yes.

Q.—Is that correct?

A.—Yes.

Q.—How did you come to the conclusion that there was shortage?

A.—Well as a rule the Judge will say, "How much did you seize." Then the officer will get up and read what he seized. Well he read a list of figures and they were less than the figures as I knew them in the first place.

Q.—That is the magistrate asked one of the officials how much was seized and the official replied and the number he stated was one hundred bottles or more, less than you knew was taken?

A.—I would not say I was correct at one hundred bottles or more, but there was a big discrepancy. I said about ten cases, but whether it was more or less I would not be certain.

Q.—In answer to a question of the magistrate, the official stated a certain number which was much less than the number actually taken away from the house?

A.—Yes.

MR. RANEY: Who was it gave that false evidence. What officer gave false evidence?

A.—Which false evidence do you refer to?

Q.—Giving a false quantity?

A.—Provincial Officer Courrian.

Q.—Did he swear to what was untrue?

A.—Yes.

MR. LENNOX: What became of that case, was there a conviction?

A.—There was a conviction. It was a peculiar case.

MR. RANEY: At all events the whiskey is down at the warehouse now, I am told. We will produce a receipt for it.

MR. LENNOX: You stayed with Mr. Ayearst, how long?

A.—About four weeks.

Q.—And during that time what other work were you engaged in.

A.—The same day I got that case, I got another case on 18 Glasgow St. We went to that house after we got the Charles Zenner case.

MR. CURRY: What officials. Who went with you?

A.—The same officials. They generally go around together. I am including them all. I went in to this house and they asked me what I would have and I told them Scotch, and they asked me if that was the only one I wanted, and I said yes, I always buy Scotch. I came out and got the officers and when they went in to search the house, they found no more Scotch, but G. and W. They were upstairs quite a time and I ran up to see for myself. They were making quite a racket with the bottles, so I thought I would go up and have a look, but immediately I got to the top of the stairs, they slammed the door shut and sent me down.

MR. CURRY: Who did that?

A.—One of the officers. They were inside the room.

Q.—Who were inside?

A.—There was Provincial Officer Courrian, and Cantwell who acted as an officer. There were some of the officers down stairs. I can't say who they were now. It was a mixed up affair. I was looking after the liquor to see how much was there. They had sent one man downstairs for a bag. I be-

lieve it was Provincial Officer Bell, and Budway later told me that he must be a partner of the first man I got, because the liquor was in the same kind of bags as the case we got the first time. At any rate, they brought eleven bottles out in a bag, which they took upstairs and led me to believe there was more there. The woman had told me she had twenty bottles of Scotch, and they only got G. and W.

MR. LENNOX: That is all they got from the house?

A.—Yes.

Q.—What became of that case?

A.—That was a second conviction I was able to get.

MR. RANEY: You were doing pretty well.

MR. LENNOX: This man was doing his part alright.

MR. CURRY: Who was that?

A.—That was at 18 Glasgow St. I just forget his name. There are so many names it is hard to remember.

MR. HALL: Do you want the Committee to understand that there was liquor upstairs that was not turned in?

A.—That is the idea exactly.

MR. CURRY: That is what his suspicion was. Has he given us the reasons for his suspicions?

MR. LENNOX: You had bought the Scotch about how long before they came in?

A.—About five minutes.

Q.—And they got eleven or thirteen bottles of G. and W.?

A.—Eleven I think.

Q.—How long were they closeted in this room?

A.—Twenty or twenty-five minutes.

MR. CURRY: Was the defendant there?

A.—He was downstairs.

MR. RANEY: That man's name was John Northey.

A.—That is the name.

MR. LENNOX: Was any member of the family or any one else in the room except the officers?

A.—No, but Provincial Officer Courrian talked to the woman in the kitchen.

Q.—Then the conversation that Courrian had with this woman in the kitchen. Was that before or after they were closeted in the room?

A.—Before and after.

Q.—Did you see them come out of the room?

A.—I saw them come downstairs. The room was just at the top of the stairs. I believe there were two rooms. I heard all this noise as if they were continually pulling bottles around. As if they had ten bags, pulling them around and rattling them as if they were breaking them, and then when the men came downstairs they said this is all they found.

Q.—Eleven to thirteen bottles?

A.—Eleven bottles.

MR. RANEY: You said they were making a noise as if they were breaking them?

A.—A noise loud enough, as if they were moving them from one room to another and counting them over.

MR. LENNOX: Where was the liquor kept that was given you, the bottle of Scotch?

A.—It was kept in Courrian's department.

Q.—But where did the woman keep it?

A.—Upstairs.

Q.—She went upstairs for it?

A.—Yes.

Q.—Did she go into the same room where these operators were?

A.—Yes, it was the same room. It was right at the top of the stairs. I was up the stairs and I saw the room. It was a kind of an L shape. She was up long enough to go to this room.

Q.—Then five minutes after that they came in and they found no Scotch whiskey?

A.—No Scotch.

Q.—You didn't see any Scotch?

A.—No.

Q.—What other case did you have anything to do with?

A.—I got another case on Jarvis St. and I got another case on St. Patrick St. where they were selling by the drink. I don't know what that man's name was, but there was nothing to that case, any more than he was selling by the drink and they got him and there was a conviction.

Q.—Then you remained with the Department under the name of Dunn, or was it McDunn?

A.—Dunn.

Q.—You say you were there about a month?

A.—Yes, about a month.

Q.—How was it you severed your connection with the Department?

A.—When I got this case on Jarvis St. the man knew me and he made a statement to the Department, and he probably was surprised to hear me go under the name of Dunn, and called me McCutcheon. Therefore they found out my name and that ended the works.

Q.—Why?

A.—Because they didn't want me any more.

Q.—Because they found out your name was McCutcheon?

A.—Yes.

Q.—How long after they asserted that you were a brother of H. H. McCutcheon, were you discharged?

A.—Well it was in court that day that the case got so hot for me that I told them I would leave.

Q.—What do you mean it got so hot?

A.—You are getting ahead of me now. I got away ahead of where I started. When I got this case on Jarvis St., I learned through the Department that they were selling for Courrian and the officers at the corner of Jarvis and Queen, and that is the reason I got the case on Jarvis Street as close as I could to this one, to see what they would do. I was not after the case. What I wanted to find out was what they were doing.

Q.—Who?

A.—The officers. When I went in to the office and said I had got a place on Jarvis St. they seemed much alarmed.

Q.—Who did you say it to?

A.—I said it to the officers in there. Alex Courrian wasn't there at that time, but there was Cantwell, Partridge and Tweedy in the Department at the time. I said to Partridge, I got a case on Jarvis St. Partridge sat there with a peculiar face on him, and Cantwell said to me, is it over the Drug store. Partridge said to me Sh—you damn fool as much as to say, you have given the game away, and he had. So they hung around and hung around.

Q.—Was it over the Drug store?

A.—No, but I didn't give them that information until they got to the house.

MR. LENNOX: They thought it was?

A.—Yes, until they got there. They hung around until the whole staff got there, and when Courrian came in they mentioned it to him, and he seemed much alarmed and he tried to telephone and several other things but could get no connections, and was much more alarmed. They sent me with the officers to the place, but they didn't mark the money in the office. They marked it in the lane, to prolong the thing longer. They didn't go round as they usually do. They sent the car ahead to tip off the place I was going to. I learned that much later. When I got around there they marked the money in the lane and they stuck around as close as possible to see if it was the place that they suspected, but it didn't happen to be the place.

MR. LENNOX: Where would this place be?

A.—It was up from Queen and Jarvis St. either 45 or 46. I can't say for sure; it was close to there.

Q.—And they knew then that you were McCutcheon?

A.—No they didn't.

Q.—They thought you were Dunn?

A.—Yes.

MR. CURRY: Was the house on the east or the west?

A.—It was on the east, and the other place was on the west.

MR. LENNOX: What was the result of that?

A.—They went in and got a man and they found one bottle.

Q.—How much had you bought?

A.—One bottle.

Q.—What kind of whiskey?

A.—I think it was G and W.

Q.—What kind did they get?

A.—G and W. I cannot swear to that, because there were so many bottles handled at different times that you can't remember everything.

Q.—They just got the one bottle beside the one you got?

A.—Yes.

Q.—Did they ask you in or try to prevent you from going in?

A.—No, I went in.

Q.—Was there a conviction in that case?

A.—Yes.

Q.—You were doing pretty well?

A.—And I would have done more if they had let me alone.

Q.—What was the matter, you say you were getting hot?

A.—When I went there Courrian says, I am going to give you some good advice, I said, All right sir. He said, Do you know a man named McCutcheon? I said, I didn't. He said, I'm looking for a man named McCutcheon. You look for him for me. Well, I went out to look for this man McCutcheon, and every once in a while I would see McCutcheon in the office, and I would see McCutcheon and Courrian talking together. He was still looking for McCutcheon. He was a bad man. But before that McCutcheon and Courrian had quite an argument on the steps outside the Department, they had had several arguments, by the way, but this was a special one.

MR. RANEY: Were you there?

A.—I was there.

Q.—Did they know who you were?

A.—My brother knew, of course, who I was, but Courrian didn't at that time. Courrian says, You are working for Hammond. My brother says, No I am not, and he says, Yes you are, I know you, you are spilling the beans to Hammond. But tell what you like. I have been in the Department too long for you to play with me. I will work a frame-up on you and send you to jail. I will get Ward and he will do it.

MR. WATSON: Who said that?

A.—Courrian.

MR. RANEY: That was very frank.

A.—Very frank indeed. My brother and I later spoke to Ward about it. Ward said, I might for some one, but not for a Turk.

MR. LENNOX: He had reference to Courrian?

A.—Yes.

Q.—How did they find out that you were McCutcheon?

A.—From this man I bought a bottle from. I went into one house and bought a bottle from him from the other house through the window. This man had come to the Department to make a statement to square himself. He wondered why I was called Dunn, and told them my name was McCutcheon?

MR. CURRY: That was the case where you paid through the window, and bought from a man named Davis?

A.—That was the case.

MR. LENNOX: Then your troubles began?

A.—Yes. Courrian met me outside the hall before the case came up that morning and said, Come here, I want to talk to you. He took another officer along with him.

Q.—Who was the other officer?

A.—It was Bell, Provincial officer Bell.

MR. RANEY: J. O. Bell?

A.—There is only one Bell there. Courrian said, Why are you going under a wrong name? I said I was not, and he said, Yes you are, you are McCutcheon. I began to be a little scared. He was going to put me through the ropes. He said it was a perjury matter. I thought I was up against it. At any rate he scared me pretty bad, or tried to at least and he would not



give me any satisfaction as to how I could get out of it. He gave me the hard side of the story. I went in and told the judge my story, Judge Jones, and he said that any operator was liable to take an assumed name, and that is the way it passed off.

MR. CURRY: Who was it knew your name was McCutcheon?

A.—I forget his name, the man on Jarvis Street. I will think of his name in a minute.

Q.—Was he the returned soldier?

A.—Yes.

Q.—What money did you give him?

A.—I gave him I think a ten dollar bill and he gave it to the man through the window and the man came in through the front door and handed me back the change.

Q.—You got the bottle through the window?

A.—Yes. So that case was got over and when I came outside Courrian says to me, You fixed it pretty smooth, didn't you. He began to tell me that my brother was double crossing me, that if I kept away he would do anything for me but that if I didn't it was all day with me. I was a little afraid of that because I knew they framed my brother and I didn't want to get framed myself. I told him I would leave for a week, that I needed a rest. Yes, he said. You can leave for a week and I don't care if you don't come back, a man like you is no good working for me. I didn't go back. While I was working in the Department they would keep asking me if I knew of a place down east. I said I didn't. I asked my brother why they kept on asking me.

MR. RANEY: Never mind what your brother told you.

WITNESS: This is necessary.

MR. RANEY: All right.

A.—I asked my brother why they kept asking me. He said, I suppose you are aware there is a woman down east selling at 33 Waverley Road. That is the idea. I said, I would like to get that place. So we mentioned it to Hammond, and my brother and I went down in my car.

MR. RANEY: What is the address?

A.—33 Waverley Road, Mrs. Omerod's. . . . When we got down there my brother went to the door to show me that he was right.

Q.—When was this?

A.—In September, probably the very end of September. He went to the door and said, Good day, is the boss in, and she said, No, he's not, is there anything I can do for you. He said, Do you know Courrian? and she said, I do, come in. He went in and when he came out I could smell liquor on his breath. He said, I can buy anything there, anything from good liquor to bottled cider. I said, That is good, and we went back to Mr. Hammond and told him. Mr. Hammond says, Is that a fact, and he says, Yes. We had a telephone conversation and the woman was going under the name of Mrs. Bassey, and that surprised Mr. Hammond, because he had been looking for her for six months. We made arrangements to buy half a case, but couldn't get the money at that time to buy it, Mr. Hammond was short of money. It went on a week, and I went down and bought another bottle from her. I went down myself.

Q.—Did you have any trouble?

A.—None whatever.

Q.—What did you say—had she seen you before?

A.—Yes, she had seen me in the car when I was there that day with my brother. I said, I will have a bottle of that good liquor you are selling. She said, I always sell the best, it doesn't pay to sell poor liquor. And I said, It's nice to know where you can get a bottle of good liquor when you want it, and she said, Yes it is, and I always keep the best. So we came back with the bottle to Mr. Hammond. Mr. Hammond said, Go down to-morrow and buy a bottle with marked money, so I did, and the Provincial officers walked in and raided the house. We found a large heap of cases, a lot of broken up cases and straw containers that bottles were kept in and, I think, about two or three dozen bottles of liquor. I can't remember the number. There was a couple of dozen or more, King George 4th. He says to the woman, what is your name? Mrs. Omerod. Hammond had been looking for Mrs. Omerod, and, he nearly dropped dead. He was looking for her and she was going under the name of Mrs. Bassey. When she said Omerod, he turned a couple of colors, he was looking for her in some other case, anyway she was brought up in the police court. Courrian met me and he was very much put out about it.

Q.—This was after your dismissal?

A.—Yes, after my dismissal with Courrian. I was with Hammond then.

Q.—You went back to Hammond?

A.—I was with him all the time. But I didn't receive pay with Hammond while I was with Courrian. It made it easier for the Department. So she was brought up in police court and fined \$500.

Q.—What else?

A.—That was the last case I got. That case lasted so long and there was so much running in and out of court and I had so many other affairs to attend to, I didn't have time to get any more cases.

Q.—Did you have anything more to say to Courrian, or he to you?

A.—Nothing more than one time in the police court he called my brother a lot of dirty names.

Q.—Nothing in respect to the case?

A.—Nothing whatever.

Q.—Is there anything you haven't told us you would like to say?

A.—I don't know, just off hand, now.

MR. RANEY: Just let me ask you one question. You were discharged when the Department came to know that you had engaged yourself under a false name?

A.—Not exactly discharged, but made so uncomfortable that I was pleased to get out.

Q.—We heard what you said. Did you give evidence in some of these cases?

A.—In all of them.

Q.—And you had told the court your name was Dunn?

A.—I did.

Q.—You swore to that?

A.—I did.

MR. LENNOX: That is hardly fair. He was asked his name before he swore.

MR. RANEY: I am not quite certain. It is for him to say. Would you think that the fact of your having engaged yourself in police court proceedings under a false name was a sufficient reason for your being discharged?

A.—It may have been a sufficient reason, but that was not the reason I was discharged.

Q.—That is your opinion, that it was not the reason?

A.—I know it was not.

Q.—How do you know it?

A.—I could have been kept on under the name of McCutcheon if I had wished.

Q.—How do you know that?

A.—Courrian told me.

Q.—Told you when?

A.—After he told me that he didn't want such a man as me hanging around the Department.

Q.—Did you see Mr. Ayearst about your dismissal?

A.—No, I didn't.

Q.—Who hired you, Courrian or Ayearst?

A.—Mr. Montgomery hired me.

Q.—Did Montgomery dismiss you?

A.—No, he didn't. Courrian dismissed me.

Q.—You don't know whether he instructed your dismissal or not?

A.—There were no instructions for dismissal.

MR. LENNOX: One other question; did Mr. Hammond know you were working in Mr. Ayearst's department under the name of Dunn?

A.—I believe he did. One more little affair. This Slavin they spoke of, he appeared in the office at all times and was great friends with Courrian. He came in and out and got anything he wished.

MR. CURRY: What do you mean by that?

A.—He could get the officers to go out with him any place he wanted. I never knew for what reason he wanted them. But he would come in there just like the officers of the department.

Q.—Were they using his car at that time?

A.—Sometimes they did. They were always running around there and they treated him very fair, and there was a man named Chalk that loaned me his car. He was the man who came in to take the bets on the horses. He was asked one day if he wished a drink from Mr. Courrian and he said he didn't, and Courrian said, "I will give you one if you want one, I have a bottle open! But he didn't receive the drink.

Mr. Curry: How long was that man in the Davis case remanded?

A.—I don't know.

Q.—Did you know why he was being remanded?

A.—No, I didn't.

H. H. MCCUTCHEON: (Through Mr. Curry) Was any evidence taken in the High Court, character evidence which you heard, character evidence against me?

A.—Yes, I was at the High Court while the case was going on and Mr. Ayearst got up and gave character for Slavin, his name was mentioned.

MR. CURRY: We needn't go into that. That was taken in shorthand. If there is anything in that we can get it

MR. LENNOX: You never saw me before, McCutcheon?

A.—No, not at any time.

The witness was then discharged.

Lloyd Gordon, called and sworn.

Examined by Mr. Lennox.

Q.—You have never seen me before Mr. Gordon?

A.—No sir.

Q.—At any time?

A.—No sir.

Q.—What is your occupation?

A.—Chauffeur.

Q.—Where do you live?

A.—426 Church street.

Q.—What were you doing at the time you became associated with the license department?

A.—I wasn't working at the time.

Q.—Just tell us how you became employed with the department?

A.—Well, I knew a lot of people in Kitchener and McCutcheon came up and asked me if I would like to come down and get a job with him at the license department.

Q.—Had you known McCutcheon before?

A.—Yes.

Q.—Which one?

A.—H. H. McCutcheon.

Q.—Was your home in Kitchener?

A.—It had been.

Q.—McCutcheon apparently knew that had been your home?

A.—He did, yes.

Q.—He took you to the department with him. Whom did you see?

A.—Mr. Sarvis.

Q.—What took place between you and Mr. Sarvis?

A.—Well, Sarvis asked me a few questions, if I thought I could get these people in Kitchener and I told him I thought I could. So he gave us a little lecture and told us what we were to do and how we were to work and sent us up.

Q.—Whom did he send up?

A.—McCutcheon and I.

Q.—When was that?

A.—That was in December I believe.

Q.—How long did you remain there?

A.—I think we were there about five days the first time.

Q.—Did you go under your own name?

A.—Yes.

Q.—About five days the first time—did you go back again?

A.—Yes. I came back to Toronto for the week end, Saturday and Sunday and went back up again Monday morning.

Q.—How long did you remain the second time?

A.—We came back the same night.

Q.—You went up Monday morning and came back Monday night?

A.—No, I am wrong. We went to Stratford Monday morning and came back to Kitchener on Tuesday afternoon and back to Toronto Tuesday night, at least McCutcheon came back, I didn't.

What took place during the first week you were there?

A.—Well the first week we were there we got several cases.

Q.—Whom did you get?

A.—We got Walper's hotel, Bruder's hotel, the American House and two bartenders there and we got Witt's hotel.

Q.—How many cases altogether?

A.—I am not sure whether it was five or seven.

Q.—And were they cases of bottles or drinks?

A.—Both.

Q.—Bought in the presence of both of you?

A.—Yes.

Q.—Now then, have you any relatives living there?

A.—I have, yes.

Q.—Who have you got living there?

A.—A couple of uncles and two sisters.

Q.—Did you see any of your relatives while you were there?

A.—Yes, I was up at their place.

Q.—What took place after you got this information with respect to illegal selling?

A.—Well, we got the train and went out of town.

Q.—When?

A.—On Tuesday.

Q.—You had been working up to Friday and had gone to Toronto, on Monday you went to Stratford and then from Stratford to Kitchener on Tuesday. You were speaking of Tuesday.

A.—We got off the train and went down and Bruder said Your uncle wants to see you I found him and went down the street with him. He didn't say much to me, just told me they had received word from Toronto and from the department to be wary of McCutcheon and Gordon, that they had our photos and everything.

Q.—They had a description of you?

A.—Yes.

Q.—And that information, they said, they got from the department in Toronto?

A.—Yes.

MR. FERGUSON: What does your uncle do?

A.—He is a motor mechanic.

Q.—Where?

A.—In Kitchener.

Q.—What is his full name?

A.—Frank Letson—He told me that Struck wanted to see me. I didn't know what to do.

Q.—He lives in Kitchener?

A.—Yes.

MR. RANEY: What is his first name?

A.—I can't tell you that.

Q.—He works in the abattoir?

A.—No, I don't think so. I left him then. He told me they wanted to see me at Heiter's Brewery.

Q.—That is, Struck and your uncle?

A.—Yes. They told me to be at Heiter's Brewery at seven that night. I went to the station and McCutcheon came home. When I went down to the brewery the whole bunch was there.

MR. LENNOX: Who were they?

A.—Bruder and Struck were all that I knew.

Q.—How many others were there?

A.—Three others.

Q.—What took place there?

A.—Well, they told me they had had word from Toronto.

MR. RANEY: Who told you that?

A.—Struck did. They said they had our photos. He asked me if I wanted to see them. I said I was not particular about that but I would have seen them if I had wanted to. They told me they had heard from Toronto to send me away.

Q.—Did they tell you from whom they got word?

A.—I understand it was from Courrian because they were speaking of Courrian all the time. They all knew him up there and nobody had anything to say against him.

MR. CURRY: You were working for Sarvis and were sent up by Sarvis?

A.—Yes. They said they would give me anything up to \$700.

Q.—Who fixed that amount or did they say that amount was fixed from Toronto?

A.—They didn't say. They gave me \$600 and two tickets to Regina.

Q.—And that was for the purpose of leaving so that you wouldn't give evidence?

A.—Yes.

MR. RANEY: Who were present, who were there when this arrangement was made?

A.—Struck and Bruder were the only two I knew.

Q.—Where was the arrangement made?

A.—In the brewery.

Q.—Whose brewery?

A.—Heiter's.

Q.—Who paid you the money?

A.—Struck paid me the money, in Detroit.

Q.—He went with you then?

A.—He went with me to Detroit.

Q.—How much were you paid, by check or with money?

- A.—In Canadian money.
- Q.—And he paid you that in Detroit?
- A.—Yes, and he gave me some on the train.
- MR. LENNOX: He gave you the tickets?
- A.—Yes, they gave me the tickets.
- MR. RANEY: To Regina and return?
- A.—No, I wish it had been.
- MR. LENNOX: Why was Regina selected?
- A.—I had been there before and knew some people there.
- Q.—You suggested Regina?
- A.—Yes.
- Q.—Did you get the \$600 and your fare paid to Regina?
- A.—I was supposed to have, but I still have \$50 coming to me.
- Q.—Then you went to Regina did you?
- A.—Yes.
- Q.—And this Mrs. Collins, I think she went too.
- A.—Yes.
- Q.—Did they furnish her with a ticket?
- A.—Yes.
- MR. LENNOX: You went to Regina and remained how long?
- A.—I came back here in June. I was gone about six months.
- Q.—Did you have any communication at all with the people here?
- A.—I was writing to McCutcheon all the time.
- Q.—Anybody else?
- A.—No, not in the Department?
- Q.—What brought you back?
- A.—McCutcheon had asked me to come back. I wrote him after I had been gone three weeks and told him that if they want me to come back and would send two tickets to Regina, I would come back.
- Q.—Why two?
- A.—I had a friend with me.
- Q.—Who is that?
- A.—I don't care to mention the name.
- Q.—She had got her ticket too at the time?
- A.—Yes.
- Q.—From the same people?
- A.—Yes, they didn't know who she was at all. I just said I wanted two tickets.
- Q.—Then you were willing to come back three weeks afterwards. What for?
- A.—To give evidence.
- Q.—At the time you had received the money to go to Regina, had information been laid against these parties?
- A.—McCutcheon laid them. They had been laid before I left.
- Q.—When were the cases to have come up for hearing?
- A.—That wasn't arranged.
- Q.—You said you wanted to come back and were willing to come back?
- A.—I was willing to come back. McCutcheon has the letters, and he can show you what I wrote. He wrote and told me that he would try and

get them to send the fare, but that was all I got. In the next letter he would say I haven't got any satisfaction out of them yet, I don't know what they are going to do.

Q.—He was in touch with some one in the Department with respect to bringing you back, but wasn't making much headway?

A.—No headway at all.

Q.—How many letters did he write you?

A.—I usually received a letter every week, or two weeks at least.

Q.—Were you still willing to come back?

A.—Certainly.

Q.—And was he still trying to get you your fare?

A.—In every letter he mentioned about getting me my fare to get back.

Q.—What did he say was the objection to them giving you your fare?

A.—He said he had been talking to the authorities, and nobody seemed interested.

Q.—Just before I forget about it, what became of the cases? Were they dismissed, or do you know.

A.—I don't know. I believe they were all dismissed.

Q.—You finally came back in June?

A.—The end of June.

Q.—Apparently you thought you were such a good official that you went back to the Department to get work?

A.—Well I was told when I left if I came back in five or six months I would get my job back.

Q.—Who told you that?

A.—Struck told me that. He told me they got it from Toronto.

Q.—That if you came back in five or six months you would be taken on the Department again?

A.—If I was to come back.

Q.—By that time the whole thing would be forgotten?

A.—It was supposed to be.

Q.—At any rate you returned.

A.—Yes, I returned.

Q.—And made your application to Mr. Ayearst, or what did you do?

A.—No. McCutcheon was working for Hammond then and he took me up to Hammond, and I wrote him out all the notes, and told him all about it.

Q.—Told Mr. Hammond?

A.—Yes. Told him all about it, and he asked me if I cared to work with McCutcheon.

Q.—That is after you told Mr. Hammond what had taken place in Kitchener? And about being out to Regina?

A.—Yes, I told him all that happened.

MR. FERGUSON: Did you give him a written statement?

A.—He wrote it out himself.

Q.—Did you sign any statement?

A.—Yes I think I signed it.

MR. LENNOX: What became of that statement to Mr. Hammond. Did Mr. Hammond keep it?



A.—He did. I guess he has it yet.

Q.—And after he had taken down that statement he asked you if you would like to go back to work again?

A.—He asked me if I would work with McCutcheon to secure evidence against Courrian.

Q.—What did you say to that?

A.—I said yes.

Q.—He engaged you after you had told him all about what took place to assist in the cleaning up of the Department?

A.—Yes.

Q.—What were your instructions. What were you to do?

A.—He had heard, in fact he practically knew that Courrian had several booze joints in Toronto, and we were supposed to try and get wise to these and get as much on Courrian as possible.

Q.—Who else were you looking for?

A.—Any of the Department we could.

Q.—You had instructions to investigate any one in the Department?

A.—Any one in the Department we could.

Q.—What department do you especially refer to?

A.—Mr. Ayearst's department. That is the same Department as Courrian.

Q.—You were to get all the information you could with respect to the men Ayearst had engaged.

A.—Yes Sir.

Q.—Hammond being, rightly or wrongly under the impression that there was a good deal of crookedness going on?

A.—Yes.

Q.—He engaged you to assist McCutcheon, was McCutcheon at that time doing that work?

A.—Yes.

Q.—He was already doing it?

A.—Yes.

Q.—What other assistants did you have, McCutcheon and you?

A.—Just McCutcheon and I.

Q.—Was there nobody else helping?

A.—Not at the time. We had later.

Q.—Who did you have later?

A.—McCutcheon's brother.

Q.—Who else?

A.—That is all I know about.

Q.—Did you have any woman assisting you in searching for evidence?

A.—No woman was working when I was there.

Q.—Now then, do you know a man named S—

A.—He was going out with us occasionally, but I didn't know whether he was working for Hammond or not.

Q.—He is the man McCutcheon referred to.

A.—He is a Dominion Express man at Windsor, taking whiskey across to the States for Courrian.

A.—I didn't think he was working for him, because he was driving a bus. He was going out with us at nights.

Q.—To get information?

A.—Yes.

Q.—And you were under Hammond's instructions when you commenced to work with McCutcheon?

A.—Yes.

Q.—And you remained assisting McCutcheon until you got into further trouble?

A.—Yes.

Q.—What was the next trouble you got into while in this work of cleaning up the Department?

A.—Well I was out in a car with a bunch of people and there was a Victory Bond Stolen.

Q.—And without going into the details, you were arrested?

A.—Yes.

Q.—And charged with stealing?

A.—Yes.

Q.—And found guilty?

A.—Yes, I was found guilty.

Q.—And sentenced to what term?

A.—Thirty days in Jail.

Q.—That was I think according to your expense sheet on the 24th of July. Would that be right?

A.—Yes.

Q.—And you got out on the 23rd of August?

A.—Yes.

Q.—And I see you started to work again on the 24th of August.

A.—Yes.

Q.—You went back to your old job?

A.—Just for a week?

Q.—But you went back to your old job?

A.—Yes I went back for a week.

Q.—Doing the same work?

A.—Not quite the same work.

Q.—I see you had an expense account of twelve to fifteen dollars.

MR. PINARD: Were you paid for this thirty days in Jail?

A.—Oh no, there was not much chance of that. You were lucky to get it for when you worked.

Q.—At any rate you came back to work. To whom did you report after you got out of Jail?

A.—To McCutcheon of course.

Q.—Who else?

A.—I went up to see Mr. Hammond.

Q.—After you had seen Mr. Hammond you started working again on the clean up?

A.—Well I had a couple of places before I went in there, a couple of places where they were selling liquor. They were going to look after them

about the time I was arrested, but I did not get a chance. They were left over and when I got out I went to see him and tell him about them.

Q.—He knew about them?

A.—He said he would engage me in an underhand way for a week to get these couple of places.

MR. RANEY: Do you mean your name didn't come into the Department for wages for that week?

A.—I got wages for the week.

Q.—You don't know how?

MR. LENNOX: Check I suppose.

A.—Yes, I got a check.

MR. TOLMEE: I don't understand what you mean by saying in an underhand way. What do you mean by that?

A.—Mr. Hammond said I was no good in Court, as I was a convicted man, and he would have to engage me in an underhand way. It was just that I couldn't get up in Court and swear against anybody.

Q.—Your word would not be taken?

A.—Yes, he said my word was no good.

MR. RANEY: As a matter of fact did you give evidence in any case after you came back from the Jail?

A.—No.

Q.—Were you told you would not be allowed to go into Court?

A.—I was not supposed to go into Court. I was supposed to secure evidence against the Department.

MR. LENNOX: That is he was willing to take your reports with respect to the work he employed you for relating to the Department?

A.—Yes.

Q.—Hammond was accepting your word alright?

A.—Yes.

Q.—And it was upon your report and McCutcheon's report that he would have to act?

A.—Yes.

MR. CURRY: The position was this. Hammond knew you had been employed by Sarvis, and that you had gone to Kitchener?

A.—Yes.

Q.—And you got a case there?

A.—Yes.

Q.—And you came back to Toronto and reported?

A.—Yes.

Q.—And then you went back to Kitchener?

A.—Yes.

Q.—And Hammond knew that you got word there that Courrian had sent word up which resulted in their knowing that you were the man who had got a case against them, and in their making an arrangement to send you away?

A.—Yes.

Q.—You told that to Hammond?

A.—Yes, I told Hammond.

Q.—And then Hammond employed you to see what further evidence you could get of Courrian's crookedness?

A.—Yes.

MR. LENNOX: And the men in the Department?

A.—That is what he employed me for.

MR. RANEY: You weren't employed in enforcing the O.T.A.?

A.—I was not employed to get bootleggers. I was employed to get something on Courrian.

Q.—And on the officials of the Department?

A.—Yes.

MR. TOLMIE: When you say you were engaged in an underhand way did you mean you were engaged to do an underhand work in detecting Courrian? Explain just what you mean by that "underhand way."

A.—I explained as well as I could. He told me my word would be no good in Court.

MR. LENNOX: They wouldn't accept your word in Court?

A.—No, they wouldn't accept my word in Court.

Q.—That is, in liquor cases they wouldn't accept your word?

A.—No.

Q.—So you were employed for the purpose of endeavoring to get evidence to convict men of breaking the law?

A.—In these two places I mentioned, but they were Courrian places.

MR. RANEY: They were places he was protecting, as Courrian thought?

A.—Yes.

MR. CURRY: What you mean by underhand is that it was not to be known that you were openly employed?

A.—Yes.

Q.—You were told you were not going to be used in Court?

A.—Yes.

Q.—Whose word is "underhand." Is that a word that you used or is that what Hammond said?

A.—I don't think Mr. Hammond used that word but he explained it to me in such a way that I took it that way.

Q.—You were not to be openly employed and you were not to be used in Court?

A.—No.

Q.—He wanted you to obtain information to corroborate the statement in regard to Courrian having given information to the people at Kitchener, and to ascertain what other places he was protecting in the city of Toronto?

A.—Yes.

Q.—And it was not to be publicly known that you were employed and you were not to be used in Court to give any testimony at all?

A.—That is the way Hammond explained it to me.

Q.—You were to get the information to enable Hammond to send others to these places to get the evidence?

A.—Yes.

Q.—That is all you were to do?

A.—Yes.

Q.—You reported that to Hammond, and Hammond would send somebody else.

A.—That is the way.

MR. TOLMIE: Did I understand you to say that Hammond intimated to you that your word would not be taken in Court?

A.—Yes.

Q.—Was Hammond willing to take your word in respect to the work he wanted you to do, he was willing to take it himself?

A.—Yes. He would not have employed me if he didn't.

MR. LENNOX: Hammond was investigating, so he said, for the purpose of getting something on Courrian. He didn't want to discharge him without having the evidence?

A.—That is right.

Q.—So there wasn't any Court business as far as Courrian was concerned, if that is all you were engaged for. Why would he speak of calling you in Court if you were merely to report to Hammond for that specific purpose?

A.—I don't know.

Q.—As a matter of fact, the cases you had that you mentioned were cases of selling liquor illegally.

A.—Yes.

Q.—Where were they?

A.—There was one on Edward St.

Q.—What number?

A.—I can't tell you the number. It was just between Edward and Terauley.

Q.—Where was the other one?

A.—There was one on Waverley Road, the one McCutcheon described?

Q.—What other one?

A.—Those were the only two I know of.

Q.—The McCutcheons got the Waverley Road one before you came out of prison?

A.—No, I don't think they did.

Q.—You were not used on that?

A.—No, I was not used on that.

Q.—Then there was no reason why they should engage you for that case. What particular cases were you used for. Did you go on any single case?

A.—Yes.

Q.—The one on Edward St.?

A.—Yes.

Q.—Did you get any evidence there?

A.—I couldn't get any.

Q.—You apparently got out of jail on the 24th. At least you came back to work on the 24th of August. I see in your expense account that you had drink at the Express Hotel. Where is that?

A.—The Express Hotel?

Q.—Yes, or would it be the Empress Hotel?

A.—It must be the Empress.

Q.—What were you doing in the Empress Hotel, buying drinks? Is that one of the places you were looking for trying to catch them?

Q.—Courrian has no relation to the Empress Hotel?

A.—No.

Q.—So there is a case where you were engaged in the occupation of an operator endeavouring to get evidence?

A.—Yes.

Q.—To convict the proprietor of the Empress Hotel?

A.—Yes.

MR. NIXON: Was there any charge laid on the evidence you got there?

A.—No.

Q.—Why not?

A.—I didn't have another man with me.

MR. LENNOX: Yes, you had meals for two. Who was the other one? Who was with you? You would not charge the Department unless it was for somebody working for the Department. You charged \$2.00 for two meals and \$3.25 for drinks.

A.—I know I didn't have a man of the Department working with me.

Q.—Did you have a woman there?

A.—No, I didn't have a woman there. The only thing I can think is that I must have had the guy with me who took me in to buy the drinks.

Q.—So there would be two of you?

A.—Yes, but the other man wasn't working with the Department.

MR. LENNOX: You were not discharged until the evening of the 31st?

MR. RANEY: I suppose he knew he was going to be discharged.

MR. LENNOX: When did you know you were going to be discharged?

A.—I was only told I would be on for a week or so when I came out of jail.

Q.—Were you told that after you came out of jail, or while you were in jail, or when you were arrested?

A.—After I came out of jail.

MR. HALL: Did you report that to anybody else in your office?

MR. LENNOX: Why it is in his expense account.

MR. HALL: I am asking if he reported it?

A.—I reported it to McCutcheon. He was supposed to be my boss under Hammond.

MR. LENNOX: On the 26th, you spent in incidentals \$2.00. Meal \$1.50, \$3.50 in all, and there are various items on other days making \$25.00 in all that you spent during that week on your expenses?

A.—Yes.

Q.—These expenses were all paid to you?

A.—I had a few dollars before I went in, if I remember, something like \$4.00 or \$5.00 which I hadn't accounted for before I went in there.

Q.—That is you had gotten moneys of the Department?

A.—No. I was \$4.00 or \$5.00 short that I couldn't have accounted for.

A MEMBER: And you put that down as drinks?

A.—I put that down on the list four or five dollars.

MR. LENNOX: You padded the accounts a little so as to pay it off?

A.—Yes. To make up that \$5.00.

Q.—What did you get for that four or five dollars?

A.—I couldn't account for every nickel I spent.

Q.—At all events you put in an account and were paid \$119.60?

A.—Yes.

Q.—You said that Hammond told you to come back for a week or two.

What took place immediately before you severed your connection?

A.—I was given to understand that I was not going to be needed, and I got another position and I simply took it.

Q.—So you left of your own accord?

A.—In a way I did.

Q.—Were you discharged or did you leave?

A.—When I got another position I just told Mr. Hammond, that as he was only going to keep me a week or two, and I had another position, I would go to it now.

Q.—You could have stayed another week or so?

A.—I don't know whether I could or not, but I left before I got fired anyway. I knew I was going to be fired, so I thought I might as well leave.

MR. CURRY: In respect to the theft of the Victory Bond, did you plead guilty or were you tried?

A.—I pleaded not guilty.

Q.—And who defended you?

A.—Mr. Horkins.

Q.—Who were you charged with stealing it from?

A.—From a Harry Cole.

MR. LENNOX: You were out in an automobile together and had been drinking?

A.—Yes, he was drinking when he met me.

MR. NIXON: In regard to this woman who accompanied you to the West. Was she employed by the Department?

A.—No. She may have received a few dollars expense money for information she gave on that trouble, but that was all she did receive.

MR. CURRY: In regard to this matter. When you were talking about Hammond and you were sent by Hammond to go to certain places to see if you could buy liquor, was that for the purpose of ascertaining whether they were in the business of selling liquor or not?

A.—Yes. To find out whether they were selling or not.

Q.—You were not to be used in Court, but the information was brought to Hammond and the Department would send some of the regular officers there to see if they could buy it?

A.—Yes.

The witness was then discharged.

MAJOR-GENERAL ELLIOTT, called and sworn.

Examined by MR. RANEY.

Q.—General Elliott, you began your service as Commissioner of Ontario Police on the first of June, 1921?

A.—On the fourth of May Sir.

Q.—I think Mr. Flavelle, the Chairman of the licence Board left on the first of June, and you had come in in the early part of the May preceding?

A.—Yes.

Q.—And up to the time of your coming into the Department, Mr. Flavelle had been in charge of the enforcement of the O.T.A.?

A.—Yes, Sir.

Q.—And when you came in you took over those duties?

A.—Yes Sir.

Q.—And your term of office expired on the first of May of this year?

A.—Yes Sir.

Q.—And after your engagement you had leave of absence, I think for seven or eight weeks?

A.—From the 27th of June to the 26 of August, I was away from the Department. Capt. Collison was acting in my office in my behalf.

MR. RANEY: He was a kind of secretary to you? He wasn't assistant Commissioner?

A.—No Sir. He was just acting in the office, keeping track of the correspondence.

MR. LENNOX: And would be vested with your authority while you were away?

A.—He signed for me where there were routine papers.

Q.—Who received the reports and gave directions and was in charge of the general administration during your absence?

A.—He was.

Q.—So he was really a deputy acting for you?

A.—He was not permanently appointed. He was just acting in my office.

MR. RANEY: Collison, I think, was a returned officer of the Imperial Army?

A.—Yes, Sir.

Q.—Of what rank?

A.—Captain.

Q.—And he came highly recommended?

A.—Yes Sir. I got a confidential report from the War office, which I sent for.

Q.—Then you were yourself personally in charge of law enforcement, including the enforcement of the O.T.A. from the fourth of May until your going away on leave on the 27th of June?

A.—Yes.

Q.—In other words, you had been in harness for about eight weeks?

A.—Yes, about that.

Q.—You had scarcely found your feet?

A.—I hadn't sir, in the O.T.A. at any rate.

Q.—Now I suppose you probably read a report of Mr. Lennox's speech made recently in the House?

A.—I read an account in one of the papers.

Q.—I will read you three or four sentences.

MR. LENNOX: What is that from?



MR. RANEY: From the *Mail and Empire*.

Q.—Why don't you take the *Globe* or the *Star* and get a proper report from your own paper. You know the report in the *Globe* and *Star* is correct and you know that isn't. You know you will not make much headway by leaving out something I did say and saying something I didn't say.

MR. RANEY: We will find out from you later what you did say. . . . I read you, General, from the *Mail and Empire* report of Mr. Lennox's speech in the House with full responsibility as a member of the House. He said, "I shall show that not only does the Attorney General give employment to thugs and criminals, but I say further, with all the emphasis I can command that these men were kept and are being kept to-day by the Attorney General assisting him in enforcement of the Ontario Temperance Act. I can quite understand the administrator of a department being deceived by his officials and servants, that is inevitable but I cannot conceive, nor will the public condone any Minister keeping in his employ, men who have been convicted and have served terms to his knowledge, in the enforcement of the Ontario Temperance Act."

Now, you were responsible, General Elliott for the period I have mentioned, for the employment and the retention of officers in the employment of the O.T.A.

A.—During the period I was away—

Q.—We will leave that out if you like.

A.—May I mention this; I like to take full responsibility but most of the trouble which we have had here has happened between the dates on which I was away.

Q.—Then we will leave that eight weeks out. Leaving out that period when you were absent and couldn't be held personally responsible what do you say about that charge as far as your responsibility is concerned?

A.—As far as I am concerned sir, it is not strictly in accordance with the facts.

Q.—What do you mean by that?

A.—May I make a short statement. I assumed my duties on the 4th of May and I think it must have been a fortnight afterward that Mr. Hammond came to see me and made a statement which very much upset me, perturbed me exceedingly. It was to the effect that some of the employees who had recently been transferred under me and had to do with the enforcement of the O.T.A. were disloyal. As an officer coming in for the first time on a job like that, and being told at the start that some of the responsible officers were not straight it naturally upset one extremely. I think I mentioned to you in a general way that I had been informed by a responsible officer—and I looked upon Hammond as a very responsible officer in view of his salary and the recommendations he had received—I mentioned the fact that I had reason to believe, owing to the statement of Mr. Hammond that all was not right in the O.T.A. branch.

MR. FERGUSON: Mentioned it to whom?

MR. RANEY: He mentioned it to me.

A.—I spoke in a general way, I didn't give any names. He said, "You must probe it to the bottom" or words to that effect "It would be impossible to go on with re-organization if some of the men were untrustworthy."

I had one or two conversations with Mr. Hammond as the responsible officer who was and has been the officer in charge of the special officers and operators, and whether he met me with McCutcheon or whether I saw him by himself or not I am not sure. But it doesn't make any difference. Numbers of people, ex-bootleggers and others come to see you with wonderful stories, and I have always said "Go to Mr. Hammond, or Mr. Sarvis," as the case may be as they deal with the operators and special officers who are sent to back inquiry into these circumstances. I am prepared to take responsibility for what I did but I must hold Mr. Hammond responsible for the duty of looking after the operators and the special officers. He mentioned to me about this man McCutcheon and to my recollection I had no knowledge whatever of his having been convicted at that time. It was impressed on me that he was a friend of the bootleggers. This was the first insight I had had into the gruesome methods which detectives have to use to run down their quarry. I say gruesome methods and I think some of them have been referred to in this inquiry. It was new and repellent to me.

At any rate owing to the serious charge made by a responsible officer against the officer over him, because Mr. Ayearst was his superior officer, and to the circumstance of the names he mentioned to me, it was necessary for me—

MR. FERGUSON: Do you mean he indicated who were disloyal?

A.—He indicated them by name sir. I am sorry to see that these names have been mentioned by Mr. Hammond. Do you wish to have the names?

MR. RANEY: I think so.

A.—The names were, specifically, the Chief Provincial Inspector, Mr. Ayearst, Mr. Courrian, whom I had not seen at that time and one or two others. I think the name of Cantwell was mentioned but the outstanding man I remember he impressed me about was this man Courrian. Courrian was working under Ayearst and that would possibly implicate those who were in any way connected with Courrian.

MR. RANEY: At any rate you gave Mr. Hammond authority to go ahead?

A.—I am coming to that. Being so perturbed about it I said to him, you take this matter in hand at once. I am going away before long and I cannot get on—I don't know whether I said it to him or not but it was in my own mind that I could not get on with re-organization unless our department was more or less cleaned up. I left it at that and Mr. Hammond was to go ahead obtaining evidence. This man McCutcheon was mentioned and he came to see me and I honestly say I was not impressed by the fact that he was either an ex-bootlegger or knew all about it. It was new to me and repellent but under the circumstances I didn't know what else to do. You have to set a thief to catch a thief.

MR. FERGUSON: And that is how you regarded McCutcheon?

A.—Yes.

MR. RANEY: Pardon me, that is a well-known saying, "Set a thief to catch a thief." Had you heard he was a thief?

A.—No, it is a saying which is used.

MR. LENNOX: You knew he had been in prison?

A.—No, I had no recollection that he had been convicted at that time.

MR. HALL: You didn't believe that of McCutcheon?

A.—No, it was impressed on me that he was either a bootlegger or knew all about their methods, and would be a desirable person to get around that way and find out if Courrian or the other officers were acting crookedly.

MR. LENNOX: Was McCutcheon in the Department at that time?

A.—I don't think so. I left it entirely with the chief officer, who was Mr. Hammond, and he dealt directly with all these special officers and operators. I knew nothing about what they were doing.

Q.—Reports were sent to Mr. Hammond almost daily we have been told. Were these sent to you?

MR. RANEY: Can you recollect about the time of this conversation with Hammond?

A.—About a fortnight or three weeks after I came. I cannot say exactly.

Q.—Did any report come in before you left?

A.—I confess that one or two reports did come in, but I did not see them. They were handed to Collison and he kept them under lock and key.

Q.—You didn't examine them before you went away, and the matter was in process anyway?

A.—Yes, Sir.

Q.—Was Mr. Hammond ill at the time you went away?

A.—No Sir, but it was pointed out to me that he had been under a great mental strain. He was a hard-working officer and he was under an extreme mental strain.

Q.—You learned when you came back that he had been ill a large part of the time you were away?

A.—Yes, I learned that.

MR. TOLMIE: You said you were impressed with the fact that McCutcheon was a bootlegger or in touch with the bootleggers?

A.—That he was a friend of the bootlegger.

Q.—Do you mean that you were impressed by what he told you or by what Mr. Hammond told you?

A.—By what Mr. Hammond told me. I want it understood that I am prepared to take any responsibility, but I will hold Mr. Hammond responsible for all these special officers and operators. He had to deal with these people. Then sir, I went away. I left on the 27th of June, and I returned on the 22nd of August, and a few days afterwards I saw Mr. Hammond. He came to see me and I thought he was very much changed. He seemed to have some trouble and I didn't know what it was. I asked him how things had been getting on with reference to this investigation and he said, to the best of my recollection, he was not quite satisfied with it. And then a personal thing was mentioned between him and my assistant, my acting assistant, Captain Collison, and very serious charges were bandied about.

MR. RANEY: You mean between them?

MR. FERGUSON: In your presence?

A.—Yes, in my presence, and that upset me again.

MR. FERGUSON: What were the charges?

A.—May I speak all about it Sir. It was a confidential investigation.

MR. FERGUSON: Has it anything to do with the work?

A.—I think not.

MR. RANEY: It is a personal matter between these two men?

A.—It was more a personal matter than anything else, but it was a serious personal matter affecting the officers' characters and shortly I saw both of these officers separately and asked them if they could not adjust this matter instead of bringing it out in the Department. Mr. Hammond seemed to resent very much the whole matter, and so I insisted on evidence being taken.

MR. RANEY: And there was an inquiry into that?

A.—Yes.

MR. LENNOX: And what happened? Courrian left the Department. Was it as a result of this investigation?

A.—Yes Sir, partly.

MR. RANEY: I don't know whether this is germane to the subject matter or not. It may be or it may not be, but I venture to say that it has nothing to do with this inquiry.

MR. FERGUSON: Here is a case where for some reason an officer taken into the service and coming highly recommended was let out of the service. Why was he let out?

A.—As far as I am concerned I am prepared to have things known, but I do not want to commit a breach of confidence in regard to the Government's documents.

MR. HALL: Has this matter between Collison and Hammond anything to do with the administration of the O.T.A.?

A.—Yes Sir, some of it had something to do with it.

MR. HALL: Then it seems to me we ought to have it.

MR. RANEY: Very well, but I want to clear up another matter first.

WITNESS: I merely interjected this to show how my troubles began since I came back.

MR. RANEY: Reports were made by McCutcheon to Hammond and brought up in your absence?

A.—Yes.

Q.—Did you read these reports?

A.—I read them once.

Q.—Did you submit them to anyone else?

A.—Yes, I am sorry to say it is my fault. I arrived back on the 22nd of August. These reports were kept in a drawer locked up by my assistant, who had gone through them for me.

Q.—Collison read them?

A.—Yes. I didn't read them for three weeks or a month after I should say.

Q.—And then of course you had a good deal of work piled up when you got back?

A.—Yes.

Q.—And then you got around to these reports?

A.—Yes.

Q.—And read them?

A.—Yes.

Q.—Did you refer them to anybody else to read.

A.—Yes. It was my first insight into the very questionable methods used by these operators. Methods which were repugnant to me. I never read anything so horrible, but a legal point arose in the matter as to the quality of the evidence and I referred it to the legal officer, Mr. Middleton, to whom I have often referred to in regard to legal matters.

Q.—And Mr. Middleton read them?

Q.—And did he make a report to you?

A.—Yes.

A.—A verbal report.

Q.—What was it?

A.—To the effect that he didn't think that these reports would be of any use in convicting the people who were suspected, owing to the character and antecedents of a good many of the witnesses.

Q.—Who would have to be called?

A.—Yes. May I read a memo sent with this report to the Chairman of the Board of License Commissioners?

"I forward herewith statements of evidence in regard to certain officials of this Department. I think it desirable to hold an investigation in the near future. The idea of employing persons who are out on bail, or have a prison record is most objectionable, but in view of the special request of the investigation Department, evidence was given as shown in the attached. The case in which H. H. McCutcheon is concerned was, I understand to come up yesterday and consists of a charge of conspiracy, implicating Gross, Slavin and H. H. McCutcheon. The case is referred to in the attached evidence.

Since writing the above I am informed that this case will be brought up this morning. That is the 29th of September, 1921."

Q.—Do you remember the words Mr. Middleton used when he reported to you?

A.—What I said to you is to the best of my knowledge what he gave me, that if we used them, their evidence would be of little use.

Q.—What was your own opinion?

A.—Well Sir, to tell the truth, I was so disgusted with some of the stuff that I said to the legal officer "Please read that and let me know what you think." I don't know if Mr. Hales recollects reading the evidence. I haven't seen it for six months.

Q.—At all events, no action was taken by you?

Q.—On the reports that were made by McCutcheon?

A.—No, Sir.

Q.—And you have given us the reason?

A.—I would like it understood that I cannot remember the details but everytime a case was submitted to me in which a man was considered to be crooked, or had become crooked, I gave orders that he was to be thrown out.

Q.—That was the subject matter of discussions between yourself and me?

A.—Yes, I used to go and see you. The matter originated with you some times.

Q.—Let me remind you of a memorandum I sent to you. On the first of June, I find I sent you this memorandum:

“Attached please find clipping from this morning’s *Globe* with reference to the employment of inspectors at Niagara Falls. I shall be glad if you will investigate this matter and take whatever disciplinary proceedings the facts may warrant against the inspector or other official who is responsible for the employment of these men. Please report.”

That was a case of a man employed by the inspector at Niagara Falls, who turned out to have been accused of murder, I think?

A.—Yes, I don’t remember exactly.

Q.—I find on the 20th of June again I wrote you this:

“In view of the Brantford incident referred to in your memorandum of the 14th inst. I suggest that you prepare a draft circular letter to be sent to the Chiefs of Police of the Province calling attention to the practice of this Department in the matter of employment of special detectives, pointing out to them the discredit that attaches to the administration of the law when it transpires in Court that the witness employed by the Crown has a criminal record.

“Their attention should also, I think, be called to the fact that it is not the practice of the Department to pay these men on the basis of success in securing convictions. When the draft is ready I would be glad if you would submit it to me.”

Q.—Do you recall that? Did you prepare that draft?

A.—I do recall something like that.

Q.—And do you recall that F. . . was afterwards dismissed for some irregularity?

A.—Yes.

Q.—I read to you a circular letter prepared and sent out to the Chairman of the Board of License Commissioners. This is merely by way of counsel:

“Attention has from time to time been drawn in the newspapers to cases in which local police authorities have employed in connection with the enforcement of the Ontario Temperance Act, detectives whose past record has been questionable. Cases have even been reported where women of low repute and men with criminal records have been thus engaged. The practice of this Department is to employ as special officers only men with clean records and not to employ women at all in this connection.

“While this Department has no jurisdiction over the municipal police, still it would seem desirable that a uniform practice should be adopted and to that end I venture to suggest for the consideration of your Board the advisability of adopting a practice similar to that above indicated and of instructing your Chief of police to carry it out.

“It is also the practice of this Department not to pay agents or special officers on the basis of convictions secured, but only on a weekly or monthly basis and without reference to success or failure.”

Q.—Is that a true statement?

A.—Yes Sir.

Q.—Did you in your term of office employ any man to enforce the O.T.A. or any other law whose record was not clean.

A.—I never employed any man. They were employed by my inspectors.

Q.—Do you know of any such men being employed?

A.—Not to my knowledge. May I qualify that? In looking these reports

over, McCutcheon's and other names are mentioned. I remember seeing names in these reports and I think one or two women's names were mentioned, but I knew nothing about their employment, or why they were employed.

MR. FERGUSON: You mean that while you did not actually employ them you knew from these reports that they were there?

MR. RANEY: Did you know at the time that women were being employed?

A.—Oh no Sir, this was four months afterwards.

MR. RANEY: (continuing).

“While this Department has no jurisdiction over the municipal police, still it would seem desirable that a uniform practice should be adopted and to that end I venture to suggest for the consideration of your Board the advisability of adopting a practice similar to that above indicated and of instructing your Chief of Police to carry it out.

“It is also the practice of this Department not to pay any agents or special officers on the basis of convictions secured, but only on a weekly or monthly basis and without reference to success or failure.”

Q.—That is true, I think?

A.—May I ask the date of that?

Q.—That is July. Apparently that went out in your absence?

A.—I don't remember that.

Q.—I find that I sent you another memorandum on the 2nd of November 1921.

“Confirming our late conversation in the matter of the appointment of spotters, after further consideration I am still inclined to the view that we ought to change the system and make an attempt at all events to get along without their assistance, using only our own regular employees, but transferring them from place to place as the circumstances may require. I think, however that the change ought not to be made suddenly, because some of these men will be engaged in the middle of operations that ought to be cleaned up. Besides this, it is important that no intimation should get abroad in the matter. I think there should be a conference with your inspectors concerned and instructions given to let these men out from time to time as opportunity offers.”

Q.—Do you recall that conversation?

A.—Yes Sir. There is a memo I wrote on the strength of that conversation.

Q.—The memorandum proceeds:

“I do not think the rule should be too hard and fast. If there are some men who have given especially good service, they might be retained for the present, or they might be taken on as regular officers. I wish to emphasize the other point we discussed, namely that no officer in the employ of the Government should be permitted to drink intoxicating liquors, at all events while on duty.”

You recall that we discussed that?

A.—Yes.

Q.—“If the situation requires him to identify something with which he has been served, he can taste it and satisfy himself in that way. The Department must not be a party to the demoralization of its own officers and must not get into disrepute by bringing into court, men who confess that they have been drinking in liquor dives.” Do you recall that?

A.—Yes Sir.

Q.—I find on the 15th of February another memorandum:

“I am approving of the dismissal of Constable McLeod of Fort William and I note that the offense for which he being dismissed is the second offense. I think there should be a paragraph in the Regulations stating that drunkenness on duty or off duty will be a ground for immediate dismissal, although for a first offence, and this regulation should, I think, be rigidly enforced.” Do you recall that?

A.—Yes Sir. It is in the Regulations.

Q.—And on the 24th of February I wrote you:

“Too many of the special officers have been going bad. Apparently there is a defect somewhere in the sieve through which these appointments have to pass. I suggest that you have the service carefully combed and that you instruct Mr. Ayearst to go over the names of all the men who are new in the service and dismiss all those about whom there is any query. Then for the future, I think you will have to tighten up your rules still further, so as to eliminate as far as possible the chances. Please do not take on any foreigners without submitting their records to me.”

Do you recall that?

A.—Perfectly Sir.

Q.—And I take it there is no question about the Policy of the Department?

A.—None whatever.

Q.—Now let me go back again. Mr. Lennox wanted me to quote not from the irresponsible and incorrect *Mail and Empire* or *Telegram*, but from the responsible *Globe and Star*. I have pleasure therefore in quoting from both of these journals as to what he said in the House. Quoting from the *Star* newspaper of the 7th of April of the proceedings in the Legislature on the previous day, Mr. Lennox is reported to have said:

“Let me say this, and I say this on my responsibility as a member of this House, that not only has the Attorney General given employment to thugs and criminals, but I say further, with all the emphasis I can command, that these men were kept and are being kept to-day by the Attorney General, assisting him in the enforcement of the Ontario Temperance Act.” I pause there. Do you know anything to support that statement?

A.—Not to my knowledge Sir.

MR. FERGUSON: Do you know all the men that are employed?

A.—No Sir.

MR. RANEY: Then the statement proceeds:

“I can quite understand the administrator being deceived by his officials or his servants. That is inevitable, but I cannot conceive nor will the public condone any Minister for keeping in his employ, men who have been convicted and have served terms to his knowledge in the enforcement of the O.T.A.” Do you know of any such cases?

A.—May I interject to what Mr. Ferguson has said? I hadn't at that time the opportunity of knowing all the men, but myself personally, I did not know of any.



Q.—Did I interfere with you, General Elliott, to impose anybody on you that you did not desire to employ?

A.—No Sir.

Q.—Did I ask you to retain anybody in the service that you desired to dismiss?

No Sir.

MR. FERGUSON: "I think there should be a conference with your inspectors concerned and instructions given to let these men out from time to time as opportunity offers. I do not think the rule should be too hard and fast. If there are some men who have given especially good service, they might be retained for the present, or they might be taken on as regular officers?" What does that mean?

MR. RANEY: It means this. The idea at that time was to get rid altogether of the special officers called "spotters" and to rely altogether on our own regular officers. That is what we discussed, General Elliott, isn't it?

A.—Yes.

MR. RANEY: My thought was to dispose with the spotter altogether, but I said we must not be too hard and fast, that we might retain those who had given good service. After the conference had been held between the Commissioners and the inspectors, their view was that we couldn't afford to get rid of the spotters altogether. Is that right General Elliott?

A.—Yes sir. I held a conference as you directed with the inspectors down at 46 Richmond St. and they unanimously said it would be impossible to dispense entirely with the spotters if we were to enforce the O.T.A.. Personally I admit I would have liked to see the experiment tried.

MR. LENNOX: You say here you have spotters who gave good service, but you will not call them spotters, you will take them on as regular officers?

A.—That may be so.

WITNESS: That has been done.

MR. FERGUSON: Some of the spotters have been taken on as regular officers?

MR. RANEY: It is quite clear:

"Confirming our late conversation in the matter of appointment of spotters, after further consideration, I am still inclined to the view that we ought to change the system and make an attempt at all events to get along without their assistance, using only our own regular employees, but transferring them from place to place as the circumstances require. I think however, that the change ought not to be made suddenly, because some of these men will be engaged in the middle of operations that ought to be cleaned up. I think there should be a conference with your inspectors concerned and instructions given to let these men out from time to time as opportunity offers. I do not think the rule should be made too hard and fast. If there are some men who have given especially good service, they might be retained for the present, or they might be taken on as regular officers."

MR. FERGUSON: That is, the good spotters would no longer be spotters, but regular officers. You were going to get rid of the classification of spotter, but retain the men?

A.—That is the way it appeared to me.

Q.—But the conference of inspectors followed and the result was that it was not thought practicable to adopt this counsel of perfection so to speak?

A.—Yes. It was not the district inspectors, but the inspectors of the enforcement department.

MR. RANEY: To be fair to Mr. Lennox, I am going to quote from the *Globe* also. I haven't heard him deny he has made these statements. The *Globe* report says:

“With full responsibility as a member of this House, I say that not only has the Attorney General given employment to thugs and criminals, but I say further with all the emphasis I can command that these men were kept and are being kept to-day by the Attorney General, assisting him in the enforcement of the O.T.A.”

Did you General Elliott, while you were Commissioner of Police for the Province, give employment to any thug or criminal?

A.—Not to my knowledge.

Q.—Do you know of his being kept in the employment of the Department?

A.—May I ask the meaning of the word thug, sir?

Q.—We will let that go. Perhaps the man who used it will tell you.

A.—There have been men employed who have subsequently turned out to be bad.

Q.—That was at Niagara Falls and Hamilton, but that isn't the charge. I am going to point out the distinction. Reading again from the *Globe* report.

“I can quite understand an administrator being deceived by his officials and servants. That is inevitable, but I cannot conceive, nor will the public condone any Minister keeping in his employ men who have been convicted and served terms to his knowledge.”

Q.—It is a question of knowledge on your part and my part.

MR. LENNOX: Not personally.

MR. RANEY: Oh isn't it. General Elliott, was any person kept in your employ when you knew he had committed a crime?

A.—Not to my knowledge.

MR. FERGUSON: But you add to that that you hadn't knowledge of all the men.

A.—Certainly I didn't, not at that time.

MR. RANEY: You would have as much knowledge as the Attorney General?

A.—Oh yes, more so. I would be responsible to the Attorney General.

MR. FERGUSON: You don't seek to escape responsibility just because you didn't know the men?

A.—No Sir.

MR. FERGUSON: That is what the Attorney General does.

MR. RANEY: That is not true. I take responsibility as Attorney General for everything a man does in my Department. If he makes a mistake, it is my mistake, but it isn't a personal matter. Let me read what Mr. Lennox said according to the report in the *Telegram*:

“Not only has the Attorney General given employment to thugs and criminals but these same characters were and are being kept to-

day by Mr. Raney, assisting him in the enforcement of the O.T.A. Men who have been convicted and who have served terms to his knowledge." Did you have any knowledge of that kind?

A.—Not to my knowledge.

Q.—I heard Mr. Lennox remark that you knew his opinion of you. Do you? I think he gave his opinion to you once.

A.—He thought I was implicated in a certain incident.

MR. RANEY: Tell us about that incident.

MR. LENNOX: I said I didn't believe General Elliott would be implicated in it. He knows my opinion of him and you know my opinion of you.

WITNESS: On a certain occasion, information was received from Newmarket that there would probably be some liquor troubles or something at Newmarket, prior to the election, and in the ordinary course we were constantly getting these reports from different parts of the country. I notify the Inspector in charge, Inspector Sarvis, that I have received a report that there was likely to be trouble at a certain place, and for him to take the necessary action, or words to that effect, and that was done in this instance. I think it was on Sunday I was called up by Col. Lennox, he was very angry.

MR. RANEY: You had sent men to North York?

A.—No Sir. I sent men to Newmarket. That is all I know about it. I didn't send them directly, but gave the usual orders to the inspector in charge, and he would take what action he considered necessary. I left it open to him to take such action as he considered necessary.

MR. LENNOX: Where did you get the information?

A.—It came from the Attorney General's office.

Q.—From him?

A.—I do recall that it came from the Attorney General's office. He often sent me memorandums. I have received information so and so. Please ascertain the truth of it or take the necessary action.

Q.—You got a memorandum?

A.—Yes.

MR. RANEY: And you gave instructions?

A.—Yes.

Q.—And afterwards there was a report of a raid at Sutton?

A.—Yes. The first I heard of it was from the Honourable Member.

Q.—What was that?

A.—He was very angry with me and I think it was a most unfortunate thing that it happened before the election. I didn't realize the situation in that respect and I probably thought I deserved it.

Q.—Tell us what you got.

A.—I understand that Col. Lennox was very much annoyed, it may have been by the political aspect which arose, but which I was quite ignorant as far as that went. I was called by various epithets.

Q.—What were they, General Elliott?

A.—I think it was mostly stool pigeon and that it was a dirty low trick of me, in daring to send up men to Sutton to spy on the particular party who were going to use this hotel. I am talking now in a general way. The point was that he considered me a pretty low class person for having done this trick. I said, Well Sir, if you wouldn't mind coming to see me, I would be glad to see

you in my office to talk it over. He was very much worked up. It was the first that I had heard that this had developed at Sutton. I thought it was Newmarket.

MR. RANEY: And did he come?

A.—No Sir.

Q.—Was it in that conversation that he took some credit to himself for having had you appointed?

A.—I don't think so Sir. He turned around after a bit. He said "I know you very well "and I think something was said about my appointment.

MR. LENNOX: That I was very glad to see you get it?

A.—Words to that effect. My impression was that he had something to do with the appointment.

MR. RANEY: That he got you the job?

MR. FERGUSON: That he had approved of it?

MR. LENNOX: Yes, and publicly too.

MR. RANEY: Only at that time he was disapproving.

WITNESS: I was the unfortunate or ignorant victim owing to the date it occurred.

MR. FERGUSON: Somebody put something over on you?

A.—Maybe.

MR. RANEY: Would it be your idea that liquor laws should not be enforced about election time?

A.—Oh no.

MR. FERGUSON: There was one particular hotel leased by one particular party?

A.—I don't know anything about that.

MR. LENNOX: You got your instructions from the Attorney General's department in regard to sending some person to Newmarket?

A.—Yes.

Q.—Will you tell me the particular person who gave you the instructions.

A.—It was a memorandum from the Attorney General.

Q.—From the Attorney General himself?

A.—Yes. I went to his office and he repeated this to me.

Q.—The raid took place two or three nights before the election?

A.—Yes.

Q.—And the night that your men were in Newmarket was the night the Hon. Mr. Meighen spoke there?

A.—I really couldn't say Sir.

Q.—With whom did you get in touch when you got this memorandum from the Attorney General?

A.—I sent the memorandum or called up Inspector Sarvis. It was the usual routine.

Q.—You directed him to go up?

A.—I directed him to take the necessary action.

Q.—To go to Newmarket?

A.—Yes.

Q.—Where there any instructions from you to go to Sutton?

A.—None whatever.

Q.—What was the result as far as Newmarket was concerned.

A.—It was nothing as far as I was concerned.

Q.—When did you first learn these men had gone to Sutton?

A.—I think the newspaper article was the first thing I saw. Then we got the reports.

Q.—Then you remember reading the evidence at the trial where the operators swore or stated that they had been sent up by you to Sutton.

A.—No Sir. I don't recall that.

Q.—Do you remember me telling you over the phone what they had said when they made the raid "That they had been sent by you."

A.—I don't recollect.

Q.—Do you remember the letter written by me in which I stated that I did not believe you had stooped to such a thing?

A.—I saw that in the paper.

Q.—At the time I called you on the telephone or the next morning after the raid at Sutton, do you remember at that time that I told you that these men stated they were there under your instructions?

A.—I think you did.

Q.—And it was because I thought that that I was annoyed at you?

A.—Yes.

Q.—And afterwards I found that your instructions were that they should just go to Newmarket, I stated my opinion of you publicly.

A.—I suppose that was the reason Sir, I didn't know.

MR. HALL: Just a few minutes ago Mr. Ferguson referred to this place at Sutton, this hotel being used by a particular party. Would it have made any difference to you in the administration of justice, what party was holding meetings there.

A.—Not the slightest. I say it was a regrettable circumstance happening when it did.

Q.—Did it make any difference to you which party was there?

MR. FERGUSON: I didn't suggest that the General knew at all.

MR. LENNOX: What I understand from you, is that it was unfortunate that it occurred at a time when everybody was up in the air?

A.—Yes. The first thing I said when I got back to the office, was that it was a regrettable thing that it occurred when it did.

MR. FERGUSON: I want to understand something about the organization of the Department. There are two or three offices in the Department. Mr. Hammond had one branch, Mr. Sarvis had another branch?

A.—May I just make a short statement about that. When I came back from my leave, I started at once, to reorganize, and as I mentioned in my report, part of which was published in the papers the other day, I thought it an anomalous position that we had three water tight compartments that did not appear to be co-operating. That was the impression that I got, and shortly after as part of the reorganization, I had one investigation department formed, with two inspectors. Hammond and Sarvis. There was an inspector and a License inspector called Montgomery who also had some special officers. These were eventually withdrawn from him altogether, because as license inspector, he should not have special officers, so that left the investigating department with Sarvis and Hammond, and my instructions were that we should co-operate in every possible way with the city and local police.

MR. FERGUSON: About these reports sent in by Hammond. That was the regular routine, was it? The reports received from Hammond's operators were sent to your office?

A.—No. May I explain. Owing to the serious charges made which implicated certain officers in the Department, Hammond, instead of sending the report as he should have done to Mr. Ayearst, sent it directly to me. That was in that particular case. You referred a while ago to a dispute between Hammond and Collison, that had to do with administration. What was it?

A.—A question arose in regard to the disposal of three bottles of whiskey?

Q.—And as a result of this, Collison was discharged. Why was he discharged?

A.—He was asked to resign and he did.

Q.—What was wrong with him?

A.—The evidence taken at the investigation was such that whatever one may have thought was evidence which was so very much against him, that there was no option on my part but to recommend to the Attorney General that he should be asked for his resignation.

MR. RANEY: Was there anything in the case that affected any prosecution in court that was pending?

A.—No Sir.

MR. FERGUSON: It evidently affected the credibility or probity of one of your officers?

A.—It did.

MR. RANEY: I find, General Elliott, that you were reported in a paragraph in a newspaper on the 29th of April to this effect:

“General Elliott expressed the utmost confidence in the integrity of Mr. Ayearst, and said he would clear that matter up before the Public Accounts Committee when he was asked to be there.”

A.—Yes Sir. I should be delighted to say so.

Q.—You have now confidence in Mr. Ayearst?

A.—I have now and I had in October. I had absolutely confidence in Mr. Ayearst after reading all these reports, and I have now. I have absolute confidence in his honesty.

MR. RANEY: In other words the suspicion and the reports based on suspicion which came to you were entirely groundless.

MR. FERGUSON: I suppose you followed that up to ascertain that?

A.—Yes Sir. What I did further was to consult the legal officer of the Department who has a better legal knowledge than I have of what might occur in investigation.

Q.—And what he said was that these stories would not be taken as reliable evidence?

A.—That is right.

MR. FERGUSON: You have in your charge the reports of McCutcheon, Baugh and Budway? Budway is a special officer?

A.—No Sir. He is a Provincial constable.

Q.—You have his report on general administration?

A.—Yes.

Q.—Reports covering your term of office?

A.—Oh yes.

Q.—Frequently?

A.—I have had reports from nearly all the Provincial constables?

Q.—Those are available in the Department? There will be no objection to seeing those reports?

A.—No, if I was Commissioner, I would be glad to show them to you. May I mention one thing. It was brought up in evidence with regard to a car. There was a car supposed to be presented by me, to McCutcheon. I have no recollection whatever of saying he could have a car. I knew I had no power or authority to give anybody a car. I do remember the car question coming up, and if he said to me “I want to get a car” I of course assumed to hire a car, as to presenting him with a car, that is a monstrous suggestion?

MR. RANEY: You never authorized the purchase of a car?

A.—Certainly not. I would like to add that there is a memo to follow. When this matter came up to me, it was the first I ever recollect of my being a party to presenting anybody with a car. It was a preposterous suggestion that I would for one moment approve of such a proposal.

MR. RANEY: This is a memorandum you sent to Mr. Hammond on the 5th of November.

“Reference to the attached, will you kindly explain this matter, now that it has been brought up by Mr. McCutcheon as I am not aware of having made any arrangement as to a car beyond the hire. I recollect your speaking to me about this matter and I once more wish to state that the suggestion that I should have in any way concurred in the purchase of a car to be handed over to McCutcheon is a most preposterous one and would not have been entertained by me under any circumstances. You yourself know full well that the purchase of a car for the Department required the approval of the Honorable the Attorney General and unless this man can show positively that he purchased this car with his own money, I consider it the property of the Government and have already told you that if this is so you should forward a recommendation that the car be paid for in full, as I understood from you that \$300 had been paid on it. I would like you to explain to Mr. McCutcheon that as he was working directly under you, and I was away a greater part of the time, that you must be responsible for the various expenses that have been incurred. Will you kindly go into this matter and let me know what foundation Mr. McCutcheon has for the claim set out in the attached. I have informed his lawyers that you will deal with this matter.”

MR. LENNOX: Where is the reply to that?

WITNESS: This is dated November 11th:

“I beg most respectfully to report that this morning I saw McCutcheon and I paid him \$31.05, being the balance due him according to the statements put in by him. And he signed a paper waiving any further claim against the Dept. This he had accepted in full.

“May I suggest now that with regard to the car, that the money has been paid as livery by McCutcheon and that as per arrangements. So I do not think it wise to put in a further requisition for an extra \$200 to purchase the car for the Government.

“I think you will agree Sir, that this is the best arrangement. Trusting that this will meet with your approval.

“I am now in a position to furnish you with a full report on the items

marked X on the Expense sheet. This I have been waiting on to see McCutcheon first."

Then there is another letter of the 14th about the lawyer who had taken the matter up for McCutcheon.

The Committee then adjourned.

#### Public Accounts Committee.

The Committee met at 10 a.m. May 12, 1922, with Mr. Watson in the chair; Mr. Lennox examining.

General Elliott, recalled:

Q.—Now, General, I forgot to ask you yesterday in connection with the Sutton matter, if you knew who gave the instructions, or the information to the Attorney General which resulted in him sending you that memo?

A.—No Sir.

Q.—Have you found out since?

A.—I heard one or two names, Sir, but I cannot recall them. There was somebody up at Newmarket.

Q.—What names have you heard?

MR. RANEY: Well, I think that branch of the inquiry ought not to be pursued. The Department of Criminal Investigation, as well as the Department for the enforcement of the Ontario Temperance Act does not disclose the names of persons who bring information to them. That is obviously in the public interest.

MR. LENNOX: Now I see, General, that the Attorney General wrote you on the 24th of February of this year a letter which he read, a memorandum, which he read yesterday; that would be 10 days after the House opened. It says, "Memo for the Commissioner of Police—too many of the special officers have been going bad." Now I want you to explain to me what your knowledge was of that.

A.—Several cases had occurred in which officers who had been employed had been taken on as you know, temporarily, special officers and these operators are taken on temporarily, on the understanding that they may be discharged at any time—cases had occurred in which the inspectors who employed these men informed me that they had enquired as to their references and they were satisfied, but subsequently these men had not carried out their duty as honestly as they ought to have.

MR. LENNOX: He says they "have been going bad." General Elliott—The cases were reported in the paper. I don't know how many. Reports go to the Attorney General about the behaviour of some of our men from time to time. I immediately carry out an investigation and in some cases we found that the reports were justified.

Q.—What were these reports?

A.—That I cannot say, sir; they were coming in.

Q.—What did they have reference to—

A.—Some grave suspicion of dishonesty. You could not absolutely prove the thing; but what the inspector would say, Well, I don't think that officer



has been doing his work as thoroughly as I should like and I propose to get rid of him. You will understand, sir, that these things—when an inspector came to the conclusion that a special officer was not doing as well as he should the Inspector had the power to get rid of him forthwith. They are not referred to us in every case.

Q.—If he loses confidence in him he can let him go?

A.—Yes.

Q.—Is this correct; is this statement a fact, over the signature of the Attorney General, true, that “too many of the special officers have been going bad?”

A.—In February, sir, well there were—

Q.—This would be prior to February?

A.—There were several cases.

Q.—Is that statement correct?

A.—That statement is correct in substance.

Q.—Is there anything about the statement that is incorrect?

A.—Well, I am in your hands, sir.

Q.—Well, the Attorney General sends you a memorandum; he starts off the memo. “For the Commissioner of Police,” dated Toronto, February 24, 1922, and his first sentence is, “Too many of the special officers have been going bad.” Is that correct?

A.—Well sir, may I say in reply, it was not for me to discuss what the Attorney General held in mind. I went to work; I did not argue the point with him, whether it was correct or incorrect.

Q.—Well, did you agree with that or did you disagree?

A.—There were several cases that had transpired from time to time but I do not want you to tie me down to that; it is not for me to question the Attorney General.

Q.—I see that on the 15th of February you also got a memo from the Attorney General in which he says, “I am approving of the dismissal of Constable Maxwell, Fort William. I note that this is his second offence.”

Q.—What was the first?

A.—Drunkenness.

Q.—And the second?

A.—Also.

Q.—When did the first offence occur?

A.—At the time I think Superintendent Rogers was dealing with the police, and he actually dealt with the offence, to the best of my knowledge.

Q.—Was it in your time?

A.—I think so.

MR. RANEY: I think this officer was not an O.T.A. officer?

A.—No sir, a Provincial Constable, but he also dealt with O.T.A. cases if they came his way.

MR. LENNOX: Coming down to another memo, dated 2nd November, 1921, “Memo for General Elliott: Confirming our late conversation in the matter of the appointment of spotters. After further consideration I am still inclined”—this is from the Attorney General—“to the view that we ought to change the system and make an attempt at all events to get along

without their assistance." Now who were the spotters, what class of men are they. We have heard of operators and special officers?

A.—It is a name that rather annoys the operator, sir.

Q.—It is applied to them, is it not?

MR. RANEY: The word is in quotation marks, isn't it?

MR. LENNOX: So as to bring his attention to it.

WITNESS: I think the name has been applied to a good many officers of the O.T.A. branch.

Q.—But what class of man is a spotter? Is he classified? We have the provincial police and the provincial officer and the operator. Now is there a classification known as a spotter?

A.—Special officers and operators have been called spotters from time to time. It is a name of opprobrium which they do not appreciate and it is not used officially.

MR. LENNOX: Well, apparently the Attorney General used it.

A.—It is a name that has been bandied about and it has obvious reference to the operators and special officers.

Q.—Operators that do what?

A.—O.T.A. work.

Q.—For my information, that is stool pigeons in other words?

A.—Yes, that is, in other departments. I am called a stool pigeon.

Q.—Then what was this conversation between you and the Attorney General about?

A.—Would you read the paragraph to which you refer?

MR. LENNOX reads: "Confirming our late conversation in the matter of the appointment of spotters. After further consideration I am still inclined to the view that we ought to change the system and make an attempt at all events to get along without their assistance."

A.—We had had a great deal of trouble somewhat along the lines in which the Attorney General referred to before in getting the type of men who could be relied on to carry out this work of spotting. The Inspectors, if you call them, that is Mr. Sarvis, Mr. Hammond, will tell you the awful difficulty they had in getting a man who had any semblance of honesty and integrity and so on to take this work, and it is the most difficult work that I had anything to do with directly it is possible to imagine. We got men who were according to their references reliable, decent clean men, returned soldiers, and I am sorry to say that a month or so afterwards, they, some of them, became tainted.

Q.—Was that as a result of their occupation as spotters?

A.—I should say it was as a result of their very objectionable duty they carried out in getting into these low dives and dens and where they are compelled, unfortunately, to take a glass of this liquor. If it was good liquor I suppose we would not have heard so much, but it is generally poison, and these fellows are thus demoralized. They had the most wonderful stomachs, some of them, sir, the stuff they took, because I have been shown the bottle that has been seized or something of that sort, and sampled it, and it is poison. I say they have been compelled in the course of their duty to take drinks and it has demoralized them. There is no question in my mind. And then it is they

have committed offences which I do not think they would have committed if they had been strictly sober.

MR. FERGUSON: The nature of the work is debasing?

A.—Yes.

MR. LENNOX: Committed offences? In what regard?

A.—Cases in which probably they have accepted a bribe or something of that sort. I do not know. I have got nothing authentic, but it was very suspicious. Time and time again I have spoken to Mr. Sarvis—What about this man? I think we ought to get rid of him. Why? Well, he was not doing satisfactorily. Well, I did not inquire any more as a rule. It may have been a prison record.

MR. CLARKE: Is not it pretty hard to get a man clever, I mean sufficiently clever, and then get an honest man as well. There is not an honest man in the country even my friend would not take that spotters job?

A.—I quite agree. . . . You were asking me about a conversation. I said yesterday I had a conversation. There were several inspectors there, I forget exactly who, three or four of them, but they were inspectors to do with O.T.A. Jeffrey was there; I think, Greer; I think, Hammond.

MR. RANEY: Sarvis?

A.—Sarvis. And we discussed this with them. I was open minded about it as I had not had much experience, and they emphatically said it would be impossible to carry out without the use of spotters. And then I went further and said, well, cannot we limit them as regards their taking this drink, could not that be reduced. I have heard cases of spotters taking several glasses—how they could take it I don't know—in order to get their quarry. So then it was—I don't know whether I wrote another memo, but anyway as a result we found that they could not dispense entirely with spotters, but a greater effort was made to try and get the type of men who would carry out his duties honestly and at the same time be able to give reliable evidence in court.

Q.—Well, is there any reason why a criminal should be employed?

A.—Not knowingly.

Q.—Was there any reason why a man who has served time or been convicted of breach of the Ontario Temperance Act should be employed?

A.—No, not that I know of. And mind you sir, I hope you won't press me too hard. The inspectors were given a very free hand to try and get the type of men who would bring about shall I say rational enforcement of the O.T.A.

Q.—What does that mean?

A.—Trying to avoid underhand means as much as possible.

Q.—Now in this same memo to you the Attorney General emphasizes another point—Had there been much drinking amongst the officers?

A.—Oh a certain amount sir, yes.

Q.—Had it been going on for some time? I suppose all the time you were there and prior to that?

A.—When I came back in August it was. I don't say many cases, but there were cases. This was the difficulty—

MR. RANEY: Could you tell us how many cases?

A.—No Sir.

Q.—Would there be half a dozen?

A.—I should say about half a dozen, but I would not like to answer that question. Cases would come up and the Inspectors in view of their powers used to get rid of the men without reference.

Q.—Where would they get their liquor?

A.—Well, it is in carrying out these unpleasant duties sir they would get the liquor.

MR. CLARKE: In other words they had to go in and buy this liquor to get these men convicted?

A.—Half a glass of some of that stuff will make a man paralyzed.

Q.—You would not like even to take one?

A.—No sir, not of that.

Q.—That needs qualifying, none of that?

A.—Well sir, I am not a teetotaller, but I am a temperance man.

MR. LENNOX: Coming to July 13, 1921. You were here?

A.—I was not here sir, no. Is that the police commissioners?

Q.—Oh yes, you do not know anything about that?

A.—I may have heard of it but I don't know.

Q.—Would this statement be true, that cases have been reported where women were engaged?

MR. RANEY: Engaged by municipal police?

A.—I would not know whether that is true.

Q.—Do you know whether it is true or not?

A.—I cannot say at all. Frankly I have heard these things, but it is gossip. I have heard gossip of all kinds of things.

MR. TOLMIE: Did that mean officially?

MR. RANEY: There were cases reported to us of women having been employed to assist in the enforcement of the Ontario Temperance Act and other bad characters and we traced them down; they were attributed by the newspapers to our department. We found they were not employed by our department but by the chiefs of police in different places and this was a letter intended to warn the commissioners of police throughout the province asking them to instruct their chiefs of police to avoid the employment of objectionable people.

MR. LENNOX: A memo dated 20th of June 1921, for the Commissioner of police. Would that be for you?

A.—Yes, just before I went away.

Q.—“In view of the Brantford incident referred to in your memorandum of the 14th”—What was that incident?

A.—I do not recall it just this moment. I remember the Attorney General referring to it.

Q.—You had a man in your employ by the name of Rutca, George Rutca?

A.—No sir, I do not remember.

Q.—And I said in the House he had been sent to Brantford?

A.—Rutca?

Q.—Special officer or spotter!

A.—It is quite possible, sir, without my knowledge.

Q.—And in order to prove his story the Crown Attorney asked the woman who is supposed to have sold the liquor whether she had a scar on her

breast or on her shoulder, Rutca having stated he had had connection with her and he could prove it by that if they would have her examined.

A.—No sir, I do not.

Q.—And you do not recall the stopping of the case and the magistrate sending the woman into the room and she was examined by the matron and it was found there was no scar either on her breast or shoulder?

A.—No sir, only what I have heard at this committee. I do not recall it at all.

Q.—“In view of the Brantford incident—”Do you remember whether Rutca was discharged?

A.—The name is not at all familiar. How do you spell it?

Q.—R-u-t-c-a.

A.—I do not remember the name at all.

Q.—You do not remember the memo you sent?

A.—I am afraid not.

MR. RANEY: The man was dismissed and it was just after you came in General; you would not know about it.

MR. LENNOX: reads memo: “In view of the Brantford incident referred to in your memorandum of the 14th inst. I suggest that you prepare a draft circular letter to be sent to the chiefs of police of the Province calling attention to the practise of this department in the matter of the employment of special detectives attached to the administration of the law when it transpires in Court that witness employed by the Crown has a criminal record.”

Q.—Were there to your knowledge at that time many special detectives or operators with criminal records?

A.—Well I don't know the names of one quarter of them in June; that was scarcely not a month after I joined—three weeks. I was trying to get familiar with the work and I confess I knew very little about our special officers and operators until I returned in August, and then I delved into it and I was somewhat surprised.

Q.—Apparently the Attorney General was under the impression that there were some with criminal records?

A.—Quite possible, sir. May I mention another incident. Yesterday a question was put to me in regard to whether we employed any men with criminal records. I think sir, on the question being put, Are you in a position to know whether any men with these records are ever employed in your department? And I would say no.

Q.—And did you take the precautions to see?

A.—Yes; well, I may say that possibly a man unbeknownst to our inspectors might be employed.

Q.—What precautions did you take to ensure the men would be honest?

A.—After I came back I took up the subject of the investigation department. I insisted every man should have three references who was employed and these references had to be verified. Of course I have jumped now some months. And it was up to the inspectors, to Mr. Ayearst, to satisfy themselves as to these men.

MR. RANEY: And did you also require him to sign an application form?

A.—Recently there was a special affidavit a man had to sign containing

a clause that he had not been convicted of an offence, and it is was a declaration.

Q.—When was that inaugurated?

A.—In the last two or three months.

MR. FERGUSON: Do you think that would be a precaution? Against a man who would go into the box and perjure himself?

A.—I suppose nothing would stop a man of that type who has made up his mind about it.

Q.—You say in addition to giving three references there is to be some further verification?

A.—Well, to verify these references by calling up the gentlemen and ascertaining.

MR. RANEY: And was one of the references to be a clergyman.

A.—I don't think so, sir—three references of reliable citizens.

MR. LENNOX: I have in mind the case of a man named Andrews, recently appointed at Cobourg. He is a friend of Mr. Clark's, at least he comes from the same town.

A.—You mean a provincial constable, don't you. I can safely say it was prior to my time, but I heard about it. I think Supt. Rogers would know about it.

Q.—That is the gentleman who had served time in Burwash?

A.—I heard of it.

Q.—Now in the penitentiary?

A.—I am glad to say I had nothing to do with that.

MR. RANEY: That is the man who is certified to by Mr. Donovan and Mr. Wright of Brockville?

A.—Yes, I remember hearing of it afterwards. I had nothing really to do with this case.

MR. LENNOX: Do you remember whether he was a returned man?

A.—I cannot say.

MR. RANEY: He was a sergeant.

MR. LENNOX: Reading from the *Telegram* on your evidence yesterday: "Mr. Hammond told me that some of the employees under me were disloyal; that upset me very much." What information did Mr. Hammond give you with respect to the disloyalty of some of the employees?

A.—No specific information that I can remember, sir, except that he considered that they were not playing the game in the Department to the Department.

MR. FERGUSON: That was surprising to you?

A.—Surprising, very. It upset me very much.

Q.—Are you sure you do not recollect about it? Would not you inquire?

A.—I told them at once to go into the matter to the fullest extent, but as I said yesterday, it was at this time that Mr. H. H. McCutcheon was brought up as the man who would be able to give this information. I can say, sir, that I went further in my views then—in fact I thought that the most extreme measures were necessary to make sure of this. I looked on it as much more serious than some of the offences under the O.T.A. by our own officials—it would mean that the organization was disrupted.

MR. LENNOX: You also are reported to have said yesterday, "Ex-bootleggers and others came to see me regarding stories—"

A.—Oh pardon me sir, that is rather involved. Any man that came to me with stories about infractions of the O.T.A. I made it my business to send him over to the investigation department. It was in the case of transition in the last few months, I may say. First I think I told you yesterday, owing to the delicate position I was in, where, watching the officials who were suspected, Mr. Hammond sent me in these reports from McCutcheon, etc., direct, for obvious reasons. Later, as I told you, when I came back, I found that these reports had accumulated immensely. I did go through them once, I confess I did not read them very thoroughly, but I went through them and to my mind, as I said yesterday, I was not at all impressed by all the evidence—not being a lawyer, perhaps that was due to my defects.

MR. FERGUSON: It was nauseating to you.

A.—Most nauseating, sir. All kinds of people were employed, who, well, to say the least, I had not heard of before, or they were not in the ordinary line.

Q.—You had not come in contact with that kind of people before?

A.—No sir.

Q.—Probably that is the reason you left the Department?

A.—No, no sir. I will say I rather felt at times that the work was not very pleasant, but it was my duty to carry on that part of the work. It was a small part of the work, of course, but it was an important part.

Q.—Well, as I understand it you placed the responsibility of the integrity, of the character of the spotters or operators upon Mr. Hammond and Mr. Sarvis?

A.—Yes sir, under Mr. Ayearst.

Q.—And you personally could not be expected to see whether they were honest and capable and clean men or not?

A.—I would not like to say that sir, until the re-organization was completed.

Q.—Is the re-organization completed?

A.—It is not completed yet sir.

Q.—It was commenced a couple of months ago?

A.—Well, November, sir, it really commenced.

Q.—Now you were consulted before you went on your vacation with respect to getting information so that you would know whether there was any crookedness in the Department?

A.—Yes sir.

Q.—And Hammond and McCutcheon both came to see you?

A.—Yes.

Q.—Now what was the object, what had you in your mind with respect to that investigation?

A.—Well sir, to find out what there was in these very serious charges.

Q.—What charges were being made?

A.—Disloyalty of officers of high rank in the O.T.A. Branch.

Q.—Disloyalty in what respect? To their superiors or by accepting bribes?

A.—By dishonest practices; I would not like to specify exactly what happened, sir, but that was the impression left on me.

Q.—Well you apparently came to the conclusion that there was so much of that kind of thing going on that you thought an investigation was necessary, otherwise.

A.—No, I would first of all get a quantity of evidence, and if in my opinion as commissioner I thought an investigation was necessary at the conclusion of the taking of evidence I would ask permission of the Attorney General to hold an investigation.

Q.—Well, may I put it this way, that from the reports you had and the statement made to you, you thought it was your duty to delve into the matter to see whether an investigation would be necessary or not?

A.—Certainly.

Q.—And Mr. Hammond apparently was of the same opinion?

A.—He first reported this to me, sir.

Q.—And he brought McCutcheon to you as a man he thought would be capable of discharging that duty?

A.—Yes, getting the evidence, that is all.

Q.—Now I want to ask you, did Mr. Hammond tell you that McCutcheon had been accused, though acquitted, of aiding and abetting in the delinquency of a child under 14?

A.—To the best of my recollection, sir no.

Q.—Did he tell you that in February, in the preceding February, that McCutcheon had been charged with criminal assault on a young girl, a waitress in Guelph, and had been found guilty of common assault and fined?

A.—To the best of my recollection sir, no.

Q.—Did he tell you at the time that he brought him to you suggesting he would be a good man to investigate that at that moment he was charged, committed for trial, waiting for trial, out on bail, for conspiracy?

A.—I do not remember that.

Q.—The conspiracy being to defeat the ends of justice by getting witnesses out of the country?

A.—To the best of my recollection, sir no. May I qualify that. I remember some references made about this officer having been rather badly used, now that you question me hard. I do remember some question of his being badly used, but I really, honestly cannot remember the particular incident. What I had in mind, sir, was that any officer Mr. Hammond would employ would be all right. That is the view.

Q.—You had confidence in Mr. Hammond?

A.—Absolute confidence. He is a hard working conscientious officer, very well reported on by Mr. Flavelle.

MR. FERGUSON: Your recollection of these particular things does not seem to be clear?

A.—No sir. He might have talked something about it but I honestly on my oath here do not recollect. It made no impression on my mind.

MR. TOLMIE: If this Mr. Hammond, the Inspector, had given you that information in regard to McCutcheon would you have sanctioned his use?

A.—No sir, not if it had been impressed on me thoroughly.

Q.—You say he did not do it?



A.—I have no recollection. You understand gentlemen that there are many men come to see me and I am sorry to say sometimes I do not pay strict attention to everything they say. What was in my mind was, now this man has got to get information and if Mr. Hammond thinks he is a suitable man, go ahead. He had the experience. I was a novice.

Q.—Did he tell you that McCutcheon had reported that while at Owen Sound, in company with an operator by the name of Henry, that McCutcheon had perjured himself in court?

A.—I have no recollection whatever of that incident, sir.

Q.—Now if all or one of these things had been reported to you would you have employed McCutcheon?

A.—Not the way you put it sir.

Q.—Put it any way you like. I want to see how the enforcement is being carried out.

A.—No sir; I was going entirely on the recommendation of Mr. Hammond. If I have to give a direct answer, no sir, I would not.

MR. CLARKE: If you had had the information which Mr. Hammond had, assuming that he had it, would you have thought of giving employment to McCutcheon?

A.—No Sir.

Q.—What class of man would be required to get the evidence that you thought would justify an investigation?

A.—You are pressing me rather, sir. I had only been about three weeks in the position.

Q.—I am speaking of now.

A.—Well, I first of all would send for him, the Inspector, and tell him—you mean in disloyal cases?

Q.—No, no. You felt that it was necessary to delve into certain things for the purpose of ascertaining whether an investigation would be necessary or not. I am asking you as the Commissioner of Police, as you were for one year, what class of men would you, representing the people of this country, in your official capacity, think would be necessary to perform these duties?

A.—The O.T.A.?

Q.—No no, the duty of delving into the department to get the information that would justify the expenditure of money for an investigation? A criminal or an honest man?

A.—Well, I am afraid sir it would have to be a man who had a doubtful record, because he would be mixed up with gentlemen who were continually breaking the law, men who were possibly disgruntled bootleggers.

Q.—In other words he would not be in good church standing? Is that right? I want you to be fair to yourself. Would you accept the report and act upon the report of a man with a reputation of McCutcheon?

A.—Would I accept it sir? I would read it through carefully and if I was in doubt as to the reliability of the evidence I would submit it—

Q.—No, no. Would you accept on general principles a report by a man of that reputation?

A.—No sir, not without very careful consideration.

Q.—Now then, these reports were coming in day after day in your office. Is that your report?

A.—I think there was one, yes, September 12.

Q.—Two days before you left?

A.—I would not like to say. I think there was one May 18, and another.

Q.—These reports were sent to your office, and did Mr. Hammond get them?

A.—Mr. Hammond? They were forwarded I presume by Mr. Hammond continuously; that was the procedure.

Q.—Now are these McCutcheon's reports, the gruesome reports you spoke of yesterday?

A.—Yes Sir.

Q.—And these gruesome reports, they were sent in day by day, were read, of course, by Mr. Hammond?

A.—Yes sir; I presume so.

Q.—You would expect that?

A.—I would expect that.

Q.—As a matter of fact I think it was stated that it was a typewritten copy you got.

A.—Well, it came to my office in long hand and was typed in the office; that is, as far as I recollect.

Q.—The original would come to the office, but your assistant would do that.

Q.—If you had been home and received these gruesome reports day by day how long would you have kept McCutcheon in the employ of this Government?

A.—Well sir, that is rather a difficult question to reply to. What I felt was—I don't want to blame my subordinate, sir, that is all.

Q.—No, no. You are not blaming Hammond. I am asking what would you have done?

A.—Having read through the reports I should actually, I think, come to my mind I really could not get any satisfactory evidence to convict; that was the feeling I eventually got by reading through the reports and with the help of a legal officer.

Q.—A solicitor?

A.—Yes. As you saw in a covering memo I had intended to have an investigation.

MR. CLARKE: Did not you say less than two minutes ago that you could not get a man to do that work unless it was a shady character?

A.—Scarcely.

Q.—Well, if you have to get a shady character, would you take his report? You say you could not get any man except of that class. Didn't you say you could not get a man except it was a shady character to do that work?

A.—May I amend a statement I made yesterday and taken too literally—"Set a thief to catch a thief." There was no question we had to employ men who were not strictly first class.

Q.—Would you keep this man in your employ with the character as found out to be?

A.—Subsequently?

Q.—Now you would have to hire another man to do the work?

A.—Well, it was impressed on me he was the man to get into this busi-

ness. He had the knowledge. He had made the statement and I trusted him as I would trust any man.

Q.—You did not know anything against him?

A.—No sir. But I do remember Mr. Hammond did say something about his having been badly treated, and that he had had great experience with bootleggers. That is impressed on my mind.

MR. TOLMIE: I understand you to say that if Mr. Hammond had told you originally these circumstances about this man you would not have sanctioned his employment?

A.—Not strictly, no sir. If you will understand me, there may things have been said which I may not have got to a strict manner of understanding. My memory is not as good as it used to be before the war, and I want to say I always say "to the best of my recollection," which is on oath. They may have said something about these matters.

MR. LENNOX: You returned in August?

A.—22nd.

Q.—McCutcheon was kept on until October?

A.—Yes.

Q.—On your return was it reported to you that while you were absent McCutcheon had been arrested for operating an illicit still and was out on bail awaiting his trial?

A.—Yes sir I, heard that, I heard about this, whoever told me, when I came back.

Q.—Then am I to understand that in your knowledge, representing the Department of Commissioner of Police, this man was retained for some months in the Department?

A.—I admitted yesterday sir that I was derelict in my duty in not reading these reports for at least a month after I came back.

Q.—But these reports would not give you any information with respect to McCutcheon's character. Now you said a few moments ago, in answer to a question that it had been brought to your attention upon your return that McCutcheon, during your absence, had been arrested for operating an illicit still?

A.—Yes. Now, sir, don't press me for that, but after I returned, sometime—

Q.—We will say a month, if you like?

A.—Possibly it was that sir.

Q.—Now McCutcheon was never discharged, was he, from the Department?

A.—Well, to the best of my recollection, sir, Mr. Hammond received orders on the strength of instructions from the Attorney General that he was to be discharged.

Q.—Now listen to this: Mr. Ireland asked the following question in the House.

"1. Were there in the employ of the Liquor License Department as operators in 1920 and 1921 the following: Jack Robinson, J. A. Bell, Leo Bellar, H. H. McCutcheon, Frank Budway, Stanley Nash. 2. Are they still in the employ of the Government. 3. If not, when did they quit. 4. Were they discharged or did they voluntarily resign. 5. What

were their duties. 6. What is date of last cheque for wage issued to F. Budway?"

The Attorney General replied as follows:

1. Robinson and Bellar, no; Bell, and McCutcheon, Frank Budway, Nash, yes—"

That is they were in the employ.

Then, in answer to question four: "Were they discharged, or did they voluntarily resign?" the Attorney General answered: "Employed temporarily, not reengaged on completion of employment."

Is that answer true or untrue?

A.—Yes sir. When I said discharged I meant we often took men who were not going to keep on after a certain date—

Q.—Then he is employed, the work for which he was engaged was finished and he was not reengaged?

A.—Well, I would rather have Mr. Hammond say. I do not recall exactly.

Q.—Are you able to say this, that if his work had required a longer time he would have been retained?

A.—I should say not, sir.

Q.—What reason have you for saying that? In view of this answer?

W.—Well, in view of my memo of the 16th of September which I think I handed in yesterday, where I said where a case was objectionable,—not employing men who were on bail or awaiting trial.

Q.—Did you know that a man by the name of Lloyd Gordon was engaged to delve into these matters, to see whether an investigation would be justified or not?

A.—No sir. May I say right here that the only name with which I was concerned in this thing was McCutcheon, H. H. McCutcheon. Now I think I can say that, and that any other operators were, as I have said before, entirely under the inspector and I did not interfere.

Q.—Did you know at the time you were discussing the matter with Mr. Hammond and McCutcheon that Lloyd Gordon, while acting as a spotter or operator in Kitchener had accepted a bribe of \$700 and skipped out to Regina?

A.—When was this sir?

Q.—When Hammond brought McCutcheon to your office and when you three discussed the advisability of having a special investigation, were you aware that a man by the name of Lloyd Gordon, had, while acting as operator for the department at Kitchener, accepted \$700 as a bribe and with that had skipped out?

A.—No, I have no recollection of that sir.

Q.—Would you have permitted a man who was guilty of that conduct to have acted in conjunction with McCutcheon?

A.—No Sir.

Q.—Were you told upon your return that this same Lloyd Gordon while acting in the capacity of investigator for the Government was arrested for stealing a Victory Bond?

A.—I do not recollect that at all sir. I have heard of it, lately.

Q.—Would you, if you had been told that on your return, and knowing his previous record have kept that man in your employ one minute?

A.—No sir. I hope you will allow me to say, sir, I think it is only fair, that I did not interfere. Personally, if I was inspector, I would get rid of them. That is the impression I would like to convey.

Q.—Was it brought to your attention either before you left or afterwards that a woman by the name of Stella Bayley, who was mixed up in the Cross matter, and who had accompanied McCutcheon and Nash to Niagara Falls, was assisting McCutcheon in the investigation?

A.—No. I remember the name, now that you mention it. It was in the reports I had.

Q.—Would you have permitted a woman of this class to have identified herself in an investigation of that kind if you had known it?

A.—No sir, I would not.

Q.—Then were you aware that a woman, Mrs. Collins, either before or after your return, that a woman by the name of Mrs. Collins was also mixed up with McCutcheon in that investigation?

A.—Not unless it was in the report sir.

Q.—Were you aware that the Mrs. Collins that was receiving money from this Government, assisting McCutcheon in that investigation was mixed up with Lloyd Gordon at Kitchener, and had gone to Regina with him?

A.—I don't recollect sir.

Q.—If that had been brought to your notice would you have let a woman like that identify herself with that investigation?

A.—No sir, certainly not.

Q.—Now General, what provision was there made for the payment of this investigation, the employment of this man McCutcheon?

A.—All I recollect was I told Mr. Hammond to go ahead getting the evidence. I really do not recall discussing any amount, except he was to be employed as an operator, which would be \$100 a month. I think that was the usual amount.

Q.—Do you remember whether McCutcheon at that time was in the employ of the Government or not?

A.—I don't think he was—no.

Q.—Then can you give any reason why McCutcheon was paid for April, May and part of June, when he was not working for the department?

A.—No, I don't know sir.

MR. LENNOX: What provision was there for the payment of this man?

A.—You mean for this investigation? I am a little hazy about payment. I went away. But I think first of all there was an amount of \$500 under the item investigation. I forget; but the amount had to be obtained through the Treasurer. And then there was another amount. There were two or three amounts, when I went away, when I was away, which I understand were obtained apparently from the chief officer and apparently from the Provincial Treasurer.

Q.—Then I see on the 20th of December you certified to the correctness of the statement of cash expenditure for investigating for police Department?

A.—Yes sir.

Q.—You had to accept Mr. Hammond's statement?

A.—Yes sir. In Mr. Hammond I had complete confidence. In various claims for expenses of all the officers, I, as Commissioner, have to admit the claim as being as far as I knew fair, but it was always certified to by somebody first.

Q.—And I see that the amount that was received by McCutcheon was \$1,125?

A.—Was it? I have forgotten the exact amount.

Q.—Just look at that statement for us, General. Will you just read the first item of expense?

A.—“July 7, paid in cash to H. H. McCutcheon for services of car, \$250.”

Q.—Now were you aware when you certified to that statement beneath, that \$250 had been paid to McCutcheon to buy a car?

A.—No sir. I would draw attention to my statement of yesterday.

Q.—May I ask you General would that be a proper item of expenditure?

A.—Reading it as I do now, sir, it may be for the hire of a car or livery. I don't know. It is for services of car.

Q.—Well, when you certified to that statement being correct, were you aware that a car had been bought for McCutcheon?

A.—No sir; never was, because it came up to me subsequently that an extra amount was asked for and it was to be assumed that I had concurred in the purchase of a car, and I would not admit that for two seconds.

Q.—Well, were you aware that \$250 had been paid to Breakey, the second hand car dealer?

A.—I was aware of that subsequently, Oh yes.

Q.—Then what became of the car you paid \$250 of the Government's money on—what became of the car?—

A.—To tell you the truth I sent a memo to Mr. Hammond saying if necessary—there was \$200 owing, I think, something like that—that if he thought or it was necessary this \$200 could be paid and the car should become a Government car. But he recommended that should not be done, and the car—I don't know—somebody took it.

Q.—It is not in the possession of the Government?

A.—Not that I know of.

Q.—Then if you will just look over this statement of McCutcheon's you will see, “Car hire, \$25.” What did that mean?

A.—I am afraid sir I will have to say I accepted these figures as correct from Mr. Hammond.

Q.—I want you to tell me this? In looking over those statements and looking over the entry that you certified, was McCutcheon paid for that car hire?

A.—I would not like to swear to that.

Q.—Was it included in the \$1,125 of car hire?

A.—I really cannot say.

Q.—Let me show you. These items make a total of \$895 and you will observe car hire goes all the way through. Now that \$895 you can see quite clearly, but that has reference to car hire as well as incidentals, and drinks.

Now we will turn back to the statement, and do you find there stated a sum of \$895?

A.—\$895. Yes sir—"Investigating corrupt methods of officials of Department in enforcing O.T.A., \$895."

Q.—Then the car hire is included in that \$895, as well as the other incidentals?

A.—I presume it is.

Q.—And the \$895 and the \$230 make, if you add them up, \$1,125 that McCutcheon was actually paid?

A.—Yes.

Q.—Which includes not only the hire for the car but also the \$250 that was paid a man on the purchase price of the car?

A.—Now, pardon me sir. If I may say so I only saw these accounts after the money was all spent. What I heard in committee I can only repeat, that is that that amount was, I understand, spent by Mr. McCutcheon in \$25's and \$20's.

Q.—That amount was paid to Breakey?

A.—Paid in cash to H. H. McCutcheon—

Q.—Paid Breakey as first payment on the car—that amount is included in the amount that is paid McCutcheon is it not?

A.—I would not like to say.

Q.—Well, it is there.

A.—Well, according to that I did not give a certificate. As Commissioner of Ontario Police I am responsible for expenditure of all claims and so on. This is put before me by a responsible provincial officer. These accounts were hanging fire for weeks—months, I believe. And the Deputy Attorney General to whom it generally goes says I knew nothing about it. I won't sign. I said this money is being spent and I am prepared to sign the usual services rendered, in order that the matter could be sent on to the Provincial Treasurer. I was prepared to trust Mr. Hammond. But if you ask me the details of this amount I must plead ignorance.

Q.—In this statement just before you, the \$250 is included and the car hire from day to day is included as well, to make up the total?

A.—I follow that.

MR. CLARKE: Mr. McCutcheon gave evidence the other day. He said the Department advanced him \$250 to buy this car, make a first payment. Then he paid it back by \$25 car hire. He swore here he paid it back and the Government got a good deal, car hire was worth more.

A.—Yes, I heard him. I wish you had the memo that went with that. What I want to say is, I was fully aware of the necessity of having clear accounts because they were coming to the Public Accounts committee and as Mr. Hammond will acknowledge these went back to him more than once, two or three times, to have it made out properly in a form in which they could be read intelligently.

Q.—I am not blaming you.

A.—I am prepared to take responsibility, if it is me. I have done my best.

Q.—Coming back to your evidence yesterday, reading from the *Telegram*. You are reported to have said,

“It was by reports to me.”

What did you mean by that?

A.—When I first got initiated into the methods which were employed by some of our men on the O.T.A. and I had had no knowledge of it before, the methods employed in going into these low dens and dives, and this drinking to find out where people were selling liquor. It repelled me, I admit it, as an officer of the Department.

Q.—I suppose it was repellant that they should go in, make criminals of men, by buying for the sake of getting a conviction. You would not approve of that.

A.—You are a severe cross examiner, sir, it was.

Q.—Would this be a fair proposition, that when you took over the department as commissioner of police that the system was repellant and nauseating to you that was in vogue at that time?

A.—No sir, I did not say that. But what was repellant was the methods adopted to get their quarry. I am a simple soldier, for 30 odd years. It was my wish, sir to try on behalf of the Government, that as far as possible the O.T.A. could be merged or affiliated with the police affairs and it was my effort to try and bring about much closer co-operation, to bring about more respect for the O.T.A. than I thought had been the case previously, and that was my effort, sir, from start to finish.

But the fact remains as regards the methods adopted, at times they did not appeal to me at all.

Q.—Then reading on, General, you are reported to have said this, in your evidence yesterday, “I read McCutcheon reports. They referred to the horrible, repugnant methods used.” What were the “horrible, repugnant methods that were used?”

A.—Well, sir, you get me down to detail which is rather difficult.

Q.—Give them to me, General?

A.—Well, that was the impression I got in going around to people's houses, and utilizing women to help to carry out these probes, and the bitter feeling between Courrian and the other officers; and the impression I obtained was that there was an effort, a very determined effort made to get hold of this man Courrian to convict him. I had been informed that there was an investigation about this very man before I came into the department. Mr. Flavelle told me that they had investigated but were unable to find anything definite. I think Mr. Ayearst when he is called will be able to tell you more about Courrian than I can, but the fact remains although I was suspicious of him I was very sorry to say I could not prove that he was.

MR. FERGUSON: He was under suspicion, you say?

A.—Well, he was. I may have been wrong, but that was the common talk, that he was, although a very excellent sleuth, at the same time he did a little business on the side. Well, that was the talk. I cannot prove it.

Q.—In other words you could not catch him, could not get your hands on him?

A.—Perhaps I was wrong. Mr. Ayearst will tell you more about him than I can.

Q.—You were not having a congenial life?

A.—Well, he was. I may have been wrong, but that was the common talk,



MR. CLARKE: There is a feeling, I think probably an honest feeling, it is reported, that the department or the Government, or Mr. Raney—he gets all the blame; I think probably he is entitled to it, anyway he gets the blame—that you are using a lot of ex-criminals and everything else to enforce this law. With your knowledge of a year could you bring about the results that you are getting without using that class of people. That is what I want to get at. Can you get honest straightforward men to go and get the information you are getting and do the work?

A.—Well, sir, there is no intention of using the class of men to which you refer. We have been taking on men who were to all intents and purposes seemed all right. You suddenly found out they had a police record, or found out they were not playing the game by the Department.

Q.—Could you go out and get a man of good character and standing to go out and do that kind of work?

A.—Almost impossible, sir.

Q.—Is it necessary to do this kind of thing to enforce the law, in your view?

A.—I think, sir, if I had been staying on I should have recommended several drastic measures, a curtailment of the duties of spotters, as stated in my annual report here.

MR. RANEY: Did you ever knowingly use or permit to be used, during your time of office, a man with a criminal record?

A.—Not to my personal knowledge, Sir.

Q.—There may have been dozens on without your knowledge?

A.—There may have been; I admit that.

Q.—Speaking of it being impossible to get honest men—

A.—Not impossible—very difficult.

Q.—We had another man in the box here yesterday I was very much impressed with. Sam McCutcheon, and according to the statement made by the Attorney General he is not working. Why was he discharged. He was a clean cut fellow without any record, willing to do the work. I would have thought that he is the kind of man the Department would be delighted to have?

A.—I remember him going in there; and the incident of his changing his name—

Q.—What was that for?

A.—I don't know. I suppose to enable him better—he had a much better chance of ferreting out these suspected cases.

Q.—Well, he seemed to me to be a clean cut young fellow. What reason is there you could not get lots of men of his stamp?

A.—Well sir, because the work is not the kind that would appeal to a man that we usually employ in every day walk of life. There is one paragraph in my report I would just like to show you, it might show you how forcibly the thing was impressed on me.

“As regards the Investigation Department, the greatest difficulty is experienced in obtaining suitable persons for the distasteful work of operators and special officers for O.T.A. enforcement. The majority of the lawyers employed for the defence seek to discredit them by ridicule or alleged Police records, and the bootlegging fraternity lose no opportunity of impugning

their character. Unfortunately insufficient inquiry into their antedecents has resulted in some of these men being found to have been previously convicted. These were immediately discharged and a paragraph in the regulations and the new form of application for appointment will, it is hoped, obviate men of this kind being employed again. I venture to say that during my term of office more criticism and resentment was caused by the employment of these men than any other form of law enforcement and personally, if I had remained as Commissioner. I would have advocated much stricter supervision and a curtailment of their duties.

Q.—What do you mean by “a paragraph in the regulations?”

A.—I have been drawing up new regulations governing the Provincial Police and this paragraph is in it, it is still under amendment and consideration. I think it can be improved.

Q.—And what was your suggestion?

A.—In regard to this new form, sir, in which the man has to fill up a sworn affidavit and three references, and officers who have to do with special officers and operators, that is inspectors, are warned to use every possible measure to satisfy themselves as to the integrity and characters of the officers they employ.

Q.—I suppose that is the result, one of the results, of what has taken place in the past?

A.—Yes sir.

MR. FERGUSON: In other words if there is any crook applies he has got to make an affidavit he is all right?

A.—No sir, but there are three references from persons of repute.

Q.—When the Attorney General asked you the question yesterday, did you ever employ men whose record was not clean? Your answer was—“None was employed to my knowledge. I knew from reports that they had been employed later.”

A.—Yes.

Q.—Now just one other matter, and that is in respect to Mr. Hammond and Capt. Collinson, but I don't want anything of a personal nature. You will just confine your thoughts and answers to the three bottles of whiskey you spoke of. You said yesterday that there was trouble between Capt. Collinson and Mr. Hammond as to the disposal of three bottles of whiskey. Just confine yourself to that.

A.—It was not only that, there was a personal matter in addition.

Q.—Quite so. I want you to tell me what you know in respect to the three bottles of whiskey, that is all.

MR. RANEY: Will that bring out the other matter?

A.—It overlaps sir.

MR. LENNOX: Well I won't go into it.

Q.—Now did you know of an operator by the name of Joseph Martin?

A.—No Sir.

Q.—Then there is no use asking you whether he was convicted and kept in the employ of the Government?

A.—No Sir.

Q.—You know nothing about Slavin?

A.—Oh I heard his name in connection with that Slavin case, that is all.

Q.—You don't know whether he was employed?

A.—No. I heard most of it yesterday or the day before.

MR. FERGUSON: You said something that these reports of Mr. Hammond's office or other office came to you, they were usually the original?

A.—Yes Sir.

Q.—Long hand? And copied in your office?

A.—Yes.

Q.—Why were they typed?

A.—Well, the only reason I can give is to make them clearer, and it would be necessary perhaps to send copies to other officers.

Q.—Now where would the copies go?

A.—One to the chairman of the Board of License Commissioners, and I don't know whether it is the same copy—I think another copy—to Mr. Middleton.

Q.—Of the Attorney General's Department?

A.—Yes sir.

Q.—These reports were brought to your office and distributed to the officials responsible—the Attorney General's Department and the License Board.

A.—If you will permit Capt. Collinson to speak he will be able to speak of it.

Q.—Was that practice continued after you came back?

A.—Yes sir, because Captain Collinson—whether they were all done afterwards or at the same time I cannot say. They were all typed.

Inspector W. W. Dunlop, called, sworn.

MR. LENNOX: What is your position, Mr. Dunlop?

A.—Inspector of Prisons and Public Charities.

Q.—And how long have you been occupying that position?

A.—About ten years.

Q.—Have you got the rules with respect to the jail?

A.—No.

Q.—What is the date of that?

A.—These are the old rules which have now been superseded. They go back to—

Q.—... a great many years. Are there any later?

A.—Yes.

Q.—I want you to read these rules that were read by the Provincial Secretary yesterday giving us the numbers?

A.—“Rule 67. Prisoners shall be allowed to see and consult with their legal advisors and clergymen at any time on the written consent of the sheriff to that effect, and such consultations may, if the legal advisor or clergyman desires, be made apart from all other prisoners or officer of the jail. Other persons may be allowed to see and converse with prisoners at such hours and such days as the Sheriff shall fix, but all the visits and conversations must

take place in the presence of jail officials and at such times as are most convenient to the jailer."

Q.—There is one other rule there, with respect to interviewing persons, rule 114.

A.—"No person shall be allowed access to any prisoner for the purpose of interviewing him or her with a view of publishing a report of such interview. In the case of a prisoner awaiting trial, however, he may be permitted to see his own doctor upon receiving the assent of the sheriff, but the county or municipality shall not be required to pay for the services of such doctor."

Q.—Now then, when did the parole become law, the Board of Parole?

A.—It has been going for about 10 years I think. The act respecting the Ontario Board of Parole was assented to on April 12, 1917.

Q.—Five years ago. Now what rules are there if any governing a prisoner on parole?

A.—There is a set of that. Where are they? I have not got them.

MR. RANEY: This person was not on parole.

WITNESS: No, he was not on parole. He was on the Extra Mural sentence, employment of persons under sentence.

Q.—When was that passed?

A.—11 George fifth, 1921.

Q.—Last year?

A.—Last year.

Q.—What regulations are there respecting men that are out under Extra Mural sentence? What regulations are there with respect to it?

A.—The Commissioner appointed to administer this particular Act is Dr. Lavelle. He is also the chief parole officer and secretary of the Parole Board.

Q.—And who are the other members of the Board?

MR. RANEY: These other officers have nothing to do with this Extra Mural?

A.—Oh no. Dr. Lavelle is Commissioner; he is the only one. Col. Marshall, Judge Coatsworth, are on the Board of Parole.

Q.—I am speaking of this Extra-mural.

A.—There is a Commissioner appointed. I may state when this act was put on our statutes it was consolidated in the Ontario Parole—the sections in 148 of the revised Statutes of Canada, respecting jails, industrial farms and reformatories. For instance under section 14 of the Revised Statutes of Canada, 148, 11, the Lieutenant Governor in Council of any province may determine, make regulations for the purpose of preventing escapes and preserving discipline in the case of prisoners in the common jails or employed beyond the limits of said common jails. And may authorize employment upon any satisfactory work or duty beyond the limits of the jail.

Q.—That is the Ontario Act you are reading now?

A.—That is the federal law.

Q.—And section 47 refers—I think it is section 47—Have you got these regulations?

A.—Dr. Lavelle has them.

Q.—Have you got them in your department?

A.—Yes. . . . Section 47 is practically the same in respect to Industrial farms. . . . 59 is the subject of the Mercer Reformatory.

Q.—Then this Act, instead of having an order in Council, under section 47 or 14 of the federal law each time, it was put under one Act, the Ontario Statutes, under the Extra-Mural law.

MR. RANEY: Well, when you act now, Dr. Lavelle acts now, he acts under the Ontario Statute and under the Ontario regulations and so you would need to concern yourself with the Dominion law—(reads) “Authorize, direct, or sanction, the employ of any work or duty beyond the limits of any jail, industrial farm or reformatory—”

Q.—So that these rules that you have sent for they regulate the conditions under which the men are let out?

A.—In addition to the rules and regulations I know that when a man is on what we call a permit to be working beyond the limits of the institution he is given a copy of the rules to live up to and I think he signs a contract with the Commissioner, the Act itself under which he is let out and you can only allow him out under that Act.

Q.—Could a man be out and not under these regulations?

A.—I would say they cannot be out otherwise. No.

Q.—When did you find that McCutcheon was out under that Act?

Q.—Well, I would actually know if I went particularly over the copy of each order in council that I get, the original, or at least when the order in council goes through it goes to the Commissioner, Dr. Lavelle, and it has been the practice, the assistant Provincial Secretary has directed that I get a copy of all these orders in council respecting these permit people, and I just keep these on file. I do not work up the information personally.

Q.—Is there any book kept by you as a record?

A.—There is the actual signed certificate of the order in council.

Q.—Is that not entered into a book?

A.—No.

Q.—You just keep the order in council on file?

A.—Keep the order in council on file.

Q.—Is there one passed for each case?

A.—Each case.

Q.—So that McCutcheon enjoying whatever liberty he is enjoying is by virtue of an order in council passed by this Government? And these are put through rather freely—they are a frequent occurrence.

A.—Common occurrence.

Q.—As a matter of fact you asked me when I learned it; I read it in the newspaper.

MR. FERGUSON: After his speech?

A.—Well, I read somebody's speech. And I think Hon. Mr. Ferguson asked my Minister a question if this man McCutcheon was one of these permit fellows and doing as he pleased.

MR. FERGUSON: Was that long before this speech?

A.—Well, I don't know. But anyway the Hon. Mr. Nixon, when this thing came up, I went through our records to discover two or three names that had been mentioned and McCutcheon was one of them, and I found that McCutcheon had been sentenced and that I had directed on my warrant that

he be sent to Burwash. Then, subsequently, a report from the jail official said that he was unfit and that meant to me that he would be unfit for the work that we carry on at Burwash. So I directed that he be sent to the Municipal Farm. It was stated that he had something, I think it was pleurisy—something like that.

Q.—And he went to the municipal farm?

A.—Well, I looked this man up in the jail register—

Q.—When?

A.—After the Minister directed me to find out if there was such a man out.

Q.—When was that?

A.—It would be I would say about between the 18th and 21st of April, because I had McCutcheon in the office on the 21st of April. It was just a day or so before that that the Minister directed me to find out if he was doing what had been reported.

MR. SMITH: Due to the question Mr. Ferguson asked him in the House.

A.—No doubt.

MR. LENNOX: It happened anyway after I made charges, which is more important. Then, that is the first you know of McCutcheon being out under that Act?

A.—I had no occasion to look it up.

Q.—Had there been any communication between you and Dr. Lavelle prior to that about it?

A.—No.

Q.—Between you and the Government?

A.—No.

Q.—Then where did you get the information prior to that that he was out?

A.—As I have stated I have the information by a copy of the Order in Council.

MR. FERGUSON: It would be in your records.

A.—I had no occasion to look it up.

Q.—It would not be suggested to you to look it up until Mr. Lennox made his speech.

A.—The Minister directed me to look it up.

Q.—Now, you had McCutcheon to your office on the 21st of April?

A.—21st of April.

Q.—On whose request?

A.—The Provincial Secretary.

Q.—What did the Provincial Secretary say to you?

A.—The honorable Minister asked me first if this man McCutcheon was out on permit or how he was out of the municipal farm, and that was the cue for me to look it up.

Q.—Where did he ask you that?

A.—In his own office.

Q.—He sent for you and asked for you?

A.—Undoubtedly.

Q.—I want you to tell me just what took place?

A.—He directed me to look up this man McCutcheon's name to see if he

—after these remarks had been made in the House, or the claim had been made, and, as I recollect it, I don't know whether I was in the House or whether I read it in the newspaper, Hon. Mr. Ferguson had asked the Minister a pertinent question as to whether it was a fact that this man McCutcheon was free and doing anything he liked. That was the gist of the conversation with the honorable Minister and myself, and he directed me to find out if that was so.

MR. CLARKE: What the facts were?

A.—Yes; I looked up my register.

Q.—Was anything else said about McCutcheon?

A.—Not at that particular moment.

MR. FERGUSON: You had McCutcheon up on the 21st. Was it the day before that the Minister spoke to me about it? Because you telephoned, or somebody telephoned, the jail not to let McCutcheon go until half past ten next morning?

A.—Well, it would likely be the day before.

Q.—That would be on the 20th?

A.—Yes.

Q.—...that the Minister spoke to you. Now did he say to you that I had made some inquiries and it was on that account, or did he say Lennox had made certain charges, and he wanted to know just what McCutcheon was doing?

A.—Well, I don't think there was any reference to Mr. Lennox. My conversation with the Minister was to discover what McCutcheon's status was at that time and to enable him to answer your question.

Q.—The Minister said it was because I had made this inquiry that he wanted you to look it up?

A.—That is my recollection.

Q.—That is what Mr. Nixon said to you and he did not make any reference to Col. Lennox at all?

A.—I do not recollect that.

Q.—Are you sure? Nothing besides the question put by me?

A.—No Sir—Was this man out on permit, and was he doing the things that had been asked him in the House.

Q.—Now, just to pursue that a little further. You had read Mr. Lennox's speech?

A.—Yes.

Q.—And it was discussed in the Department, naturally?

A.—Not by me.

Q.—Do you mean to say that you mean to say that you never, after all Mr. Lennox said in the House about McCutcheon, and him being at large, that you never spoke to anybody about it.

A.—I positively declare on my oath that I never talk in my department of any speeches in the House. I was schooled under the late Mr. Hanna and that precludes me from doing anything of the kind.

Q.—I am not asking you if you discussed it with any officer at all. I am asking you if you had discussed the incident that Mr. Lennox had made reference to, this man being at large, in his speech?

A.—No, no.

Q.—Well, that is remarkable.

A.—It is not remarkable. I read the newspapers every day in the week and I never discussed my business or the business of the Department with anybody.

Q.—No matter what reference is made to your department, or the discipline, you never discuss it with your chief or any of the other officers?

A.—If any reference is made in any newspaper derogatory of the operation of my department I certainly do.

Q.—Well, that is just the point. Yet you say that although Mr. Lennox had made all these references, which, as you say, would be derogatory to your department if true, you did not discuss that with anybody?

A.—I fail to get the connection. As I read Mr. Lennox's speech my department was not under criticism. It was the Department of the Attorney General.

Q.—Well, was not he talking about McCutcheon?

A.—I think McCutcheon's name was in his speech.

Q.—You just think so? You don't remember?

A.—Well, I remember McCutcheon's name.

Q.—Surely you do; it was plastered all over; it was one of the outstanding features of that speech, was it not, and that was a man that was in your charge. Now do you mean to say that did not so impress itself on you and you made no inquiry, or talked about it with the Minister, or anybody else?

A.—I have already stated.

Q.—I am asking you a specific question; You knew McCutcheon was in your charge. You did not make any inquiry, discuss it with anybody, the Minister or anybody else in the Department?

A.—I discussed the question with the honorable Minister when I was asked to do so, in reference to looking up the matters I have already stated.

Q.—And that was the only time?

A.—That was the first time.

Q.—That was the 20th and the speech was made on the 12th or 14th.

A.—It was before I got McCutcheon in anyway.

Q.—The Minister sent for you and asked you about McCutcheon. Did he tell you to send for McCutcheon?

A.—He instructed me to bring him in to find out what he was doing, or to get Dr. Lavelle to bring him up, under whose charge he was.

Q.—And then you sent for Dr. Lavelle?

A.—Yes.

Q.—Who telephoned the jail?

A.—I did not telephone the jail. It would probably be done by Dr. Lavelle.

Q.—Well, you do not know then?

A.—I do not know.

Q.—You went down the next day for him?

A.—No.

Q.—Who went down?

A.—I don't know who went down.

Q.—Did you send?

A.—I did not send anybody.

Q.—Who did you ask to bring him up?



A.—Dr. Lavelle.

Q.—And you had not anything else to do with it until he landed in your office the next day?

A.—No.

Q.—When he landed there, there was an interview with McCutcheon, and who was present at the interview?

A.—Mr. Johns, Assistant Provincial Secretary, Dr. Lavelle, the Commissioner in charge of this Act, administering this Act, his assistant officer Malvinney, the Minister's stenographer, and myself.

Q.—Anyone else?

A.—No one else.

Q.—You were the man who examined McCutcheon, after swearing him?

A.—I was.

Q.—Now, you asked him all about his conversations with Mr. Lennox, didn't you?

A.—I asked him everything that is in that evidence.

Q.—Well, you asked him a lot of things about his conversation with Mr. Lennox?

A.—I did.

Q.—What had that to do with your duty?

A.—I was instructed by the Minister to learn what violations, if any, McCutcheon had made in connection with his permit to be out working, and to find out if there was any person interfering in any way, shape or form with that operation.

MR. FERGUSON: So you undertook to find out if McCutcheon was breaking his undertaking?

A.—That is right, and who was interfering with him carrying it out.

Q.—And you found out he had been up to Mr. Lennox's office?

A.—Yes.

Q.—On two occasions?

A.—Yes.

Q.—And you asked him what he had been doing there?

A.—Yes.

Q.—And he told you he was there discussing his own case?

A.—Yes.

Q.—Now then, that was all that was necessary for you to know to carry out your duty, was it not?

A.—If you read all the evidence I don't think so.

Q.—Well, is not that all that it was necessary for you to know, that he was down in Lennox's office consulting him on private business?

A.—No, that was not all I should know.

Q.—Well, what further should you know?

A.—I should know in order to make a proper report to the Minister everything in connection with this man's case, being, as he was, under supervision, sleeping in the jail over night, if he was violating his contract with the Commissioner and the permit granted to him.

MR. RANNEY: He was still a prisoner to you, and he was still a prisoner at that time, and is still?

A.—Is still—and anything in connection with that work.

MR. FERGUSON: That had all to do with the breach of regulation or breach of parole or permit, if you like to put it?

A.—I take it so.

Q.—Well, answer me this. Here is one of your questions:

“Q.—Did you discuss the operation of the Extra-mural Employment Act, whereby you were permitted to be out at work?”

“A.—No, I never said anything more than that I was at the Don Gaol.”

MR. LENNOX: And also this: “Q.—Well, what other discussion did you have with Col. Lennox?” And you answered: “A.—He wanted me to identify different names on a list of names he had there, and what I knew about the different ones that he had marked out with different charges against them. He wanted to know if I could corroborate charges against certain names on it.”

And,—“Q.—What were some of the names?”

What has all that got to do with breach of the regulations?

A.—The answer of the prisoner in respect to the next question. And let me say here now that I resent any interference.

Q.—I am not talking about what you resent, but about the regulations?

A.—Well, the regulations in force and the order in council permitting these men to be beyond the prison would preclude this man from being in anybody's office, except on the business that he was sent by his employer, which would be to the lumber company, or, I think he said Rice Lewis' and he had no business in anybody's office.

Q.—Do you mean to pledge your oath that the regulations say that he cannot go into anybody's office?

A.—Well, I don't do anything of the kind.

Q.—So your view of the regulations is he had no business to go into anybody's office?

A.—When I say that, it should be patent to any man of common sense that a man out on permit, a prisoner, should not be allowed to go to any person's office except on the business of the undertaking he had with his supervisor, Dr. Lavelle, for any purpose whatsoever.

MR. LENNOX: I can see we are not going to get along without these regulations.

MR. FERGUSON: Then you discovered he had been in Mr. Lennox's office a couple of times?

A.—Yes.

Q.—So that was enough for your purpose; he was not observing his parole. Was not it?

A.—That would be part of it.

Q.—Well, that is what you were to discover?

A.—If I had gone on and found that the prisoner had been intoxicated I would want to know who gave him the liquor. If I had gone on and found he had been in charge of an officer for stealing I would want to know all about that.

Q.—Then why didn't you ask him if he had been intoxicated if you wanted to learn something about that?

A.—The question is not there, and it was not asked, and I had no occasion to ask it.

Q.—So that was the line of inquiry you were pursuing, and though you might have asked you had not any suspicion of that kind. You might have asked him about such things but you did not do it, and you confined your suspicion and your inquiry and the conversation that took place to Mr. Lennox's office?

A.—Not entirely. The evidence is there.

Q.—So you thought that covered your duty if you found out what he said and did in Mr. Lennox's office?

A.—I have not said so.

Q.—I am asking you?

A.—I did not.

Q.—Well, what did you confine your inquiry to then?

A.—I did not confine my inquiry.

Q.—Well, take this and point out for me a question which you asked me, either where he was working, and the confined entirely to his permit to be beyond the limits of his institution, to find out where he was going, and what he was doing when he was down town, where he went, and what took place any place he was.

MR. LENNOX: Did you ask such a question as that, what he was doing and had been doing?

A.—I think so.

Q.—Well, will you point out any question outside the first two or three questions that did not refer to me.

MR. FERGUSON: There are about two pages referring to that and fourteen applying to Mr. Lennox.

MR. RANEY: Well, why not. Perhaps for the information of the committee you had better read the first three or four pages of the report, beginning after the witness was sworn.

MR. LENNOX: May I ask the Provincial Secretary if he instructed Mr. Dunlop to just inquire about McCutcheon during the two days or all the time he was out?

MR. NIXON: I wanted to know how he was acting while he was out on permit.

MR. LENNOX: Did you get that information?

A.—I did.

MR. DUNLOP reads:

“Q.—Your full name, Mr. McCutcheon?”

“A.—Henry McCutcheon.

“Q.—What were you sentenced for?”

“A.—Assisting to get up a still.

“Q.—What was the length of sentence?”

“A.—Six months.

“Q.—By whom were you sentenced?”

“A.—Magistrate Jones.

“Q.—Where were you transferred to from the common gaol after sentence?”

“A.—To the common Gaol Farm, Yonge street.

“Q.—How long were you there?”

“A.—Well, I am not quite sure.—about 38 days.

"Q.—What steps were taken to have you permitted to be beyond the limits of the Industrial Farm?

"A.—Major Morrison directed me to write to Ottawa and then to Dr. Lavelle and saw Mr. Hammond. Mr. Hammond went to see Dr. Lavelle along with Mr. Heslop who guaranteed me work.

"Q.—The reason of this being that your wife and family were in distress?

"A.—They were.

"Q.—And needed your support?

"A.—Yes.

"Q.—You understand then that the Commission administering the Act respecting Extra Mural Employment of prisoners under sentence is the machinery in operation whereby you were allowed to leave the bounds of the Farm and work as a prisoner at some other place, namely, Mr. Heslop's,—is that right?

"A.—Correct.

"Q.—Where did you sleep every night?

"A.—I was sick for three weeks with pleurisy and bronchitis, and afterwards an attack of pneumonia. I was at home three weeks, and after that slept every night at the Gaol.

"Q.—After spending two nights in the Gaol, you were permitted because of your ill-health to sleep at home.

"A.—Yes."

"Q.—Did you have a doctor.

"A.—I had two doctors.

"Q.—What were their names?

"A.—Dr. Hasting, Queen Street, and Dr. Pearson, Weston Road, Mount Dennis. Dr. Hastings on Queen Street attended me almost daily and sometimes twice daily.

"Q.—What work do you do with Mr. Heslop?

"A.—I am not working with Mr. Heslop now. I am building for myself in company with my brother.

"Q.—What work did you do for Mr. Heslop and how long did you work for him after you were permitted to be out of the bounds of the prison?

"A.—Every working day up until last day week. I started on Tuesday morning to build a house for myself—last Tuesday week.

"Q.—What were your hours when you were working with Mr. Heslop?

"A.—There were no particular hours as long as I got there as early as I could and worked as long as I could.

"Q.—Were you paid by the hour?

"A.—No sir, I was paid \$150 for so much work.

"Q.—Did you get that \$150?

"A.—Yes, I got one \$150.

"Q.—And that went for the support of your family?

"A.—Yes Sir."

"Q.—Where is your wife living now?

"A.—She is living at 4 Whitby street. The furniture was supposed to leave this morning. We are going to Mount Dennis.

"Q.—Who gave you permission to leave your employer, Mr. Heslop, as

was arranged with the Commissioner when you were allowed to go to this work?

"A.—No one gave me permission, only Mr. Heslop had not paid me and I had not had any money for some months and did not know where the next meal was coming from."

"Q.—Why did you break your contract with Commissioner Lavelle?"

"A.—Well there was never anything said to me that I should not change jobs or mentioned anything like that. I cannot remember Dr. Lavelle ever saying if I wanted to change jobs to notify him."

"Q.—But whether you did make such an arrangement or not, you changed your job."

"A.—I did Sir.

"Q.—And after you changed your job, did Heslop pay you?

"A.—No.

(WITNESS—It will be apparent to you Mr. Ferguson that Dr. Lavelle made a contract with the employer to pay this man wages and if he was not coming up to the point and paying we will go after him too and make him pay the prisoner.)

"Q.—What solicitor did you engage to look after Heslop?"

"A.—I did not engage any solicitor. Obee and Black, acting for Mr. Heslop, at first used to be my solicitor, and he said that he would see that I got all that was coming to me from Heslop.

"Q.—How much was that?

"A.—It was by contract. There was about \$90 coming to the men working with me and about \$500 due me at that time."

"Q.—Did you get all the money?

"A.—No, there was a balance of \$285 coming to me.

"Q.—How much did you get?

"A.—After paying the men what I did pay, I received about \$175.

"Q.—How long were you sick?"

"A.—Three weeks.

"Q.—Then you started to sleep in the Gaol after you got well? That was the arrangement made with Dr. Lavelle?

"A.—Yes."

"Q.—Did you report regularly to Dr. Lavelle?

"A.—I only went to see Dr. Lavelle once. After the one conversation with him he made me report back to the Gaol.

"DR. LAVELLE: He reported to Major Basher on my behalf.

"Q.—What time at night did you go there?

"A.—I started at 7.30 and got an extension to 8 o'clock after my sickness.

"Q.—You were in there every night before 8 o'clock up to the present with the exception of the three weeks that you were sick, when you had permission to stay home?

"A.—Yes.

"Q.—Where was this work going on?

"A.—Lots 29 and 30, Drayton Avenue, East Toronto.

"Q.—Would the nature of the work in which you were engaged bring you down town to different manufacturing places or to the City Hall for permits of any kind?

"A.—It would take me to the Architect's Department, to the Reid Lumber Company on the water front. Rice Lewis, Obee and Black, C.P.R. building (they were solicitors for Mr. Heslop), A. L. Mason, Dominion Bank, Mortgage Brokers, and Osler, Hoskin and Harcourt in the same building, acting for Heslop.

"Q.—During these periodical trips from your work to these different places, how long would you be down town?

"A.—Just going to my business and back again. If I had to wait half an hour, I would wait.

"Q.—Did you discuss your permit to be beyond the limits of the Municipal Farm with any person?

"A.—No, not that I know of.

"Q.—Well, you would be the person to know?

"A.—Yes.

"Q.—Then you did not discuss it with any person?

"A.—No."

"Q.—Did anybody ask you any questions about it?

"A.—Yes, Col. Lennox.

"Q.—Where did you meet Col. Lennox?

"A.—At his office.

"Q.—When was that?

"A.—I do not know the exact date. It may be eight weeks ago.

MR. LENNOX (continuing examination): Now is there anything else in all this evidence that refers to his employment?

A.—Well, I would like to go over it and see it before I answer.

MR. FERGUSON: Now the rest of it is a discussion of what he said to Col. Lennox, a discussion of the various men he had been connected with in the enforcement of the Ontario Temperance Act all the way through?

A.—Everything there, I take it, is correct.

Q.—Well, I have gone through it and that is the fact?

A.—I would like to peruse it and see.

Q.—Well, you just peruse it and see if there is anything else except O.T.A. enforcement and what he talked to Col. Lennox about.

MR. NIXON: I was just going to ask you have you read all the evidence, is it a substantial statement of the prisoner?

A.—To my knowledge of the young lady who took the conversation down I would say it is pretty close to what was actually said. She is a very accurate stenographer.

MR. RANEY: This witness should not be expected to speak as to other work.

WITNESS: I am not a lawyer, and I don't know if this is under the rules of evidence; it is quite apparent if any lawyer goes over this. And I am glad I am not bound by rules of evidence. If I want to ask a prisoner a question I shall ask him. But Mr. Johns was there as a lawyer and on the operation of the Act, therefore, when this man said that it was Col. Lennox Mr. Johns was the man to ask him to identify more fully what Lennox. Then I asked two or three questions more.

MR. FERGUSON: Haven't you heard there is only one Col. Lennox?

A.—No.

MR. NIXON: Has not he a brother in partnership with him?

MR. LENNOX: No.

MR. NIXON: I thought the prisoner said you had.

MR. LENNOX: Cousin.

MR. FERGUSON (reading): "Did Col. Lennox say anything during this interview that would indicate that you were at that moment under sentence?"

"A.—Yes."

"Q.—He knew that you were convicted and sentenced and that you were serving time, and that you were as a matter of fact in his office as a prisoner?"

"A.—Yes Sir."

"Q.—He knew under what system you were permitted to be out?"

"A.—I told him I was sleeping at the Don Gaol," and so on.

That was not to catch McCutcheon, that was to convict Lennox?

MR. LENNOX: Is there a single question, the answer to which, in the last 12 or 14 pages, that does not relate to this O.T.A.?—Oh yes there is, something about General Elliott, and he said money was no object—(reads)

"Q.—Do you figure that General Elliott owes you any money?"

"A.—General Elliott would refer me to Hammond and Hammond to Elliott, and General Elliott would say, 'I had really forgot, you had better see Mr. Hammond.'"

MR. FERGUSON: That was all O.T.A. stuff.

MR. LENNOX: I don't see how that would assist you in finding out whether McCutcheon was violating the rules?

A.—I thought so, Mr. Lennox. He was telling me about this trouble he got into on the still case and he said something about Austin Ross acted for him.

MR. FERGUSON: That was part of his O.T.A. experience.

A.—I asked him "when these appointments were made with Col. Lennox you were working with Heslop on that job?"

"A.—Yes."

"Q.—That was during the time you were under specific contract with Heslop?"

"A.—Yes, in fact Heslop drove me down."

"Q.—These two interviews you had with Col. Lennox occurred after six o'clock?"

"A.—Yes."

"Q.—That is, you were not violating your agreement with the Commissioner in going down town and being in an office idle during the time that you should be working?"

"A.—He would have papers drawn up and I would just look over them and if anything was wrong about them would mark them."

WITNESS: Right there I think he means the architect or Obee and Black, or someone acting for Heslop. Then I went on:

"Q.—What I want to get at, did you break that contract by sitting idly in Col. Lennox's office" (and I called it idle if he was not there on business for his work) "either by interviewing him or waiting for him, when you should have been working?"

"A.—No."

MR. FERGUSON: Now, having gone over it, there is where the talk begins about Col. Lennox, near the top of page 6, and from that on there are 17 pages, five of them are asking the prisoner questions about himself and his activities and the balance of it is an inquiry about what took place in Mr. Lennox's office, how he came to get there and so on, isn't it?

A.—Not altogether.

Q.—Well, perhaps you can direct me to a few incidental questions, but it is pretty hard fishing.

Q.—You were asking nothing for Dr. Lavelle?

A.—Just the instructions of the Minister.

Q.—Then you asked him, "After spending two nights in the Gaol, you were permitted because of your ill health to sleep at home?"

"A.—Yes."

Q.—Now did you know he had spent two nights in the jail?

A.—Dr. Lavelle prompted that question.

MR. HILL: Did McCutcheon ever ask you to look after his wages or his balance due on his contract or anything due of that kind?

A.—Not that I recollect.

Q.—He had never complained anybody owed him anything?

A.—Not to me.

Q.—(reading), "What were some of the names?"

"A.—Charlton, Webb, Henry. He wanted to know if Mrs. Bailey, T. L. Gordon and Mrs. Collins were employed or paid by Hammond during the year 1921 . . ."

Q.—Had that anything to do with the inquiry?

A.—It had to do with the inquiry. The conversation I was making with McCutcheon was to determine whether he was violating his contract or whether anyone was interfering with him at the time he was out, and I asked him any question that would come to my mind.

Q.—And you apparently had all his conversations he had had with Mr. Lennox chiefly in mind, because you directed all your questions to that. That is what you did?

A.—I don't know. He told me where he went and he mentioned Mr. Lennox's name first.

Q.—That is all right. He did not volunteer these names?

A.—I asked him what were some of the names.

Q.—And he went on to tell what all the names were?

A.—Yes.

Q.—Then you went on to ask him, "Would you have any intimate knowledge of whether they were or were not working for the Government?" Now what has that got to do with it. You carried on that conversation?

A.—It is there and I asked him the question.

Q.—Surely, because the Lennox matter was uppermost in your mind?

A.—Not at all. The uppermost thing in my mind was the fact that this man had been charged or the department had been charged, that this man was violating his contract and that he was also being interfered with during the time he was out and I wanted to find out everything.

MR. LENNOX: Who made that charge?



A.—The Honourable Minister said Mr. Ferguson asked him the question in the House.

Q.—A question?

A.—Well, I take that back, it was a question.

MR. FERGUSON: I think it was rumored he was sleeping at the gaol and being around the city through the day and I asked him if he knew how it was?

MR. NIXON: You used I think, the words "running."

A.—Well maybe he was.

Q.—Now you asked him, "You had previously worked for the Department?"

"A.—Yes, seven years."

"Q.—Was there a man named Budway on that list?"

"A.—Yes, but Lennox did not discuss Budway's name very much."

Q.—Now what prompted you to ask that question? Do you know any Budway?

A.—No.

Q.—Where did you ever hear of him.

A.—I happened to be in the House, I think, when the Attorney General was reading some report and the names of Budway and Courrian and I think it might have been Bell. When I went to the jail register I looked up the name of Budway, McCutcheon and Courrian to see if we had them in custody. I could only find McCutcheon. That was previous to 'phoning Dr. Lavelle to have him brought in.

Q.—And that is what prompted you to ask him about Budway?

A.—Yes.

Q.—It would not, because it had nothing to do with his being at large or anything of the kind?

A.—Well, I looked it up in the register.

Q.—I know you were not prompted to ask for it by the fact that Lennox having Budway on the list would be a breach of discipline on the part of this man?

A.—Well, my recollection is that I wanted to find out also if any of these other names were registered.

Q.—You heard Budway's name mentioned by the Attorney General and you knew he was not in your custody?

A.—I could not find it.

Q.—Would you have thought of asking the question if the name had not been used by the Attorney General?

A.—I do not suppose I would.

MR. FERGUSON: Now his answer is, "Yes; but Lennox did not discuss Budway very much. He did not say anything about Budway or Courrian." Where did you get hold of Courrian?

A.—I did not ask anything about Courrian. Read it again.

MR. FERGUSON: Well then your stenographer made an error there?

WITNESS: Read it again.

"Q.—You had previously worked for the Department?"

"A.—Yes, for seven years.

"Q.—Was there a man named Budway on that list?"

"A.—Yes, but Lennox did not discuss Budway's name very much."

"Q.—He did not say anything about Budway or Courrian?"

Well now, did you ask that question?

A.—Yes.

Q.—You said not?

A.—I looked up the three names.

Q.—Well, Courrian's name was not mentioned by the Attorney General.

A.—Well, I got it somewhere, from the newspapers or somewhere.

MR. RANEY: Yes it was; it was one of the names given by Lennox in the statement made in the House.

WITNESS: I got the three names and I looked them up.

MR. FERGUSON: (reading) "He did not say anything about Budway or Courrian?"

"A.—He said, I don't think I can trust them. What kind of a fellow is this Budway? I said, I do not know anything of him. The first time I met him he had a liquor warrant in his pockets and my brother and I had to go along with him to search places on this warrant. I don't know whether he was setting a trap for me that night in Courrian's favor or what happened, but I had three detectives from No. 8 shadow the men for three hours and we stopped at twenty differnt places and Budway was in each place."

WITNESS: I did not ask him this.

Q.—Yes he did. "He did not say anything about Budway or Courrian." That is your question and the rest is his answer. You wanted to know and he is giving you the information, and you apparently sat there and let him answer whether you wanted it or not. Now that was all during his work under the O.T.A. for the License Board, was not it? That was referring to the time he was serving as a liquor enforcement officer?

A.—Well, I don't know anything about his employment.

Q.—Yes you did. He told you here.

A.—He was working for the Government, yes.

Q.—Did you ask him here and he told you yes, he was seven years with the Department and this was relating to his work with the Department?

A.—I would judge so.

Q.—Well, don't you know so? Be fair to yourself.

A.—I am fair to myself? I am looking after myself. The question is plain there, "He did not say anything about Budway or Courrian." Then he went on to tell me what he knew about Courrian or Budway.

Q.—Yes, here is his answer. Now that was referring to his activities in the employ of the Department was it not?

A.—Well, it says there—

Q.—Just answer the question.

A.—Yes.

Q.—That was all before he was convicted at all and sent to jail, wasn't it?

A.—I don't know that.

Q.—Oh yes, you knew he was working for the Department before he went to jail? Didn't you?

A.—I think so, yes.

Q.—He has told you so. He says I have worked for seven years for them. Now all this information he was giving you was all with reference to the work that he performed for the Department before he was in jail at all?

A.—Well, he goes on—

Q.—Well, you asked him to give it?

A.—I asked him that one question.

Q.—Well, we will see. But that information was all with reference to his duty as a departmental official before he was in jail at all.

A.—And it had general reference to what I was trying to bring out, these two things.

Q.—We will judge of that afterwards. Did this all refer to his work as an officer of the Department before he went to jail?

A.—I will let the answer and the question stand.

Q.—What did that refer to? What work did that refer to?

A.—I will answer you in this way, you could not isolate one question without getting it. My whole view was to get whether or not this man was violating his contract with the Commissioner and who, if anyone, was interfering with him.

Q.—You tell me whether that did not refer to the time he worked for the Department. I have read it to you and you can read it again.

WITNESS (reads): “Q.—Did you previously work for the Department?”

“A.—Yes—”

I did not ask him what kind of a man Budway was. But he says, “What kind of a fellow is this Budway?” His answer would have very little connection with what I was intending to get out. His answer went on and had nothing to do with it.

MR. RANEY: Now before you go on I want to submit something to the Committee. The suggestion is that this is just wasting time. We have a man named McCutcheon comes here and gives us a story in his examination. I read questions and answers from this deposition of his and in every case with one single exception he expressed doubt, he admitted his answers were true, that they were truthful answers. Now we have spent nearly a whole hour, I think, with Mr. Dunlop to probe into his reasons for getting these answers from this witness. What has that got to do with the items that are before the committee.

MR. FERGUSON: A most remarkable feature of this thing is that a man is sent for, a prisoner in the jail, he is brought up here with two gentlemen in a high-powered well-cushioned car, taken up into the Chief Inspector's office, and what they call in New York third-degree methods to cross examine him and find out what he had to do with laying the foundation for the speech and the charges that Col. Lennox made in the House and to learn all about what this man knew in anticipation of Col. Lennox calling him here. It is important to know how much there is behind this, and what the motive was.

Mr. Raney made another statement, also Mr. Ferguson.

MR. NIXON: I find that the night the speech was made in the House was April 19. I had Mr. Dunlop in my office on the next morning, that would be after the prisoner McCutcheon was out of jail, I told him to have him there next day, have him put on oath, and find out if he was running loose around town. I find this evidence was taken on the 21st of April.

The Committee then adjourned until Tuesday, May 16.

## PUBLIC ACCOUNTS COMMITTEE—MAY 16, 1922.

The Committee met at 10 A.M., with Mr. Watson in the Chair.

J. A. AYEARST, Sworn.

Examined by Mr. Raney:

Q.—Mr. Ayearst, you are fairly well known to this Committee I think—at least, to the Committee as it was constituted in previous years. You have been before us before?

A.—Yes.

Q.—What is your position in the Department?

A.—Provincial Inspector.

Q.—Provincial Inspector under the Ontario Temperance Act?

A.—O.T.A.

Q.—And your jurisdiction covers the whole Province?

A.—Yes Sir.

Q.—And next over you under the present system is the Commissioner of Police?

A.—Yes, over me.

Q.—And until the re-arrangement last year your immediate superior officer was Mr. Flavelle?

A.—Yes, he was Chairman of the Board.

Q.—Then, what is the organization under you?

A.—Provincial Police, Provincial Police Inspectors, Provincial Officers and Special Officers.

Q.—Who are the men in charge of the special officers?

A.—Well, Mr. Sarvis, is in charge of a number. Mr. Hammond is in charge of a number, and Mr. Lewis formerly—that is the City Inspector—Mr. Montgomery was under me for a time.

Q.—I understand Mr. Hammond has Toronto?

A.—Mr. Hammond has Toronto district—at least, I understood he was appointed for Toronto district, but his work has been chiefly in Toronto, some outside.

Q.—He has been sent outside two or three times. Mr. Sarvis has the rest of the Province?

A.—Mr. Sarvis covers the Province, anywhere that is required.

Q.—That is, for the special work of enforcing the Ontario Temperance Act?

A.—Yes.

Q.—And the service of these special officers or operators, as they have been called, under Mr. Sarvis and Mr. Hammond is supplementary to the County Inspectors?

A.—Yes.

Q.—So that your system for the enforcement of the Ontario Temperance Act consists of the County inspectors?

A.—Yes, I did not mention them before.

Q.—And then a flying squad, as you might call them, of special officers?

A.—Under Provincial Inspectors.

Q.—Under Provincial Inspectors, of which there are two?

A.—I think Mr. Hammond is Provincial officer.

MR. FERGUSON: As I understand it, you are the chief inspector?

A.—I am the chief Provincial Inspector.

Q.—You are the first officer to the Commissioner?

A.—Under the Board and the Commissioner.

Q.—You have not anything to do with the police organization?

A.—No, nothing whatever, except that all of our officers are police now.

Q.—I mean under the criminal law?

A.—No.

Q.—And under you come whom?

A.—Provincial Inspectors.

Q.—Who are they?

A.—There is Mr. Sarvis; there is Mr. W. K. Snyder, and there are two or three others, but with the exception of Mr. Sarvis, these Provincial Inspectors have special work that does not have to do with the enforcement of the law. That is, Mr. Steve Bromley; F. E. Elliott is a Travelling Provincial Inspector. Mr. Bromley has to do with enforcement, but he is away in the east end, looking after it there.

Q.—You mean Inspectors that have nothing to do with the enforcement of the Act?

A.—I had in mind Mr. Snyder who looks after the hotels, the sanitary conditions, fire escapes, and all that.

Q.—He looks after accommodation?

A.—Yes, the travelling public.

Q.—Then you have on your staff for the enforcement of the law directly—

A.—Sarvis, and Mr. Hammond, are really the two who are doing the work.

Q.—Hammond is not an Inspector?

A.—He is a Provincial Officer, and he has the same authority as an Inspector.

Q.—How is their work divided?

A.—Mr. Hammond confines himself chiefly to the City of Toronto.

Q.—And Sarvis outside?

A.—And Mr. Sarvis at the outside points. Mr. Hammond has been out some times.

Q.—Do they control the force that is ordinarily called spotters?

A.—Yes, when it is turned over to them, they control them.

Q.—Do they control anybody else?

A.—Not that I know of.

Q.—That is what you call special operators?

A.—Yes.

Q.—So that Hammond's staff is entirely special operators?

A.—Yes. Of course, Mr. Sarvis has three Provincial officers under him, so that when it is necessary to send officers he can send them. There are two or three who are Provincial officers, who have constables' authority, you see. The special operators are not constables.

Q.—These fellows like McCutcheon, and those chaps, have no authority as constables?

A.—No.

Q.—What is the difference between a Provincial Inspector and a Provincial Officer?

A.—Practically none. All in the title.

Q.—They have equal authority?

A.—Equal authority, as regards their work.

MR. RANEY: Who are the Provincial Inspectors?

A.—The Provincial Inspectors are Mr. Sarvis, Mr. Snyder, Mr. Bromley. There is another one, F. E. Elliott, who is travelling Provincial Inspector.

Q.—These are the older officers, and I suppose have a little more authority?

A.—Yes.

MR. DEWART: Did I understand you to say that Hammond's duties were confined to the City of Toronto? Does he not take outside work as well?

A.—I said he did some, Mr. Dewart.

Q.—My recollection was that he had charge of the raid at Port Credit, and had charge of the work at North Bay?

A.—Yes, and I think he was to Hamilton. Port Credit is quite within his territory though, because he was appointed for five or six townships here in the Toronto district.

MR. RANEY: Q.—Have you been interested in the discussions that have been going on, and the charges made against the Department. You are familiar with the charge that the Department has employed and kept in its employ persons of criminal record. The matter is boiled down fairly well in the report of Mr. Lennox's speech in the *Telegram* of the 7th of April in these words,—

“Not only has the Attorney General given the work of enforcing the Temperance Act into the hands of thugs and criminals, but these same characters were and are being kept to-day by Mr. Raney, assisting him in the working of the Ontario Temperance Act; men who have been convicted and have served terms in jail to his knowledge.” Is that charge true?”

A.—It is not true so far as I am concerned, and I don't know of it having been done. If I understand what a criminal is, I am not a barrister, I only know of one or two cases where anybody was ever employed who had been previously convicted of being drunk, or perhaps in one case convicted of a B.O.T.A. offence.

MR. FERGUSON: You know of no cases—

A.—Except those that have been exposed here. I had nothing to do with those whatever. I had nothing to do with the engagement of the McCutcheons or Gordon, or any affected in that matter.

MR. RANEY: What you mean by that is, these men who were employed by Mr. Hammond for this work of investigating you?

A.—Yes.

Q.—And Courian?

A.—Yes. I did not know of that.

Q.—You had nothing to do with their employment?

A.—No.

Q.—You did employ McCutcheon originally years ago?

A.—Yes, quite a number of years ago.

Q.—You are the officer I suppose directly responsible for the engagement of these men. Leave out of consideration for the time being altogether this special crusade of Mr. Hammond's last summer—leaving that out, you have been responsible for the employment of these special officers?

A.—Yes, until the last two I was consulted on all of them, but during the last two years my work confined me to my office almost entirely, and the selection of the men was left largely to the officers who were controlling them, but they consulted me before engaging them.

Q.—Did you ever authorize the employment of a man of criminal record?

A.—Never.

Q.—Never in your history?

A.—No, not if I knew it.

Q.—Did you ever employ a thug?

A.—Never.

MR. FERGUSON: What is a thug?

A.—I don't know hardly what a thug is. I know enough to know that I never did.

MR. RANEY: Q.—Did you ever knowingly employ a person of bad character?

A.—Never.

Q.—In the whole of your career?

A.—Not to my knowledge.

Q.—Leaving out again this episode here in Toronto last summer, have you ever known any other, any inspector—Sarvis or Hammond, apart from last summer's affair, or any other inspector, to employ a man with a bad record, or a man who had a bad character?

A.—No, I don't know of any.

Q.—Let me read this to you again.

“Not only has the Attorney General given the work of enforcing the Temperance Act into the hands of thugs and criminals, but these same characters were and are being kept to-day by Mr. Raney, assisting him in the working of the Ontario Temperance Act; men who have been convicted and served terms in jail to his knowledge.”

Is there any truth in that statement so far as you know?

A.—Not that I know of.

Q.—Would you know if there was?

A.—I would know as far as it is possible for one to know.

Q.—Did the Attorney General ever himself employ one of these men?

A.—Not that I know of.

Q.—They could not be employed without your knowing it?

MR. FERGUSON: There are two years here that you were not responsible directly?

A.—When I had the selection of the Provincial officers—

MR. RANEY: You were always in charge?

A.—They consulted me.

Q.—It is said that it is difficult to get honest, capable men for the work of enforcing the Ontario Temperance Act. What is your experience in that regard?

A.—I don't think it is. I never had any difficulty in getting good men.

Q.—What is the character of the men? Take the present time; what is the character of the men who are now engaged in this work?

A.—I think it is as good as could be obtained. I think it is good. I don't know of any who are on the list at the present time that anything can be said against.

Q.—And you differ from some others in your statement that there is no great difficulty in getting good men?

A.—No, we have at the present time at least twelve, and possibly more, applications lying on the table, and everyone of them appears good to me. I have examined them very carefully. I think anyone of them could be taken on with perfect confidence.

Q.—Is there any reason that you know of that occurs to you for the employment of criminals?

A.—No, no reason in the world.

Q.—Or thugs?

A.—No reason in the world.

Q.—Have women been employed by you?

A.—Never to my knowledge.

Q.—And would you know?

A.—I think I would.

MR. FERGUSON: You heard the evidence here that there were a couple of women?

A.—Yes.

Q.—They apparently have been employed?

A.—They stated, if I remember rightly—the witness stated that they were not employed, but that they were paid for giving information. That is my recollection.

MR. McCREA: It was piece work rather than salary by the month?

A.—No, they came in and gave information, and were paid for giving it. That has been done at different times by different people.

MR. FERGUSON: I see, when you say employed, you mean regularly on the staff?

A.—Yes, that is what I mean.

Q.—That is a different thing. The men who are on the staff can go out and buy information from any kind of a crook, and that is not employment?

A.—The men on the staff, the heads of the staff. It would not be anybody else but the Inspector who has charge. He would do that.

Q.—There may be a distinction there, but there is not much difference?

A.—You would not have to buy it. These people are constantly coming and offering us information. Some people come simply because they want to see law and order observed.

Q.—You would not say that women had not been employed?

A.—All I know is what was given in evidence here.



MR. RANEY: What is the history of H. H. McCutcheon so far as you know?

A.—H. H. McCutcheon was employed some years ago. I could not give the date. He worked under whatever Provincial Inspector was in charge of the work at the time, I think Mr. Sarvis. He worked for some time, and I believe was on for a time and dropped out himself for a while, and back again two or three times. I got that impression from Mr. Sarvis. I am not positive about that, but I think that is correct. So far as I know, there was nothing against him. He quit.

Q.—Then it has been said, and it was charged as though it were an offence on your behalf, that on one occasion you went bail for him in the Police Court?

A.—That was recent, Mr. Raney. That was just the beginning of this last engagement.

Q.—Was that before the Guelph trouble?

A.—Yes, before any trouble I knew of.

Q.—Did you go bail for him?

A.—I did, yes. The circumstances were that McCutcheon came to some of my officers, Mr. Montgomery, or some other, and stated that he knew a number of places that were selling liquor. He said he was engaged working and could not go to them, but he could show them where they were. He undertook to do that, not engaged by us at all, but I presume perhaps he received the ordinary reward for giving information. I cannot follow that up because I am not sure, but he came one evening—

Q.—I do not want to go too much into detail. I do not want to waste too much time. Somebody communicated to you the fact that he had been arrested on the charge of contributing to the delinquency of a girl?

A.—Yes.

Q.—You looked into the facts, and what did you do?

A.—He went to this place where the fellow was selling, and found out he was, and the fellow told him to meet him at a certain spot, and he would come there with a bottle, and the officers were waiting.

Q.—Did you go bail for him?

A.—He was arrested, and I believed him to be innocent, and I believe so still. On Sunday morning I learned he was in jail.

Q.—And you bailed him out?

A.—Yes.

Q.—And when the case came on it was thrown out on the evidence of the prosecution?

A.—I did not want him to stay in jail because I did not think he was guilty of anything. When it came up it was thrown out without any evidence being taken on his behalf.

Q.—He was innocent?

A.—Absolutely innocent.

Q.—The next thing was the Guelph trouble?

A.—I only know that from what I have read and heard about it. I know he was working under Mr. Sarvis.

Q.—Did you investigate the matter?

A.—Yes.

Q.—What I mean, did you make a special investigation to ascertain whether he was guilty or innocent of the charge?

A.—My impression was it was a frame-up on him.

MR. FERGUSON: How did you investigate it?

A.—By discussing it with Mr. Sarvis and the counsel who appeared for him, Nicol Jeffrey, that was the chief investigation.

MR. RANEY: Then you had nothing to do with his employment afterwards here in Toronto?

A.—No. Instructions were given from Headquarters to let Mr. McCutcheon go, and Mr. Sarvis let him go.

Q.—After the Guelph incident?

A.—Yes, that is as far as I know about him being employed.

Q.—Did you hear his evidence here the other day?

A.—Yes, I think I heard most of his evidence. I don't know whether I heard it all. I was not here at first.

Q.—Do you recall some things he said that you want to refer to? One thing said was, as I recall it, that you went into the witness stand and gave character evidence for Slavin?

A.—Absolutely untrue.

Q.—That was wrong?

A.—It is untrue that I gave character evidence. I went into the witness box because I was sitting in Court, and he mentioned my name, or some witness mentioned my name in some connection. I stood up and asked his Honour to call me that I might explain. I explained whatever it was. I now do not recollect what it was, but it was only in regard to myself.

MR. FERGUSON: You did not give any evidence at all about Slavin's character?

A.—The evidence is there, you can read it.

Q.—The Attorney General is asking you?

A.—I say I did not.

MR. RANEY: That is the point I am covering.

MR. DEWART: What is the date of that trial?

WITNESS: I couldn't tell you.

MR. FERGUSON: You have read over your evidence recently, have you?

A.—Yes, I have read my evidence. I couldn't remember what I said. I read it over recently.

Q.—The Attorney General has a copy. The rest of us have not.

MR. RANEY: I have not read it either.

WITNESS: And it was only within a very few hours that I saw it.

MR. DEWART: Did you say October, 1920?

A.—I fancy it was.

Q.—Who all were charged in that case?

A.—Slavin, McCutcheon, and I think the other man's name was Gross.

MR. FERGUSON: You say you did not give character evidence. You are not saying that as a matter of recollection. You are saying it because you read this evidence last night?

A.—Yes, both.

Q.—Can you say that outside of the evidence you were not asked by

the Magistrate anything about Slavin's character, because you might be asked and it not be taken down?

A.—No, I was not asked about Slavin's character, or McCutcheon's, either one.

MR. RANEY: H. H. McCutcheon made some mention of a man named Cohen. Do you recall what he said about him?

A.—A man named Cohen came to my office seeking employment. I examined him carefully as to his previous work and character, and everything seemed satisfactory. I had never seen him before. Then I called Mr. Hammond, and told him I had examined into his record, or lack of record, his record in one sense, that apparently there was nothing against him. He informed us that he knew of a number of places in the city where liquor was being sold, where he could aid them in bringing the culprits to justice, and I turned him over to Mr. Hammond. Mr. Hammond utilized him for a while—I don't know with what success—then I believe he was turned over to Mr. Sarvis. Mr. Sarvis had him for a while and let him go.

MR. RANEY: As I recall it, the statement made by McCutcheon was that he was employed by the Department with knowledge that he had a criminal record?

A.—Nothing of the kind. I have no such knowledge yet.

MR. FERGUSON: How did you examine into Max Cohen's record? Did you question him for a while?

A.—Yes, I questioned him perhaps 15 or 20 minutes, just the questions about the same as appear on the form they sign now, but we had no form then.

Q.—There is a possibility, if a man is a smooth and successful liar, that he could fool you?

A.—Oh, yes, there is that possibility. We inquired at the Police Office if they knew him, and so on.

MR. RANEY: Sam McCutcheon referred to a case the first case that he had under Mr. Hammond?

A.—The first case he had was Charles Zenner.

Q.—He said they had seized over 100 bottles of whiskey, and that the amount accounted for was 120 bottles, or thereabouts, less than the amount seized.

A.—I remember the case, and I remember the men coming in and reporting; and I remember the liquor being taken under my orders down to the warehouse, and I obtained a receipt. The receipt from the warehouse was sent to us, and I think you have it in your hand for the liquor that was taken down.

Q.—Is that it (handing paper to witness)?

A.—Yes, that is the receipt.

Q.—What does it show? A.—Nine and six-twelfth dozen turned in, 114 bottles.

MR. FERGUSON: Q.—Is that a receipt for the shortage? A.—That is a receipt for what was turned in, and it is there now.

MR. RANEY: Q.—Had you ever any reason to believe that there was any shortage as between the quantity seized and the quantity turned in?

A.—Never on any occasion have I had occasion to believe that there was

a single bottle shortage in what was seized not being turned over to the proper authorities.

Q.—There was another case which Mr. Lennox referred to in the House. He charged very specifically that an officer named Smythe, and I think another officer named Baugh, had stolen some liquor that had been brought to the house of a man Budway, at that time with the Department?

A.—Yes.

Q.—Was there any truth in that?

A.—No truth whatever.

Q.—What were the facts in that case?

A.—The facts in that case were, I was informed that some man, I did not know whom, would supply 15 cases of liquor to Mr. Budway at his house, and he phoned me that the man was going to deliver the liquor that night. I then asked Mr. W.D. Greer to give me two of his officers to go down and arrest the man that supplied the liquor. Mr. Greer gave me those officers. I didn't know who they were, Smythe and Baugh, and they went to the house. Three men came with 14 cases instead of 15, and they carried in some of the liquor. I am speaking now from what came out in Court. I was not present, of course, but the officers were there and arrested the man, and the liquor next morning on my order was taken by our own officers in autos to the warehouse, and it has there been piled up since, because it was bogus liquor—it is called McCallum Scotch. It could not be used.

Q.—Is there any truth in that statement?

A.—No, no truth in that statement of it having been stolen by them.

Q.—And the whiskey is still there?

A.—The whiskey is still in the warehouse, and can be seen by anyone who cares to go down to see it.

Q.—There was a man named Nash referred to?

A.—I don't know much about Nash; I know he was employed by Mr. Hammond.

MR. DEWART: Q.—Is he the man who got into trouble about a still?

A.—Not that I know of.

MR. RANEY: Q.—There is a man who was much talked about in the evidence of McCutcheon, and his name was linked up with yours in a sinister way?

A.—I heard the evidence that there was suspicion attached to me.

Q.—I want you to tell the Committee about Courrian?

A.—Mr. Courrian came into my employ in 1906 I think. I think the first fall that I was here, about that time. The first time I knew anything about Courrian was, I engaged three detectives from, I think, the Toronto Detective Agency, to go to Owen Sound. Owen Sound was a bad spot in those days, violating the local option law. They went there and they turned in to me some twenty odd cases, when they came back to Toronto. Then I took the three of them up and the first night that we were there at one o'clock Mr. Courrian came to my door and said, "Those two fellows went out and have not come in." I got up at once, and got in touch with the Inspector and the Police Magistrate, and asked him to have the cases enlarged without my being present next morning, and I began to look for those men.

Q.—This was seven or eight years ago?

A.—This was I think in the fall of 1906, or early in 1907. I left in the night time, came down two railway stations and held up the train in the morning, and went through it, thinking they would slip on at another station. There was nobody on the train. I got word from Eudo Saunders in Toronto that one of the men had turned up at his office, and given him \$50, saying that he had been forced to go away with the other fellow. This was a private Detective agency man.

MR. FERGUSON: Q.—Are these the men you got through Greer?

A.—No, this in my first experience with Mr. Courian. Mr. Courian remained. He said, "I think they have left." I said, "Go to their room and investigate." He came back and said, "There is not a thing left except a pair of old grips not worth 50 cents." I concluded they had skipped. I was suspicious of the actions of the conductor on the train going up, as he was in constant communication with one of the men who had formerly been a railway man. However, the one man went out with the other fellow; they were surrounded by a number of men, as it came out in evidence. Charles Stewart was the man who came and gave the money to Mr. Saunders. He said he was afraid of his life they would slaughter them if they did not go away. He did not take any money, but the other fellow got a big roll, and they were shoved on to a freight train in the night, and came down as far as Orangeville and got the other train at Orangeville in the morning. This other fellow handed Stewart \$50, and as soon as Stewart got off the train he went up to the Parliament Buildings and handed it to Mr. Saunders, and told him the whole story. I arranged for an enlargement for two or three days, and got this other fellow and went back. One of the men got away from the city and went to the other side and never came back for years. I took Stewart back, and with Courian there got a conviction in every case except one. Mr. Courian remained perfectly solid in that.

MR. RANEY: Q.—You have given us that lengthy recital to show us—

A.—Mr. Courian is an Armenian and very dark. He looks like an Italian, and Mr. Beckett said, "It is a funny thing a young Irishman and a Canadian going back on us, and this man a foreigner standing solid."

Q.—At all events, that was the start of your confidence in Courian?

A.—Yes.

Q.—Has he been with you ever since?

A.—He was not with me then, but a few months later I engaged him.

Q.—Has he been with the Department ever since?

A.—He was with the Department until I left to go West in August, 1911. I went west to Edmonton. I was away about 15 months, and Mr. Hanna sent for me to come back, and when I came back, shortly after I came back, Mr. Courian came to me and I took him on again.

MR. FERGUSON: Q.—Courian had been dispensed with then too?

A.—I think he had been dispensed with himself.

MR. RANEY: Q.—He was let out or retired when—last December?

A.—He resigned, I think it was October.

Q.—Had he been with the Department during the entire period between?

A.—Yes, since I came back until then. He was away to Armenia for perhaps four or five months during the War.

Q.—During all that time were there any charges made against him?

A.—No direct charges made against him.

Q.—Was he in any trouble at any time?

A.—Yes, on one occasion, just before Mr. Flavelle left the Board last year, the very last day, or the second last day he was there, in going over his papers he found a letter charging Mr. Courrian, unsigned, which said that Mr. Courrian was standing in with some of the blind-piggers, persons I can't recall the names of now. It was six weeks old or more when I got it. Mr. Flavelle said, "This should have come to you long ago." I said, "It is very strange it should be left in there so long." He said, "I never saw it before," and the excuse given eventually was that it was a confidential thing that came in there. I investigated, and I knew the writing as soon as I saw it, and I at once asked Mr. Flavelle to summons these people at once.

Q.—What people?

A.—Who this stated had made statements about him.

Q.—You investigated that?

A.—Yes. One got away to the States. Another was ill at the time. He said he knew nothing against Courrian in the world, except what people told him.

MR. FERGUSON: Q.—Who wrote the letter?

A.—Mark Heaton.

Q.—Was he employed there?

A.—He was a man employed there, and he was called before Mr. Flavelle to give evidence, but he didn't know anything, only he said people had said things to him.

Q.—Was he retained?

A.—I think so.

MR. RANEY: Q.—He was let out some months ago?

A.—He was let out some time ago, but I don't think he was let out for that at that time. He was only reporting what he had heard.

Q.—You have heard H. H. McCutcheon's story about Courrian told here before the Committee?

A.—Yes.

Q.—What have you got to say about it?

A.—I don't believe a word of his story.

MR. FERGUSON: Q.—Are you going to give character evidence for Courrian?

A.—No, I am not, not as far as I know. The other officers can give you direct evidence as to any of these statements, I cannot.

MR. RANEY: Q.—Notwithstanding what has been said, you still have confidence in Courrian?

A.—I don't believe Mr. Courrian ever did a crooked thing. I don't know of any place he did a crooked thing, and I can't believe it until it is proven.

MR. FERGUSON: Q.—In the face of all this evidence, about his being in league with blind-piggers and that sort of thing, circumstantial evidence that has been recited here, you do not believe it?

A.—I don't believe those things.

MR. RANEY: Q.—And in all the years of experience you had with him.

A.—In every case I entrusted to him he carried it out to my satisfaction, and I never knew of one case where there was any corruption.

Q.—Sam McCutcheon was brought here to give evidence to corroborate his brother I suppose. Did you notice that in each of the four cases he was concerned in he had secured convictions in all of them?

A.—I think there were convictions in all four.

Q.—And they were all cases in which he was trying to get something on Courian?

A.—I don't know that.

Q.—He himself said that; that is what he was there for. Now, about Sam McCutcheon, a good-looking young man, why was he dismissed?

A.—He was not dismissed, I think. As far as I could find out, he left. I think he said he left because he was afraid he might be taken up for perjury. I have questioned Mr. Montgomery since, and he said he had not dismissed him.

Q.—He engaged himself under a false name with the Department?

A.—Yes.

Q.—Does the Department ever take on a man under a false name knowingly?

A.—No.

Q.—What have you to say about this man?

A.—He came to my office with Mr. Gordon. I knew Gordon's face, although I could not place him at the time, so many men come and go, and after he was in a moment, Gordon said, "You know me?" I said, "I know your face." He said, "I am Gordon." "Oh, yes," I said, "You are the man who was at Kitchener and got the large sum of money and went to Regina." I said, "How much did you get?" He said, "I am not going to tell you what I got." I said, "What did you come here for?" "We have no use for you in the world. You are liable to be arrested for obtaining money under false pretences." He got some money from Mr. Sarvis for expense account, and had not made any return. I said, "You had better go. I am sorry for you—sorry you put yourself in that position, a young man like you;" and he went away. Sam jumped up, and with great indignation he said, "If I had known you were that sort of fellow, I wouldn't have come here with you at all," yet his evidence showed he had known him for some time before. He pretended to be very indignant at Gordon—the idea of a man of that character asking him to come there and look for work. I said, "What is your name?" He said, "My name is 'either Dunn or McDunn. I asked him where he lived, and he told me. I went on with all the usual questions, examined him all the way through. He appeared to be all right, and then I called Mr. Montgomery and let him take him, and talk to him a while; and Mr. Montgomery took him on by the week. He said he knew of a number of places where they were selling liquor, and he could secure evidence for them. He looked all right, and did all right. He remained four weeks. During the third week, or at the end of the third week, I think it was, his name came out in that last case—that is the Jarvis case—somebody knew him, came in and reported to me. I believe he disappeared. The books show that he went to work with Mr. Hammond the next day.

MR. RANEY: Q.—Reading from H. H. McCutcheon's evidence at page 463 on the 10th of May:—

“Any other cases you know where men have been kept in the employ of the Department after they have been convicted? A.—Not that I can recall.

“Q.—Now do you know whether Mr. Ayearst knew of any of these men having been convicted?

“A.—I know of one case.

“Q.—What case was that?

“A.—Slavin.

“Q.—When was he convicted?

“A.—Two or three times for selling liquor.”

A.—I don't know of him being convicted but once. That was a case I had to do with.

Q.—Did you ever employ Slavin?

A.—Yes, that was many years ago, four or five years ago that Slavin was convicted.

MR. DEWART: Q.—About the 6th of December, 1918, if I recollect correctly?

A.—I employed Slavin as a special officer after that for two months, with the knowledge of the Board, perfectly understood. It was probably a couple of months after he was convicted.

Q.—What year?

A.—It was in the old Government. It would be probably in 1918.

Q.—Or the early part of 1919?

A.—I don't think it was in 1919.

MR. RANEY: Q.—That is put forward as being something for which this Government is responsible?

A.—Nobody is responsible except myself associated with Mr. Flavelle. The way it occurred was this; this man was convicted, and he came up to the Department claiming great poverty, and all that. We had two men at Welland, foreigners; we required a third. After talking it over with Mr. Hammond, we put this man on. He went there for two months; the matter was wound up, and he was let go.

MR. DEWART: Q.—Was that the occasion when the fine was reduced from \$1,000 to \$400?

A.—The first conviction the fine was, yes.

Q.—You employed him at Welland after that?

A.—Yes.

MR. RANEY: Q.—Have you employed him since this Government came into power?

A.—Never.

Q.—H. H. McCutcheon had a long story to tell under protest about the conviction of a man named Joynt at Shallow Lake?

A.—I don't know anything about that at all.

Q.—Have you recently received a memorandum from Mr. Beckett, the License Inspector?

A.—I did, yes. Mr. Beckett sent me a memorandum about the convictions against that man.

Q.—The memorandum reads:—“January 25, 1918, “Information laid



against Thomas Joynt, section 41, convicted February 4; fined \$200 and costs. August 14th, 1918, information laid against Thomas Joynt, section 55, convicted August 19th, fined \$25 and costs.

"January 29th, 1921, information laid against Thomas Joynt, section 40, convicted February 1st, 1921, fined \$500 and costs. This man was fined at least twice for being drunk in North Bruce before the present Act came into force. I was a witness against him in one of the cases."

Q.—So he was an old offender apparently. You recall that H. H. McCutcheon swore that he had himself on that occasion committed perjury?

A.—I do recall that.

Q.—Had you heard it before?

A.—No, never heard a word of it before, know nothing about it at all.

Q.—I won't ask whether you believed him or not. Reflections have been made upon an officer named Grant Fielding. It is said that he has done things that were irregular and dishonourable?

A.—I know of nothing.

Q.—He is a very clean-cut, fine-looking fellow. Is he a returned soldier, do you know?

A.—I am sure he is, yes.

Q.—How long has he been with the Department?

A.—I couldn't tell exactly. Mr. Sarvis can enlighten you on that.

Q.—Something has been said about a man named Martin. It is said he was retained after knowledge he had committed some offence?

A.—You will have to ask Mr. Sarvis about that too. He was under Mr. Sarvis. I know he was let go when Mr. Sarvis heard it.

Q.—Partridge, he is a man who figures as one of the criminals and thugs. Is Partridge a criminal and thug?

A.—Not in any sense.

Q.—Tell us about him?

A.—He worked with the Department a number of years ago, and he resigned in perfectly good standing; could have had a strong testimonial from anybody in the Department as to his work and honor. He went West. Just before he was employed he wrote us from Calgary stating he had sold his home and would like to come back to Ontario, and if there was any work he would be very glad to work for us. We were very hard up for a competent official at Fort Frances at that time, and I said, "You come on to Fort Frances, and we will send on your authority to go to work there." We had a man there as inspector. I said, "Go to him. He will give you all instructions." Partridge came on there and went to work at Fort Frances. He remained there for some months, and then he had some trouble there with Crown Attorney Croome, and he assaulted Croome, according to the reports, and I believe a trial was held. He was convicted and paid his fine. As soon as we got word from Mr. Croome that he had been assaulted, Mr. Partridge was suspended. The order of suspension was sent on at once by wire. After the trial he came to Toronto, explained matters to me, and I sent him up to General Elliott to explain everything to General Elliott and General Elliott was so well pleased with his appearance and that, and the story he told, that he was put on again.

Q.—He is on now?

A.—He is still on.

Q.—Has he made good?

A.—Proved very efficient.

Q.—He made one mistake?

A.—Made a mistake there in hitting that man; that is, from our standpoint.

Q.—Would you classify him as a thug and criminal?

A.—No.

Q.—Is he a returned man?

A.—Yes, a South African veteran, Toronto boy, born in Toronto I believe, from respectable people.

Q.—You recall Lloyd Gordon. He was here and gave evidence?

A.—Yes.

Q.—The young man who ran away from Kitchener after being bribed by some men there. What did you know about him?

A.—I have mentioned that already, in speaking about when he came in. I don't know anything more about him than that. He was with Mr. Sarvis. He was with McCutcheon's for Mr. Sarvis. He went wrong there. We never had anything more to do with him.

Q.—After he came back to Toronto Mr. Hammond took him on for a short time in this cleanup business?

A.—Not to my knowledge.

MR. FERGUSON: Q.—He was on the staff some place?

A.—I understand he was working for Mr. Hammond.

Q.—Mr. Hammond is under you?

A.—He was not acting under me at that time. I had no authority over his employing and dismissing men. He had perfectly free command to engage or dismiss his men as he chose. I occasionally took men to him when they came wanting work, saying, "Here is a man I think will be all right."

MR. RANEY: Q.—What is the general policy of the Department in the enforcement of this law, so far as the employment of men is concerned?

A.—I can tell you what instructions I have received, what methods I follow.

Q.—Go ahead?

A.—We have had instructions always from the time I first came here to be careful in the selection of men.

Q.—Under the old Government?

A.—Yes, under all Governments, not one of them but what that was the policy, that they instructed us in whenever we received instructions. My own method has been to be as careful as possible to receive no one except some one we could positively trust in regard to their work.

Q.—You recall that some men did get by?

A.—Yes, we have let a number go quietly, not a great number, but quite a percentage have been let go at different times because we were afraid they were not just right.

MR. MCCREA: Q.—Were any let go that you hired, Mr. Ayearst?

A.—Yes.

Q.—How many?

A.—I couldn't tell you over the twelve and fifteen years. One now and then, Mr. McCrea. I can recall three or four in my mind that turned out bad.

We just found out that they had gone wrong in one case, something of that kind.

MR. FERGUSON: Q.—Couldn't be relied on?

A.—Yes.

MR. MCCREA: Q.—Then it is difficult at times to get men that do not go wrong?

A.—Just the same as in anything else.

Q.—This man Lloyd Gordon, you say he went wrong. He was subsequently employed by Mr. Hammond?

A.—Yes. I didn't know anything about that.

Q.—What authority would Mr. Hammond have to take on Mr. Gordon?

A.—Mr. Hammond had a free hand to employ and release his men as he saw fit.

Q.—When did he get that authority?

A.—I don't know, but he acted on that authority anyway. I think that some of the orders I have received from General Elliott would carry that out that are in the files, in which I was told I had nothing further to do with the investigation, that Mr. Hammond would look after that.

Q.—It is clear in this Gordon case that he did go wrong to the knowledge of the Department and its policy, and he was subsequently employed by Hammond, who was a man who had the authority to employ men for the purposes for which he took Gordon?

A.—It looks that way to me.

Q.—If the policy was as you have told the Attorney General it was, why was that done?

A.—You will have to ask those who did it. I would not have taken him on under any consideration.

Q.—As a matter of policy, it was contrary to instructions?

A.—Contrary to mine.

Q.—And also contrary to Hammond's?

A.—I didn't hear his instructions.

Q.—So that there may be different instructions as to the enforcement of this act?

A.—I don't know that there is. I don't think there is, but he went to General Elliott and got his instructions.

Q.—Would your instructions permit you to hire Gordon after you knew he had gone wrong?

A.—No.

Q.—What instructions would permit Hammond to do it?

A.—I don't know.

Q.—And Hammond is still carrying on for the Government?

A.—Yes. Of course, I don't know whether Mr. Hammond knew this or not.

MR. RANEY: Mr. Hammond will be back again.

MR. FERGUSON: Q.—Hammond is a good officer?

A.—I found Hammond did a lot of very good work.

MR. MCCREA: Q.—Don't you think in view of what you have told us here this morning to be the policy and instructions of the Department, that some explanation must be forthcoming to square this policy, which you lay

down as the policy of this Government, with the employment of a man that you know is wrong?

A.—I can't give any better explanation than I have.

MR. RANEY: Q.—You did hear it said that neither Gordon or H. H. McCutcheon was employed in the enforcement of the Ontario Temperance Act?

A.—Yes, I did hear that.

Q.—They were employed to investigate Courian?

A.—Yes.

MR. FERGUSON: Q.—Courian was engaged in enforcing the Ontario Temperance Act?

A.—Yes.

Q.—And evidently it was thought that he was not to be relied upon?

A.—By some people, yes.

Q.—And to investigate the responsibility and reliability of an officer engaged in the enforcement of the Ontario Temperance Act is an important factor in the administration of the law, isn't it?

A.—By those over him, yes.

Q.—So an investigation of Courian within the Department is a very important feature in connection with the whole enforcement of the law, isn't it? The investigation of any of your officers to ascertain whether they are to be relied upon or not, is a very important feature in connection with the whole enforcement of the law?

A.—Yes, by the proper persons.

Q.—Why do you say that?

A.—Because I think that any complaints about Courian should have been turned over to me at once and I should have been allowed to investigate them.

Q.—Why, if Hammond had the right to hire him?

A.—He did not hire him. He had nothing to do with him at all. He was working under Mr. Montgomery.

Q.—You just told us that recently, without fixing any date, the policy was somewhat changed, that you no longer hired men?

A.—I did not. He was on long before Mr.—

Q.—He had charge of the men and you had not?

A.—No, he had charge only of the men he used himself.

Q.—Didn't he use Courian?

A.—Courian may have gone along sometimes to help them in a raid or search. He was not under Mr. Hammond at all.

Q.—I have not got yet then the way your organization was completed?

A.—Mr. Courian was working under Mr. Montgomery, a city inspector, at the time.

Q.—What had he to do with Hammond?

A.—Nothing whatever.

Q.—You say Hammond had no business investigating any officer's conduct?

A.—He might have made it his business. He should have reported to me, however.

Q.—He is a superior officer in the Department? Wouldn't it be proper?

A.—He was exactly on the same standing as Mr. Courian. They were both Provincial officers, except that he had charge of this squad of men, which Mr. Courian had not.

MR. RANEY: Q.—Do I understand at that time there were two inspectors in Toronto, Montgomery and Hammond, working independently?

A.—Mr. Hammond was not really an inspector. He was in charge of the Toronto district. Mr. Montgomery was the only inspector then. There had been two. Mr. Lewis, but Mr. Lewis has resigned.

Q.—Courian was directly under Montgomery?

A.—Yes.

MR. FERGUSON: Q.—Now, you have told us about how you examined into the character and responsibility of applicants for positions, and you did that in every case?

A.—Every case that came before me; at that time we were not using a form but we examined them just the same as if we had a form.

Q.—You took the fellow in your office, and asked him all about himself, and his past, and so on?

A.—Yes.

Q.—And you accepted his story?

A.—Not always. We made inquiries sometimes if we knew anywhere we could. We usually found out where he was working, and made inquiries there sometimes.

Q.—When was the change made that you spoke of?

A.—In regard to the forms?

Q.—No, engaging of men?

A.—You mean in regard to making them sign a form and take the declaration it is correct?

Q.—No, the kind of fellows we have been hearing about here would take an affidavit without any trouble?

A.—Some of them would I expect.

Q.—After all you have heard, listening to the evidence, are you prepared to say that the Department has not had in its employ men that were unreliable, and should not have been in the employ of the Department?

A.—I will say I never engaged one knowingly of that character.

Q.—I did not ask you that?

A.—Regarding some of the men who were working, I would not have employed them, nor would the head of the Department, had it been known.

Q.—Who are you speaking for?

A.—I am speaking for the Attorney General in that regard. His notices sent to us are extremely strong in that regard.

MR. CURRY: Q.—Are they stronger than they used to be?

A.—Well, they kept emphasizing them one after the other.

Q.—Ever since he has been Attorney General?

A.—Yes. He would apparently find something, and send on another memo over to us about something—"Be more careful." They were straight memos, asking us to be very careful. Further than I would go myself in some things.

Q.—You say you have about twelve applications on your table now?

A.—Yes.

Q.—Any one of whom would be accepted?

A.—They appear to be. They are mostly returned soldiers.

Q.—You would be prepared to take on now any one of them?

A.—I would be prepared to try any one of them.

Q.—That means take them on?

A.—Yes.

Q.—What examination have you made into their records?

A.—Examined them very carefully, and written to their references. Some of those on the table their references have not been written to yet. Two or three of them have been cut out that otherwise I might have put on because of the reply in the references. They have no chance to get on. The others that are left there have a chance to get on.

Q.—You evidently thought McCutcheon was all right when you took him on years ago?

A.—Yes, he appeared to be all right.

Q.—Had he done good work?

A.—Yes.

Q.—Have you anything to say about that now? Would you take him on now?

A.—I certainly would not.

Q.—You told us he quit?

A.—No.

Q.—What happened to him?

A.—He was let out by Mr. Sarvis. I don't know what happened in connection with Hammond. Mr. Sarvis let him out. I didn't suppose he would ever be employed again.

Q.—You said you examined into Cohen's record?

A.—I questioned him about where he lived, who his parents were, what he had been working at, how old he was, what he had been working at for different years—pretty nearly everything that appears on the paper. Every answer was right up straight apparently.

Q.—He passed muster anyway?

A.—I didn't know who he was. I had no idea who the man was except what he told me. Of course, an inspector when he takes on a new man, watches very carefully just how he acts, and if he finds things are not right, he is let go. They are given to understand when they come on, that they are liable to be let out at any moment. They must take the position with that understanding,—that is, a special officer. They are only temporary officers anyway.

Q.—Temporary, at the will of the Department?

A.—Yes.

Q.—Speaking about Courian, you said there were no direct charges made against Courian, but there was some suggestion?

A.—Yes, there was this letter of Mark Heaton.

Q.—Was that the only thing?

A.—I had two or three blind-piggers speak to me about him, and Mr. Curry once spoke to me about him.

Q.—Were Mr. Curry and the blind-piggers suspicious of him?

A.—Mr. Curry was suspicious of him, yes, asked about a certain occurrence, and I explained it, I think, to his satisfaction.

Q.—You are sure there was nothing in that complaint?

A.—I am sure there was nothing in that complaint.

Q.—Notwithstanding all you have heard, you have still got confidence in Courian?

A.—Yes, I have.

Q.—In view of all you have heard here, would you put Courian on again, or is he on now?

A.—Courian has a job which is paying him very much better in Los Angeles.

Q.—Would you take him on if he were here?

A.—I would make some inquiries if he were. So far as some of the things were concerned, I would take him on. Some of the others, I would have to make further inquiries.

Q.—In other words, you would satisfy yourself?

A.—That there was no truth in these things I don't know now before I would take him on. If they were true, I would not take him on, of course.

Q.—You were speaking about Lloyd Gordon; who, do you know, authorized the transportation for Gordon and this woman to come back from Regina?

A.—I don't know anything about it.

Q.—Who would have authority to do that?

A.—I haven't any idea.

MR. RANEY: Are you suggesting that the Department paid for that man's return to Toronto?

MR. FERGUSON: Who paid it? This man got back some way.

WITNESS: I don't know how to get back.

MR. FERGUSON: Q.—McCutcheon told us he was corresponding with him. McCutcheon said he was corresponding with this fellow who had gone West, and this man wanted him to arrange with the Department to pay his transportation back. McCutcheon was saying in letter after letter he was still trying to arrange it?

A.—If McCutcheon was doing that, he was deceiving me.

Q.—That is the situation we have, that an attempt was made to have it paid by the Department?

A.—There was no attempt made to me.

Q.—Do you know whether it was paid by the Department?

A.—I am positively certain it was not.

Q.—And you have no idea where it came from?

A.—Not the slightest in the world.

Q.—And that the Province did not bear the expense of this return journey?

A.—I am sure they did not.

Q.—Was Gordon or the woman who was with him used afterwards by the Department?

A.—Not to my knowledge except as the evidence came out here, that Mr. Hammond said that Gordon was paid for a week, I think it was.

Q.—You don't know anything about it?

A.—No, only what I heard here.

Q.—You don't know that he was used do you?

A.—Not positively.

Q.—So these things may happen without your knowing?

A.—I would be suspicious that he was. Some of the men reported Gordon was around, and Hammond was using him.

Q.—Did you make any investigation as to the truth of that?

A.—No, he was only there a week or two and disappeared.

Q.—When did Hammond and these Provincial Officers get authority to hire men and discharge them without consulting you?

A.—I don't know. You will have to ask General Elliott that.

Q.—Didn't you get any notice of it?

A.—I have some notices in my file over there which I got that Mr. Hammond had full charge of the investigation department, and if I wanted any men to use at any time I must let him know, and he would supply them.

Q.—When was that?

A.—I couldn't give you the date, but I can get it out of the file.

Q.—Was it a year or two years ago?

A.—It was after General Elliott was married, after he came back some time.

Q.—He got back in August or September. So that is when the change came?

A.—That was when I got notice, whenever it was.

Q.—And subsequent to that.

A.—Subsequently to that Mr. Hammond had talked to me about men he would put on.

Q.—Previous to that the men he put on were all men of whom you had knowledge?

A.—No, he had men when he first came on that I didn't engage. He put on some of the flying squad, as they were called. There was the flying squad engaged that I had nothing to do with.

MR. RANEY: Q.—Just for a couple of months under Mr. Corley I think?

A.—Yes. I think some of the same fellows stayed on with Mr. Hammond. I am not sure about that, John Charlton and some of those.

MR. FERGUSON: Q.—What I am getting at is this; the men that Hammond had, or that went under Hammond in September when this change came about, were men that previously had been under you?

A.—No, they had never been under me. His flying squad had nothing to do with me at all.

Q.—Leave out the flying squad?

A.—Then he had no men at all. He began to engage men. I trusted Mr. Hammond to look after his men.

Q.—There were no men who had previously been under you at all who went over to Hammond?

A.—Not that I know of; I don't know of one.

MR. McCREA: Q.—Hammond had the confidence of you and the Department to carry on and employ men?

A.—Yes, and he came to me with the highest sort of recommendation.

MR. FERGUSON: Q.—And you have confidence in him still I suppose?



A.—In some respects.

Q.—As an officer of the Department?

A.—I don't want to answer that question.

Q.—Why?

A.—I don't want to go into that matter.

Q.—Have got confidence in Hammond still?

A.—Not in every—I think he is honest, and I think he is trying to do his duty.

Q.—Would you retain him in the service?

A.—I have not the say in that regard.

Q.—Hammond is one of the officers in your Department?

A.—It is not a fair question to ask me. I do not have the discharging of them, or anything to do with them.

Q.—You are the Chief Inspector for the Province of Ontario. You are the Senior Officer under the Commissioner?

A.—Yes.

Q.—And you have the responsibility for the enforcement of the law as such Inspector?

A.—Yes.

Q.—And the important factor is to have men on whom you can rely, and in whom you have confidence, isn't it?

A.—Yes.

Q.—And Mr. Hammond is a part of that staff, a part of that organization?

A.—Yes.

Q.—I am asking you if you have confidence in Mr. Hammond as an officer?

MR. RANEY: That is obviously something that is entirely departmental.

THE CHAIRMAN: The witness has the privilege. If he does not want to answer, I shall not ask him to.

MR. CURRY: Q.—Is it because of some personal accusation made against you by Mr. Hammond?

A.—It is a personal matter, and there might be prejudice on my part, and I don't want to give any expression.

MR. FERGUSON: Q.—You say on account of personal feeling between you and Hammond you do not want to give expression to your view?

A.—Mr. Hammond and I have not had a single word of disagreement. You have heard the evidence as well as I have, what was disclosed here. It would naturally affect me. I do not want to speak from a prejudiced mind.

Q.—Your mind in regard to Hammond is prejudiced?

A.—I don't know whether it is prejudiced or not, but it is naturally not the most level.

Q.—Your equilibrium is not just right?

A.—I don't know whether it is or not.

Q.—You have not confidence in your own judgment?

A.—Well, I mean as far as his work is concerned, I believe he has worked honestly. I don't know anything to the contrary.

Q.—You told us very freely how much confidence you had in Courian, after we have been hearing here for days evidence about his activities and his

connection with certain people. You have given us your view in regard to him, and in regard to very many others. Now you say because you have some feeling in regard to this disagreement between Hammond and yourself, that you do not want to express an opinion?

A.—Yes.

Q.—Have you any jurisdiction over Hammond?

A.—Well, at the present time Mr. Hammond is working the same as other Inspectors under me.

Q.—Would you have authority to discharge Hammond?

A.—No, never did have. Never had authority to discharge anybody.

Q.—Is that kind of thing done on your recommendation?

A.—That is not necessary.

Q.—Are you consulted about discharging an officer?

A.—I might be sometimes, and sometimes not.

MR. RANEY: You have authority to discharge special men?

A.—Oh, yes, but I say officers, I have no authority over them whatever in regard to discharge or suspension.

MR. FERGUSON: The special men are the fellows of the type of McCutcheon and Courian?

A.—Courian was a special man for a long time, and then the Department appointed him Provincial Officer.

Q.—What was Courian's business?

A.—His business was looking after the enforcement of the law.

Q.—Before that?

A.—He was a moulder I believe, or a machinist.

Q.—What is he doing in Los Angeles, retired?

A.—No, he has not told me. I had one letter from Courian the day before yesterday stating that he had received—he had seen what Mr. Lennox had said, and so on, and that he was ready to come back any time if it was necessary. If this Committee wants him to come, he will come at any time.

Q.—Had you communicated with him?

A.—No.

Q.—Who sent him word?

A.—I don't know. He got the papers I presume from somebody.

THE CHAIRMAN: Did he have a rapid growth of wealth while he was with the Department?

A.—Not that I know of. I know there was a mortgage on his house.

MR. RANEY: I don't know whether it was mentioned by McCutcheon or not, but somebody said he had made \$210,000.

MR. CURRY: McCutcheon said that Courian had said in his presence in Cohen's house that he had made \$210,000?

A.—I did not understand it that way, but Mr. Curry will know better than I.

Q.—That is my recollection of it.

MR. FERGUSON: Are you sending for Courian?

A.—No, I am not.

Q.—Is the Department?

A.—I don't know.

Q.—Did you report to the Department that you had this letter from Courian?

A.—I told Mr. Raney yesterday I had received a letter from him, and that he was willing to come back.

MR. MCCREA: You say he has a mortgage on his house?

A.—He did have, and I think it was there till the last.

Q.—Do you know whether it is on his property to-day?

A.—He sold his house just before he left.

Q.—Do you know anything about the mortgage?

A.—I do not. The only thing I know is that he told me at the time that he had to pay so much for interest, when he was getting his house.

MR. FERGUSON: Evidently he confided a great deal to you?

A.—Yes, because I was his superior officer, and he worked under me.

Q.—Hammond does not confide in you that way?

A.—No. Mr. Hammond did not confide in me after he had been on a few months.

Q.—You and Courian were close personal friends?

A.—No, we were not, but as long as he used me right, I stood by him.

MR. HALL: Have you any idea who held the mortgage on Courian's house?

A.—No, his house was sold just before he left. He bought it when it was building. He came to me and told me he only paid \$300 or \$400, and then was paying quarterly payments I think.

Q.—You were saying that Hammond did not confide in you. Do you know that Hammond confided in anybody?

A.—I didn't want to know what Hammond was doing all the time, as long as he was doing his work.

Q.—He is not fond of talking shop very much?

A.—I don't know that he is. It is very necessary when Mr. Hammond, or anybody else who is at the head of a squad of men and is doing work, has a matter in hand, that he must tell no one except the leader who will take them into the place. If you have a half dozen men, and tell them, there will be a leak somewhere sure.

MR. MCCREA: Is the flying squad still part of the system?

A.—No. That only lasted a month.

MR. CURRY: Has Mr. Montgomery reported to you that he had been with Greenberg, a reputed bootlegger, when Greenberg was stopped by the police, and subsequently fined for driving at an immoderate rate?

A.—I couldn't say whether he did or not.

Q.—I happened to be in Court at the time, and I said to Montgomery, "You ought not to be driving around with a reputed bootlegger."

A.—I think he told me, and I think he told me further that you had spoken to him, and if he did, I think he explained how it was.

Q.—He was going to Thorncliffe track?

A.—I think it was in North Toronto, and this man drove him down, but Mr. Montgomery is one of the most honest, open men I ever met.

Q.—It did not look right, his driving around with a bootlegger, a man who had been convicted a number of time for bootlegging.

A. E. SARVIS, sworn.

Examined by Mr. Raney:

Q.—Mr. Sarvis, how long have you been with the Department?

A.—This particular department of the O.T.A., ten or eleven years.

Q.—Enforcing the temperance laws of Ontario for ten or eleven years, under the previous Government and this Government?

A.—Yes.

Q.—During that time have you ever employed anybody whom you knew to be a thug?

A.—Not to my knowledge, sir.

Q.—Or a criminal?

A.—No Sir.

Q.—Or anyone who had been convicted of an offence?

A.—No.

Q.—Why not?

A.—Well—

Q.—Wouldn't you prefer that kind of person?

A.—No, my previous experience would not allow me to do that.

Q.—What about your instructions?

A.—My instructions were the same.

Q.—Your instructions would not allow you to do it?

A.—No Sir.

Q.—Have you ever kept any officer, or special officer, in your employment, after you knew he had been guilty of irregular conduct?

A.—No Sir.

Q.—Is that also against instructions?

A.—Yes.

Q.—Have you ever failed to report to the Department when there was anything irregular in connection with the men?

A.—Never, always reported promptly.

Q.—Has the Department ever failed to act?

A.—No. The matter might stand a very short time. I might have some case to clear up with this man, and as soon as I got this case completed, disposed of the man.

Q.—Can you give me any instance of that kind?

A.—There might have been one or two. Yes, in the case of Martin.

Q.—Well, tell us about Martin?

A.—I heard some complaint was likely to be lodged against Martin concerning a case at Orillia.

Q.—How did Martin come into the service?

A.—In the usual form of any special officer.

Q.—I think it was said by H. H. McCutcheon that you employed Martin with the knowledge that he had been convicted of some offence?

A.—Not true.

Q.—Did you hear him give that evidence?

A.—I did. Absolutely untrue.

MR. McCREA: Does he mean when he says "employed" the time of his

original employment, or does he use the word "employed" excluding the sense in which he used it subsequently, to clean up a case?

MR. RANEY: When you employed him originally did you know that he had been convicted of any offence?

A.—No Sir.

Q.—Did you learn afterwards?

A.—Afterwards.

Q.—When?

A.—After he had been here for going on two years.

Q.—Was he in your employment for that length of time?

A.—Just about.

Q.—What did you do?

A.—I wound up the balance of my cases with him and dismissed him.

Q.—When was that?

A.—I think you have the date there. I just can't tell.

Q.—First engaged January 7th, 1921, and let out apparently in March of this year?

A.—Yes.

MR. MCCREA: Did you use Martin after you knew he was convicted to clean up some cases?

A.—Just to finish his case, his evidence in Court.

Q.—After he was convicted?

A.—I didn't know for a positive fact that he was. I learned there was liable to be a charge shown up against him.

MR. FERGUSON: Do you mean there was an old charge he had been convicted of going to be brought to the attention of the Department?

A.—Yes. I didn't know that as a positive fact. I was waiting for the information to come from Mr. Ayearst, who was trying to find out whether he had been convicted or not.

MR. RANEY: What was it said he was convicted of?

A.—Being drunk, fined \$3 at Ottawa.

Q.—How long ago?

A.—That was in 1917 or 1918.

Q.—Even for that offence you would have dismissed him?

A.—I certainly would.

MR. HALL: Do you think that would be a square deal to hand to that man?

A.—That is, what our Act called for.

Q.—Was it an uncommon thing for a man to get drunk in those days?

MR. RANEY: You see, Mr. Hall, this is one of the thugs and criminals we kept in our employment. You let him out?

A.—Yes.

Q.—Was he a good officer while you had him on?

A.—Yes.

Q.—Why did you let him out?

A.—I didn't want him in our employ if there had been a conviction against him.

Q.—Even though it was only for being drunk?

A.—Yes.

Q.—And even though it was only a fine of three dollars?

A.—Yes.

Q.—You heard McCutcheon's evidence?

A.—Yes Sir.

Q.—I asked him, "Are there any other cases you know of except these two—" He had been referring to Tony Phillips—I will come back to this—and Nash. Did you know about those men?

A.—No.

Q.—Those were Hammond's men. I asked him,—“Are there any other cases you know of except these two? A.—Yes, Martin; he was convicted of drawing a gun and shooting in the street; he was with Mr. Sarvis.”

Did you ever hear of that?

A.—No.

Q.—Never till you heard McCutcheon tell of it?

A.—No.

MR. FERGUSON: Have you inquired since?

A.—No, I have not.

MR. RANEY: Q.—And then he is asked, "Who was Martin?"

"A.—Joe Martin I think. While I was working for Sarvis he was fined in the Toronto Police Court for shooting."

Did you hear of that?

A.—No.

"Q.—What happened to him?"

"A.—He was let out."

"Q.—Well, we have not heard of him before. Joe Martin! He was fined in the Toronto Police Court?"

"A.—Yes Sir."

"Q.—For what?"

"A.—For brandishing a gun in the streets, and as I understand, shooting."

"Q.—When was that?"

"A.—Last summer."

"Q.—How long was he kept on after that?"

"A.—I believe he is still with the Department."

"Q.—Did Mr. Hammond know of that?"

"A.—He is working for Sarvis."

"Q.—Did Sarvis know?"

"A.—Mr. Sarvis gave him the money to pay his fine in my presence."

Q.—Is there a word of truth in that?

A.—No Sir.

Q.—You did not know of his being fined?

A.—No, absolutely not.

Q.—You did not pay his fine?

A.—No.

MR. FERGUSON: Q.—Did you ever give him any money for any purpose?

A.—No.

MR. RANEY: Q.—Gave him the money to pay his fine?

"A.—Yes Sir."

MR. FERGUSON: Q.—Did you advance him expense money?

A.—Yes.

Q.—Such a thing might have happened, as you gave him money?

A.—Absolutely not.

Q.—You gave him the money for expenses?

A.—Certainly, but I knew where he was going.

Q.—Couldn't he have used this money to pay his fine?

A.—No.

Q.—He could cover up his expenses pretty well, according to the evidence here?

A.—The men I handle, I keep pretty good tab on them.

MR. McCREA: You made it quite clear to me that as soon as you knew a man had a record of any sort, you discharged him?

A.—Yes.

Q.—You also stated that as soon as any of these things came to your notice, you immediately made a report to the Department about it?

A.—Yes.

Q.—Was a report made to the Department by you about this man Martin?

A.—Is was only hearsay when I got it.

Q.—Was there a report made by you to the Department about this man Martin following what you have sworn was the practice?

A.—It came, not through me. It came through another part of the Department.

Q.—Did you make a report to the Department that this man could not stay in the Department because he had been previously convicted of some offence?

A.—After, of course.

Q.—When you found it out?

A.—They already knew.

Q.—Did you make a report?

A.—It was not necessary because they already knew that he could not stay in.

Q.—Who already knew?

A.—Mr. Ayearst.

Q.—How did it come to Mr. Ayearst's attention?

A.—On account of him being the Chief Officer, word came to him to make inquiries as to Martin's previous conviction.

Q.—You were Martin's immediate boss?

A.—Yes.

Q.—You learned of this?

A.—I learned of it through Mr. Ayearst. I never could find out anything on Martin. I never would believe anything till it was found out. I knew where money had been offered to him up to \$400 to throw a case. I proved that in London Court before the Police Magistrate.

MR. RANEY: You found him to be a square and honest man who could not be bought?

A.—Yes. Money was carried from London to Toronto, and I proved it there.

Q.—Still you have this principle that you must not take into Court a witness who would have to admit that he had been convicted of an offence?

A.—That is right.

MR. MCCREA: You did not do that in Martin's case. You used Martin after you knew he had been convicted?

A.—I only had heresay.

Q.—Did you use his evidence before you had established to your satisfaction whether he was guilty or not?

A.—Sure.

Q.—After you had known that this question about him was raised?

A.—It was hearsay to me.

Q.—And it was afterwards proved to be a fact?

A.—Yes.

MR. RANEY: Mr. Lennox in the House made this charge,—“Two Government Inspectors got a fifteen-year-old boy to buy a bottle of whiskey,” that was at Collingwood, “and then made this fifteen-year-old boy taste whiskey for the first time in his life.” Do you know what officer that refers to?

A.—Fielding.

Q.—That was one of the men who went to Sutton, wasn't it?

A.—Yes.

Q.—Have you investigated that matter?

A.—Yes.

Q.—What truth is there in that?

A.—No truth in that whatever.

Q.—What were the facts?

MR. FERGUSON: How did he ascertain the facts?

A.—By sitting in Court and listening to the trial.

MR. RANEY: You were right there?

A.—As the evidence was given. The operator was purchasing liquor from another man, and it was that man they purchased from that sent the boy for the bottle.

Q.—And the officers had nothing to do with it?

A.—And the officers had nothing to do with it.

Q.—You were right in Court and heard the evidence?

A.—Yes Sir.

Q.—It is not true as charged by Colonel Lennox from his place in the House that, “Two of your spotters got a fifteen-year-old boy to buy two bottles of whiskey and then made this fifteen-year-old boy taste whiskey for the first time in his life at Collingwood.” That is false?

A.—That is false.

MR. FERGUSON: Did any question of that kind arise at the trial at all?

A.—Yes.

Q.—That was all gone into. Were the officers asked whether they knew the boy bought it or not?

A.—Yes.

Q.—What did they say?

A.—To get it correct you can get the evidence from the Clerk here.

Q.—In Court they were asked about the fifteen-year-old boy. Were they asked, or did they say whether or not they knew that this fifteen-year-old boy was buying the whiskey?

A.—Of course, that came out in the evidence.



Q.—They knew he was buying whiskey?

A.—No, they didn't know he was buying the whiskey.

Q.—The officers did not?

A.—No.

MR. RANEY: Another of Mr. Lennox's charges in the House—"Another case Mr. Lennox commented upon"—I am quoting from his speech, "As the only one out of all those he had looked up where the operator had been discharged, was that of a man who had been arrested for brandishing a revolver while in a drunken condition on a Grand Trunk car. Yet for two months after that he drew pay, and was one of the trusted agents of the Attorney General."

Was that true?

A.—That was a reference to McCoy.

Q.—Was that true?

A.—I was in court at the time. He met some men on the train. Do you want the whole story?

Q.—Yes, give us the story.

MR. FERGUSON: Is this McCoy's story to you?

A.—Yes.

MR. RANEY: Told in Court under oath?

A.—Yes. Before Police Magistrate Jelfs in Hamilton. He had taken a drink of whiskey from these returned men going from Toronto to Hamilton. When he took off his coat he had a phoney gun in his hip pocket.

Q.—What kind of a gun is that?

A.—One of no use.

Q.—I understand this is a returned man?

A.—Yes, in the hospital here now.

Q.—He had a German revolver in his possession?

A.—Part of one, a matter of bluff, that is all. They arrived at 1.20, something like that, in Hamilton. His idea was to see an officer at the station, and put these men under arrest and get the balance of the whiskey on them, but they turned the tables on him, and said, "This man is carrying a gun." And the officer followed up, and arrested him.

Q.—It was taken to the Court?

A.—Not next morning. He got out on bail.

Q.—He was fined by the Magistrate \$100.

A.—Yes.

Q.—And afterwards the facts were explained, and he did not enforce the fine?

A.—I went down to the Magistrate's office after leaving Court, and explained the particulars to him. He called in the Deputy Chief. He said, "Release this man McCoy at once, and the fine will never be collected."

Q.—What happened to McCoy?

A.—He came away home along with me.

Q.—What happened to him as far as the service was concerned?

A.—He was dismissed.

MR. McCREA: What for?

A.—Because the conviction came up.

MR. RANEY: Q.—"Yet for two months after that he drew pay and was one

of the confidential and trusted agents of the Attorney General." Is that true?

A.—No.

Q.—"A man who has since that occasion gone into Court and has been responsible through his oath for the confining of a number of citizens of this Province." Was that true?

A.—No Sir.

Q.—Did he ever go into Court after that to give evidence?

A.—No. We held him for a certain length of time to find out the true facts of the case. We were looking into it, to find out who the other parties were he got this whiskey from.

Q.—He was kept on without doing any work for three weeks and then allowed to go.

MR. McCREA: You kept him on to ascertain first whether he was guilty or innocent?

A.—I wanted to round up the other two men.

Q.—You felt when he was convicted that morning that a very serious injustice was done to him?

A.—No Sir. I think he was double-crossed.

Q.—When you went to the Magistrate, and told him sufficient to make the magistrate change his mind, you thought an injustice had been perpetrated on this man?

A.—Yes.

Q.—And you kept him to find out whether there was any justification for discharging him or not?

A.—I wanted to round up the other two men he said he had had liquor with on the train.

Q.—As a result of your investigation you discharged him?

A.—Through the conviction.

MR. HALL: You thought he was unworthy to retain in the service?

A.—Yes.

Q.—But that he was worthy to convict these other two fellows; you thought you could use him for that purpose. Do you consider that was justice to him?

A.—I wanted these men properly identified, and he was the one who could identify them.

Q.—Mr. Sarvis, my statement is that you thought he would be good enough to identify those other men and convict them, and so you kept him on for that purpose, but he was not good enough to retain in the service after he had done this work?

MR. RANEY: You see, Mr. Hall, the point being that though a man is innocent, once he has been convicted he ceases to be of use to the Department, because if a man gets into the witness box and says, "Yes, I was convicted of so and so on such and such evidence," even though it was only for being drunk, that is the end of it, because we cannot use him.

MR. FERGUSON: He was going to use him.

MR. RANEY: Q.—Would this man McCoy answer to the description of a thug or a criminal?

A.—No.

Q.—A returned man?

A.—He was not strong enough. The man is in the hospital here now, a returned man. I thought he was all right.

Q.—Another case I think you know about is that it was charged that a man named Webb—is he with the Department still?

A.—Yes Sir.

Q.—What kind of man is Webb?

A.—First-class, up-to-date man, thoroughly reliable and honest.

MR. FERGUSON: Is that the one who had an alias, Webb or West, or something?

A.—Yes.

MR. RANEY: Q.—How long has he been with the Department?

A.—On and off since 1916.

Q.—Is he a thug?

A.—No sir, one of the Princess Pat's Battalion, and through sickness and so on, he has been in the hospital. He came on in 1916. That was the first.

Q.—He is a first-class man you say?

A.—Yes.

Q.—The charge is, and this was made with great emphasis in the House, that this man in Guelph had copied the notes of another special officer, and had gone into Court and perjured himself on a set of facts that he knew nothing about?

A.—Absolutely untrue.

Q.—Mr. Lennox made that charge in the House. Let me read you the language,—“Will you deny that a man by the name of Webb,”—addressing his question to me,—he had formerly put it in the express terms of a declaration or announcement, and now he puts it in the form of a query to me,—“Will you deny that a man by the name of Webb, alias West, soaked with drink in the King Edward Hotel at Guelph, after having read the notes of two other spotters, swore to what they said?”

He charged that this man Webb in the Court gave evidence as to the facts of a liquor case, he himself knowing nothing about it. Was there a word of truth in that?

A.—No sir, he did not go into the witness box at all.

Q.—Did you know the facts of that case?

A.—It was under me, and Jeffrey prosecuted it, Nicol Jeffrey of Guelph.

MR. McCREA: Were you present?

A.—Yes.

MR. RANEY: You were there?

A.—Yes.

Q.—Did you know of the conduct of these men?

A.—Of Webb?

Q.—Yes.

A.—Certainly.

Q.—Was Webb drunk there?

A.—No.

Q.—So the whole thing is false?

A.—It certainly is.

MR. FERGUSON: Was he drinking?

A.—He was drinking to this extent, that if he bought a bottle he would have to taste it to know whether it was whiskey or beer.

MR. RANEY: Q.—The fact is that Webb was not even a witness in the case?

A.—No.

Q.—Can you give me any explanation of where Mr. Lennox would get any information of this kind?

A.—I could not.

MR. FERGUSON: Why wasn't he called as a witness?

A.—There was evidence, and others pleaded guilty.

Q.—He could not have given evidence in any of the cases that were heard?

MR. RANEY: Q.—Do you know of the Shallow Lake case that McCutcheon spoke about?

A.—Yes.

Q.—What do you know about that?

A.—What he said was absolutely untrue.

Q.—What McCutcheon said?

A.—Yes.

Q.—What did he say?

A.—He reported that Cyril Henry didn't know anything about reporting the purchase of this liquor.

Q.—In other words, H. H. McCutcheon and Henry went to Shallow Lake to get a man named Joynt who was violating the law, and they got a conviction?

A.—Yes Sir.

Q.—I am not sure whether McCutcheon said Henry had reported to you the facts of what he had done?

A.—Right after the conviction was made he said—

Q.—That he and the other man had committed perjury?

A.—Yes.

Q.—Did he do that?

A.—No. Last Wednesday is the first I have ever heard of it.

MR. FERGUSON: Q.—Is Henry with the Department still?

A.—No.

Q.—When was he let out?

A.—1921 he was let out.

Q.—This conviction had been back in December, six months before?

A.—Yes.

Q.—Why was he let out?

A.—It was something that I couldn't really prove, why he was dismissed. I can give you the circumstances.

Q.—You are the man who let him out?

A.—Yes.

Q.—Why did you let him out?

A.—I was in the Imperial Bank here getting a cheque cashed one morning, and I happened to notice Henry in there counting over quite a roll

of bills. I knew he was not in a position to have that amount of money of his own.

MR. HALL: How did you know this?

A.—Because he was always behind ten or fifteen dollars. That was my way of thinking, keeping tab on the men.

Q.—You saw him with a big roll of money?

A.—A decent sized roll. I thought it was quite a thing for him, because he used to borrow money from me to carry him over from time to time. The next man I sent him out with I told to be very careful, and keep tab on Henry.

MR. FERGUSON: Who was that?

A.—A man named Livingstone. He did. He overheard a message over a telephone, certain parties—it would not be right for me to mention those names. I will give you the particulars how he came to be let out. He asked him for \$25, and when he came in the other man reported the matter to me. I called him in the office to turn in his expenses. I said, “Henry, I’ve got to let you go.” He said, “What for?” I said, “You can explain to me better than I can to you.” He said, “All right, I guess it is up to me to explain,” and that is all there was to it.

Q.—Livingstone reported that he heard him telephoning some man that he wanted him to send him \$25?

A.—Yes.

Q.—You saw him in the bank with a considerable roll of money?

A.—Yes, previous to that.

Q.—And you made up your mind that was not the kind of fellow you would have around?

A.—Sure.

Q.—And notwithstanding that you had him there for a long time?

A.—I had previous to that, and he was a good officer too.

Q.—You never heard anything at all that led you to suspect his integrity previous to that?

A.—Nothing strong enough to dismiss him.

Q.—Did McCutcheon say anything to you about him?

A.—No.

Q.—Or anybody else say anything to you in reference to this Shallow Lake conviction?

A.—No.

MR. HALL: You said you never found anything strong enough to charge him with before. Do you think that was a very strong case to discharge a man for?

A.—It was considering the man he was getting it through.

Q.—He might be owing it to him.

MR. FERGUSON: Was it a bootlegger?

A.—Yes.

MR. RANEY: You satisfied yourself he was not a desirable man?

A.—I figured back that when I had Henry working in that district there were no returns.

MR. FERGUSON: This was a fellow you satisfied yourself had been standing in with the bootleggers?

A.—With one.

Q.—I suppose he was used in cases to convict other people?

A.—As soon as I learned that, he was not.

Q.—But before that?

A.—I couldn't help that.

Q.—This man had been used constantly in Court to give evidence to convict people?

A.—We used him.

MR. HALL: Unless he associated with bootleggers, how did you expect he was going to get the bootleggers?

A.—He couldn't.

Q.—Why would you fire him then?

MR. JOHNSTON: Will you tell me and the Committee here how long you have been in the service of the Department?

A.—As a police officer?

Q.—As an officer of the License Board working for the Government?

A.—Since 1886 I have been an officer.

Q.—How long have you been working enforcing the law for the Government?

A.—About 1910 or 1911, somewhere along that.

Q.—What did you work at before that?

A.—Provincial Inspector for the Ontario Provincial Police.

Q.—Prior to 10 years ago?

A.—Yes, and previous to that I put in 25 or 30 years at Sarnia, Chief Officer.

Q.—You would be a pretty fair judge of human nature?

A.—Yes.

Q.—How does the class of men that you have been employing the last two years compare with the men you have been employing since you have been employed as an officer for the Government?

A.—My experience, of course, I want to see a man working —

Q.—How do the men compare, the men taken on in the last two years, compare with the men taken on the previous eight years?

A.—I think they have been if anything, a little better class.

Q.—You have not then taken on any thugs or criminals as has been suggested?

A.—No.

Q.—How do your instructions compare in the last two years with your instructions for the previous eight years?

A.—Oh, everything has got to be absolutely straight, or else they don't want to take a man on.

Q.—Have your instructions been stiffened up a bit?

A.—Yes, applications have to be filled out, and recommendations and so on.

Q.—You said a few minutes ago, and quite properly so, that you will find men who do not make good in any calling. How do the dismissals compare these last two years with the previous eight years? Did you have to dismiss any men previous to two years ago?

A.—Yes.

Q.—How do the dismissals of the previous eight years compare with the last two years?

A.—I think I have dismissed far more since this Government came in power than I have before.

MR. RANEY: Do you know any man in the service now who ought not to be in the service, Mr. Sarvis?

A.—Not in my department.

Q.—Are they all honest men so far as you know?

A.—Yes.

Q.—Are they tried men?

A.—Yes.

Q.—Many of them returned soldiers?

A.—Yes.

Q.—Men who are doing good work?

A.—Yes.

Q.—Corruptible, any of them?

A.—No Sir.

MR. MCCREA: The law to-day with reference to bootleggers is much more drastic because of the new conditions than under conditions with the old Government; isn't that the fact?

A.—Yes.

Q.—And your instructions are much more explicit with reference to bootlegging, because it exists now and did not ten years ago?

A.—The temptations are stronger.

Q.—There was no bootlegging going on ten years ago?

A.—There was local option.

MR. JOHNSTON: You do not mean to suggest that your instructions are more explicit in the enforcement of any kind of law, do you?

A.—No.

MR. MCCREA: So far as liquor administration is concerned, the law enforcement is much more drastic to-day than it was five years ago, isn't that so, because of the changed conditions?

A.—Well, with the amendments to the Act and so on, it has got to be.

MR. RANEY: McCutcheon swore before this Committee that Nash, Martin and Slavin were under your control, Mr. Sarvis, while acting as operators for the Department, and that you continued them in your employment after you knew that they had been convicted of offences. Is that true?

A.—Never had those men under my charge.

Q.—Except Martin?

A.—Martin is the only one.

Q.—Ever have Nash or Slavin under you?

A.—No Sir.

Q.—Then these statements of McCutcheon are false?

A.—Yes.

MR. HALL: Have you any knowledge of Nash or Slavin, whose department they were in?

A.—I understood they were with Mr. Hammond, as far as my knowledge was concerned. I had nothing to do with them.

MR. FERGUSON: They were in the employ of the Government anyway?

MR. HALL: It was possible for him to make a mistake and not know definitely who was responsible for these men?

A.—He would know.

MR. FERGUSON: How would he know?

A.—Simply because McCutcheon worked for me, and he knew these men did not work for me.

MR. McCREA: Are you speaking with reference to the men directly under you?

A.—Yes.

Q.—Hasn't it happened on some occasions that men directly under the employ of other inspectors would be used on jobs that you would be running; or wouldn't you get the assistance of some other inspector's men, sometimes, for your cases?

A.—At times if I were short of men, and there happened to be one man in, and I needed a man.

Q.—You are not able to speak with definite knowledge as to the character of all these men?

A.—No.

MR. RANEY: We will call somebody who will speak with knowledge as to all these people.

MR. McCREA: When you saw this man in the bank, Henry, with the big roll of bills, you became suspicious?

A.—Yes.

Q.—These suspicions were confirmed afterwards when he was communicating with a bootlegger for more money. And you are convinced now that the roll of bills you saw that day was a roll of bills he obtained from bootleggers, the one he spoke to, or others?

A.—It led me to keep an eye on the man.

Q.—Isn't it your conviction that the roll of bills that you saw this man have, was money he had not obtained honestly; he had got it from bootleggers improperly?

A.—I could not prove that.

Q.—Was that your conviction?

A.—That was what set me thinking.

Q.—You say your class of men are better to-day than they were when?

A.—They have been getting better right along each year.

Q.—Do you mean to convey the impression to the Committee that your class of men employed to-day are better than were employed when you were working for the previous administration?

A.—Well, it would be hearsay if I told you yes.

Q.—In other words, you have no knowledge?

A.—Nothing that I can prove.

Q.—And you are casting that imputation upon the old administration merely from hearsay?

A.—Yes.

Q.—You do know, as a matter of fact, for you have been an officer administering criminal law, apart from the Ontario Temperance Act, that it is more difficult to get a first-class quality of men for the Ontario Temperance Act work than it is for ordinary police work?



A.—Yes.

Q.—In other words, that the men who do ordinary police work are of much higher standard than the men you have to employ in the stool-pigeon Ontario Temperance Act work?

A.—Not necessarily, if you get the right kind of man.

Q.—But isn't that your experience?

A.—Yes.

Q.—When you speak of the class of men being better to-day, what department do you mean? In the Police Department or the Ontario Temperance Act Department?

A.—Both departments.

Q.—When would you say that this betterment has set in?

A.—This last year.

Q.—Betterment has set in this last year. Is that because you are giving closer attention to the work?

A.—No. I always did pay fairly good attention.

Q.—How is it the class of men are improving this year as against last year?

A.—There seem to be so many men out of work that are anxious to get in to work, and a better class of men.

MR. FERGUSON: Isn't this the situation, that you have been eliminating more men that are objectionable this last year?

A.—No. We have given a lot of returned men the first chance.

Q.—The temptation to-day is greater than it ever was, isn't it?

A.—Yes.

Q.—And consequently it was a natural thing that more men would fall down?

A.—There is where you want men of better ability.

Q.—And you have been improving the service because from time to time you find fellows have fallen down, and you have weeded them out. Isn't that one reason why you say the service is improved?

A.—Yes.

Q.—You have been weeding out the unreliable?

A.—Yes.

Q.—And there have been a great many fellows of that kind you have had to weed out?

A.—Yes.

Q.—A great many men that should not have been in the service have been in it from time to time?

A.—It was hard to get men during the war.

Q.—I am not blaming you. I am just asking the facts. There have been men in the service from time to time who should not be in the service?

A.—Yes, because you have to get them on to learn who they are.

MR. McCREA: Experience has been a great teacher in this?

A.—Yes.

MR. RANEY: It has been said that the Department has employed women. Have you ever employed women?

A.—No Sir.

MR. McCREA: Ever know of any being employed?

A.—Only hearsay.

Q.—What do you know of hearsay?

A.—Only what was said this morning before the Committee.

MR. FERGUSON: You don't know of any women being paid for information?

A.—Just what I heard. I don't know myself. I never handled them at all, nothing to do with them at all.

W. E. PARTRIDGE, Sworn.

Examined by Mr. Raney:

Q.—Mr. Partridge, you have been figuring in the newspapers lately?

A.—I have.

Q.—You notice that you have been held up as being a thug or criminal, I don't know which. Are you either one or the other?

A.—I don't think so.

Q.—Are you a returned man?

A.—I am a South Africa Veteran.

Q.—How long have you been working with the Department?

A.—Since before Courian was ever hired?

Q.—Away back eight or ten years ago?

A.—Yes, fifteen years ago.

Q.—Mr. Ayearst says you were with him, and then you left?

A.—I went West May 4th, 1911.

Q.—And then you came back again?

A.—Yes.

Q.—And then you were in Fort Frances and there was some trouble up there. When was that?

A.—On the 17th of May, 1921.

Q.—And you hit the Crown Attorney?

A.—I did.

Q.—And you were punished for it?

A.—I was.

Q.—And you paid your fine?

A.—I did.

Q.—And you were suspended?

A.—I was.

Q.—You came down here and made representations, and asked to be taken on again?

A.—Yes.

Q.—Whom did you see?

A.—I saw General Elliott.

Q.—And who else?

A.—And Mr. Ayearst, Inspector Ayearst.

Q.—You told them your story?

A.—I did.

Q.—And they told you they would give you another chance?

A.—Yes. I made a report.

Q.—You made this report to whom?

A.—The General.

Q.—Read it?

A.—“Fort Frances, Ont., June 21st, 1921

“Dear Sir:—

“I beg to report that my case came up before the Assize Court this morning and was quickly disposed of. The Court expressed the opinion several times that a matter of this trivial nature should have been settled by the Magistrate. I decided to offer no evidence and did not go into the witness box. The Jury brought in the following verdict:

“*We find the accused guilty of Common assault under extenuating circumstances.*”

“I need not comment on this verdict other than to say that the interpretation put upon it locally is that each of the twelve Jurymen would have done as I did under the same circumstances. I am credibly informed that the Jury on the first ballot stood nine to three for complete acquittal, but this compromise was arrived at on the ground, as expressed by one Jurymen that while I was ‘technically guilty’—I was ‘morally innocent.’

“The Judge fined me \$100 which I immediately paid. I am quite willing at any time to forgive and forget the incident and to shake hands with the Crown Attorney.

“The publicity given to the matter was not of my seeking but I am assured that it has not effected in any way public confidence in my ability to properly enforce the provisions of the O.T.A. in view of which I ask for my re-instatement.”

Q.—And they heard your statement, Mr. Ayearst and the Commissioner of Police, General Elliott?

A.—Yes.

Q.—And General Elliott decided to reinstate you?

A.—Yes.

Q.—It was said in the House—I think Mr. Lennox made the suggestion—that the Department had paid your fine. Was that so?

A.—It was not.

Q.—And you paid it yourself and took your punishment?

A.—Yes.

Q.—We wired to the Crown Attorney, and have a wire from him which says, “Partridge a good and efficient officer, and frequently recommended increase in his salary.” So that even now he apparently holds nothing against you. That is signed by Mr. Croome, the Crown Attorney. That was the man you assaulted. We are not going into that matter, but I wanted the Committee to see you, just to see whether you were a thug or a criminal. Where are you employed now?

A.—Toronto here.

Q.—I suppose this advertising won't do you any good?

A.—I don't know.

Q.—Perhaps it will after this opportunity to state your case? I read to you the way it was put by Mr. Lennox in his questions finally addressed to me,—“In your Department to-day is there a man by the name of Partridge? Will you deny that while drunk at Fort Frances he tried to beat up the Crown Attorney?”

A.—I was not intoxicated.

Q.—Did you beat up the Crown Attorney?

A.—I just hit him once. If I had been drunk he would have been properly trimmed.

Q.—The Jarvis Street case referred to by Mr. McCutcheon when he says you were at the search of a house on Jarvis Street by a man named Davis with a man named Bell, were you there?

A.—No Sir.

Q.—He is very particular about it?

A.—He has us twisted about. Bell and I, with another operator, were in the west end.

Q.—He says that he made some remark, and that you remarked, indicated something to him—you said “Sh,” to him, that you did not want him to know something that was going on?

A.—I wasn't in the office at all that day.

Q.—Then it is absolutely untrue?

A.—It is Bell and Waterman and another operator, and I was out.

Q.—Did you hear McCutcheon's evidence on that point?

A.—I did.

Q.—We need not repeat it to you. What you say is there is not a word of truth in it?

A.—There is not a word of truth in it.

Q.—McCutcheon says that the still charge under which he was convicted, and under which he is now serving a term, was a frame up?

A.—That was H. H. McCutcheon?

Q.—Yes? What do you say about that?

A.—I don't think so.

Q.—Do you know the facts?

A.—Any more than he was in the office with Floody on Friday, September 9th, in Mr. Ayearst's office. We got orders to meet at the corner of Woodbine Avenue at eight o'clock. We met there, and Mr. McCutcheon in the car ahead went down to near Castles Avenue. He said, “There is the house; I daren't go in there, because I am known.” We went in and got a still.

Q.—McCutcheon says he was told at one time to watch Courian, Bell and Partridge. Were you in the Department at that time?

A.—I was in Fort Frances.

Q.—When did you come on here?

A.—I was called back here the 1st of July.

Q.—That also was false?

A.—Yes. I could explain the Zenner case. Sam McCutcheon stated we left a lot of whiskey there, and left him, and borrowed a Ford car, and he was to drive it, and get this Charlie Zenner for the whiskey. I arrested Zenner in the Ford car. We came down to the police station, and then took a Ford car down to the office and put the case of liquor up in Mr. Montgomery's office. He got in the car with us and we went right back and arrested Northech.

Q.—He says the true amount of liquor was not accounted for?

A.—It was accounted for.

Q.—The amount accounted for at the dispensary is 9½ dozen?

A.—Four bags of Scotch and one bag of Rye.

Q.—Was all the whiskey you took from that place accounted for in the Police Court?

A.—Certainly. The woman has a receipt of all that we took away.

Q.—The quantity she has a receipt for it is now in the dispensary?

A.—In the dispensary.

Q.—So there is no truth in that either?

A.—Certainly not.

MR. JOHNSTON: Was that your policy to give a receipt?

A.—Sometimes if they asked for it. She said it was her whiskey, and Zenner said it was her whiskey; therefore, I gave a receipt for it.

Q.—Gave her a receipt for what she said was hers?

A.—Yes.

MR. FERGUSON: You say that this still case that McCutcheon went down and pointed out the house, said, "there is the place; I can't go any nearer because I am known—?"

A.—Yes.

Q.—And he told you were the still was?

A.—Yes.

Q.—Told you if you went down cellar you could get the still?

A.—Yes, and he also told us to go to a tailor shop on Gerrard off Yonge, and we would get some bottles in there.

Q.—It would not look very much as if he had an interest in the still if he could tell you where you could go and get it?

A.—I don't know the fellow at all. That is the only time I had ever met him.

Q.—It does not look as if he had an interest in the still. I am asking you as a Police Officer; do you think that a man who had an interest in a still would tell you where you could go and get it, and lead to his own conviction?

A.—It was a fishy looking deal to me.

Q.—If it was through him that you got that still, and he was afterwards convicted of being a partner in it, it looks as if there was some kind of frame-up on it?

A.—Sending us down to this store—

Q.—I am talking about the still?

A.—Yes.

Q.—It was through him you got the still?

A.—Yes.

Q.—He was afterwards convicted of being a partner?

A.—He was.

Q.—On whose evidence?

A.—I suppose Hunt's evidence. We were not in the box.

MR. RANEY: Hunt was the supposed partner?

A.—Yes.

MR. FERGUSON: Do you think McCutcheon was a partner?

A.—I couldn't say.

Q.—Tell us about this Fort Frances business. You only touched the Crown Attorney very lightly?

A.—That is all.

Q.—You say you were not drunk?

A.—I was not.

Q.—Were you drinking at all?

A.—No.

Q.—Do you take an occasional drink?

A.—Once in a while.

Q.—Have you got the capacity that some of them have here; they go up to 15 apparently?

A.—I don't think so.

Q.—You do take a drink whenever you want it?

A.—Not whenever I want it.

Q.—As a matter of business.

The Committee then adjourned until 10 o'clock the next morning.

#### PUBLIC ACCOUNTS COMMITTEE—MAY 17th, 1922.

The Committee met at 10 A.M. with Mr. Watson in the Chair.

MR. DEWART: As Mr. Lennox is not here just now I would like to call Mr. Bryant, a reporter from Welland, to verify certain evidence given at Welland. His evidence would be short.

MR. RANEY: You only want to prove the record; that is all right.

MR. DEWART: I do not want to put the whole of the evidence in as an Exhibit, but only certain portions.

JAMES B. BRYANT, Sworn.

Examined by Mr. Dewart:

Q.—Mr. Bryant, you are the Court Reporter who takes the evidence in shorthand at the Courts in Welland and for the County of Welland?

A.—Yes, in all Courts.

Q.—How long have you been acting as such Court Reporter?

A.—About a year and five months.

Q.—Do you recollect the circumstances of three cases coming up in the Welland Police Court on the 26th February 1921?

A.—Yes Sir.

Q.—One against Luther Merritt, what was that for?

A.—For selling four bottles of whiskey.

Q.—In breach of the Ontario Temperance Act?

A.—Yes.

Q.—Do you recall also a case against Carl Hall?

A.—Yes. That was a similar offence. I cannot remember the number of bottles.

Q.—It was another case of sale in breach of the Ontario Temperance Act?

A.—Yes.

Q.—Do you also recollect the charge against Luther Merritt?

A.—Yes.

Q.—What was that for?

A.—That was a similar offence.

Q.—Certain provincial officers were called and sworn upon those several trials?

A.—Yes.

Q.—Do you produce a correct and certified transcript of your shorthand notes of the evidence taken upon those three cases?

A.—Yes.

Q.—I see Provincial Officer Cox was sworn and gave evidence in those cases, do you recollect that?

A.—Yes.

Q.—And Provincial Officer Woods?

A.—Yes.

Q.—And Provincial Officer West?

A.—Yes.

MR. RANEY: I suppose he had better produce what he is speaking of to the clerk and have it identified without being an Exhibit, and then you can use it afterwards.

MR. DEWART: Look at these documents, are those the documents that you produced this morning being the transcript of evidence in those three cases?

A.—Yes Sir, those are the three; they were made in March 1921 and when I was summoned here I went through my notes again and checked them.

MR. RANEY: Those are just for identification; they are not Exhibits.

MR. DEWART: Do you recollect so far as Merritt was concerned what was his occupation, who was he?

A.—He was a team driver at that time.

Q.—One of the charges was against a lad named Jack De Martell, do you recollect?

A.—Yes.

Q.—How old was he?

A.—16 years old.

Q.—Do you remember what the charge was against him?

A.—Yes, one of the O.T.A. officers.

MR. RANEY: These charges are in writing; the papers will be produced.

MR. DEWART: It was a charge also of selling?

A.—Selling two bottles of gin.

Q.—How old was De Martell?

A.—Sixteen.

MR. RANEY: That is what he said, I suppose?

A.—He gave that in evidence.

MR. RANEY: That is in the evidence.

MR. DEWART: Did he look to be a lad of sixteen?

A.—He did not look to be any more; I have no reason to doubt it at all.

Q.—I see the name of one officer who was sworn, Provincial Officer Lodge?

A.—Yes.

Q.—He was also sworn?

A.—Yes.

Q.—And his evidence is included here?

A.—Yes.

MR. LENNOX: In my absence yesterday I notice that the Attorney-General arrogated to himself apparently the authority to curtail the work of this Committee. I do not know that the Attorney-General, because he is Attorney-General possesses any more rights or any more privileges on this Committee than any single individual member. So far as I am concerned I do not propose that the Attorney-General shall tell me when I will be finished and when I won't. I made certain charges in the House. He challenged me to prove them. I propose to prove them. I have not yet produced but one or two of the witnesses that I propose to produce. I charged the Department with engaging thugs and criminals—

MR. RANEY: Knowingly, with knowledge.

MR. LENNOX: You show very bad taste in interrupting; one would expect something better from the Attorney-General. I propose to call the thugs; I propose to call the criminals, I propose to call the murderers or men who were tried for murder, I propose, and I think I will succeed in demonstrating to the public whether the statement that I made is true or not, and if I have got to clean out a jail or two in order to do so I propose to do it. I just want to say that having undertaken, having accepted the challenge of the Attorney-General I am going to prove what I said, and he is not going to stifle this Committee if I can avoid it. The Attorney-General says it is taking up, according to the press, taking up a lot of time. Well, I propose to take up at least eight or ten days more unless the Committee say I cannot. I propose if it is necessary to satisfy the Committee by the names of the witnesses that I want to call, whether they are necessary or not—if the Committee by reason of its weight stifles the investigation I am willing to take that risk, but I want to tell the Attorney-General this that from observations made to me by many members of this Committee, I don't think the Committee will stifle any investigation.

Now, there is another matter I wish to speak to, and that is this; in my absence I understand a resolution was passed calling upon me to give evidence. Let me preface that so that there will be no misunderstanding, that I am determined to give evidence. I am more anxious to give evidence than the Attorney-General will be to hear what I have to say; but I would have thought that a man occupying the position of Attorney-General would have known, if he were at all acquainted with Parliamentary procedure, that no member could be forced to give evidence before a Committee any more than he could to give evidence before the House. I am not stating that with any desire of evading my responsibility; but I am the one who shall say when I will give my evidence. After I have finished my case, after I have called my witnesses, then I court, invite the opportunity of giving testimony, but I do not propose—characteristic of the Attorney-General—that he will ask me to give evidence in the middle of my case. I am



conducting this case: I may be doing it very poorly, I may not be doing this as well as somebody else might, but so far as procedure is concerned there is no committee, no Attorney-General who will tell me how I am to conduct my case and when I am to give my evidence.

HONORABLE MR. RANEY then spoke and a good deal of discussion ensued. Mr. Frank W. Budway was then called.

FRANK W. BUDWAY: Sworn, Examined.

MR. RANEY: I introduce Mr. Budway as one of Mr. Lennox's friends.

MR. LENNOX: That is absolutely untrue to your knowledge.

MR. RANEY: He came to the Attorney-General's Office after these charges were made because he resented some reference made to him in Mr. Lennox's speech. Mr. Budway desires to come before this Committee to give evidence.

Q.—Do you know Mr. Lennox?

A.—I do.

Q.—How long have you known him?

A.—For some time.

Q.—Were you present in the House when he made the recent speech?

A.—Yes.

Q.—You heard what he said?

A.—Yes.

Q.—You heard some reference to yourself,

A.—Yes.

Q.—What were those references?

A.—Mr. Lennox on the floor of the House said that I was convicted for attempting to rob Mr. Lawrence, and I was still nursed by the Attorney-General as one of the members to enforce the O.T.A.

Q.—Was it true you were convicted of that offence?

A.—No.

Q.—Was it true you were my particular friend?

A.—No Sir.

Q.—Have you ever spoken to me until to-day?

A.—I have seen you but I have never spoken to you in my life until to-day.

Q.—You were for a while with the Department?

A.—I had been with the Department off and on for these last twelve years.

Q.—Are you a returned man?

A.—Yes.

Q.—How many years did you serve overseas?

A.—Two years overseas.

Q.—How many years were you in the army?

A.—Three years and nine months and some days.

Q.—You were with the Department before you went overseas?

A.—Yes.

Q.—Off and on?

A.—Yes Sir.

Q.—As special officer?

A.—Yes.

Q.—Here in Toronto?

A.—All through the Province.

Q.—How did you get out of military service?

A.—I was honorably discharged as medically unfit.

Q.—Have you ever been convicted of any offence?

A.—I have.

Q.—What was it?

A.—Carrying a gun on the street car at Welland.

Q.—When was that?

A.—About 1910 or 1911.

Q.—What was the penalty?

A.—I was fined \$10. If you will allow me I will tell you.

Q.—All right?

A.—I was at a place called Dunnville with Courian to secure information against a hotel for selling after hours. The people there got a tip on us, and we got out of town. Courian went by train, and I went by the street car; we were to meet at St. Catharines. On the street car the conductor had been informed that I was a spotter, and we had an argument. He went to hit me with the fare box, and I had a gun in my pocket, it was not loaded, and in order to save myself I pulled the gun, and he dropped the fare box and ran, and I was arrested.

Q.—The gun was not loaded?

A.—No Sir.

Q.—You were going to bluff him, at any rate you were fined for carrying a revolver?

A.—I was fined \$10 by Magistrate Berger in Welland.

Q.—Whom did you work under when you were with the Department?

A.—Chief Inspector Ayearst and Mr. Montgomery.

Q.—Did you tell Mr. Ayearst about this gun incident?

A.—That happened away back in the Conservative Party period; I was even brought before the Provincial Secretary Mr. Hanna in regard to it, and I explained it to Mr. Hanna, and he told me to go back to Mr. Ayearst.

Q.—That was all fixed up years and years ago?

A.—That was in 1910 or 1911.

Q.—You were forgiven by Mr. Hanna?

A.—Yes.

Q.—And taken back again by him?

A.—Yes; he told me to go back to Mr. Ayearst.

Q.—There was something said by Mr. Lennox in the House about your getting some rake-off on whiskey?

A.—Yes, but it was not me that got the rake-off; he said I got the \$3 a case.

Q.—Was that true?

A.—No Sir.

Q.—No foundation for it?

A.—No Sir, a man by the name of Farnie that was to get the commission.

Q.—Have you been convicted of any offence other than this revolver case?

A.—I was arrested for being drunk a couple of times; that was before the O.T.A. came into force. Mr. Lennox was counsel for the defence in the Nurey case that I was giving evidence in, and he asked me if I had ever been convicted, and I told him I had never been convicted since I came back from overseas, which he used before Judge as one of his pleas with these returned men to give the benefit of the doubt, but still if you are a returned man as a witness he wants to rub it in harder—

Q.—You have not been convicted since you came back from overseas?

A.—No.

Q.—You think your work overseas ought to wipe out that?

A.—Counsel in their pleas use that.

Q.—Mr. Lennox in the House says something about you being accused of attempted murder?

A.—He said murder.

Q.—Were you accused of attempted murder?

A.—No.

Q.—What were you accused of, this was recently I believe?

A.—This year, on the 18th January of this year, if Almighty God called me before Him now, I would have to swear before Him that I do not remember ever being in Lawrence's place, that I am absolutely positive Lawrence was framing one on me.

Q.—Your case came before the Grand Jury?

A.—I was brought up first before the Magistrate, and my counsel Mr. Horkins ask for a jury trial. I was sent before the Grand Jury, and the Grand Jury brought no bill in against me.

Q.—They threw out the bill?

A.—Yes.

Q.—Did that complete the record so far as the Courts are concerned?

A.—Yes.

Q.—So that we know the worst?

A.—Yes.

Q.—Did you ever discuss with Mr. Lennox this case, this Lawrence case?

A.—Yes.

Q.—What was your conversation with Mr. Lennox?

A.—The first time I saw Mr. Lennox would be the morning of the 25th January of this year.

Q.—About that matter?

A.—Yes; on Wednesday morning I was remanded and waiting to be called to the Police Court; Mr. Lennox came along and I was with ex-Provincial Officer Courian. Courian kind of thought they had me framed; Mr. Lennox came over and said "What has happened, Frank?"

Q.—He knows you very well, well enough to call you Frank?

A.—Yes.

MR. LENNOX:—I ought to I have had him in the box often enough.

A.—He said "What has happened, Frank?" So I told him. He said—well Alex. Courian told him also it looked to him as if they had got Bud

wrong." He said, "Come down and see me some time;" that was on the 25th of January.

MR. RANEY: Did he say anything about the case?

A.—Not then.

Q.—All right; go on?

A.—So I went to see Mr. Lennox in his office some time in February, and I spoke to him with regard to my case not only my case, but with regard to the Ontario Temperance Act also; and he said "I will phone Mr. Horkins, your Counsel, and see what it is." I don't know what Mr. Horkins said to him, but he said to me "Frank, they have nothing on you anyway, so don't worry." Then later on before the Grand Jury sittings, I had asked Mr. Lennox if the Grand Jury found no Bill against me, did I not have a redress against Lawrence for this charge?

Q.—For false arrest?

A.—Yes. He told me "Why certainly he said, they cannot take any man and lock him up and keep him in, and then go to the Grand Jury and have nothing to prove that he is guilty; why certainly, you can."

Q.—So he told you, he advised you that you had an action of false arrest against Lawrence?

MR. LENNOX: He did not say that.

A.—He did not advise me.

MR. LENNOX: It would be all right if I did.

MR. RANEY: What was it?

A.—Why certainly he said, "You have a grand chance to get damages against Lawrence."

Q.—Then he came into the House and said what he did, what you heard him say?

A.—Yes.

Q.—Tried to make out you were a thug and a criminal?

A.—Yes.

Q.—Did you understand that that way?

A.—I heard, he said "There you are; you have a man in your employment by the name of Budway who this year attempted to murder Mr. Albert Lawrence, and he is still nursed to-day by the Honorable Attorney-General."

Q.—Was that true?

A.—No Sir, it was not.

Q.—And he himself told you you had an action of damages against Lawrence?

A.—Mr. Lennox knew I was not employed by the Department, and had not been employed by the Department since the 31st December last year.

Q.—May I say, was I correct in saying that you had come to the Department voluntarily, and made this statement?

A.—After I had been charged like that by Mr. Lennox. May I state this?

Q.—Yes?

A.—The first time I went to Mr. Lennox's office or before I had gone, I had understood there was to be \$2500 spent by the Conservative Party to

investigate the workings of the O.T.A. Of course my not being employed, a married man, I thought there was a chance to pick up some of this money, and I had a conversation with different parties, and they advised "Sure, go ahead, Bud, see Lennox."

Q.—He was the proper party to see?

A.—He was the gentleman that I understood was going to pull this stuff in the House; so I went and saw Mr. Lennox. Of course there was no talk about the \$2500.

Q.—Where did you see him?

A.—In his office, corner of Adelaide and Yonge Street, room 802, Lumsden Building I think it is.

Q.—He knew you?

A.—Oh yes.

Q.—When was this?

A.—Early in February. So he asked me certain things that I knew, and I told him.

Q.—About the Department?

A.—Yes, I told him, and he told me—I explained to him, I said "I am out of work; this case of mine they have brought up against me has cost me the last hundred dollars I had for counsel fee for defending," and he said "We will look after that."

Q.—Who would look after that?

A.—"We." He did not mention anybody.

Q.—Look after what you had been paying to defend yourself?

A.—That they would look after me.

MR. DEWART: Look after that, he said?

A.—And then I did not go again for some days afterwards, and he asked me about Bell, Mark Heaton. I told him Bell was a personal friend of Heaton's, and that Heaton was in the city; at all events Bell and I then went about three days after.

MR. RANEY: To his office again?

A.—Yes; and Bell had a private conversation with him; I was not in that.

Q.—How many times altogether did you go to his office?

A.—I don't know the number of times.

Q.—Did you see Courian there?

A.—Alex Courian?

Q.—Yes?

A.—Never saw Alex Courian in the Colonel's office.

Q.—I had better let you go and finish your statement?

A.—The Colonel came to me, and I said "Colonel, you know the charges against me."

Q.—Colonel Lennox you mean?

A.—Yes.

Q.—He is a Colonel I believe?

A.—Yes; and I said to him "Do you think this will hurt my case going before the Grand Jury." And he said, "Frank, you can depend that anything that I am going to pull in the House that your name will not be mentioned or anybody you tell me." He said, "You can rely upon what

I say, because I would not do you one second's harm." So I took it for granted that I was not going to be mentioned; and when I was mentioned I met Mr. Hales in the hallway and I told him.

Q.—You come and saw Mr. Lovering I believe?

A.—Yes.

Q.—Going back do you recall being at Mr. Lennox's apartments at any time?

A.—Yes Sir.

Q.—Where were his apartments?

A.—At the time I was there he lived at the Alexandra Palace on University Avenue.

Q.—When was that?

A.—The first time?

Q.—Yes?

A.—The first time I was at Mr. Lennox's apartments was on Sunday afternoon December 18th, 1921.

Q.—Who else were there?

A.—How I come to go there I was at home, Provincial Officer Courian phoned me, and then Col. Lennox spoke to me; told me to come ahead up, he wanted to see me."

Q.—Spoke to you on the phone?

A.—Yes.

Q.—You got a message from whom?

A.—Courian.

Q.—And then immediately afterwards I suppose, really part of the same message?

A.—Yes, the same message.

Q.—Mr. Lennox himself phoned you and invited you to come to his place.

A.—Yes.

Q.—When you went there whom did you find there?

A.—Mr. Lennox, Courian and Louis Shamnetz.

Q.—Is that a bootlegger?

A.—He was an operator.

Q.—That is the man who was mentioned as having been convicted in the Police Court as a bootlegger?

A.—He was a bootlegger, too.

Q.—What took place with the four of you present?

A.—The question arose the kind of liquor that had been seized at my house; some time previous to that there had been a shipment of liquor I had got in there through an introduction with some bootleggers—parties not knowing I was not still out of the Department thought I would be a good man to dispose of the liquor, what they had; I was introduced to them. Through the introduction I made arrangements for fifteen cases of whiskey to come to my house, and the liquor came. A Provincial Officer seized the liquor. We had it arranged.

Q.—You had arranged with the officers to seize it when it came?

A.—No, all the time I could not go near the office, because there was an employee who worked in the office who was in with these bootleggers that

had given me the introduction, and I did not want them to still know that I was at the Department, and I kept in touch with Mr. Ayearst.

Q.—Mr. Ayearst knew all that you were doing?

A.—Yes.

O.—And Officers Smythe and Baugh I believe came?

A.—About seven o'clock in the evening.

Q.—The same night the stuff was delivered, and seized it?

A.—On the night of November 28th.

Q.—Did you hear Mr. Lennox say in the House that officers Baugh and Smythe had gone to your place and stolen this liquor?

A.—Yes sir.

Q.—Was that true?

A.—He asked me if the officers took away some liquor and I said yes.

Q.—They came there by pre-arrangement?

A.—Mr. Ayearst sent them; they came to my house at seven o'clock. The first thing they did was to make sure about the liquor to see that the road was safe, came about half past nine, and the liquor was delivered at the House about half past ten.

Q.—It was all pre-arranged with Mr. Ayearst?

A.—Yes.

Q.—They took the liquor away?

A.—The liquor was kept in my house all night because it was too late to take away.

Q.—We will just get back to Mr. Lennox's apartments on Sunday evening, you discussed this matter at that time?

A.—Yes.

Q.—You gave him information about it?

A.—Yes Sir.

Q.—What else was discussed?

A.—The question was asked when I got in there, Courian and Shamnetz was sitting there; he said "What kind of liquor was it they got at your place, Frank?" I said "Scotch Whiskey." He turned to Shamnetz and said "That won't do, Scotch Whiskey; the whiskey they got up there was rye, Corby's rye and a bottle of Port Wine."

Q.—That that would not do because the whiskey they got up there was Corby's rye and a bottle of port wine?

A.—Yes.

Q.—Up where?

A.—At Sutton. You see Provincial Constable Smythe who had been sent to my house was one of the Provincial Constables who was in on the Sutton raid.

MR. RANEY: I did not appreciate that.

MR. LENNOX: You knew all about it; he told you all this story before.

MR. RANEY: Smythe who came to take this liquor away for the Government was one of the men who had been in the raid at the Mansion House on the 2nd December?

A.—Yes.

Q.—And when had this incident taken place so far as the delivery of the fifteen cases to your house was concerned, when had that been?

A.—The 28th November.

Q.—Four days before the 2nd December. Then, Mr. Lennox remarked “That won’t do, because the whiskey that was seized was Corby’s,” what was the whiskey that the officers took away from your place?

A.—McCaul’s Scotch.

Q.—Then the rest of the conversation?

A.—Shamnetz said “Colonel, I will get a man who will swear that Smythe bought the wine and whiskey from him.”

Q.—What wine and whiskey was that?

A.—Rye.

Q.—What wine and whiskey was Mr. Shamnetz going to get a man to swear had been bought from a friend of his?

A.—Corby’s rye.

Q.—Was that the stuff that had been seized at the Mansion House at Sutton?

A.—Yes.

Q.—Shamnetz then said “Colonel, I will get a man to swear that this stuff that was seized at the Mansion House”—that was the effect of it—“this bottle of whiskey, bottle of wine, was sold to Smythe by him”?

A.—Yes.

Q.—That was the statement?

A.—Yes.

Q.—What followed that?

A.—They talked over the general manner in which they pulled off the raid up there. The Colonel of course was angry about it.

Q.—What did Mr. Lennox say about this proposition of Shamnetz?

A.—He said that was good, Lou.

Q.—What else?

A.—They talked the conversation, we were all there, there was no secret conversation.

Q.—The four of you were all there, Courian and Shamnetz?

A.—Colonel Lennox and myself.

Q.—How long did that interview last?

A.—I must have been there for about two hours.

Q.—Did you hear Mr. Lennox say in the House that he had not seen Courian for more than five minutes in six months?

A.—Yes.

Q.—Did you think at the time about this visit to his apartments on the 18th December?

A.—I knew it.

Q.—You did not rise up in the gallery and say so?

A.—I felt like it.

MR. LENNOX: That would be pretty nearly six months, would it not, taking his statements? That is not very bad.

MR. RANEY: Finish up your story?

A.—That was all of that. I stayed with Courian and Shamnitz, and the Colonel went. They wanted me to ride down in the car—they had



Shamnitz' car, and they said they were going down as far as the Ernescliffe Apartments. I did not go; I went up and took the College car, and went home.

Q.—Was the thing left in any definite way as to how they were going to account for this whiskey which was seized at the Mansion House at Sutton?

A.—I understood from Courrian, him and Shamnitz were going to investigate for the Colonel to see who they could get to throw the mud on to Smythe, Provincial Constable, to try and show that Smythe had framed the case. That was the interpretation of the way they spoke about it, that they were trying to slip one over on Smythe.

Q.—Smythe was one of the shrimps and skunks that had gone to Sutton?

A.—I always used him as a Provincial Officer.

Q.—Was there anything said at this interview about the purpose of the whole of this?

A.—Well, there was, and I don't know whether it was on that day or not, Sunday, but at all events I was told afterwards, either that day, I won't say it was not that day and I won't swear it was that day, that a man by the name of Hay or Hays from Newmarket had taken that liquor to the Mansion House at Sutton on the night of December 2nd for the boys that were there, and that is the reason why Courrian and Shamnitz did not go any further with their investigation.

Q.—Who said that, that Hay or Hays had taken the liquor to Sutton?

A.—I would not be sure if it was Shamnitz or Courrian that told me, but I think it was Courrian.

Q.—When did you see Col. Lennox?

A.—After that?

Q.—Yes?

A.—I saw him the Saturday morning, December 24th in the County Court, I was in the County Court that morning.

Q.—Anything said about these things then?

A.—No, the Colonel never spoke to me.

Q.—You went to see him about this \$2500 that you heard was floating around?

A.—Yes.

Q.—Did you get any of it?

A.—About \$30, \$25 or \$30.

Q.—Whom did you get that from?

A.—Col Lennox.

Q.—How did you get it, by cash or cheque?

A.—Cash.

Q.—In what denominations?

A.—Five dollar bills.

Q.—How often?

A.—Five or six times.

Q.—Did you hear him say in the House that he had not paid or promised one cent to anybody?

A.—Yes Sir.

Q.—You heard that at the time?

A.—Yes Sir.

Q.—When were these moneys paid to you?

A.—At different times.

Q.—Where?

A.—In Col. Lennox's office.

Q.—What for?

A.—For the information he was getting.

Q.—The information you were giving to him; about what?

A.—Different officers.

Q.—Different officers in the employment—?

A.—Of the O.T.A.

Q.—Different O.T.A. officers; did he tell you what he wanted to do with this information?

A.—Oh, I knew.

Q.—What was it?

A.—That he was going to pull it in the House.

Q.—What was the object of that—not just to make a noise in the papers of course?

A.—No.

Q.—Was it because he wanted to render a public service did he tell you?

A.—I don't like to answer.

MR. LENNOX: Go on and don't be afraid.

A.—He wanted to get the Attorney-General and General Elliott.

MR. RANEY: How do you know that?

A.—He did not have much use for you.

MR. DEWART: Carried.

MR. RANEY: I think there was a well grounded suspicion abroad at that time before. He wanted to get the Attorney-General and General Elliott? What had General Elliott done to him? I could understand the Attorney General but why General Elliott?

A.—He was sore; he thought General Elliott had sent those policemen up to Sutton.

Q.—What was he sore at the Attorney-General about?

MR. LENNOX: It would take a long time.

MR. RANEY: What was he sore on the Attorney-General for?

A.—He just said you were prejudiced against the liquor end of it.

Q.—Then you got \$25 or \$30; I suppose you did not keep books, did you?

A.—No Sir.

Q.—For this information?

A.—Yes.

Q.—Were you to get any more?

A.—I was at Courrian's house one Sunday in March, I think it was around the 26th or 27th March, the last Sunday of March anyway.

Q.—Who else were there?

A.—Courrian and his two nephews.

Q.—Who else?

A.—Myself.

Q.—Anybody else?

A.—Of course his family.

Q.—Was Mr. Lennox there?

A.—Yes.

A.—About four o'clock in the afternoon Col. Lennox came and him and Mr. Courrian went in the parlor, and they had about half an hour or three-quarters of an hour's conversation.

Q.—You were not in on that?

A.—No; I could hear that they were talking; and the Colonel then went. Courrian came over to me and he said "You don't need to worry now; everything is all right; you are to get \$200."

Q.—You say that that was immediately after Mr. Lennox had been closeted with Courrian for half an hour or three quarters of an hour?

A.—Yes.

Q.—In Courrian's parlor?

A.—Yes. Courrian explained it right before everybody there, the two nephews, and then he said "it is all right, Bud, you are going to get a couple of hundred dollars; the Colonel is going to give you a couple of hundred dollars; go ahead and do anything he asks you to do."

Q.—Did you hear anything that passed between Mr. Lennox and Courrian?

A.—I heard Courrian saying to the Colonel "Do you know that Bud is out of work?" And he said yes.

Q.—What followed that?

A.—They had quite a conversation. The Colonel had his brief bag with him, and some notes on him; he was asking Courrian certain questions; I heard him ask about certain women employed in the Department, and Courrian said yes, that he thought there were.

Q.—Did you actually hear anything that was said by Mr. Lennox to Courrian about the payment to you of \$200?

A.—No, I cannot say that I actually heard the Colonel say, but Courrian came right out and talked right in front of his nephews.

Q.—You said a while ago that this interview between Courrian and Mr. Lennox in Courrian's house occupied about half an hour or three quarters of an hour?

A.—All of that.

Q.—That was only in March?

A.—Last Sunday in March, I think it was March 26th.

Q.—Did you remember that when you heard Mr. Lennox say in the House that he had not seen Courrian for more than five minutes in six months?

A.—Yes.

Q.—Did you see Courrian at any other time with Mr. Lennox within the past six months?

A.—No.

Q.—Just those two occasions?

A.—Three occasions.

Q.—Where was the other occasion, the third occasion?

A.—I saw him the first time in Mr. Lennox's apartment; the next time in the corridor of the court, and the next time at Courrian's house.

Q.—Did anything take place with regard to the matters we are talking about now when you saw him in the corridor?

A.—The Colonel and Courrian were talking separately, privately; I did not hear that; I was one of Courrian's best friends.

Q.—How long had you been friendly with Courrian?

A.—About twelve years. While I am here may I state about some liquor that McCutcheon said we stole?

Q.—You may say anything you like here?

A.—On the raid on 237 Manning Avenue, where he says there were 120 bottles of whiskey missed, I was with him on that raid.

Q.—With the officers?

A.—With Provincial officer Partridge; I counted all the liquor and put it in the bags, and even wrote the woman a receipt for the liquor we were taking away; there were eight and a half dozen Scotch whiskey and a dozen rye whiskey.

Q.—And the receipt is here showing that the whole that came into—?

A.—We phoned right at the house for a truck, Muir's Express. They came and we put the liquor on the truck right out in the lane, and it went down with Twigley and Bell in charge up to the warehouse, and I had given the woman a receipt, I had wrote out a receipt, and it was signed by Provincial officer Courrian.

Q.—You heard Sam McCutcheon swear that there was a shortage of about 120 bottles?

A.—Yes Sir.

Q.—Was that true?

A.—No Sir.

Q.—Was there any shortage?

A.—No shortage whatever. The reason why we did not take the whole case of liquor over to court as an exhibit, it was only necessary for one bottle. This stuff was all put in a bag.

Q.—McCutcheon also stated in his evidence that you had told him, McCutcheon, that Courrian had framed him, McCutcheon, in a still case, did you tell McCutcheon that?

A.—No Sir.

Q.—That is untrue too?

A.—Yes, absolutely.

Q.—Somebody has said or suggested that Courrian had a frame-up method, that he framed cases on other officers; you say you knew Courrian well for years?

A.—I was Courrian's partner before this Government came in; we travelled the Province of Ontario together. Alex Courrian was a man beyond reproach.

Q.—That is your experience?

A.—You could not fix Courrian. Alex Courrian was a man fair-minded; I have seen them get people who were selling liquor without a license poor and hard up, and Alex Courrian would go to the Chief and ask him to be let off. Alex. Courrian was not a man you could buy.

Q.—Up to what time were you with him?

A.—Courian resigned on the 16th October.

Q.—You were more or less with him all the time?

A.—All the time.

Q.—A great deal has been said about him, and he is not here?

A.—McCutcheon would not say it if Courian was here.

Q.—You never knew Courian to do an improper thing?

A.—Never in my life.

Q.—Did you hear Mr. Ayearst's evidence yesterday?

A.—Yes.

Q.—Did he agree with that?

A.—Absolutely. He talks about the Davis case on Jarvis Street. There was no one in the office only Courian, Twigley and myself, and Sam McCutcheon came in and reported this Joe Davis case on Jarvis Street; we went over there, Twigley and Courian and myself with McCutcheon. He got the bottle, and he came out and we went back into the house with him. Davis was in the hallway. Courian said "How much liquor have you got in this house, Davis?" He said, "Only one more bottle." Courian says, "Get on your hat, you are arrested for selling." There was nobody at home. Mrs. Davis was out, and I stayed on the veranda until they came back from No. 1 police station. We searched the house and all we found was one bottle more, besides the one we had bought.

Q.—Did Courian give the information to Mr. Lennox?

A.—I do not know that.

By MR. LENNOX:

Q.—You say that McCutcheon committed perjury when he swore that there was a frame-up, Courian framed him up?

A.—He knew it was not a frame-up.

Q.—He perjured himself?

A.—Yes.

Q.—If I said that the Government had in their employ a perjurer would that be telling the truth?

A.—He is not in their employ.

Q.—When he says—

MR. RANEY: He was then.

MR. LENNOX: McCutcheon would not be telling the truth?

A.—He did not swear to this when he was in the employment of the Government.

Q.—You say he was a perjurer on more than one occasion?

A.—I say he did not tell the truth there; he said Courian framed him.

Q.—He was under oath the same as you are?

A.—Yes.

Q.—So that there is one perjurer we have got.

MR. RANEY: *Ex post facto* perjurer.

MR. LENNOX: You brought this on yourself now.

Q.—Did you hear Harry McCutcheon give his evidence in this room?

A.—Yes.

Q.—Did he tell the truth?

A.—No Sir.

Q.—That is two perjurers?

A.—Yes.

MR. RANEY: Two *ex post facto* perjurers?

A.—Swore about the Sunday case.

MR. LENNOX: That was not true?

A.—About us going upstairs; he was absolutely a liar; he knew it.

Q.—A deliberate perjurer?

A.—When he said we left liquor there?

Q.—Yes?

A.—Yes, certainly.

Q.—Let us see about you; you are quite a friend of mine?

A.—I was until you charged me in the House.

Q.—You were a friend of mine by reason of the fact that I have had you under cross-examination in a number of cases?

A.—Several cases.

Q.—You brought up the Nurey case, what did you do there?

A.—Swore I bought liquor there.

Q.—What did the Judge say?

A.—Nothing, only dismissed the case. You told him afterwards he was pretty lucky, that you thought he was selling it.

Q.—If the Judge had believed what you said that woman would have been convicted?

A.—Yes.

Q.—The Judge did not believe what you told him? And he dismissed the case?

A.—I was not the only one.

Q.—What evidence did you give?

A.—I swore I went in with the deceased man Matchett that was murdered, and there was argument over the cheque, and that I would not buy the bottle while Matchett was there because he had passed a phoney cheque on me, and I went out, came back five or ten minutes afterwards and got the bottle and came back in.

Q.—You swore you bought a bottle of whiskey?

A.—I did buy it.

Q.—You pledged your oath at that trial that you had bought a bottle of whiskey from Mrs. Nurey, is that right?

A.—Yes.

Q.—You did not hesitate at all, you did not quibble or equivocate, you swore you had bought it?

A.—I had bought it.

Q.—The Judge did not believe you?

A.—No, although they found the marked money too.

Q.—That makes it all the worse for you. That is three we got. That is not the only case in which you gave evidence that the Judge did not believe you?

A.—No.

Q.—Did not accept your testimony?

A.—Did not accept it.

Q.—Because he did not believe it?

A.—Because the bootleggers pull such stuff, and you know it; why, they come right over to you, and just there in the month of August I was offered \$1,000 in the police court, in the corridor of the police court to let a woman down light, and when I refused it and went in to give my evidence the case was dismissed, although I could have made a thousand out of it.

HON. MR. RANEY: Who offered the thousand dollars?

A.—Esther Grosman.

Q.—What is she, a bootlegger?

A.—Yes; her husband murdered Matchett.

Q.—Do you mean to say the Judge was deceived or made a mistake, is that it?

A.—I say the tactics of counsel for the defence, it does not matter who the man is, you lawyers pull and try to pull the worst things on a man that gets in the box, and at the same time know he is telling the truth.

Q.—How about the bootlegger?

A.—The whole trouble is the salary with the Department is \$125 a month; the minimum fine is \$200, and the maximum \$2,000. The majority of these bootleggers' places you buy a bottle for seven dollars, and they go in and they will probably find twenty or forty cases of whiskey; the bootlegger knows if he is convicted not only is he going to be fined, but he loses his thirty or forty or fifty cases, which amounts into an enormous sum of money, and he will do anything in God's world to beat you.

Q.—John Smith is a bootlegger we will say, and you are an operator, and you lay information against John Smith; now, he comes into court and you give your evidence first, don't you?

A.—Yes.

Q.—You are protected by whom?

A.—Not protected by anybody.

Q.—Who examines, who represents the Crown?

A.—The Crown Attorney.

Q.—And he brings out all the evidence on behalf of the Crown?

A.—Yes.

Q.—Then after he gets through you are cross-examined by these lawyers that you speak of?

A.—Counsel for the defence.

Q.—And after he gets through with you then the bootlegger, the man who is accused, he and his witnesses are put in the box?

A.—Yes.

Q.—And he is examined by his counsel?

A.—Yes.

Q.—And then he is cross-examined by the Crown?

A.—Yes.

Q.—So that the whole case is thoroughly ventilated before the Judge?

A.—Yes, he will bring an alibi to swear he was some place else when you were in the house.

Q.—I say the whole case is heard by the Judge?

A.—Yes.

Q.—And as a result of the evidence that is brought out for or on behalf of the Crown he decides, is that right?

A.—Yes.

Q.—And in this case and others after all that was gone into, the Judge refused to convict on your evidence?

A.—In some cases.

Q.—In some cases?

A.—Yes.

Q.—Do you know a man named Hays?

A.—I do, sir.

Q.—What is his first name?

A.—Norman Cecil I think.

Q.—Let me read you something: “On the 25th November, 1921, I was approached by an operator of Mr. Hammond’s by the name of Norman Cecil Hayes”—is that true?

A.—Yes.

Q.—“Who told me that Mr. Flack had a party who wanted to sell some liquor”—is that true?

A.—Yes.

Q.—Who is Mr. Flack?

A.—He used to be a chauffeur for Mr. Hammond.

Q.—Is he with the Government now?

A.—I do not know.

Q.—Has he left the Government to your knowledge?

A.—The last I knew of him he was still in the Government.

Q.—Was Hayes an operator with the Government?

A.—Yes.

Q.—“On November 25th, 1921, I was approached by an operator of Mr. Hammond’s by the name of Norman Cecil Hayes, who told me that Mr. Flack had a party who wanted to sell some liquor”—were Flack and Hayes upon that occasion in the employ of the Government?

A.—Yes.

Q.—“Mr. Hayes got Flack from the License Department office who introduced me to Arthur Farney, for the object of purchasing liquor”—is that true?

A.—That is true.

Q.—That is that these two operators, Hayes introduced you while an operator to Flack, while he was an operator, and Flack introduced you to a man from whom you could purchase liquor?

A.—That is it.

Q.—“Flack, Farney and Hayes, all thought that I was not connected with the Department at this time as I was on the outside doing special work for Provincial Inspector Ayearst”—is that true?

A.—Yes.

Q.—“I went and saw Mr. Farney on the morning of the 25th, at his place of business 112 Broadview Ave.”—is Farney the man Flack the Government employee introduced you to?

A.—Yes.

Q.—“I told him that I would have to have a sample of it to make sure that it was not moonshine whiskey”—is that true?



A.—Yes.

Q.—“On Saturday the 26th, he phoned my house two o’clock, and told me if I met him at three o’clock at the corner of Simcoe and Queen he would give me the sample I asked for. I met him as arranged”—is that true?

A.—Yes.

Q.—Did he have the sample there?

A.—Not at that time.

Q.—Who was with him?

A.—Flack.

Q.—“He was in company with Flack. He gave the bottle to M. C. Hayes, who in turn handed it over to me”—is that right?

A.—Yes.

Q.—Flack and Hayes were both Government operators, and while in the employ of the Government four or five months ago Hayes introduced you to Flack?

A.—Yes.

Q.—And Flack introduced you to Farney?

A.—Yes.

Q.—And that introduction was for the purpose of buying illegal whiskey?

A.—Yes Sir.

Q.—To the knowledge of Flack and Hayes?

A.—Yes.

Q.—And then at a subsequent appointment Farney gave a bottle of whiskey to Hayes, is that correct?

A.—Yes.

Q.—And at the time that he gave the bottle of whiskey to operator Hayes, Flack another operator, was present and knew what was going on?

A.—Yes.

Q.—“I met him as arranged. He was in company with Flack. He gave the bottle to N. C. Hayes, who in turn handed it over to me. I took it to my home”—you say of course they did not know you were in the employ of the Government at that time?

A.—They thought I was out.

Q.—They thought you were a bootlegger?

A.—Yes, they thought I could dispose of it; they thought I was going into bootlegging.

Q.—And these two Government operators were willing to sell liquor to a bootlegger?

A.—Yes.

Q.—Although they themselves at the time were engaged in looking after the enforcement of the Liquor License Act?

A.—Yes.

Q.—And upon their evidence upon many occasions, although they were willing on this occasion to break the law themselves by selling the liquor, they have gone into the witness box and have given their evidence, and many men have been fined, and I suppose many men are still in prison as the result of their evidence, is that true?

A.—Of course I did not know what —

Q.—You have heard them in the box, is that true?

A.—I have never heard Hayes nor Flack in the box.

Q.—You have known they gave evidence?

A.—Yes.

Q.—You know as the result of the evidence of these two men who were willing to break the law and did break the law many men were convicted?

A.—I do not know how many cases. They were employed by Mr. Hammond.

MR. RANEY. Mr. Hammond will tell us all about it. I understand that Flack was working under his instructions, but we will find out from Mr. Hammond. Neither of these men are now with the Department. Hayes was dismissed in November and Flack was dismissed about three weeks ago.

MR. LENNOX: If Flack was dismissed six weeks ago and this occurred in November, he would be in the Department three or four months after this occurred, if that statement of the Attorney-General is true?

A.—Yes.

Q.—I want you to tell me first did you report—

HON. MR. RANEY: Mr. Hammond will say, I understand, that Flack was arranging this matter for him.

MR. LENNOX: Don't you get so anxious; you are going to get in the box.

HON. MR. RANEY: I am ready, to-day if there is time.

MR. LENNOX: I don't care when you will get in.

Q.—When I was interrupted I was saying that if that statement made by the Attorney-General is true, Flack remained with the Department some three or four months after this took place. Let me see the report that you sent in to the Government about that—to whom did you send it?

A.—I don't know; I think it was Chief Ayearst.

Q.—What was that report?

A.—On the Monday or Saturday, on the Saturday I had told Chief Ayearst that to my astonishment Flack and them were making me acquainted with some bootleggers—Flack and Hayes.

Q.—Flack and Hayes?

A.—Yes.

Q.—So that at the time these men were committing this illegal act you reported to Mr. Ayearst?

A.—Yes Sir.

Q.—So that you yourself knew that men in his employ or in the employ of the Department, were engaged in the illicit sale of liquor?

A.—Yes Sir.

Q.—Is it possible this man Hayes was kept on, was he kept on after that?

A.—Yes, let go in November, I would not say exactly the date, but at that time I understood he was—

Q.—You have a copy of the report that you sent in to Mr. Ayearst; let us have it?

A.—I have not got it.

Q.—Did not you keep a copy?

A.—No Sir.

Q.—What did you say in that report, before I read it?

A.—I told the Chief those men were mixed up with the bootleggers.

Q.—Mixed up with the bootleggers?

A.—And I did not know whether they were trying to pull something on me or not.

Q.—Is this in your report?

A.—I really do not remember; I don't think it was in.

Q.—You told them that these men were in the employ of the Government were mixed up as bootleggers?

A.—No, mixed up with the bootleggers.

Q.—What else did you say in your report?

A.—I cited the two names, Farney and Hayes.

Q.—Did you give them the full particulars of what had taken place between you and these two Government operators?

A.—I think I did.

Q.—So that since last November the Chief Inspector in the employ of the Department knew that these two men who were engaged to enforce the Liquor License Act were themselves mixed up with bootleggers?

A.—Well, as I say, Hayes and Farney were under Hammond.

Q.—All right—

HON. MR. RANEY: Hayes and Flack you mean?

A.—Yes. Because I was in a different department altogether; I did not work with Hammond; I worked with Mr. Montgomery's office.

MR. LENNOX: Is this correct before we put it on file, that Mr. Ayearst, over your signature, had a report which stated that two employees of the Government were mixed up with spotters?

A.—With bootleggers, yes.

Q.—And that report contained the particulars in connection with the sale or alleged sale of this whiskey?

A.—Yes Sir.

Q.—So if anybody were to say in the House that there was not an atom of truth in the charge, that the Department knew not only that there were these crooks or criminals in the Department, but that they kept them on after it was brought to their notice, that charge would be true, would it not?

A.—As far as I would say yes, sure, that charge was true.

Q.—Let me read a little more: "He gave the bottle to N. C. Hayes"—in company with Flack—"who in turn handed it over to me. I took it to my home and immediately communicated with Chief Inspector Ayearst"—is that true?

A.—Yes.

Q.—Immediately reported to Ayearst?

A.—By phone.

Q.—You had got the bottle from two Provincial Operators, and as soon as you got home—?

A.—I did not get it from them; Farney and Flack were together, Hayes and I were together.

Q.—And Flack handed it to Farney?

A.—No, Farney handed it to Hayes.

Q.—In the presence of Flack?

A.—Yes.

Q.—How long was it after this motion of Farney's took place that you reported to Mr. Ayearst?

A.—An hour.

Q.—So that according to your testimony within one hour from the time of the illegal act it was in the knowledge of the Chief Inspector, in the Attorney-General's Department, Mr. Ayearst?

A.—I communicated with Mr. Ayearst at his home.

Q.—You telephoned him?

A.—Yes.

Q.—Within an hour?

A.—Yes.

Q.—I did not know it was that soon. "I took it to my home," that is the bottle of whiskey, "and immediately communicated with Chief Inspector Ayearst who ordered me to proceed with the case as far as they wanted me to. On Monday the 28th, I phoned Farney telling him that the whiskey was moonshine?

Q.—On Monday?

A.—On Monday, yes.

Q.—"He asked me to come to his place of business at 2 o'clock in the afternoon, as he had some other stuff"—is that true?

A.—Yes.

Q.—"I went to his place. While there he gave me a sample of Irish whiskey"—is that true?

A.—Yes.

Q.—"He asked me if I would like to buy some gin and I told him I would"—is that true?

A.—Yes.

Q.—"He took me to William Lyons at 122 Eastern Ave., where I got a bottle of gin known as John De Kuypers, and paid Lyons seven dollars for the bottle"—is that true?

A.—I gave Farney the money, and Farney paid for the bottle.

Q.—You gave him seven dollars?

A.—Yes.

Q.—Tell me what action if anything, was taken against William Lyons, at 122 Eastern Ave., when he sold you that bottle of De Kuypers gin?

A.—There was no action taken at that time, but later on in the night we raided his place.

Q.—Did you get anything?

A.—Yes.

Q.—What did you get?

A.—Some gin, some Scotch whiskey.

Q.—Was he convicted?

A.—He was.

Q.—"I then made arrangements with Farney to bring fifteen cases of Scotch whiskey to my house at 10.30 that night"—is that true?

A.—Yes.

Q.—"I then reported to Chief Inspector Ayearst in regard to what had happened. He sent two Provincial Constables to my house at 277 Silver Birch Ave."—is that where you live?

A.—Yes.

Q.—“They arrived at about 7.30. Provincial Constable Smythe and Provincial Constable Baugh”—is that true?

A.—That was the name.

Q.—Are they both working for the Department at the present moment?

A.—I do not know.

Q.—Are you sure you do not know?

A.—I do not know; I have never seen them.

Q.—Any reason to think they are not?

A.—No.

Q.—You heard Baugh is down at Peterborough—?

A.—I heard he was at Brantford.

Q.—You know Smythe is working for the Department here?

A.—I do not know.

Q.—He is one gentleman that distinguished himself at Sutton.

HON. MR. RANEY: One of the Sutton gentlemen.

MR. LENNOX: To tell you the God's truth I think more of Smythe than I think of you.

HON. MR. RANEY: I will be prepared to give evidence on that point if you are. I will be prepared anyway whether you are or not.

MR. LENNOX: “At 9.40 p.m. Mr. Farney came to my house and told me that the liquor would be delivered at 10.15”—is that true?

A.—That is correct.

Q.—“At 10.25 the liquor came to my house. W. Palmer came to the door and said that all he got was fourteen cases of Scotch whiskey”—is that true.

A.—Yes.

Q.—“I told him to bring it in, and he did. The arrangements were that after the delivery of the first case to me at my house I was to pay the money which was \$570. Walter Samler, 30 Bright Street, was in charge of the truck which had the liquor. He brought in a bag consisting of two dozen bottles of Scotch whiskey.” This is the liquor that Flack, the operator, put you in touch with, or put you in touch with the man who owned it, Farney, it is the same man?

A.—Yes.

Q.—Provincial Officer Baugh, who was in the kitchen came in and arrested him. The liquor was then all placed in my house over night. Walter Samler, Palmer and Farney were all locked up on a charge of B.O.T.A., in No. 10 Police Station. We then searched William Lyon's place at 122 Eastern Ave., and placed him under arrest on a charge of selling liquor. We found in his place six dozen McCaul's Scotch whiskey, twenty-two bottles John De Kuypers gin—is that correct?

A.—Found quite a lot of stuff; I do not really remember the amount.

Q.—Listen to this, “Arthur Farney told me that Flack had told him that I was the right man to get in with to sell the liquor as I knew all the bootleggers”—is that true?

A.—That is true.

Q.—I will read it again?

A.—That is true.

HON. MR. RANEY: He says that it is true.

MR. LENNOX: I am going to conduct this in my own way.

HON. MR. RANEY: Of course you will take all the time that is necessary.

MR. LENNOX: "Arthur Farney told me that Flack had told him that I was the right man to get in with to sell the liquor as I knew all the bootleggers. He said he wanted to drop Flack, as he had to pay him \$2.50 on each case he sold?"

A.—\$2.50 or \$3.00 was his commission.

Q.—That is this Government operator who was going out to the country getting information for infractions of the law was getting a commission of \$2.50 or \$3.00 a case on all liquor he was instrumental in selling?

A.—Yes.

HON. MR. RANEY: That is what Farney told you?

A.—That is what Flack told me.

MR. LENNOX: You cannot put any words in the witness's mouth.

HON. MR. RANEY: I am glad you approve of his evidence.

MR. LENNOX: I suppose I would be right in saying, as suggested by my friend Mr. McCrea, that this man could easily be recognized as a Departmental bootlegger?

A.—Who is that?

Q.—Flack?

A.—Flack, of course.

Q.—That would be about right?

A.—Evidently it appeared to me that he was out to make some money out of the bootlegging.

Q.—Let us see who Flack is, Flack is chauffeur for Mr. Hammond, Provincial Officer for the Ontario License Board, was he at that time?

A.—He was at that time, and an operator as well.

Q.—"While waiting for liquor to be delivered by Farney, Provincial Officers Baugh Smythe and myself drank two bottles of gin"—how is that?

A.—Not before them, did not drink it all before them.

Q.—While waiting for liquor to be delivered by Farney, "Provincial Officers Baugh, Smythe and myself drank two bottles of gin"—is that true?

A.—No.

Q.—When did you drink it?

A.—We drank some then and some after.

Q.—You drank it the same night?

A.—Yes.

Q.—"When the said Provincial Officers"—that is Smythe and Baugh—"left my house, they took with them each a bottle of Scotch whiskey being part of the lot that we had seized"—was that true?

A.—Yes.

Q.—What became of the two bottles?

A.—You did not ask me that. I think they used it for evidence.

Q.—Will you swear to it?

A.—They produced liquor in Court.

Q.—Will you swear they used those two bottles?

A.—I won't swear.

HON. MR. RANEY: They each took away one bottle, and two bottles were produced in Court as evidence.

MR. LENNOX: He does not say so.

Q.—Where was the whiskey taken that was seized?

A.—That night?

Q.—Yes?

A.—Left in my house.

Q.—Where was it ultimately taken?

A.—To the warehouse.

Q.—Did you give evidence?

A.—In that case, yes.

Q.—Will you swear you did not produce the bottle of whiskey that was used as evidence in order to obtain a conviction?

A.—It was handed over to me after the trial; the Crown Attorney handed it to me.

Q.—So you did produce it, did you produce it?

A.—It was brought over to Court by Provincial Officer Baugh, from Inspector Ayearst's office.

Q.—Not only did you make a report of what had taken place, but did Baugh make a report?

A.—He made a report to General Elliott.

Q.—So that Inspector Ayearst not only had your report but General Elliott had the report of Provincial Officer Baugh, who is so far as you know employed at the present time by the Government at Brantford?

A.—As far as I know.

Q.—Now, Norman Hayes was the man that brought you in contact with Flack; what became of him?

A.—He was dismissed.

Q.—What for?

A.—I really cannot say, but I think it was for drunkenness.

Q.—I will read it to you, would this be true: "Norman C. Haynes, one of the operators, was charged with being drunk and raising a disturbance in the basement of 46 Richmond Street West"—he was not charged in the Police Court; he was drunk there at 46 Richmond St. West.

Q.—"Leslie Trubell was also drunk with Hayes"—who was he?

A.—Hayes' partner.

Q.—An operator?

A.—Yes.

Q.—"I reported this matter in writing to Inspector Ayearst, who took the matter up with Gen. Elliott"—is that right?

A.—I did.

Q.—Tell me whether this man Trubell, whom you reported as being drunk at 46 Richmond Street West, is or is not in the employ of the Government?

A.—As far as I know he is.

Q.—"Trubell was not discharged and is still in the employ of the Government." For the information of the gentlemen of this Commission, what is at 46 Richmond St. West?

A.—Well, up till the beginning of this year that used to be where the officers were.

Q.—That was the headquarters of the License Department?

A.—Of the License Board.

Q.—And was that the headquarters of the operators?

A.—Yes.

Q.—And where would they congregate? Did they have a room which they would occupy when not out on commission?

A.—Mr. Hammond had a number of operators, Mr. Montgomery was Provincial Officer, Provincial Officer Courrian, and Provincial Officer Partridge, and Bell and Twigley and Sam Dunn and myself in Mr. Montbomery's office; of course Hammond had a number.

Q.—When you were not on duty was it a customary thing to meet in a certain room at the building?

A.—Of course we never associated with Hammond's men.

Q.—You say they were not respectable enough?

A.—Personally I had no use for Hammond; that is probably why I did not associate.

Q.—You had a place of meeting there, a room?

A.—Their operators were in one room and ours was in another.

Q.—In the room where the operators were was there any liquor?

A.—Where Mr. Hammond's operators was there was, but where we were there was liquor but it was locked up; Mr. Montgomery took particular—

Q.—Mr. Montgomery was over you?

A.—He was City Inspector.

Q.—When you seized liquor Mr. Montgomery would lock it up?

A.—If it was only a couple of bottles immediately there was a seizure stamp taken and the name where it came from and the address, and how much was paid for it, and that was immediately put in the cupboard, but if there were cases, fifteen or eighteen cases immediately Mr. Montgomery would phone for a truck and have it removed to the warehouse; it never came to the office.

Q.—What was the plan adopted by Mr. Hammond when his officers seized liquor?

A.—That room where the operators was seemed to be like a store room.

Q.—Was the liquor available if an operator wanted it?

A.—I never was in there, but from what I could see as you go by I should think myself it would be a matter of a cinch to pick up a bottle.

Q.—And walk off with it?

A.—Yes.

HON. MR. RANEY: An operator could steal a bottle if he wanted to?

A.—Yes, in some cases you can, you would find a case with nine bottles in and a whole lid right off, and they would be on top.

MR. LENNOX: Is this 46 Richmond Street West, the headquarters of Mr. Ayearst, the man to whom you reported?

A.—It was at that time.

Q.—Where did these men get the whiskey they got drunk on?

A.—I do not know on that score.

Q.—Where did you find them drunk?

A.—In the basement. I will tell you now if you will let me explain how that happened. I was in the office; I had just come back from lunch.

HON. MR. RANEY: When was this?



A.—I think this would be around September or October last, and I was in that office, I just came back from lunch, in Mr. Montgomery's office, when the elevator man came to me and he said, "There are two of your men, two of them downstairs drunk, I wish you would come down and see if you could get them out of here," and so thinking there was perhaps somebody that belonged to our office I went down, and as soon as I seen they were Hammond's men I got out.

MR. LENNOX: You reported?

A.—Yes; I told Mr. Ayearst.

Q.—Were they in the cellar drunk at the time and at the moment you reported to Mr. Ayearst?

A.—No, the Chief was out at lunch at that time, but immediately on his return I reported it.

Q.—Where were these two men Trubell and Hayes, when you reported to Mr. Ayearst?

A.—I understand ex-Provincial Officer Smith had taken them out.

HON. MR. RANEY: I understand Mr. Lennox has been reading from a statement signed by this witness; I ask that he hand it in as an exhibit.

MR. LENNOX: With a great deal of pleasure. (Handing in statement).

HON. MR. RANEY: I suppose this was the stuff you were paid for.

MR. LENNOX: If I paid him for that he certainly earned his money.

Q.—Do you know a man by the name of Louis Shamnetz, that is the one you spoke of?

A.—Yes.

Q.—That man who was an employee of the Government?

A.—Yes.

Q.—He was employed by the government after he was charged or convicted of himself being a bootlegger?

A.—Yes.

Q.—After he was charged and after he was tried and convicted of being a bootlegger he was employed by this government, was not he?

A.—I know he was employed.

HON. MR. RANEY: What year was that?

A.—I don't think he was employed, not with this government.

Q.—By the previous government?

A.—Yes.

MR. LENNOX: Did you know as a matter of fact that he was engaged by this government?

A.—No.

Q.—Let me read a question put on the order paper by Mr. Ireland: "Had or has the government in its employ operators Cecil Flack, Norman C. Hayes, John E. King, Louis Shamnetz, James O'Leary, William Hallam senior?" The answer of the Attorney-General is "yes", except King and Hallan. Does that bring anything to your recollection?

A.—If that is the answer he must have been employed.

HON. MR. RANEY: At what time was that? Will you give me the page of the return?

MR. LENNOX: I cannot give you the page. It would be about in February; it was early in the Session.

HON. MR. RANEY: Your question is it?

MR. LENNOX: Mr. Ireland's.

HON. MR. RANEY: "Had or has"—that is quite different.

MR. LENNOX: I am not a bit particular whether it is "has" or "had".

HON. MR. RANEY: Mr. Ayearst says it is more than two years.

MR. LENNOX: Mr. Ayearst won't swear to that under oath.

MR. AYEARST: I will verify it before I do. He was let out I think about two years last January.

MR. LENNOX: Look it up.

MR. AYEARST: At least he went; the whole of the force at that time was let go at one time.

MR. LENNOX: Do you know a man by the name of Wesley J. Robinson?

A.—Yes.

Q.—He was an operator in the employment of the Department?

A.—Yes.

Q.—Do you remember in a case against Defalco he was to give evidence?

A.—Yes.

Q.—Do you remember what the government or the department had to do to get him to give evidence, where was he?

A.—He got arrested for being drunk.

Q.—And the government got him out of jail and paid his fine so that he would be able to go into the box next day and give evidence?

A.—Not the next day.

Q.—Monday morning?

A.—Monday or Tuesday the case came up, one of those days; I won't say the government paid his fine; Partridge went over and paid his fine.

Q.—Who was Partridge?

A.—Provincial Officer

Q.—So Partridge paid the fine of this man W. J. Robinson so that he would be released from jail in order to go into the witness box to give evidence against some person that was charged with a violation or breach of the Ontario Temperance Act?

HON. MR. RANEY: Was he in jail?

A.—No, he was not in jail.

MR. LENNOX: I know where he was?

A.—He was locked up on Friday night in No. 2 Police Station.

Q.—He was kept in jail?

A.—Till Saturday in the Police Station.

Q.—The Police Station is jail, he was in a cell, behind the bars, and he was gotten out by reason of a Provincial Officer coming to his rescue and paying his fine?

A.—By his fine being paid—

Q.—He was charged on that occasion with committing a breach of the Ontario Temperance Act?

A.—Robinson.

Q.—Who was the man that you caught?

A.—Defalco.

Q.—Defalco was charged by the Department with having violated the Ontario Temperance Act by selling liquor?

A.—156 Chestnut Street.

Q.—And one of the men who was to give evidence to support that conviction was a man who had to be taken out of the Police Station, being then confined for being drunk, that is right?

A.—He was arrested for drunkenness.

Q.—And that very same man who had been incarcerated behind the bars of a police station was after he had been taken out by a police officer, put into the box, and as a result of his evidence with others, there was a conviction?

A.—I do not know; I was not over at Court when he gave evidence.

HON. MR. RANEY: As a matter of fact was there any case pending at that time in which he was wanted as a witness?

A.—Yes, Defalco had already been caught.

Q.—Would there be any reason why a man who had become intoxicated should not tell the truth?

MR. LENNOX: That is for the public.

A.—There are lots of times that I would state that I have had two drinks of liquor at some of these joints and that I would be absolutely not able to remember where I was or how I was.

HON. MR. RANEY: Because of the quality of the liquor?

A.—Absolutely.

MR. LENNOX: He was convicted and had to pay \$10?

A.—He was fined \$10.

Q.—For what, being drunk?

A.—Drunkenness.

Q.—Now was that fellow called on, on Monday or Tuesday to give evidence?

A.—I think so; I will not swear he was.

Q.—He gave evidence?

A.—I think he did.

Q.—So that we have here representing the Attorney-General's Department a man who had to be taken out of jail and whose fine was paid by the Provincial Officer, to give evidence in a charge against a man alleged to be violating the law, is that true?

A.—Do you figure that because a man gets under the influence of liquor that he is a criminal?

Q.—No, is that correct or not?

THE CHAIRMAN: Why not let him answer in his own way?

A.—I tell you once these bootleggers get to know you are on the Department he will slam you anyway—

Q.—Will the reporter read the last question?

(The reporter reads the question: "Q.—So that we have here representing the Attorney-General's Department a man who had to be taken out of jail and whose fine was paid by the Provincial Officer, to give evidence in a charge against a man alleged to be violating the law, is that true?")

A.—Because he did not have \$10 to pay his own fine Partridge gave \$10 to pay.

Q.—I want to know if this Partridge is the man who beat up the Crown Attorney at Fort Frances?

A.—Yes.

Q.—The same fellow?

A.—Yes.

Q.—What became of him—Partridge did beat up the Crown Attorney?

A.—As far as I know—

Q.—He was convicted and paid \$100?

A.—Yes. A lot more that should be beat up too.

Q.—I hope there are not any more Crown Attorneys. Where did this Provincial Officer Partridge beat up this other official of the Attorney-General, in the Court or out of it?

A.—I do not know; I did not know anything about him until you pulled it out on him in the Nurey case.

Q.—I was acting for Nurey?

A.—Yes.

Q.—Naturally he got off?

A.—He got off.

Q.—Partridge gave evidence in that case?

A.—Yes.

Q.—And you heard him admit under oath and under cross-examination that he had beaten up the Crown Attorney?

A.—I think you said—he had got out of the witness box and then he was recalled for something else, and you stood up and said “Oh, no, I remember now, you are the man that hit the Crown Attorney at Fort Frances and was fined \$100 were not you?”

Q.—What did he say?

A.—He said yes.

HON. MR. RANEY: I am told that it was Mr. Montgomery who paid the \$10 fine of this man Robinson, and that it was deducted from Robinson's pay?

A.—Yes, it was deducted from his pay; I knew that.

Q.—I am told it was not Partridge that paid it, but Montgomery, the superior officer; that may be better for Mr. Lennox's purpose?

A.—Somebody—

Q.—MR. LENNOX: You saw that money paid, you were in Court and saw it paid?

A.—When I heard about Robinson being arrested—

Q.—You were in Court when that money was paid in the Police Court?

A.—No, I was not in the Police Court; I was in the corridor of the Court; I was not in the same room.

Q.—Did you see the money paid at all?

A.—No.

Q.—Who told you it was paid by Partridge?

A.—I understood it was Partridge that paid it.

Q.—Have you any reason to doubt it?

A.—No; somebody said “Montgomery and Partridge walk over and see how it is.”

Q.—Who said that?

A.—Somebody suggested it.

Q.—In 46 Richmond Street?

A.—Yes, some of the boys said they were sorry to see him arrested.

Q.—Some of the operators or Provincial Officers?

A.—Some of the officers.

Q.—At the headquarters suggested that Partridge, and who else?

A.—It might have been Partridge suggested it himself.

Q.—That they would go over and get this man out of jail?

A.—They would pay his fine.

Q.—To get him out of jail?

A.—Yes.

HON. MR. RANEY: What kind of a fellow is Robinson?

A.—He is a mighty fine fellow; he is really a fine fellow.

Q.—He made a lapse at this time?

A.—As I say these bootleggers will slip you anything they can.

Q.—I understand Robinson is now employed by one of the Express Companies as a driver?

A.—I don't know; he was a chauffeur previous to coming to the department.

Q.—You say he is a fine fellow?

A.—Yes.

Q.—Is he a returned soldier too?

A.—I cannot say.

MR. HALL: With regard to this \$10 that you heard them saying somebody ought to go over and pay the \$10, was it of their own volition, a friendly act among themselves, or was it instigated by the Department?

A.—No, no, he was drunk, the boys felt sorry.

Q.—Just as a friendly act?

A.—Yes, they felt sorry.

MR. LENNOX: Do you know a man named Norman C. Hayes?

A.—Yes.

Q.—He was in the employ of the Department?

A.—Yes.

Q.—In what capacity?

A.—An operator.

Q.—He was a violator of the law was not he?

A.—He is the one who made me acquainted with Farney.

Q.—You knew I suppose that he was charged with the B.O.T.A. or breaking the law selling liquor?

A.—Who?

Q.—Hayes?

A.—Never heard of it in my life.

Q.—John E. King, you know him?

A.—Only to see him.

Q.—Do you know W. J. O'Leary?

A.—Yes.

Q.—Was he an operator in the employ of the Government?

A.—I know he was early, years ago. I was back to see Mr. Hammond and he told me—I believe he was sent to Gen. Elliott.

HON. MR. RANEY: Is that the Victoria Cross man?

A.—No.

MR. LENNOX: Did you know that last November he was convicted of bootlegging?

A.—I heard he was.

Q.—Could you tell me how long it was after his conviction for bootlegging that he was taken on by Mr. Hammond?

A.—I do not know; I may tell you I heard he was convicted; we met O'Leary, and O'Leary told us.

Q.—Did you know a man named Bellaire?

A.—Yes, but he worked for the Police Department.

Q.—Provincial Police?

A.—City Police.

Q.—Then there was the Hallans, you knew of them?

A.—I only knew one, I knew the one which used to be Chief of Police at Cobalt.

Q.—That is Stanley?

A.—Yes.

Q.—You know where they are now—did you know that he was brought to trial for criminal assault at Cobalt?

A.—No—yes, I read it in the paper, of shooting somebody or something.

Q.—Where is he now, where are the two Hallams now?

A.—Are they not doing time?

Q.—In jail at Windsor?

A.—I think you told me you defended them.

Q.—I got him off, I defended him for manslaughter, don't you remember?

A.—That is right.

Q.—Again the jury was right; they let him off; but the fact is that as a result of a drunken row a woman was shot and killed?

A.—A woman named Ruby Cross.

Q.—There was a drunken row on a Sunday afternoon at the Hallams' place where she lived?

A.—Of course I only know what I read in the papers.

Q.—You heard it?

A.—Yes.

HON. MR. RANEY: This was months after they had been dismissed from their employment by the Department?

A.—I thoroughly understand they were not on the Department at that time.

MR. LENNOX: He was released, discharged for manslaughter, and then he was arrested and taken to Cobalt, did you know of Stanley Hallam?

A.—Yes.

Q.—And he was discharged?

A.—I really do not know what happened to him up there.

Q.—After that he was arrested again, each of the Hallams, and they were taken down to Windsor for criminally assaulting a man and stealing 80 cases of liquor, did you know that?

A.—That was at Chatham, was it not, I think?

Q.—And they were convicted of having criminally assaulted this man

and of having stolen his liquor while they themselves were in the employ of the Government, did you know that?

A.—No, that is not the way I heard it. I heard they had went there, one of them had gone there, and this man that they were supposed to have criminally assaulted they had made arrangements to buy this liquor, and that they got on to the truck—

HON. MR. RANEY: Do you know this, or is this something you have heard, or hearsay?

A.—Just what I have heard.

HON. MR. RANEY: The Committee can read these things in the newspapers. We are simply wasting time, beating the air, and the whole purpose is quite apparent; the purpose is to consume ten days in this farcical proceeding, and then to let the thing hang up so that he and Mr. Ferguson can make use of it out in the country after the House adjourns.

MR. LENNOX: Is it possible that a man occupying the position that you do cannot appreciate the effect of the evidence that has been given by this witness this morning?

HON. MR. RANEY: I can appreciate it all right.

MR. LENNOX: I don't think you can; I don't think you can realize what your duty is.

MR. WALKER: A lot of evidence that has been given is just newspaper reports, and we all read the newspapers.

MR. LENNOX: Tell me one single bit of evidence that has been newspaper reports?

MR. WALKER: For several minutes he has been telling us—about newspaper reports.

MR. LENNOX: Do you know Stanley Nash?

A.—I saw him; I never spoke to him.

Q.—Was he employed by the Government?

A.—I understood he worked for Mr. Hammond.

MR. HALL: Are you sure of that?

A.—He used to be around Mr. Hammond's office.

MR. LENNOX: He was the man who gave evidence in the conspiracy case against Slavin?

A.—Yes.

Q.—He was a deserter from the army?

A.—So I understand.

HON. MR. RANEY: Do you know that?

A.—Yes, I knew he was a deserter.

Q.—How did you know it?

A.—Courrian told me.

HON. MR. RANEY: I am told that this witness showed Mr. Hammond his honorable discharge from the army; I may be wrong, but that is my information at all events. However, this witness cannot prove it because Courrian told him that.

A.—I was in the Court when the conspiracy charge was on when Mr. Hammond admitted that he knew that Nash was a deserter from the army.

HON. MR. RANEY: Did they arrest him?

A.—He got a term for it, I understood, of 90 days.

Q.—Do you know Vincent Nash?

A.—No.

Q.—Do you know a man named Ingram?

A.—I only heard it.

Q.—Was he in the employ of the government?

A.—I heard—

Q.—Do you know whether he was convicted or not?

A.—I cannot say.

(Reads) "It turned out that Mr. Nash was a deserter from the army?"

A.—I believe so." That is Hammond's evidence.

Q.—Do you know whether Ingram was convicted or not of a breach of the Temperance Act?

A.—No.

Q.—Do you know Raymond Phillips, the Italian?

A.—I did not know none of these men to speak to; I did not speak to them.

Q.—Did you know Tony Phillips?

A.—No Sir.

Q.—Do you know McCarger?

A.—A man McCarger or McCarter, some such name.

Q.—Was he an operator for the government?

A.—At one time.

Q.—Where is he now?

A.—I saw him the other day on Queen Street.

Q.—He is out?

A.—He told me he paid his fine.

Q.—What was he charged with?

A.—Having a still.

Q.—HON. MR. RANEY: Do you know this personally?

A.—He blamed Oliver; of course he was working for the Department when he had this still.

Q.—Do you know of the facts personally you are talking about now?

A.—No, I don't know the facts personally.

MR. LENNOX: You knew he was charged with operating a still.

HON. MR. RANEY: Were you in Court when he was charged?

A.—No.

THE CHAIRMAN: I think you ought to stick pretty closely to your own personal experience.

A.—Let them ask me the questions.

MR. LENNOX: You gave evidence in the Delfalco case. Do you remember?

A.—Yes.

Q.—Do you recall what took place in that case?

A.—Yes.

Q.—What took place in the Defalco case?

A.—It was dismissed.

Q.—Did Inspector Bond and Police Sergeant Norton give evidence?

A.—Certainly.

Q.—Were they telephoned for to come up immediately?



A.—I do not know.

Q.—Did they come up to Defalco's house while you were in Defalco's house?

A.—They did.

Q.—What did they swear with respect to your condition?

A.—They swore that Bell was drunk, and that I had been drinking; Inspector Bond said, if I am not mistaken. I admitted I had been drinking, because I had bought three or four drinks in there.

Q.—Would this be correct: "What was their condition—Bell's and Budway's condition?"

A.—Budway told me he had a couple of drinks. I noticed the men had been drinking. He told me he had a couple of drinks."

Q.—What was Bell's condition?"

A.—Just both about the same, both been drinking."

Q.—What would you say in your opinion about their condition; would they be able to carry on their work?"

A.—No."

WITNESS: If we were not able to carry on our work Inspector Bond and Sergeant Norton did not exercise their duty by not locking us up for being drunk.

Q.—Do you remember him saying?

Q.—What did you say?

A.—"I told them that they were not in a fit condition to carry on their work." That was evidence that came out at the trial, and as a result the charge was dismissed?

A.—Yes; why don't you read it all, and show where one man swore we came in the cellar way, and another man swore we came in the front door, and another man swore he gave the woman \$9 and the woman swore he did not give her \$9.

Q.—Coming down to your connection with me I would ask the Attorney-General to let me have that statement that was made by Budway that he read in the House.

—Hon. Mr. Raney hands Statement to Mr. Lennox.

MR. LENNOX: Was your statement true when you told the Committee this morning that you had not heard that I had made any offer of \$200, but that Courrian had stated that I would give you \$200?

A.—I could hear the conversation I say, not it all.

Q.—Was that statement true that you swore to to-day before the Committee?

A.—You did not come right over to me and say "Frank. I am going to give you \$200."

Q.—See if I understand you rightly; after I had left Courrian had gone into the room where you were and said to you that I was willing to give you \$200, is that correct?

A.—That you were going to give?

Q.—\$200?

A.—Yes.

Q.—That is true?

A.—Yes.

Q.—He told you that?

A.—Absolutely.

Q.—Let us see what the Attorney-General read in the house, and see how it fits in:

“Mr. Lennox also wanted me to go over the public accounts with him saying that I no doubt knew many of the parties whose names would be in the accounts. J. O. Bell was with me when Mr. Lennox asked me to go over the Public Accounts with him and S. Arton and A. Arton were in Courrian's house and heard Mr. Lennox offer me \$200 for giving him information”—is that statement true?

A.—I say they could—

Q.—Is that statement true or untrue?

HON. MR. RANEY: In fairness to the witness give the witness the language that he used in this statement as to what the offer was. The paragraph above says: “Mr. Lennox told Mr. Courrian that he would be willing to give me \$200 for my information regarding the operatives in the Department.”

MR. LENNOX: I am conducting the cross-examination.

HON. MR. RANEY: But you are not to be unfair with the witness.

MR. LENNOX: Is that statement that was made by the Attorney-General true or false?

A.—That was the impression I had.

Q.—I see that you stated to the Attorney-General, “I have seen the following persons in Mr. Lennox's office who have told me they were at Mr. Lennox's office for the purpose of giving him information regarding their work and the work of the Department”—and among others you mention the name of Mark Heaton—Was he an employee of the government?

A.—Yes Sir.

Q.—Was he discharged?

A.—I think through the investigation, he was not discharged, just dismissed.

Q.—There was an investigation?

A.—They were going to hold—

Q.—One you mentioned the name of is “C. C. Kirk, County Constable of Newmarket”—was he the man who laid the information against Heaton out of which the investigation arose?

A.—Yes.

Q.—Was the charge laid against Heaton, who was sent up to North York, that he wanted to be introduced to a woman, a Mrs.—I won't mention the name—wanted to be introduced to a woman, and that some of his operators by methods which they were willing to use, would get a conviction?

A.—I do not know.

Q.—I did not know whether he had told you—

HON. MR. RANEY: It would not make any matter if he had told him; it would not be evidence here. You can call somebody in the Department and find out what the charge was.

MR. LENNOX: Now, Budway, was there any information that you gave to me that was untrue?

A.—I do not know.

Q.—I want to know?

A.—Ask me the question what I gave you.

Q.—Were your statements to me true or untrue?

A.—Ask me the statements I made, show me the statements.

HON. MR. RANEY: Was there any other statement you signed except the one that has been put in there?

A.—That is the only one I have ever signed.

HON. MR. RANEY: He has gone over that sentence by sentence with you.

MR. LENNOX: How many times were you at my office?

A.—I don't know, Colonel; quite a number.

Q.—Several times?

A.—Yes.

Q.—At your own request or at mine?

A.—First at yours.

Q.—And afterwards?

A.—You may say "I want to see you to-morrow, Frank, or the next day."

Q.—When did you make that statement? When did you sign that statement?

A.—Two days before you commenced your charges in the House.

HON. MR. RANEY: That is the statement that has been put in as an Exhibit.

MR. LENNOX: Yes. You knew it was for the purpose of being used in the House?

A.—Yes; but I did not know that the Honourable Colonel was going to double-cross me in the House.

Q.—How would you expect your statement to be used in any other way?

A.—Did not you tell me and hit me on the back and say "Frank. I would not pull anything on you."

Q.—Would that be pulling anything on you?

A.—Did you not go and pull about Lawrence and Defalco?

You pulled everything that was against me; you pulled it on me; you did not favour me any, although you said you would.

Q.—And did you anticipate you would be called to give evidence?

A.—I fully expected.

Q.—How could you be double crossed when you knew you were to be examined publicly, examined in a public Court Room?

MR. HALL: Did he know he was to be examined?

A.—Yes, I was going to have the protection of the Colonel, he would look after me.

MR. LENNOX: What did you expect to give evidence on?

A.—On the O.T.A.

Q.—On the information you gave to me?

HON. MR. RANEY: On this written statement?

A.—Especially on this case where Farney and Flack and they were implicated.

MR. LENNOX: And do you remember immediately after I had made my short speech that you came and gave me a lot more information?

A.—Well, Bell was there, and I wrote out some notes.

Q.—Where did you give them to me?

A.—In the Buildings. I was with you to a cinder if you had not pulled your dirt.

MR. CLARK: Every time the witness came did you pay him for his services?

MR. LENNOX: I will answer it when I get under oath.

HON. MR. RANEY: When he gets good and ready.

MR. CLARK: When you came in there to see Mr. Lennox did he pay you each time you came there?

A.—No.

Q.—How many times did he pay you?

A.—Five or six times.

Q.—You were not with him more than half a dozen times, were you?

A.—Yes.

Q.—I suppose you expected pay for the balance?

A.—I thoroughly understood I was going to be paid.

MR. HALL: Paid for what?

MR. LENNOX: For your information?

A.—For investigations for you.

MR. HALL: For information you were giving to him?

A.—And investigations we were to do.

MR. LENNOX: How was the money paid: was it offered to you or did you say you were hard up?

A.—No such a thing; you handed it to me.

Q.—You never suggested that you needed the money?

A.—No.

Q.—You think you got \$25 or \$30?

A.—Yes.

Q.—That was not paying you very well?

A.—No.

Q.—That was not even union wages. Now then, this \$2,500 we have heard of to-day, first tell me did you get the \$200 that Courrian said you were going to get?

A.—No.

Q.—I suppose you hardly expected that?

A.—I did not expect that till this was over.

Q.—Have you expectations of it yet?

A.—They are all shattered now.

At this point Mr. Warren rose, and after some remarks, moved, seconded by Mr. Walker. That in our opinion we have had sufficient evidence to convince us that Mr. Lennox's charges against the Attorney-General's Department in connection with the enforcement of the O.T.A. are without foundation, and we ask that the Committee do to-morrow hear the statements of the Attorney-General and Mr. Lennox.

HON. MR. RANEY: No, Mr. Chairman, I would not agree to that. I will move if Mr. Hall will second this motion: That in the matter of Mr. Lennox's charges against the Attorney-General's Department in connection with the enforcement of the Ontario Temperance Act the Committee do to-morrow hear the statements on oath of Mr. Lennox and the Attorney-General.

Mr. Hall said he would second the motion.

Mr. Warren said he would withdraw his motion.

After discussion it was moved in amendment by Mr. Charles McCrea,

seconded by Major Tolmie: That the Attorney-General he heard to-morrow if he desires, but that Mr. Lennox present his side of the case in his own way to the Committee, and that Mr. Lennox do go into the witness box if he is willing, after he has presented the evidence of his witnesses first.

After further discussion Mr. Clarke moved in amendment to the amendment, seconded by Mr. Mageau: That Thursday and Friday the Committee meeting be devoted to hearing of any more evidence by witnesses relating to the O.T.A., and that Tuesday next be given to hearing evidence of the Attorney-General and Mr. Lennox.

HON. MR. RANEY: I will support the amendment to the amendment on the understanding that the matter will be in the hands of the Committee after the hearing of these statements on Tuesday. I think the Committee ought not now to say whether it will close the inquiry then or not. I think it ought to wait to hear what the situation is, and if either side desire to bring further evidence the Committee can pass upon that after hearing the evidence on Tuesday. I therefore support the amendment to the amendment.

MR. MCCREA: Does it mean if Mr. Lennox does not give his evidence on Tuesday as suggested by the amendment to the amendment, that he cannot therefore give his evidence?

HON. MR. RANEY: The intention of the motion is to convey to him the desire of the Committee that he should give his evidence then.

MR. CLARKE: The intention of the motion is this, that we think—at least I am assuming the Committee will think—that to-morrow and the next day should develop all the evidence of the witnesses necessary for this Committee to pass on. Tuesday will be allotted for you and Mr. Lennox to give your evidence. If you do not see fit to do it then, then it is for this Committee to say whether it will continue or shut the thing up.

The amendments to the amendment was carried.

The Committee adjourned until 10 A.M. to-morrow, May 18th, 1922.

## PUBLIC ACCOUNTS COMMITTEE—MAY 18TH, 1922.

The Committee met at 10 A.M. with Mr. Watson in the Chair.

The Minutes of meeting of May 17th 1922, were read and confirmed.

MR. DEWART: In view of the fact that the work is being fixed a little ahead, I would like to have some time fixed to go into the Workmen's Compensation Act matters, because the Members of the Board of course are all busy men, and I have had that on the order paper for two weeks, and the papers have now been produced, and if it pleases the Committee I would move that Thursday of next week I might be at liberty to take up the examination of witnesses, and that I be at liberty to take up the question of the thirty-one blacklisted doctors. If that does not take the whole of the day, Mr. McLean, the Deputy Minister of Highways, is still under subpoena to explain the purchase of gravel and gravel pits.

HON. MR. RANEY: The suggestion of Mr. Dewart is contrary to the resolution of the Committee. This matter of Mr. Lennox's charges is to have

right of way until it is concluded, and I think there ought not to be anything fixed for any other day until the end of that matter is at least in sight.

MR. DEWART: The reason I made the motion is I took it that the resolution of yesterday provided for two days for hearing evidence, and a day for hearing Mr. Lennox and—

HON. MR. RANEY: That is not conclusive.

MR. DEWART: I press the motion to have Thursday of next week set aside.

Major Tolmie seconded Mr. Dewart's motion.

After considerable discussion the motion was put and declared lost.

MR. DEWART: In view of the fact that the names of the Slavins have been so frequently mentioned in the evidence of witnesses, and their employment of the Department, I have been anxious to get the records with reference to the Slavins for B.O.T.A. and also with reference to that conspiracy case. There are certain records in the custody of the Police Department kept, I presume, for police purposes, which would show exactly what the records were with reference to the convictions or prosecutions. I have therefore subpoenaed the Chief of Police for the City of Toronto, Mr. Dickson, and Mr. Curran Morrison, the Police Court Clerk, asking for the production of these papers. Both witnesses are here. I understand they desire to claim certain privilege, and perhaps it is only fair the Committee should rule upon it. Probably Chief of Police Dickson had better take the exception before being sworn.

CHIEF OF POLICE DICKSON: I was going to speak to a question of privilege. Our records are compiled for specific purposes; they are for our own use practically; they are sometimes sent for by Judges sitting on cases in criminal Courts. We have produced them in those cases at the command of the Judge; but it is not our desire to give out public records of men passing through our hands unless it is absolutely necessary. This is the first occasion on which I have had a request to that effect, and while I have the records with me here, if this Committee thinks they should be produced I will comply with their desire; but I am claiming privilege on that account.

MR. CURRY: When the Chief says he has no papers—

MR. DEWART: He has the papers with him.

CHIEF DICKSON: Copy of record only; I have no informations or any of the papers, because the manner in which the records are kept by the police—The Committee ought perhaps to know that in the Orderly Office there is a complete record kept of every charge that is preferred against anybody, and that is copied into a book that is alphabetically arranged, and it is there for years, and it shows everybody that has been charged, whether they are convicted or whether they are discharged, or anything else; and then from that I understand there is a card index in the criminal section, which takes from those books the records of those who have been charged with offences of a real criminal nature, because the other book shows persons brought up for any matter, not cleaning their snow, even, any offence that is brought up in the Police Court at all will all appear in those books that are alphabetically indexed, and then from those books are taken records which are important for the benefit of the police alone in card indexes; that is the position.

MR. DEWART: I take it the Police Court Clerk has certain papers?

CHIEF DICKSON: He has in connection with the information and all Court procedure.

MR. DEWART: I think, Mr. Chairman, that the documents are not privileged. It is the only way we can get them; but the matter becomes of importance in view of the way Slavin's name has been brought into the case by McCutcheon and others.

HON. MR. RANEY: I make no objection, certainly.

THE CHAIRMAN (Mr. Watson): Is it the wish of the Committee they be produced?

MR. WARREN: I do not know why we should insist on these documents being produced if the Chief has reasons.

MR. CURRY: Might I suggest this; Curran Morrison is here; under the law his papers are public property beyond any question. Now, if after Curran Morrison has produced his papers, and the Committee decide to have the other papers produced—

HON. MR. RANEY: They will be available.

MR. CURRY: Then they no doubt will be available.

MR. DEWART: Why could not the Chief leave the documents he has here privately, so that if the Committee desires they should be produced they might be produced without bringing the Chief back?

CHIEF DICKSON: There is another side to this question; there have been in the past occasional insinuations that the Police Department hamper men getting employment by reason of them having been convicted; and that is one reason why we do not want the records of men made public.

MR. DEWART: That does not apply in this case.

HON. MR. RANEY: I suppose the papers Mr. Morrison will produce will cover the whole thing. Is not Mr. Curry's suggestion the best one? Let us receive Mr. Morrison's papers, and if the Committee afterwards desires to get the records the Chief refers to he will come up again.

CHIEF DICKSON: Quite so.

MR. CURRY: I did not know the Chief had the papers in his pocket. Could not they be put in an envelope, the papers not to be used without it is necessary?

HON. MR. RANEY: Put them in an envelope in the hands of the secretary.

MR. CURRY: Yes, that is not unreasonable.

MR. DEWART: Yes, and Mr. Morrison will leave the papers too. I was anxious to get Mr. Morrison's papers this morning.

CHIEF DICKSON hands to the secretary of the Committee the papers in a sealed envelope. Mr. Curran Morrison produces papers he has and leaves them with the secretary of the Committee.

MR. CURRAN MORRISON: There was an explanation about those other papers.

MR. DEWART: Have you brought those too?

MR. CURRAN MORRISON: No, they said they would send them up.

MR. DEWART: I will see Mr. Irwin with reference to them. There are some papers which have gone over to the Clerk of the Peace; I will see him.

MR. CURRAN MORRISON: He said he would send them up.

It was moved by Mr. Lennox, seconded by Mr. MacBride: That the

following be subpoenaed to attend the next meeting of this Committee: Ex-Provincial Officer Baugh; Ex-Provincial Officer Stanley Hallam; Ex-Provincial Officer Andrews; McCarger, Joseph Martin, operators Raymond Phillips and Tony Phillips; that Mr. Warren (Member for North Renfrew) be invited to give evidence; and Mr. Dyer, Crown Attorney for Gray, and that he produce the evidence given at the trial in the case of Rex vs. Joynt.

MR. WARREN: I would like to ask the Honourable Member why or on what grounds he is asking me to give evidence.

MR. LENNOX: You are two or three days early.

The Resolution carried.

MR. CURRY: One of the Inspectors of Police from Hamilton with two men have been here for several days. He says it is important that he should be released from his duties in regard to attendance on this Committee.

HON. MR. RANEY: On whose suggestion are they brought here?

MR. CURRY: I don't know; perhaps Mr. Lennox can tell us that.

MR. LENNOX: I think perhaps what Mr. Curry said is quite right.

MR. CURRY: Who had them subpoenaed?

MR. LENNOX: I did. If the Committee will permit me I am quite willing they shall be called now.

MR. HALL: Were these men subpoenaed without the authority of the Committee?

MR. DEWART: No.

MR. LENNOX: I asked that they be subpoenaed.

JOHN CRUICKSHANK, Sworn.

Examined by MR. LENNOX:

Q.—What is your position?

A.—Police Inspector for Hamilton.

Q.—Do you recall an occasion when a man by the name of Workman was charged with a breach of the Ontario Temperance Act?

A.—I do not know anything about that.

Q.—You do not remember the Workman case?

A.—No.

Q.—Do you recall?

A.—I recall the case, but I had nothing to do with it.

Q.—Do you recall the occasion?

A.—Yes.

Q.—Do you recall the occasion when a woman by the name of Leah Frier, 247 Brant Street was charged?

A.—Yes, that is in my district.

Q.—I have not spoken to the Inspector, would you mind telling exactly what took place; in the first place tell me who were the Provincial officers?

A.—I did not see the officers; the complaint when I reached the station that the men made to me—the men are here who will tell—

HON. MR. RANEY: The men will tell themselves?

A.—That is all I know.

MR. LENNOX: Did you come in contact with the Provincial officers?

A.—I did the following morning after Mrs. Frier was arrested.



Q.—Tell me what took place?

HON. MR. RANEY: What were their names?

A.—Jeffrey was the officer.

MR. LENNOX: Were there more than Jeffrey there?

A.—There was another man, but I did not know his name.

Q.—Tell us in your own way what took place next morning?

A.—He was late that morning getting to the Court and he appeared to be very excited and under the influence of liquor; he came out of the door and was acting in an excited manner, and that is all I know about it.

Q.—Did you say anything to him?

A.—I did not speak to him, no.

MR. MACBRIDE: Did the case proceed?

A.—It was adjourned for one week.

Q.—It did not proceed?

A.—No.

Q.—Why was that, because the man was intoxicated?

HON. MR. RANEY: Do not ask that way.

A.—That is all I can say; it was adjourned because the information was not properly laid that morning, that was one reason, and they did not get the information laid.

MR. MACBRIDE: When was the woman arrested?

A.—The woman was arrested in the afternoon of the day before.

Q.—By Jeffrey?

A.—By Jeffrey and another man.

Q.—And when the case was called it was found the information was not properly laid?

A.—He came there too late, and he came out of the office and said “Nothing doing,” and he was raising a fuss because the information was not laid.

Q.—Do I understand this man Jeffrey was intoxicated?

A.—He seemed to be excited that morning; my judgment would be that he had been drinking that morning; that is all I can say.

At the request of the Chairman Mr. Watson, and with the consent of the Committee, Mr. Curry took the chair.

WILLIAM MACBETH, Sworn.

Examined by Mr. Lennox.

Q.—What is your position?

A.—Police constable.

Q.—Where do you live?

A.—Hamilton.

Q.—What station are you attached to?

A.—No. 3.

Q.—Do you remember an occasion when a charge was laid against a Mrs. Frier and also against a man named Workman for breach of the Ontario Temperance Act?

A.—I remember Mrs. Frier was arrested and brought to the station.

Q.—What was the condition of the Provincial Officer who brought her to the station?

A.—I was on duty inside the station, and an automobile drew up in front of the door with two men in the rear seat and a woman between them, and it was a returned soldier driving. They pulled the woman out of the car, in fact they dragged her out on to the sidewalk and into the station—Jeffrey was the man—he slung the woman from the lobby into where I was standing at the back of the desk, told me to lock this woman up on the charge of breach of the Ontario Temperance Act; I asked him who he was. He said “I am Provincial Inspector Jeffrey.” I asked him if he had a warrant; he said “yes, I got a warrant in my pocket.” I asked him to produce it, and he took out some papers and he says, “That is all right, you lock her up and see she does not get out on less than \$1,000 bail.” I told him he had no right to tell me to let her out on bail; it is the Magistrates do it. He said “You do as I tell you.” He said, “I will take the papers to Central Police Station and leave them there to-night, as I want to use them again.” The woman accused him of taking money out of her pocket. I asked Jeffrey if that was the case, and he said “yes, I took some money out of her pocket but I am going to use that in the Court in the morning; she will get it back later on.” He went right out; I could see he was intoxicated.

Q.—What was his condition?

A.—He was under the influence of liquor; I could smell it quite strongly over the desk. After he went out I 'phoned the Deputy Chief of the Central Police Station and notified him what had happened, and he told me he would see him when he came to the station. I reported the matter to my inspector when he came in, and the inspector also 'phoned up the Central Station. That was around nine o'clock at night; he had not appeared there at the police station. I sent an officer down to Brant Street as the woman had complained of having two little children and her husband was at Windsor. The officer went down there and found the house was left open and the two little children outside, and the officer got them taken in by the party next door.

Q.—When was this?

A.—This happened on the last day of August 1921.

Q.—What became of the money he took from this woman?

A.—I do not know, sir.

Q.—You did not see him give her it back?

A.—No; he said he would give it to her in the morning.

Q.—What reason did he offer for having taken the money from the woman who was arrested for breach of the Ontario Temperance Act?

A.—He did not tell me.

Q.—He was alone?

A.—No, the other two were with him.

Q.—What was their condition?

A.—They appeared to be all right.

Q.—Jeffrey was the only man that was under the influence?

A.—That I noticed.

Q.—Jeffrey was the Provincial Officer?

A.—That is what he told me he was.

Q.—Did you know that at the time that he was arresting this woman or this man he was the head of a department?

A.—No, I did not know him at all.

HON. MR. RANEY: Was he head of a department?

A.—I could not tell you.

MR. LENNOX: You say so in your answer?

A.—That is what he told me.

MAJOR TOLMIE: You say they pulled her out of the car?

A.—Yes.

Q.—Was she resisting?

A.—No, I did not see her resisting. The two of them had a hold of her by the wrist of each hand.

Q.—Who was the other man?

A.—I don't know; I did not get his name.

MR. DEWART: He said he dragged her out of the car and threw her in through the door.

MR. LENNOX: Did Jeffrey come under your notice afterwards?

A.—No sir, I have never seen him since.

Q.—That was the first time you had seen him?

A.—Yes.

Q.—Workman was discharged, the charge against him was dismissed?

A.—I could not tell you.

Q.—Do you know how long it was after that the case came up?

A.—I say it was remanded for a week.

Q.—Why?

A.—I could not tell you.

By MR. RANEY:

Q.—You stated, Mr. Macbeth, that they dragged her out of the car and threw her into the office?

A.—Yes.

Q.—Was she off her feet?

A.—No, they just slung her around, there is a desk and there is a gateway and they slung her in the gateway; she turned right around.

Q.—It was not as though they were handling a bag of grain; she was on her feet all the time?

A.—Yes, but an abusive way of handling her.

Q.—Do you know whether this case was reported to Mr. Ayearst—you know who Mr. Ayearst is, do you?

A.—No.

Q.—Chief Officer of the Provincial Police for the enforcement of the Ontario Temperance Act?

A.—I do not know; I just reported it to my superior.

Q.—Did you report it to your superior in writing?

A.—No, 'phoned to the Deputy Chief, and personally to the Inspector.

Q.—You made no written report?

A.—No.

MR. LENNOX: What did you report?

A.—I told him what happened.

Q.—What was your report?

A.—My report was the way they handled the woman, to bring her in and give me orders not to let her out on less than \$1,000, and told the condition the man was in, the smell of liquor, and he would not hand me the warrant.

Q.—Do you know where he got the liquor under the influence of which he was?

A.—No Sir.

HON. MR. RANEY: Have you heard since that Jeffrey's services have been dispensed with by the Department?

A.—No Sir.

Q.—You did not know that he was a Scotland Yard man and had very good recommendations when he came to the Department?

A.—No.

MR. DEWART: Does my honourable friend know that he only belonged to the band?

MR. MILLS: Was there anything to lead you to believe that Jeffrey was intoxicated other than he had simply the smell of liquor on his breath?

A.—His actions.

Q.—Could he walk properly and speak properly?

A.—He did not have far to walk; he just walked out of the door and got into the car.

MR. LENNOX: Was he able to walk?

A.—Yes.

MR. MILLS: He was able to walk and speak all right, intelligently?

A.—He spoke very abruptly.

Q.—You think he was intoxicated?

A.—Yes.

MR. MACBRIDE: How long have you been a police officer?

A.—About sixteen years altogether; I have been overseas for four and a half years.

Q.—You are quite familiar with the proper methods for a police officer to use with experience?

A.—Yes, I have had experience here and in the Old Country.

Q.—Was there any occasion for the officers handling this woman in the way they did?

A.—No; if it was our own officers I would report them.

Q.—Would an ordinary police officer handle them that way?

A.—I would report them for handling a person the same way.

Q.—Would you consider these men were acting as part of the police force, or would it be more like the term thug has been applied to?

A.—I could not say.

Q.—They threw her about. Was she intoxicated?

A.—No.

Q.—Was there any occasion at all to treat her in the way they did?

A.—As far as I can see there was not. I do not know but what they may have had trouble before, I don't know.

Q.—Was she resisting when you saw her?

A.—No.

Q.—There were two officers?

A.—Yes.

Q.—They threw her around?

A.—Yes; two of them had hold of her and one came—

Q.—You said something about having taken some money from her?

A.—She accused Jeffrey of taking money out of her pocket.

Q.—The case came up a week afterwards?

A.—I think it was remanded next morning for a week.

Q.—Did you hear the case when it proceeded?

A.—No.

Q.—You do not know whether there was any account given of the money or not?

A.—No.

HON. MR. RANEY: Is it so that there has been some friction between the Hamilton Police and the Provincial Police at times?

A.—Not that I know of. We always assist them, and they come in the station and we give them every assistance. They often come in and ask for a man to go with them, and we always supplied one.

Q.—Your relations have been quite pleasant?

A.—Yes.

MR. HALL: You have had considerable experience in your police work?

A.—Yes.

Q.—Is it a usual thing for prisoners to go gladly in charge of an officer when under arrest; is it usual for them to pass along gladly with the officer?

A.—If they are generally sober all right; you might have trouble with any drunken person, but any person sober and in his proper senses we do not have trouble.

Q.—Do you think this woman was really badly treated by these men in bringing her off the car, did they pull her off the car or were they helping her off the car?

A.—They dragged her right out of the car.

Q.—You spoke about the money; did Mr. Jeffrey say anything in your presence why he had taken that money?

A.—No.

Q.—You did not hear him say that that money was marked money and he wanted it as evidence when the case came up?

A.—No, he said he would give that money back in the morning.

Q.—He did not tell you what happened?

A.—No.

MR. MILLS: Did the woman complain of the treatment the officers had been giving her?

A.—Yes, she did not know what she had done.

Q.—Were there any marks of violence on her?

A.—Just her wrists where they had hold of her.

MR. MACBRIDE: Did Jeffrey admit he had taken the money from this woman?

A.—He did.

Q.—In your police experience is that the proper way to take possession of the possessions of a person?

A.—No police officer is allowed.

Q.—Is it not the proper method to take the person in and put them un-

der proper arrest, warn them properly, and then take their possessions, make a record of them—

THE CHAIRMAN (Mr. Curry): I think you can ask him his practice, but as to whether it is the proper method it is for the Committee to determine.

MR. MACBRIDE: What is the practice in the Hamilton Police Department?

A.—The police methods in Hamilton and other cities where I have been with a woman brought in as prisoner, the matron searches her, and the matron turns everything over to the station duty and gets a receipt.

Q.—Have you a matron there?

A.—Yes.

Q.—The Provincial Police Officers could have had the service of the matron?

A.—Yes.

Q.—A suggestion has been thrown out about friction between the Hamilton police force and the Provincial authorities?

A.—I do not know of any.

Q.—When the Provincial Officers go in to Hamilton do they co-operate with the local police force, or do they run a separate show of their own?

A.—Some will go to the station and others will go of their own.

Q.—They are working without any co-operative effort with the local force?

A.—As far as I can see.

MAJOR TOLMIE: You asked him if he had a warrant and he said he had, did he show it to you?

A.—He took it out of his pocket, and he said "I have it here."

Q.—Do you know whether it was a warrant he took out?

A.—No.

MR. LENNOX: Arising out of the question of the Attorney-General, do you work in harmony with the Provincial Police—speaking for yourself?

A.—I am inside all the time, but if they come down and ask for assistance I recommend them to the Inspector, and he sends a man or a Sergeant with them.

Q.—Is there any antagonism between, speaking for yourself now, and the Provincial Officer?

A.—Not as far as I am concerned; I am always willing to help.

Q.—Do you discharge your duty quite as faithfully with respect to a Provincial Officer as you do every day in the discharge of your duty?

A.—Certainly.

Q.—The report you gave was it in writing or verbal?

A.—Verbal.

MR. EVANS: I understood you to say the woman was not resisting; at the same time I understand you to say there were two men pulled her out of the car?

A.—Yes, both had hold of her.

Q.—Why was it necessary if she was not resisting?

A.—I do not know; that is why I complained to the Deputy Chief, the way they handled her drew my attention first.

Q.—Would it take much of a pull if the woman was not resisting?

(No answer).

MR. MACBRIDE: Are there many cases under the O.T.A. brought up in the Hamilton Court?

A.—Yes.

Q.—By whom are the most of them brought, the local police or the Provincial Police?

A.—I have no record of what is going on or what the Provincial men do; but we have quite a number ourselves.

Q.—Is the local police force in Hamilton enforcing the Ontario Temperance Act to the best of their ability?

A.—We most certainly are.

Q.—Would it tend to better enforcement of the Act if there was a broad spirit of co-operation between the two forces?

THE CHAIRMAN (Mr. Curry): That is a question of opinion.

MR. MACBRIDE: Here is a man of sixteen years experience in the police force, and we are, I take it, trying to find some better way of enforcing the O.T.A.

THE CHAIRMAN: You may ask him if it would be of assistance to him as an officer in enforcing the law, if he were co-operated with by the Provincial force.

MR. MACBRIDE: My point is this, that from the little experience I have had, and I believe the experience of others, nine-tenths of the trouble is that there is not the proper co-operation that there should be.

THE CHAIRMAN: I have put it in the way that I think is proper. Mr. Macbeth, if you were properly co-operated with by the provincial officers, would it assist you in the enforcement of the Act?

A.—Well, it would in lots of ways, in a great many ways.

THE CHAIRMAN: I understand Inspector Cruickshank has something he wants to say.

INSPECTOR CRUICKSHANK, Recalled.

THE CHAIRMAN, (Mr. Curry): What is it you want to say?

A.—I am very sorry to hear the Hon Mr. Raney say that there was any friction with the police.

THE CHAIRMAN: He did not say that. Is there any friction?

A.—There is none whatever. I have been myself one of the most inveterate promoters of the Ontario Temperance Act; I believe in the Act. I have assisted the officers in every way possible. They come up from Toronto and I would take them into my office and I would write out the list of the different places we had trouble, we would get assistance from them and we did all we could for them. Sometimes a man made good, sometimes they were no good at all; they would come up and they would be sent back and be no good; but they got every co-operation as far as I was concerned. When this came up these men did not come and ask my co-operation, and they went themselves and went amongst these foreigners and acted in a way that was a discredit to the police in Hamilton and a discredit to themselves.

HON. MR. RANEY: My information is that Mr. Cruickshank is an ex-

ceedingly efficient officer, and everything that he says so far as the enforcement of the Ontario Temperance Act—?

A.—I am telling the truth.

HON. MR. RANEY: I have no doubt.

THE CHAIRMAN (Mr. Curry): Finish your statement.

A.—Everything was working in harmony. I had a list ready for them, and I would tell the inspectors to get a man or two from Toronto, and sometimes they did not make good and sometimes they did.

THE CHAIRMAN: You were interrupted, you were telling us the manner in which these people acted with the foreigners?

A.—The foreigners have to be ruled with a very firm hand, and you have to tell them the truth; there is no use bluffing them, you have to act fair and square with them; and we got the foreigners in first class shape down on Sherman Ave. and we don't want anything to come in and disturb them; it is a bad thing. Prior to the last six months there was no friction; these men came up from Toronto and did not work in co-operation.

HON. MR. RANEY: How is it now, Mr. Curickshank—Mr. Connor?

A.—He never comes to my office; if he comes there he will be made welcome and will get every information possible.

MR. DEWART: You were saying with reference to the officers coming up and not co-operating with you?

A.—Since Jeffrey and them, the last few months there has been no co-operation with the police; they have not been in my office; I do not like that, and I was disappointed. There is not friction, but there is decidedly the feeling that they are not co-operating with us.

HON. MR. RANEY: We are very glad to have that report.

A.—I am a human being. I do not feel the same as I did before towards them. This man Lickers, you have heard his name mentioned in Hamilton.

HON. MR. RANEY: When was that?

A.—Some time ago; I don't know if they blame the Attorney-General or who they blame, but it was me that recommended him to the License Inspector to see if he could get some information.

HON. MR. RANEY: That was the fellow who turned out to be a barn burner and a highway robber?

A.—I did not know he was anything of that kind. I went out with my officers and we let him lay a trap and we prosecuted them. I was ashamed of him, ashamed of him when he came into Court, and I did not know.

MR. HALL: But you said you recommended him?

A.—I did not recommend him.

HON. MR. RANEY: Do I understand you employed him first?

A.—No, I just handed him over to the Inspector.

Q.—You had reason to believe he would be a good man for the work?

A.—He could give some information.

Q.—You recommended him to whom?

MR. DEWART: He did not say recommend.

THE CHAIRMAN: He used the word recommend.

A.—It was not recommended; I simply said this man Lickers could give



some information; but information has to be paid for, and I get my salary, I do not pay them.

HON. MR. RANEY: That conversation was with Mr. Sturdy, the License Inspector, and you said something by the way of approval to Mr. Sturdy?

A.—Yes.

Q.—You and Inspector Sturdy together used Lickers?

A.—We used him to go into the place, and I had my officers to get all the information and prosecute.

Q.—Did you know that Lickers was sent down by Mr. Sturdy to get Mr. Flavelle's approval to his being engaged?

A.—No.

Q.—Mr. Flavelle says that is so?

MR. LENNOX: Let him get in the box and say it.

HON. MR. RANEY: How long was Lickers at work there?

A.—When he was at our end we watched him, but when he went up to the other end of the city he got bad.

Q.—When he came into court on a case he admitted he had been convicted of I think burning a barn and highway robbery?

A.—Yes.

Q.—And then he was let out at once?

MR. LENNOX: Do not say that, because he was not.

HON. MR. RANEY: That was a great surprise?

A.—I was ashamed.

Q.—Was he employed again after that?

A.—I do not know.

Q.—And did he ever appear in a Hamilton Court again after that?

A.—No.

THE CHAIRMAN (Mr. Curry): You said you had a list of the places that you believed were selling?

A.—Yes.

Q.—Were you able to get the evidence upon that, were the police themselves able to get evidence to convict the people that you were satisfied were selling?

A.—Sometimes they did and sometimes they did not.

Q.—Were you able to get it yourselves, that is by going yourselves to the place could you get evidence?

A.—Not right away.

Q.—What did you do in order to get the evidence?

A.—We would use these men that came from Toronto.

Q.—That is you would send them in, would you give them marked money and send them in and follow them closely?

A.—We would follow them.

Q.—Did you give them money and send them in?

A.—The Inspector gave them money. I am Scotch, I would not give any of my money.

Q.—That is the Inspector did, you were there?

A.—I was there.

Q.—And you say they went to the place you had told that was carrying on business?

A.—Yes.

Q.—And they went in, they got the liquor, and then you went in and made your raid?

A.—Yes, we did, whatever the occasion was.

Q.—Is there anything else you want to say?

A.—Nothing else.

Q.—You are still in favour of the enforcement of the Ontario Temperance Act?

A.—I am to the finish.

Q.—And will do everything you can to enforce it?

A.—Yes.

MR. MILLS: The idea of you coming back the second time, you were somewhat concerned about the question the Attorney-General put to Mr. Macbeth with reference to friction between the Hamilton Police Force and the Provincial Officers?

A.—Yes.

Q.—The thought occurred to me while Macbeth was giving his evidence and the question that he put to Jeffrey when he took the woman into the police station, and he asked who he was, what he was, if he had a warrant, and it struck me, possibly in the same manner as it struck the Attorney-General, and the point I want to get at is, is it customary or usual, or is it the practice for a police officer other than a provincial police officer to bring a prisoner to the police station—would it be necessary for a police officer to ask, any one who is in charge of the police station, if he had a warrant, and who he was, is it customary or the practice, or is it usual?

A.—He would have no right to lock up any one without he had proper authority.

Q.—Has it been the practice or is it usual to have some one else other than a provincial officer who is enforcing the Act—?

A.—A man would not be doing his duty if he did not see what it was; other wise he might be keeping this woman improperly.

Q.—I would take it for granted that no one other than a police officer would take any one in charge?

A.—No.

THE CHAIRMAN: You would not expect the man who was there in charge of the station to lock up anybody without he knew upon what authority he was locking him up?

A.—None whatever.

Q.—Or locking a woman up?

A.—No.

Q.—So that anybody coming in there who was a stranger to the officer in charge and saying that he was a police officer, you would not expect him to lock a man or woman up without making some inquiry?

A.—No; it would be a very dangerous thing.

MR. MACBRIDE: How long have you been on the force in Hamilton?

A.—Thirty-nine years.

Q.—Your general enforcement of laws that come under your jurisdiction, has that ever been called in question?

A.—No sir, never once.

Q.—That being so, is it the fact that from time to time Provincial Police Officers go in there without the knowledge of your department and work on their own hook?

A.—Of late they have.

Q.—Does that tend to break the spirit of goodwill and co-operation?

A.—It certainly does.

Q.—And it is a detriment to the enforcement of the Act—the Provincial Officers going in without the knowledge of the local force, does that tend to adversely affect the proper enforcement of the laws?

A.—It does, there is no mistake.

Q.—You spoke of an Inspector, giving some money to some of the special officers when they go to make a raid—

THE CHAIRMAN (Mr. Curry): Go to buy.

MR. MACBRIDE: A provincial officer giving money to try to catch some case, do you know of any case of that?

A.—No.

Q.—Is money ever used to try to secure a conviction if doubtful—

MR. HALL: To buy liquor with?

A.—Yes.

MR. MACBRIDE: From some person alleged to be running a blind pig?

A.—Yes.

Q.—What is the method usually pursued, is the special officer entrusted himself with the money, or does somebody follow him to see he makes proper use?

A.—I would follow the thing right up.

Q.—To illustrate a case, supposing you had a place where you thought there was a man dealing illicitly in liquor, and one of the special officers was given money to buy liquor from him, would another officer follow on to see that the money was used for the purpose for which it was given?

A.—We would follow right up.

Q.—You would not in any instance trust these special officers themselves to handle the money?

A.—We would get the money from the party that got it.

Q.—Give it to the party and then have the money recovered by a reputable officer?

A.—Yes.

Q.—If I told you an instance where two of these special officers or spotters were entrusted with \$50 to secure liquor illicitly from an alleged bootlegger and no officer followed them up to check whether they paid the money or not, would you think that was good police work?

A.—I would not want to comment; I would not think it was.

Q.—In your experience would not there be a question in your mind if they ever paid the money over at all?

A.—I would not like to go as far as that.

Q.—I bring up this because I know an instance where \$50 was given to two special officers of Polish extraction?

A.—I cannot answer this question.

HON. MR. RANEY: I find that apparently Lickers was employed in December 1920, and the incident that you have spoken of where it transpired

that he was a man who had been convicted of serious offences became public when he was called in the Police Court on the 7th January 1921, and Lickers had apparently been employed just for three or four weeks?

A.—He was not employed; he just acted; I handed him over to Inspector Sturdy as he was giving information, and to get paid for it.

Q.—That is what Mr. Flavelle said in his letter to me, that in December he was just employed to get information for the officers?

A.—As far as I know.

Q.—And in January having proved efficient in that line they let him go into Court, and this thing transpired?

A.—Yes.

Q.—Let me read to you what Mr. Flavelle in a letter to me of the 10th January, said: "It is exceedingly unfortunate that this should have occurred, but we cannot hold Inspector Sturdy responsible. Lickers was sent over by Mr Sturdy"—who had been there for a good many years?

A.—Yes.

Q.—"Lickers was sent over by Mr. Sturdy before he appointed him for the Board to cross-examine and give Mr. Sturdy authority to engage him temporarily for the work. This we did, and he denied ever having been convicted, and we were favourably impressed with his whole appearance; so that practically the Board are responsible more than Mr. Sturdy"—and Mr. Flavelle apparently took the responsibility for taking him on. This letter was in answer to a letter from me.

MR. MACBRIDE: Do I understand Lickers has been working for the Department since then?

HON. MR. RANEY: No. Positively no.

MAJOR TOLMIE: I was going to ask the witness what is the custom in your Department in Hamilton in regard to searching prisoners; are they searched when they are arrested or do you take them to the lock-up and then search them, especially a woman?

A.—It is against the rules to search women by a man; that is the rules of the department. If it is a man arrested for theft you can search him right away to find if there is any stolen goods on him, and if it was a woman you would have to watch her closely to see she did not get away with that.

Q.—Would you allow one of your officers to go through the pockets of a woman before she was brought to the lock-up?

A.—No.

THE CHAIRMAN (Mr. Curry): What is your practice where you send a man into a place where you believe there is selling of liquor, and you follow him in, what is your practice in getting the marked money?

A.—If he had money on him we would ask him to show us his money. I have done that as an actual fact and we get the money on him; that was one of Licker's cases.

Q.—Supposing it were a woman that was selling, and you had reported to you by your officer that he had paid the woman, what would you do there?

A.—We would not search her.

Q.—Would you ask her to produce her money?

A.—If she did voluntarily we would.

Q.—If she would produce it?

A.—I would not search her—

Q.—If she produced the money you would take it?

A.—Oh yes, and give her a receipt for it.

Q.—You would not search her?

A.—No.

MR. HALL: When you stated that you sometimes gave money, the authorities gave money to a man who went out to buy—

A.—The police do not do that; we have no money.

Q.—You told us something about somebody having money given to them to purchase liquor from these illicit sellers?

A.—No.

THE CHAIRMAN: What Mr. Cruickshank said was this, that the Inspector handed to the special officer money to go and buy, and then he followed up the special officer, saw him go into the house, saw him come out, got the liquor and immediately went in?

A.—Yes, that is it.

MR. HALL: Is it a practice when you are sending out a detective to approach a criminal or a supposed criminal to send a police officer who was well known, a city policeman who is well known at his heels to see that he disposes of the money with which he has been entrusted to buy—would you call that good police practice—supposing you had me employed to catch somebody who was supposed to be selling liquor, and I had been entrusted with money to go and purchase that liquor, would it be good police practice to send a well known police officer of your department along with me to see whether I disposed of the money or not?

A.—If you were on the police force too?

Q.—If I was what you call a spotter or thug or whatever you call them?

A.—Yes; it would be a good thing to have an eye on him.

Q.—What would the effect be on catching this person, don't you think this other party would have an eye on the police officer?

A.—We do not go and let them see what we are doing.

Q.—It seems to me a very crude way of doing business.

THE CHAIRMAN: Inspector, what you do is this, when you see the special officer is given the money then you send him to this house that you are directing him to?

A.—Yes.

Q.—After he has got sufficiently far away that you will not be known as being with him, in company with him, you quietly follow on and see him enter, keeping yourself hid as well as possible from observation of the house, and then when he comes out you at once go forward, ascertain if he has made the purchase, and then follow right in?

A.—Yes, that is the way.

MR. HALL: After having done that, and he has paid over certain moneys, and he has got what he went for, and you make an arrest and bring the people there, you search for that money, do you not, to see what money he has?

A.—If it is marked.

Q.—Of course it will be marked money?

A.—Sometimes it is not.

Q.—How would you do if it was not marked, how would you convict?

A.—The one that would pay the money—

Q.—If he denied everything?

A.—We would take the number of the bill; we did not mark it.

Q.—That is practically marking it, that is a marked bill?

A.—Well.

MR. MACBRIDE: You arrest the man right then, don't you?

A.—Yes.

Q.—Not a week or a month after?

A.—No.

MR. EVANS: Supposing it happened to be a woman, what would you do in that case?

A.—It would depend on conditions; if it was a woman with small children we would not arrest her.

Q.—In case where there are no children and a young woman, what is done then?

A.—We always use our judgment to the best we can for the benefit of the people; we have to be humane in all things.

MR. HALL: You find out first of all if he has the money, you assure yourself that a purchase was made by seeing the money you had marked or registered?

A.—We do not say it is marked money.

MR. EVANS: Supposing then he comes out and he tells you he has this bottle of whiskey, and he paid that marked bill of which you have the number, over to a lady in there, what do you do to that lady, supposing she has put that money in her pocket, what do you do in that case?

A.—We leave it there, we would not take it out.

THE CHAIRMAN: Do you not search the man before he leaves you to see if he has any liquor?

A.—Yes, we always do that.

Q.—Do you sometimes search then to see he has no money except the money you give him?

A.—We have done that, too.

Q.—And you sometimes, when you get a bottle of liquor, search again to see if he has any money left on him, don't you?

A.—We generally find out the circumstances.

MR. LENNOX: The Attorney General asked the question if there was not friction between the local police and the provincial police.

HON. MR. RANEY: I think I asked if there was any friction.

THE CHAIRMAN (Mr. Curry): Was there any friction so far as you know between the Hamilton police, the regular police, and the provincial police in the enforcement of the Act?

A.—There was no friction only they stood apart from us entirely.

Q.—For the last two or three months?

A.—Yes, we did not co-operate one with the other.

Q.—Before that had you any?

A.—No.

Q.—There had been no friction whatever?

A.—No, I always gave them the list ready for them to go around the City of Hamilton.

HON MR. RANEY: You say that was the condition when Jeffrey went up there?

A.—That was before.

Q.—That was the condition for more than a year past, because he was up in January last year?

A.—I never have spoken to the man.

MR. DEWART: This was in August.

HON. MR. RANEY: Oh yes.

MAJOR TOLMIE: Did I understand the witness to say that he did not approve of the methods adopted with reference to the foreign section?

A.—Yes.

Q.—It weakens your hands with regard to the foreign people?

A.—I do not believe in—I believe in controlling these people with a firm hand, and not going around and throwing any reflection on the police force—

MR. DEWART: What was it you were going to say you did not believe in?

A.—I do not believe in a man under the influence of liquor going down there.

WILLIAM DAVIDSON: Sworn, examined by Mr. Lennox:

Q.—What is your position?

A.—Patrol driver.

Q.—Where?

A.—In Hamilton.

Q.—Do you recall an occasion when an arrest was made of a Mrs. Frier and a man named Workman at Hamilton?

A.—I do not remember Workman; I remember Mrs. Frier.

Q.—What is your recollection of that occasion?

A.—It was in the evening about six o'clock; there was an automobile drove up in front of the station; I was looking out of the window and I thought there was something the matter the way the man acted.

Q.—What was there made you think there was something wrong?

A.—One man jumped out of the far side of the automobile and came around and they grabbed this woman in the car and pulled her out, and forced her into the station, one in front and one—

Q.—What do you mean by forced? Was she resisting?

A.—There was one on each side, and they had her by the wrist.

Q.—How did they handle her?

A.—They got out of the automobile, one got out of the far side of the car and came around, and the way he came around quick I thought there was something the matter.

Q.—Was there anything the matter?

A.—There must have been; they brought her into the station and charged her with breach of the O.T.A.

Q.—Was there anything the matter with the men?

A.—I found out afterwards one man had been drinking.

THE CHAIRMAN: Not what somebody told you.

MR. LENNOX: How did you find that out?

THE CHAIRMAN: Mr. Lennox wants to know if you yourself knew any—

thing with regard to that man at that time, what you saw or smelled or heard from him?

A.—When he came out of the automobile first after he came in the station I smelled liquor.

MR. LENNOX: Who was the man?

A.—This man Jeffrey.

Q.—The provincial officer?

A.—Yes.

Q.—What was his condition at the time he had this woman under arrest?

MR. HALL: Will we be able to get this man here?

HON. MR. RANEY: Oh no, he has gone to England.

MR. HALL: It seems to me we are getting a lot of Jeffrey here, and the man has no chance to defend himself.

HON. MR. RANEY: I suppose if he had been at a bootlegger's and taken some whiskey there his breath would smell of whiskey?

A.—Yes.

Q.—And I suppose if it was real swamp whiskey it might have affected him very quickly?

A.—Yes.

MR. LENNOX: What was his condition?

A.—He seemed very excitable. There was another man with him and they said they charged this woman with breach of the O.T.A.

Q.—Where did they say they got the liquor?

A.—They did not say anything to show where they got the liquor.

Q.—Was Jeffrey the only one who was in your opinion under the influence, or was the other man who was with him under the influence?

A.—The other man you could notice was under the influence of liquor.

Q.—Well, he was bringing this woman in charged with breach of the Ontario Temperance Act, and the man that was doing it was under the influence of liquor, is that true?

A.—Yes.

Q.—Did he lay the information at the station when he brought this woman in?

A.—Yes.

Q.—The case came up, so I am instructed, next day?

A.—It came up the next day; I took the woman up to the Central Station that night.

Q.—Did you keep her in jail all that night?

THE CHAIRMAN (Mr. Curry): Do you know?

A.—I took her to the Central Station from No. 3 station.

MR. LENNOX: Was she detained there that night?

A.—I could not say.

Q.—Do you agree with the Inspector that Jeffrey was drunk when he brought the prisoner in, he was drunk the next morning, under the influence of liquor I should say?

A.—I did not see him.

THE CHAIRMAN (Mr. Curry): The Inspector did not see him next morning; it was Macbeth saw him.



MR. LENNOX: Yes, the Inspector saw him the next morning.

HON. MR. RANEY: The Inspector said he was excited and seemed to be under the influence of liquor.

MR. LENNOX: Did you see him the next morning?

A.—No.

Q.—Do you know why the case was adjourned?

A.—No, I do not know.

Q.—How long have you been a police officer?

A.—Nine years.

Q.—Was Jeffrey in a condition to discharge his duty in your opinion?

A.—I would not think so.

Q.—Why?

A.—A police officer?

Q.—Why?

A.—A man under the influence of liquor, he was not capable, that is my opinion.

Q.—He was not what?

A.—He was not capable of looking after the case he had on hand.

MR. HALL: Was he drunk?

A.—No, he was not drunk; he was under the influence of liquor. If you are drunk you are incapable.

Q.—How much liquor would a man have to take before he would be under the influence of liquor?

A.—I could not say. I have seen a man say he had two drinks, and he was impotent—some men can drink more than others, I could not say; I knew one man said he had only two glasses of whiskey and he was drunk.

Q.—How many glasses of whiskey did Jeffrey say he had had?

A.—He never said he had any, to me, at all.

Q.—By what method did you arrive at the conclusion that he was under the influence of liquor?

A.—By his actions, and I could smell his breath.

Q.—Could not he walk straight?

A.—He could walk.

Q.—Without making X's and W's?

A.—Yes.

Q.—HON. MR. RANEY: Did he talk rationally?

A.—He talked very excitable.

Q.—He talked rationally?

A.—Yes.

MR. HALL: He could talk straight?

A.—Yes.

MAJOR TOLMIE: Was he sober?

A.—He was not sober.

MR. HALL: Could not a man get excited in connection with the case—you say that he arrested this woman and that it required two to get her out of the car into the police office, don't you think that some men might be just excitable enough to give a person the idea that they were under the influence of liquor, and they might be under the influence of excitement?

MR. LENNOX: You think the witness is mistaken?

MR. MACBRIDE: The man was in Hamilton; he cannot get excited there.

THE CHAIRMAN: You were looking out of the window when the car drove up?

A.—Yes.

Q.—The man got out on the far side and came around the car?

A.—Yes.

Q.—The other man got out on the near side out of the car, that is right?

A.—Yes.

Q.—Did the woman make any effort or any attempt to get up and follow them out?

A.—They did not waste no time.

Q.—Did she make any attempt or did she sit still, because the man went around the car?

A.—I could not say; they seemed to grab the woman and pull her out.

Q.—Had she made any appearance to get out of the car?

A.—I don't think so.

Q.—When the car stopped she must have known it was coming to the police station, that you would be known to her?

A.—She said she did not know there was a police station there.

Q.—Apparently she knew she was under arrest and going to the station, and apparently she made no effort to get out of the car?

A.—No.

Q.—Did you know this woman?

A.—Not until that day.

Q.—You are driving the patrol waggon?

A.—Yes.

Q.—You would not have any knowledge as to whether she was on the list of your station for selling liquor?

A.—I know she was not on the list as far as I know.

Q.—As far as you knew she was not on the list?

A.—No.

HON. MR. RANEY: If it were true that this woman had resisted the officers when they were arresting her, and that there had been a very unpleasant scene, and they had great difficulty in getting her to go with them, might that account for the officers excitement?

A.—Yes, it might.

Q.—It was a very unpleasant situation I would infer, from what you say, the woman was not apparently coming willingly?

A.—She did not resist them at all.

Q.—You do not know what had happened previously?

A.—No.

MAJOR TOLMIE: You say that the officer was not sober at the time?

A.—No sir.

Q.—Was he in fit state to give evidence at the time would you say?

A.—I would not consider he was.

MR. LENNOX: Do you agree with the Inspector when he swore that there was no resistance on the part of the woman when they dragged her over into the police station?

THE CHAIRMAN: That was not the Inspector, but Mr. Macbeth.

MR. LENNOX: Mr. Macbeth—do you agree with that?

A.—Yes.

THE CHAIRMAN: He said they pulled her out of the car, brought her to the station and slung her in the door.

MR. MACBRIDE: You are patrol driver in Hamilton?

A.—Yes.

Q.—How many years?

A.—Three.

Q.—You bring a great many intoxicated people to the station in the patrol?

A.—Yes.

Q.—Ever bring women?

A.—Yes.

Q.—Can you give us any other instance in which it was necessary to treat another woman the way this woman was treated, do you know of any other?

A.—No, usually—this woman was not drunk.

Q.—A suggestion has been made by one witness that she was slung or dragged in.

A.—No, usually a woman walks in if she is sober.

Q.—You do not know of any other instance where a woman was treated as this woman was treated, do you?

A.—Not if she is sober.

MR. HALL: Did you ever know of one being carried in?

A.—Yes—sober or drunk?

Q.—Yes, sober or drunk?

A.—I have seen women carried in both ways.

Q.—Both sober and drunk they are carried in?

MR. MACBRIDE: I presume you have rules and regulations for the conduct of your force in Hamilton?

A.—Yes.

Q.—If any of your officers on the Hamilton force was in the condition Jeffrey was, what would happen, would he be dismissed immediately?

A.—He would be suspended by the Sergeant in charge of the men.

Q.—Something has been said here about the Attorney General suggested that Jeffrey might have had to drink some liquor himself in order to secure a conviction—do any of the Hamilton police officers in enforcing the law have to be intoxicated or partially intoxicated to get a conviction—do you know of any case?

THE CHAIRMAN (Mr. Curry): You know well enough they could not buy liquor from a bootlegger, a police officer.

MR. MACBRIDE: With all due respect I think the Hamilton police force are endeavouring to enforce the law according to the best methods; we are trying to find out whether Jeffrey was pursuing proper tactics; would any of the members of the Hamilton police force in their endeavour to enforce the O.T.A. find it necessary to be intoxicated or partially intoxicated?

A.—No Sir.

Q.—So that Jeffrey, whatever kind of liquor he drank, was not acting the part of a good police officer, was he?

A.—No sir.

MR. WIDDIFIELD: It has been brought out that the Hamilton police officer was acting beyond his duty in locking this woman up without the production of a warrant; if that be so I would like to ask the witness—we have had the witness's statement that this man Jeffrey was intoxicated, it is very strange that this man that was intoxicated could put it over this Hamilton police officer who was not intoxicated in that way; how does that strike you?

A.—I did not get the question.

Q.—How does it strike the witness, this position of affairs, would you say the Hamilton police officer was intoxicated on that occasion—the man in charge of the police station that locked the woman up?

MR. HALL: The officer in charge when she was brought to the police station.

MR. WIDDIFIELD: Would you say he was intoxicated?

A.—No, he was not intoxicated.

Q.—Does it not strike the witness as rather strange that this man Jeffrey whom you say was intoxicated could put it over the man Macbeth who was not intoxicated in that way?

MR. MACBRIDE: There is no suggestion Jeffrey put it over anybody.

MR. WIDDIFIELD: The question is whether Jeffrey was intoxicated or not, and we want to know just the relative position of these two men, the relative condition of those two men on that occasion.

MR. MACBRIDE: I ask your ruling if there was any suggestion the other man was intoxicated.

THE CHAIRMAN: (Mr. Curry): There is no suggestion that Mr. Macbeth was intoxicated; but the Member of the Committee is quite right and regular in the manner in which he asked his question.

MR. HALL: The suggestion is the police took the woman in without a warrant; they did not see the warrant anyway.

MR. MACBRIDE: If I understand the evidence correctly when Mr. Macbeth was in the box he said he reported it to the Inspector; he did not say he took the woman in and locked her up; he detained her, and he reported it to his Inspector.

MR. LENNOX: She was slung in.

MR. HALL: He did not sling her out.

THE CHAIRMAN (Mr. Curry): To answer the question of the Member of the Committee, Mr. MacBride, as to the police officers finding it necessary to drink, they could not buy liquor, could they, from a bootlegger?

A.—No Sir.

Q.—What is your practice when you know that a place is selling liquor, or have good reason to think that the place is selling liquor, get somebody to go and buy it?

A.—Well, we cannot get anybody to go and buy it.

Q.—That is you cannot, but the Inspector can?

A.—The Inspector might.

Q.—You yourself cannot; have you known people to be employed to go and buy?

A.—I have; it is a few years ago.

MR. HOMUTH: By Inspector, do you mean Police Inspector or License Inspector?

THE CHAIRMAN (Mr. Curry): The Inspector of his police division?

A.—We never give money to them to go and buy. The Magistrate in Hamilton gave the impression that if they send a man in he won't give them a conviction.

MR. HOMUTH: It is an unusual custom for a police Inspector to give money?

A.—Yes.

HON. MR. RANEY: There are certain class of cases that might very well be handled by your local police because they have not funds to send men in to buy; you have to do largely with the class of cases where you can go and raid a place and find the stuff there and take it away?

A.—Yes.

MR. EVANS: Was it extra unusual, this scene of pulling the woman out of the car?

A.—It seemed to me there was something the matter.

Q.—You have seen both drunken women and sober men carried in?

A.—If the woman resists we have had to carry her in.

THE CHAIRMAN: I think we have exhausted that *ad nauseam*.

MR. LENNOX: I think the Member ought to be allowed to pursue it if he wants to.

THE CHAIRMAN (Mr. Curry): If he wants to.

MR. LENNOX: I think you are right.

THE CHAIRMAN: Is there any other question that has not been asked or any viewpoint that has not been gone over that any Member would like to ask a question upon?

MR. MACBRIDE: I would like to ask the Inspector one question.

THE CHAIRMAN (Mr. Curry): If the Inspector is here I would like to ask him a question myself; but you might ask your questions first.

JOHN CRUICKSHANK, Recalled.

MR. MACBRIDE: It has been brought out very clearly that your record is "AI," everybody has agreed to that; that being so I understand some months recently there was a squad of special police officers went in there from the Province into Hamilton, am I correct?

A.—I kept no track of them.

Q.—In the evidence it came out this morning recently a number of officers had gone in without your knowledge?

A.—Oh yes; they are coming in all the time.

Q.—Are you consulted when they come in?

A.—No.

Q.—So that notwithstanding all your experience and your integrity officers from this Provincial Department are sent into your city to work their business without your knowledge?

A.—Yes, that is right.

THE CHAIRMAN (Mr. Curry): That has been for the last two or three months?

A.—Yes.

Q.—Prior to that you had been consulted?

A.—Yes.

Q.—Now you can tell me, this woman Mrs. Frier, did you know her?

A.—I knew her, and we had considerable trouble with her.

Q.—Was she on your list that you keep of the people that are suspected of selling liquor?

A.—Yes, worse than that.

Q.—Had she been convicted of selling liquor?

A.—I forget.

Q.—But she was on your list?

A.—It is a house of bad reputation.

Q.—Do you mean by that a house of ill fame as well?

A.—We suspected.

Q.—Being both a place where liquor was sold and being a house of ill fame?

A.—Yes.

MR. LENNOX: Is that any reason for handling her the way they did?

A.—I did not see; I was not there.

Q.—Any other officers here from Hamilton?

A.—No.

Q.—Is Mr. Sturdy here?

A.—No.

MR. LENNOX: May I ask you to hear Mr. Joynt, who comes from Shallow Lake, and wants to get away.

Agreed to.

THOMAS JOYNT: Sworn, examined by Mr. Lennox:

Q.—You live where?

A.—Close to Shallow Lake.

Q.—Where is that with respect to Owen Sound?

A.—About nine miles west of Owen Sound.

Q.—You carry on the business of what?

A.—Farmer mostly, and drover.

Q.—I understood you were in the hotel business once?

A.—Sometimes when the hotel is empty.

Q.—You own a hotel, and when you have not a tenant you operate it yourself?

A.—At night.

Q.—Is it a standard hotel or not?

A.—Yes, it had a license.

HON. MR. RANEY: Has it now?

A.—No.

MR. LENNOX: Is the business being carried on now?

A.—Yes.

Q.—By somebody else?

A.—Yes, it is rented.

Q.—I believe that a charge was made against you for breach of the Ontario Temperance Act?

A.—Yes.

Q.—When was that?

A.—That would be a year ago last January.

Q.—Was there a trial?

A.—Yes.

Q.—And as a result of the evidence that was given at that trial on behalf of the Government, what happened to you?

A.—Accused of selling a bottle of liquor.

Q.—What happened to you as result of that trial?

A.—I was tried and fined \$500 and costs.

Q.—How many witnesses gave evidence against you?

A.—Two.

Q.—What did they swear to—let me ask you, do you know the names of the witnesses?

A.—Well, McCutcheon.

Q.—Who was the other man?

A.—I do not recollect.

Q.—Henry?

A.—I believe it was.

Q.—Tell me first what testimony Henry gave?

HON. MR. RANEY: That testimony is in writing. It is not quite fair—

MR. LENNOX: You know the rules of evidence as well as I do.

HON. MR. RANEY: I think I know them so well, if the testimony is in writing you cannot ask a witness to give evidence of what it was.

MR. LENNOX: Do you suggest a witness cannot give evidence as to something he heard in his own presence under oath?

HON. MR. RANEY: I suggest the evidence being available that is the best evidence. However, go on.

MR. LENNOX: I am going to file the evidence; I have asked for Mr. Dyer.

Q.—What did Henry swear to?

A.—I do not know these gentlemen, but they swore they came into the hotel, looked around and they got a bottle from me; I don't know, I have not read over their evidence.

Q.—Did they both swear that?

A.—Yes.

Q.—As a result of the evidence given by these two operators were you convicted?

A.—Yes.

Q.—And they gave you \$500; have you got the money back?

A.—No, I did not.

Q.—Did you give evidence?

A.—Yes.

Q.—Did you sell to either of these witnesses a bottle of whiskey?

A.—No Sir.

Q.—When McCutcheon, one of the operators pledged his oath in this Committee room that that bottle of whiskey was not bought at your place would that be true?

A.—It was not bought in my place.

Q.—That would be true?

A.—Yes.

Q.—Were either of these two men who gave evidence with the result that you were fined \$500 ever in your house?

A.—Not to my knowledge.

Q.—Was there any evidence given at the trial with respect to anything else outside of the bottle?

A.—No.

Q.—Was there any suggestion of evidence with respect to anything else save the selling of the bottle?

A.—Not to my knowledge.

Q.—So that you were convicted and had to pay \$500 and costs?

A.—Yes.

Q.—For having upon the evidence of these two operators sold a bottle of whiskey?

A.—That is right.

Q.—Have you got your money back yet?

A.—No Sir.

Q.—Who was the Magistrate?

A.—Mr. Creasor.

Q.—Did anybody else give evidence other than these two spotters?

A.—No, not to my knowledge—Sarvis—

Q.—Sarvis—I think his evidence is that he got the bottle from the spotters?

A.—Yes.

Q.—Was there any person who gave evidence which resulted in the Government taking from you \$500 other than McCutcheon and Henry?

A.—No.

THE CHAIRMAN: Is that a fair way of putting it—being fined \$500, is not that the fair way to put it?

MR. LENNOX: You must let me word my own question.

THE CHAIRMAN: You are asking him to swear the Government took the money away from him; that is not what he meant.

MR. LENNOX: Let me put it the other way so that there will be no misunderstanding; Henry and McCutcheon outside of Sarvis identifying the bottle, were the only two witnesses who gave evidence on that trial?

A.—The only two.

Q.—And yourself?

A.—Yes.

HON. MR. RANEY: It follows from that, does it not, that there could not have been any other evidence?

MR. LENNOX: As a result of the evidence that they gave before the Magistrate at Owen Sound you had to separate yourself from \$500?

A.—Yes Sir.

THE CHAIRMAN: And the Statute makes that go to the Government.

MR. LENNOX: Was there an atom of foundation or truth in the charge that was laid against you?

A.—No Sir, there was not.

MR. OKE: You have been convicted and have had to pay a fine of \$500 and costs?

A.—Yes.



MR. LENNOX: And costs?

A.—Yes.

MR. OKE: I would like to know from you, as an hotel man, have you ever sold liquor contrary to the O.T.A.?

A.—No Sir, I did not.

HON. MR. RANEY: Does that go back beyond the Ontario Temperance Act, too?

A.—You can go as far back as you like.

Q.—You never sold any liquor contrary to law?

A.—No.

Q.—At any time?

A.—No Sir.

Q.—You mean that to be quite absolute, and anybody who says anything to the contrary is saying something in which is not an atom of truth.

A.—I offered Mr. Beckett \$100 the day of my evidence if you could get any reliable man in Shallow Lake to state I sold him a bottle of whiskey.

Q.—Or any intoxicating liquor?

A.—Yes.

Q.—At any time?

A.—Yes.

Q.—Have you ever been convicted?

A.—Yes.

Q.—How many times.

A.—Not for selling booze.

Q.—Have you not?

A.—No Sir.

Q.—How many times have you been convicted?

A.—Not for selling liquor.

Q.—How many times have you been convicted for a breach of the Temperance Laws?

A.—Oh a couple of times being the worse of liquor.

Q.—How many times?

A.—I was not guilty of that.

Q.—Leave out this \$500 case in January 1921 for the present, leave out the case Mr. Lennox was speaking about, when were you convicted last before that time?

A.—I could not tell you; I did not take any stock in it.

Q.—Where were you convicted last before that, in what place?

A.—Shallow Lake?

Q.—What was the charge then?

A.—For giving a glass of liquor away?

Q.—For giving a glass of liquor away?

A.—Yes.

Q.—Not for selling it?

A.—No.

Q.—Just for giving it away?

A.—Yes.

Q.—Where were you said to have committed that offence?

A.—Shallow Lake.

Q.—When was that, what year?

A.—I could not tell you.

Q.—In the hotel there?

A.—Yes, that is where they claimed it was.

Q.—Were you fined then?

A.—Yes.

Q.—How much?

A.—\$200.

Q.—You paid that fine?

A.—Yes.

MR. OKE: As a matter of fact did you give a glass of whiskey away?

A.—Not to my knowledge.

HON. MR. RANEY: So that even then you were innocent?

A.—As far as I know I was.

Q.—Nobody ought to know better than you?

A.—I should.

Q.—You know Mr. Beckett, don't you?

A.—Yes, right well.

Q.—How many times has he prosecuted you?

A.—Him and me we never hit it very well.

Q.—You do not hitch very well?

A.—No.

Q.—How many times has he prosecuted you?

A.—You will have it there.

Q.—Do you know?

A.—May be twice or three times.

Q.—This case in which you were fined \$200 and costs, who had you furnished the liquor to that time?

A.—I do not know.

Q.—The name was given at the trial of course, were not you at the trial?

A.—Well, you know I settled.

Q.—You pleaded guilty?

A.—Yes, I am here to tell the truth.

Q.—You were charged in that case with selling liquor?

A.—They said I did; I do not remember selling any.

Q.—You were charged with selling?

A.—No, not selling.

Q.—Why was the standard license taken away from your hotel?

A.—Local Option came in.

Q.—Had you ever had a standard license under the new law?

A.—No.

Q.—Who was it that you supplied the liquor to for which you were fined \$200?

A.—I do not remember supplying it to anybody.

Q.—Who did the Inspector say you had supplied it to?

A.—He did not say.

Q.—You pleaded guilty?

A.—Some of the boys said they thought that was the best way for me to do.

Q.—You did not give evidence on that occasion?

A.—No.

Q.—No witness was called at all?

A.—No.

Q.—You did not ask whom it was said you had sold the liquor to?

A.—No, I did not sell any.

Q.—Or whom it was said you had given the liquor to?

A.—No.

Q.—Whom did you give it to?

A.—I don't know; I do not remember giving it to any one.

Q.—You part with your money rather easily don't you; you were accused of a serious offence and you do not even inquire who is making the accusation; that was in 1918; that was under the Ontario Temperance Act, was it not?

A.—I guess it was.

Q.—I understood you to say you had never committed any offence against the Ontario Temperance Act?

A.—I did not sell any liquor.

Q.—You gave it away?

A.—I do not remember giving it away.

Q.—Did you have liquor at that time in your hotel?

A.—Not to my knowledge.

Q.—Did not even have it?

A.—No.

Q.—Never have had liquor in that hotel?

A.—No.

Q.—Even for your own use?

A.—Well, such a thing I might have for my own use.

Q.—Answer that question; have you ever had liquor in that hotel?

A.—I might have.

Q.—How much at a time?

A.—One drink or so.

Q.—Never bought as many as a dozen bottles at once?

A.—Never bought a case of liquor in my life.

Q.—Even under the old law?

A.—No.

Q.—Did you have a license under the old law?

A.—No, I did not buy it.

Q.—I said did you have a license under the old law—was your hotel licensed?

A.—Yes, a short time.

Q.—While you were running it?

A.—No, I did not run it.

Q.—Then I see you were fined—tell me who the Magistrate was who ordered you pay \$200 in 1918?

A.—Mr. Creasor.

Q.—I see on August the same year you were fined \$25 and costs; what was that for?

A.—What year was that?

Q.—1918, the same year?

A.—I do not remember that.

Q.—Mr. Beckett says so over his own signature, would you dispute with him?

A.—I do not remember that.

Q.—Were you ever fined up in North Bruce for any offence?

A.—Yes, and was not guilty neither. I told Creasor right in Court; I told Beckett right in Court—

Q.—We are talking about North Bruce now, what was the fine in North Bruce?

A.—\$25 I guess; I could not tell.

Q.—How many times were you fined in North Bruce?

A.—I don't think I was fined only once.

Q.—Who was prosecuting then—who was the Magistrate?

A.—I forget.

Q.—Did you plead guilty that time?

A.—No.

Q.—Did you plead guilty in this case before Mr. Creasor, in August, 1918?

A.—That is the \$200?

Q.—No, the twenty-five dollar case?

A.—No.

Q.—Did you plead guilty then?

A.—No.

Q.—There was evidence in that case too?

A.—I did not plead guilty.

MR. LENNOX: What were you charged with?

A.—I guess the worse of liquor.

Q.—Yourself?

A.—Yes.

MR. MCCREA: What was the charge?

HON. MR. RANEY: Charged with being drunk and convicted on the 19th August, 1918?

A.—I will tell you what I said, I never was so drunk but I could change a ten-dollar bill for the best man I ever saw.

Q.—This man McCutcheon, you remember McCutcheon who gave evidence against you?

A.—No.

Q.—The man who gave evidence against you in the last case when you were fined \$500?

A.—I do not remember him at all.

Q.—Mr. Beckett tells me you have been rather a bad actor?

A.—He has been fighting me and I have been fighting him. He is a worse actor than Joynt. Beckett swore a lie in Court before Creasor against Joynt.

Q.—Who is Beckett?

A.—License Inspector.

Q.—Up in Owen Sound?

A.—I told right in Owen Sound he swore a lie.

Q.—This Mr. Beckett is a man of pretty good reputation?

A.—Yes, by some.

Q.—The man McCutcheon who gave evidence against you in January, 1921, when you were fined \$500, had you seen him before?

A.—No Sir.

Q.—Do you remember a dance you had at your house just before that time?

A.—There was a dance there.

Q.—And McCutcheon says he was there?

A.—I do not remember it.

Q.—He swore to it the other day?

A.—All right.

Q.—You would not say he was not there?

A.—No, I will not say he was not there—I don't think he was there.

Q.—You said he was there at your dance, will you swear he was not?

A.—Not to my knowledge.

Q.—He says you sold him drinks that night?

A.—Nothing of the kind; I deny it.

Q.—Did you sell any drinks to anybody that night?

A.—No sir, no more than soft stuff.

Q.—No hard stuff?

A.—No.

Q.—Nor at any other time?

A.—Nor no other time, and more than that anybody that was in the hotel I always warned them not to sell no drinks.

MR. LENNOX: That is the tenant?

A.—Yes.

HON. MR. RANEY: I see you were fined twice for being drunk in North Bruce?

A.—I don't think so.

Q.—Mr. Beckett says so?

A.—I think I beat him as often as he fined me.

Q.—At all events you admit you have been fined four times, convicted four times?

A.—I would not just say it was four times.

Q.—I have a record of four cases here; you were innocent in all those cases?

A.—I always said so.

MR. MACBRIDE: How long have you lived in this place you are now living in?

A.—About fifty-three years.

Q.—And your family lived there?

A.—Yes.

Q.—Have you any other business besides this hotel that is spoken about?

A.—I am a farmer, live stock.

Q.—Who is this man Beckett we hear so much about; what does he do up there?

A.—He is Inspector in Owen Sound.

Q.—Any other business?

A.—Not that I know of.

Q.—Has there been a feud between you for some years, differences, bitterness?

A.—Yes.

Q.—A case of Beckett get you or you get Beckett?

A.—Yes.

Q.—What particular nationality are you outside Canadian?

A.—I am Irish I guess.

Q.—I understood you were charged in January, 1921, and fined \$500 on the evidence of a man named McCutcheon and a man named Henry?

A.—Yes.

Q.—Are you aware that McCutcheon the other day at this Committee finally admitted that he did not buy the liquor from you?

A.—I heard that was so.

THE CHAIRMAN: That is the bottle of liquor.

MR. MACBRIDE: Yes. So that he has himself admitted to this Committee that he gave false evidence against you at the time you were fined; can you explain how McCutcheon and Henry came to go up there; were they ever there before to your knowledge?

A.—Not to my knowledge.

Q.—So that there has been three or four fines of twenty-five dollars backwards and forwards between you and Beckett?

THE CHAIRMAN: One of two hundred dollars.

MR. MACBRIDE: And finally McCutcheon and Henry drop in?

A.—I do not remember either one of them.

Q.—You speak of this Magistrate Mr. Creasor?

A.—Yes.

Q.—Is he a man with legal training, a lawyer?

A.—He should be.

Q.—How long has he been there?

A.—He has been there for years.

MR. RANEY: One of the best Magistrates in the Province.

A.—I would not say so.

MR. MACBRIDE: I am glad to know there are a few good ones left; I thought the good ones were being removed.

A.—Yes.

THE CHAIRMAN: You don't think much of the Attorney-General's opinion of magistrates, do you?

A.—No, I do not.

MR. MACBRIDE: The name of Mr. Sarvis was mentioned?

A.—Yes.

Q.—As coming into this trial; in what respect did he come into it?

A.—I could not say; he was a stranger to me.

Q.—Was he at the trial in the Court Room?

A.—Yes.

Q.—He had a bottle?

A.—Yes.

Q.—Did he give evidence?

A.—No.

Q.—So that he came possibly just to direct the other two. Another point came up, a certain charge was made against you and you pleaded guilty, what was the object of that plea, was it on the advice that the fine would be smaller if you pleaded guilty?

A.—Yes.

THE CHAIRMAN: He said some of the boys thought it was best.

MR. MACBRIDE: I think a wrong impression was conveyed to the Committee. Any practising lawyer here will admit that he very often advises his client either to fight the case or to plead guilty.

THE CHAIRMAN: That was not what he said. He said some of the boys advised him that it was better to plead guilty.

MR. MACBRIDE: I have known lawyers that are boys; some of them are grown up.

A.—I was over in Owen Sound, and I know these fellows, I went over and Mr. Creasor was sick at the time, and Mr. Beckett said to me, If you do it there will be no more about it.

Q.—It was Beckett that suggested that to you?

A.—Yes.

Q.—These several fines and the bringing in of these two men McCutcheon and Henry, in your opinion is simply a continuation of the feud between you and Beckett?

A.—Yes.

Q.—That is the way you feel about it?

A.—Yes.

Q.—You are both Irish, is Beckett Irish?

A.—I could not say; I do not think he is Irish.

MR. HALL: I would ask this question, he said Mr. Beckett advised him in this matter of paying these fines, and I ask him if it was in the way of friendly advice.

A.—I do not know.

Q.—Want to give you friendly advice to get out of difficulty?

A.—I did not want to get in any mix-up about it.

Q.—You took his advice anyway?

A.—Yes.

THE CHAIRMAN: Explain to me why you said the boys thought it would be better—you talked it over with your friends?

A.—Not very much.

Q.—Did you talk it over with your friends?

A.—Perhaps I did.

Q.—And as a result of the talking of it over with your friends they said to you “Now, Joynt, it is better for you to go and plead guilty?”

A.—That is what I done.

Q.—Is that what they advised you?

A.—I just went over—

Q.—Did they advise you, your friends, the boys you spoke of, were they the ones that advised you to plead guilty?

A.—No, I went over, I think maybe the best thing I could do was just to pay it.

Q.—And not have these boys called as witnesses?

A.—And have no lawsuit at all.

Q.—That is the \$200 matter?

A.—Yes.

Q.—It was not as a result of what Beckett said to you that you pleaded guilty?

A.—Mostly it was.

Q.—Why—you had had a feud between you?

A.—I did not remember of giving the boys anything to drink.

Q.—You did not remember giving these boys anything to drink?

A.—No.

Q.—And the boys said you did?

A.—Some said—

Q.—Some of the boys said you did?

A.—I guess they did.

Q.—And as a result of the conversation they said it was better for you to plead guilty?

A.—No, the boys did not; I was over in Owen Sound.

Q.—You went over and pleaded guilty, the boys said it was better for you to do it, that you had given them drink?

A.—No.

Q.—Did the boys say to you that you had given them liquor?

A.—I don't think they did.

Q.—You told me a minute ago that they did?

A.—I said maybe the boys said so.

MR. MACBRIDE: You told us you have lived 53 years up there; you are a well-to-do farmer?

A.—Fairly well.

Q.—There are other police officers in Owen Sound besides Beckett?

A.—Yes.

Q.—Have any trouble with any of the others?

A.—No.

Q.—Beckett is the man you have had trouble with?

A.—Yes.

Q.—There is no doubt at all that there was a frame-up on you on January, 1921?

A.—Sure, nothing else. When I gave my evidence I told them it was a straight steal.

Q.—In view of the evidence now given by McCutcheon; have you any assurance that you are going to get your money back, have you approached the Government?

A.—I think my lawyer did.

MR. LAWYER: That does not mean you will get it if your lawyer gets it.

MR. MACBRIDE: It is fairly well established now that that was a frame-up?



A.—Certainly it was.

MR. J. B. JOHNSTON: You said you were advised by Mr. Beckett, the Inspector, to plead guilty?

A.—No, I did not say that. I went over, I think I asked Mr. Beckett if I settled would there be any more about it, something like that, and he advised me to settle it, there would be nothing more about it.

Q.—You accepted his advice?

A.—Yes.

THE CHAIRMAN (MR. CURRY): You approached him?

A.—Yes.

MR. JOHNSTON: You thought that was good advice?

A.—I was kind of busy at the time.

Q.—Did you take that as good advice or not?

A.—I guess I did.

Q.—You say you do not remember whether you gave these men a drink or not?

A.—No.

Q.—Could you give them a drink, was it possible for you to give them a drink at that time?

A.—I will tell you what the boys said I gave them.

Q.—Was it possible?

A.—No, it was not possible.

Q.—Could you have given them a drink?

A.—No.

Q.—It was not possible?

A.—I had not got it there to give them a drink.

Q.—Why did you plead guilty?

A.—They have been in like a wolf and they would likely sting me.

Q.—You said it was good advice?

A.—So I did.

Q.—Why was it good advice?

MR. LENNOX: Because they were after him?

A.—Yes.

MR. McCREA: Wanted to avoid publicity.

HON. MR. RANEY: Have you ever been in Court charged with any other offence?

A.—No.

Q.—Are you sure now?

A.—For debts or anything?

Q.—Any offence, have you ever been in Court for any other offence?

A.—Not to my knowledge.

Q.—Are you sure?

A.—You might tell me where it was and what it was?

Q.—In Walkerton?

A.—Yes.

Q.—What was that?

A.—That was through the wrong party accusing me of the wrong.

Q.—What was charged against you?

A.—For swearing false I guess.

Q.—When was that?

A.—Quite a while ago.

Q.—What happened to that case?

A.—It was dismissed.

Q.—By whom?

A.—By the Court.

Q.—Did you go to a Jury?

A.—No.

Q.—What Court; who was the Court?

A.—At Walkerton.

Q.—Who was the Judge?

A.—I forget.

MR. TAYLOR: Would it be Judge Klein?

A.—Maybe it was.

Q.—How long ago?

A.—Eight or ten years ago.

HON. MR. RANEY: Do you recall Mr. Beckett searched your hotel just a little while before this last \$500 case in January, 1921?

A.—Yes.

Q.—You remember that?

A.—While I was there? While other people were there he might.

Q.—Did you know of his searching it?

A.—No.

Q.—The party that we have been talking about that McCutcheon said he attended, the dance, was that in the hotel, the dance?

A.—Yes.

Q.—You were there that night?

A.—Yes.

Q.—Were you running the hotel that night?

A.—Yes.

Q.—I am asking you whether Mr. Beckett the Inspector, searched the hotel a few days before that?

A.—No, not to my knowledge.

Q.—Some time before that?

A.—He was in a time or two and I told him—

Q.—How long was it before this party?

A.—I would not say.

THE CHAIRMAN (MR. CURRY): What he did say was that he was in a time or two; he has not said whether he searched or not?

A.—Not to my knowledge. I told Mr. Beckett any time he came in "not to come in the doors till I search you so that I see you have no bottles."

HON. MR. RANEY: You wanted to search him?

A.—Yes.

MR. LENNOX: You are a wise Joynt.

HON. MR. RANEY: Mr. Beckett says, "Shortly before Mr. Joynt was fined I searched his house and found five or six bottles, each bottle contained whiskey; there were a few drops left in the bottom of each bottle?"

A.—That was while I was there?

Q.—It was a few days before?

A.—No, that was when there was a tenant there.

Q.—Did not you tell Mr. Lennox that you occupied the hotel yourself at night time?

A.—Yes, but this time that Beckett searched was before I occupied it; a tenant was there.

Q.—Who was the tenant?

A.—I could not say—Charlie Newburn I think it was.

Q.—Were you living there at the time?

A.—No, I was up on the farm.

Q.—Were you there when Mr. Beckett made search?

A.—No.

Q.—Were you there that day?

A.—Not to my knowledge.

MR. MCCREA: How big a place is Shallow Lake?

A.—When the Cement Works were running, five or six hundred.

Q.—How far is your farm from the hotel?

A.—Half a mile.

MR. MACBRIDE: Something has been said about Beckett finding five or six bottles in the hotel while the tenant was there; was any charge ever laid against the tenant?

A.—Yes.

Q.—The tenant was charged at the time he made this search?

A.—Yes.

Q.—Was he fined?

A.—Yes, and he left.

Q.—Another case the Attorney-General has stated you were tried for some years ago, and you were dismissed, found not guilty in a proper Court?

A.—Yes.

Q.—You mentioned the fact that Beckett, you told him you would like to search him when he came in to search you?

A.—Yes.

Q.—From what you say is Beckett a man—that—?

A.—I had no use for him and he had no use for me I guess.

Q.—Was there any indication that he might have liquor, did he drink liquor?

A.—That is what often people say.

Q.—You thought he might have a bottle as well as you. It is a cold country up there.

MR. MCCREA: Can you tell the Committee what reason this man Beckett would have for persecuting or getting after you as you suggest, the way he did?

A.—Nothing in particular, no more than with you here. I will tell you there is a man right behind you (referring to Mr. Taylor) and I will defy any man in our country to get up and say any wrong word against me; I have been doing business for forty years.

MR. LENNOX: How do you vote?

A.—I voted both ways.

MR. MCCREA: You have a great many friends around there in that community I would judge?

A.—Lots of friends.

Q.—You do extensive business in stock buying?

A.—Not such a great deal.

Q.—You have done an extensive business in stock buying?

A.—Yes.

Q.—And are known from one end of the country to the other?

A.—All over.

Q.—I suppose at your own private house you would give a man a drink there?

A.—If I had it I would, but lately you are not supposed to give a fellow a drink.

Q.—It is all right at your own house. Is there any fishing up there at Shallow Lake?

A.—There is.

Q.—What sort of fish?

A.—Trout.

MR. HALL: It has just come to our mind that the witness told us awhile ago that he had never had any difficulty with the regular police authorities, while just previous to that he admitted that he had been before the Court for being drunk; did Mr. Beckett have you brought before the Court for being drunk, or was it the ordinary police authorities?

A.—I would not say which it was. Do you mean the police of Shallow Lake?

Q.—Or wherever it occurred, or Owen Sound, wherever you were charged with being drunk, was it Mr. Beckett who brought that, the Inspector, or was it the police?

A.—They came up from Owen Sound.

Q.—It would likely be the police from Owen Sound?

A.—Yes.

MR. HOMUTH: You say Mr. Beckett did not lay the information against you for being drunk?

A.—No, I don't think I said that.

Q.—Did Mr. Beckett lay the information against you?

A.—I could not say.

THE CHAIRMAN: He did not lay it against you in Owen Sound, did he?

MR. TAYLOR: It would not be Mr. Beckett in the Bruce charge.

A.—He might engage somebody.

THE CHAIRMAN: We want to know whether Mr. Beckett was following you up and hounding you in any way in order to get convictions against you?

A.—Certainly, Mr. Beckett was always following me up.

Q.—In what way? Did he lay these informations against you for being drunk?

A.—That is what I would like to find out, who laid these informations.

MR. HALL: Has Mr. Beckett jurisdiction over Bruce County too?

A.—I think he has.

THE CHAIRMAN: He was not at Walkerton when you were fined there for being drunk?

A.—At Hepworth.

Q.—Beckett was not up then?

A.—He was at the Court there.

Q.—He was not there when you were arrested for being drunk?

A.—It was down in Tara, I went down and bought stalls for my stable and I was bad with rheumatism and Beckett and Raney were down at Tara, and I came home and got on the same train and they accused me of being drunk, and he swore a lie.

Q.—Have you not been arrested by the police for being drunk?

MR. MCCREA: Or summonsed?

A.—Summonsed, I guess.

Q.—Where were you when you were supposed to have been drunk?

A.—Down at Tara.

Q.—How far is that from your home?

A.—Twelve or fourteen miles.

Q.—So that it was not in the neighborhood or vicinity of the hotel at all?

A.—No.

Q.—Were you running the hotel at the time?

A.—No.

Q.—So that the charge was not in connection with your management of the hotel?

A.—No, I never run the hotel no more than just at night.

Q.—You were down at Tara doing some other business?

A.—Yes.

Q.—And you came home with Mr. Beckett on the train?

A.—Yes, sitting in the station alongside, and then he had me convicted for being drunk, and I was a little lame with rheumatism.

Q.—You felt at that time they were putting another one over you?

A.—Yes.

The Committee adjourned at 1.10 p.m. until to-morrow at 10 a.m.

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## PUBLIC ACCOUNTS COMMITTEE.

May 19, 1922.

The Committee met at 10 A.M. with Mr. Watson in the Chair.

The Minutes of May 18th were read and confirmed.

HON. MR. RANEY: I wanted to ask Mr. Budway a question or two, but I would prefer Mr. Lennox should be here when I am doing it. I do not want to waste our time, and I will call Mr. Montgomery.

Albert Andrew Montgomery, sworn; Examined by Hon. Mr. Raney.

Q.—What is your employment?

A.—License Inspector for the City of Toronto.

Q.—Are you a regular License Inspector or Provincial Inspector?

A.—Regular License Inspector, Provincial Inspector.

Q.—How long have you occupied that position?

A.—3½ years.

Q.—You were appointed under the old Government?

A.—I was on probation under the old Government and appointed under this present Government.

Q.—You were appointed first for special work?

A.—Yes Sir.

Q.—You have always been in Toronto in this work?

A.—Yes, mostly.

Q.—And the operators in Toronto, the special officers, are they in your charge?

A.—There were some at some times.

Q.—Who is your immediate superior officer now?

A.—Chief Ayearst.

Q.—How long have you been Inspector?

A.—Since I was appointed by this government.

Q.—When was that?

A.—About when this government came in.

Q.—Shortly after this government came in?

A.—Yes.

Q.—You had been on the service before?

A.—I was on probation.

Q.—And your appointment was made permanent after this government came in?

A.—Yes.

Q.—Since then you say Mr. Ayearst has been your superior officer?

A.—Yes; I have always reported to him

Q.—You have had a squad of special men under you?

A.—From time to time.

Q.—Mr. Hammond is not I understand under the Ontario Temperance Act branch, he is under the Criminal Investigations branch I believe?

A.—Yes.

Q.—So that there are two heads in Toronto?

A.—Yes.

Q.—Although the work has sometimes overlapped?

A.—Yes, it has at times; sometimes he would be working on the same work as myself and sometimes I would.

Q.—Speaking generally about the men you have employed, the men employed under you to carry out this work, what do you say about them, have they been thugs and criminals?

A.—No Sir.

Q.—What have they been?

A.—They have been men, I would not call them thugs and criminals, I think the men that are out of work and looking for a job I believe they were honest in the work that they were doing.

Q.—Have you ever knowingly kept in your employment a man who was a criminal?

A.—No, I never have, not that I know of. I had one at one time, I found out he had been in the Police Court, I found out that he had been arrested for theft, and he was let out immediately after.

Q.—When you find that a man has had a criminal record when you discover it, what do you do?

A.—We let him out.

Q.—You dismiss him?

A.—Yes.

Q.—Is it true that you have ever had under you enforcing this law men who could be called thugs?

A.—No Sir.

Q.—Neither thugs nor criminals?

A.—No Sir.

Q.—At any time?

A.—No.

Q.—By letting out you mean dismissed?

A.—Yes.

MR. MARSHALL: What is meant by a man having a criminal record?

HON. MR. RANEY: What do you mean by that?

A.—A man who had been arrested for theft or something like that more than once.

Q.—A man who had been convicted?

A.—Yes.

MR. MARSHALL: If he were convicted for being drunk would you say he was a criminal?

A.—I would not consider him a criminal for being drunk.

Q.—As far as your employing him was concerned?

A.—I would not consider him a criminal, not for getting drunk.

HON. MR. RANEY: What is the practice—Mr. Marshall raises that question—supposing one of your men gets drunk what happens then?

A.—If he got drunk, if it did not happen too often it would be overlooked probably once, but if he continued to get drunk he would be simply let out, he would be dismissed.

Q.—Do you remember having drawn to your attention a memorandum which I sent to the Commissioner of Police some months ago, instructing him that there was to be no second chance for men getting drunk, that if a man got drunk once he was to be dismissed?

A.—I believe I got a notice of that description.

Q.—Have you been following the rule since?

A.—Yes, I have.

Q.—Let me read to you a charge that was made in the House, the statement in the House was: “Not only does the Attorney-General give employment to thugs and criminals, but I say further with all the emphasis that I can command, that these men were kept and are being kept to-day by the Attorney-General assisting him in the enforcement of the Ontario Temperance Act”—was there any truth in that statement as far as you know?

A.—As far as I know there was not.

Q.—(I am reading from Mr. Lennox's address as reported in the Mail and Empire): “I can understand the administrator of a department being deceived by his officials and servants, that is inevitable, but I cannot conceive, nor will the public condone any Minister keeping in his employment a man who had been convicted and served terms to his knowledge in the enforce-

ment of the Ontario Temperance Act"—have you ever kept under you in the service of the government any man to your knowledge who has been convicted of serving a term of imprisonment?

A.—No, sir.

Q.—Have you ever known any such man to be kept in the service?

A.—I have not.

Q.—A case has been mentioned in evidence of one named Robinson whom I think was under you?

A.—Yes.

Q.—And he was fined in the Police Court?

A.—Yes.

Q.—Tell us the circumstances of that case—who was Robinson?

A.—Robinson was one of our—he was not a spotter in a sense, he was a man that went around and found out the places to take our operators to; he was the leader we might say.

MR. CURRY: Prospector?

A.—He was not supposed to be used in the witness box, if possible, that is he was not to give any evidence, but unfortunately one night he went out, one Friday evening he went out through the Ward I believe is what he told me, and he got doped, some bad whiskey. I found out the next morning, Saturday morning when I came to the office about nine o'clock, I found out through some of the men that he was in the Police Court for being drunk, arrested for being drunk.

HON. MR. RANEY: This was last fall I believe?

A.—Yes, some time in October. I knew that the man did not have any money. I went over to the Police Court, saw him in the dock, and he got up first and he pleaded not guilty; and I said, I spoke to him and I said "If you plead not guilty it means you will have to stay in till Monday"; I said "You plead guilty and I will pay your fine"; and he admitted he was drunk. So I paid his fine. At the end of the month it was taken out of his wages and given back to me.

Q.—After his appearance in the Police Court, he was not locked up at all; it was said he was in jail?

A.—No, sir.

Q.—After his case was called in the Police Court he was not locked up at all?

A.—No.

Q.—You paid his fine and took him?

A.—I paid his fine out of my own pocket and took him out and brought him over to the office, and after he got the cheque at the end of the month he paid me the \$10.

Q.—What happened?

A.—He was kept on for probably three weeks after that.

Q.—Then what?

A.—Then he was dismissed at the end of the month.

Q.—What kind of a fellow was Robinson?

A.—He is a good clean boy, done his work well; that was the only trouble, if he got a drink he could not stand it. Otherwise he was what I would call a real respectable boy.



Q.—Apart from the fact of that lapse he was a good clean boy you say?

A.—Yes.

Q.—You paid his fine out of your own pocket?

A.—Yes.

Q.—And next pay day he paid you back?

A.—That is correct.

Q.—Did you ever employ women in enforcing the law?

A.—Never, neither as a witness nor for information, nor in any other manner, shape or form.

Q.—You have been in charge of the enforcement of the law in Toronto for the last 3½ years?

A.—About 3½ years.

Q.—Under the old government and under this government?

A.—Under the old government and under this government.

Q.—Did I understand you were appointed to be Inspector under the old government?

A.—Yes; I was appointed on probation, and of course when the government was going out they would not confirm my appointment; they left it for the other government to consider whether they would do it or not.

Q.—You have been in pretty close touch with Mr. Ayearst all the time?

A.—Always; I always reported to him, with the exception I might have reported to Gen. Elliott when he made the change in the office; I made some reports to him once or twice.

Q.—There has been a great deal said here about a man named Courrian who left the service I believe some time last October, did Courrian work under you?

A.—He was working with me, yes sir.

Q.—What have you got to say about Courrian?

A.—I have not anything to say about him only what is hearsay.

Q.—So far as your own personal knowledge is concerned?

A.—According to my own personal knowledge Courrian always did his work fair and square as far as I seen. I know on one or two occasions he was brought up before the Commissioners for reports that were going around about him. I served the subpoenas on the people that were to appear, myself, under the old Board, under Mr. Flavelle I should say, and when he was brought up they could not prove anything, they did not know anything about him.

Q.—You say there were two investigations of him?

A.—Yes.

Q.—And were you present at both?

A.—I was present at both.

Q.—Both before Mr. Flavelle?

A.—One was before Chief Ayearst and the other before Mr. Flavelle.

MR. LENNOX: Was there any reason you could suggest to the public why a man under suspicion should be kept in the employ of the government?

A.—No.

Q.—Were there suspicions against Courrian?

A.—I have not heard of any; nobody ever came direct to me and told me anything.

Q.—So far as you were concerned he was, I suppose I may use the word, an admirable officer?

A.—Yes sir.

Q.—No question about that?

A.—No.

Q.—I wonder if he ever was convicted of violating the Ontario Temperance Act?

A.—Not to my knowledge.

Q.—I wonder if he was ever under arrest?

A.—Not to my knowledge.

Q.—Am I to understand that you enforcing the Ontario Temperance Act, had never heard anything against Courrian?

A.—Only these two investigations we held in the office.

Q.—One was held before Mr. Ayearst?

A.—Yes.

Q.—What was the charge that was read?

A.—He came to the office one day under the influence of liquor, he was reported—

Q.—I want you to tell the public, would he be the class of operator that would commend itself to you?

A.—Well, you could hardly blame a man for getting—

Q.—I am not blaming him; I am asking you if you approve of that?

A.—I would not approve; I don't think it would be detrimental to the public for a man to get drunk in that position.

Q.—I think you are right; I think they are under that impression themselves, the way you are enforcing the Act?

A.—Because if a man goes out—

Q.—Are you fair to yourself?

A.—I think so.

Q.—Is it necessary for a man to get drunk to enable him to establish his case?

A.—No, it is not necessary.

Q.—Did you ever get drunk in order to enforce B.O.T.A.?

A.—No sir, not for a long while.

Q.—Did you ever find it necessary to get drunk in order to establish a case against a man who was charged with breach of the Ontario Temperance Act?

A.—Absolutely not.

Q.—If you did not why should other men get drunk?

HON. MR. RANEY: Was Courrian on duty at the time he had this lapse?

A.—No sir, he was not.

MR. LENNOX: You just keep quiet for a minute; I will bring out about Courrian.

Q.—I want you to tell the public whether in the discharge of a man's duty in order to enforce the O.T.A. you ever found it necessary to get drunk?

A.—No sir.

Q.—Is there any excuse for a man getting drunk in order to enforce B.O.T.A.?

A.—Not necessary, no.

Q.—Would you regard a man who gets drunk as being a good officer or a bad one?

A.—I would not say he was a bad one because he got drunk, because under the circumstances he was working he would be liable to—he might get—

Q.—You think—

HON. MR. RANEY: Let him finish his answer?

A.—He might under the circumstances, he could take one or two drinks and the liquor that he would get probably would not be the best, it might be doped, and he would be considered drunk, and he only had two drinks.

MR. LENNOX: How many times did you get that kind of liquor?

A.—I never had any yet.

Q.—How many times did you find you were doped?

A.—I never took any to get doped.

Q.—How many times did you take a glass of liquor for the purpose of getting a conviction?

A.—I never took any.

MR. CURRY: That does not fall within your line of enforcement, does it?

MR. LENNOX: Yes, it does.

MR. CURRY: Was it necessary in your line of enforcement for you to drink at all?

A.—Not necessary, I never did, not in enforcing it.

MR. LENNOX: Why not?

A.—It is not necessary.

Q.—Why?

A.—Because I do not have to do it.

Q.—Why?

A.—Because the operators are the men that taste the liquor and sample it if they want to buy it.

Q.—Tell me how many operators you have under you to-day?

A.—I have not any; I have not had since November 1st I think it was.

Q.—Why?

A.—On account of the change that General Elliott made in the Department; he gave that work over entirely to the Provincial Officer Hammond.

Q.—Tell me what you have done since November to earn your salary?

A.—I have seized stuff on the C.P.R. freight sheds, have seized stuff on the C.P.R. freight trains, I have inspected the hotels and reported the condition of the hotels; I have laid information for confiscations of liquor since November.

Q.—What is your position to-day?

A.—License Inspector, Toronto.

Q.—What was your position before November?

A.—The same.

Q.—Why the change?

A.—I don't know, only that as far as I was told General Elliott wanted Provincial Officer to handle what he called the criminal work of the Department in Toronto.

Q.—Am I to understand you have no one under your control now?

A.—No, sir.

Q.—How many did you have approximately?

A.—I had at times six.

Q.—Six operators?

A.—Two operators.

Q.—Who were they?

A.—Matchett, Robinson—Robinson was not an operator.

Q.—He was a spotter?

A.—No, you would not call him a spotter.

Q.—Ever one called——?

A.—That is the general way to call them spotters—a man named Morrissey was another one.

Q.—I want you to tell me with your experience is it necessary to employ criminals to enforce this Act?

A.—No, it is not necessary to employ criminals; you cannot tell a man is a criminal till you find out.

Q.—I am not asking that?

A.—It is not necessary to employ them, no.

Q.—I want the public to know whether in your experience it is possible that the O.T.A. can be enforced by decent respectable honest men?

A.—Yes, it can.

Q.—I want you to tell the public is there any excuse for employing men who have been in jail, who are convicts?

A.—No, I do not think it is necessary.

Q.—Do not hesitate?

A.—It is not necessary.

Q.—Is there any justification in your opinion as to the experience that you have had under two governments for the employment of a man who is tainted?

A.—No.

Q.—Could you as an Inspector, realizing your position, justify yourself in giving employment to such a man?

A.—I would not do it if I knew he was a criminal.

Q.—Robinson was charged with drunkenness?

A.—Yes sir.

Q.—And arrested, I think I am safe in saying—I am not going to make this as a statement—in a disreputable house?

A.—No sir, he was not arrested in a disreputable house.

Q.—Where was he arrested?

A.—On the street is what he told me. I have only his word for it, I believe what he told me.

Q.—Arrested on a charge of drunkenness?

A.—Yes sir, he was drunk.

Q.—He was arrested on a charge of drunkenness, according to your information, upon a public street in the city?

A.—I believe so, yes.

Q.—Arrested on a charge of drunkenness while he was being paid in this province to enforce the Liquor License Act?

A.—Yes.

Q.—And that is the class of officer that you approve of?

A.—Well——

Q.—Say yes or no?

HON. MR. RANEY: You are entitled to answer the question in your own way?

A.—I would not say a man of his caliber, because I believe he was an honest and faithful worker——

MR. LENNOX: Please answer my question?

A.—I would employ him, yes.

Q.—Do I understand you to some extent are responsible for the employment of this class of man?

A.—My men employed——

Q.—Please answer my question?

HON. MR. RANEY: Answer in your own way?

A.—The men were employed in my department under the supervision of Chief Inspector Ayearst; he was always consulted before a man was taken on under me.

Q.—Did you employ anybody on your own authority?

A.—No.

Q.—Everbody was employed by him?

A.—Employed through him. I asked his opinion of them before they were employed.

Q.—Did he see them and make inquiries?

A.—Yes.

MR. LENNOX: Am I to understand that a man who is drunk; a man who has been in jail for being drunk, in your opinion is a proper man to enforce the Act?

MR. CURRY: He was not in jail?

A.—He was not in jail.

Q.—He was in custody, but not in jail.

MR. LENNOX: The police station is jail.

MR. CURRY: No, it is not.

HON. MR. RANEY: The witness has already sworn he was arrested and brought to the Police Court.

MR. LENNOX: I have the evidence.

HON. MR. RANEY: The evidence before the Committee this morning was he was brought to the Police Court and the witness went over to the Police Court and paid his fine and took him away from the Court that morning.

MR. LENNOX: So that there may be no misunderstanding; did you have to look through the bars and see him?

A.—No, he was in the dock in the Police Court.

Q.—You did not go to the station?

A.—No.

Q.—Mr. Curry has suggested the difference between the police station and the jail, what difference is there—cells in both places are there not?

A.—Yes.

Q.—And a man who is arrested and sent to the police station is put in exactly the same kind of a cell as he is if he is sent to jail?

A.—Practically the same; they are all on the same basis, built the same way.

Q.—You cannot get in to see him nor can you interview him without permission of the Sergeant or the man who is in control?

A.—Without permission from the Inspector—police station or jail?

Q.—Either?

A.—If you want to interview a man in the police station you can interview him through the Inspector, otherwise not.

Q.—I am rather interested in your evidence, and I don't want to be unfair with you, this man was in jail on charge of being drunk.

MR. CURRY: I object to the term in jail, because that is said in order that the public may think he was down over the Don. The word 'in custody' is fair.

HON. MR. RANEY: The man was arrested on the street for being drunk; he was taken to the police station for being drunk, and the next morning when he appeared you paid his fine and took him with you?

A.—Yes.

Q.—He was locked up after his arrest until you paid the fine in the Police Court?

A.—Yes.

MR. LENNOX: After the speech of the Honourable Attorney-General the man was arrested for being drunk?

A.—That was the charge against him.

Q.—The Honourable Member for South-East Toronto objects to my saying that he was in jail; I withdraw that; he was only behind the bars at a police station; how long did he stay there?

A.—He was there over night.

Q.—Why?

A.—Because he was drunk.

MR. LENNOX: Are you giving this evidence?

HON. MR. RANEY: It is simply silly, farcical.

MR. LENNOX: Are you giving the evidence?

HON. MR. RANEY: Go on and waste the time you are doing.

THE CHAIRMAN: Go on.

MR. LENNOX: What time of the day was it when you got him out?

A.—The Police Court drunk cases come up between half past nine and ten o'clock.

Q.—Was he convicted of being drunk?

A.—He pleaded guilty.

Q.—Was he convicted?

A.—He would be if he pleaded guilty.

Q.—Why did you pay the fine?

A.—Because he had no money himself; I would not see him kept in jail over Sunday for the sake of paying \$10. I paid it out of my own pocket and got it from him when he got his cheque.

Q.—Did he get drunk during the course of his duty?

A.—No.

Q.—Why did you pay his fine?

A.—Because he had no money to pay it himself. I would do it for any man.

Q.—So that there may be no misunderstanding; in the employ of the government we have a man who got drunk on the public highway while not in the discharge of his duty, and the fine was paid by you while you were Provincial Officer?

A.—He was drunk on the public highway.

Q.—Would it be fair for me to say in the House when the report of this Committee comes in, that after a man has been fined for being drunk on the public highway when he was an operator employed by the people to enforce the Ontario Temperance Act he was still retained?

A.—He was retained after, yes.

HON. MR. RANEY: How long was he retained?

MR. LENNOX: I do not care if he was retained a minute.

THE CHAIRMAN: Answer the question.

A.—He was retained about three weeks after till the end of the month.

MR. LENNOX: Am I to understand this, and I don't care whether it is a minute or an hour, you say it was three weeks—

MR. CURRY: It does not make any difference if he was retained, it is the same principle.

MR. LENNOX: Quite so.

Q.—Can you as an officer justify the retention of a man of that kind in the enforcement of this act—you can say what you like?

A.—I believe that a man of his caliber—I retained him until the end of the month on account of his position.

Q.—Why did you discharge him?

A.—Because I did not want him any more.

Q.—Why?

A.—My work was through as regards using him.

Q.—Am I to understand and is the public to understand you would have kept this man on?

A.—No, I would not have kept him on after the end of the month.

Q.—Why?

A.—Because I did not want him.

Q.—Why not?

A.—Because I could not have depended on him then after getting drunk.

Q.—May I ask you this, that during the three weeks that he was in your employ when I assume there may have been very many men who were accused of violation of the Act, and he was a witness how do you justify yourself in keeping him that length of time giving evidence against these men—

MR. CURRY: Do you say he gave evidence?

A.—No.

MR. CURRY: He has said he was not used to give evidence.

MR. LENNOX: Will Mr. Nield read the question?

(The question was read).

A.—He did not give evidence against any one.

Q.—During those three weeks?

HON. MR. RANEY: Did he ever give evidence at any time?

A.—He did once.

MR. LENNOX: He gave evidence because he paid his fine to give evidence?

A.—He did, that is right.

Q.—Was that before he was intoxicated, or after?

A.—It would be after.

Q.—Before going into that, why did he give evidence?

A.—Before?

Q.—Either before or after?

A.—Because I used him as a lead for the other operators, and I would not put him in the witness box unless it was absolutely necessary.

Q.—Why?

A.—Because it was not necessary; I had other men.

Q.—Why would not you put Robinson in the box?

A.—Because I did not want him in.

Q.—Why?

A.—I did not want anybody to know that he was an operator in the Department, if it was possible.

Q.—You put him in the box the day following or two days after you paid his fine?

A.—Probably two days later I did then.

Q.—And upon his evidence you endeavored as an employee of this government to get a conviction and send a woman to jail?

A.—Not a woman.

Q.—A man?

A.—Yes. That was one time it was necessary to see him; otherwise he would not have been used.

Q.—Did you give evidence?

A.—No, I did not.

Q.—Did you indicate to the Court that you had paid his fine to get him out of jail for the purpose of giving evidence?

A.—I did not.

Q.—Did you represent him to the Court as a decent, honest, respectable man so far as you were concerned?

A.—I did.

Q.—Was that a fair type of the class of man who was enforcing this Act?

A.—He was one of the good men.

Q.—Is he a fair type?

A.—Very fair, yes.

Q.—He has not ever been accused of arson or murder?

A.—No, he is not a thug.

Q.—I am not sure if he is or not; you have pledged your oath he is not a thug, and you realize what that means?

A.—He is not a thug.

Q.—What is a thug?

A.—A thug is a man who will come up in the dark and hit you in the back of the head and take your money off you.

Q.—What else is a thug?



A.—A man that gets you in a taxicab and puts a rope around your neck or a silk handkerchief and chokes you.

Q.—Supposing a man got you in a taxicab and stole your money, would he be a thug?

A.—No.

Q.—What would he be?

A.—A common thief.

Q.—Supposing a man went into a cellar and beat up somebody and stole 80 cases of whiskey, would he be a thug?

A.—No, he would be a common thief.

Q.—I may have made a mistake then?

A.—You sure did.

Q.—May I ask you this, because I am going to refer to this in the House, may I ask you how much more respect you have for the common thief than you have for the thug?

A.—I have not any respect for any one of them.

Q.—Supposing I call a man a thug when he is only a common thief, would you blame me much?

A.—You should not do that; you should give him the proper title.

Q.—If I had stated that only common thieves were employed by the Department you would not blame me for that, would you?

A.—You should not say that.

Q.—You are going to be a little while, I may say—

A.—The Department do not employ common thieves, I don't think.

Q.—You never heard that?

A.—Never heard of them employing common thieves.

Q.—If they did employ a thief, if they did employ a perjurer, that would be very bad would it not?

A.—Yes, I think it would.

Q.—The Attorney-General called a witness yesterday or the day before yesterday, who swore that three men were perjurers while in the employ of the Government to his knowledge, what do you think about that?

HON. MR. RANEY: Who is the witness?

MR. LENNOX: Don't interject.

HON. MR. RANEY: We want to know. Mr. Chairman, I suggest that the question should be framed so as not to convey the vague statement; I want him to say in his question who it was that said that.

THE CHAIRMAN: I think that is fair, Mr. Lennox.

MR. LENNOX: The Chairman says it is fair, and I agree with him. Budway swore that McCutcheon and his brother had both deliberately perjured themselves and made certain statements under oath before this Committee.

MR. WARREN: That is a different story.

MR. LENNOX: You are going to get into the box, and I am going to give you two hours of uncomfortable cross-examination, so don't waste your breath before you get in.

Q.—What would you think of the government employing perjurers under the Attorney-General who gives no discretion to a Magistrate?

A.—I don't think the government would employ perjurers.

Q.—I think you would rather be ashamed of them, would not you, the government, if they did it?

A.—I don't know what the government think.

Q.—What would you think of the government who after having been reported to them—

HON. MR. RANEY: I don't want to be objecting, but surely these are questions for the Committee, what the Committee thinks of a government, the Committee will form its own opinions from the evidence.

MR. LENNOX: I am not a bit interested in the Committee, it is the public.

HON. MR. RANEY: It is just the old game of beating the air.

MR. LENNOX: Every time you interrupt I think I am making some headway.

Q.—Did you know that a man by the name of Flack was in the employ of the government?

A.—I did not.

Q.—Did you know that a man by the name of Hayes was in the employ of the government?

A.—I did not.

Q.—Did you know occupying the responsible position you did, that both Hayes and Flack introduced a bootlegger to Budway to enable him to buy liquor?

A.—Did I know of it?

Q.—Yes?

A.—No.

Q.—Did you ever see the report?

A.—No.

Q.—Did you ever hear it?

A.—I heard about it.

Q.—When?

A.—That was some time after, after the conviction I think.

Q.—After what conviction?

A.—After the man that they were supposed to get, was convicted.

Q.—That is Farney, was it?

A.—I cannot think of the name; it is on Eastern Ave.

Q.—How long was it after the conviction that you as an officer of the Attorney-General knew that the man who was egnaged—that these two men Hayes and Flack had been mixed up with this sale?

A.—How long had I known it?

Q.—How soon after?

A.—Probably it would be a week.

HON. MR. RANEY: You heard something from somebody?

A.—Yes, I heard rumors; I did not know.

MR. LENNOX: What did you hear?

HON. MR. RANEY: Is that evidence, what he heard? There are people who know about these things.

MR. LENNOX: Close it off, just as soon as you like.

Q.—I say, what did you hear?

A.—I heard Budway had got a case down at his place, and there were 14 or 15 cases of whiskey involved in it bought from some bootlegger.

Q.—What did you hear about Flack and Hayes?

A.—I did not hear about them; that was the only thing.

Q.—What did you hear about Flack and Hayes?

A.—Nothing at all about Flack and Hayes as far as I know.

Q.—Supposing a Member of the House got up and made the statement that operators after it was known that they were mixed up in illegal selling—would that statement be true in view of what you heard of the evidence, the evidence you heard Budway give?

A.—That they were used after they were convicted? I guess it would be true.

Q.—If I got up in the House and stated in view of the evidence of Budway, who was called by the Attorney-General, that Hayes and Flack after it had been brought to his attention that they were criminals, would that statement be true?

A.—If they were criminals it would not help it to be true—

Q.—Common thieves?

MR. RANEY: Do you know if Hayes and Flack stole any liquor?

A.—I don't know; I don't know anything about Hayes or Flack.

THE CHAIRMAN: So you don't know anything about it?

HON. MR. RANEY: If you don't know anything about it tell us so, and we will get on?

A.—I told him that.

MR. LENNOX: There is no reason for hurry.

HON. MR. RANEY: Mr. Lennox comes in to this Committee to prove a certain charge. Here is the charge he made: "With full responsibility as Member of this House I say that not only does the Attorney-General give employment to thugs and criminals, but I say further with all the emphasis I can command that these men were kept and are being kept to-day by the Attorney-General, assisting him in the enforcement of the Ontario Temperance Act"—that is the charge he made; he spent all day yesterday with three witnesses from Hamilton to prove that an officer had been sent from Toronto, and had been excited and appeared to have been intoxicated, in support of this charge. He brought another man here from Shallow Lake to swear he had never sold any intoxicating liquor, though he had been convicted four or five times.

MR. LENNOX: You say what is untrue—

HON. MR. RANEY: Twice of selling liquor and three times of being drunk. What I am calling the Committee's attention is this, here is a charge made by this man on the floor of the House on his responsibility as a Member of the House, "That the Attorney-General gives employment to thugs and criminals, "but I say further with all the emphasis I can command that these men were kept and are being kept to-day by the Attorney-General assisting him in the enforcement of the Ontario Temperance Act. I quite understand" he said, "the administrator of a Department being deceived by his officials and servants; that is inevitable; but I cannot conceive nor will the public condone any Minister keeping in his employ men who have been convicted and are serving terms, to their knowledge." That was a personal

matter to me. Now he spends all the time with piffing nonsense just to beat the air, to kill time. I call the attention of the Committee to that statement, and I ask him now to call evidence to substantiate that charge.

MR. LENNOX: Will you let me conduct the inquiry in my own way?

HON. MR. RANEY: Get along.

MR. MCBRIDE: We would get along quicker if the Attorney-General would not interject so often. He said my Honorable friend took three hours yesterday. That is not so. We all took a part of the time of the Committee.

HON. MR. RANEY: I am not blaming anybody for that. What I am speaking of is what was sought to be established. The establishing of the fact that an officer of the Department had taken too much liquor in Hamilton does not prove that the Department was employing thugs and criminals and keeping thugs and criminals in its employ in the enforcement of this Act, much less does it prove the Attorney-General did those things.

MR. MAC BRIDE: That is not the question.

HON. MR. RANEY: That is the charge.

MR. MCBRIDE: That is a matter for argument and the opinion of the House and public. The question raised just now, Mr. Lennox asked what did you hear with regard to a certain matter; I sat in Court under one of your Magistrates and Crown Attorneys and heard one of your Inspectors give evidence that he heard a conversation over the telephone, and a conviction was registered on that evidence. If you are admitting that kind of evidence in your own court let us hear what the Inspector heard.

THE CHAIRMAN: It is different hearing a conversation over the telephone.

MR. LENNOX: I want to know what was within the knowledge of this official with respect to these two men?

A.—I don't know anything about those two men.

Q.—If it were true that Flack had received \$2.50 or \$3.00 a case as commission on the sale of liquor to a bootlegger would he be a proper man to employ, in your opinion?

A.—Certainly not.

Q.—Would you have kept him a day?

A.—No.

Q.—If a report had been sent to you that that was the fact would you have kept him a minute?

A.—I would have investigated the report before the proper channel.

Q.—And if it was true, what would you have done?

A.—It would have been for the superior officer to do anything.

Q.—What would your recommendation have been?

A.—He would be discharged.

Q.—You have heard what the Attorney-General said, I made the statement that men were employed by the Department after they had known they were criminals and thugs, you do not agree with me in the explanation of the word thug, but I have higher authority than you on that; if these men were employed after a report having been sent in that they were mixed up with bootleggers, what would you think of an Attorney-General who kept them on?

A.—It is not for me to give an opinion of what the Government—

Q.—I suppose you are afraid—?

A.—No, I am not afraid of anybody.

Q.—Would you have kept him on?

A.—I would have reported him and the superior officers would have dismissed him.

Q.—If a very humble Member of the House made that statement with that knowledge in his mind he would not be far astray, would he?

HON. MR. RANEY: Made what statement? That he employed criminals and thugs?

MR. LENNOX: No, employed criminals, because we do not agree as to the thugs, or perhaps you do not regard a man as a criminal who sells illegally liquor or gets a commission on it?

A.—He is a criminal according to the law, yes.

Q.—If a Member of the House with that in his mind made the charge that criminals were being employed by the Government he would not be far out?

A.—Probably not.

HON. MR. RANEY: Let us see, take these things as they go along, the Member who has been asking these questions is basing his questions on a statement made by Budway, a signed statement of Budway which was put in here as evidence the day before yesterday.

MR. LENNOX: And Budway was your witness?

HON. MR. RANEY: Yes, he was your friend, my witness.

MR. LENNOX: I suppose you would not do injustice to the public by calling a witness that would not tell the truth.

HON. MR. RANEY: I am not disputing what Budway said to me; I am going to tell the Committee the foundation for this charge; I am going to tell the Committee the foundation for the charge that Flack had been taking a rake-off from the bootleggers; here is the foundation for it—

MR. LENNOX: May I ask this question; is the public to understand that you would put under oath a witness that could not be believed?

HON. MR. RANEY: I will answer your question. Mr. Budway came to the office of the Attorney-General after the speech of Mr. LENNOX in the House and said, that there were statements in Mr. LENNOX'S speech that were not true.

MR. LENNOX: Did you expect the public to believe what he said?

HON. MR. RANEY: I am not worrying what the public believe. Mr. Budway made a voluntary statement, and in view of that voluntary statement he made a statement here, and the Committee will judge of its truthfulness. Here is part of the story Budway gave Mr. LENNOX for twenty-five or thirty dollars; Budway said, "Arthur Farney told me"—Arthur Farney was the bootlegger, no doubt about that, he was the man who was arrested and afterwards convicted for selling these fifteen cases of whiskey—"Arthur Farney told me that Flack had told him that I was the right man to get in with to sell the liquor as I knew all the bootleggers"—Arthur Farney told Budway that. Arthur Farney said, "He wanted to drop Flack"—Flack was one of our officers—"as he had to pay him \$2.50 on each case he sold." There was no evidence before the Committee at all against Flack. It was only the statement of the bootlegger named Farney, to Budway.

MR. MACBRIDE: Was that the statement Budway made to us?

MR. RANEY: That was the statement Budway made and signed, MR. LENNOX produces this statement and puts it in as evidence.

MR. MACBRIDE: And you call that man to give evidence?

MR. LENNOX: Let me put myself right. Budway may have been a perjurer, may have been wrong, I don't know, I did not present it to the public; you did.

Q.—Arising out of the little speech made by the Honourable the Attorney-General, is Flack still in the Department?

A.—I do not know.

Q.—When did you see him there last?

A.—I do not ever remember seeing him.

Q.—You do not know him?

A.—No.

Q.—If he were in the Department in view of the evidence of Budway, accepting it as being true, because I accept it as being true, the Attorney-General having called him, would you engage him?

A.—No.

Q.—You heard what the Attorney-General read; outside of that how much wrong was I in saying if the evidence of Budway is true that criminals were employed by the Government after they knew them to be criminals—

THE CHAIRMAN: These expressions of opinion I don't think you have to answer them if you don't want to.

MR. LENNOX: You have been eminently fair.

THE CHAIRMAN: I have been fair, but you are asking—

MR. LENNOX: May I ask you this, because you have risen a great deal in my opinion; the Attorney-General asked Mr. Haverson and one or two witnesses would that statement be true, and you did not object to that—

THE CHAIRMAN: I know there has been quite a lot of it going on.

MR. LENNOX: Why should not I be allowed to ask—

HON. MR. RANEY: That was a direct statement whether it was true.

THE CHAIRMAN: I am going to try to be absolutely fair between the two.

MR. LENNOX: You have been absolutely fair.

THE CHAIRMAN: But I think the witness ought to understand if he does not wish to answer a question that is merely a matter of opinion he does not have to; that is fair enough.

MR. LENNOX: Yes.

Q.—Will you answer my question; the CHAIRMAN says you may not have to answer it unless you want to; do you object to answer it?

A.—I don't think I should answer that.

Q.—If I made the statement in view of the evidence given by the Attorney-General's own witness Budway, which you heard, you were sitting here, that they employed Hayes and Flack after he had reported that they were criminals, would I be saying what was untrue?

A.—They were not criminals according to what Budway said, they were operators, they had never been convicted as criminals.

Q.—Am I to understand from you that a man is not a criminal who violates the law?

A.—He was not convicted as a criminal.

HON. MR. RANEY: There is no evidence that Flack violated the law?

A.—There is no evidence that Flack was a criminal.

MR. LENNOX: If a man did what Budway says Flack and Hayes did while operators, would you consider them criminals?

HON. MR. RANEY: Budway does not say Flack did anything; he said Farney told him Flack did something.

MR. LENNOX: Keep quiet.

HON. MR. RANEY: No, you will have some regard to the basis of cross-examination.

MR. LENNOX: What did you hear Budway swear to with respect to Flack?

A.—I did not hear him swear anything.

Q.—Were not you here the day before yesterday?

A.—Yes.

Q.—You sat right over here?

A.—Yes.

Q.—The question the Attorney-General has interjected, what did you hear him swear to with respect to Flack?

A.—The only thing I heard him say was that he was to get, I think it was Flack was to get \$2.50 a case or something for getting the liquor for him; it was to be paid him.

Q.—You heard more than that; you heard Budway swear that Flack had introduced him to Farney?

A.—Yes, I heard him say that.

Q.—You heard him swear that by reason of the introduction that he got from Flack he was enabled to buy this liquor?

A.—Yes.

Q.—Your opinion may not be very valuable, but would you call that criminal or not for an operator—?

A.—That would be giving him information to a man to get another one.

Q.—Would you call that criminal?

A.—That is not criminal.

Q.—Would it be right then?

A.—It would be right for one operator to give another information to get somebody else probably as long as he was not involved in the transaction.

Q.—Am I to understand that the definition you have given and the statement you have made is what prevails amongst all the officers in the Department?

A.—No, I would not say that; I don't think it does.

Q.—What would be your opinion of a man who was an operator who was getting a rake-off from a bootlegger?

A.—What would be my opinion? He would be a grafter.

Q.—Would he be the right type of man to engage?

A.—No, he would not.

Q.—What would you think of an Attorney-General who kept him after it was reported—perhaps I should not press that?

A.—No.

Q.—Because you may get dismissed the same as the Magistrates. Let me just read to you the names of some of the gentlemen who were discharging the duties of the Government—

THE CHAIRMAN: While Mr. Lennox is digging them out, what kind of fellow is Robinson?

A.—A very nice fellow.

Q.—If it were not for the fact of his getting drunk once, which damages his value as a witness, would you still be inclined to have him on the job?

A.—Yes.

Q.—Just because he has made one fall that prevents him from being a witness?

A.—Yes.

Q.—Otherwise he is a pretty good fellow?

A.—Yes.

Q.—Honest and straightforward?

A.—Yes, and he has a family and he has a good position at the present time.

MR. LENNOX: I was not objecting to him being drunk; I was objecting to the Department paying his fine to make him fit to give evidence.

HON. MR. RANEY: Did you ever report to your superior officer any man for dismissal who was not dismissed?

A.—No.

Q.—Another thing I neglected to ask, was it so that Robinson was to have given evidence that morning when you paid his fine?

A.—No.

MR. LENNOX: He said it was a day or two afterwards.

HON. MR. RANEY: It was a day or two after that?

A.—Some time after.

Q.—You did not require him to give evidence that day?

A.—Absolutely not.

Q.—I see the charge MR. LENNOX made in the House was that he (Robinson) was so drunk that he could not testify?

A.—No sir, it is not correct.

Q.—You did require him to testify that day?

A.—I did not.

Q.—And MR. LENNOX further says that the Government paid the fine of ten dollars?

A.—No, sir.

Q.—Is that true?

A.—No.

Q.—Any atom of truth in it?

A.—No.

Q.—You paid it out of your own pocket?

A.—Yes.

MR. LENNOX: Is it true that you, while an officer of the Government, paid the fine?

A.—Yes, that is true.

Q.—Is it true that if the case had come on the day he was arrested, he was too drunk to give testimony?

A.—No, when the case came on?

Q.—Listen to me?

A.—He was not drunk when the case came on.



Q.—Was it true or untrue, I don't care how you answer the question?

A.—I will answer it to the best of my ability.

Q.—That was the day he was arrested, if the case in which he was the most important witness had come on, he was not fit to give evidence?

A.—He would be fit to give evidence, because he was sober when I saw him; if it was necessary to use him that morning even he was fit.

Q.—That was the day after?

A.—You asked me if he could have given evidence on that morning?

Q.—Not that morning, the day before when he was arrested?

A.—He was not drunk the day before.

Q.—I thought he was in the cell that night?

A.—Friday night?

Q.—You paid his fine on Saturday morning?

A.—Yes.

Q.—Was he capable of giving evidence Friday night?

A.—I did not see him after five o'clock. He was sober when he left the office.

Q.—Do you know a man by the name of Hayes?

A.—I do not

Q.—Did he work in the Department, Norman Cecil Hayes?

A.—I do not know. There were men working in the Department that I never seen.

Q.—Did you know a man named Ingram?

A.—No.

Q.—Did you know a man named Heaton?

A.—Yes, Mark Heaton; he was an Inspector, Provincial Officer.

Q.—I want you to tell me if you can why he was dismissed because I have the answer of the Attorney-General, which was given in the House, tell me why he was dismissed?

A.—It is only hearsay evidence I got.

Q.—You cannot swear?

A.—No.

Q.—I want you to tell the public one single man that ever was dismissed by the Department, by reason of him not being a fit man to discharge his duties of enforcing the Ontario Temperance Act?

A.—One single one?

Q.—Yes.

A.—There might be many dismissed I do not know anything of.

Q.—Tell me one you know of, because I have them all answered here?

A.—I could not tell you any one.

Q.—Can you put your finger or your tongue upon a man who was discharged by reason of dishonesty, by the Department?

A.—No, I cannot; I don't know one.

Q.—You don't know a single one?

A.—No.

MR. NICKLE: How does the witness reconcile that answer with the answer he gave the Attorney-General, that he knew of no case recommended for dismissal when he was not dismissed?

HON. MR. RANEY: The answers are perfectly reconcilable.

MR. NICKLE: I did not say they were not; I asked how he reconciled that?

A.—I do not know of any one dismissed by the Department.

Q.—The Attorney-General asked you this question, do you know of any case of a man recommended for dismissal who was not dismissed, and you said no; and then Mr. Lennox asked you to name any person who was dismissed by the Department for not being fit, and you said none; how do you reconcile those two answers?

MR. LENNOX: Do you want him to answer?

MR. NICKLE: That is all; he cannot answer it. Nobody can answer it.

MR. LENNOX: Do you know a man named O'Leary?

A.—I do not know.

Q.—What do you know of him?

A.—Nothing; I know him to see him.

Q.—Was he in the employ of the Department?

A.—Not to my knowledge.

Q.—Did you ever meet him?

A.—He used to live beside me on Pearson Ave. some years ago.

Q.—What was his other name?

A.—I could not tell you that.

Q.—Was he to your knowledge engaged by the Department?

A.—Not to my knowledge.

Q.—Was he ever convicted of a breach of the Ontario Temperance Act?

A.—I do not know.

Q.—Did you ever hear of it?

A.—No.

Q.—Do you know a man by the name of McCarger?

A.—No.

Q.—Did you ever hear of McCarger?

A.—No—listen;

Q.—Being sent to jail for operating an illicit still?

A.—No, I don't know of it.

Q.—Would that be the class of man that one would expect to enforce the Ontario Temperance Act?

HON. MR. RANEY: He said he never heard of McCarger.

MR. LENNOX: I am getting under your skin again, and of Mr. Widdifield, my neighbor.

MR. WIDDIFIELD: How do you know you are getting under my skin?

MR. LENNOX: Could not, nobody could.

Q.—Would that be the class of men that you as one of the leading officials of this Province in the Attorney-General's Department would engage to enforce the Ontario Temperance Act?

A.—He would not be engaged if it were known.

Q.—I did not ask you that?

A.—No, he would not engage him, certainly not.

Q.—Do you know a man by the name of Joseph Martin?

A.—No, never heard of him.

Q.—Are you sure?

A.—Yes, I cannot recollect anybody by the name of Martin.

Q.—Let me draw your attention to this fellow, it may have been Mr. Ayearst, I am not quite sure, a man by the name of Martin, who was an operator, has just recently been arrested for perjury, and has just recently been committed to trial for perjury, did you ever hear of him?

A.—I did not.

Q.—Did you know that a man by the name of Martin, who has been in the employ of the Government for some months, was arrested only the last three or four weeks, charged with perjury, and is to-day awaiting his trial?

A.—I did not hear anything of it.

Q.—Where will I get the official who will be able to come and tell me when, for instance, taking yourself, when you became engaged by the Government, and whether you are still in the employ of the Government, or whether you have been discharged?

A.—Where would you get that?

Q.—Who is the man I will get it from?

A.—Chief Ayearst.

Q.—He will be able to tell me that?

A.—He will be able to tell you, yes, he is the one. General Williams, of course, could tell you too.

Q.—Did you know a man by the name of Nash?

A.—No, I did not.

Q.—Were you at the trial when the case was heard of conspiracy against McCutcheon?

A.—No Sir, I knew nothing about it, Nash or anything connected with that.

MR. MACBRIDE: You understand the O.T.A. thoroughly, the provisions and penalties?

A.—I do.

Q.—You understand it thoroughly, its provisions and the penalties for infraction?

A.—Yes.

Q.—Am I safe in saying that the penalties are more severe than almost any other law in the Statute Book?

A.—They are severe, yes.

MR. LENNOX: Has the Magistrate any discretion?

MR. MACBRIDE: Do many of them use discretion?

MR. LENNOX: They have not got any.

MR. MACBRIDE: Is it not the fact that they are almost afraid to-day to use discretion?

A.—No, I could not say that.

Q.—A man who breaks the law, whether it be the O.T.A. or any other law, is he guilty of a crime?

A.—Yes, it is a crime to break any law of the country.

Q.—Any man who breaks the O.T.A. is a criminal?

A.—Naturally.

Q.—A man who commits perjury under the criminal code, is he a criminal?

A.—I think he is.

Q.—So that there would not be any doubt if we could bring before this Committee evidence to show that a man had not only broken the O.T.A., but also had committed perjury, there would not be no doubt he would be a criminal would there?

A.—I suppose.

Q.—So that if evidence is given here that two operators went up to Shallow Lake, framed a case against a man named Joynt, on which Joynt was fined \$200, and that afterwards there came before this Committee, one of them at least, and admitted that he had given false evidence, and it was a frame-up, would that man be a criminal, would not he have committed the crime of perjury on his own admission?

A.—Yes.

Q.—There would be no doubt he would be a criminal. You are quite aware that the general opinion is that it is very difficult to get men to enforce the O.T.A.

A.—It is at times.

Q.—You have to get a peculiar type of man?

A.—Sometimes.

Q.—In enforcing the O.T.A. among the foreign colonies, Toronto, Hamilton, and Brantford, you have to engage a great many men of foreign extraction?

A.—At times, yes.

Q.—What means do you take to find your record of the type of men they are?

A.—I do not employ any of those men myself; I never have employed any.

Q.—You spoke in your early answers that one of your men might take one or two drinks and he might become intoxicated as the result of one or two drinks?

A.—It might be possible.

Q.—Do you get any very great quantity of doped whiskey from these raids that special operators make?

A.—Lately when I was working on that job we did get one—

THE CHAIRMAN: What do you mean by doped whiskey?

A.—Whiskey made out of Florida Water and a little alcohol and—

MR. MACBRIDE: What do you do with that?

A.—It is taken to the warehouse. Any liquor that comes into our possession—

Q.—Do you know of any Poles, men from Poland, foreigners, that are used—

HON. MR. RANEY: He did not finish the answer.

THE CHAIRMAN: Liquor that comes into your possession that is not fit to be sold, what do you do with it?

A.—All liquor that comes into our possession is taken into the warehouse and disposed of there, whatever they think.

MR. LENNOX: Sold to the public?

A.—No.

MR. MACBRIDE: You say a man might take a couple of drinks and become intoxicated, and I want to know if there is very much of that kind of liquor in the country?

A.—No.

Q.—Your records will tell you whether you acquire any very great quantity of it?

A.—I have not acquired any great quantity.

Q.—Is it correct your operators are drinking this doped whiskey or good whiskey?

A.—It would be possible for them to slip some on them in their operations.

Q.—Can you give us any instances where any of your operators were intoxicated from drinking it?

A.—Only one.

Q.—Can you tell this Committee he was drinking bad liquor?

A.—Only what he told me himself.

Q.—Have you any men from Poland, used in the enforcement of the O.T.A.?

A.—I have not.

Q.—Do you know of any in the Department?

A.—There may be.

Q.—Do you know a man named Chopin?

A.—No.

Q.—Or Speik?

A.—No.

Q.—In sending out one of your operators to get somebody whom you suspect of breaking the O.T.A., do you ever give the operators money?

A.—Yes.

Q.—Will you describe to the Committee the method you take to see that that money gets to the proper destination, in other words to see that the operator does not make a misuse of it for his own purposes?

A.—If you were sending an operator out to catch a place you would get him the money out of your own pocket, which we always do, money used for that purpose.

Q.—Do you mark it?

A.—The money is marked; it might be five or one or two, or whatever it is, the number of the bills are marked on a piece of paper.

Q.—Is that always done?

A.—Always done in my office.

Q.—Is that the rule of the Department?

A.—Yes.

Q.—Go on?

A.—The operator would be given the money in the office, probably not in the office, it might be on the street, you might get a case when you were out, and you would be sitting probably in an automobile, usually the money would be taken out just the same as if it was in the office, he would be handed that money, he would be searched before he left the office or the automobile, whichever would be the case, and he would get out of the car, the special officer would follow him and see where he went to, to see if he went in the proper house; at a certain time they would go in and take the other man with him, probably one or two men would follow and see him go into the proper place, and wait till he came out again, and then they would go in and make

the search. If you could not find the money when you went in, that is in a cupboard or any other place around the house, you would ask the man in the place, "Have you any money on you?" "Yes, I have a few dollars." "Let us see it." He would probably take a wad out of his pocket and roll it over, and you would be looking for that money all the time that was never out of his possession.

Q.—Upon that you would try to register a conviction?

A.—No, if we found the money in the roll he would be handed back the money again; we do not take it from him; I never did—put it in his pocket, and I would keep a tab on that man to the station, and he would be searched there and the money taken from him and put in an envelope by the officer in charge of the station, and then the money would be handed to us in the Police Court on the morning of the trial, or probably before.

Q.—You are quite sure that it is a rule of the department to mark the money, follow up and then see the money again in evidence?

A.—That was my procedure; I don't know what anybody else did; that has been my practice.

MR. NICKLE: Would not the word "Identify" the money be the proper word?

A.—Mark it.

Q.—You do not mark it; you identify it by the number?

A.—By the number.

Q.—Identify is the proper word?

A.—In case of a woman—

MR. MACBRIDE: How do you account for this money back to the department?

A.—By monthly cheque or monthly expense book.

Q.—Do all the officers do that?

A.—As far as I know.

Q.—So that the record would be here somewhere?

A.—Yes.

Q.—Properly signed?

A.—Yes.

Q.—You arrest the accused right away, you do not leave it for a week or two?

A.—I usually did, unless a man had property and something that would keep him here, and I would summons him.

Q.—Would you summons him immediately or a week or a month later?

A.—Immediately, that would be the next day a summons would be made out and probably served.

Q.—In your experience as a police officer what would you think of a case if a summons was not issued for a month?

A.—Probably they would be waiting for him to come back.

Q.—What would you think if the money was alleged to be paid over, and there was no record of the money?

A.—That would not be right.

Q.—If I told you of a specific instance where two officers, alleged to have \$25 each, and it was alleged that they went and left it at a man's place and got a bottle of whiskey or something, he was not arrested then, no Pro-

vincial Officer followed the special officers, but a month afterwards the man was arrested and no track of the money produced at all, he was convicted on the evidence of the two foreign spotters, what would you think of a case of that kind?

A.—I would not like to give an opinion upon that; it is not a right thing to do.

Q.—If I told you the man was fined \$1500 and sentenced to jail, you would think it was a case for the police to have a re-trial, would not you?

HON. MR. RANEY: There is no evidence of any such case.

MR. MACBRIDE: I will ask the Chairman to have the men——

HON. MR. RANEY: What is the use of asking the opinion——

MR. MACBRIDE: Because you have an officer experienced in the biggest centre, and I propose to move a motion to bring three or four special officers just to bring the truth before this Committee and before the public.

HON. MR. RANEY: That is the way to get it here.

MR. MACBRIDE: This man that was arrested on the street, Robinson, and taken to the jail at night and tried a few days afterwards, had that man to your knowledge ever been drunk before?

A.—No, not to my knowledge; he might have been drunk and I not see him; I never seen him around the office drunk.

Q.—You never knew that he had ever been charged with infraction of the O.T.A. before that?

A.—No.

Q.—How long had he been in the department to your knowledge before that?

A.—About three weeks.

Q.—If I could show he had been convicted for a breach of the O.T.A. should not he have been charged with a second offence?

A.—Previous conviction?

Q.—If it could be shown on the record that this man previous to that had committed an infraction of the O.T.A., then he should have been charged with a second offence?

A.—Drunk and the O.T.A., is a different thing.

MR. LENNOX: Mr. MacBride asks you if he was convicted under the O.T.A.?

A.—Not that I know of.

MR. MACBRIDE: If his previous conviction had been registered he should have been charged with a second offence?

A.—No, he would not be charged with a second offence—drunk would not be B.O.T.A.

HON. MR. RANEY: A man charged with being drunk is not charged with a second offence and sent down for six months?

A.—There is no second offence for drunkenness.

Q.—You had no knowledge of this man ever being drunk before?

A.—I had not, no sir.

Q.—You nevertheless said you considered him one of your good men?

A.—He was.

Q.—Now you tell us he was only there three weeks?

A.—Before that happened.

Q.—And you admit he was found intoxicated on the street?

A.—From what he told me.

Q.—And then you tell this Committee he was a good man?

A.—He was a good man, because he could go around and get the places and knew where they were selling.

MR. LENNOX: Was he about the average type of man you employed? (No Answer).

MR. MACBRIDE: I want to find out another thing; how do you go about securing special officers for the enforcement of the Act, do you advertise?

A.—No, they come in and ask for the position themselves.

Q.—What proceeding do you take to find out the type of men they are?

A.—They are taken to the Chief Inspector and he examines them as to their character, as far as he can find out, and there is a statement at the present time that they have to swear to, that they have not been convicted.

Q.—Give us that. There is a statement presented to them in which they have got to swear that they have not been convicted before?

A.—That they have not been convicted for breach of any act, any criminal act.

Q.—When was that inaugurated?

A.—That has been in since General Elliott I think took over the department.

Q.—General Elliott is no longer in charge of the department?

A.—Not at present, no.

MR. MARSHALL: Do you find it necessary from the experience you have had in directing these special officers, that at times it is necessary for them to drink liquor to get convictions?

A.—Special officers?

Q.—Yes?

A.—No, it is not necessary for a special officer to drink.

Q.—In order to get a conviction?

A.—No.

Q.—They do do it, those spotters or operators?

A.—Oh, the operators, it is necessary for them to drink.

Q.—It is necessary for them to drink?

A.—The operators, certainly.

Q.—You do not consider that a qualification for a successful operator that he should be a drinker?

A.—We could not do it otherwise. I will tell you some years back before the thing got down to such a fine state as it is now you could give a man three or four dollars out of the office and send him in with fifty cents and he could buy a bottle or probably buy one drink, but in later years they have got it down so fine that the man has got to spend some money before he can even buy a bottle; they have got to treat.

HON. MR. RANEY: The bootleggers are more cautious?

A.—Yes.

MR. LENNOX: In other words, the bootlegger, the spotter has to make the man commit a crime?

A.—He has to buy a drink before he can buy a bottle.

Q.—He has to make the man commit a crime, is that true?



A.—I would not say that.

Q.—You said they have got it down so fine now that they have to drink, am I to understand by that that the bootlegger is induced by the spotter to break the law in order to get a conviction?

A.—He is not induced by the man to break the law; he is breaking the law himself by selling it to the operator.

Q.—At the operator's request?

A.—He goes in there to buy it.

Q.—What did you mean when you said they have got it down so fine?

A.—They have it so fine now that it is pretty hard for an operator to go into a house and buy liquor, harder than at any time.

HON. MR. RANEY: Whom did you mean by "they"?

A.—The bootleggers.

MR. LENNOX: It is more difficult to get it?

A.—Yes.

MR. JOHNSTON: Explain the reason for that, the reason the spotter cannot get in on the bootlegger, is that it?

A.—Because he is more cautious; he has probably a regular custom, a man has to be known; he has got to know his friend before he can get in.

Q.—In other words he is wise, he knows the spotter?

A.—He is looking out for him all the time.

MAJOR TOLMIE: So that a teetotaller would be no use as one of these special officers?

A.—Yes, he could be an operator, he could go in.

Q.—I thought you said it was necessary for a man to drink in order to be a successful spotter?

A.—It is sometimes, he might be, if he could get a drink——

Q.—If he was a teetotaller he could not qualify?

A.—He might too.

Q.—I thought you said it was necessary?

A.—It is necessary at times.

Q.—If he was not a teetotaller he could not qualify?

A.—Why could not he?

Q.—If he had to drink?

MR. JOHNSTON: He would not need to swallow it; just taste it.

MAJOR TOLMIE: There would not be much chance then to get a job on that line.

MR. NICKLE: Is not this what you mean, that the bootleggers are becoming so careful in their operations that you can only obtain liquor from them, your operators can only obtain liquor by adapting themselves to the practices of the bootleggers, or by some subterfuge?

A.—Yes.

Q.—And you cannot get men of the highest practices and character to lend themselves to these shady transactions?

A.—No, they don't want to do it.

THE CHAIRMAN: How can you get the bootlegger if you do not adopt these shady methods?

A.—You cannot do it.

MR. LENNOX: Is the public to understand that the law which we have in force in the Province of Ontario necessitates, requires and demands this class of men to enforce it?

A.—You must have an operator to enforce it, yes.

Q.—This class of man I said, these men of shady character?

THE CHAIRMAN: I said shady methods.

MR. LENNOX: I was speaking of what the Honourable Member for Kingston said. So that the public may know what is necessary to enforce this Act, not discussing its merits or demerits, is it necessary that the class of man that has been in the employ of this government, is it necessary that it has to be a man of shady reputation to enforce it?

A.—It is not necessary.

Q.—Is there any excuse in this world for employing him?

A.—They probably have been, but they did not know it.

Q.—Is there any excuse for employing him?

A.—No, I cannot say.

Q.—Because the Attorney-General in the House said they could only enforce the law by the use of these men?

A.—That is the only way they can enforce it, by the use of operators.

Q.—Is it necessary that a man should have a reputation or he should not in order to carry out the law of this land?

HON. MR. RANNEY: An evil reputation I suppose he means.

MR. LENNOX: I do not want any suggestion from you.

A.—His reputation should be good, and I believe it is as far as we know.

Q.—Let me put it to you frankly, is it possible to enforce the O.T.A. and I am giving the benefit to the Honourable the Attorney-General in view of what he said, to enforce the O.T.A., unless you employ men of the lowest type?

A.—It is not impossible to enforce it without that.

Q.—There is no excuse for it.

THE CHAIRMAN: What was your answer?

A.—It is not impossible to, you don't have to employ the lowest men in the world if you know it.

MR. JOHNSTON: Do you know of any men taken into the service if they are known to be of the lowest type?

A.—No.

MR. LENNOX: Let me read you some convictions here which I would have forgotten; do you know a man named Ingram?

A.—No.

Q.—He worked under Mr. Sarvis?

A.—I don't know him; I don't know any men in connection with Mr. Sarvis.

Q.—Let me draw your attention to this fellow, Walter C. Ingram, who was convicted last June of unlawful selling of liquor in contravention of the Ontario Temperance Act without a license, and was sent to the Toronto Municipal Farm for the space of three months in default of payment of a fine of \$1500; did you ever hear of him?

A.—No.

Q.—Did you know a man by the name of Vincent Nash who was working for the Department?

A.—No.

Q.—Ever hear of him?

A.—I have heard of him, I don't know him.

Q.—Did you know that he was convicted as a deserter from the army?

A.—I did not.

Q.—How would you find that out when you engaged a man—took his word for it?

A.—If you wanted to find that out you would have to go to the General of the district I suppose where the records of the army are kept.

Q.—Did you know of a man by the name of Raymond Phillips, he was an employee of the Government?

A.—No sir, I did not know.

Q.—He was convicted for unlawfully stealing liquor at 148 Centre Ave?

A.—No sir.

Q.—Do you mean to tell me you do not remember a man by the name of Raymond Phillips who was the chief actor in the charge of conspiracy against McCutcheon?

A.—I do not know him sir, nothing of him.

Q.—Do you know where he is now?

A.—I do not.

Q.—His name may not be Phillip—do you know a man who is enjoying the confines of the jail at the present moment for shooting somebody or attempting to shoot somebody on Centre Ave., who was in the employ of the government?

A.—No sir. I do not know.

Q.—That kind of a fellow?

A.—I do not know him.

Q.—That kind of a man, I am not saying I can prove it or anything, but I think I may.

Q.—I don't know of him.

Q.—That would not be the class of fellow that you would engage, would it?

A.—No. you would not engage him.

Q.—Could you justify as one of the chief officers of the Attorney-General's Department engaging a man who would be willing to commit murder?

A.—The Chief Officer of the Department would not hire him if he knew anything about him.

Q.—If a very humble Member said they had him in their employment he would not be going very far astray, if he was in the employ of the government, as Budway the witness for the Attorney-General swore?

A.—I do not know of it.

Q.—You could not justify it, could you?

A.—No.

Q.—Let me read some more of these convictions, and I am not going to read all to-day; do you remember a man named Tony Phillips, an Italian?

A.—No, I do not know him.

Q.—You know the man I mean, because he gave evidence in a case in which you were—it may not be Phillips?

A.—I do not know him by that name.

Q.—An Italian?

A.—Where does he live?

Q.—On College St?

A.—No, I don't know him.

Q.—I think you know the man I have in my mind?

A.—I cannot place him.

Q.—His name on the order paper was changed from Tony Phillips to something else; he was engaged by the Department under an Italian name, went under the name of Phillips, does that bring the man to your recollection?

A.—No, I do not know of him. There are men engaged in the department that I do not know anything of; I only know in my own office; I never interfere with any part of the department, but my own, and I find I have enough to do with that.

Q.—I should not ask you about this man being convicted?

A.—No.

Q.—Do you know a man named Johnny King?

A.—No.

Q.—Did you hear in this room McCutcheon swear that they had bought a bottle of whiskey from Johnny King and he was the man who took them to Gross's?

A.—I was not here; I did not hear that.

Q.—Do you know whether he was used in the Department or not?

A.—Not to my knowledge.

Q.—As I understand it there were the three department here, Hammond had certain men under him?

A.—Yes.

Q.—Sarvis had certain men under him?

A.—Yes.

Q.—And Mr. Ayearst?

A.—Yes.

Q.—And these other men were under Mr. Hammond and Mr. Sarvis; there was one man I think was under you? Bellair or Bellew?

A.—Bellew, no.

Q.—Leonard Bellew?

A.—No.

Q.—Was he under you?

A.—No.

THE CHAIRMAN: Just before the next witness is called in the resolution of Mr. LENNOX of last day there were some men mentioned who are at present in jail, and they will have to come up here under guard; is it the wish of the Committee that these men be brought up?

MR. LENNOX: That has been passed.

THE CHAIRMAN: The information they were in jail was not given.

MR. LENNOX: What difference does it make?

THE CHAIRMAN: I suppose it requires some special sort of a summons.

MR. LENNOX: I don't know that it does.

MR. NICKLE: The Attorney-General will of course order it if the Committee asks it.

THE CHAIRMAN: Stanley Hallam, Andrews and Raymond Phillips, as I understand it, are in jail.

HON. MR. RANEY: Are they in Burwash, or where?

THE CHAIRMAN: No addresses were given of these men and the Clerk does not know.

MR. LENNOX: I will undertake to see that their addresses are properly given so that they may be brought.

THE CHAIRMAN: That will settle the question of addresses. Now, about the authority of the Committee to summons them?

MR. LENNOX: They passed that.

HON. MR. RANEY: The Committee should pass upon the question as to whether or not they desire men who are in jail, if these men are in jail, to be brought here. Their addresses ought to be given, the Committee ought to be told why they are to be brought here.

MR. LENNOX: They will be told why they are brought here after I put them in the box.

HON. MR. RANEY: I think in the meantime the Member who asked them to be summoned should give the clerk their addresses, and if they are in prison the Committee can consider what ought to be done. If Mr. Lennox will give the Clerk of the Committee the whereabouts of the man I think the Committee can consider the matter at the next meeting.

MR. LENNOX: They have passed it.

HON. MR. RANEY: They did not pass any order with respect to anybody who is in prison.

MR. LENNOX: What difference does it make whether they are in prison? I moved the resolution and the Committee unanimously passed it. You can do as you like.

HON. MR. RANEY: A Member of the Committee who desires any witness to be summoned ought to give his address to the Clerk of the Committee, and that has not been done.

MR. LENNOX: I will undertake to do that.

HON. MR. RANEY: When that is done the Committee ought to consider what should be done about it.

MR. NICKLE: The Committee has passed that they come.

THE CHAIRMAN: Assuming two or three of them are in jail.

MR. NICKLE: It is quite simple, no trouble about it; the procedure is quite simple, it is done every day if they are in jail.

HON. MR. RANEY: We are just discussing a hypothetical case. The Member of the Committee who desires somebody brought before the Committee should give the address of the person to the Clerk, and let that be done, and when that is done if there are any of these persons who are available for subpoena, the subpoena will issue right away; if there are any who are not available to subpoena the Committee can decide what further action can be taken till we get full knowledge before the Committee where these men are the Committee is not in a position to do anything. I understood Mr. Lennox to say in the House that this man who was sent down from Coburg for

burglary or robbery is the man who was recommended by Mr. Donovan, who came up from Brockville, who had been Sergeant Major in the Y.M.C.A. I understand that man is in Kingston; so there is no procedure this committee can take to get him from Kingston. Some of these men may be at Burwash.

MR. LENNOX: If I cannot identify then you cannot be blamed for not producing them.

HON. MR. RANEY: As soon as the information is given to my department from the clerk as to where these men are, I will be prepared to bring the matter before the Committee.

MR. NICKLE: I don't think the Committee should stand for this on general principles. I don't care whether it is the Attorney-General or Mr. Lennox tries to block it; if a man is in Kingston Penitentiary it is just as easy to get him here; to issue a subpoena, you take it down to the Warden and you hand it to him, and if it were a criminal or a civil court you would hand an order of the court before whom he would come, and he would be brought. This is the High Court of Parliament, and I am not prepared to have the dignity of the High Court of Parliament so easily broken in upon. All the Attorney-General has to do is to send a wire to the Minister of Justice that he wants the Warden of the Kingston Penitentiary to be instructed that he wants these men to come to Toronto under guard, and they will be brought; it is a simple thing.

HON. MR. RANEY: I am not blocking anything; I am saying the Committee should act with knowledge.

THE CHAIRMAN: Stanley Hallam I understand is in jail.

MR. NICKLE: My position is just as far apart from yours as day is from night; I say if the Committee should pass an order, no matter where the men are, they should come, the machinery is available to get them.

HON. MR. RANEY: If the Committee made the direction with the knowledge that the men were in jail.

MR. NICKLE: The Committee passed the resolution that the men should come. That order stands until it is revoked; not at the discretion of the Chairman.

THE CHAIRMAN: I am not using any discretion.

MR. LENNOX: This is my motion (reads the motion passed yesterday for the summoning of witnesses mentioned therein). I do not care where these men are; I ask them to be produced, that is all. If these men are unfortunately in prison I cannot be blamed for that. One of my charges was that the prison walls prevented the employment of these men. The Attorney-General knows much better than I do, in every case, civil or criminal, where a witness, who unfortunately is confined to the jail, either Kingston or any place else, is wanted, it is the simplest method in the world to have him produced. All the Attorney-General has to do, as was stated by my Honourable friend from Kingston, is just to ask for his production, and he will be produced. May I without making myself unpopular with the Committee, because I want a few minutes with Mr. Warren this morning, say this: The Attorney-General has suggested that I should have told where these men were. If I had told were in prison his suggestion was that probably the Committee would not have directed them to appear. I think I am fair in saying that. What difference does it make to the Committee whether the

men whom I have asked to be produced, all of whom servants of the government, all of whom engaged by the government in its enforcement of the Ontario Temperance Act—I repeat are you interested whether they are in jail, whether they are in Toronto or whether they are in Oshawa, or any place else? I made the charge that there were criminals employed by this government. The Attorney-General has been reading the Mail and said he excuses himself because he did not personally know it. I am not very much interested in that. He will hear my answer under oath and in the House. These are the men that I would have thought the Committee would like to have heard, the men whom I said were criminals and yet the Attorney-General says, having given to the Clerk of this Committee Major O'Brien the addresses, having shown that these men are in jail for violation of some law of the land, then it is for the Committee to say whether these men shall be brought here or whether they shall not, not because their evidence may or may not be important, but because by reason of the position which they occupy as wards of this country through a criminal offence of some kind or other—Whether we should at the next meeting consider, I now having given their addresses, say whether they should be called or not.

HON. MR. RANEY: Have you given the addresses?

MR. LENNOX: That is only clerical. I will give the addresses. That was not the point. The point of the Attorney-General was this, first we did not know the addresses, did not know they were criminals, when the resolution was passed by this Committee yesterday no man on the Committee knew, according to the Attorney-General, and I did not think it was very important to the Committee, that they were in custody.

MR. JOHNSTON: Did you know they were in custody?

MR. LENNOX: Yes, certainly I knew they all were in custody, otherwise I would not have moved the resolution. What I wish to say is this, the Attorney-General I think I may safely say, knew that these men or some of them were in custody, because he admitted it in the House, and one would have thought that the objection that he took this morning would have been taken yesterday. He knew Andrews was in jail, he knew Phillips was in jail—I have got the report of his speech—he knew every man that I mentioned was in jail because he tried in his speech to justify or apologize for. I made that resolution and the Committee carried it. The point I wish to impress is this, that the resolution having been passed he now says to the Committee “While it is true you passed that, you directed these men to be brought before the Committee, we did not know that they were in jail, give to us the addresses of these men”—although he knew it, although he referred to them in his speech, although he apologized for their presence in the prison he says to-day “After you give the names and addresses of these men then it will go before the Committee to see whether by reason of their incarceration they shall be brought here. Let me say, this, I made my charges, the Attorney-General knows me pretty well and I know him pretty well, he knows that I do not make any charges unless I think at least I can justify them. Yesterday to me was a burlesque. There is not a Member of this Committee, notwithstanding the resolution of one whom I thought to be a very warm personal friend of mine, will dare stifle this investigation. I make that statement, and I make it why? I make it because I have been

in consultation with many members of this Committee who are not of the same political policy as I am, who do not approve of my policy; and when they passed that resolution yesterday that we shall only take Thursday, Friday and Tuesday, that was only wasting the time of the public; I assume that when a man gets up in the House and makes charges that were so serious as I made he ought to be able not only to justify them, but he at least ought to have the opportunity of doing so. I made the charges, and as a Member of the House I suppose that when I say I require two days, three or four days, or ten days, if it requires it, if I make my statement as an Honourable Member of the House, I do not think that even my bitterest political enemy in the House will say I am not saying what is true. If I am saying what is true, if I pledge my honour to not only the Committee but to the public, I say having made the statement that I made against the Attorney-General and his Department that I require a certain length of time in order to prove it, I would like to see the Member of this Committee outside of Mr. Warren—I was ashamed of him yesterday—get up and justify himself in the House, and he has got to justify himself in the House when this comes before the Committee. This is an investigation for what purpose? An investigation for the purpose of proving or disproving the allegations that I made on my honor as a Member in the House, and I never thought that any man would be sent to Parliament who would be identified with a resolution that would deprive a Member of that right. I propose to produce all the witnesses that I think are necessary. Now, you may ask me why I do that. I am going to tell you why. The Attorney-General is not only very very clever but he is foxy in addition to being clever.

MR. WALKER: What does that term mean?

MR. LENNOX: You come to me after the Committee and I will tell you. I said in the House I don't think he is a hypocrite, I don't think he is, but what I want to say is this, that if I did not insist upon my rights to bring before this Committee every possible piece of evidence that I could bring, I can just see the Attorney-General standing up in his place in the House and saying "Why did not he produce this witness? Why did not he bring this man? What evidence is there to substantiate this charge?" You know whether I am telling you what is right and whether I am not. That is in my mind; I may be entirely wrong; but in conclusion permit me to say that having made the charges there is no Committee on earth—public opinion is what I am interested in—there is no committee on earth that can stifle this investigation.

HON. MR. RANEY: Mr. Chairman, I am told that the man McCarger, I don't know anything about him, is not in jail, I am not certain about the whereabouts of the others. I assume that the man Andrews is at Kingston, the Penitentiary. Hallam I suppose is in Burwash; I don't know.

THE CHAIRMAN: Guelph.

HON. MR. RANEY: There is no such person as Tony Phillips on the books of the Department.

MR. LENNOX: You said there was.

HON. MR. RANEY: I presume the man meant is Tony Perille. If that is so I suppose he may be had. I don't know where he is. We have no knowledge of his whereabouts. Unless some members of the committee inter-



poses with some objection—I thought the Committee ought to know about the fact that some of these men were in prison—I will do anything that lies within the jurisdiction of the Attorney-General to get these men here.

MR. NICKLE: I move, seconded by Mr. Johnston (Simcoe) that in the event of it being ascertained that any of the witnesses ordered by the Committee to be summoned are at present under restraint in jail, reformatory or penitentiary, that the Chairman forthwith communicate with the proper authorities to facilitate his or their attendance.

The motion was carried.

—Mr. Lennox moved that committee meet on Saturday morning and on the morning of the 24th May at 9 o'clock.

After some discussion Mr. Lennox withdrew his resolution.

—The Committee adjourned at 1 P.M., until Tuesday next May 23rd at 9.30 A.M.

The Public Accounts Committee met at 9.30 A.M., Tuesday, May 23, with Mr. Watson in the chair.

MR. WARREN asked the committee's permission to make a statement. He said:

Just before the committee rose on Friday morning, Mr. Lennox saw fit to put himself on record in handing me what was intended as a personal insult. He went further and he insulted the electors of my riding by calling in question their good judgment and their common sense. I wish to say that I am quite willing to ignore his insult to me, but I want to say further and with all the emphasis I can command, that no yapping Toronto lawyer is going to insult the electors of my riding.

MR. NICKLE: I think the word "yapping" should go out.

MR. WATSON: I think the word "yapping" should go out.

MR. LENNOX: I will not ask for a withdrawal.

MR. WARREN: Nobody is going to insult the electors of my riding without protest from me. I found the electors of my riding thoroughly incensed, that any member of this Legislature should dare to call in question their good judgment of their common sense, and I wish, on their behalf, to register a protest at this morning's session.

It may be that Mr. Lennox like some other Toronto people has the idea that North Renfrew is located somewhere in the back woods and is populated by a bunch of dubs that are not capable of forming opinions or exercising good judgment. But I want to tell them that North Renfrew is populated by a class of people that are quite capable of exercising good judgment on any question, and are quite capable of selecting and electing their own representatives, without dictation or without advice from the member for North York.

MR. LENNOX: I have nothing to say.

MR. RANEY: Well, Mr. Chairman, I would have liked to have taken the evidence of Mr. Lavelle this morning because he will not be able to be here tomorrow, but I am afraid if I ask the committee to allow me to put him on the stand for a few minutes that he will not be released for the whole morning, and I have respect for the direction of the committee that to-day's ses-

sion should be devoted as the first order to the statements of Mr. Lennox and myself. If it could be the understanding that this examination would not extend beyond fifteen or twenty minutes I would be glad to call him but unless we have that understanding I am not going to call him.

MR. HAY: Will these be simply statements from the Attorney General and Mr. Lennox or will they be under oath?

MR. RANEY: Well, that is as the committee may elect. I am content to examine Mr. Lennox without his being under oath. I am content myself to be under oath or otherwise. I am indifferent.

MR. HAY: How have the other witnesses been examined?

MR. RANEY: Oh, of course those from outside have been examined on oath. I have no objection to taking the oath.

MR. RANEY: Then, Mr. Chairman, I ask Mr. Lennox now if he is willing to submit himself to be examined before this committee.

MR. NICKLE: Might we before going into the general discussion let Mr. Lavelle into the box? You will remember he was going up to Fort William yesterday—on the understanding it will be only for a few minutes?

DR. LAVELLE called, sworn.

MR. LENNOX examining.

Q.—What is your position with the Government?

A.—Well I have two positions, one is Chief Parole officer, and the other is Commissioner for the Extramural Employment of sentenced persons. The are two distinctly different positions.

Q.—What is the distinction between them?

A.—As Chief Parole Officer I am the chief officer of the Ontario Board of Parole that has power to parole men given indeterminate sentences. As Commissioner for the Extramural Employment of sentenced persons I make representations to the Lieutenant-Governor for permits to be granted to persons under the Act for the Extramural Employment of sentenced persons, and under certain sections of the Prisons and Reformatories Act, the latter Dominion the former Provincial.

Q.—Now these are two distinct Acts?

A.—Entirely different.

Q.—Each controlled by its own provisions?

A.—Yes.

Q.—And are there different rules and regulations applicable to each Act?

A.—Yes Sir. I might say that as Chief Parole Officer I have to do with men who are parolled; as Commissioner I have to do with men who are on permit.

Q.—Then there is a provision in the Act that the Lieutenant-Governor in Council may make rules and regulations which govern the conduct of the men?

A.—Yes Sir.

Q.—And I find here the proposed rules and regulations produced by Mr. Dunlop. Are they the rules and regulations in the Extramural Act?

A.—Well, that is what we call it in brief. I believe these were the rules that were actually adopted; yes Sir.

Q.—And it is under these rules that you are working?

A.—Yes, under these.

Q.—With respect to that Act?

A.—Yes Sir.

Q.—When were they adopted?

A.—In May, last year.

Q.—Now you knew a man by the name of McCutcheon had been committed to jail?

A.—Yes Sir.

Q.—And under that Act you allowed him to take employment?

A.—Yes Sir.

Q.—And he was brought up before Mr. Dunlop and yourself?

A.—Not before myself.

Q.—Well, before Mr. Dunlop to ascertain whether he had broken any of the rules and regulations?

A.—I believe that was the Inspector's intention Sir.

Q.—Well, you brought him up yourself? You went for him?

A.—Yes Sir. I went as an act of kindness. I went in my own car. Instead of instructing McCutcheon to come up I went in my own car, merely as an act of kindness, not as an act of custom.

Q.—And had you no instructions at all?

A.—Merely that the Inspector wished to see him.

Q.—Have you ever brought up any other prisoner who was out under this same Act?

A.—I had only brought them up in order to request the Inspector to send them back inside the limits of the jail because I was so clearly convinced that they had broken regulations I felt they should not be trusted again.

Q.—Then how many of these men that you brought up have you placed under oath?

A.—I have never placed any man under oath.

Q.—Has any man outside McCutcheon ever been placed under oath, to your knowledge?

A.—So far as I know, no permit man, no man out on permit, has been.

Q.—Can you give any explanation for the necessity of McCutcheon being placed under oath.

A.—That was entirely a matter within the jurisdiction of the Inspector of Prisons.

Q.—It was not done at your request?

A.—No sir. Nevertheless when it was done I suggested one or two of the questions. The only thing that I am interested in when a man is on permit a married man—there are two distinctions, two classes of men that should be out of prison and yet do not deserve the large liberty of parole, or ticket of leave, that is any fellow say of 17 years, whose difficulty has been that he has never been properly disciplined and controlled; he should be out of prison, it may be, but he should not be given large liberty. He could not stand it. Therefore we grant a permit to that young fellow for his own sake. Then there is the case of the married man with dependents. We do not think so much of the man, we think of his dependents. And, therefore, most of them, practically all of them, are sentenced to safe custody over night. Now they are treated in two different ways, one with an eye to the man chiefly, the other with our eye chiefly on his dependents. I might add it has been

very successful, that I have had 225 under this wholly new experiment—225 I think is an exact number—since it began a year and a half ago, and of these only one has escaped and only one has committed a crime.

Q.—Now, have you read the examination of McCutcheon as taken down?

A.—No sir; I was present for a while one day and I read a newspaper summary of the report.

Q.—Well, did you hear his evidence?

A.—Well, part of it.

Q.—As a result of his evidence what have you done to McCutcheon?

A.—I have done nothing, except—well I will tell you the reason. The only serious misdemeanor to my mind as revealed in his evidence was something I knew of, and that is the reason I asked the Inspector to ask him. That is, he had changed his employment without my permission, or without notifying me. Now that may seem a small matter, but is a serious one. In his explanation to me he had clearly done it without any thought of putting at defiance the law. He had done it thoughtlessly, and, therefore, he was not interfered with.

Q.—Did you know he had changed his employment?

A.—I knew it almost as soon as he had done so.

Q.—Did you speak to him about it?

A.—Well, he had done it such a short time before that the easiest way to speak to him, since I knew he was going to be called by the Inspector. I suggested to the Inspector, while he was asking for anything else he ask him about this.

MR. FERGUSON: Then that explanation was merely incidental to the examination. You suggested while he was being examined he should be asked these questions?

A.—Just before the examination I said to the Inspector, I said, "While you are asking him any other questions that you have that question, should be asked," and I rather think the Inspector said, "I had intended to ask him that question."

Q.—That was not the purpose of the examination?

A.—Well, it may have been, because the Inspector seemed to think it necessary that I ask him to ask that question.

MR. LENNOX: Then so far as you are concerned, that was the only breach?

A.—Yes sir, the only serious breach. We have to trust to the honour and common sense to some extent of the men I have out, and the reason I gave you these figures is to show you I had done so successfully.

Q.—Now you are in a hurry. The rule that he infringed, the jail rule, and of course these regulations do not take precedence of the jail regulations; I think that is clear that they cannot?

A.—McCutcheon did make an error in communicating, if he did so for the purpose of publicity, with a lawyer, with yourself, sir, but I believe I gave McCutcheon the benefit of the doubt and decided that he told the truth when he said he had not interviewed you with publicity in his mind. I accepted his statement, and, therefore, his offence was practically *nil*.

Q.—Well, would there be any objection to McCutcheon say after six

o'clock on his way from his work to the jail, to speak to a lawyer on his own personal business?

A.—So far as I am concerned I would think that is covered by the jail regulations. I think a man has the right to interview his lawyer.

MR. FERGUSON: And could not he stop and talk to anybody?

A.—Well as a matter of fact this is a new experiment in the history of the world.

MR. FERGUSON: He has a couple of hours on his hands?

A.—But you have to leave a large amount to discretion and the common sense. Nevertheless it is an infringement on the jail rules, of course—

Q.—Well, does this come under the jail rules?

A.—This cannot take precedence of the jail rules.

Q.—Is there anything in these rules and regulations to prevent him from speaking to anybody he likes upon any business?

A.—Well, these rules and regulations take for granted the jail regulations.

Q.—Why do you say that? What reason have you for saying that?

A.—Well, because he is a prisoner. He never ceases to be a prisoner.

Q.—Is the man on parole a prisoner?

A.—Only in a sense as defined by Dominion law. He only has to report once a month. He has large liberty. A man on permit is merely like a trusty. He is a prisoner of the institution and he never ceases to be.

Q.—That is his home?

A.—Yes, he is on the books sir.

Q.—Then do you suggest that the rules appertaining to a prisoner in actual confinement can possibly pertain to a prisoner out on that Act?

A.—In the Act there are the words, "so far as applicable," and there are certain things that are clearly not applicable. Now the matter, as you say, of interviewing his lawyer might easily be put down, but it would be a serious infringement if any man out on permit interviewed anyone with a view to publicity—you can easily see.

MR. FERGUSON: Would you stop him speaking to a Minister?

A.—Oh I would not stop him. He is controlled pretty strictly sir. A married man is out solely for the purpose of supporting his wife or his other dependants, and that is the sole purpose.

MR. FERGUSON: Now he finishes his day's work at five or six o'clock say. What do you expect he is going to do—lean up against a fence somewhere and wait for eight o'clock. Isn't he going to talk to anybody before going back to jail?

A.—He is welcome to come back to the jail. He is not allowed out to have a good time, sir.

Q.—Can he visit his home?

A.—Oh yes; he takes his meals at home.

Q.—From a sensible standpoint his business would be at home until he goes to jail?

A.—Yes; we don't want them loafing around town at all. But I might say the whole thing is an experiment. It is a new experiment.

Q.—And you deal largely according to the character of the prisoner?

A.—Yes sir; some men I can trust a little further. He is simply like a trusty. He, in a way, is a trusty under me.

MEMBER: As a matter of fact you do not suggest that he stand up against a fence or lamp post, but you do suggest he does not talk for publicity?

A.—That was the only objection I had to his action.

MR. LENNOX: Was there any reason why you as Commissioner could not have seen McCutcheon and got all the information you wanted without his being brought up before Mr. Dunlop, as far as you were concerned?

A.—Well, Mr. Dunlop was the one that asked for him to be brought up. I did not ask it.

Q.—So far as you were concerned he would not have been brought up if Mr. Dunlop had not requested it?

A.—Well, I don't say he would not have been dealt with.

Q.—Well, I know, but brought up in the way he was?

A.—Well, that is a matter entirely for the Inspector of Prisons.

MR. LENNOX: I propose to call Mr. Dunlop.

MR. RANEY: No. I propose Mr. Chairman, to ask Mr. Lennox if he is ready to carry out the direction of the committee that he shall make his statement.

MR. FERGUSON: We are not going to break off Mr. Dunlop's examination.

MR. RANEY: Mr. Dunlop's examination was broken off days ago. We have had several sessions of the committee since then. There are several witnesses standing for cross examination—Budway, and also Mr. Hammond, and the direction of the committee was made, as I recall it, after all these witnesses had been examined in chief. Now I require of Mr. Lennox whether he is prepared to make his statement and submit to cross examination?

MR. FERGUSON: Well, that is for Mr. Lennox to say.

MR. RANEY: It is for the committee to say.

MR. WATSON: The Committee's resolution calls for that.

MR. HAY: Read the resolution.

MR. FERGUSON: (reading) . . . "That Thursday and Friday the Committee meet . . . and Tuesday next be taken up to hear the evidence of Hon. Mr. Raney and Col. Lennox."

MR. HAY: Well, were either of these gentlemen subpoenaed to give evidence?

MR. RANEY: We are both here. It is not necessary to subpoena. The Committee directed that our statements be heard.

MR. HALL: They both offered to give evidence.

MR. RANEY: I ask Mr. Lennox now if he is prepared to make his statement and submit to cross examination?

MR. LENNOX: Mr. Chairman, I think that to everyone on this Committee at its last meeting I made my position perfectly clear, and I am not changing the position that I then took. The Attorney General knows quite well that where charges are made that in the first place the one who makes the charge ought to have control of his own case, and ought to be the judge as to when any witness shall be placed in the box. I stated and I repeat that it is my intention to go in the box and give evidence. It is my intention to go in

the box, as I said before, when I think the proper time has arrived, and I do not want any further suggestion from the Attorney General that, by reason of not going into the box to-day, I am endeavoring either directly or indirectly to either prolong the investigation or to evade the responsibility of any statements I made. When I made the statement at the last Committee meeting to this committee that I would go in the box at the opportune time, at the right and proper time in my opinion to do so, I felt that the Committee, especially the Attorney General, would, knowing me, believe what I said. That is the exact position that I take to-day, and, in order that there may be no misunderstanding, I will go in the box after I have called witnesses that in my opinion, whether rightly or wrongly, ought to give their evidence before I go in the box. Now that is exactly my position. So far as the committee is concerned, I suggested to them last week, that they were only wasting the time of themselves and of the House in either debating or in moving the resolution that I should be placed in the box at any particular time. I stated when that resolution was passed it did not make any difference to me if you passed a hundred resolutions. The fact would still remain, so far as I am concerned, that I shall be the sole judge of the time that I shall give my evidence. I shall be the sole judge as to what witnesses are ordered to be heard by the Committee, and the order in which the witnesses shall be placed in the box that are called before this committee. And I understand that we are all in a great hurry to get through with this investigation. Now we will see what haste we are in when it is understood by the Committee that if there is an hour or two or three hours taken up in debating when I will go in, it is all lost time, and we will see whether the Committee wishes to proceed with the evidence and get through with the investigation as quickly as possible.

**MR. RANEY:** No one of this Committee is, I am sure, going to debate whether Mr. Lennox shall take stand or not, with a view to putting him under any coercion. He will determine this question for himself. But before he finally decides not to accept the very definite suggestion of the Committee, I desire to draw to his attention two or three things which I think may perhaps the interest of the House or the public in view of the charges he has made.

The matters that I propose to refer to have a somewhat intimate connection with Mr. Lennox, and those I desire to call to his attention now, because I would expect that he would desire to take the earliest possible opportunity to put himself right in regard to these matters.

One of these matters was the statement of the witness Budway. Mr. Budway was examined, cross examined, by Mr. Lennox, I think, to the extent of an hour. He did not approach this subject; did not get near it; skirmished all around it. Mr. Budway's statement was that Mr. Lennox had, through Courrian, offered him \$200 for information; that is Courrian had told him; that Mr. Lennox by his own hand had paid him \$25 or \$30 on account. Mr. Lennox in the House, in the presence, I suppose, of every member of this Committee, stated on his honor as a member of the House that he had never offered or paid anybody a cent for information. I would have thought he would have wanted to pledge his denial on oath to Mr. Budway's statement.

Mr. Budway further said that on an occasion in December last, on the 18th, Sunday, he gave with great particularity the circumstances of a con-

ference which he had at Mr. Lennox's apartments with a bootlegger named Shemnitz and the man Courrian, and an employee of the Government; a conference that occupied a large part of Sunday afternoon. I will come back again in a moment to the subject of that conference. Again he said on an occasion in February he had been at Courrian's House when Mr. Lennox was closeted with Courrian in Courrian's parlor for a half to three quarters of an hour on which occasion the offer of \$200 was made to him.

MR. FERGUSON: Did he say Courrian had said that Mr. Lennox had authorized him to say he would get \$200?

MR. RANEY: Well he did not use that word.

Budway went on to say that on this occasion when Courrian and Mr. Lennox were closeted together in Courrian's parlor for from half to three quarters of an hour, and after Courrian came out and made this intimation to him, Budway. Members of the House will recall that from his place in the Legislature, Mr. Lennox stated that he had not seen Courrian for five minutes at a time in six months, and only once then.

MR. LENNOX: Absolutely untrue; he made no such statement.

MR. RANEY: Members heard what was said.

I would have thought an honorable member of the House would have taken the earliest possible opportunity to get on the witness stand and deny that statement by Mr. Budway, if he could deny it. Here is Mr. Lennox's language, reading from the *Mail and Empire* report:

"Then he (Mr. Raney) asked Mr. Lennox if he had purchased or offered to pay for any of the data he had given the House.

'I want to say that I have not paid for, nor have I promised to pay for it,' retorted Mr. Lennox.

'Did the honorable member get some of this information from a man named Courrian?' asked Mr. Raney.

'I haven't seen him for five minutes to speak to in the last six months.' was the reply."

And so on. From the *Mail and Empire* report.

Then the witness Budway told of an interview on the 18th of December in Mr. Lennox's house. He had been sent for by Mr. Lennox, first telephoned by Courrian, then telephoned before the receiver was hung up by Mr. Lennox and then as I recall it, an automobile had gone for him, and taken him to Mr. Lennox's apartment. When he got there he found out what the matter was in respect of which he was required. This was the 18th of December last. I frankly confess I did not appreciate the evidence myself when it was given because I was not in possession of the dates. On the 18th of December, the trial of the men who had been summoned in consequence of the North York raid was imminent. It came on the 23rd of December, the day before Christmas. The question was what kind of evidence should be brought before the court. It was in respect of this matter that Mr. Lennox sent for Budway. The proposition that was made to him then was this: on the 28th of November previous Courrian knowing that 15 cases of whiskey had been brought to Budway's house had been seized there by officers of the law, Budway having arranged the matter with the Department, the men who made that seizure were two officers, Baugh and Smythe, officers of the Department. Smythe was one of the men who had made the raid on the



Mansion House, Sutton. The proposal made in Mr. Lennox's apartment to Budway was that there should be a frame up on Smythe, to make it appear that Smythe had stolen a bottle of that whiskey. The Committee will recall that there was evidence here that Smythe had taken away one bottle; that Smythe had stolen one bottle, and that that was the bottle found in the Mansion House at Sutton.

MR. HAY: Do we understand this is the proposed statement by the Attorney-General, or is this argument between two gentlemen?

MR. RANEY: I am giving reasons now why in my opinion, in his own interests, Mr. Lennox should take the stand and submit to cross examination at the earliest possible moment in regard to these matters.

MR. HAY: Is this statement then irrespective of what is proposed?

MR. LENNOX: This is in my interest.

MR. RANEY: (proceeding) Then Mr. Budway's evidence was that somebody inquired, my recollection is that it was Mr. Lennox, what kind of whiskey it was that was seized at Mr. Budway's house and Budway said it was Scotch, and Mr. Lennox said, "That won't do because the whiskey seized at the Mansion House in Sutton was Corby's." So that fell down. Then, Budway says, Shemnitz, a bootlegger, says, "I will get a Jew who will swear that I sold a bottle of Corby's to Smythe," and he said, Mr. Lennox said, "That will be fine, Louis," or words to that effect. The matter was left there. That was the last Budway says he heard about it, until Courrian told him afterwards that it had transpired that a man named H had taken a bottle of whiskey to the Mansion House at Sutton and therefore it would not do to frame up on Smythe. No graver imputation was ever made against a lawyer or member of this House, that he deliberately attempted to frame perjury to get even with a political opponent; that he deliberately attempted to frame perjury to get an innocent man in prison and I suggest to Mr. Lennox he ought to take the instant opportunity, less, perchance, his evidence, which he says will occupy ten days, should lengthen out—certainly this Committee is not going to sit here longer on this case—less, perchance, this evidence should lengthen out so that he may be deprived of the opportunity. That is what he has to fear.

MR. LENNOX: If I am deprived here I cannot be in the House.

MR. RANEY: Before this committee! This is the important place. He cannot be cross examined in the House. He can be cross examined here—less he be deprived of the opportunity of giving his statement here and submitting to cross examination, as an honest man will desire to do.

MR. FERGUSON: He will have to take the responsibility.

MR. RANEY: I am pointing out to him the seriousness of the situation.

Now another serious situation. Budway says, "He double crossed me. I gave him this information in confidence. He promised me no publicity. I sat in the gallery in the House anticipating this statement and did not expect to hear my name used." McCutcheon says, "He double crossed me." Look at it! Mr. Lennox gets up in the House. Poor McCutcheon! This man who was in jail; who wanted to get out, and who, Mr. Lennox says, not having a lawyer, came to me as his lawyer; to get his advice, to get him out of jail. McCutcheon goes to Mr. Lennox as his lawyer to get him out of jail, and here is his

charge against McCutcheon, this poor fellow who was out under the Extra Mural provisions of the law.

"Am I right"—he got this information from McCutcheon, from his client; a matter for the attention of the Law Society unless this matter is made straight—"when I say that McCutcheon was charged with aiding and abetting the delinquency of a child of 14 years of age, and was bailed out by Chief Inspector Ayearst?"

This is Mr. Lennox charging on the floor of the House against this man who was his client, who had given him this information in confidence. Not only was he, McCutcheon, not guilty of that charge, and when Mr. Lennox made it he knew he was not, the whole purpose was to get one over against Mr. Ayearst because he had protected this innocent man. Then he goes on:

"Am I right when I say that this same McCutcheon was convicted of assaulting a young girl in Guelph?"

This is the way he treats his clients.

"Am I to be believed when I say that McCutcheon was convicted of conspiracy to debauch justice in paying a Government spotter \$200?"

This client who had given this information to Mr. Lennox; and Mr. Lennox had double crossed him, as he himself says, friendly as he was, had double crossed him on the floor of the House. He got that information from McCutcheon.

"Am I right when I made the statement that McCutcheon, though charged with a serious offence was paid during April, May and June, notwithstanding the fact that he was not in the employ of the Government?"

"Was I right when, to the public, I stated that McCutcheon, an employe of the Government, charged with operating an illicit still to the knowledge of the Department, was retained and paid a salary?"

All this information secured from McCutcheon himself, and then spread on the records in the Legislature, and displayed through the press, and all this as between solicitor and client.

Now these are the most serious charges that could be made against a lawyer or against a member of the Legislature.

MR. SINCLAIR: If they are such serious charges against a lawyer is not the proper place to lay them before the Law Society.

MR. RANEY: Precisely.

MR. LENNOX: Do it.

MR. SINCLAIR: Then why don't you do it?

MR. RANEY: Precisely; and I want to let him clear himself not only before the Law Society but before the Legislature.

MR. SINCLAIR: Is not the question larger than that, of moment to the whole profession of the Province, and should go before the Law Society and not before the Public Accounts.

MR. RANEY: It probably will go there.

MR. SINCLAIR: Why doesn't it go there first.

MR. WATSON: What are we here for.

MR. RANEY: (proceeding) In view of these things I invite Mr. Lennox now, in justice to himself, to take the stand. I do not insist, so far as I am concerned, that he shall take the oath. I will be content to take it.

MR. LENNOX: When he gives his evidence I will take it under oath.

MR. RANEY: Then Mr. Lennox declines, I understand?

MR. LENNOX: When I finish my case I am going to do as I said, but I want to say this, that I didn't know you were so solicitous about me before, I appreciate very much the kindness you are doing me in giving me the opportunity of placing myself right before the public. I think when I go on the stand my word will be taken against Mr. Budway's. I think it will. It is not worrying me very much.

MR. RANEY: Then, Mr. Chairman, I am prepared now.

Mr. Lennox declines to make his statement. I am prepared now to carry out the suggestion of the committee; although he has not made his statement and has not submitted to cross examination I am prepared to make a statement and after to submit to cross examination by any member of the Committee including, of course, Mr. Lennox. Will the Committee hear me now?

MR. FERGUSON: Now the Attorney General has at great length elaborated the seriousness of this whole situation. He has turned it largely into a personal controversy—

MR. RANEY: Not at all.

MR. FERGUSON: Well, you have been pointing out to Mr. Lennox how his character and reputation is in jeopardy and he ought to undertake in his own interest to clear himself of these charges.

MR. LENNOX: Be brought before the Law Association.

MR. FERGUSON: Now Mr. Lennox made certain allegations in the House and before he is asked to give evidence he ought to have an opportunity of exhausting his efforts to support and prove the allegations he made.

MR. RANEY: Well, we accept his attitude.

MR. FERGUSON: Just a moment; you were not so prepared to accept it a moment ago until you made a fifteen minute speech and until you got something on record.

MR. LENNOX: To get something unfairly in the papers.

MR. FERGUSON: It is surely not for the man who is charged to say when the proceedings shall cease, when they shall end. Surely it is for the man who makes the allegations to say when he has exhausted the evidence of proof.

MR. RANEY: There is no suggestion these proceedings may end today.

MR. FERGUSON: You have asked Mr. Lennox and the Committee to insist on that resolution being carried out.

MR. RANEY: All I ask for is permission now to make my statement to the committee.

MR. FERGUSON: Well, that isn't the way you put it to the committee. You were insisting a moment ago that the committee's resolution should be carried out.

MR. RANEY: I was not. I made that plain.

MR. FERGUSON: "Are you prepared to carry out the resolution of the Committee?"

MR. RANEY: Don't misrepresent my attitude.

MR. FERGUSON: You read the resolution and asked if Mr. Lennox was prepared now and that the Committee ought to carry out the resolution. That was the purport of the words.

MR. RANEY: No.

MR. FERGUSON: Well, I would like to know if the Attorney General accepts all the evidence of the bootleggers as freely as he is prepared to accept evidence against Mr. Lennox.

MR. RANEY: I asked if Mr. Lennox was willing to give his statement.

MR. FERGUSON: I say it is for Mr. Lennox, the man who has made the charges, to say when he has finished his case. I do not know what his evidence is. He says "I have not finished it." Surely no committee is going to say when a man says I have only partially finished my case, "You must close your case." But everybody realizes this is a serious matter and that the Attorney General in the Province will be in a serious position if these charges are supported and if they are proven in evidence. The Attorney General is right to look at it seriously but he is not right if he deprives the man making the charges of the opportunity of making his case.

MR. RANEY: I have no such thought.

MR. CLARKE: I was the individual that moved this celebrated resolution last week. I may say when I moved that resolution I thought I was consistent and I think so yet. My object was this. We have been sitting here day after day, in other words practically this Public Accounts Committee has performed no business that should come under the head of Public Accounts Committee in a general way. We have not investigated accounts. In fact the work of the Committee has not been done. First we had the hydro, and now we have this blooming O. T. A. business.

Now my object in moving that resolution the other day was this. My idea was to give my views on it, that we could go on here for two or three weeks. I suppose there are enough of these jail birds my honorable friend refers to. In other words these scouts, or spotters, to keep this committee going practically all summer. My view was in moving that resolution and giving my friend here two days to bring on his evidence, that he would naturally bring his strongest witnesses before this committee; then thinking we would get through in another week or ten days, that we would fix a day when the two principals should have their fun. Now we are up against this.

I think frankly that the Attorney General is within his rights according to the resolution carried. Today was the day that the Attorney General and Mr. Lennox were supposed to give their evidence. Now Mr. Lennox, I understand, refuses to give his evidence today. Probably he is quite within his rights and is justified. But I submit to the Attorney General. I understand that you have some more subpoenaed, that you are having some fellows from Burwash and Kingston and God knows where else coming here before this Legislature. If they are coming it might be well to consider; it might be well to consider. But I think we should confine it to some reasonable time.

Surely we are not going on for two weeks listening to this repetition about police courts, and these smart alecks, these spotters. The evidence is practically all the same. I think there is no member of this committee but what admits from the evidence they have heard that the spotters, although doing probably work that no other people would or could do, that they are doing, yet they are more or less crooks. No doubt about it! Take my honorable friend here. Take Budway. I was going to say, his friend. His client!

MR. LENNOX: No.

MR. CLARKE: I thought he said he was a client of yours—Oh no, McCutcheon!

MR. LENNOX: And he never was a client either, as the Attorney General knows.

MR. CLARKE: Well, they were in your office. My point is this. Now according to their evidence, anyway; they said there was some correspondence between Mr. Lennox and them. Now Mr. Lennox says, and I think he might be perfectly right, that the committee would not take Budway's evidence against mine. Personally I would rather take Lennox's on general principles, and he is not an angel. But I'd rather take it on general principles. But after all, there is the evidence we have before this committee, and here is what I want to submit, and we have had a long session, and I have never listened to so many sermons, same verse, same chapter, and everything. In the evidence submitted to this committee I think it will appeal to all that there is wholesale bootlegging going on in this city, and you cannot catch them, cannot get them, cannot trap them, without such crooks as are employed by the Department for it. They are not good. That is, they are not strictly what I call religious people. They are not good.

MEMBER: They are backsliders anyway.

MR. CLARKE: Well, I do not think you can say they are cowards, anyway.

Now, we passed this resolution, carried it, the Attorney General is within his rights in expecting to have it carried out. But I would be perfectly willing—this is Tuesday, we will meet Thursday and Friday—I will be willing to say to my honourable friend, "Take two more days. Choose your witnesses. Bring in the best witnesses you have got, and then, after that, surely, I think, you have had justice. And then if you want to go into the box all right. Let the Attorney General go into the box and let us close up this question."

MR. RANEY: I have been here for some weeks with the committee. I explained to the Committee how much time it is taking, how very stringent my duties are at this time, and I want a little relief from the strain of these duties. I have prepared to make this statement this morning. I want to make it now. Mr. Lennox will have an advantage, but—

MR. LENNOX: I am not objecting to you making it.

MR. HAY: Mr. Chairman, I object to the statement being made by either. I think two learned gentlemen, members of this House, learned in the law, an honourable profession, I really think it is most unkind to ask either of them to make statements before this Committee. It doesn't, to me savour of the dignity that follows that profession, and, unfortunately perhaps, I was not in the committee the other day when the resolution was passed, but I think I would very much prefer to have judged of the whole matter in question from the evidence that had been submitted rather than the statement of either of the honourable members of the House. I know the strain that the Attorney General must be sitting under. The whole responsibility of the legal department of the Government, which we all acknowledge must be very heavy and severe through a very long session. I think I can assure him that the public will judge of his record and his position in reference to all these charges that have been made here and even in the House, and for the sake of

the dignity of the profession, I had hoped we could eliminate the question, either under oath or a statement from either of the two participants in the statements that have been made in the House, unfortunate as they are. Most of us without a legal mind realize readily that no matter what statement the Attorney General may make, no matter what statement Mr. Lennox may make, that it leaves us just where we started after they are through, and have not accomplished very much, because of the difficulty of the ordinary mind in reading as to what is just legal and what is not legal. But, as I intimated before, I think the members in the House and the public generally will judge of the whole situation by the evidence that has been submitted, and for that reason; I had hoped and I do hope that at the present time, giving all regard to the position in which the Attorney General is in, and the heavy strain, that probably it would not have been necessary to have had submitted either on oath or otherwise a statement of either of the participants at the present time.

MR. RANEY: I think perhaps the honourable member, Mr. Hay, was not here when I read to the committee—no doubt members of the committee were more or less familiar with them before, although not perhaps in the systematic manner in which I have them before me—heading in a certain section of the press of this province, the editorials that have been spread broad-cast in which I have been pilloried with nearly all the epithets that it is possible to apply to a person in my position.

MR. HAY: I would remind the Attorney General, only a certain section.

MR. RANEY: Well, quite so. That section is an influential section. There has been no limit to the thing, and after the denials and explanations in the House these charges were repeated in this section of the press as though they had been proven.

MR. HAY: Do you think any statement you make would change that section of the press?

MR. RANEY: I will make it so clear that the charges will never be repeated again.

MR. SINCLAIR: How?

MR. WATSON: Unless the Attorney General allows you to speak you cannot speak.

MR. SINCLAIR: May I stay in the room? As long as I am in the room I will speak.

I wanted to ask how he thought he could prevent the newspapers and the man in the street from repeating the statements which have been made after any statement which he makes here to-day?

MR. RANEY: I cannot prevent a lying, venal press from continuing to be lying and venal. I cannot prevent frothy parenoids from circulating their poison. I cannot prevent it. But I can get across a statement of the truth to people who are open to conviction, and I am proposing to waive the dignity. I appreciate what Mr. Hay said. I appreciate that I am accused, and there is always a lack of dignity in the accused. He is in a little different position from that of the man who is not accused. His accuser has some advantages. But I am going to waive all that. To me truth is of more concern than dignity. I desire the permission of the Committee to make my statement. After I have made my statement if any member of the Committee desires me

to be put on oath I will take it and I will submit to cross examination by any member of the Committee.

MR. NICKLE: May I, with the Attorney General's permission, before he begins his remarks, say a word?

MR. RANEY: That is for the Committee to say.

MR. NICKLE: No, it is for you.

MR. RANEY: Well, I prefer to go on with my statement.

MR. NICKLE: Then it will be remembered, if, later on, I appear to get myself in what might be considered to be an inconsistent position, that the Attorney General took the floor.

MR. RANEY: Now, Mr. Lennox's major charge against me, I suppose I may put it that way, was couched in this language, and I am going to endeavor to be brief. I have read it once or twice to the Committee already, and I am going to read it again so as to get it on the record in connection with my statement:

"With full responsibility as a member of this House," he said, "I shall show that not only does the Attorney General give employment to thugs and criminals, but I say further, with all the emphasis I can command, that these men were kept and are being kept to-day by the Attorney General, assisting him in the enforcement of the Ontario Temperance Act. I can quite understand the administrator of a Department being deceived by his officials or his servants; that is inevitable. But I cannot conceive, nor will the public condone, any Minister keeping in his employ men that have been convicted, and have to his knowledge served terms, in the enforcement of the Ontario Temperance Act."

Now, Mr. Chairman, I give that statement the most unqualified, the most emphatic denial; not, as some newspaper expressed, in a technical sense; not in any technical interpretation of the words, "thugs and criminals," but absolutely and unqualifiedly, in any interpretation that can be placed on those words, I give the whole of that statement—really there are half a dozen statements included—my unqualified denial. It is false. The only truthful thing in it is the statement as made by the member that he can understand the administrator of a department being deceived by his officials and servants; that is inevitable. That is not part of the charge. The charge is that I, knowingly and deliberately, chose to employ criminals and thugs in the enforcement of this Act. That charge is false. That is all I have to say about it at this time.

A little later on in the same report the member said:

"And yet, tonight, you,"—addressing me, "occupy the position of Attorney General of this Province, associated as you have been during the past two years with men who are a disgrace to any civilized community."

I utterly deny that. I utterly repudiate it. I have had men associated with me like Mr. Flavelle, Chairman of the License Board, Mr. Dingman, Mr. Smith; honourable men; General Elliott, the late Commissioner of Police; Mr. Ayearst, Chief Officer of the License Branch; Mr. Hales, the present Chairman of the Board; General Williams, the present Commissioner of Police. You cannot find in this Province more honourable or upright men. In the first place the charge is against me personally but if you make an interpretation of the charge these are the men that are being charged with em-

ploying "thugs and criminals," and being associated during the past two years with men who are a disgrace to any civilized country in the world. That is all I have to say about that for the moment.

Then Mr. Lennox said, speaking of another matter:

"Will you believe me when I tell you that the Attorney General offered to give up that liquor"—that is the United Shippers' liquor at Fort Frances—"to the men who owned it if they would not take it into the United States, would let them have it if they would debauch the citizens of British Columbia."

Mr. Lennox called a witness, Mr. James Haverson, K.C. to prove that charge. Mr. Haverson was examined before the Committee. Mr. Haverson was asked, "Now give me a straight answer to this, for Mr. Lennox has promised that he would resign if his statement was not true: Is it true that you said that the Attorney General would let you have the liquor if you would ship it to debauch the citizens of British Columbia?" Answer: "No, it is not true."

And he said it was not true even if the Department were substituted for the Attorney General.

Now, after that, I need not repeat my denial made in the House. I repeat it again if necessary.

MEMBER: That turned on the word "debauch?"

MR. RANEY: I am reading the statement. I said in the House it was not true. I say it now.

Then the third major charge—these were two of the major charges—was couched in these terms. I say major charge, because in support of this major charge of employing criminals and thugs there were names given; many names were given which Mr. Lennox said supported the charge. I am prepared to deal with these names if I am asked about them.

The third major charge was this: "I am not surprised, nor will the public be amazed that that was a frame, or an endeavour to frame, Mr. Armstrong and myself," he said, "when one of the men who represented you, Mr. Attorney General, would go to Collingwood, as Fielding did, and there engage an eighteen-year-old boy to purchase liquor and then have him arrested. And this man named Smythe, your other operator, was one who would steal from the Government liquor that was seized. When men of that type are in the employ of the Government I think perhaps the better element of the people of the Province will not doubt me when I say that the liquor that was seized in the room at Sutton was brought there by them, and I am not sure you did not know it."

Speaking of the Sutton raid on the Mansion House, made by Smythe, Fielding and Creason, three Provincial Police Officers, on the 2nd of December. "Engaged an eighteen-year-old boy to purchase liquor." It was false. I have Fielding here. And Mr. Sarvis said it was false before the Committee the other day.

"When this man Smythe,"—another man who went to Sutton—"your other operator, was one who would steal from the Government liquor that was seized,"—that had reference to this Budway liquor, the fifteen cases, where Smythe did not steal anything; he was merely there to seize it for the Government, and the liquor is now in the liquor dispensaries—"would steal from



the Government, liquor that was seized. When men of that type are in the employ of the Government I think perhaps the better element of the people of the Province will not doubt me when I say that the liquor that was seized in the room at Sutton was brought there by them, and I am not sure that you did not know it"—not sure the Attorney General did not know of it.

In other words the charge is that Smythe and Fielding planted the whiskey that was found in the room at Sutton and that they did so with my knowledge, that I was a party to the framing up of this at Sutton.

Now, in that view, Mr. Chairman, I am going to do what otherwise I would not do. This is a charge against me personally of having been a party to planting liquor in a room where the officers might find it in order that they might convict innocent men of a crime, of an offence against the Ontario Temperance Act. I am going to lay before the Committee, and I want to do it at this stage so as to give Mr. Lennox an opportunity to explain evidence that indicates to my mind that Mr. Lennox knew where the whiskey came from.

I place before the Committee first a prescription for a dozen quart bottles of ale, dated 24th of November, 1921—that was a few days before the raid,—signed by Dr. R. F. Preston of Carleton Place, for one dozen quart bottles of ale.

MR. FERGUSON: Do you think any of that ever got to Sutton?

MR. RANEY: I don't know where it got to.

I produce a second prescription, on the same day, signed by S. S. Ball, M.P.P., Stouffville—Dr. Ball,—for one quart of whiskey, to Mr. T. H. Lennox, lawyer, Toronto. In both cases this liquor was delivered to a man named Arnold, whom, I am told, was chauffeur to Mr. Lennox.

MR. LENNOX: What is the date?

MR. RANEY: 28th November.

MR. LENNOX: You don't think I would keep a bottle of whiskey that long, do you? You pay me too high a compliment.

MR. RANEY (proceeding): Each of these prescriptions and all other prescriptions that are honoured by the Department carry a certificate that the liquor is for medical purposes only. That is required by the Act. It is an offence against the Act for a doctor to give a prescription that is not for medical purposes. Each prescription also carries the Doctor's certificate; "I certify that the amount of liquor hereby prescribed is the minimum quantity necessary for the patient."

The Doctor certifies that the quantity is the minimum quantity required for the patient. In this particular case, my information is that the chauffeur came into the dispensary and was somewhat delayed in getting the goods, because the censor at the desk was unable to censor the signature of Dr. Preston. Mr. Lennox himself came into the office and wanted to know what all the delay was, and told them they would have to have a better system, and that he was in a hurry, that he had to go to Sutton to attend this meeting. Mr. Lennox will probably tell the Committee what the complaint or illness was for which Dr. Preston, whom I understand was campaigning with him in North York, prescribed the liquor. Also he will probably explain to the Committee why he, as a member of the Legislature when this Act of 1916 was passed, a member of the Legislature who assisted in the passage of this law, a King's

Counsel, why he has deliberately and on many occasions, disregarded this law, and rendered himself liable to the pains and penalties of the Act if he had been prosecuted.

MR. LENNOX: Why do you say that?

MR. RANEY: I am making my statement now.

MR. LENNOX: Why do you say I made myself liable?

MR. RANEY: Two prescriptions on the same day, from different doctors, one for a dozen quarts of ale and one for a quart of whiskey, and your information in the office that you were in a hurry to get to Sutton where there was a meeting.

MR. LENNOX: Now, you will stick to that?

MR. RANEY: Then on the same day another prescription! There was a great illness in Mr. Lennox's office at that time! Written by Dr. Ball at Stouffville, in favour of Clifford Case, barrister, who was at that time associated with Mr. Lennox, and who, I am told, assisted him in the preparation of the evidence to be laid before this Committee, going to Hamilton and other places to get witnesses for that purpose. The prescription is dated 24th of November, 1921; "Required for Mr. Clifford Case, Barrister, 176 University Avenue, Toronto, one dozen quarts of ale, for medical purposes only, for the patient named. I certify that the amount of liquor hereby prescribed is the minimum quantity necessary for the patient for whom it is ordered."

"(signed) S. S. BALL, M.D."

Then, on the 9th of December, also by Dr. Preston—this cannot have been at the Sutton House because it is after the event, but it shows the course of dealings.

December 9, 1921.

"Required for T. H. Lennox, Barrister, Toronto, one quart bottle of whiskey for medical purposes only for the patient named. I certify that the amount of liquor hereby prescribed is the minimum quantity necessary for the patient for whom it is ordered."

"(signed) R. F. PRESTON, M.D.

Carleton Place."

Then another one that came in a little earlier. This would hardly have been preserved, I think, but it was still during the campaign because it is still signed by Dr. Preston, on the 1st day of October 1921:

"Required for Mr. T. H. Lennox, Barrister, Toronto, one quart of whiskey, for medical purposes only for the patient named. I certify that the amount of liquor hereby prescribed is the minimum quantity necessary for the patient for whom it is ordered."

(signed) "R. F. dlu

"(signed) R. F. PRESTON, M.D."

Received by Mr. C. K. Case; that is the same Mr. Clifford Case who procured a prescription from Dr. Ball which is already in exhibit.

Now, Mr. Chairman, I have some other prescriptions on which I will take occasion to ask certain questions of Mr. Lennox, when he submits himself as I hope he will before very long for examination before this Committee.

MR. TOLMIE: What does this censorship mean?

MR. RANEY: There is a young woman who is supposed to know the doctors' signatures, like a ledger keeper in a bank, and prescriptions are put be-

fore her to verify the signatures. She has, I suppose, the signatures of all the doctors before her, and if she finds the signature all right she o.k.'s it. I have before me now a forged prescription about which I am going to ask questions perhaps before the Committee rises if the opportunity offers.

Now, having in view this situation, perhaps Mr. Lennox may be able to discover I bought some liquor from the dispensaries during this time?

MR. LENNOX: I don't care whether you did or not; I would not stoop so low as to say you did or did not.

MR. RANEY: But you would stoop so low as to make accusation against two innocent men. You would stoop so low as to charge Smythe and Fielding, two men whom you knew were innocent, with having framed this case against Armstrong and the other men?

MR. LENNOX: May I ask is that the Smythe who beat the man up in Hamilton the other day?

MR. RANEY: I know nothing about it. I haven't heard of any man being beaten up in Hamilton. I have no comment to make because I know nothing about it.

Now let me read this paragraph again and I will ask the Committee whether I am justified in bringing these prescriptions before it.

"I am not surprised, nor will the public be amazed, that that was an endeavour to frame Mr. Armstrong and myself," he said, "when one of the men representing you, Mr. Attorney General, would go to Collingwood, as Fielding did, and there engage an eighteen-year-old boy to purchase liquor and then have him arrested,"—which was false—"and this man named Smythe, your other operator, was one who would steal from the Government liquor that was seized"—which was false. "When men of that type are employed with the Government, I think perhaps the better element of the people of the Province will not doubt me when I say that the liquor that was seized in the room at Sutton was brought there by them, and I am not sure you knew of it." It is reported in another paper—"that you did not know of it," which is, I presume, what he said.

That is the charge against me. I leave it on Mr. Lennox's door step.

MR. MACBRIDE: Just before the Attorney General takes his seat, do I understand he asks the Committee to infer, that, having read four or five orders given to Mr. Lennox, covering periods from the 1st of October until the 9th of December, that therefore that is sufficient fact from which we might infer that Mr. Lennox took the liquor to Sutton?

MR. RANEY: It is sufficient answer, in my view, to the question that the liquor was taken there by these officers with the knowledge of the Attorney General. It is sufficient to suggest to the Committee the possible source of this liquor.

MR. NICKLE: In your original statement I think you went further than you intended to. You said you were prepared to depart from what was the established, usual custom, and read certain documents which would go the length of showing, or would tend to show, that Mr Lennox probably had been the source of supply—probably knew of the source of supply. And this was the source of supply, these orders. Is the intention that we should believe that because Mr. Lennox at this time got these orders that, therefore, these orders were the source of the liquor obtained at Sutton?

MR. RANEY: I put these facts before the Committee. I don't care what any member of the Committee infers. I put facts before the Committee.

MR. MACBRIDE: I understood you to say that when you were finished you would be prepared to allow us to ask you some questions. I am endeavouring to clear up what was not quite apparent. I don't want to embarrass you. I don't want to press you.

MR. NICKLE: Before the Attorney General began his statement I asked the privilege of saying a word or two, which the Attorney General, from his point of view, quite correctly, desired me not then to make. I had not the privilege of being present at the Committee the morning on which it was decided that the Attorney General should make his statement and Mr. Lennox should also make a statement, which, if I understood correctly, subsequently correctly, was to be on oath if it was so desired. I do not want to bring the school teacher into the Public Accounts Committee and I do not want to be captiously critical, but I am beginning to wonder if we are maintaining the dignity of this Committee, if there is not a tendency to drift away from the original source of the inquiry, that before we get through, instead of it being maintained on the high plane of the judicial Committee, the high parliamentary plane, it is not going to degenerate into the narrowest of political intrigue and jealousy. It is perfectly apparent to me this morning from the statement the Attorney General made—and I now speak with all the respect that is due from a private member to he who occupies the exalted position of Attorney General—that there is a tendency on the part of the Attorney General to gravamen of the charge, to adopt the position very often taken by skilled attorneys, that when you have not too good a case abuse the other side.

Now the member for North Ontario has an unfortunate manner in the House as well as here of interjecting an isolated remark which he rarely follows up by a well regularized sentence or argument, and his saying, "no, no," does not carry conviction to the committee, does not carry conviction to me. And if he will listen as I elaborate a few remarks I have to make, possibly his "no, no," may become a more speedy, at least a more conscientious, "yes, yes."

Now here is my point—and I am trying to approach this thing, as far as a member of the Conservative Party can, judicially; I am trying to preserve a semblance of reason and common sense that I think should actuate a member of this committee. I listened to Mr. Clarke, and I thought he took a rather dignified position in relation to the attitude of a Liberal to this inquiry. Now let us see what happened. I was in the House the night Mr. Lennox made his speech. It is not necessary that I should comment on the manner, or the style or method of the delivery. It has nothing to do with this inquiry. But he made specific charges against the Attorney General, and the Attorney General, being a member of the Government, we had a right as a Public Accounts Committee, to conduct an inquiry into these charges, because many of those who were involved in the charges had received public money. And this matter has been dragging now for days—weeks. There has been a tendency from time to time to shift the position by showing that Col. Lennox was this or Col. Lennox was that. I do not think we are particularly concerned as a committee whether Col. Lennox is a saint or a sinner. I do not think we are particularly concerned as a committee on Public

Accounts, not speaking as a member of the Law Society, whether Col. Lennox broke his obligations to his client or divulged in Parliament certain things, information, that he received under the alleged promise of secrecy and in the judicial relation that should always prevail between solicitor and client. That is a question of legal ethics for the proper committee of the Law Society to make inquiry into. What I am trying to emphasize is this, because later on Col Lennox, without doubt, is going to take the chair and give evidence. I think this Committee should keep before it all the time that what we are inquiring into are the charges made against the administration of this Act by Col. Lennox. We are concerned with the weight that should be given to the evidence of those that appear before us as witnesses. We are not concerned as to whether Col. Lennox gets an order every second day or not for a bottle of whiskey or bottles of ale. I do not need it to maintain my health. He may. The point I would emphasize is, let us try and keep this inquiry on a decent plane, and let us try to keep before us this point of view, Col. Lennox made certain charges. Are those charges true? Does the evidence substantiate them? Are the witnesses worthy of belief? What weight shall we give to those who go into the witness box? And let us try from now on to keep to one side personal innuendo, reflections as to character, except in so far as relate to the weight of evidence given by the various witnesses.

MR. LENNOX: Now Mr. Attorney General, when an information is laid against a man for bootlegging, who does the prosecuting?

MR. RANEY: Why, the Crown Attorney usually; sometimes a lawyer is specially engaged.

MR. JOHNSTON: A few moments ago Mr. Lennox said that Budway's evidence would not be taken, his word would not be taken?

MR. LENNOX: I said that I would leave it to the public.

MR. JOHNSTON: You thought your word would be taken in preference to his. But when Budway gave evidence against the Attorney General or his department, you suggested his evidence should be taken. Why do you bring him here?

MR. LENNOX: In the first place I did not bring him here. In the next place he was called as a witness by the Attorney General for the purpose of refuting charges I had made. He being put in the box by the Attorney General, I assume that the Attorney General would not do so, would not ask that the public be deceived, by putting a man in the box whose evidence is not reliable. That is a responsibility that every man takes when he puts a witness in the box; that is, if he does not want the public to believe him then he should not put him in the box. Having put him in the box I did what was my public duty; I cross examined him on statements that he had made. That is all there was to it.

MR. JOHNSTON: You based certain remarks in the House in your charges on information obtained, some of it obtained from Budway?

MR. LENNOX: On information obtained from Budway that was verified by me on the records of the courts.

MR. CURRY: I think the statements made by the honourable member for North York is somewhat fallacious. In regard to the case in court it is quite true counsel have responsibility before producing witnesses to have reasonable ground for believing the evidence of the witnesses is true. Here we have

an investigation in regard to certain irregularities which have taken place, as alleged, in respect to some of the employes of the Department, employed by officers of the Department under the Attorney General, and it surely is not the statement to this committee that the Attorney General believes any or all of the witnesses which he desires for the purposes of obtaining evidence as to what the true facts are. It is for the Committee to determine. And all the witnesses ought to be called, ought to be examined, and there ought not to be attributed by Mr. Lennox to the honourable the Attorney General any certificate as to character of any of these witnesses.

MR. RANEY: I explained to the committee that Budway was a voluntary witness. He had come to the office because he was angered on account of his name being used.

MR. NICKLE: The weight to be attached to the evidence must be determined by each member of the committee for himself after listening to the witness.

MR. HALL: This matter has gone much too far to strangle it now. Either the statements of Mr. Lennox are correct or they are not correct. If they are correct, if the statements which he has made in the House that the Attorney General permitted all this to go on with his knowledge, that he had this class of men engaged to do the province's work, and that he knew what was going on all the time, and he knew they were "thugs and criminals," then I for one want to say definitely that although I have been an admirer of the Attorney General's for years for certain work which he has been doing all his life, still I want to say now definitely that if what Mr. Lennox says is true the Attorney General is not worthy to occupy the exalted position which he occupies; he should not be there, nor should any man be in authority who will connive with any such work, and I for one felt that when I moved that resolution that we should curtail this business by putting the two principals in the ring and letting them fight it out. That is what I want to do. I think we have made a good start. I don't think it will be necessary after we call these witnesses to call further witnesses.

MR. LENNOX: I understood you to say that in these trials that you are represented by either the Crown Attorney or by some person specially appointed.

MR. RANEY: Usually; sometimes cases are conducted by Mr. Ayearst himself.

Q.—Then a case that is conducted by Mr. Ayearst himself, would that come to your knowledge?

A.—Not necessarily. Many cases do not come to my attention at all. Usually a case does not come to my knowledge except through the press.

Q.—Then supposing the city crown attorney or the county crown attorney were representing you in a liquor case, would that come to your attention?

A.—Not necessarily; no.

Q.—Is the evidence taken down under oath?

A.—Why I assume it is. I suppose the magistrates do their duty.

Q.—Do you ever make any inquiries from your officers with respect to the men that are found guilty or even charged in these liquor cases?

A.—I do not get that question.

Q.—Do you ever talk to them, try to find out?

A.—Talk to whom?

Q.—The Crown Attorney?

A.—Why the Crown Attorneys know their business.

Q.—Then we will assume you don't. When you read the press do you ever inquire whether these men that are charged, found guilty of Breach of the Ontario Temperance Act, are, or have been, in the employ of the Government?

A.—Why no. That would be a departmental matter to be looked after by the officers in the department who had the means of knowledge. The lower the officer the more—

Q.—Would it or would it not be possible for you to be in touch from time to time with the fact whether your own employes have been convicted or not?

A.—Why, it would be possible; yes.

Q.—Have you ever tried to keep in touch with your officers for the purpose of ascertaining how your spotters were conducting themselves?

A.—I have been unremitting and persistent in my instructions to the head of the department. I do not, of course, short circuit. If I have instructions to give I give it to the head. I do not go to an officer, either a special officer or a provincial officer. I go to the head and give instructions to him, usually by memorandum.

Q.—Then where did you get the information that was contained in the memorandum to General Elliott that "too many of your officers or spotters were going bad?"

A.—That would be the information that would be available to the public. It would be printed in the press. There had been some unfortunate incidents.

Q.—What were they doing; what caused you to make that memorandum?

A.—The date was February of this year. I would have the accumulation then of cases, I can refer you to some of them. There was, for instance, a Lickers case in Hamilton that has been referred to before this Committee, where a man who was employed by Mr. Sturdy, who had been sent over by Mr. Sturdy to Mr. Flavelle to be interviewed and passed on by Mr. Flavelle; Mr. Flavelle was of the opinion that the man was a likely man; he impressed him as being an honest man. He turned out to be a highway robber and something else.

MEMBER: Barn burner.

MR. RANEY: Yes; and was immediately dismissed.

MR. LENNOX: Well, he was not going bad. He had already been bad, that is in the technical sense?

A.—That is true, yes.

Q.—What others, now, have you got?

A.—Well, in most cases, when a matter of this kind came to my attention, I sent a memo to the head of the department. I came into the Department, came into control, on the 17th of November, 1920, and on the 12th January, 1921, I see I sent,—so far as I find, there may be others,—my first memo to Mr. Flavelle, and I referred there to the Hamilton incident. I suppose that must have been the Lickers case. I said, "In view of the Hamilton incident and previous incidents of a similar character"—because these things

keep happening occasionally, as you said, they will happen—"I suggest for the future all applicants for the position should be required to make formal application"—up until that time there had not been a rule of that kind—and they should answer a list of questions. In addition to this I think they should be required to furnish credentials. Nothing is more embarrassing . . .

MR. FERGUSON: What is the date of that?

A.—That is January 12, 1921.

MR. FERGUSON: Well, how did that work out?

A.—There were two or three cases. We were deceived after that, even after we adopted the plan of making an affidavit.

MR. FERGUSON: In other words he would swear to these things.

A.—When you have adopted a plan of affidavit, application, and require him to give credentials from three people, respectable people, and in addition to that, interview him, cross question him, personally I don't see you can go very much further.

MR. LENNOX: Well now, if the statement was made in the House that you did employ Liekers, and he had burned a barn and was a highway robber, that would be true, I suppose?

A.—Well, there is no question about what happened. The man was employed.

Q.—Will you be good enough to tell me the names of the spotters that you had in view when you wrote that letter?

A.—Would it make any difference if you referred to them as special officers?

Q.—Well, special officers if you like.

A.—You have referred to them as "shrimps, skunks, stool pigeons." These are not complimentary terms.

Q.—I see you used the word "spotters" yourself in one of these memos.

A.—In quotation marks.

Q.—In February too many were going wrong? Will you be good enough to tell me the names of the spotters that you had in view when you wrote that letter?

A.—There is nothing here to indicate what incident it refers to. It probably refers to something, some incident in the newspapers, of some man about whom some comment had been made by a magistrate.

MR. TOLMIE: Was that memo prompted by what you read in the newspaper or was it brought to you by some of the members of your Department?

A.—These things would almost always, I think, come to the newspapers, because when anything of this kind happens it is sensational. A hundred men in our employ who go straight, they are not newspaper copy. One man goes wrong and it is sensational. It is newspaper copy because he is an enforcer of the Ontario Temperance Act.

Q.—You had a chief of police and naturally, of course, you would leave these things to him?

A.—Quite so; and when these things happened I sent a memo to him, calling his attention to the matter.

MR. TOLMIE: The point I was trying to make; when you wrote this note to the chief of the police department, it was not because of anything he said



to you, any information he brought to you, but simply information you gathered from the papers?

A.—Yes, and sometimes I should say the newspaper reports were not correct. For instance newspaper report came down from Fort William that our officers had treated a settler up there badly. I think there was a front page Editorial, *Saturday Night*. We had sent out so many miles and we had done a lot of terrible things, and the Ontario Temperance Act was raked fore and aft for its inhuman conduct. I at once wired to the magistrate, "What about this?" They wired back and said this was an offence against a notorious offender, under the Inland Revenue Act, prosecuted by Dominion Officers, with which this Department had nothing to do. Sometimes prosecutions were by municipal officers under the Ontario Temperance Act and in some cases they were not too careful in their methods. That was one of the reasons why I sent a circular letter asking the Commissioners of Police to instruct their chiefs to be more careful and to keep in line with the policy of our department, and to be careful about the employment of persons in the enforcement of the Ontario Temperance Act, persons who had a bad character, and to avoid the employment of women.

Q.—Well then tell me was any spotter or special officer discharged from your department as a result of you knowing that many of them were going bad? Or, too many of them going bad?

A.—Why yes, Liekers was discharged at once.

Q.—Now he was not going bad, he had gone bad?

A.—Well, in a free sense, men who should not be employed. It was not so much that they went bad in our employ. Some of them do that. Mr. Gordon, you spoke of, who accepted bribes from bootleggers in Kitchener, went bad. Others turned out to be bad before they were employed. Another man you spoke of, a man at Niagara Falls, who was taken on by Mr. Ferris, without communication with the Department, he turned out to be accused of murder, whether guilty or not I do not know. He was discharged, and after Mr. Ferris was discharged for other reasons. The Department could hardly be responsible for that case.

Q.—Well, you would be responsible, I suppose for his actions, no matter by whom appointed?

A.—Technically I am responsible for anything in my department, even though I know nothing about it.

MR. LENNOX: Can you name one man that was discharged from the Department after you had written that letter saying that too many of the spotters were going bad?

A.—Well, I will say this, that no man was ever kept in the employ of the Department to my knowledge when it was known that he was a bad character, or had a criminal record, whether before or after he came.

Q.—Can you tell me the name of one man that was discharged by your Department for going bad while he was a servant of this Government's?

A.—Mr. Sarvis mentioned one the other day. I don't know that the man had actually gone bad. He said he suspected him. A man named Henry, I think he said Henry Martin. McCoy was another man. Let me read you the charge against McCoy, the language used. McCoy was a returned soldier. He happened to have a German revolver, a souvenir, in his

pocket. He happened to get into some difficulty going to Hamilton. He did an indiscreet thing; he took a drink of whiskey on the train. When he reached Hamilton he tried to hand this man over who had the whiskey to an officer in Hamilton. The officer accepted the statement of the other man and had him arrested. He was taken before a magistrate and fined \$100. And when the facts were explained to the Magistrate he directed that the fine should not be collected. Nevertheless this man was dismissed. He was not permitted to go into court again. Here is Mr. Lennox's charge, "Did I to the public say what was true when I charged a stool pigeon"—now that was cruel to McCoy, a decent man—"by the name of McCoy, with being drunk on the train, brandishing a revolver, and driving passengers from the car at Hamilton."—Absolutely untrue. The simple offence was that he had this German souvenir in his pocket and had committed the indiscretion of taking a drink on the train. And that was enough to justify his dismissal. And he was afterwards convicted. Now there is the explanation. Or, take your reference to the man named Lentz.

"Will you say a man by the name of Lentz, a German spy, was not engaged by your Department and induced a young veteran by the name of Cote at Cobalt to become a criminal?"

That was a dreadful statement to make about that man, Lentz. Lentz was an Ontario boy, born in Renfrew County, where his parents had lived for twenty years. And on that basis this man is called a German spy. I will ask Mr. Lennox now whether he had any reason for calling this man a German spy, except he was of German extraction.

MR. LENNOX: Well, you ask me that when I get into the box.

MR. RANEY, (reading): "Will you say. . . .that a man by the name of Lentz, a German spy, was not engaged by your department and induced a young veteran by the name of Cote at Cobalt to become a criminal?"

Now the fact was that Cote was a bootlegger who had been convicted practically on the evidence of Lentz. Cote's friends appealed to the Department for clemency. Mr. Flavelle looked into the whole matter and reported against it, and he had to pay his fine. If Levere had framed him the Department would not have permitted him to pay the fine.

MR. LENNOX: Then I understood you to say that McCoy was a decent man?

A.—That is my report.

Q.—Then why was he dismissed?

A.—Because of this indiscretion and because he had been convicted of a technical offence, and, once a man has been convicted of an offence he ceased to be of any use to our department, because although he may not be really guilty, if he is asked "Were you convicted?" and he says, "Yes," and proceeds to explain, the court won't believe him, because everybody knows if you go to jail or a court and ask the men what they have been guilty of they say they are not guilty of anything.

Q.—How do you justify that last statement of yours with the statement of Mr. Hammond. He says that he employed Gordon after he knew that he had taken \$600 from the hotel keepers in Kitchener?

A.—Well, I am not sure what Mr. Hammond said. I was not here. As I understand it, Gordon came back from Regina after having run away

with the money with which he had been bribed. He came to Toronto. If Mr. Hammond knew he had done this he ought not to have reemployed him. But he did reemploy not to enforce the O.T.A. in the proper sense but to get information, as I understood, against this man Courrian, who was suspected of being in league with the bootleggers.

MR. HILL: Are we to understand that before employing men, did they consult you?

A.—No, no. The men are employed I think by Mr. Ayearst usually, or the Commissioner. The system was not absolute always. I think Mr. Hammond was given a free hand for a while. One difficulty arose last summer, I may say, in the Department when the Commissioner of Police was in Europe, gone six or seven weeks; he left Mr. Collinson in his office and Mr. Hammond was in charge of the work in Toronto.

Q.—Did Mr. Hammond not employ men and come to you?

A.—No, no. Mr. Hammond fell ill and was ill all summer. Perhaps that and the Commissioner's absence may explain some of these things that have been talked about.

MR. LENNOX: Then when did you learn that this same Gordon, while in the employ of the Government was arrested for stealing Victory Bonds, sentenced to jail for one month, and after he came out was again reemployed?

A.—I never learned that until the other day before this Committee?

Q.—And you would not have taken on a man like that?

A.—No, I would not, candidly.

Q.—Is there any justification for it?

A.—You have my answer. There may be justification for it in this way. So far as the man himself is concerned, it is easy to justify. As a matter of discipline you cannot justify it because you must maintain discipline in a force like ours, and that is the reason I sent the memorandum to the Commissioner of Police when I heard they were giving men a second chance for being drunk I said that a man who gets drunk once, should be fired. A dog is not entitled to two bites.

MR. FERGUSON: You will agree that it would not be proper to employ men who are open to such grave suspicion as would discredit their evidence?

A.—That is just the point. These men are perfectly good for some employment. They are not good for our employment. It is hard enough work to enforce this law, and there is no reason in the world for employing any men in that work with doubtful records. Notwithstanding what has been said you can get good honest men. We have them now, men who have been with us months and yours and who are incorruptible.

MR. LENNOX: So that we may understand each other, it is not necessary for anyone but honest men to be engaged?

A.—Certainly not. I even went so far as to instruct the Department that they were not to permit men to go under aliases, that they must not countenance anything that savors of subterfuge or inducement. There must be no inducement of anybody. Let the conviction fail if necessary. That is of no consequence. But let us be square.

Q.—When was that instruction issued?

A.—What instruction?

Q.—That they were not to go under aliases.

A.—Here is the letter I wrote, February 26, 1921. "I suppose you have dismissed Shaw and Meek." These were aliases. "In this connection it occurs to me to inquire why they found it necessary to register at Guelph under assumed names.

MR. MACBRIDE: I think you should have for your own information the cases that were heard in Brantford before Magistrate Massie, because the gentlemen there admitted they were travelling under assumed names.

A.—Well, it is contrary to my instructions.

MR. LENNOX: When did you learn that reports were being sent in from time to time by the McCutcheons.

A.—You mean in pursuance of his employment by Mr. Hammond. I am not sure that he was employed at all until before these charges were made. I knew of McCutcheon having been employed in Guelph because I knew the man's name was McCutcheon. I instructed this, "I suppose you have dismissed Shaw and Meek." I said in this letter. That was just a few days after the occurrence. I directed his dismissal. But I knew nothing about him.

Q.—What position does Mr. Middleton occupy?

A.—He is solicitor to the Department.

Q.—You heard what General Elliott said, that he forwarded these reports to the solicitor of the Department?

A.—Yes.

Q.—Am I to understand that Mr. Middleton, solicitor to the Department never mentioned to you or took up with you any of these reports?

A.—He did not.

Q.—He dealt with the matter?

A.—He advised the Commissioner of his view.

Q.—Never consulted you at all?

A.—Did not consult me at all. This was a matter of house cleaning. The Commissioner came to me and said, "I have information that Courrian is not on the square and I want to investigate."

MR. HALL: With regard to the alias, I am not quite sure it is bad practice for a man to use an alias in much work.

MR. RANEY: I am not sure either.

MR. HALL: We expect Mr. Cuddy to be here to assist in this work as a provincial man and I wonder how much work he or any other man would do if he registered his right name and his position. I wonder what he would be able to do under present conditions with telephones in every bootlegger's house and every hotel bar.

MR. RANEY: Mr. Ayearst said, you will recall, before the committee, giving his personal view, that some of my instructions were too rigid. Perhaps they are. But I prefer to err on that side.

MR. LENNOX: You made a statement that as a lawyer I should not have divulged what was told to me by my client. Are you serious when you say that, in view of the evidence of McCutcheon that he gave evidence to me to be used in the House?

A.—Well, McCutcheon himself said you double-crossed him.

Q.—Answer me.

A.—If McCutcheon's statement is true; you may deny it, perhaps, that you promised not to bring his name up in the House.

Q.—In the papers.

A.—All right.

Q.—But if McCutcheon has sworn that he gave me the information knowing it was going to be used in the House would you repeat what you said before?

A.—I don't want to get into any argument with you on this question. I say broadly that if McCutcheon's statements as I heard them are true, that you were not true to your oath as a solicitor of the court, and if you were acting as his solicitor.

Q.—If McCutcheon told the truth when he swore that he knew that I was going to use his information in the House, would that be divulging any secrets?

A.—Here is what McCutcheon swore:

“How had he let you know to come in on the Monday afternoon?”—Answer. “I phoned him to see if he had heard anything anywhere. He said, ‘Oh, Mac, I have a list here I would like you to drop in and look over and see if you can tell me anything about them?’ Is that true?”

“A.—That is true.

“Q.—List of what?”

“A list of names, a list of people, and he wanted to know if they had worked for the department. Mr. Lennox: After you had said in the House they were not.” Mr. Raney: “What is your opinion of the manner in which you feel you have been treated in connection with the information handed out to Col. Lennox?” Answer. I feel that he used my name for purposes of his own.” “Is that true?”

A.—That is true.

“Q.—Double crossed you?” Answer, “Double crossed me half a dozen times.” Is that true—not even honor among bootleggers.

MR. FERGUSON: Well, he said what to my mind was, “I knew he was going to use my name but I didn't know he was going to get it in the newspapers.

MR. RANEY: He went further than that.

MR. LENNOX: Now you have read part of his evidence, why don't you read the part where he says he knew I was going to use it in the House.

MR. RANEY: This part was called to my attention.

MR. LENNOX: If he said he knew I got the information from him for the purpose of using it in the House, what harm would there be in using it.

MR. RANEY: I don't want to argue about hypothetical matters.

MR. MACBRIDE: Doesn't the Attorney General think the House and the public are entitled to the information. I ask the Attorney General, in the public interest, was not the House and the public of Ontario entitled to that?

MR. RANEY: Here is what he says on page 483: “Q.—Then you were asked, ‘You must be pretty well satisfied in your own mind that your name has been used?—that is, used by Mr. Lennox in the House. Answer, “Yes, I know that my name has been used to my sorrow. I was promised that my name would not be used to bring it out in the newspaper. He was not going to discuss all the different things in the House.”

That is just the previous page to what I have read.

MR. NICKLE: Mr. Chairman, I would like a ruling from you as to

whether or not this committee is concerned as to whether there was any breach of confidence as between Mr. Lennox and McCutcheon.

MR. LENNOX: We would not be, excepting the Attorney General has endeavored to make capital of it, that is all, in his statement.

MR. NICKLE: Well, I appreciate that point.

CHAIRMAN WATSON: Unless the committee wishes it, I will rule it out of order and we will go on with something else.

MR. LENNOX: Were you aware that the statements made by me in the House with respect to McCutcheon were all taken under oath?

A.—You mean that he had made a statutory declaration?

Q.—No, that he gave evidence when he was arrested in Guelph. He had to give evidence. That was a matter of public notoriety, when he was charged with conspiracy to defeat justice. That all came out in his evidence; when he was charged with making liquor illicitly that was a matter of public record; and the delinquency case also was a matter of public record. Will you tell me how in the world any solicitor could be even unfair to a client, let alone committing a breach of confidence, when all this was known to the public?

A.—All right, I will answer your question. Your first charge; I have it before me in your written statement, deliberate charges, put in the form of questions?

“Am I right when I say that McCutcheon was charged with aiding and abetting the delinquency of a child 14 years of age, and was bailed out by Chief Inspector Ayearst?”

I assume that if McCutcheon told you anything about that he told you he was innocent. Then for you to blazon that abroad as though he were guilty—

MR. LENNOX: I may say that McCutcheon said he was guilty of all of them.

MR. RANEY: —to blazon abroad this offence on the part of McCutcheon was to my mind an intolerable thing to do.

MR. LENNOX: That was a matter of record of the courts?

MR. RANEY: It doesn't matter. The man was discharged without even being called upon to give any evidence. Then your next charge:

“Am I right when I say that this same McCutcheon was convicted of assaulting a young girl at Guelph?”

MR. LENNOX: I admit he told me he was innocent of that.

MR. RANEY: Yes, he did. Because Mr. Flavelle and Mr. Nicol Jeffry, who appeared for the Crown, these men were all convinced that McCutcheon was framed in that case and I presume he told you he was innocent. And yet you blazon that to the public as though he were guilty.

MR. NICKLE: Was he convicted?

A.—Yes, certainly. I express no opinion at all, except that the officers who knew the man believed that he had been deliberately framed by the bootleggers.

MR. NICKLE: But the fact is he was convicted?

A.—He was convicted.

MR. RANEY: Then your next charge:

“Am I to be believed when I say that McCutcheon was convicted of conspiracy to debauch justice in paying a Government spotter \$200.”

I suppose you got the information from McCutcheon himself?

MR. LENNOX: I got it from the records of the court.

Q.—Was it true? Was he convicted?

A.—Yes; I think so.

Q.—By a jury?

A.—I presume so.

MR. RANEY: Now then, the next one; (reads):

“Am I right when I made the statement that McCutcheon, though charged with a serious offence, was paid during April, May and June, notwithstanding that he was not in the employ of the Government?”

Well, I do not understand that his evidence supported that; but, at all events, whatever the facts were, you got your information from McCutcheon.

MR. LENNOX: The records show it.

MR. RANEY: Well, notwithstanding; he doesn't admit he wasn't employed during these months.

MR. LENNOX: Was I right when I referred to him as having been convicted for operating an illicit still?

A.—Why, he is in jail for that.

Q.—Is there any one of these questions that I asked you that is not a matter of public record, and I could have found out and did find out outside of McCutcheon.

A.—I don't know. I suppose that was on public record.

MR. HALL: What the Committee would like to know is, was the Attorney General conversant with these things?

MR. RANEY: No. I knew of McCutcheon's conviction at Guelph.

MR. HALL: Because that is what the charge is, that the Attorney General was responsible for this, that he knew what was going on.

MR. LENNOX: Or should have known.

MR. RANEY: After McCutcheon's conviction in Guelph, Mr. Jeffrey tells me he was in my office and I then gave instructions that he was to be dismissed at once. Three or four days afterwards I wrote this note, “I suppose you have dismissed,” and so forth. I knew nothing more about McCutcheon until I heard he was being accused of some offence in the police court.

MR. LENNOX: Did you know as a matter of fact that he was retained by the Department after that?

A.—I did not know.

Q.—Now then, coming down to this charge of having these goods shipped to British Columbia, did you or did you not at any time have any conference with Mr. Hales with respect to the liquor that was seized at Rainy River?

A.—It was mentioned between Mr. Hales and myself.

Q.—Would this statement be true, which I am reading from your favorite paper, *The Daily Star*, this heading:

“North York member accuses the Attorney General or his Department of offering to release liquor if it were sent to British Columbia instead of the United States.”

A.—No; that was not the charge.

Q.—Is that statement true?

A.—No, I don't think that is true. I don't think it was put in that way.

Q.—I am not asking how it was put. I am reading from *The Star*.

A.—You are reading from the headlines.

Q.—We will deal with that in a moment. I am going a little further with the headlines.—“North York member accuses Attorney General or his Department of offering to release liquor if it were sent to British Columbia instead of the United States. Unqualifiedly false, says Mr. Raney.” Is that true or not?

A.—I am not going to discuss newspaper headings.

MR. FERGUSON: I suppose the fact was that Mr. Hales would discuss all these negotiations with you?

A.—Not all of them, no. He mentioned it to me.

MR. FERGUSON: He would not take the responsibility for a thing like that without the head of the Department?

A.—He mentioned the matter to me. There were two different firms concerned, as I understand—as I understand since, at all events.

Q.—I am speaking of the United Shippers.

A.—Well there was another case at Kenora.

Q.—What had you reference to when you told Mr. Haverson that he had had his last chance?

A.—I knew that Mr. Hales and Mr. Haverson had been discussing the subject and that Mr. Hales had intimated that the proceedings would be dropped, that they would be given permission to remove the liquor to some place to which it might be legally sent.

Q.—That was one of the places?

A.—I don't know. Very likely it was. British Columbia would be rather obvious.

MR. LENNOX: Mr. Hales' statement says so. Let me read you this from *The Star*:

“I realize the responsibility for the statement I have made. If I cannot prove it by Mr. Haverson, if I cannot prove it by the owners of the liquor when the matter comes before the Public Accounts, that you did make that offer, or your department, then I am unworthy to be a member of this House and will no longer be a member.”

Now this is according to *The Star*.

A.—Well you have not started at the beginning of *The Star*. Why don't you go back, a little higher up:

“Will you believe me when I tell you the Attorney General offered to give up that liquor to the men who owned it if they would not take it into the States; he would let them have it if they would debauch the citizens of British Columbia.

MR. LENNOX: Now you have read it two or three times. Then, to get down to business, and so you cannot crawl out of it—

MR. RANEY: Now, please, if you want me to answer don't be offensive.

MR. LENNOX (reading): “Attorney General Raney: Is the honorable member making that statement?

“MR. LENNOX: Yes, and you hear me.

“ATTORNEY GENERAL RANEY: The statement is absolutely false, without an atom of foundation”—in which you get Government applause.

Now then,—(reads), “I realize the responsibility for the statement I have made. If I cannot prove it by Mr. Haverson when the matter comes be-



fore the Public Accounts, that you did make that offer, then I am unworthy to be a member of this House and I will no longer be a member."

Then, "Absolutely false.

"Will you say you did not make that offer?

"Certainly.

"MR. LENNOX: Will you say it was not made through your Department?

"A.—I have not the least doubt it was not made through my department.

"Q.—Have you any doubt of it?

"A.—Certainly it was not made through my Department."

Q.—What was not made through your Department?

A.—Mr. Haverson told you it was not made.

Q.—Never mind Mr. Haverson, I am relying on your evidence—(reads):

"If I cannot prove when the matter comes before the Public Accounts Committee that you did make that offer then I am unworthy to be a member." You have made the statement that what I have said is false. "Attorney General Raney—Absolutely false.

"Will you say you did not make that offer?

"Certainly."

"Will you say it was not made through your department."

"I have not the least doubt it was not made through my Department."

MR. RANEY: (reading) "But will you believe me when I tell you that the Attorney General offered to give up that liquor to the men who owned it if they would not take it into the United States, but would let them have it if they would debauch the citizens of British Columbia."

MR. LENNOX: Will you say in view of Mr. Haverson's evidence, in view of the statement given by Mr. Hales, in view of you saying to Mr. Haverson, you had your last chance, that there is not an atom of truth in it?

A.—I would prefer to say it was a deliberate and malicious falsification.

MR. FERGUSON: You say, and everybody undertands you, you did not conduct personal negotiations with this company?

A.—No.

Q.—But you knew from Mr. Hales what was going on?

A.—Yes.

Q.—And you knew the offer was made?

A.—I don't know whether it was an offer. Whether it was suggested by Mr. Haverson or by Mr. Hales I am not sure, but something was discussed between them and I was content that that arrangement should be carried out.

MR. NICKLE: Isn't it just here that the difference lies between the two of them. You admit that you had knowledge that your officers, that your officials, had suggested that this liquor might be taken into a district where it was not against the law what it should be, but you say that you did not say that it might be taken there for the purpose of "debauching."

MR. RANEY: Well, I say that the statement as made by Mr. Lennox in the House is false.

MR. NICKLE: If Mr. Lennox meant the House to understand that the liquor might be taken into British Columbia to debauch, or for that purpose it would be incorrect?

MR. RANEY: Certainly.

MR. NICKLE: But if Mr. Lennox says you agreed that the liquor might be taken into British Columbia and Mr. Lennox says the results would be to debauch British Columbia, then Mr. Lennox would be correct?

MR. FERGUSON: That is all there is to it.

MR. RANEY: I may just say this, we have been trying to eliminate these export houses; we find them very difficult. And it would seem to the Department to be a very wise thing if we could have these people, who in this particular case had brought their liquor in, or at all events had been established before the Canada Temperance Act was brought into force last year, it seemed to us to be a very desirable thing if they would quit and take their stuff away they should be allowed to go.

MR. HALL: I have a kind of a remembrance that Mr. Haverson gave the committee the impression that he was doing the dealing in this matter of British Columbia, whether it should go to the States or to British Columbia.

MR. RANEY: Yes. Yes, he was the man who was standing between the Department and the shipper. They wanted permission to smuggle it into the States.

MR. HALL: Would not the evidence of Mr. Haverson clear up this better than all this long argument?

MR. NICKLE: It is all cleared up.

MR. HALL: Give us his evidence.

MR. RANEY: Here is his evidence:

"Now give me a straight answer to this, for Mr. Lennox has promised that he would resign if his statement was not true. Is it true that you said that the Attorney General would let you have the liquor if you would ship it to debauch the citizens of British Columbia?"

"A.—No, it is not true.

"Mr. Haverson emphasized the fact that Mr. Raney had never discussed the thing with him. Mr. Haverson said the thing would be equally untrue if Mr. Hales or the Department were substituted."

MR. TOLMIE: Don't you think you used a pretty strong expression and perhaps went a little too far when you said there was not an atom of truth in it?

MR. RANEY: I would have been more correct if I had said it was a deliberate falsification.

MR. FERGUSON: And more correct if you had said you knew of the negotiation and knew of the fact.

MR. RANEY: I might have stopped to make a full explanation. I did not choose to do it in the middle of this. I wanted to get across a denial of a malicious and deliberate falsification. I do not accuse Mr. Lennox of deliberately falsifying things, but somebody had given him the information.

MR. WATSON: I think the committee understands this. We are beating the air.

MR. LENNOX: Just one more question. Do you remember in answer to a question from me, Mr. Haverson said he could not possibly have said what you said was the information you had?

A.—I am not concerned about what Mr. Haverson said.

MR. J. D. FLAVELLE called; examined by Hon. Mr. Raney.

Q.—Mr. Flavelle, you were at the head of the enforcement of the Ontario Temperance Act in this Province for a number of years?

A.—Yes Sir.

Q.—Being the chairman of the License Board?

A.—Yes Sir.

Q.—And your resignation became effective?

A.—On the 1st of June last.

Q.—You were then under the Attorney General; first under the Provincial Secretary and afterwards under the Attorney General, in charge of law enforcement of the O.T.A.?

A.—Yes sir.

Q.—I see the Department was transferred from Mr. Nixon to me December 17, 1920, about a year after this Government came into office?

A.—Yes Sir.

Q.—Then you held forth until June 1; in the meantime General Elliott had been appointed Commissioner and he took charge of the enforcement of the Ontario Temperance Act.

A.—He took charge from the 1st of May.

Q.—Tell me in your own words what was the policy of the Department whilst you were at the head of it enforcing the Ontario Temperance Act, with regard to the employment of men to enforce that Act?

A.—You mean as to the instructions? Mr. Raney's instructions were to my mind almost too severe in some respects. Absolutely not at any time was I instructed to take and enforce the Act by employing men who were not all right. He went so far as to say if you can smell liquor on a man you should not employ him at all, and I pointed out it would be practically impossible to get effective work from otherwise effective men who drank a little liquor. He was exceedingly strict about it.

Q.—Then what would you say, speaking about the Attorney General, as to the charge that the Attorney General deliberately employed and kept in the employ of the Department thugs and criminals in the enforcement of the Act?

A.—As far as my knowledge goes, absolutely not correct.

Q.—Is there any justification at all for it as far as your knowledge goes?

A.—None whatever.

MR. FERGUSON: What is a thug?

MR. RANEY: You distinguished between your own enforcement and instructions; what was your own attitude?

A.—To employ a man as special officer, otherwise called spotter, to be absolutely sure before engaging him, to inquire as to his antecedents, to absolutely refuse to have any man prosecuting a case who was a convicted criminal; that we would rather lose a case at any time than have any man employed on our regular staff that we were not quite sure of; to countenance nothing contrary to the Act. The only time of any departure from that was in connection with a man who came and gave information to the Board that he could put them on the track of gaining certain information. Now these men were not promised any remuneration or any consideration but we told them if they could take and place the Department on the track of evidence that the officers could get that they would compensate them according to what they did, but on no consideration would be allowed to give evidence.

MR. FERGUSON: In other words, paid for information.

MR. RANEY: Did you ever engage men on the basis that if they succeeded they would be paid and if they didn't they would not?

A.—No.

Q.—Did you ever employ women?

A.—No Sir.

Q.—Now what do you say about the character of the men who were assisting you, working under you, in the enforcement of the Act?

A.—As far as we had any knowledge, we had no difficulty in getting sufficient in any position. We had no difficulty in getting honest men in the ordinary application of the word. But it was a position that a good many men would not accept on any consideration, a position that was fraught with a great deal of temptation, and in the number of prosecutions in the court. We were successful in getting good men, although in some, occasionally, we were deceived, and the moment it came to our attention he was dismissed.

MR. FERGUSON: Did you ever pay for information if it turned out to be untrue?

A.—Not to my recollection?

MR. FERGUSON: You would not pay for it until afterwards. A man would get the information and on the basis of that information, the information was laid in police court and if not convicted his story was not true?

A.—Well, he would not get any pay.

Q.—A fellow knew he would not get any pay unless there was a conviction?

A.—No, no; there was no promise made for or against.

Q.—The practice was known, I suppose. You would not promise to pay a fellow on the basis of success. But if the information turned out of no value you did not pay?

A.—No.

Q.—If you secured a conviction on it?

A.—Not by his evidence, but by the information given, prosecuted by our officers.

Q.—A man comes to you and says, "I don't want to figure in it but I can tell you where a bootlegger has ten cases of whiskey." You seize it and the man is fined. Then that man may have been coming to you with the idea of getting something and you may pay him?

A.—He would not appear in the matter.

Q.—Then you never used anybody in the witness box who gave you information of that character?

A.—I have no recollection of it.

Q.—Did you know of anybody in the Department who was not an honest man?

A.—No Sir.

Q.—So far as you knew.

MR. RANEY: Are there men now with the Department doing this work who have been with the Department a number of years? Were there when you left the Department?

A.—Oh, several.

Q.—Tried men?

A.—Yes.

Q.—Whom you believe to be incorruptible?

A.—Yes; that is essential.

Q.—Some things have been said here about Mr. Ayearst, Mr. Flavelle. He was with you, I think, all the while you were chairman?

A.—Yes sir. Absolutely incorruptible, I should say. I never had a single thing brought home to Mr. Ayearst in any way.

Q.—Ever have any charge made?

A.—Oh, did you ever find a good man who is a good officer who was not charged. He was charged in connection with that case that occurred in connection with Harry Soloman. I told him before the case came off that he had been exceedingly indiscreet in borrowing money from his own employe. I believe he recognized it. He was told that by Mr. Justice Meredith. But as far as character was concerned he was absolutely free before Mr. Justice Meredith.

MR. RANEY: That matter was fully investigated?

A.—Yes.

Q.—Then things have been said about Courrian. He was with the Department when you left?

A.—Just a short time. He had been taken on again. I had suspended him for being drunk.

Q.—And he had been with the Department for years?

A.—13 years, on and off.

Q.—Apart from this occasion when off duty he was indiscreet, what do you have to say about him?

A.—In the time from the time I came six years ago, I had a great many complaints, a great many from men who were with me, some of our own officers. I said, if you can give me any information that will lead to Courrian being found guilty I will dismiss him in five minutes. Now the very day before I left, I think it was the day, Mr. Courrian was charged with being guilty of an offence which was a serious offence, and I brought the man charging him right face to face with Courrian in the office, and I cross-examined him, cross-examined Hammond, and Mr. Mark Heaton. Heaton refused to give any testimony, and the construction we have to take is there is no truth in your charge. You can put what construction you like on it but he refused to give it. I asked Hammond, you have been here for a few months. Have you any knowledge of any actual fault of Courrian's in connection with the enforcement of the Act.—Absolutely none. I said to General Elliott afterwards, I have taken this position that in a position of this kind that there must be evidence produced in connection with men who are employed other than rumours scattered here and there because we were pretty confident that there was a dead set for any man who was successful in prosecuting the Act, and I am not prepared to say whether statements about Courrian were correct or incorrect, but as far as I was concerned he was doing good work. He was accomplishing results. There had been a great many charges made against him but absolutely without foundation. Now General Elliott asked me, what about Courrian. I said, how do you feel about him yourself? He said, I believe he is crooked, absolutely crooked. Well, I said, if he is, as far as I am concerned he has covered his tracks better than any man I ever knew. I said, if you feel that way then I would say the usefulness of Courrian is done, if the

man who employes him is sure he is crooked. I would get rid of him, ask him to resign, which I believe he did.

MR. LENNOX: When did you leave, Mr. Flavelle?

A.—About June 1. I think as an actual fact about June 4, 1921.

MR. FERGUSON: You were on for a month after General Elliott?

A.—Yes, but not prosecuting the Act.

MR. LENNOX: But were you there when these reports were being sent in with respect to Courrian?

A.—Well, if it is after that I was not.

MR. LENNOX: It would be just before that.

MR. MACBRIDE: You were in charge of the Department for six years; do I understand you to say that never in that time was a conviction sought upon the evidence of a man who had himself become intoxicated? An officer?

A.—You mean if the officer was intoxicated? Not to my knowledge.

Q.—You mean you would not seek a conviction on that basis?

A.—I certainly would not.

Q.—Was there ever an instance brought to your notice where the spotters or special officers actually induced a man to break the law?

A.—We have had charges of that kind, which were absolutely correct, and charges absolutely untrue.

Q.—If I could cite you a case where an officer gives evidence, admits drinking with the man and the conviction was registered, would that be proper in your judgment?

A.—Well, I have no recollection of the case you speak of, but I do not believe any man was ever convicted by a man who was absolutely drunk. If a man is drunk I should say his evidence should not be taken. I thought Mr. Raney was too severe when he said if a man drank liquor or you could smell liquor off his breath he should not be kept in the employ of the Department.

MR. CLARKE: Your view is he has got to take a drink.

A.—Yes, but he has got to be mighty careful not to take too much.

MR. MACBRIDE: Within the last year is the case I refer to; special officers admitted under oath they had been drinking considerably, and upon their evidence men were convicted?

A.—I would not want to discuss it.

Q.—During your six years the Ontario Temperance Act was fairly well enforced?

A.—Fairly well enforced; not nearly as well as I would like it to have been.

Q.—You realize the law is being broken in the last three years more than ever before.

A.—I am not here to give my own opinions. I did what I thought was best. I did not always give the wisest decision, but to the best of my knowledge and ability at the time I judged each individual case on its own merits.

MR. LENNOX: Do you know an operator by the name of Young, operating at Ottawa?

A.—When was he operating? I have no recollection. I don't think I ever heard the name. I don't know whether that is the man's name but we had a man in the Ottawa district that was posing as an officer of the Department

and he never belonged to the Department at all. He was playing off his own bat.

Q.—Do you remember the case of that young man from Quebec arrested for having a bottle of brandy in his pocket, in January 1921?

A.—I have no recollection.

Q.—Isn't this particular case the operator who swore he was a spotter and he was not? Do you recollect that?

A.—I just know that because you speak of it. He was not with the Department.

Q.—He was not in your employ?

A.—He was not in our employ and had nothing to do with us.

MR. RANEY: You found sometimes, Mr. Flavelle, that the municipal police employed persons, employed by chiefs of police, who were confused with ours?

A.—Frequently. I don't think intentionally, but there is no doubt we got a great deal of knocks for municipal officers' offences, that we were not responsible for in any way.

MR. MACBRIDE: From your Department were the instructions to co-operate with the local police?

A.—Absolutely; absolute, frank, open co-operation. And we had very great difficulty in accomplishing it. But that was our instructions.

Mr. Matthew Beckett called, sworn examined by Hon. Mr. Raney:

Q.—Mr. Beckett, you are License Inspector for what district?

A.—At present for the County of Grey.

Q.—How many years have you been license inspector?

A.—I am in my 18th year.

Q.—So you have had a lot of experience?

A.—Yes.

Q.—Under the old License law and under the O.T.A.?

A.—Yes.

Q.—Now do you recall a case against a man named Joynt at Shallow Lake in which he was fined \$500 on the evidence of two men, McCutcheon and Henry?

A.—Yes, I remember that.

That was before Magistrate Creasor?

A.—Yes.

Q.—McCutcheon has given evidence here and he has sworn that Henry was not there. He said that Henry framed the case so far as his end of it was concerned. He said his evidence, as I recall it, was that they had bought a bottle of whiskey from Joynt and that he himself had had drinks at a dance, and that when the case came up for trial they said Joynt was convicted and that he was guilty of the furnishing of the drinks to him, McCutcheon, but he was not guilty of selling the bottle to either McCutcheon or Henry. You were present at the trial?

A.—I prosecuted the case. My recollection is, I think I am correct, that the evidence given in court was that they bought both drinks and the bottle. Now as far as Henry not being with him at all or not I cannot agree with them?

Q.—Why not.

A.—Well, the reason is this. In the first place Shallow Lake is only 9 miles from Owen Sound, a place that in former days under the old Ontario Liquor License Act I have had a great deal of trouble with. Now I was working in Kitchener at the time McCutcheon and Henry came to Owen Sound and when I came home from Kitchener—(that was under Mr. Flavelle) I was inspector for Grey, supervisor of Wellington and Waterloo, and my instruction was for to spend my spare time in whatever place I could do most work. I came home from Kitchener and my daughter told me there was a couple of gentlemen called at the house two or three times looking for me, and she believed that they were detectives, and she had told them I'd be home Saturday night. And they came to see me Sunday; that was the first I saw of them. Mr. Henry described Shallow Lake to me in such a way that he had to be in it or he could not have done it.

MR. RANEY: From his description you say he could not have done it unless he was there?

A.—Oh no.

Q.—You knew he must have been there?

A.—Oh, there is no doubt about that.

Q.—This man was convicted?

A.—You couldn't do anything else on the evidence.

Q.—Joynt has given evidence before this committee; now what have you got to say about Joynt?

A.—Well, what I have got to say is this; I have a record in my pocket where he was convicted four times in the county of Grey under me where I was the complainant. Would not say how often in North Bruce; they are both along side of each other, and I used to work in North Bruce a good deal too, and I never was a witness against Mr. Joynt in any of the convictions registered against him in the County of Grey, to my knowledge, I am sure I was not in three, and I do not think I ever gave evidence against him myself. I gave evidence against him once in North Bruce, and I was surprised the day we found him drunk, intoxicated over there. I was with the local inspector and he told me to go up and smell him because he will swear he hasn't had a drink in six months, and to my surprise he did.

MR. RANEY: That is what he says. He says he never was guilty of any of these offences. And he says you advised him in the case in which he was fined \$200 to plead guilty; do you remember that?

A.—I do remember the fact that a citizen of Shallow Lake gave me the names of people who had got drunk in Joynt's hotel and I went out and interviewed witnesses. In the first place, said, there is two of them; they gave me four or five names. I said those fellows will never swear the truth.

MEMBER: Shallow Lake must be a bad place?

A.—No; only they are not all angels. But there was one witness I was told and assured would absolutely tell the truth and you can rest assured I saw he was summoned. Now Mr. Joynt, I was told afterwards, interviewed the witnesses and found out where they stood. On a Saturday night I was sent for to my house for to go down to police office, that I was wanted there, and I went down and Mr. Joynt was there and told me not to go to any more



expense but told me he was going to plead guilty. I forget the man's name, but I told him with a witness like that you could not do anything else.

MR. RANEY: Well that is rather what he said.

Q.—He swore he never sold liquor at any time?

A.—Well, I don't believe him. A few weeks before he was fined that last time, that \$500 fine, I know I went out there one Saturday night with an officer and I got either six or seven fresh empty whiskey bottles, each one had been containing whiskey.

Q.—Was he occupying the house at that time?

A.—Of course he was, in a way.

A.—Had he tenants?

A.—Part of the time; and he would run a billiard room Saturday nights and sell soft drinks. He only lives half a mile from the hotel. Well, he would come down to the village at night and open up the hotel and sell soft drinks.

Q.—Was he running the place in that way when you found these whiskey bottles?

A.—Certainly he was right there when I found them.

Q.—He was an old offender?

A.—No doubt about that.

Q.—Do you know this fellow Henry?

A.—I know very little about him.

Q.—Ever see him before?

A.—Oh yes.

Q.—He was up there before?

A.—I won't say he was, because we have not had many detectives in Grey.

Q.—Where did you see him before?

A.—Well, you see, I have travelled a good deal of the Province.

MR. FERGUSON: Well, he might have been up there at Joynt's some other time?

A.—I don't hardly think so.

Q.—You would not know?

A.—Oh, it is possible.

Q.—Well, McCutcheon might have been telling the truth?

A.—Well, I can only say McCutcheon said in our parlor and heard Henry describe it because I asked him about the different places, because there was two other people there I heard were doing business on the side.

MR. FERGUSON: He says it was a frame up and they perjured themselves.

A.—Well, I cannot believe that statement because I knew the facts at the time. There is one thing I will say and that is with two exceptions all the detectives ever sent into Grey was sent in direct under instructions. I was held responsible.

Q.—What kind of men have they been, the men sent to you to assist you?

A.—Very good men.

Q.—But in this case Joynt was convicted of selling by the glass, not of selling the bottle that was talked about?

A.—Well, I won't say that. I won't say how the conviction is. But I will say that we have a first class magistrate.

MR. RANEY: I am told he is one of the best men in the province?

A.—I don't know anything better and I have met a lot of them. It was what we call a blanket case, covering so much time and the drinks and the bottle, and all this was given in evidence. Of course there was only one thing to do, to make a conviction. Joynt had only himself, and I don't want to be unkind to Mr. Joynt.

Q.—You had no personal knowledge, just the evidence of these two fellows?

A.—Well, I was perfectly satisfied Joynt was selling liquor.

Q.—Did you give evidence?

A.—No.

Q.—Just McCutcheon and Henry?

A.—That is right.

Q.—You did not send for them?

A.—I don't know whether I told Mr. Sarvis—you see I would go away for three weeks to Kitchener, and I may have told Mr. Sarvis to send me a couple of men.

Q.—You don't recall?

A.—I do not. I am not hedging.

Q.—The reason that you think Henry was there was that he was able to describe the hotel?

A.—Not only the hotel. I was telling them about two other places where I was satisfied—they were private—well, there was one of them private and one was not. I told them I thought so and so was selling. There was another party there I was satisfied was selling as much as the hotel.

Q.—That was Joynt?

A.—Joynt was in the hotel, and I mentioned one private party I was certain was what you call a bootlegger, and the other was not exactly a private house. I never convicted the party; I know that.

Q.—Did they get either of these two places?

A.—No, just Joynt.

Q.—Now if a man were going to put up a plant on somebody what would be the first thing he would acquaint himself with. Would not he as a matter of fact first get all the particulars he possibly could with respect to the place where he went knowing that they would be the first questions he probably would be asked.

A.—Well, I can only say this, speaking absolutely frank; I have no experience along that line, but it looked clear to me. They told me where they got the rig to go out, and what the fellow charged them?

Q.—Well, would not that be a very simple thing for McCutcheon to tell Henry?

A.—McCutcheon may have told that, of course; I cannot say anything about that.

Q.—Don't you know in your experience that a man who goes into the box, a man who would go into the box for the purpose of getting a conviction, if he had never been there, he would be absolutely sure, as far as he could, as to the conditions and situation?

A.—He would have to be there or he could not do it.

Q.—You think he could not do it?

A.—Oh no.

Q.—He would not have to be there to find out where to get a rig, or to say he paid so much for the bottle, or to give a description of the bar room?

A.—He would have to be there to describe one place he described to me, place number two, where I told him I had reason to believe the man was selling whiskey.

Q.—What was there peculiar about that description he could not have obtained from McCutcheon?

A.—Well, that is true.

Q.—Suppose he made notes?

A.—That may have been done of course.

Q.—Would not he in all likelihood be prepared for this kind of questions?

A.—Of course he may have been; my opinion was he was there.

Q.—You felt that?

A.—Yes.

MR. LENNOX: Now I have the evidence here, a certified copy of it; I find there is not a word relating to anything but the purchase of a bottle?

A.—I cannot help that, but the drinks were talked about.

MR. RANEY: McCutcheon says the same thing.

MR. LENNOX: I am talking about what the Judge says.

A.—Mr. Creasor takes it down himself in longhand.

MR. NICKLE: This is not a stenographic note?

A.—No.

MR. LENNOX: This evidence taken down by Mr. Creasor does not contain any reference to anything but the purchase of a bottle?

A.—It might; I would not say.

Q.—And that being the case, of course he would be convicted upon that?

A.—There was other evidence; that there is the pith and substance of the evidence; of course he doesn't pretend to take it all down.

MR. FERGUSON: He would have to take enough down to support his conviction?

A.—That is just what he did.

Q.—And if there had been reference to any other purchase but the bottle you would have expected that to have been taken down.

A.—Well, it would naturally look that way.

Q.—Now do you remember these officers, at least Henry, swearing that—I will just read a short paragraph;

On the 20th of December, we left Owen Sound and went to Shallow Lake, and went to the hotel kept by Tommy Joynt.

Q.—Did a young man give evidence at the trial?

A.—I don't think so.

Q.—What was the reason?

A.—Henry's statement was and so was McCutcheon's that they could not get the young fellow's name.

MR. LENNOX: Well, do you believe that if they were there for the purpose of purchasing liquor if possible that they would get some person to buy it and deliver it to them without ascertaining his name at the time?

MR. WATSON: You are getting on opinions.

MR. LENNOX: At all events they did not get his name?

A.—No, they did not.

Q.—And if they had had, and this young fellow had done what they swore he did, that would be very strong evidence against Joynt?

A.—Well, of course if I could have got his name I would have summoned him.

Q.—Oh, I am not blaming you. But I say that would have changed the whole matter if the man who actually bought it gave evidence.

MR. MACBRIDE: I understood you to say you had been down at Kitchener and two men came to your house; you said something about them having a letter in which they understood you were to return Saturday night?

A.—No.

MR. LENNOX: He wrote his daughter a letter.

MR. MACBRIDE: And when you came back they were waiting for you?

A.—She told them I would be home on the late train Saturday and they could see me Saturday night or Sunday.

Q.—Now you tell about Tommy Joynt being convicted in Bruce for being drunk. You suggested to whoever you were with that you could smell it off him and he would say he had not had a drink for six years.

A.—Six months?

Q.—You have been in the business how long?

A.—Six or eight maybe ten years.

Q.—Could you smell him?

A.—Oh, yes.

Q.—Was there not some other indications?

A.—Why he couldn't keep on the sidewalk, he was on the road.

Q.—And yet you had to go and smell him to find out whether he was drunk?

A.—Well, from what the local inspector told me. I would not have done anything of the kind at all only the inspector over there told me.

Q.—You had evidence enough?

A.—That is what I thought myself. I knew he was drunk. He told me what I would be up against.

INSPECTOR CHARLTON called, examined by MR. RANEY.

Q.—I believe you are now with the Department enforcing the O.T.A.?

A.—Yes.

Q.—And you were on the Toronto police force for years?

A.—Yes sir.

Q.—And were superannuated?

A.—Yes sir.

Q.—How long have you been with the Department since?

A.—A year ago last November I went with them.

Q.—And you are a regular officer or a special?

A.—Regular.

Q.—Now did you go with officer Jeffrey to Hamilton on August 21, when Mrs. Fryme was arrested?

A.—Yes sir.

Q.—Well, Mr. MacBeth who I think is sergeant at the desk in Hamilton police force told the Committee that Inspector Jeffrey and some other officer brought that woman to the police station in an automobile, that they had dragged her into the police station and he said Jeffrey was intoxicated?

A.—I was with Jeffrey from the time he left Toronto until he got to Hamilton and I was with him at the house, 38 Cannon Street West, where the inmates were arrested, and he went from there I believe to the police station. Then we went down to 247 Brant street, where Mrs. Fryer lived. When he left 247 Brant street, to go to the police station with the prisoner he was just as sober as I am now. No signs of intoxication. Officer Smith was with him when he came back from the police station to the house I have named, there was not the least sign of intoxication on him.

Q.—And you were with him all the day?

A.—Yes sir.

Q.—In arresting this woman was there some difficulty?

A.—There was in this way, that the children were apparently out on the street.

Q.—Her children?

A.—Her children; whether she had any or not I don't know, but she asked permission of Jeffrey to go out to bring in her children. He gave her permission and instead of apparently chasing for the children she chased up the street yelling like a fiend to arouse the neighbourhood with the result that there was a large mob collected in two or three minutes, and then they put her in the car and took her to the police station.

Q.—There was considerable disturbance?

A.—There was quite a noise.

Q.—Did she go willingly to the police station?

A.—Not very willingly.

Q.—Then you say it is not true Jeffrey was intoxicated?

A.—He was not intoxicated.

Q.—Had he been drinking liquor?

A.—Not to my knowledge; no sign of it on him.

MR. LENNOX: You did not go to the police station?

A.—No sir, I did not.

MR. RANEY: Something was said about searching, that there was a search and Jeffrey took money?

A.—I don't know.

Q.—Did you see him search?

A.—No.

Q.—Before he left in the automobile?

A.—He had not in my presence.

MR. FERGUSON: What was your experience before you came into the Department in this kind of work?

A.—Oh I had quite a number of cases in the Police Court for B.O.T.A. in Toronto.

Q.—You were a policeman in Toronto for thirty years?

A.—Yes sir.

Q.—Why did you quit? You were a former Inspector?

A.—Yes.

Q.—Why did you quit?

A.—I was instructed to report a constable for theft and I refused to do so because the man was not guilty of theft, and I never went into Police Court with a case against a man with no foundation.

Q.—Instructed by somebody to give information?

A.—Instructed by the Deputy Chief Constable.

Q.—Mr. Geddes?

A.—No, Archibald. I was instructed to lay information to bring this man before the chief constable on a charge of theft, and I refused to do so.

Q.—And then you were discharged?

A.—I was told my resignation would be accepted and they got it.

Q.—Was there any charge against yourself?

A.—Not that I am aware of.

Q.—Were you told?

A.—No, I was not.

Q.—Did you get your pension?

A.—Yes sir.

Q.—You are getting it now?

A.—Yes sir.

MR. LENNOX: Do you know a man named Martin? Do you know any man in the employ of the Government?

A.—Yes sir.

Q.—When was he discharged, or when did he resign?

A.—I have no knowledge.

Q.—McCoy, do you know him?

A.—No sir.

Q.—McCarger?

A.—I knew McCarger.

Q.—When was he let out?

A.—Oh probably six months ago.

Q.—Did you know a man named Ingram?

A.—Yes, I know a man Ingram in Toronto, or did know him.

Q.—In the employ of the Government?

A.—No.

Q.—Nash?

A.—No sir.

Q.—Raymond Phillip?

A.—I have seen an Italian of that name.

Q.—Was he in the employ of the Government?

A.—I don't know whether he was or not.

Q.—He was not in your department?

A.—He was around the building, but whether he was an officer or anything else I don't know.

Q.—Did you know another Italian, Tony Phillips?

A.—I knew one fellow named Tony.

Q.—Was he in the employ of the Government?

A.—I don't know.

Q.—Was he around the Department?

A.—He was.

Q.—Did you know a man named J. O'Leary?

A.—No, I did not.

Q.—Did you ever know any of these men to do any work for them?

A.—I cannot say I do. I know they were on one case but what they were doing I cannot tell.

Q.—In a general way you know men around the office and who were in the employ of the Department?

A.—Sometimes there are men around there.

Q.—You have been there how long?

A.—Since last February.

Q.—And you mean to say you don't know men in the Department?

MR. RANEY: There are two departments.

MR. FERGUSON: And you would not make it your business to know every man around there.

A.—I knew some of the men regularly employed, but these outsiders employed by Mr. Hammond, or some person else, I did not enquire into their business or standing.

MR. LENNOX: Did you know Stanley Nash?

A.—I did sir.

Q.—Was he employed?

A.—I believe so.

Q.—Leon Bellair?

A.—No sir.

MR. RANEY: Either Mr. Sarvis or Mr. Hammond would tell all about these men.

MR. FERGUSON: Yes, but this is a man of thirty years experience and working in this Department and he says he doesn't know anything about it.

MR. HALL: He was minding his own business.

MR. LENNOX: I want to make a suggestion that probably may shorten up this investigation, so that we may close it within a day or two. I have here certificates of previous convictions which are accepted in a Court of law, over signature of the Deputy Clerk of the Police Court, and if these will be accepted, if I can file them it will save the time in bringing these men here.

MR. RANEY: Why certainly, as far as I am concerned.

MR. LENNOX: Then with the consent of the Committee I put in these certified copies.

Outside of that and my own testimony there is no reason why this should not be wound up on Friday if the Attorney-General is exhausted with his, or if he will let me know so I may call rebuttal evidence.

The Committee then adjourned until 9.30 a.m., Thursday, May 25.

## PUBLIC ACCOUNTS COMMITTEE.

The Committee resumed at 9.30 a.m., Thursday, May 25, 1922, Chairman WATSON presiding.

The Secretary read the minutes of the last meeting, on Tuesday, May 23, 1922.

HON. MR. RANEY: Mr. Chairman, if nobody else is ready I will call a witness.

Grant Fielding, sworn.

Examined by HON. MR. RANEY:

Mr. Fielding, you are with the Department?

A.—Yes sir.

Q.—What is your age?

A.—Twenty-eight, sir.

Q.—You are a returned man?

A.—Yes sir.

Q.—How long were you overseas?

A.—Twenty-six months in France.

Q.—And how long have you been with the Department?

A.—About fifteen months, sir.

Q.—Steadily?

A.—Yes sir.

Q.—Are you on salary?

A.—Yes sir.

Q.—What is your salary?

A.—One hundred dollars a month, sir.

Q.—You are a married man?

A.—Yes sir.

Q.—Children?

A.—Yes sir.

Q.—How many?

A.—One, sir.

Q.—Are you a Provincial Policeman, or what is your employment?

A.—Special officer.

Q.—You are a special officer?

A.—Yes sir.

Q.—You have been with the Department fifteen months?

A.—Yes sir.

Q.—Now, I understand that this reference is to you, Mr. Fielding—there has been evidence to that effect. I quote you from Mr. Lennox's speech in the House. I suppose perhaps you have read it.

“When one of the men who represented you, Mr. Attorney-General, would go to Collingwood, as Fielding did, and there engage an eighteen-year old boy to purchase liquor and then have him arrested.”



What do you say about that?

A.—It is not correct, sir.

Q.—You say it is not true?

A.—No sir, it is not true.

Q.—Is there any truth in that?

A.—No sir, there is not.

Q.—What were the facts? Did you go to Collingwood?

A.—Yes sir, will I give the details?

Q.—Yes.

A.—I was sent to Collingwood on the information that there was a man, Spencer, known to the local police of Collingwood as a bad character. I looked him up and got quite a bit of information from him, and one evening we were walking down the street; he called a boy in. I don't know how old the boy was; I did not ask. He said, "Go and get us a crock." The boy went and got a crock, and took us up to where he said he was going in for it. We stayed across the street. He went in this house, and I walked across the road to see if he came out. He had gone out the back way, and he came back on a bicycle with a bottle of whiskey, and he handed it over to us, and Spencer was given the money and handed the money to the boy.

Q.—Spencer was the man you were after?

A.—Yes sir; and the boy was brought up on a charge of agent under the Act, and I believe Mr. Tudhope or the judge—I am not sure which—suggested that the charge be changed on account of the boy's age, which came out at the trial, and he was charged with drunk.

Q.—With being drunk?

A.—Yes sir.

Q.—Had he drunk, to your knowledge? Had he been drinking, to your knowledge?

A.—He had never been given any liquor from us. Whether he got liquor where he got the bottle, I don't know anything about that.

Q.—Did you prosecute Spencer?

A.—A warrant was issued for him, but he disappeared.

Q.—He absconded?

A.—Yes sir.

Q.—And is still out, I suppose?

A.—No.

Q.—He is staying away?

A.—I guess he is.

Q.—So you got rid of Spencer. Let me repeat the charge to you:

"When one of the men who represented you, Mr. Attorney-General, would go to Collingwood, as Fielding did, and there engage an eighteen-year old boy to purchase liquor and then have him arrested."

A.—Didn't have him arrested, sir.

Q.—You did not have him arrested?

A.—He was summoned.

Q.—Then he put the same thing in the form of a question at the close of his speech, addressed to me, the Attorney-General:

“Will you stand up in your place in the House and deny that two of your spotters——”

Was there anyone with you?

A.—There was a special officer, Webb.

Q.—He and you were together?

A.—Yes sir.

Q.—Was he with you when this boy went across the street and purchased the bottle of whiskey?

A.—He was, yes.

Q.—“Will you stand up in your place in the House and deny that two of your spotters got a fifteen-year old boy——”

He has changed the age now; what was the evidence as to the boy's age?

A.—I am not sure of the age the boy gave in Court.

Q.—One place here he says eighteen, and another place fifteen.

“——fifteen-year old boy to buy two bottles of whiskey.”

Were there two bottles?

A.—No sir, one.

Q.—“And then made this fifteen-year old boy taste whiskey for the first time in his life, at Collingwood.”

A.—We did not give the boy any whiskey at all.

Q.—Did you see him take any?

A.—We did not.

Q.—Is there any truth in that charge?

A.—Not a bit of truth in it.

Q.—Then Mr. Lennox went on in his charge in the House: “When this man Smythe, your other operator, was one who would steal from the Government liquor that was seized.” I suppose you do not know anything about that?

A.—I don't know anything about that at all.

Q.—“When men of that type are in the employ of the Government, I think perhaps the better element of the people in the Province will not doubt me when I say that the liquor that was seized in the room at Sutton was brought there by them.” I think you know something about Sutton, too, don't you?

A.—Yes sir; I was present then.

Q.—Mr. Lennox went on to say, “And I am not sure you knew about it.” It is here, but another paper reports, “You did not know about it”—meaning me, the Attorney-General. Now, will you tell the Committee about this Sutton affair? In the first place, from whom did you get your instructions?

A.—I received my instructions first from Inspector Sarvis.

Q.—And three of you, I think, went to North York?

A.—Well, will I give the details of that, sir?

Q.—Yes, only this, Mr. Fielding: it may be—I do not know what the fact is—that you had instructions to see certain persons in North York for information; did you?

A.—Yes sir, we did.

Q.—I want you not to give their names?

A.—No sir; I won't.

Q.—Go ahead and tell your story, then?

A.—On November 25th, Inspector Sarvis gave me instructions and names to go to North York and inquire over some charges that had been laid by some people in North York about liquor that would be run during the election. I went up the next morning, Saturday, and looked around.

Q.—Did you go alone?

A.—Yes sir, with the result of my investigation, I thought that the charges were correct and it would be worth while going up. I came back to Toronto, Saturday night, and reported to Inspector Sarvis on Monday morning, and he instructed me to go over and see Mr. Greer, Inspector Criminal Investigation, Provincial Police. I did so, reported to Inspector Greer and gave him the result of my investigations up there, and waited around until the first of the month, December.

Q.—Until the first of December?

A.—Yes sir. On the first of December, Inspector Greer detailed two men to go with me, Provincial Constable Smythe and Provincial Constable Cressy.

Q.—Who was in command on the squad, or was there any command?

A.—Well, there was really no command, sir. Both Cressy and Smythe, although they had previous experience on the police, had just entered the Provincial Police Service. I was the oldest man, although I was not a sworn officer, I could not take command. They were simply acting under my instructions, but not directions.

Q.—The other two men were both Provincial policemen?

A.—Yes sir.

Q.—And you were a special officer?

A.—Yes sir.

Q.—And you had been there and knew something?

A.—I knew the details of it.

Q.—So the three of you went up?

A.—Yes sir.

Q.—By trolley, I suppose?

A.—Yes sir.

Q.—Go ahead?

A.—We went to Newmarket, making that our headquarters, although we were to operate through North York. On the evening of December 2nd, I received the information that there was to be something doing, to use the words that were given to me, in Sutton. I went into the hotel and called out Smythe and Cressy, told them to come with me, gave them no details whatsoever.

Q.—That is, at Newmarket?

A.—Yes sir; we got into a car and we proceeded to Sutton. I went to the hotel first and registered in the hotel and stayed around there, going in and out between the meeting and the hotel until about midnight.

Q.—There was a meeting on that night?

A.—Yes sir; in a hall.

Q.—In Sutton?

A.—To the left of the hotel—or the right. About midnight I decided that there was some irregularity up there and breach of the Act. I went outside and called the other two officers in, and went into the room. In the room we found one bottle of whiskey.

Q.—Did you speak to the proprietor of the hotel first?

A.—We did; we asked the proprietor of the hotel if he had any objection to us going through the hotel. We said we knew there was liquor in the house, we would like to search it. He said he had no objection whatsoever. That was just previous to the time we went upstairs. There was Smythe, Cressy and myself spoke to him. He said he didn't know anything about it, we could go ahead. We went upstairs to a room I had previously noticed a lot of men going in.

Q.—You had a room yourself on the same floor?

A.—I did, at the head of the stairs, in the front of the house.

Q.—What happened after that?

A.—There was a man looking around the corner of the door of this room marked eleven. I pushed the door open and walked in, followed by Smythe and Cressy. I walked right through the room to the centre of the men that were in the room. There was about eight, and alongside of Mr. Armstrong's foot I noticed a bottle.

Q.—Mr. Armstrong, the then candidate?

A.—Yes. I reached for the bottle, and Mr. Armstrong also reached for the bottle at the same time. His face struck the side of my arm and knocked off his glasses. I apologised for knocking off his glasses, and took the bottle, looked at the label on it, and passed it to Cressy.

Q.—It was whiskey?

A.—It was a bottle of whiskey.

A.—It was a bottle of whiskey, yes, sir. I looked around again, and right close to the first bottle I found another. I picked that up; it was a bottle of port wine. I handed that to Constable Smythe.

Q.—What was the brand of whiskey?

A.—I believe it was Charterero; I am not quite positive. I handed the second bottle of port wine to—

Q.—Who is the maker of Charterero, do you know?

A.—I am not acquainted with the brand at all; I had never seen it before.

Q.—It is Charterero; that is the name of the whiskey anyway?

A.—I wouldn't swear to it.

Q.—That is the best of your recollection; go on?

A.—The second bottle of port wine. I handed that to Constable Smythe—I handed the first bottle to Constable Cressy and the second bottle to Constable Smythe, and they put it in the inside pocket of their overcoat. I continued to search around the room, opened a bag that was on the bed, there was nothing in there, and looked on the window-sill and various parts of the room. There was nothing more in the room, with the exception of a couple of small glasses—not water glasses, but glasses usually used for liquor, as I understand it. We also seized—Constable Smythe asked the men in the room for their names. About that time Colonel Lennox entered the room. He came to the door first, and Cressy was holding the door, and Mr. Lennox said—passed a few remarks that I did not hear, as I was about the centre of the room, and I walked over to see what was wanted, and Mr. Lennox asked what was going on. He was told that Provincial Officers—told to come on in. He said this was not a fit place for him to come in. After a few more words Constable Cressy allowed him in the room. The situation was explained to

him by some of the men in the room, I couldn't say who; I did not know all their names. Constable Smythe again asked, "Now, Let's have your names," took out his notebook and pencil. Mr. Lennox up and said, "Here, don't give any of your names. Don't give those skunks your names. Give them Smith, Brown, Jones or anything." And then he took his seat on the bed and proceeded to give us what he said was a little cheap law. We paid no attention whatsoever for quite a while, until the remarks got very personal. Told him his statements were kind of rash. He told us that he wanted to know where we came from, what authority we had up in that room. Constable Cressy said, "This is a room in a public hotel, and we don't need any warrant," as he had asked for a warrant. The law, as he understood it, must have a warrant to enter any private room, whether a hotel or house.

Q.—That was Mr. Lennox's interpretation of the law?

A.—Yes sir.

Q.—You thought you knew better?

A.—I knew better myself, and so did Constable Cressy.

Q.—That was the cheap law given you?

A.—Yes.

MR. LENNOX: You wouldn't expect much for that price, would you?

MR. JOHNSTON (Simcoe): Q.—Could you give us some of what Mr. Lennox said there, the exact language, in connection with it?

A.—I will try; it is quite a while ago; I will do the best I can. Mr. Lennox also added that if he had been in the room when we entered he would have thrown us through the window, and he also suggested the other men were not right in their head for not having done so.

HON. MR. RANEY: Q.—They were not right in the head because they had not thrown you out of the window?

A.—Yes sir; he said he did not believe that General Elliott had sent us up. We said we were from General Elliott's Department. He said he did not believe we were from General Elliott's Department. He said he had helped General Elliott to his place, and he did not think he would send us up to spoil a little party of his friends. Mr. Lennox called us everything but gentlemen in the room. Nothing was said by us at all. I don't know what reason Mr. Lennox had for doing that.

MR. CUNNINGHAM: Q.—Would you mind telling just what he did call you?

A.—Such things as skunks; he said I was a shrimp. That is about the only ones I remember. There were a few more, but I don't remember. The words "Stool-pigeon." "spotter," "whiskey hounds," and "Spracklin's men," were added.

HON. MR. RANEY: Q.—Just by way of garnishment, garnishment to the shrimps?

A.—Well, I was the shrimp; the other two were skunks.

MR. JOHNSTON (Simcoe): Q.—What was the cheap law that he gave you, his advice on legal lines?

A.—We were not entitled to enter the room without a warrant.

HON. MR. RANEY: I may explain to the Committee that the law is that you cannot enter a private house without a warrant. An officer must have a warrant before entering a private house, but he may enter a public house

without a warrant; any commercial place or hotel, or similar institution does not require a warrant.

MR. TOLMIE: Q.—Is it a standard hotel?

A.—Yes.

HON. MR. RANEY: Q.—Now, it has been said, Mr. Fielding, and I want to put it to you squarely, that one of you three men brought that bottle of whiskey and the bottle of port wine to that room.

A.—Well, sir, that is absolutely false. Not one of the three men put that liquor in the room. Myself, I understand I was accused of doing it; they said I had the opportunity of doing it.

Q.—Yes?

A.—I only have to say, I did not put the bottle of liquor in the room, sir. I would not do anything like that; I don't believe in that sort of thing. Even if I am employed in a position Mr. Lennox objects to, I am a man.

Q.—I hope so, Mr. Fielding. Have you ever been asked to do anything by the Department that you thought was dishonourable?

A.—Why, no, sir; the Department would not ask it; I know that.

Q.—I think it was before Mr. Lennox came in that you told me you served twenty-six months in France?

A.—Yes sir.

HON. MR. RANEY: Now, Mr. Lennox may examine the witness, or any other member of the Committee may do so.

Examined by MR. LENNOX:

Q.—Now, you were at Collingwood?

A.—I was, yes sir.

Q.—And this boy you spoke of, do you remember his name?

A.—It was a Jewish name; I don't remember.

Q.—Would it be Sheinman?

A.—Well, it is something after that style; I could not say.

Q.—And what age would he be?

A.—I couldn't tell you that; he was about as tall as I am.

Q.—Would he be more than fifteen or sixteen?

A.—Well, I would say so.

Q.—Did he go and get a crock for you?

A.—He did, yes.

Q.—So that so far as the boy buying whiskey is concerned, there is no doubt about that, anyway, is there?

A.—The whiskey was not bought directly for us.

Q.—But I say so far as his buying it?

A.—He bought whiskey, yes sir.

Q.—And he bought it with your knowledge?

A.—Oh, absolutely.

Q.—So that you knew in order to get a conviction that this boy was buying whiskey?

A.—I don't quite understand that.

Q.—You wanted to catch him?

A.—The bootleggers of Collingwood.

Q.—Which one in this particular case?

A.—Well, there was several.

Q.—In order to catch them this boy bought whiskey?

A.—This boy knew all the bootleggers in town. —

Q.—Please answer my questions?

A.—I am doing the best of my ability.

Q.—I am asking a very simple question; I say in order to catch the bootleggers this boy bought whiskey, to your knowledge?

A.—Yes sir.

Q.—He may have been fifteen or sixteen years of age so far as you know?

A.—I have no knowledge of his age at all; he looked older to me than fifteen.

Q.—When ever before did you allow a boy to buy whiskey?

A.—Never, I may say. I was only in the position about a month at that time.

Q.—And who gave the boy the money to buy it?

A.—Spencer.

Q.—Who gave Spencer the money?

A.—I did.

Q.—Now then, is this a fair interpretation of what took place, that you gave Spencer money to a boy to go and buy whiskey for the purpose of catching bootleggers?

MR. CURRY: Pardon me, but would you put the question again—or we might have it read.

—Reporter reads: “Now then, is this a fair interpretation of what took place, that you gave Spencer money to a boy to go and buy whiskey for the purpose of catching the bootleggers?”

MR. CURRY: You did not put in “to give to the boy.”

MR. LENNOX: I beg your pardon; I mean to give to the boy.

MR. CURRY: I thought you did.

MR. LENNOX: Q.— Now, is that correct?

A.—We gave Spencer the money to give to the boy to get liquor, yes.

Q.—Gave Spencer money to give to the boy to get liquor; and as a result of the boy purchasing the liquor did you get a conviction?

A.—We did not, sir; the boy would not divulge the name of the man he got the liquor from.

Q.—Did you know that the boy was arrested for being drunk?

A.—I know the boy was not arrested for being drunk.

Q.—You know he was not arrested?

A.—Not for being drunk.

Q.—What was he arrested for?

A.—He was arrested on the charge of an agent.

Q.—Doing what?

A.—Agent, that was the charge.

MR. CURRY: Q.—Do you mean arrested or summoned, because you said summoned before?

A.—He was summoned—my mistake.

MR. LENNOX: Q.—Summoned as what?

A.—As agent under the Ontario Temperance Act.

MR. CURRY: As aiding and abetting, I suppose.

MR. LENNOX: Q.—So that the boy was arrested—

A.—Summoned.

Q.—Summoned, as a result of what he was doing for you?

A.—What he was doing for the bootleggers of the town. He was an agent—spoken of by Spencer as a boy who knew all the bootleggers in the town.

Q.—Was he arrested as a result—

HON. MR. RANEY: He was not arrested at all.

MR. LENNOX: Well, summoned, then. What difference does it make?

HON. MR. RANEY: It makes a lot of difference.

MR. LENNOX: Was he brought to Court?

A.—Yes.

Q.—As a result of what took place between you, Spencer and himself?

A.—Yes.

Q.—And he was tried in the Juvenile Court, wasn't he? I say he was tried in the Juvenile Court?

A.—He was tried in the Magistrate's room; it may be known as the Juvenile Court—in camera.

Q.—Why in camera?

A.—On account of the boy's age.

HON. MR. RANEY: Q.—He refused to divulge the name of the people who had sold the liquor?

A.—Exactly.

MR. LENNOX: Q.—On account of the boy's age—the boy who had been employed to get liquor, he was tried in camera in the Juvenile Court?

A.—Yes sir.

Q.—Then how many bottles did the boy buy?

A.—One bottle.

Q.—How much money was given to Spencer to give to the boy?

A.—I could not state the exact amount just now; I don't remember.

Q.—Have you no idea?

A.—No, I have not, sir; say around seven or eight dollars.

Q.—Seven or eight dollars?

A.—That is only from memory; I am not sure.

Q.—Were you examined in this case?

A.—I was, yes.

Q.—You were examined; what case were you examined in? The case in which Sheinman was arrested?

A.—The case in which Sheinman was summoned.

Q.—Summoned and brought to Court—

HON. MR. RANEY: Q.—That is the boy's name, is it?

A.—As near as I know; something like that.

MR. LENNOX: Sheinman or Sheinmer.

Q.—You were summoned to give evidence for the boy or against the boy?

A.—I was not summoned at all.

Q.—Well, a witness?

A.—Yes.

Q.—You appeared as a witness on behalf of the boy or against him?

A.—Against the boy, sir.



Q.—That is for the purpose of convicting the boy?

A.—Well, you may say that, and to find out who the bootlegger was who sold the boy the liquor.

Q.—Is that the case?

A.—Yes, it is the case.

Q.—For the purpose of convicting the boy who purchased the liquor from the money that you gave Spencer?

A.—I don't quite understand.

Q.—For the purpose of convicting the boy who got the money that you gave to Spencer and that Spencer gave to him?

A.—I don't quite understand it yet.

Q.—All right; he purchased the liquor for him?

A.—For Spencer.

Q.—Now, I have your evidence here; I am going to read it to you:

“Q.—Do you know the defendant Harry Shienman?

A.—Yes.

Q.—Did you see him in March.

A.—Yes sir, in Collingwood.

Q.—When did you see him.

A.—On the 13th day of March.”

Q.—Is that right?

A.—I am not sure of the date .

“Q.—What took place? A.—He purchased liquor for Mr. West.”

Q.—Would that be true?

A.—That is my evidence, it must be true.

Q.—It was not for Spencer, then?

A.—Well, the boy was given the money by Spencer.

Q.—This is what you pledged your oath to?

A.—Well I will stand by that.

Q.—Are you going to stick to this?

A.—Yes sir; I will stick to that.

Q.—He purchased liquor for Mr. West—now, who is Mr. West?

A.—Special officer West.

Q.—Is that the man who goes under the alias of Webb?

A.—I don't know whether that is an alias or not; Webb is his name.

Q.—He goes under the alias of West, then?

A.—According to that.

Q.—And he was one of the men sent up to assist you in cleaning up Collingwood?

A.—Yes sir.

Q.—Then if this evidence is true, this boy purchased this liquor for your co-operator West?

A.—According to the evidence, yes.

Q.—You don't pretend to say he told a lie when he gave his evidence?

A.—Oh no.

Q.—“Q.—What did you see and just what took place?

A.—I saw him take \$14.00 for the bottle.”

Q.—Would that be true?

A.—If it is on the evidence it is true. I don't remember that.

Q.—You said to-day about seven or eight?

A.—I don't know the exact amount.

Q.—“I saw him take \$14.00 for the bottle.” Then the bottle is produced as Exhibit “A”.

“Q.—What is in this?

A.—Whiskey.”

Q.—He just got the one bottle?

A.—Yes.

Q.—Now, listen to this:

“Q.—I show you another bottle Exhibit “B”. What do you think your answer is to that?

A.—Read it off to me sir.

Q.—“It is the second bottle that Shienman gave to West.” Is that answer true, or the answer you gave this morning?

A.—If it is on the evidence of the Court it is true.

Q.—So it just shows you the frailty of human recollection, doesn't it?

A.—Probably it does.

Q.—So that according to the evidence, if this is true not only did you get this boy to buy one bottle, but you also got him to buy two?

A.—If that is the evidence there it must be correct.

Q.—Tell me what was the reason for spending \$14.00 to get him to buy two bottles?

A.—Well, I don't remember spending \$14.00.

Q.—But you swore to it?

A.—Well, if I swore to it it is correct, but I don't remember.

Q.—Now, if that is true—and I accept your testimony there—was there any reason that you can suggest to the Committee why you should spend \$14.00 and buy two bottles?

A.—Stronger evidence.

MR. TOLMIE: Q.—They were bought at the same time?

A.—According to the evidence.

MR. LENNOX: Q.—Let me read you further. Sheinman, who then apparently came in—that being your evidence in chief—asks:

“Q.—Did I refuse to give you the crock?

A.—No you did not refuse me, I did not ask you.

Q.—It was Spencer that asked you?

A.—The first time, yes.

Q.—Did I refuse you the second time?

A.—No.

Q.—Where did you go with Spencer after you followed Topp and I?

A.—We went up First Street and stopped at a bridge.”

Q.—Who is this man Topp?

A.—Topp was a young boy, a companion of Sheinman's.

Q.—He was about fourteen years of age, I am told; is that right?

A.—I don't remember his age at all. Can't tell a man's age by looking at him.

Q.—“Q.—Where did you go with Spencer after you followed Topp and I?

A.—We went up First Street and stopped at a bridge.”

Q.—Is that true?

A.—That is correct, yes, sir.

Q.—“Q.—What did you do after that?

A.—We got the liquor.”

Q.—What do you mean by that?

A.—The bottle he brought back.

Q.—That is, this boy brought the bottle back and gave it to you when you were at the bridge; is that it?

A.—I went across the road to get it, seen him come back on a bicycle.

Q.—“Q.—What did you do after that?

A.—We got the liquor.

Q.—What did you do after that?

A.—We took the liquor and went off.”

Q.—Is that correct?

A.—That is correct.

Q.—Now, just let me read some more to you. You heard what took place in court, of course?

A.—Yes.

Q.—This is Shienman’s evidence:

“On Sunday Night Topp and I were going up the Street and we were stopped by Mr. Fielding and Spencer.” Is that true?

A.—Spencer—he would say Fielding naturally; I was with him.

Q.—Now, this man Spencer was a bootlegger?

A.—No, this man Spencer was just a bad character around town; I understood he just came from Burwash.

Q.—What were you doing with this bad character?

A.—That was my information, that he knew all the bootleggers in town.

Q.—And you got next to him so that he might render some assistance?

A.—He did.

Q.—He would get you in touch with some of the men who were selling?

A.—Yes sir.

Q.—“Topp stayed over at Trott’ corner and I was called across the road by Spencer.” Would that be right?

A.—Well, that is the boy’s evidence?

Q.—Yes; you were there and you heard what he said; is that true?

A.—He would likely say anything; I quite understand that. I don’t remember exactly where the boy stood now; it is over a year ago.

Q.—“Spencer asked first if I could get him a crock.” Do you remember that?

A.—I remember Spencer asking the boy to get him a crock.

Q.—“I said no. Then this man Fielding asked him two or three times and coaxed him to get it.” Is that true?

A.—Did the boy say that?

Q.—Yes?

A.—He might say that; I admit that; but I don’t remember coaxing him at all.

Q.—Well, the boy swore to it. “Then I nodded to Topp to come across the road.” Do you remember him doing that?

A.—No, I don’t.

Q.—“And I asked him to get one and he said no. The conversation only

lasted about two minutes, then Topp and I went up Hurontario Street, Mr. Fielding and Spencer went up Second Street to my knowledge. We were followed by West, Fielding, an aviator and Spencer." That would be four of you; who was the aviator?

A.—He was a man from the Royal Flying Corps.

Q.—What was his name?

A.—I don't know.

Q.—Did you meet him up there?

A.—We met him in town; he just joined in with us.

Q.—"Mr. Fielding caught up with Topp and I and the aviator went with Spencer." Is that right?

A.—I don't remember the exact detail of the case; it is over a year ago.

Q.—"Mr. West produced Senator tobacco"—I suppose that is a brand of tobacco—"and handed it to me and then to Topp and then went into the lane and produced the bottle and gave Topp and I a drink." Did you hear that?

A.—I heard him say that; that was absolutely false.

Q.—I don't know whether it is false or not; I am just reading the sworn testimony.

A.—I am just telling you.

Q.—That is, it was absolutely false that West gave him a drink; is that what you mean?

A.—Yes sir.

Q.—"Then just after that and before the liquor took effect, Fielding said, "Do you know where to get whiskey?" Do you remember that?

A.—I remember the boy saying that, yes, sir, but that is false.

Q.—But the boy swore in court, whether it is true or not, that West gave him whiskey to drink?

A.—Yes sir; it is false.

Q.—Do not let us discuss that—

HON. MR. RANEY: Oh, yes.

THE WITNESS: I just want to make that perfectly clear.

MR. LENNOX: Q.—You have said that once and everybody has heard you.

A.—Well, I want to make it clear, that is all.

Q.—"He asked me if my father had any and Topp and I said no." Do you remember that?

A.—I don't remember asking him.

Q.—"Then we walked up the street and the whiskey" referring to the whiskey that West had given him—"took effect on me and I do not know what took place." Do you remember that?

A.—I remember the boy saying he was drunk, that we gave him the whiskey and he was drunk. That is the general outline, what the boy said—he would say anything.

Q.—Now let me understand this; in order for you to get a conviction you had to use that boy's evidence, didn't you? Otherwise there would be no use getting him?

A.—If the boy had divulged the name of the man who sold the liquor it would not have been necessary—

Q.—Did you intend to use that boy as a witness?

A.—If he had given the name, if the boy had given the name——

Q.—Then would you have expected this boy who was lying, as you say, would you have expected the Court to believe the name of the man? Supposing he said, "I got it for John Smith," would you have expected the magistrate to convict on that, if John Smith said the boy never got it at all?

A.—That would be left to my superior officers; that is not my duty at all.

Q.—But you would have done this: this boy whose evidence cannot be believed, you would have laid information against the man that this boy said he bought the liquor from, wouldn't you?

A.—No sir.

Q.—Well, what did you send him for?

A.—That would have been turned over to my superior officers, who would use their own——

Q.—What was your object, then, in sending the boy to buy liquor?

A.—To see if the boy knew the place, to see if the boy would eventually give the names away.

Q.—Then if he had, I suppose—doing your duty—the men from whom the boy said he purchased would have been summoned?

A.—I suppose he would have, yes, if he sold liquor contrary to the law.

Q.—And that would depend, of course, entirely upon the evidence of the boy, so far as those bottles were concerned?

A.—That part of the business I don't understand at all.

Q.—Now, let me read a little further.

A.—Pardon me, sir; does it say West gave him the tobacco?

Q.—"Mr. West produced Senator tobacco and handed it to me."

A.—I distinctly remember the boy accusing me of giving him the tobacco with the intention of trying to make him smoke.

Q.—This is the evidence in court.

A.—May have got it twisted in the names.

Q.—Now, let me read a little further, because I am very much interested in this case.

Q.—"Do you remember getting the bottle from anyone for Mr. West?" This is by Mr. Tudhope, who is acting——

A.—In both cases.

Q.—For the Crown, or——

A.—The boy's lawyer failed to show up; this is a man acting for both prosecutor and defendant.

Q.—"A.—No.

"Q.—Do you remember giving this bottle to West?

A.—No." There is no use in my reading it all; I just want to get down to what is important.

"Q.—It was Topp that gave you the liquor.

A.—No, Mr. Fielding he gave me two or three." Do you remember him swearing that?

A.—A little before that, where West gave him the liquor—you see the difference in the evidence.

Q.—I am not discussing it; I am asking you if you swear, do you remember hearing that?

HON. MR. RANEY: Will you read the extract again.

MR. LENNOX: "Q.—It was Topp that gave you the liquor.

"A.—No, Mr. Fielding he gave me two or three."

THE WITNESS: That is a lie, false.

Q.—But he did swear that?

A.—He may swear it.

Q.—"Who was present?

A.—Topp.

"Q.—Where is Topp?

A.—He is in the Court Room.

"Q.—And the three of you were there?

A.—Yes.

"Q.—You were in the lane of First Street?

A.—Yes.

"Q.—Do you know what time this was?

A.—It was just after dark as far as I can remember.

"Q.—Where was the other man West at the time?

A.—He came down the street with Spencer and the aviator.

"Q.—How far were you away from them?

A.—About five minutes' walk away.

"Q.—Where did Fielding have this liquor?

A.—In his right hand hip pocket." Do you remember that?

A.—I remember I didn't have it in my right hand pocket.

Q.—But do you remember that?

A.—The boy may have said that; I tell you—

Q.—"Q.—What kind of a bottle was it in?

"A.—It was in a dark bottle." Do you recall that?

A.—No, I do not.

Q.—"Q.—You just took it to your mouth and drank?

"A.—Yes, I asked him what kind of stuff it was"—this is referring to you—"and he said just light stuff."

"Q.—You did not want to drink swamp whiskey?

A.—I never drank whiskey only when I was sick.

"Q.—You are a Hebrew?

A.—Yes.

"Q.—Did Topp have a drink?

A.—No.

"Q.—You had another drink?

A.—When he gave it to me." That is referring to you.

"Q.—You kept the bottle for some time?

A.—About a minute and a half.

"Q.—You helped yourself?

A.—Yes.

"Q.—You took a sip?

A.—Yes.

"Q.—Did it make you choke?

A.—No, it made my throat sore." Do you remember that?

A.—I remember the boy saying that, sir.

HON. MR. RANEY: Q.—You say that is all false?

A.—It is all false, yes. May I speak now?

HON. MR. RANEY: Yes, go on.

MR. LENNOX: Certainly.

THE WITNESS: When the evidence came out, both this young lad Topp and Sheinman each contradicted each other; half the time they were talking they contradicted each other. Tudhope the lawyer remarked on that.

MR. LENNOX: Q.—He was a boy, I understand, that could be used by the O.T.A., officers, but what he swore was absolutely false, nobody believed it?

HON. MR. RANEY: That is not a fair comment, because he was not used by the officers at all; he was not called to convict anybody.

MR. LENNOX: Well, the public will judge.

Q.—Now, let me read you further. This is the boy Topp, who I understand is younger than Sheinman. The first question is by Mr. Tudhope:

“Q.—Do you know this boy Shienman?”

A.—Yes.

“Q.—Were you with him one night in March on the street in Collingwood when he was talking to some strange men?”

“A.—Yes

“Q.—Will you look at the men and see if you can remember them as the men Shienman was talking to. (Points finger at Fielding).” Do you remember that?

A.—Yes sir.

Q.—“We walked down the main street and this man (Fielding) gave me a package of tobacco and Fielding gave Shienman a couple of drinks.” Do you remember that?

A.—That came out the same. In each case they accused a different man. First it was West gave the tobacco, then it was me gave the tobacco.

HON. MR. RANEY: Well, was there any truth in the statement—

A.—None at all. I did give Sheinman a package of tobacco. Spencer gave it to me; I didn't smoke, and I gave it to Sheinman.

MR. LENNOX: “Walked down the main street and this man (Fielding) gave me a package of tobacco.” Is that correct?

A.—I did not; I gave the package to Sheinman.

Q.—What did you do that for?

A.—Because I did not smoke.

Q.—Was there any reason for giving it to him?

A.—No, reason in the world, just to get rid of it.

Q.—Just to get rid of it?

A.—Yes; Spencer had given it to me.

Q.—What did Spencer give it to you for, if you don't smoke?

A.—Because Spencer had two or three packages in his pocket; he had evidently got them from the store there that his father had in Collingwood.

Q.—“We walked down the main street and this man (Fielding) gave me a package of tobacco.” That is correct?

A.—That is correct.

Q.—“And Fielding gave Sheinman—”

A.—Excuse me; did you say I gave it to Topp or Sheinman?

Q.—This says to Topp.

A.—Well, I didn't give it to Topp; I gave it to Sheinnman.

Q.—“And Fielding gave Sheinnman a couple of drinks.”

A.—That is false.

Q.—Apparently what both these boys swore was false?

A.—Absolutely it was. The boys would swear anything they could get away with.

Q.—Now, make them as bad as you can, because it helps me all the more. “He asked him if he wanted any. Sheinnman took it after he took it out of his pocket”—that is you—“and handed it to Sheinnman. I am not sure whether he took it out from. He opened it”—that is, Fielding—“and gave Sheinnman a couple of drinks.” Now, that is not true, of course?

A.—No, certainly not.

Q.—Oh, no. Reading further:

“Q.—What did Sheinnman do with the bottle after he took the drinks?

A.—He gave it back to Fielding.” Is that true?

A.—Not—I didn't give the bottle in the first place—I didn't give the boy the bottle or give the boy a drink.

Q.—“Q.—What did Fielding do?

A.—Fielding took a drink and then gave it back to Sheinnman.

“Q.—What kind of a bottle was it?

A.—It was a round bottle.

“Q.—Was it something like the bottles—Exhibits A & B?

“A.—Yes.

“Q.—It was light enough to see?

A.—Yes.”

Then, asked about the money:

“Q.—Did you see West hand any money to Sheinnman?

“A.—Yes.”

“Q.—Do you remember him swearing that?

“A.—No, I don't remember that at all.

“Q.—How much money did he hand to Sheinnman?

“A.—I do not know.

“Q.—Was it bills?

“A.—No silver.

“Q.—Did Sheinnman leave you?

“A.—No.

“Q.—What time did you see West give Sheinnman the money?

“A.—It was after they were in the lane.

“Q.—Sheinnman got the money from West?

“A.—He got money and then left.

“Q.—What did he bring back?

“A.—I could not tell.

“Q.—Did you see the parcel?

“A.—No.

“Q.—Did you go with him after he came back?” Apparently he does not answer that.

“Q.—How long after that was the drinks taken?

“A.—Some time after.

“Q.—Did you take any of this whiskey?



"A.—No."

Q.—Is that right?

A.—I don't remember that evidence at all.

"Q.—Was there anything the matter with Sheinnman-

"A.—Yes.

"Q.—What was the matter with him?

"A.—He was kind of drunk."

HON. MR. RANEY: Mr. Chairman, I wonder if the Committee is interested in the evidence which these two boys gave, when this witness says he does not remember anything about it, and when he says what he does remember is false? If the Committee is interested, I am not interested, and I think it is a waste of time.

MR. LENNOX: When you say it is a waste of time I think I am making magnificent headway.

MR. JOHNSTON (Simcoe): Mr. Chairman, I would like to know what it has to do with this case, because we have not got the witness here to whom Mr. Lennox is referring, and we have on the other hand the man objecting to the evidence, saying it is false. I do not think the time of the Committee should be taken up with this.

MR. LENNOX: Well, I do not expect you to know.

THE CHAIRMAN: He is through with it, anyway, I think.

MR. LENNOX: Yes.

Q.—Now, what do you say he was charged with?

A.—As near as I can remember he was charged with being an agent against the O.T.A. I don't know the exact wording of the charge.

Q.—Let me read you the information; perhaps Mr. Johnston may appreciate this, in view of what you have sworn.

"Information sworn on the 16th day of March—"

HON. MR. RANEY: Is that the information?

MR. LENNOX: It is a copy of it.

HON. MR. RANEY: Well, who knows it is a copy?

MR. LENNOX: Well, I am saying so.

HON. MR. RANEY: I see.

MR. LENNOX: So that there may not be any mistake—

MR. JOHNSTON: Why not leave that till you go in the box, Mr. Lennox, and swear to it then, put it in as evidence then?

MR. LENNOX: I wish you would not interrupt, because anything you say does not enlighten anybody.

"Information sworn by John R. Reed, 16th day of March 1921."

Q.—Who is Mr. Reed, do you know?

A.—He is the License Inspector for the district.

Q.—"Says he is informed and believes Harry Sheinnman on the 3rd day of March"—that is the day that you were there, isn't it?—Yes—"was in an intoxicated condition in a public place," and he was fined \$20, costs \$4.10, making a total of \$24.10 for being drunk in a public place, the day you were there?

A.—We did not lay any information against the boy for being drunk.

Q.—You did not, but Reed did?

HON. MR. RANEY: Let the witness explain that; he has already explained that.

MR. JOHNSTON (Simcoe): He has already explained that in the statement.

MR. LENNOX: You may ask questions, Mr. Johnston, but I wish you would not interrupt, because I am cross-examining this witness.

THE WITNESS: May I explain this?

MR. LENNOX: Yes, go ahead:

A.—The boy was—the charge was reduced to drunk on account of the boy's age. The magistrate or Mr. Tudhope suggested that. The boy was not drunk.

Q.—But he was found guilty of being drunk?

A.—The charge was reduced to that.

Q.—Do you mean to tell me, Fielding, that you were sitting in the court and you gave evidence, and you do not know whether that boy was found guilty or not?

A.—The boy was found guilty, but the charge was reduced.

Q.—Do you mean to sit there, on your oath, and say that you do not know that boy was found guilty of being drunk?

A.—Well, it was a kind of complicated thing, as far as I understand; the boy was charged as an agent and to reduce the charge it was made drunk.

Q.—On account of his age?

A.—On account of his age.

Q.—And he was convicted of the reduced charge?

A.—He was fined on the reduced charge.

Q.—Well, he could not be fined if he were not convicted?

A.—Well, I don't understand the way it was done. Mr. Tudhope, I believe—

Q.—Anyway, he was fined on the reduced charge?

A.—That doesn't make the thing absolutely clear.

MR. HALL: Mr. Chairman, isn't this a case for the Clerk of the Court, or something of that kind, to tell the information?

HON. MR. RANEY: It is perfectly clear. The boy was summoned for the purpose of getting the information as to who the bootleggers were. He would not give the information. If he had given the information the charge would not have been pressed against him. Then when he would not give the information, even then they did not insist on pressing the charge against him as they might have done, but they reduced the charge to one of drunkenness, and for being drunk he was fined \$20.

MR. HALL: What I am objecting to is that the time of this Committee is being wasted on a matter of which the witness says he knows nothing.

MR. LENNOX: I must apologise, but this witness is going to be here a little time yet. I like this witness; I think he is telling the truth.

Q.—Now, coming down to North York, the Sutton raid; you say that Mr. Smythe and Mr. Cressy were with you?

A.—Provincial Constable Smythe and Cressy.

Q.—And who else went with you?

A.—Nobody else; to Sutton?

Q.—Yes?

A.—There may have been somebody went to Sutton.

Q.—I want to know whether there was, not whether there may have been?

A.—I am sorry, I cannot divulge.

Q.—Why?

A.—Because it may lead up to giving away the names—

Q.—No, I promise you I won't ask that question.

A.—I can't give the names.

Q.—Do you mean to tell me that you refuse to give the name of the man that went with you to Sutton?

A.—I said Constable Cressy and Constable Smythe and myself and the driver of the car.

Q.—And anybody else?

A.—If there was anybody else I can't say.

Q.—You can't say?

A.—No sir; it would be giving away the information.

Q.—Giving away what information?

A.—Well, it would be giving away where we got the information from.

Q.—Then am I to understand that the man that went with you gave the information?

A.—There was nobody left Newmarket with us; we picked him up on the road.

Q.—It might be near Keswick where you picked him up; but I want to get this on record. Do you refuse to tell the name of the man who went with you and the officers into Sutton?

A.—According to Section 64, I could not tell that; I would be discharged, as near as I can understand it.

Q.—The man that went with you?

A.—It would be giving away information. The man was not an officer; therefore he must have been giving us information.

Q.—I am asking you the name of the man who went with you?

HON. MR. RANEY: Perhaps I can help, Mr. Chairman. Of course, this Committee will determine this question, and if the Committee says that the witness must divulge this information it will be given. It is a rule of our Department not to disclose the names of persons who bring information to the Department. Suppose a man comes to the Department and say, "I have certain information to convey to you that will lead to a conviction of certain persons for an offence; I do not desire that my name should be used;" it is an invariable practice that the man is assured, "Your name will not be mentioned." He cuts no figure at all in the matter beyond conveying the information. He is not brought into court, and the name is not disclosed. For the same reason I refused to give the name of the man who came to my office and told me that liquor was going to be run into North York for election purposes. All I did was receive the information and pass it on to General Elliott for action by the Department. It would be a very serious interference with the enforcement of the Ontario Temperance Act if it became known that people could not give us information without being protected.

MR. CURRY: Mr. Chairman, in connection with that, during the time that I was Crown Prosecutor in the City of Toronto the question came up,

while Mr. Slemin was in the witness-box; it was demanded of him that he divulge the name of a party who gave him certain information.

MR. LENNOX: That is not the case here. There is no evidence that this man gave any information.

MR. CURRY: From whom he had got the information. It was pressed by counsel; I resisted, and the magistrate refused to order it. It went to the Court of Appeal. The Court of Appeal held—so that it is not a matter that has not come up for decision before—that no officer charged with the enforcement of the law could be compelled to give the name of anybody who gave him information.

HON. MR. RANEY: That really is embodied in the Act.

MR. CURRY: That is the law, anyway.

HON. MR. RANEY: Section 65 of the Ontario Temperance Act: (Reads Section 65, O.T.A.). It is right in the Statute itself.

MR. MCCREA: Isn't this the situation, Mr. Chairman?—the rule which the Attorney General has just quoted is the rule which prevails in the courts in the carrying out of the Ontario Temperance Act, but here the witness is being examined before the High Court of Parliament, or a Committee of the Parliament, and the case is one which is a *cause celebre* in this Province, as to the merits and demerits of the Sutton raid. Here is a question asked of a chief witness who knows the people, who went with him and the officers to Sutton the night of the raid, and he is asked by the principal party interested, and this is a case which is of very great interest to the public, and altogether different from the ordinary court case, where the rule obtains as quoted by the Attorney-General. Surely we ought to be able to have the names of the people who went with him on that raid. There is nothing yet as to who gave the information, as far as that point is concerned, but I do not think, before a Committee such as this is, there should be any attempt to hold back the names of the whole party that went to Sutton the night of that raid to enforce the Ontario Temperance Act.

THE CHAIRMAN: The names will not be given unless the Committee wishes it.

MR. MCCREA: Then I move that the question be answered.

MR. HALL: Mr. Chairman, I feel that the general public are not nearly so inquisitive to know the names of these informers, the people who give the information, as has been intimated by my honourable friend.

MR. LENNOX: But nobody has ever suggested that the man whose name I am asking gave the information.

MR. HALL: The witness says so.

MR. LENNOX: He has not.

MR. HALL: Says he would not give the particulars of who gave the information. I think he is quite justified.

MR. LENNOX: He has not done such a thing.

MR. HALL: The name of an informer who has given information that the law has been broken—

HON. MR. RANEY: Or of anybody who gives voluntary assistance. I may say to the Committee that I do not know who the person is that Mr. Fielding refers to. It is the first I have heard of anybody picked up to give them assistance. However, if anybody volunteers assistance to officers of this Gov-

ernment, and it is not desired that his name be disclosed, his name will not be disclosed unless I am required to do so by an order of the Parliament or of a Committee of this kind.

MR. HALL: I cannot understand how we are to enforce any law under those conditions. If the people who know the facts and who give the information to the people in charge of the enforcement of the law are to have their names banded through the country and in the papers, how are we ever going to get information?

MR. JOHNSTON (Simcoe): I agree with Mr. Hall, Mr. Chairman. Mr. McCrea puts it very nicely, but Mr. Lennox, if I understand his original question, has now changed it. The answer to his question as he now puts it would answer his original question, because he would know that the man who went with Mr. Fielding and the other officers would be the man that gave the information. I am assuming that Mr. Lennox is changing his question. I think it would be very improper to divulge the name of the man.

THE CHAIRMAN: Let us get on with the investigation. There is no seconder to the motion.

MR. LENNOX: I second it.

MR. TOLMIE: Mr. Chairman, it seems to me that this information, if it is desired, ought to be given, and I will tell you why—because information as to an officer is one thing, but going with an officer to participate in a raid or a scene or anything of that kind is an entirely different thing.

HON. MR. RANEY: This man did not participate in it.

MR. TOLMIE: Well, I don't know; he went with them. That is an entirely different thing. I might go and get information, and say, "I suspect So-and-so, but I do not wish my name mentioned." But if I entered into a transaction, got in the rig and went with them, and so on, then it seems I become a *quasi* officer.

HON. MR. RANEY: Well, that will never happen, Mr. Tolmie; you never give any assistance.

MR. LENNOX: That is an insult, a gratuitous insult.

MR. TOLMIE: I am going to ask the Chairman to ask the Attorney-General to withdraw that statement. He knows it is not true. I am sorry to have to put it in that way.

HON. MR. RANEY: Let both statements stand.

MR. TOLMIE: No, sir; I will not. You will withdraw that statement. I proved, I think, in the House that when you made that statement before it was not correct.

HON. MR. RANEY: You proved by words, yes—your own words.

MR. TOLMIE: If the Attorney-General refuses to withdraw it, I can bring men down here—not one, but two or three—who went with me to the Attorney-General's office in connection with this very matter.

HON. MR. RANEY: The Committee knows how Mr. Tolmie has lined up in every instance before this Committee, and the Committee will draw its own inferences.

MR. TOLMIE: I object to that. The Attorney-General does not know how I have lined up, and nobody else knows how I have lined up. I have asked questions when I thought they were pertinent, and I think I have a

right to ask them. I am going to ask that the Attorney-General withdraw that statement.

THE CHAIRMAN: What statement do you want withdrawn?

MR. TOLMIE: That I have lined up with the other side, and that I have given no assistance.

MR. LENNOX: Worse than that, it was.

MR. TOLMIE: The question is there. I want a withdrawal of that statement.

THE CHAIRMAN: It is a question of fact; you simply deny it.

MR. TOLMIE: No, it is not a question of fact. The Attorney-General is not going to come here and put words in my mouth, put me in a false position, just to carry out his own ideas.

THE CHAIRMAN: I will not rule on it. Appeal to the Committee.

MR. CURRY: If you will let me have the floor for a minute, I would like to speak to your suggestion.

MR. TOLMIE: Surely.

MR. CURRY: Mr. Chairman, I do think that we can get along much faster if there is no imputation against anybody in regard to their attitude in respect to the affairs before this Committee. I am frequently accused—I do not pay any attention to it—of being the donkey-engine of the Attorney-General, and being desirous and anxious to do everything that the Attorney-General wants me to do. It has been my good fortune in regard to the enforcement of the Ontario Temperance Act to think as the Attorney-General thinks. Now, if it is the honourable member from Windsor's ill fortune, if I may put it so, not to think just as the Attorney-General thinks, I do not think we ought to have any imputations upon anybody's attitude or viewpoint in connection with this matter. I think we will get along much better and much faster if we look at it that way. We have all been here, we are all able to use our own judgment, and it is better, if we have any judgment in matters of that kind, that the judgment be our own, and not false. I would suggest that both expressions be withdrawn—first the expression by the Attorney General, that the honourable member from Windsor would not give us any help, and second the honourable member from Windsor's reply to that. I would suggest that both be withdrawn, and that we get on with the business of the Committee.

HON. MR. RANEY: Mr. Chairman, I am not prepared to concede that my remark was in any sense unparliamentary, because a man may justify his attitude on either side without any reflection on his character; but if I have said anything that Mr. Tolmie objects to I am prepared to take his statement of his attitude, to accept it for the purposes of this inquiry.

MR. MCCREA: This is my motion, then, Mr. Chairman.

MR. TOLMIE: It is withdrawn, then?

THE CHAIRMAN: Yes, it is withdrawn.

MR. CURRY: Mr. Chairman, before the motion is put I would just like to say to the Committee that it is a very easy way to obtain information where an answer is desired to such a question as this, to put that question in another way, and simply say, "Who was with you at such and such a time, or such and such a place, just prior to the raid?" "Whom were you talking to at such and such a place?" "Who went with you?" If you get that informa-

tion you are getting in a round-about way the information as to who gave the information to the officer which led to the action of the officer, which may have assisted in the obtaining of a conviction, or which might possibly have led to a conviction. I think the Committee would be ill-advised if they supported that resolution.

MR. HALL: But, Mr. Chairman, that is not changing the ground on which we are speaking at all. That will point out the man who gave the information just as plainly as though he gave the name.

MR. JOHNSTON (Simcoe): Mr. Curry agrees with you.

MR. HALL: I think this, that without stating whether—

MR. CURRY: It is only trying to get it by a side-wind.

MR. HALL: Mr. Chairman, without declaring myself in any other way than as a law-abiding citizen, the people of this country have demanded that a certain law be passed. The law was passed and became the law of the country; it is on our statute books. Now it is up to every law-abiding citizen to enforce that law until the people demand that it shall be changed. There is where I stand to-day, to enforce the law as we have it, with all the rigour of the law, until such time as the people want it changed, and I think that is the only object that any member in this House or this Committee should have in view.

MR. TOLMIE: In regard to that, I largely agree with Mr. Hall. The law is there, and I believe in the enforcement of the law, but I do not believe in the enforcement of the law by characters that are not to be desired, not decent and proper characters, and I have reason to believe that characters of that kind have been used in connection with my own neighbourhood. I have reference now to the Hallam Brothers, specially. This investigation, as I understand it, is to find out whether that is a general practice or whether it is not. I hope the Department will be able to show that it is nothing of the kind, because while we want the law enforced, we want it enforced by decent citizens, and I think this man is one of them, for that matter. However, it seems to me that the whole point under this motion turns on this: will giving an answer to this question really be giving information as to who the informer is? If it does, then of course I do not think it ought to be pressed, but if on the other hand it does not, then I think it is a legitimate question.

HON. MR. RANEY: It makes no difference, Mr. Chairman, whether this evidence would point toward the informer or not. It points toward some man who gave voluntary assistance to the officers; that is the point. We will not disclose that information unless we are compelled to.

MR. LENNOX: It might disclose the man who put the whiskey there.

MR. MCCREA: I have no intention now, and never had any intention, of breaking down the machinery that is trying to enforce the laws of this Province, but in this particular Sutton case, to my mind, that is not the issue at all. There has been charge and counter-charge in the House to the effect, by Colonel Lennox, that this Sutton proposition was a frame-up. Now we are getting close to the men who started out to make this raid, and what I have in mind is, why should not the names of the men who were parties to the setting off of this charge, and to the beginning of the information which has led to all this trouble, be made known to the Committee, so that the Committee should know what part they played in it, if we are going to form any judg-

ment hereafter as to whether there is anything in Colonel Lennox's statement that it was a frame-up?

MR. HALL: Mr. Chairman, is it possible that the time of this Committee has been taken up for so long, and that the Province has been put to such an expense, just for the purpose of clearing up this Sutton case? That is the information given to us, that the whole thing is just to clear off this Sutton incident. I do not see that way at all, and I am utterly surprised to find that the very gentlemen who brought this child into the world—this O.T.A.—should desert it, after laying it on the doorstep of the Ontario Government, so to speak, and prevent giving it a fair chance to live.

MR. MCCREA: I do not propose to let the member from Parry Sound, in his understanding of my position, get up and talk the way he does, when he talks about the Ontario Temperance Act. He either shows a very slight knowledge of the situation before this whole Committee and the Province, or he is wasting his time sitting in this Committee. It is not a question of the enforcement of the O.T.A., but the whole question is as to the methods of its enforcement, and whether there is any truth or not in the charges between Colonel Lennox and the Attorney-General as to the Sutton affair. The truth of it is what the people of the Province want.

THE CHAIRMAN: The motion is, that the witness Fielding be directed to answer the question of Colonel Lennox as to who accompanied him to Sutton the night of the raid in re Ontario Temperance Act.

MR. JOHNSTON (Simcoe): Add "other than the officers already named."

THE CHAIRMAN: All in favour? Contrary? The resolution is lost.

MR. LENNOX: I want the ayes and noes.

—The Secretary made note of ayes and noes. The motion was defeated by eight to five.

THE CHAIRMAN: The motion is lost.

MR. LENNOX: Just one other question. You have told the Committee that you had spoken to the proprietor of the hotel at Sutton?

A.—When the three of us were in the hotel, yes, sir, we did.

Q.—Had you been in the hotel yourself before you had spoken to the proprietor?

A.—I had, yes, sir.

Q.—How long before you had spoken to the proprietor?

A.—I should say about half an hour.

Q.—And then you spoke to the proprietor, and after you had spoken to the proprietor the raid was made?

A.—Yes Sir.

MR. LENNOX: That is all.

MR. JOHNSTON (Simcoe): Mr. Fielding, just before you go, I would like you to tell us how you got this boy in Collingwood, because a great deal of stress has been laid on this; how did you get the boy in the first place, can you tell the Committee?

A.—How I came in contact with him?

Q.—Yes?

A.—The man Spencer called him on the street.

Q.—Do you know why Spencer called him?

A.—Yes; Spencer said he knew all the bootleggers in town.



MR. MCCREA: Q.—Mr. Fielding, just a minute. It has been ruled that you are not to give us the name, but how far did this individual, whose name you did not disclose, go with you that night?

A.—Went as far as the town of Sutton.

Q.—Did you know when you left Newmarket that you were going to pick him up?

A.—We did not, no, sir—pardon me, I did not understand.

Q.—Did you know when you left Newmarket to go to Sutton with the officers that you were going to pick this man up?

A.—Yes Sir.

Q.—How many miles did you go before you picked him up?

A.—I could not tell you that; I do not know how far the car travelled.

MR. JOHNSTON (Simcoe): I would like to ask Mr. Fielding one more question.

Q.—Mr. Fielding, you know where the town of Collingwood is, do you?

A.—I have an idea.

Q.—You know what county it is in?

A.—No, I do not, sir.

Q.—Well, it is in the county of Simcoe. Now, this has been given as a sample of the prosecution of the Ontario Temperance Act. I would like you to tell the Committee if you know of any other point in the county of Simcoe that has been used in a similar way, on the numerous prosecutions there?

A.—I do not, sir.

MR. JOHNSTON (Simcoe): That is one county, a large county.

MR. MCCREA: Have you prosecuted other cases up there?

A.—Just the one, sir.

HENRY ELLIS GRIDLEY, sworn.

Examined by MR. LENNOX:

Q.—Mr. Gridley, where do you live?

A.—I am at present living in North Cobalt.

Q.—And prior to that where did you live?

A.—Cochrane.

Q.—You were overseas, Mr. Gridley?

A.—To England, yes.

Q.—In what capacity?

A.—I was there first as adjutant to the Royal Air Force, Fairlock, and then Courts Martial Officer at No. 1 Group Headquarters.

Q.—What are the duties of that?

A.—To look after the Courts Martial that take place within the group.

Q.—Now, getting down to what I want to know, were you living in Cochrane at the time a man by the name of Stagg, an officer or operator of the Ontario Government, was there?

A.—I was there at the time a man named Stagg was boxing there.

Q.—Well, did the boxer afterwards turn out to be an operator, in the court?

A.—Well, I was not in the court, but I hear he was, from only hearsay.

Q.—There was a man there by the name of Stagg, a boxer; what do you mean by that ?

A.—Well, he advertised himself as a Y.M.C.A. boxer, and running boxing bouts at the Empire Theatre, that is where they were doing it.

Q.—Just tell us now what took place while Stagg was there, with respect to the Temperance Act ?

A.—Well, I don't know very much of what took place with the Temperance Act. Never got muddled up in it myself, never had occasion to, but all I know was that on one occasion this man stopped me on the street and asked me if I wanted a drink.

HON. MR. RANEY: Who ?

A.—Stagg. He was a tall—with a foreign accent, rather heavy-set man, wearing a returned button.

Q.—Can you locate the time ?

A.—That would be in the evening, Mr. Raney.

Q.—Yes, but what date ?

A.—Well, I was not interested enough.

Q.—But what year ? When would it be ?

A.—That would be about a year ago, April or May, somewhere about there.

MR. LENNOX: And you say he was wearing a returned soldier's button ?

A.—Yes.

Q.—Were you wearing one, Mr. Gridley ?

A.—I was wearing the Great War Veterans' badge.

Q.—I believe you are a magistrate yourself ?

A.—No; I am a Justice of the Peace.

Q.—He asked you if you would have a drink ?

A.—Yes.

Q.—And I suppose, like all others, you would accept the invitation ?

A.—I did not; I am not in that line.

Q.—Then what next took place ?

A.—Then on Sunday I happened to be at the United Church and he sat next to me, and after we came out from the service he asked me if I knew where to get a crock or a bottle, and I told him no.

MR. JOHNSTON (Simcoe): What church was that ?

MR. LENNOX: Perhaps he needed it, after having been to church.

Q.—What was the next time you saw him ?

A.—The next time I saw him—well, I saw him a good many times after that.

Q.—Well, did you have any conversations with him ?

A.—Never, never had any talk—I saw him one day in the Empire Theatre boxing with a man named Tessier, and the next day I was on my way home—

Q.—Was it a tournament they were having ?

A.—Boxing tournament.

Q.—Charge admission ?

A.—Charged one dollar admission.

Q.—Who got it up ?

A.—Well, the tickets were got from Stagg; I saw Stagg selling tickets for it; he had a roll of tickets.

Q.—And did he get the money? I mean, was the money paid to him?

A.—Yes; I saw—

HON. MR. RANEY: What is the date of that boxing tournament?

A.—I could not tell you, sir. If I had known what I was coming for I could have probably brought one or two—

MR. LENNOX: You have never seen me, Mr. Gridley, before?

A.—Yes, I have.

Q.—Never spoken to me?

A.—Yes, sir; I have. I saw you in 1916.

Q.—Not in connection with this?

A.—Absolutely not. 1916—I will tell you when it was. I was in your office in connection with a serious case.

Q.—Quite so; but I was speaking with reference to this. Now, would you read this, please? (Hands handbill to witness).

A.—“Boxing, Monday night, May 30, at 10:00 P.M., in the Empire Theatre. J. Stagg, Toronto Y.M.C.A. vs. H. Tessier of Montreal. Tom Mitchell vs. Don Campbell, local bantam-weights, and other preliminary bouts. Heavy weight lifting exhibition by Peter Jackson. Admission one dollar.”

Q.—Is that the boxing—

A.—I was there.

Q.—And that is the one that you paid your dollar for?

A.—No; I did not pay a dollar.

Q.—I mean, it was a dollar admission?

A.—Yes.

Q.—Did you have any further conversation with Stagg at any time?

A.—No.

Q.—No further conversation?

A.—No.

Q.—Then what next took place with respect to Stagg? Any complaints made about him?

A.—Yes. A few days—when I say a few days, I am not sure, but the Deputy Mayor of Cochrane came to me and said, “I have some trouble with a French girl,” and he wanted to lay an information.

Q.—For what?

A.—He wanted to lay an information against this man Stagg for indecency.

Q.—Indecency, with this girl?

A.—With a girl living at the—I don’t know whether. I should, in view of the nature of the charge, disclose the name.

Q.—I don’t want it; a charge, you mean, of indecent assault?

A.—The charge laid was an act of indecency, I think; I think that was the—

Q.—An act of indecency against one or two girls?

A.—Against one, was the original—that was what I was originally asked for by this man.

Q.—Were you asked to accept a charge for indecency against any other girls?

A.—Yes.

Q.—Two girls; and I believe you sent him to some other magistrate?

A.—I had no jurisdiction to try the case, and I sent it to Magistrate Dempsey, who had full power to act.

Q.—And what was the result? Was a warrant issued?

A.—Yes.

Q.—And what became of Stagg? Was he arrested?

A.—Not to my knowledge.

Q.—Why?

A.—I couldn't tell you.

Q.—Well, did he remain there?

A.—Who? Stagg?

Q.—Yes?

A.—No; Stagg went out; the day after there was some big court proceedings in the court, there was a big line-up in the court, and he went out either that day or the next morning, but I was not interested in the man, and I—

Q.—Did he skip out?

A.—I couldn't tell you.

Q.—Has he been back since?

A.—I couldn't say; I have not seen him. I have never seen him from that day to this.

Q.—Has he faced the charge in court?

A.—Not to my knowledge. He may have done, for all I know, but I have not followed it up.

Q.—Now, I want to just ask you one further question. Did this man Dempsey, against whom these charges were laid, give evidence in the court against these men who were charged with breach of the Ontario Temperance Act?

A.—Did this man what?

Q.—Did Stagg give evidence in the court against these men who were charged with the breach of the Ontario Temperance Act?

A.—I couldn't tell you; I was not in the Court. I am not interested in court work unless I am asked to take some part.

Q.—Then I believe you wrote certain letters to the Department about it?

A.—Well, I do not know whether my correspondence with the Attorney-General should be—

Q.—I am not pressing it; I just say that, you did write?

A.—I did.

MR. LENNOX: That is all, Mr. Gridley.

Examined by HON. MR. RANEY:

Q.—Mr. Gridley, I believe Mr. Blackwell is in charge of law enforcement up in that district?

A.—I think he is, yes.

Q.—And he has been created inspector, I think, of recent months?

A.—Well, I have always known him as Inspector Blackwell. I have never known him as anything else.

Q.—Perhaps it is District Inspector he has been made. At all events, he has been enforcing the law there for several years?

A.—Yes.

Q.—How long have you been up there?

A.—Nearly three years.

Q.—My information is that Mr. Blackwell is one of the best law enforcement officers in the Province.

A.—As far as Mr. Blackwell is concerned, I get along with him fine.

Q.—He is said to be an exceptionally good man. Was it not Blackwell we desired to transfer to some other place?—yes, and the people up there protested so vigorously that we relented and allowed him to remain there; did you know about that?

A.—No, I did not. I know of Inspector Moore, that is all—

Q.—I think the Board of Trade of Cochrane, perhaps, and the Town Council—

MR. LENNOX: Let him give the evidence himself.

HON. MR. RANEY: Did you know of them passing resolutions?

A.—No; I take very little active part in that work.

Q.—At any rate, you do know Blackwell to be a very good officer?

A.—Oh, yes; I was on the train with Blackwell last night.

Q.—A very able and conscientious officer?

A.—Yes, as far as I would take him to be.

Q.—Did you know of Stagg having been employed by Mr. Blackwell for a short time?

A.—Well, I have only got—have you Mr. Ayearst's letter, or a letter from your Department—

Q.—Then you did not know; I can get it again. All right, Mr. Gridley.

MR. LENNOX: Before I call Mr. Dunlop there is Mr. Jacques from Hamilton.

MR. McCREA: You got Mr. Ayearst's letter from the Department after these affairs of —

A.—What I had done—I don't know whether the Attorney-General—I will just give exactly what took place.

Q.—I just want the answer to the one question?

A.—Yes.

Q.—It was after he had asked you to have a drink and after he staged the boxing affair that you learned that he had been in the employ of—

A.—Oh, yes, it was after that.

MR. JOHNSTON (Simcoe): Mr. Gridley, do you know why these charges were not pressed?

HON. MR. RANEY: What was the last answer?

Q.—Did you give it as to the date of employment?

MR. LENNOX: It was after he had been asked for a drink that he got the letter from Mr. Ayearst.

MR. McCREA: It was after the boxing tournament and after he was offered the drink that he learned he had been in the employ of the Government.

THE WITNESS: And I was given the assurance that he was no longer in the employ of the Government.

HON. MR. RANEY: If Mr. Blackwell is in town—

THE WITNESS: He was on the train last night.

HON. MR. RANEY: We will try to get him in the Committee.

MR. JOHNSTON (Simcoe): Do you know of any reason why these charges were not pressed against Mr. Stagg, these charges that you refer to?

A.—No. All I got was a letter stating that a warrant had been issued and if the man was available he would be apprehended.

Q.—But they never got him?

A.—They have never got him.

MR. MCCREA: That is Stagg?

A.—Stagg.

JOSHUA JACQUES, SWORN.

Examined by MR. LENNOX:

Q.—Mr. Jacques, what do you do?

A.—I run a hotel in Hamilton.

Q.—And I believe that a Provincial Officer by the name of Smythe was instrumental in securing a conviction against you?

A.—Yes sir.

Q.—How long ago?

A.—On the 11th day of April.

Q.—This last April?

A.—Yes.

Q.—I suppose you don't know whether he was the same Smythe as at Sutton or not?

A.—No; I didn't know anything about him.

Q.—Now, what did he do to you on that occasion?

A.—Well, what he done to me, he give me a beating.

Q.—He gave you a beating?

A.—Yes, blackened my eye, backed me up against the door, he hurt my ribs, I was in bed three or four days afterwards. I had to have two doctors; I had one doctor, I didn't believe him; he said the rib was broke. I didn't believe him. I got another one. "Well," he said, "If it ain't broke it is fractured."

THE CHAIRMAN: Who gave you the beating?

A.—Smythe. I will tell you how he came to give me the beating. I was standing in front of the bar talking to the gentleman; I had had this gentleman doing some contract work with me, and I was out and I come back; I went up and showed this gentleman the roof, and I walked down. I come in the side door, and I hadn't got in there a minute and a half. I just went around and I saw Inspector Dickson. I said, "Come on," an invitation to the inspector to inspect the place. I walked down to give them assistance, and Smythe—this is the man with the inspector—he wouldn't come in—I didn't have the words out of my mouth when he grabbed me with his right hand and hit me with his left, and then he grabbed hold of me again and shoved me against the door, and he hit in the stomach. I says, "For God's sake,

what are you going to do? Kill me?" and he passed a remark, and I said, "All right." He grabbed me again with his left hand, and the next thing I seen was the gun come out of his pocket over his head. I said, "For Christ's sake, don't kill me!" and he smashed me against the door. I don't know whether he hit me on the head with the gun or not, but I know I went down on the floor. He twisted me and threwed me down on the floor again, and cut that scar on my hand again.

MR. LENNOX: That is, with the handcuffs?

A.—That is, with the handcuffs. After he done that I said, "Is that any way to use a man?" and my head was cut and my eye swelled up. Took me to the police station and throwed me behind the bars. Before he done that, I says, "Look here," and he took his handkerchief out of his pocket and wipes the blood off. He took the handcuffs off—he knowed the dirtiness of what he had done—and then he let me walk out. I said, "I am innocent of that liquor being there then."

Q.—Well, I don't care whether you had liquor or had not; you were convicted, anyway?

A.—Well, then, after that, when I was in jail, the three of them come back again to the house, and my two little girls was the only ones in the house; my wife was out, gone down to the station, I guess, and this man, I don't know whether it is Jones or Green—

Q.—Smythe?

A.—No, it wasn't Smythe; the one that drove the car, he come back to the house and he got hold of—

Q.—You mean the one that drove the car that contained the officers, the inspector?

A.—Yes.

HON. MR. RANEY: Were you there?

A.—No; I was in behind the bars.

Q.—Then you had better not tell us about it, if you were not there?

A.—Well, I went back and seen the house all broke up.

MR. LENNOX: Tell us what you found out; before coming to that, after he had beaten you up in this way, did he take you immediately to the cells?

A.—Why, yes.

Q.—Took you with your hands handcuffed?

A.—No; he took the handcuffs off me in the hotel.

Q.—He put the handcuffs on you in the hotel?

A.—Yes.

Q.—And then he took them off and took you to the police station—do you have a police station there?

A.—Yes.

Q.—Then how long did he keep you in the station?

A.—I was there all night.

Q.—I want to ask you this: for these injuries that you had as a result of the beating up that you got from Smythe, did you get any medical assistance?

A.—Yes sir; I got two doctors. I got one, and I didn't—

Q.—While you were in jail?

A.—No; couldn't get them there.

Q.—So that you were kept all night in jail?

A.—Yes.

Q.—After you had been beaten up in the way you describe?

A.—Yes.

Q.—When did they let you out?

A.—The next morning.

Q.—And when did you see the doctors?

A.—I seen the doctors right away.

Q.—Were there any marks on your face?

A.—Why, yes; I was black from there right down to here, black in the Police Court. He knows himself, if he will come up and tell the truth, he knows himself he beat me up, and I don't think he will deny it, either.

Q.—Well, I don't think it requires very much evidence other than seeing it, that you were beaten up. Had he made a charge against you at the time that he beat you up?

A.—No.

Q.—Had he made a search at that time?

A.—No; they hadn't made no search at that time.

MR. HALL: You told us in the beginning that you resisted, didn't you?

A.—No, I did no such thing; I would have resisted if I had had a chance.

HON. MR. RANEY: It doesn't make any difference what he said; let us get on.

MR. HALL: He said he resisted, because he wasn't the inspector.

MR. JOHNSTON (Simcoe): He said he would have if he could have.

MR. LENNOX: He did not say that; he said he hadn't time.

MR. JOHNSTON (Simcoe): They didn't give him a chance; he said he would have if he had had a chance.

THE WITNESS: The chances are I would have if I had had a chance.

MR. JOHNSTON (Simcoe): Did you know Smythe was an inspector at all?

A.—No; I didn't know him from a stranger in this room.

HON. MR. RANEY: How do you know him as Smythe?

A.—When he comes up in court and gives his name as Smythe, that is what I have to go on.

MR. JOHNSTON (Simcoe): But you would have resisted if you had had a chance?

A.—I would have stopped him if I could.

MR. HALCROW: Not knowing he was an inspector?

A.—Not knowing he was an inspector. I give Dickson the permission to come.

MR. JOHNSTON (Simcoe): Do you swear that he did not tell you that he came there for the purpose of examining your house?

A.—He never made himself known—

Q.—We will have the evidence read that you gave a few moments ago. Let us hear what you said a few moments ago. The witness says he didn't know these men; I want to know what he said in the first place. He says now he did not know the men.



—Reporter reads: "I come in the side door, and I hadn't got in the a minute and a half, I just went around and saw Inspector Dickson. I said, "Come on," an invitation to the inspector to inspect the place. I walked down to give them assistance, and Smythe—this is the man with the inspector—he wouldn't come in—I didn't have the words out of my mouth when he grabbed me—"

MR. JOHNSTON (Simcoe): You say now you didn't know him?

A.—I didn't know him at that time.

Q.—You didn't know Dickson?

A.—I know Dickson, but not Smythe.

HON. MR. RANEY: Wasn't Dickson with Smythe?

A.—Dickson come in—now, wait a minute—I seen this fellow—

HON. MR. RANEY: We will let Mr. Lennox finish his examination.

MR. LENNOX: What were you going to say?

A.—Dickson come in, and I said, "Come on, all right," give him an invitation to search the place.

Q.—Was Dickson alone that time?

A.—Dickson was there, that is the only one, and I seen this fellow at the other end, and I was going around to give Dickson the invitation, and this fellow come in, and I would have stopped him if I got a chance, but I didn't get a chance till I got a smash in the face.

MR. HALCROW: Q.—You have how many entrances in your hotel?

A.—Three—four.

Q.—Three entrances that these men could have come in at, different entrances?

A.—Yes.

Q.—Mr. Dickson could have come in at one entrance?

A.—Yes.

Q.—And you would have met him?

A.—Yes.

Q.—And you knew him as a local man?

A.—I knew him as an inspector.

Q.—As the local man?

A.—Yes.

Q.—Mr. Smythe could have come in at another entrance?

A.—Yes.

Q.—And you would not have seen him coming in at all?

A.—No.

Q.—You didn't know Mr. Smythe at all?

A.—Didn't know him.

Q.—Knew nothing at all about him?

A.—No.

MR. MCCREA: Didn't Dickson tell you that Smythe was with him?

A.—No, he didn't.

MR. HALL: Well, why did you object?

A.—Do you think I would let a stranger come in like that?

Q.—You knew he was with Dickson?

A.—I didn't know whether he was with Dickson or not. Dickson was

the only man I recognized in there, till I see this fellow, and he was down at the other end away from me.

MR. JOHNSTON (Simcoe): How far was this other end away from you?

A.—From here to you.

MR. JOHNSTON (Simcoe): That is not very far—twelve feet.

MR. MCCREA: Dickson never at any time told you that Smythe was there to inspect?

A.—No, I never seen him.

MR. LENNOX: Thought he was a stranger?

A.—I didn't know who he was.

Q.—I just want to ask you one further question. What was the condition of your hotel when you came back?

A.—It was all smashed up. The door was smashed. The jam was busted, took an inch and a half of the jam right off the door, and the casing was busted off, and I had a Yale lock on it, and it was busted—they got the thing that holds the lock down at the Police Court or someplace.

MR. JOHNSTON (Simcoe): Who did that?

A.—Well, my daughter says—

Q.—Who do you say did it? You are on oath now; you are making statements here. Now, who do you say did it?

A.—I believe my daughter—Jones did it.

Q.—Let us have what you know, not what somebody else said?

A.—Could I swear, when I wasn't there?

MR. JOHNSTON (Simcoe): Then that should be eliminated from the evidence.

EXAMINED BY HON. MR. RANEY:

Q.—Mr. Jacques, I heard of this case first when you were called on the witness stand, and I have sent for the file, and I find there was a report of the matter by Mr. Smythe to Mr. Airey, the District Inspector, on the 17th of April. Now, tell me first—you say you are the proprietor of the Beaver House?—

A.—Yes Sir.

Q.—In Hamilton?

A.—Yes Sir.

Q.—How long have you been proprietor of the house?

A.—It will be six years last March.

Q.—And do you sell intoxicating liquors there?

A.—Not as I know of.

Q.—Well, you would know.

A.—Not at that time, I wasn't.

Q.—Did you have intoxicating liquors there?

A.—Not any liquor, no.

Q.—Are you in the habit of selling intoxicating liquors?

A.—No sir, I am not.

Q.—Have you ever done so?

A.—I had beer, yes sir.

Q.—Strong beer?

A.—Yes sir; I got fined for it; I went up like a man and pleaded guilty.

If I had known that liquor was there I would have gone up and pleaded guilty.

Q.—You pleaded guilty; when was that?

A.—It was two years ago, I think.

Q.—And have you sold any liquor in your place since?

A.—No.

Q.—Have you had any liquor in your place since?

A.—No, I have not, not to my knowledge.

Q.—No to your knowledge?

A.—No sir.

Q.—This is what Mr. Smythe in his report to Mr. Airey says—by the way, did you lay a charge against Smythe in the Police Court for assault?

A.—Yes sir, I did.

Q.—What happened to that?

A.—Well, I didn't want any more notoriety, and I dropped it.

Q.—That is very unfortunate, because the magistrate would have tried the case, and if Smythe had been guilty of assault he would have punished him.

A.—Well, I don't know whether he would or not.

MR. LENNOX: You were looking for a renewal of your license, were you?

A.—Yes. I told him I didn't want to come on a charge of that kind.

HON. MR. RANEY: Your being here won't affect your getting a license, Mr. Jacques.

A.—That is the reason I dropped the charge.

Q.—The Department, I want to tell you now, does not justify or defend officers who commit unprovoked assaults, or assaults at all, if they can be avoided. This is Mr. Smythe's account of what took place:

“We visited the Beaver House Hotel on Tuesday 11th inst. searched it and found a quantity of intoxicating liquor in a jug near the sink behind the bar.” Was that true?

A.—No Sir.

Q.—What?

A.—I wasn't behind the bar that day.

Q.—You were right there?

A.—I was in front of it.

Q.—“We found a quantity of intoxicating liquor in a jug near the sink behind the bar.” Was that true?

A.—I never seen the jug.

Q.—Do you deny that?

A.—I certainly will, yes, sir; I know that wasn't there, certainly.

Q.—It wasn't there?

A.—I never seen it at all.

Q.—Have you got a bartender?

A.—Yes.

Q.—Was he there?

A.—He was there; that is my boy.

Q.—What is his name?

A.—Georgie.

Q.—Your son George?

A.—Yes.

Q.—How old was he?

A.—He was fifteen years old.

Q.—“Also a bottle containing about a quarter of a glass of spirits.”  
That is with the jug?

A.—Now then, that bottle was perfectly empty.

Q.—What kind of bottle was it? Was it a whiskey bottle?

A.—Yes sir, it was in court, anyhow, that is the first time I seen it.

Q.—You were prosecuted, I suppose, in this case, were you?

A.—Yes Sir.

Q.—And what happened in the case?

A.—I got six months.

Q.—Oh, you got six months?

A.—Yes Sir.

Q.—And are you serving the term now?

A.—I appealed the case.

Q.—You were fined as for a second offence?

A.—Yes sir.

Q.—And you are out of jail now on bail until your appeal is decided?

A.—Yes Sir.

Q.—Mr. Smythe's statement proceeds:

“The bar tender”—that would be your son—“made an attempt to empty the contents out of jug into the sink.”

A.—My son was not there sir.

Q.—Were you in the bar room?

A.—I was at the front of the bar and my son was not there at all; my nephew walked in the door, and he got no jug at all.

Q.—Just answer my questions, now; you say your son was not in the bar room?

A.—Not then, no.

Q.—Was he there while the officers were there?

A.—After the officers came in he came out of the lavatory.

Q.—And did he make an attempt to empty a jug into the sink?

A.—No sir, he did not.

Q.—Mr. Dickson, the License Inspector, came?

A.—Yes Sir.

Q.—Mr. Dickson is a man who has been inspector for some time?

A.—As far as I know, yes.

Q.—A good man, isn't he?

A.—Yes.

Q.—A very highly respectable man; and he was accompanied by Mr. Smythe?

A.—Accompanied by this Smythe and Jones.

Q.—Smythe and Jones, two officers?

A.—I don't know whether it was Jones or Green or what it was.

Q.—The whole three of them were there?

A.—Well, when I come up I seen them, yes.

Q.—I will endeavour to have them all here tomorrow to get their story.

This report proceeds:

"Made an attempt to empty the contents out of jug into the sink, but he was frustrated in his attempt by Inspector Dickson—"

MR. LENNOX: Don't try to frighten him.

THE WITNESS: I don't care.

HON. MR. RANEY: You say that is untrue?

A.—I say certainly it is untrue.

Q.—"Who caught hold of the jug before he (the bartender, Robert Robinson) had time to empty it all out." Did you see that? Did you see a struggle between Dickson and the bartender for the jug?

A.—No sir, not between Dickson.

Q.—Whom was it between?

A.—Mr. Smythe.

Q.—Mr. Smythe and the bar tender?

A.—Smythe and the boy, yes.

Q.—And your own son?

A.—No, no; my nephew.

Q.—Then he is a bartender too?

A.—No, he was no bartender; he came in there and he says, "Don't hit my uncle!" and he left me then and jumped at him.

Q.—Then your nephew did try to empty the jug into the sink?

A.—I won't say.

Q.—Will you say it was not so?

A.—I don't think so.

Q.—At any rate, you saw a struggle between him and Dickson?

A.—No Sir.

Q.—Well, Smythe says there was a struggle. Mr. Smythe says both Jacques—that is you—and the bartender put up a struggle; is that true?

A.—No sir; never put up no struggle at all; I didn't have a chance.

Q.—"And tried to destroy the liquor that was left in the jug."

A.—No Sir.

Q.—That is not true at all?

A.—No Sir.

Q.—"And both of them gave us quite a lot of trouble before we effected their arrest."

A.—Never give them any trouble at all.

Q.—Neither you nor the bartender made any resistance at all?

A.—No sir; didn't have a chance.

Q.—What you want the Committee to believe is that these men came in there and slugged you without any provocation?

A.—No, I want this here—that Dickson come in and I was going to show him the way to search the place, and I wasn't going to let everybody jump in and search. I didn't know who this man was. If he hadn't hit me I would have certainly stopped him.

Q.—Of course you would.

A.—But I couldn't, and there was a gentleman in there.

Q.—Just try to let the Committee think you are being fair to yourself, now; you knew that these men Smythe and Jones were with Dickson, and you knew Inspector Dickson?

A.—As true as you are standing there and I am sitting here, I didn't know.

Q.—And you didn't suspect that?

A.—No, I didn't, no, no, I didn't.

Q.—But if you had known—

A.—If I had known I would not have cared; I would have let them go.

MR. McCREA: You would have let them inspect the place?

A.—I would have let them do anything they wanted.

MR. HALL: What time of day was this? Day or night?

A.—Afternoon.

Q.—Your bar was open?

A.—Oh, yes.

Q.—Why would you object to anybody being in the bar other than the policemen, then?

A.—I didn't object to anybody being in the bar, but I didn't want nobody up walking behind the bar.

MR. JOHNSTON (Simeoe): But how do you balance yourself? You said a few moments ago that had you known you would have resisted?

A.—I never said no such a thing, now; I said if I had known I would have let them go—didn't I say that?

HON. MR. RANEY: What is your nephew's name?

A.—Robinson.

MR. TOLMIE: The reason you would resist them is because you looked upon them as strangers?

A.—Yes.

Q.—If you had known they were assisting Mr. Dickson—

A.—I wouldn't have said anything. The gentleman I was talking to there, he was coming down to tell him, he was coming to tell him not to hit me, and as soon as he seen the gun he beat it. He thought it was Spracklin; he told me he thought it was him.

MR. JOHNSTON (Simeoe): You say that you did not press the assault charge against Smythe?

A.—No, I didn't. I wanted it dropped, and I wanted this dropped, didn't want this to come up at all.

Q.—And you give as a reason that you wanted to get a renewal of your standard hotel license?

A.—Yes.

Q.—Now, don't you think that your chances of getting a standard hotel license would have been a great deal better if you could discredit and prosecute him in court?

A.—I don't think I am too late yet, if you want me to do it.

Q.—Don't you think you made a wrong supposition there?

HON. MR. RANEY: You actually did lay an information?

A.—Yes.

Q.—You charged Smythe with an intent to do grievous bōdily harm to one Joshua Samuel Jacques?

A.—Yes.

Q.—And then you withdrew that?

A.—Yes.

Q.—I have a report here, too, from Jones, and one from Dickson—

MR. TOLMIE: Why did you withdraw it?

A.—Well, I didn't want no notoriety, and I was afraid if I prosecuted him—

HON. MR. RANEY: What good is the license to you?

A.—What good is the license?

Q.—Yes?

A.—I got twenty-seven rooms there.

Q.—That would not keep you from keeping roomers, would it, not having a license?

A.—It would stop me from selling the other stuff, though—cigars.

Q.—Here is Mr. Jones' statement; Mr. Jones was one of the party:

"I wish to state that there was absolutely no assault committed by Constable Smythe on the Prop. Joshua Jacques as claimed, this man Jacques put up a struggle when Constable Smythe and Inspector Dickson placed him under arrest, and gave them quite a lot of trouble before they finally effected his arrest."

You say that is false, do you?

A.—I say it certainly is false.

Q.—"I was with him"—that is, Smythe—"When he searched the rooms upstairs and he conducted the search in a very respectable and courteous manner, and never said an important word to anybody, evidently this charge against him is an absolute frame up, and trumped up charge, I would say I am prepared to take my oath before court with regards to this Constable's conduct during the raid, and as I have stated before there was absolutely no reason on the behalf of the complainant, to complain of the usage extended to him by the officer." That is dated the 20th of April of this year, addressed by Mr. Jones to the Commissioner of the Ontario Provincial Police. Then here is a report from M. Dickson—

MR. MCCREA: Is that last report signed by Mr. Jones?

HON. MR. RANEY: Signed by Jones, yes.

MR. MCCREA: You read something about the searching of the rooms. Does he state whether that was after beating up the man or before?

HON. MR. RANEY: He does not say.

"I was with him when he searched the rooms upstairs and he conducted the search in a very respectable and courteous manner."

MR. MCCREA: Was there any search upstairs before you were arrested?

A.—No.

HON. MR. RANEY: I am going to read Mr. Dickson's report, or part of it. Mr. Dickson says: "I entered first, followed by the others named." Didn't they come in right behind Mr. Dickson?

A.—Well, I don't know now whether they come in right behind him or whether they come in ahead of him.

Q.—"I entered first, followed by the others named, there was perhaps ten persons in the bar of the hotel in two groups. In the far group there was a man said in a loud voice "Inspector Dickson" go to it; before I had time to announce myself, I made a run to get behind the bar, Smythe following."

Is that true?

A.—No sir.

Q.—What?

A.—No sir; he didn't run behind the bar.

Q.—“Smythe just came to the end of the bar, I found a bottle and a jug containing liquor, sitting near the sink behind the bar.”

Is that true?

A.—No Sir; I know nothing about the jug. I seen a bottle in Smythe's hand, never seen it in Dickson's hand at all.

Q.—Perhaps Smythe brought it there, did he?

A.—I won't say he did; I won't accuse the man.

Q.—You didn't know it was there?

A.—No sir.

Q.—You had never seen it before?

A.—No sir.

Q.—What about the jug? The jug had liquor in it. “I found a bottle and a jug containing liquor.” What about the jug?

A.—The jug might be there, but I am innocent of knowing that liquor was there.

Q.—You knew the jug was there, but you are innocent of knowing that liquor was there?

A.—I didn't know the jug was there.

Q.—I thought you said you did?

A.—I didn't know it was there, no.

Q.—“As I put my hand on the jug a man by the name of Robert Robinson”—that is the bartender, is it?

A.—No

Q.—That is your nephew?

A.—Yes.

Q.—“Seized the jug from behind. After a struggle I “secured the jug and part of the contents, reaching it up to Smythe over the bar.”

Is that true?

A.—No.

Q.—He says he handed the jug over to Smythe; you were there; you know?

A.—I don't know.

Q.—“Just then the proprietor Jacques made a rush at Smythe and tried to take the bottle and jug away from him.” Was that true?

A.—I had my hand—

Q.—Listen, now?

A.—No that ain't true.

Q.—Robinson left Dickson, Dickson says, and made a rush at Smythe to help you in the struggle you were having with Smythe.

A.—No.

Q.—That is not true either?

A.—I had the handcuffs on then.

Q.—Oh, no, not then?

A.—Yes sir.

MR. LENNOX: He swears to it.

HON. MR. RANEY: “The bartender having left me and rushed at Smythe to assist Jacques to take the jug and bottle from Smythe, as I came



from behind the bar to assist Jones and Smythe with the two named, Smythe and Jones had kept Jacques and Robinson off, they didn't manage to secure either the jug or the bottle, Jones had succeeded in handcuffing the bartender Robinson." Was Robinson handcuffed too?

A.—Why, certainly he was handcuffed.

Q.—And you were handcuffed?

A.—I was handcuffed, before they went behind the bar.

Q.—And you were both handcuffed because you were resisting the officers?

A.—I was handcuffed before they went behind the bar, sir.

Q.—"I took a hand and assisted Smythe to handcuff Jacques." It took two of them, apparently?

A.—No sir.

Q.—Is that true?

A.—Smythe was the one that handcuffed me; didn't have to have no assistance.

Q.—"Jacques put up a struggle and we only used what was necessary and reasonable means to effect his arrest. We succeeded in getting Jacques up against the wall so that he could not move, he tried to resist the handcuffs as much as he possibly could." Did you?

A.—No sir.

Q.—"It was imperative that we should handcuff him, for we could not keep him quiet any other way. He did his best to destroy the whiskey that was left in the jug." Is that true?

A.—No sir.

Q.—"In order to do away with the evidence of having liquor in his bar, but did not succeed in his attempt. Smythe did not strike him or abuse him in any way, as he claims. I know nothing about the injuries that he claims that he received in the struggle, I don't know how he came by his injuries, for he accompanied me to the cellar to make a further search of the place after the struggle."

A.—Who?

Q.—This is Mr. Dickson, the License Inspector:

"Smythe did not strike him or abuse him in any way, as he claims. I know nothing about the injuries that he claims that he received in the struggle. I don't know how he came by his injuries," speaking of Jacques?

A.—That is Dickson.

Q.—"For he accompanied me to the cellar to make a further search of the place after the struggle."

Was that true?

A.—I certainly did walk down in the cellar with Dickson, with the handcuffs on my arms.

MR. HALL: Mr. Dickson is a pretty decent fellow, isn't he?

A.—Oh yes.

HON. MR. RANEY: He is one of the best in the Province.

THE WITNESS: Dickson acted all right.

HON. MR. RANEY: And you have always looked on him as a first-class, honest fellow?

A.—Yes Sir.

Q.—And yet you tell us to-day that all that he has said in that report is untrue?

A.—I say certainly it is, those things in there.

Q.—Everything, all in three letters.

MR. JOHNSTON (Simcoe): The question of a jug has been brought up here. Did you see a jug at this time?

A.—No. I did not, right at that time.

Q.—When did you see the jug?

A.—I seen it afterwards.

Q.—After you were handcuffed?

A.—Yes, after I was handcuffed.

Q.—This may not be a proper question, so you can answer or otherwise. You have given us a reason for withdrawing your charge against Smythe, that you wished to obtain a renewal of your standard hotel license?

A.—Yes, I did.

Q.—Now then, do you propose to tell this Committee on oath that you preferred a standard hotel License or that you would prefer rather to be beaten up as you have described, without provocation?

A.—Yes.

Q.—You will take that in order to get your standard hotel license; and do you expect this Committee to believe this story?

A.—I didn't want to have nothing more of it—

Q.—I am asking you, will you take a beating up without provocation in preference to losing your standard hotel license? Tell the Committee?

A.—I was willing to take that one, yes. I would take an oath on it. And I walked down the road, and I told Mr. Rollo I didn't want to take it up, and I didn't want to come up before this Committee.

THE CHAIRMAN: Just before we leave that, what explanation have you of that jug of liquor being there?

A.—I have got none; I don't know anything about it.

MR. CLARKE: Would you recognize the jug as yours when you saw it?

A.—Why, certainly.

Q.—It wasn't one that they might have brought in?

A.—I wouldn't say they brought the jug in.

Q.—You recognized it as yours?

A.—Yes.

MR. JOHNSTON (Simcoe): Just another question; you know that you are responsible, as the proprietor of that hotel, for the jug being there?

A.—Certainly.

MR. HALCROW: What was the jug? A water jug?

A.—It was for ice water; there was three or four of them, for ice water.

MR. JOHNSTON (Simcoe): What do you do with the ice water?

A.—Well, when you come to a hotel, did you ever ask for any ice water?

HON. MR. RANEY: Was it a stone jug or a pitcher?

A.—A handle on it.

Q.—A stone jug?

A.—Stone jug?

Q.—You know the difference between a jug and a pitcher, don't you? Was it like this? (indicating water jug on table),—a white one?

A.—Yes.

MR. CLARKE: How large was that one?

A.—About the same size as this.

MR. HALL: Have you more than one jug in the hotel?

A.—Yes sir, five or six.

Q.—And you say the jugs are for ice water?

A.—Yes.

MR. LENNOX: You say that you were convicted once before?

A.—Yes.

Q.—About two years before; did you get your standard license after that conviction?

A.—Yes sir.

Q.—How many were there in the bar at the time these men came in?

A.—There was three men in the bar.

MR. LENNOX: That is all, thank you.

MR. HALCROW: Mr. Jacques, who drew this gun?

A.—Mr. Smythe. After he had me against the door and had beat me up.

Q.—He pulled it afterwards?

A.—Yes. George Nott was there, and when he seen it he beat it.

MR. LENNOX: Did you have the handcuffs on then?

A.—Just the handcuffs, when they had me—

MR. MCCREA: Can you give any reason for him pulling the gun?

A.—I think the man was excited, he was afraid.

MR. JOHNSTON (Simcoe): Whom was he afraid of?

MR. HALL: Dickson says you resisted, put up a struggle?

A.—If I had been at him or resisted, he would have had a mark to carry himself, I am going to tell you that, and I say to-day that if you lock him up in a room with me, although he is a young man, I will guarantee he will get a mark, too.

MR. MCCREA: Because Dickson did not tell you—

A.—No, Dickson didn't tell me who he was. "I am Inspector Dickson," all right. I turned around, and this fellow, I tried to stop him, but—

MR. HALL: Perhaps he knew your record and what you could do, and that is why he pulled the gun?

A.—He might have; I wouldn't say he didn't.

MR. JOHNSTON (Simcoe): I would just like to ask another question. He would be taking some chance on you, wouldn't he, Mr. Jacques? He would be taking some chance on you, to go up open-handed, wouldn't he?

A.—Taking some chance?

Q.—Yes?

A.—Well, I don't know.

Q.—Remember what you told us a few moments ago; would he not be taking some chance on a man like you?

A.—Not if I had known he was an officer; I would have let him go through the whole place, and wouldn't have said a word to him. I didn't know at the time he was an officer.

HON. MR. RANEY: Mr. Chairman, Mr. Blackwell is here.

THE WITNESS: Will I bring another witness down to-morrow to show you.

HON. MR. RANEY: Ask Mr. Lennox how many more witnesses he wants you to bring.

MR. LENNOX: I do not know that it is necessary.

W. S. BLACKWELL, Sworn, examined by Hon. Mr. Raney.

Q.—You are the District Inspector I believe of the Ontario Provincial Police for what district?

A.—Over eight districts, the whole of the north country, that is Temiskaming, Nipissing, Sudbury—but I am License Inspector of Sudbury and Temiskaming—

Q.—At any rate you are District Inspector, and you have under you a number of officers in the north country?

A.—Yes.

Q.—How many have you?

A.—I cannot tell you exactly the number.

Q.—Both officers enforcing the Ontario Temperance Act and Provincial policemen?

A.—Yes.

Q.—You are in charge of the whole law enforcement in that large district?

A.—Yes.

Q.—You go up to Cochrane?

A.—Yes.

Q.—You go beyond Cochrane?

A.—Yes.

Q.—How long have you been with the Department?

A.—17 years, since 1905.

Q.—And I am told the people up there do not want us to take you away?

A.—I do not know about that, sir.

MR. MCCREA: He is a good officer.

HON. MR. RANEY: Something has been said here, something was said in the House about a man named Stagg?

A.—Yes Sir.

Q.—Who I believe was a returned soldier?

A.—Yes. A Distinguished Service man.

Q.—Just give me your official connection with Stagg, whatever it was?

A.—I hired him to do some special work in Cochrane.

Q.—You hired him on your own responsibility?

A.—Absolutely, sir, and he worked for me I think in all 36 days, from the 26th April to the 1st or 2nd June, 1921.

MR. HALCROW: You have that responsibility from the Government to hire a person if you wish?

A.—Yes, as License Inspector of the Temiskaming District.

Q.—Consequently the government would be responsible for any person you engaged?

A.—No, I have to do that; I am responsible for the men I hire, absolutely.

Q.—They accept the men that you recommend to be engaged?

A.—No sir, I am directly responsible to my superior for the men I engage.

HON. MR. RANEY: You are directly responsible to the Department here in Toronto?

A.—Yes.

Q.—Usually, if you require special officers they send up from Toronto?

A.—Sometimes, but for the last three or four years I have been hiring some of my own.

Q.—It is a long way?

A.—Yes.

Q.—They have given you some discretion in the way of bringing on men for special work?

A.—Chairman Flavelle gave me that.

Q.—You have always had it since that?

A.—Yes.

Q.—Did you employ Stagg?

A.—Yes, I did.

Q.—Did you make inquiries before you hired him?

A.—I have known him for some time before I hired him, and District Inspector Moore knew him.

Q.—What did you know about him?

A.—I knew nothing against him whatsoever; he is a good straightforward honorable man.

Q.—Speaking of the time you hired him did you know anything against him?

A.—Absolutely nothing.

Q.—How long did you know him?

A.—I must have known him for a year before that.

Q.—Living right there?

A.—He was around South Porcupine.

Q.—He was something of an athlete?

A.—Yes.

Q.—A boxer and so on?

A.—Yes.

Q.—You had a report on him from somebody else?

A.—District Inspector Moore knew him.

Q.—Is he here?

A.—Yes.

Q.—What report did he make on him?

A.—Very favourable.

Q.—You employed him to assist you generally, or was it in some special work?

A.—Special work trying to clean up the blind piggers in Cochrane.

Q.—He was with you for thirty-six days?

A.—Yes.

Q.—Did he do useful work for you?

A.—Very useful.

Q.—Did he appear in Court as a witness?

A.—Yes.

Q.—How many times?

A.—Just those cases we cleaned up in Cochrane.

Q.—In that cleaning up business?

A.—Yes.

Q.—Did those parties plead guilty?

A.—Some did and some fought the cases.

Q.—He was called as a witness in some cases?

A.—Yes.

Q.—And some of the cases he was in the parties pleaded guilty?

A.—Yes.

Q.—Was there any charge against him made whilst he was with you?

A.—I understand there was a charge laid before Major Gridley for an indecent assault on a young lady.

Q.—Did you inquire into that?

A.—I did; I never could make anything out of it; there was nothing, neither a summons nor a warrant issued.

Q.—You would know about that?

A.—Yes; I was never requested to see he was arrested.

Q.—Did you form any opinion as to the genuineness of this charge?

A.—I did; my opinion was there was no foundation for it.

Q.—You still think Stagg is a decent fellow?

A.—I think so; I have no reason to think otherwise.

Q.—Why did you let him go?

A.—Because we were through with him, there was no more use employing him in that district; they knew him.

Q.—Did he stay there some time after that?

A.—He has been back there more than once since.

Q.—Is there any warrant for him now?

A.—No sir, not to my knowledge.

Q.—In your hand?

A.—No.

Q.—This is the way it was put by Mr. Lennox in a speech he made in the House: "Will you deny that one of the most miserable creations of life was in your employment in Cochrane and criminally assaulted two young girls"—would you speak of this man Stagg as one of the most miserable creations of life?

A.—I think Hon. Mr. Lennox has been misinformed on that point; that is my opinion.

Q.—Have you ever heard of a frame-up against officers trying to do their duty by the bootleggers?

A.—I certainly have. I have just come down from one recently. There was one in Kirkland Lake, a charge laid, and we went up there, the Crown Attorney and Mr. Atkinson—

Q.—Is that the case about which we have been reading something in the papers?

A.—Yes, and the blind piggers pleaded guilty, and the charge was withdrawn against Chief Johnston's men.

Q.—That was a case very similar to this, a frame-up against, what was the officer's name?

A.—Boulion.

Q.—He was accused of having kept a house of ill repute?

A.—And sold liquor too.

Q.—That the Magistrate found was an absolute frame-up?

A.—They did not go ahead with it, they withdrew; the Magistrate was right there and he was there to try the case, and they said we are withdrawing it.

Q.—That is the case in which the bootleggers made the charges and then wanted the police officers to lay the informations?

A.—Yes; and we refused to do it until we had time to investigate.

Q.—And that was I take it for the purpose of——

A.—Discrediting——

Q.—Discrediting your witnesses and getting rid of these charges?

A.—Yes; they were Chief Johnston's men, Chief Johnston's witnesses.

Q.—That is the case in which the blind piggers pleaded guilty to all the charges?

A.—Yes: I think some of these gentlemen that made those statements are in the bush and not to be found.

Q.—Not the lawyers I suppose?

A.—No, he has not gone yet; he was glad to withdraw them.

Q.—Your opinion is having investigated the matter, that this charge against Stagg for having committed something improper was a frame-up?

A.—I am of that opinion.

Q.—You still have confidence in Stagg?

A.—Absolutely.

Q.—I am glad to hear you say so, because I was afraid from the particularity of the charge that Stagg had been guilty of something?

A.—I do not think so.

Q.—Have you ever known in your experience of 17 years of officers being employed by the Department who were criminals and thugs in the enforcement of the Temperance laws?

A.—Absolutely no, not to my knowledge.

Q.—What are your instructions?

A.—My instructions in the last two years have made it almost impossible to employ men because there is so much red tape.

Q.—They have to show too clean a record, is that what you mean?

A.—Yes; I have quit employing the men, I am afraid of getting in trouble.

MR. JOHNSTON (Simcoe): How long since you got these rigid instructions?

A.—Roughly speaking about two years.

Q.—Before that it was not quite so rigid?

A.—Not so rigid.

HON. MR. RANEY: Perhaps the Committee may be interested to know what the conditions of law enforcement are to-day in your district; you say you cover the whole north country really?

A.—I can speak shortly with regard to the Temiskaming district; I think with regard to the District of Temiskaming it is in very good shape, as clean as it can be.

Q.—Has it ever been better?

A.—I doubt it. They are making a lot of liquor there, but the Provincial Police are busy all the time, getting them right along.

Q.—And the Dominion Police too?

A.—Yes, the Dominion Police are assisting.

MR. FERGUSON: There is not as much activity in the mines as there formerly was?

A.—Not in that district.

Q.—Not the same opportunity to do business?

A.—Not in Cobalt, but there is around Timmins.

Q.—There are a lot of bootleggers and private stills around Timmins?

A.—Sure there are.

MR. McCREA: Did you say that you made inquiries about Mr. Staggs after these charges were laid as to whether there was any truth in them or not?

A.—I did.

Q.—Where did you make the inquiries?

A.—Around Cochrane.

Q.—Did you go and see Magistrate Dempsey?

A.—Yes sir.

Q.—Was there a charge laid against him?

A.—No sir; I understand the information should have been laid before Magistrate Dempsey, because he was at that time the Police Magistrate for the district, but apparently the charge was laid before Major Gridley, for what reason I don't know.

Q.—Major Gridley said he would not take the charge, and directed those who wished to to lay the charge before Magistrate Dempsey, so that if there was none taken before Major Gridley you are sure there was none at all before Magistrate Dempsey?

A.—I don't think so.

Q.—Did you ask Magistrate Dempsey?

A.—I am perfectly sure there was not.

Q.—Did you ask Magistrate Dempsey?

A.—Yes sir; I discussed it with Magistrate Dempsey.

Q.—And he said there was no charge laid?

A.—No.

Q.—And he did not issue any warrant?

A.—No.

Q.—How long did you say he continued in the employ of the government?

A.—This thing is all sprung on me; I am giving you to the best of my memory; I think it was 36 days, from the 26th April to the 1st June 1921.

Q.—You do not approve of a returned soldier with a button on going to another returned soldier with a button on and asking him to have a drink or to give him a drink?

A.—I don't know exactly what you mean—in his private house if he wants to—

Q.—Outside on the street, would you approve of one soldier in the employ of the government in this work going to another soldier and with the spirit that exists between the soldiers—?

A.—Oh no, all instructions are not to coax a man to break the law,



but simply go after the men that are in the business and go in and clean up in an honorable way.

Q.—Major Gridley said this morning that this man Stagg, who was wearing a button, did go to him and asked him if he knew where he could get a drink, and asked him after he came out of church one night if he knew where he could get a crock—you would not approve that?

A.—Unless Major Gridley was in the habit of going to these places and knew where they were, perhaps Stagg thought that, and that he was a man who might give him information about them; of course I don't know about that.

Q.—Have you seen Stagg since then?

A.—Yes.

Q.—Where is he now?

A.—I am not sure. His home is in Toronto.

Q.—Did you ask Stagg about this matter?

A.—He absolutely denied it.

Q.—Did you make any inquiry about a boxing bout that was put on?

A.—Yes; that is the way he got in with the boys.

Q.—He used that as part of his game to round the bootleggers up?

A.—Yes. That is why the boys were sore because he put it over them.

That is the whole thing in a nutshell, because he got next to the blind piggers and was a good fellow, and got information as to where they were selling liquor.

Q.—Did you know he was representing himself as a returned soldier and a Y.M.C.A., boxer?

A.—He might have done.

Q.—That would have been all right as part of his game?

A.—A man has to have some camouflage; he cannot go out and say he is a detective.

HON. MR. RANEY: He was a boxer?

A.—A good boxer.

Q.—And he may have been a Y.M.C.A., man for anything you know? (No answer).

MR. CLARKE: Any reason why a man couldn't be a good Y.M.C.A., man and a good boxer?

A.—None whatever.

MR. FERGUSON: You are known all over the north country?

A.—Yes.

Q.—You did not have much trouble in enforcing the law?

A.—None whatever; everybody treats me very well.

Q.—You do not have to employ any objectionable methods at all?

A.—To my knowledge I never have; I do not care to do it, and my instructions are against it.

Q.—Who employed Mr. Stagg?

A.—I employed him.

Q.—This is a letter from the Executive Secretary of the Y.M.C.A.,

Mr. J. W. Hopkins:

"Toronto, June 8th, 1921.

"H. C. GRIDLEY, Esq.,  
Justice of the Peace,  
Box 41, Cochrane, Ontario.

"Dear Sir:

With further reference to your communications by wire and letter regarding J. Stagg, I have to advise you that we have been unable to obtain any information about this man as he does not appear to be in any way connected with the Y.M.C.A. in any of the Toronto branches. I regret the fact of his having used the name of the Y.M.C.A. in any connection and I appreciate the interest which you have taken in this matter with a view to having the Association put right in the community as we should not be held responsible for the conduct of any man who seeks to take advantage of and make capital out of the Y.M.C.A.

"I am returning as you requested the handbill sent us.

Yours sincerely,

(Sgd.) J. W. HOPKINS,

*Executive Secretary.*"

A.—I could not tell you whether he was a Y.M.C.A. member or not.

MR. HALCROW: I was just called out and requested by Mr. Smith, Ex-Provincial Officer, to see if he could be called to give evidence this morning. I would ask Col. Lennox if he has any objection to his being called at the present time.

MR. BLACKWELL: As I said Mr. Moore is here.

MR. JOHNSTON (Simcoe): Mr. Blackwell, you have already said you were License Inspector for some seventeen years?

A.—Yes.

Q.—It has also been said by a very reputable member of the Committee that you are a good officer?

MR. MCCREA: He is a good officer.

MR. JOHNSTON (Simcoe): From your observation, you saw the class of men here, the class of operators used to-day in the enforcement of the law, how do the class of men compare that you are employing to-day with the class of men you employed fifteen years prior to two years ago?

A.—I had not the authority to employ them fifteen years ago.

Q.—Tell the Committee how your instructions compare to-day as to the employment of men?

A.—I had not the power to employ men in those days.

Q.—Prior to 1919?

A.—Since 1918 I have had the power to employ these men, and my instructions are getting stricter and stricter all the time, in fact the last six

months I have not employed a man at all because there is so much red tape about it that I am scared to do it.

Q.—As a good officer that every man and woman has every confidence in, you feel that you are personally responsible for any one you employ to do work for you?

A.—Absolutely. I am responsible to my superior officers.

HONOURABLE MR. RANEY: Inspector Moore is here, and it will take only a few minutes to examine him.

Inspector Walter T. Moore, sworn; Examined by Hon. Mr. Raney.

Q.—You are District Inspector, are you?

A.—I am now, stationed at Cobalt.

Q.—You have a number of districts under your charge too?

A.—Yes.

Q.—And a number of officers?

A.—Yes.

Q.—How long have you been with the Department?

A.—Over four years in the north country.

Q.—The specific thing I called you for was with regard to Stagg, who has been referred to?

A.—Yes sir.

Q.—Mr. Blackwell says that you knew him and that he spoke to you about him?

A.—I did.

Q.—What did you know about Stagg?

A.—I think I recommended Stagg to Mr. Blackwell in the first place; he has been a first-class man. I knew him previous to this engagement for about a year, first at Dome Mines, and a returned soldier, and I knew him personally.

Q.—What estimate would you make of his character?

A.—I thought he would be a good officer for the work.

Q.—Have you had any reason to change your mind?

A.—None whatever.

Q.—You heard about some of these things that have been said?

A.—Yes. I attended Inspector Blackwell on this raid.

Q.—This particular time?

A.—Yes.

Q.—Where Stagg was employed?

A.—Yes.

Q.—How did Stagg perform his duties?

A.—Fine, well satisfied.

Q.—This language was used in the House by one of the Members with regard to Mr. Stagg; addressing the Attorney-General the Member inquired: "Will you deny that one of the most miserable creations of life"—would that describe Stagg?

A.—No sir.

Q.—A returned man?

A.—No sir.

Q.—With, I understand a very fine military record?

A.—I understand so.

Q.—“Will you deny that one of the most miserable creations of life was in your employ at Cochrane and criminally assaulted two young girls?”

A.—I do not believe it.

MR. FERGUSON: Was he charged with that by anybody?

A.—He was, I understand.

HON. MR. RANEY: You have heard I suppose, as Mr. Blackwell says he has, of frame-ups by bootleggers?

A.—Certainly. I investigated that matter up there for Mr. Atkinson.

Q.—That is the recent case?

A.—At Swastika.

Q.—The newspapers have had reports about it?

A.—Yes.

Q.—In which two lawyers came forward with these defendants and accused the man who was laying the information with having been the keeper of a disorderly house?

A.—Yes, and selling liquor.

Q.—And they wanted him arrested?

A.—Yes.

Q.—And the officers looked into the matter and refused to have him arrested?

A.—Inspector Blackwell and myself investigated the thing, and we found out there was nothing to it whatever, and refused to lay the information.

Q.—And these men against whom charges were laid for breach of the Ontario Temperance Act came in at Swastika—

A.—Yes, and pleaded guilty.

Q.—All of them?

A.—Yes.

MR. FERGUSON: That is the Kirkland Lake district?

A.—Yes.

HON. MR. RANEY: What was the charge against Boulio (or Boulion)?

A.—There was a charge of selling liquor against him and also a charge of keeping a bawdy house. They were both withdrawn; Mr. Mitchel informed the Magistrate that the charge would be withdrawn.

Q.—Did you yourself investigate those charges?

A.—Yes.

Q.—What conclusion did you come to?

A.—I came to the conclusion the week previous that there was nothing to them, that they were a frame-up.

Q.—What would you say about the charge against this young man Stagg?

A.—I did not investigate that myself, just what I heard discussed, but my opinion—

MR. FERGUSON: His opinion is not evidence.

A.—Stagg is a man that would not do such a thing, I am sure.

HON. MR. RANEY: Mr. Blackwell says he has been about that country since?

A.—Yes, and I have seen him several times since.

MR. CURRY: Is there any warrant or information for him, to your knowledge?

A.—Not to my knowledge.

Q.—Did you inquire about it?

A.—Not personally.

HON. MR. RANEY: Blackwell covered that?

A.—I was only Provincial Constable at the time.

MR. MCCREA: Is Stagg working now as an officer for the Government?

A.—Not to my knowledge; I do not think so.

HON. MR. RANEY: One general question; have you in your experience ever known any thug or criminal to be employed by this Department in enforcing the Ontario Temperance Act?

A.—No.

Q.—Or any other law?

A.—No; very careful in picking the men in our districts.

MR. FERGUSON: They employ their own up there?

A.—Not always.

MR. MCCREA: Q.—You say the conditions around Cobalt and as far as the northern country is concerned are good?

A.—I believe at the present time they are. There are always some outbreaks here and there.

—Mr. Halcrow said that Ex-Provincial Officer Smith wanted to know if he could be called to give evidence.

HON. MR. RANEY: I am not calling him; unless Mr. Lennox wishes to call him.

COL. LENNOX: If he wants to be examined all right, I will call him.

Samuel Smith, sworn.

COL. LENNOX: You were some time a Provincial Officer?

A.—I was.

Q.—How long?

A.—Fourteen months.

MR. FERGUSON: Where?

A.—The City of Toronto.

Q.—Is that your home?

A.—Yes.

Q.—Is that where you are living now?

A.—Yes.

Q.—When did you stop working in the Department?

A.—February 2nd, this year.

Q.—Why?

A.—Because I thought the Department was too crooked for me.

Q.—What do you mean by that?

A.—Too crooked for me.

Q.—What do you mean by that?

A.—On November 29th, 1920—

HON. MR. RANEY: I understand he was with the Department for a while?

A.—As Provincial Officer.

MR. LENNOX: I will bring that out clearly; you were a Provincial Officer?

A.—I was.

Q.—With whom?

A.—With Mr. Hammond.

Q.—You quit in February of this year?

A.—Yes.

MR. CURRY: You were there about one year?

A.—I was with the Flying Squad.

MR. LENNOX: Were you brought up to the Buildings here lately to give your story?

A.—Yes, I was told and 'phoned that I was to be here on Tuesday morning at nine-thirty.

Q.—Last Tuesday morning?

A.—Yes.

Q.—Who did you see?

A.—I saw nobody.

Q.—Who took your evidence?

A.—This gentleman here (referring to Mr. Lovering).

MR. FERGUSON: What is he talking about—what are you talking about?

A.—Referring to Hamilton when Mr. Jeffrey was supposed to be drunk and abusing a woman.

MR. LENNOX: Was it taken down in shorthand?

A.—I believe it was.

Q.—I do not understand this; you were brought up by Mr. Lovering last Tuesday and asked to tell about this—

A.—Hamilton affair.

Q.—And you told Mr. Lovering what you knew about it?

A.—I did.

Q.—Was what you told to him taken down by anybody?

A.—It was taken down by some young lady in his office.

Q.—Was it read over to you?

A.—It was not.

Q.—You did not sign anything?

A.—I did not.

Q.—What was your story?

A.—My story was——

MR. CURRY: You have been subpoenaed to this Committee before that?

A.—Yes.

Q.—You have been here in attendance regularly—

MR. LENNOX: Have you been subpoenaed?

A.—No, I was called on the 'phone.

MR. CURRY: You have been here for more than last Tuesday?

A.—No sir.

Q.—You have been about this hall?

A.—Tuesday was my first appearance.

Q.—Of this week?

A.—Yes.

Q.—Perhaps you are right?

A.—Yes.

Q.—You were here last week?

A.—No.

Q.—I thought you were?

A.—No.

MR. FERGUSON: What were you asked when you got up here, what happened?

A.—I was asked—

HON. MR. RANEY: I have his statement, and we will shorten matters up a whole lot.

MR. FERGUSON: I want to see how it came?

A.—The conditions of Mr. Jeffrey whether he was sober or drunk, and the abuse that he used on this woman.

HON. MR. RANEY: Shorten it a whole lot, because we have your statement here, and if it is not right you correct me:

“Statement of Samuel Smith, Ex-Provincial Officer, made May 22, 1922,”—the Committee will recall the charge made against Jeffrey of being drunk and misusing a woman; you were one of the officers who went with Jeffrey?

A.—Yes.

Q.—(Reading statement): “The day we went to Hamilton, I believe it was on the 30th or 31st August. We attended to the Court in Toronto and after lunch we proceeded to Hamilton and the marked money was given to operator Wiles and he entered the house”—is that Mrs. Frier’s house?

A.—Yes.

Q.—(Continues reading) “I allowed him a limited time to purchase and then I raided the place. To the best of my recollection, I was first officer in. I told the woman to sit down in the chair where the operators were sitting around the table. I believe the money was produced on the table and it corresponded with my book and Mr. Jeffrey’s book which I previously gave to the operator”—you got the money you had marked?

A.—I did.

Q.—“Then this woman Mrs. Frier was placed under arrest by me. She asked permission to go to the street and fetch her little children before we took her to the station. Permission was given her. I went with her, the front door being opened and as soon as she got on to the sidewalk she ran clean up the sidewalk and screamed something in foreign tongue after which there was an awful crowd gathered and I saw with my own eyes several knives flashing. I at once seized her by the right arm, left hand on the wrist and right hand on the triceps. I ran her back down the sidewalk and put her into the car pretty quick. Mr. Jeffrey also jumped into the car and there was a crowd then of about one hundred people gathered in that short space of time. I told the driver then to drive straight on and never mind the crowd. I was afraid they might board the car. She was violent on the way to the station. When we got to the station she was taken out of the car and there charged by Mr. Jeffrey. The woman was not dragged out of the car nor she was not roughly treated. She got out of the car of her own accord and by the assistance of Mr. Jeffrey and myself. Jeffrey had one arm and I had the other. The woman was not searched by Jeffrey, myself, or any of the other Provincial Officers. It is contrary to our instructions and our custom to search women prisoners. Mr. Jeffrey was not drunk nor under the influence of liquor during any of these proceedings nor had he had any liquor to drink

unless perhaps he may have tasted some in the house of Mrs. Friar. I do not believe he did taste it. The next morning when the woman was brought before the Police Magistrate, the Police Magistrate and the Court Officers were indignant and the Police Magistrate asked why we should get a warrant from an outside Magistrate for use in Hamilton. Mr. Jeffrey told him that if we had got the warrant here (Hamilton) we would never have made an arrest.

“Money used at Mrs. Frier’s house was part of following:

\$1.00	Letter	N.	871934-C	(Dom. of Canada)
\$1.00	“	M.	969550-C-Dd	“ “ “
\$1.00	“	R.	481058-C-Co	“ “ “
\$2.00	“	L.	101570-A	“ “ “
\$2.00	“	L.	948813-D	“ “ “
\$2.00	“	L.	385365-B	“ “ “
\$5.00			167175-C	(Standard Bank)
\$5.00			139871-C	“ “

Those are all from your memorandum?

A.—Yes.

Q.—“I was with the City ‘Flying Squad’”—I presume you mean Scott and Ward?

Q.—“—for a few days and then I engaged with Mr. Hammond from the 10th Nov. 1921, to the 2nd Feb. 1922, when I resigned of my own free will. I was in the army about nineteen years altogether. I enlisted in 1914 in the C.E.F. and served until 1919, was honourably discharged with rank of Sergeant and was acting as Drill Instructor”—that statement is all true?

A.—Yes.

Q.—We will put that in?

A.—Yes.

—Statement of Samuel Smith of 200 Sherbourne Street, ex-Provincial Officer, May 22nd, 1922, filed as an Exhibit.

MR. LENNOX: After you made the statement, tell me what took place?

A.—After I gave my evidence there he asked me why I resigned.

Q.—Who asked?

A.—Mr. Lovering. I told him, I says, “I don’t wish to say.” He says, “I have a right to know.” I said, “I would rather not tell you.” So he said, “I have a right to know,” Then I said, “If you will insist on knowing I will tell you.” I said, “The Department is too crooked for me.”

MR. FERGUSON: He did not take that down?

A.—No.

MR. LENNOX: Where was that said?

A.—In his office.

Q.—The same time?

A.—Yes.

Q.—Immediately afterwards?

A.—Yes.

MR. HALCROW: Were there any witnesses?

A.—The young woman what took it down.

Q.—Tell me what took place?



A.—He said “You had better come out in the hall way.”

Q.—Who said?

A.—Mr. Lovering; I went out there, and he asked me, “Have you seen Col. Lennox?” I said, “No, I have not.” He says, “Are you going to tell him that?” I said, “Certainly am.” He said, “You don’t have to.” I says, “No, I know I don’t have to.” I says, “I am called here by the Department and they will get the truth whether I offend or please.”

Q.—Go along.

HON. MR. RANEY: Go on.

A.—That is all for that.

Q.—Tell us all that took place between you and Mr. Lovering?

A.—That was all.

MR. CLARKE: You did not give your reasons; you did not go on and explain what the crookedness was, did you?

A.—Yes, I did.

Q.—That is important?

A.—I told him on the 29th November, 1920—

MR. LENNOX: Who is that?

A.—Mr. Lovering; I had occasion to go to a place on McCaul Street to raid

Q.—Was this the same day?

A.—Yes.

Q.—The occasion that you went to make the raid was on the 29th November?

A.—Yes.

MR. CURRY: When was it you told this?

A.—Last Tuesday; and I went to Mr. Ayearst and asked him for the assistance of two officers, which was granted me, Courrian and Cross. He said, “They are two good men.” I took them on the raid that night, and the both officers were drunk. I separated those two officers, put one with Mr. Charlton and Courian with myself. Courian went down McCaul Street and returned with one of Mr. Ayearst’s confederates, Abe Applebaum, the notorious bootlegger from Detroit.

HON. MR. RANEY: You speak of Mr. Abe Applebaum being a confederate of Mr. Ayearst’s?

A.—Yes.

MR. AYEARST: He is a liar.

A.—Don’t you tell me I am a liar.

HON. MR. RANEY: Remember you are on oath?

A.—That is what I am here for.

MR. CURRY: I do think that nobody has a right to make statements of that kind at all, that anybody is a liar; he is under oath, and if he is swearing to what is untrue he is liable.

MR. LENNOX: Never mind Mr. Ayearst; don’t bring him in unnecessarily?

A.—If I am to give evidence on the part of the Government or against the Government I want to give it without interruption.

MR. CURRY: Give it without having regard to whom it is in favor of or against. You did speak to me in the hall with respect to your testimony?

A.—Yes.

Q.—Let me see what I said to you about what you should do?

A.—To tell the truth.

Q.—No matter who it hurt?

A.—You know that by my evidence I have given on two hundred cases.

Q.—I told you to tell the truth no matter who it hurt?

A.—Yes. When Mr. Applebaum got out of this car he went opposite 252 McCaul Street, the place of Miss Lillian Spring, and within a few seconds there were seven or eight of the neighbors come to the door. I ran from the front of the house to the rear and informed Mr. Charlton that we had been double crossed, and to strike right away. I ran back and took my position in the front and through the front door. Courian pushed this young woman Lillian Spring down on the sofa and used abusive language, and the operators got sore at that behavior and they wanted to fight with the officers.

MR. FERGUSON: Q.—Who did?

A.—The operators.

Q.—Their names?

A.—Wiles and Sparn (?).

Q.—They wanted to fight with whom?

A.—Courian. I said, "Boys, don't start to spoil my career; I am just a beginner." Everything went right, the money was found and a prosecution was registered against them of \$1,500.

HON. MR. RANEY: A fine was imposed?

A.—Yes. I reported to Mr. Ayearst the following morning on the request of the operators of the behavior of the officers. He said, "All right, Mr. Smith, I will see into it." There was no more said to my knowledge.

HON. MR. RANEY: Do you mean you made a verbal report to Mr. Ayearst?

A.—Yes.

Q.—What was the report, to what effect?

A.—Of the officers being drunk and the behavior of the officers.

HON. MR. RANEY: Who were the officers who were drunk?

A.—Courian and Cross, and I said to Mr. Ayearst, I said, "If that girl takes action against the Department I will certainly give evidence on her behalf."

Q.—Did the parties plead guilty, or did Courian and Charlton give evidence?

A.—We gave evidence.

MR. CURRY: Courian and Cross are the two men who were drunk.

MR. RANEY: Did they give evidence?

A.—I don't believe they did.

MR. HALCROW: Do you touch liquor at all?

A.—Yes.

Q.—Ever to excess at all?

A.—No.

Q.—Ever been drunk?

A.—Yes, I have been drunk.

MR. LENNOX: A man could not be a sailor and not be drunk?

A.—There was no more said.

MR. FERGUSON: Were you ever drunk when you were acting for the Government?

A.—No; I knew what would be the consequence.

MR. CURRY: What would that be?

A.—My dismissal.

MR. McCREA: Whom do you say was in this car when it came up?

A.—Courian and Abe Applebaum.

MR. LENNOX: Go on with the rest, what else?

A.—That was all on that occasion. Whether Mr. Ayearst took any action or not I do not know.

MR. CURRY: What else was there?

MR. McCREA: Why do you say that Mr. Abe Applebaum, I understand you to say was a confederate of Mr. Ayearst's?

A.—I still say it.

Q.—Why do you say that?

A.—Because he is always in his office, Abe Applebaum, hours upon a time, and I have drawn Mr. Hammond's attention to it, and also in Mr. Montgomery's office.

Q.—Is that the only reason for saying he is a confederate?

A.—I certainly say.

MR. CLARKE: You have no knowledge outside of the fact of his being in the office?

A.—No.

THE CHAIRMAN: You say the Department is crooked; to substantiate that you say that Courian and Cross were drunk, and they abused this girl, that is the reason why you believe the Department was crooked—

MR. FERGUSON: No; he says he reported to Ayearst and he says Ayearst did not do anything so far as he knows.

MR. McCREA: He stayed on after that with that knowledge.

A.—Then I believe it was in March—no, February, that Mr. Ayearst wanted Mr. Hammond to hire Nathan Slavin's car, I believe it was on a Wednesday if I am not mistaken; Mr Hammond asked the charges and he said, "two dollars per hour." I said to Mr. Hammond, "If you employ that man to drive us I will quit right now, because he is a bootlegger." The car was not hired, not to my knowledge. A month after that we had our own car and we used that. On the 16th June, 1921, I had occasion to send an operator to 123 University Ave.

Q.—Name?

A.—Belland.

MR. CURRY: What is the right name? Had you a man named Belland?

MR. AYEARST: Walter Belland worked with Mr. Hammond and with Mr. Sarvis both. He is in the city and can be got any time.

A.—I sent them to 123 University Ave. to purchase liquor, which he done, I arrested this woman and charged her under the B.O.T.A. Before the case came into Court the following morning she asked for a remand. Before she gave any evidence in the Court she was in Mr Ayearst's office conversing the case there and Mr. Ayearst said to Belland,—or excuse me, said to Mrs. Harris, the woman I arrested, "I will fire the damn scoundrel!"—

Q.—Mr. Ayearst said this to whom?

A.—To Mrs. Harris.

MR. CLARKE: Did Ayearst say, “damn scoundrel?”

A.—Yes.

Q.—I would not have thought it.

MR. CURRY: Were you there in Mr. Ayearst’s office?

A.—I was outside.

MR. McCREA: Did you hear this said?

A.—I did. I went away to my own office.

THE CHAIRMAN: Whom did he mean by scoundrel?

A.—Belland. I went away to my own office, and Belland left Mr. Ayearst and come to me and reported to me that Mr. Ayearst was interfering with his case. I went to Mr. Ayearst in the presence of Mrs. Harris and Belland and said to Mr. Ayearst, “This is no place to converse with any of my cases. The Magistrate of Toronto, that is the place to deal with them.” He said, “That is enough from you,” and I got out and took my position in my own office.

HON. MR. RANEY: What happened to the case?

A.—The case was a little manœuvring she got her sister to assume the responsibility and she got fined \$1,500 and costs and I believe thirty days.

MR. RANEY: That was pretty serious, was it not?

MR. CURRY: And the other was a second offense against the other one?

A.—Yes.

Q.—The sister came in and took it?

A.—Mrs. Harris is Mrs. Gold’s sister.

Q.—And she went to jail, did she?

A.—No, the money was paid right there.

MR. FERGUSON: The sister took it as a first offence to avoid——?

A.—The husband could not take it because he had been——

MR. McCREA: You mean the name of the person charged was changed to another name?

A.—We did not change it. Mrs. Gold, her sister, assumed the responsibility; she said she sold the liquor. She pleaded guilty.

MR. McCREA: Nothing was done to Mrs. Harris?

A.—No.

MR. CLARKE: That was not done by the Department?

A.—No.

MR. CURRY: Whom was that done by?

A.—By the Magistrate, by the woman coming up and pleading guilty that she sold it.

Q.—At whose instance; do you know who prosecuted?

MR. FERGUSON: It was a lawyer there?

A.—The Crown Attorney.

MR. CURRY: It could not be done without the consent of the Crown Attorney. Get the facts that way.

HON. MR. RANEY: Go on.

A.—That is all.

MR. CURRY: Who is Mrs. Harris?

A.—Mrs. Harris is a sister of Mrs. Gold.

Q.—Where does Mrs. Gold live?

A.—123 University Ave.

Q.—Has she been up before this?

A.—No. Her husband had; we had her husband.

Q.—Is Mrs. Harris the woman that is about the Court so often?

A.—Yes.

Q.—Continuously there pretty near?

A.—Yes, and causes trouble for the Toronto police.

MR. FERGUSON: They were dividing up the honors amongst the family.

MR. RANEY: Are there any more cases?

A.—I understand that when a man is drunk with the Department he would be dismissed. I ask you, sir, why was not Courrian dismissed?

HON. MR. RANEY: You ask me that question?

A.—When Mr. Aycarst knows that he was arrested in 1919; 2nd March, and was took over the Don and bailed out by another Provincial Officer?

HON. MR. RANEY: Mr. Aycarst has already spoken on that case before the Committee. There was one instance in which he says that Courrian did come to the office in an intoxicated state, and that he was reprimanded and suspended.

A.—No sir, that is when he was——

Q.—This was another occasion was it?

A.—Yes.

Q.—I will answer you by saying I do not know anything about it, if it is true.

MR. AYEARST: That was before your time.

HON. MR. RANEY: Mr. Aycarst says it was before my time; so I suppose I would not be responsible.

A.—I am not accusing you at all.

MR. CURRY: Mr. Budway just rose there and asked why you were not discharged for being drunk?

A.—I was never drunk.

MR. CURRY: Let us get them all that caused you to say that the Department was crooked; we have certain information.

THE CHAIRMAN: You have a long list; give us them all.

A.—I would like to know why a Provincial Officer should go to a boot-legger's and dictate letters to them, to frame other officers.

HON. MR. RANEY: Give us the facts.

MR. CURRY: Do you know of any instance?

A.—Yes.

THE CHAIRMAN: Give us the facts.

A.—Courrian had set in Nathan Slavin's house and dictated letters to them.

Q.—Who is "them"?

A.—Two young women there who used to write it down and take it across the road on Queen and get it typewritten and sent to the Department.

Q.—Were you there?

A.—No, but that is the information.

MR. CURRY: Who can give us the information?

A.—The letters on file.

Q.—Who is the young woman?

A.—Miss Bailey is one.

Q.—Who else?

A.—I don't know the other woman's name at all.

Q.—Do you know her first name?

A.—No.

Q.—Who gave you this information?

A.—People around the City Hall.

MR. HALL: I don't think this is evidence at all. Let us have a square deal in this matter.

HON. MR. RANEY: The witness has told us about three instances he knows about personally; do you know about anything else personally?

A.—Yes, I know I have been pointed out to 46 Richmond Street to bootleggers by Courrian, and also in the City Hall, in the corridor.

Q.—He has pointed out that you were an officer?

A.—Yes, and also on the Dufferin Race Track and the Woodbine.

THE CHAIRMAN: What is wrong in pointing you out as an officer?

A.—Why do they point out any officers?

THE CHAIRMAN: That is what you infer?

A.—Yes.

MR. JOHNSTON (Simcoe): How do you know that you have been pointed out?

A.—Because I have drawn other officers' attention to it and say "Look at him pointing here now."

Q.—How do you know he was pointing you out as an officer; he might have been saying "There is Mr. Smith"?

HON. MR. RANEY: Go on and give us something else.

A.—On the 11th May or about the 11th May 1921 I was instructed to get a warrant for 182 Bathurst Street.

Q.—Whose place is that?

A.—I found out after it was Stanley Nash's place, one of the chief witnesses in the conspiracy case.

Q.—Is that the Nash who got the money to go away?

A.—It was.

Q.—Who instructed you?

A.—Mr. Hammond by Mr. Aycarst's orders.

MR. JOHNSTON: Why do you say Mr. Aycarst's orders, do you know that to be a fact?

A.—Mr. Hammond received the instructions.

Q.—Did you see the instructions?

A.—No, all verbal.

MR. FERGUSON: Go ahead and tell us the story?

A.—I took the warrant for 182 Bathurst Street and I went there with a man who was sent with me to do the job.

Q.—Who was that?

A.—Max Cohen, a cousin I believe of Nathan Slavins. I took along the money and paid him and drove him in the car to Bathurst and Richmond Street where I asked Max Cohen what were his proceedings. He said "I will get out of the car here and walk up on that side of the street and wait

for a signal." I said to him "You will do nothing of the kind;" I says "You report to me that you can get liquor there any time, and now you have got to wait for a signal."

He said "Yes, I have, Mr. Smith." I said "If you want to go in there you will take this man with you." He said "Like Hell I will." He says "Mr. Ayearst told me I must do it alone." I says "Never mind Mr. Ayearst; Mr. Ayearst is not running this job; I am running this one, and I have to give evidence in the Court." He says "I wont do it all."

HON. MR. RANEY: Who was this?

A.—Max Cohen.

Q.—Where is Cohen?

A.—I don't know where.

MR. JOHNSTON (Simcoe): I object to evidence of this kind. This man is parading Mr. Ayearst, and it is not evidence. He is getting a lot of notoriety in the press.

MAJOR TOLMIE: As I understand this man says that he said the Department was too crooked for him to remain. The question was asked "Why is it you say that." and he is answering it by giving these facts.

MR. CERRY: What Mr. Johnston said is quite correct. What he says is that Max Cohen told him that Ayearst said he must do it alone. That portion is not evidence. There is no use trying to keep down to the strict rules of evidence; we can sift it.

THE CHAIRMAN: Go ahead.

A.—The following morning a little after nine—no, he went to Claremont Station and got two of the civil police.

MR. FERGUSON: That same day you were out in the car?

A.—The same night—to do the job. I believe the civil police did go, and the case fell through in the Courts.

MR. McCREA: Did you follow up the night you were out?

A.—No.

MR. LENNOX: Is this the place that was referred to where the bottle was taken in?

A.—Yes.

Q.—To get a conviction?

A.—That is the place.

MR. HALL: Do you know there were bottles taken in?

A.—I do not know.

MR. FERGUSON: What next?

A.—The following morning Mr. Ayearst detected me in the hallway and said "Smith, why didn't you do that job as you were ordered to?" I said, "Mr. Ayearst, I will do it when it is square, not before." He says, "Damn you, you will do what you are told."

HON. MR. RANEY: He damned you again?

A.—He did.

Q.—Did Mr. Lovering tell you in the hallway—there was another gentleman in his room at the time?

A.—Yes.

Q.—Did he tell you in the hallway he would take any statement you had to make and report it to me, the Attorney-General?

A.—Yes, I believe he did.

HON. MR. RANEY: I think Mr. Ayearst is very much interested in this case, and I think he ought to have a chance to go on right away.

MR. LENNOX: I think so.

J. A. AYEARST, Recalled.

HON. MR. RANEY: This witness Mr. Smith refers to Abe Applebaum having been a confederate of yours?

A.—Yes; there is not one particle of truth in anybody being a confederate of mine, Abe Applebaum or anybody else.

Q.—Do you know Abe?

A.—I do; I know him very well. Mr. Lennox knows I know him. He came to my office repeatedly trying to get back some liquor in Windsor, and Mr. Lennox was his counsel at the time. He came there half a dozen or a dozen times, but he was no confederate of mine. I told him if he could get it by law he could get it, not otherwise. I knew Mr. Lennox was acting for him, and I told him I knew no one who could act more efficiently for him.

THE CHAIRMAN: Is the statement true that he hangs around your office?

A.—No.

MR. LENNOX: He was hanging around at that time?

A.—He came in I don't know how many times in the office.

MR. BRACKIN: He was being prosecuted at Windsor, do you remember that?

A.—Yes.

Q.—And he was convicted there?

A.—Yes.

Q.—And fined?

A.—Yes.

Q.—That would be about the time?

A.—Yes.

Q.—And Mr. Lennox appeared for him?

A.—Yes.

Q.—I prosecuted him?

A.—Yes.

HON. MR. RANEY: Then he says on the 29th November 1920 Courrian and Cross were drunk, and he says he reported that to you?

A.—He never reported anything of the kind to me at any time.

MR. FERGUSON: Did you ever know Courrian or Cross to be drunk?

A.—I knew Courrian to be drunk, but never Cross.

Q.—Did you know Courrian to be drunk more than once?

A.—I knew him to be charged with being drunk, but the case was not carried through the Court, and I don't know whether he was drunk or not.

HON. MR. RANEY: How long ago was that?

A.—Under the old government, I don't know just when it was, but I did not see him. The only time I knew him to be drunk was the time he came to the office.

Q.—Mr. Smith says you wanted Hammond to hire Slavin's car?

A.—That is absolutely true. Nathan Slavin came to the office and said "I am in the livery business now, we have two cars," and I think he said



"I would like if you people would use my cars sometimes." I said "You can speak to Mr. Hammond and Mr. Sarvis, they are the men who want a car, I do not use them at all." I think he did speak to Mr. Hammond, but I did not ask Mr. Hammond to take his car. If I said anything to Mr. Hammond it would be "Mr. Slavin wants to have his car used because he is in the business; he will give it to you at the ordinary rate," and I left them to use it. I would not hesitate to use his car if I wanted to use a car.

HON. MR. RANEY: This incident of the 16th June 1922, 123 University Ave., Walter Belland?

A.—I can tell you about that in a very few words: Walter Belland went to No. 123 and got the whiskey. He brought in a report he bought it from Mrs. Harris, who is a sister of Mrs. Gold, and two other women in that building. Mrs. Harris had been convicted, and I knew her by sight, that was all. She came to the office at that time and said to me "I did not sell that whiskey to this little fellow." I said "he says you did." "Well" she says, "he is wrong." I said "I know one thing about Walter Belland, if Walter Belland says you sold it he is absolutely satisfied in his own mind you did, because he is a truthful boy." She says "Would you keep a man that would frame up on any one?" I says "No, we would put him out of here as quick as we could if we knew them to frame up at all," but there was no swearing about that.

Q.—He says you said "I will fire the damn scoundrel?"

A.—That is absolutely untrue. If a man would go there and put up anything like that on anybody I would fire him the next minute, but I said "Walter Belland will not tell a lie; he is a truthful boy." She says, "Will you let me see him?" I said "I have no objections." It is the most common thing in the world for these people to come to my office before their case goes on, but I always leave them to the Court. I said "Yes, I will let you see him," and I went down to the room where the man sat, and I asked Walter Belland to come into my office, and I said to John Charlton to come along to see what took place. So John Charlton came in with him, and he came in. She said to him as soon as he came in "Now, I am not the woman that sold you that liquor, am I," or something to that effect. He said "You are the woman that sold it, you are the woman that sold it and no one else." I said "What did I tell you? That boy will tell the truth; you cannot get him to tell an untruth." John Charlton and Walter went back to their room and she went away. She said "I did not sell it, it was my sister." I said "That is up to the Court." That is all that took place, and the woman went away, and I never saw any more, and knew nothing about any more, and I believe the sister came down and—

Q.—Swore she was the woman that sold the liquor?

A.—Yes.

MR. FERGUSON: Swore it, or pleaded guilty?

A.—I do not know what took place. But anyway there was a conviction registered against Mrs. Gold-

HON. MR. RANEY: You had nothing to do with it at all?

A.—Nothing in the world.

Q.—That was in the hands of the Court?

A.—Yes.

Q.—Then Stanley Nash, 182 Bathurst Street, instructed by Hammond, and he said you had instructed Hammond?

A.—That is Max Cohen. Max Cohen was working I think for Mr. Hammond, I am not positive whether it was Hammond or Sarvis at that time. He told us he knew about a number of places where they were selling liquor. I inquired about his record, whether he had been convicted and everything of that kind; the fellow appeared to be absolutely straight as far as I could gather.

MR. FERGUSON: He gave you a good testimonial?

A.—Yes.

HON. MR. RANEY: I doubt if we need pursue that.

A.—I took him in to Mr. Hammond, and Mr. Hammond had him on for a while. I was satisfied the man was straight, and he came to me one day and said "I know where they are selling whiskey at, I suppose it is the place, and he said I can go there and buy." I said "Go on and get the officers, and go and attend to it." He said, "It is in the house where Stanley Nash stays, and Stanley Nash is working for Mr. Hammond, and if I go to Hammond they will find out, it will fail." I says "Go into Sarvis then." He went to Mr. Sarvis and Mr. Sarvis I understand was going to attend to it, but Mr. Sarvis was too busy. I did not say anything to him about being in Stanley Nash's place or Stanley Nash's mother-in-law's. However, Sarvis was busy and he went to Hammond and asked him to send two men. I know nothing more about it.

HON. MR. RANEY: Why was Mr. Smith let out?

A.—He resigned.

Q.—Anything else?

A.—I don't know why he resigned. Of course I could tell, but I would rather not say anything further than that he resigned. General Elliott consulted both Mr. Hammond and myself about him, and we said he had resigned, better let it go at that. I do not want to blacken anybody or to bring anything out here that might not prove to be true.

MR. HALL: Do you know anything why he should not have been re-employed or why he should have been disposed of?

A.—I would not like to say unless I investigated the stuff and found out whether it was true.

Q.—Why?

A.—Because things were reported about him that I do not want to go into.

Q.—You have already said enough to set the whole province wondering?

A.—I do not know what is the character of this man.

Q.—I think you should speak?

A.—General Elliott has it all on record; you could get it from him. I don't know anything about it, because it was not in my hands at all.

MR. FERGUSON: You heard stories?

A.—Yes.

MR. JOHNSTON (Simcoe): You have already been asked if Courrian and Cross had been reported to you as being drunk?

A.—Yes; they were not reported to me as being drunk.

Q.—Was the last witness Mr. Smith ever reported to you as being drunk on duty?

A.—No.

The Committee adjourned at 1.10 p.m. to 9.30 a.m. to-morrow, May 26th, 1922.

#### PUBLIC ACCOUNTS COMMITTEE.

The Committee resumed at 9.30 a.m. Friday, May 26, 1922.

MR. WARREN: Gentlemen, in view of the fact that the Chairman cannot be here to-day, I move that Mr. Curry take the Chair.

MR. JOHNSTON (Simcoe): I second the motion.

Motion carried. Mr. Curry took the Chair.

Minutes of the last meeting, on Thursday, May 25, 1922, taken as read.

HON. MR. RANEY: Mr. Ayearst asks that certain witnesses be called, to meet certain things that have been said about him. I think it is only fair. The names he gives me are Mr. Charlton, Mr. Rogers and Mr. Cross. Is Mr. Charlton here?

JOHN A. CHARLTON, Called.

HON. MR. RANEY: Mr. Charlton, you are already sworn. You go on, Mr. Ayearst, yourself.

Examined by MR. AYEARST:

Q.—Mr. Charlton, yesterday Mr. Smith said something as to an occurrence that took place in my office with Walter Belland; he was called in, you came with him, and Mrs. Harris was there. You remember that occasion?

A.—I do, sir.

Q.—How did you come to come to my room?

A.—You asked Belland and I to come there.

Q.—When you came to my room what did the woman say?

A.—As far as I can remember, wanted to make it appear that she was not the woman pointed out by Belland as the woman who sold liquor at 123 University Avenue.

Q.—Whom did she address herself to?

A.—Well, I would judge it was chiefly to you that she addressed herself, in the presence of us.

Q.—What did Mr. Belland tell her?

A.—He said she was the woman.

Q.—Did you hear any bad language used in that room while you were there?

A.—I did not.

Q.—Are you sure there was none used?

A.—I am quite positive there was none.

Q.—Did you hear any remarks about what would be done with fellows who would lie about persons who were charged?

A.—I did.

Q.—What was it?

A.—You remarked that if you found anybody lying or trying to frame up anything in the way of a case against a person unjustly that you would fire him quickly.

HON. MR. RANNEY: The next person whose name is mentioned is Mr. Rogers.

ALBERT H. ROGERS, SWORN.

Examined by MR. AYEARST:

Q.—Mr. Rogers, did you know where Stanley Nash was living during the time he was working for Mr. Hammond?

A.—Living in the same house.

Q.—Where was that?

A.—182 Bathurst.

Q.—I think it was a hotel, if I remember right, originally?

A.—Yes.

Q.—It was stated here, and I am subject to correction if I am wrong, by McCutcheon, H. H. McCutcheon, that you took six bottles of liquor there to assist one Max Cohen in framing up on Stanley Nash or on someone in the house?

A.—I remember the night that the officers came in the house, and I did not know Cohen or Courrian then.

Q.—Did you ever take any bottles there?

A.—No sir.

Q.—At any time?

A.—No sir.

Q.—Did you ever see anybody else take bottles there?

A.—No; I have seen bottles in the house, but never saw any taken there.

Q.—Then is there any truth whatever in the story that McCutcheon told, so far as you know, about this man Cohen framing up on those people?

A.—I know nothing about it.

Q.—But you know that no bottles of liquor were taken there by yourself at anytime?

A.—I know one thing, that Stella Bailey was roaming around the halls upstairs that night—that is the woman that lived with McCutcheon and she was put out of the house that night, and right after that there was a raid.

THE CHAIRMAN: Any questions by anybody else? Next witness.

HERBERT HENRY CROSS, SWORN.

Examined by MR. AYEARST:

Q.—Do you remember the occasion when you went to meet Mr. Smith and some other officers for some work on McCaul Street—I don't know the number?

A.—Yes; 252 McCaul.

Q.—You remember that, do you?

A.—I remember that quite well.

Q.—Where did you go from?

A.—We went from your house.

Q.—Who was with you?

A.—Alec Courrian.

Q.—What did I tell you?

A.—You told us that Smith and some other officers wanted us to go down to McCaul Street and make an arrest down there if they bought any liquor, and you said, “You just have twenty minutes to make it from here.”

Q.—Two of them were at my house; did you go?

A.—Yes, we went.

Q.—Did you meet these men?

A.—On the corner of College and Spadina we met them.

Q.—Did you meet these men?

A.—On the corner of College and Spadina.

Q.—And what was done? Just tell as shortly as you can?

A.—We met Mr. Charlton, Mr. Smith and two other men, two special officers. We walked along College Street to McCaul and down McCaul. Some went in the front, some went in the back. I said to Alec, I said, “You watch the front end of the house and I will go down the back lane and around the lane and watch the back of the house. We was there at the back about fifteen minutes before these two men come out of 250 with a lady and come through a hole in the fence and went in the back door of 252. If they was in there more than five minutes we was to come in.

Q.—The agreement was that if it took them longer than five minutes, if they remained in there more than five minutes, the officers were to go in?

A.—Yes. We went around the front, and I knocked at the door, and Mr. Johnston, I believe his name was, come to the door. I just told him we had a warrant, and we went in, and just as we went into the kitchen, the trap door out of the kitchen goes into the front room, as you might call it—into the back room, back of the house—

Q.—You mean what when you say “trap door?”

A.—Well, there is like a trap door from the kitchen.

Q.—Just like a hole without a window in it?

A.—Yes. And I seen people sitting in there, so I just walked around again and went into this here dining room. I went into the dining room, and as I come into the dining room a woman come running out and said she was going to do something—this, that and the other; I just forget the words she used; she swore a little bit. Courrian said, “Miss, you go and sit down till we finish searching the house.” Well, she went and sat down on a divanette under the window, and two men in the house, sitting at the table, one by the divanette and one the other side of the table—we made a search of the house and found no liquor.

Q.—What were these two men doing at the table?

A.—Well, they had some glasses in front of them.

Q.—Apparently drinking?

A.—Yes. We searched the divanette for the money, and whenever I found the money I handed it to Mr. Charlton. I asked him if any of this marked money was there, and if I remember right I think there was one dollar.

THE CHAIRMAN: When you say "marked money" you mean money of which the numbers had been taken? Identified money, instead of marked money.

MR. AYEARST: Money that you knew by the numbers on it?

A.—Yes.

Q.—Where was this found?

A.—It was found underneath the divanette, at the back of it.

Q.—Where was the woman sitting there?

A.—She was sitting on the divanette.

Q.—Sitting beside it; what was done then?

A.—Well, we made a search of the house, and we didn't find no liquor. I have just said we found the money. We found the money in the back of the divanette. Then after searching the house thoroughly we arrested the lady and took her down to No. 1.

HON. MR. RANEY: Was Courrian drunk that day?

A.—No sir, he was not.

Q.—This man Smith was he drunk.

A.—No sir.

Q.—Smith says he abused the woman.

A.—It is false.

Q.—And that somebody wanted to fight with him.

A.—It is a lie.

THE CHAIRMAN: Were you drunk?

A.—No sir, I was not drunk.

MR. McCREA: This money was not on the person of the lady at all?

A.—No sir; it was back of the divanette.

Q.—Do you know who put it back of the divanette?

A.—I couldn't say.

THE CHAIRMAN: Who bought the liquor?

A.—These two operators that was working——

Q.—Who were they?

A.—I don't know the names.

Q.—Did you know before you went in that they had bought?

A.—When we walked in the one motioned to the side of his pocket that he had a bottle, so I just took the bottle out and said, "Where is the person you bought the bottle from?" and he pointed——

Q.—So you found no liquor except that bottle——

A.—Except that bottle in the pocket of this man.

Q.—The glasses you spoke of, did you handle those?

A.—Yes sir, I looked at them.

Q.—Did you do anything more than look at them?

A.—I just smelled at them.

Q.—Was there any odor from them?

A.—There was an odor of liquor.

Q.—So that as far as the glasses are concerned, you took them in your hand, smelled of them, and there was an odor of liquor?

A.—Yes.

Q.—And the bottle was in the man's pocket?

A.—In his pocket.

Q.—Took it out, asked him where he had bought it?

A.—Yes.

Q.—Was that in the presence of this woman?

A.—Yes.

Q.—Could she hear?

A.—Yes.

Q.—What did she say?

A.—She denied the charge, and then she jumped up and started to shout and scream, and Courrian just put his hand on her arm and said, "Sit down until we are done with this search. You will be all right in a few minutes. Sit down till we make the search." We made the search, and took them down to No. 1.

Q.—When did you get the money?

A.—We got the money as soon as we started to make the search of the room, and the lady sat down on the divanette. When I come to search the divanette I asked her if she would stand up a few minutes while I made the search, and I just pulled it up and this money dropped out.

Q.—What was the money?

A.—If I remember right it was a two dollar bill and two ones.

Q.—And then you handed it to Charlton to see whether the numbers on it were the same as on the identification bills handed to you?

A.—Yes.

Q.—Or handed to the operator?

A.—I asked Charlton before I gave him the bills, I said, "I have got some bills here," I said, "read off your book what numbers you have got there. If there is any of this here money with the numbers to correspond with your book I will hand it over to you; if not, I will give it back to the lady," and he read out some numbers and there was a dollar bill with the numbers the same, and I handed the bills over.

Q.—There was just a one dollar bill?

A.—Just a one dollar bill.

Q.—Any of the other money, the other bills, have numbers to correspond with the numbers he had?

A.—None at all.

Q.—There was just the one dollar bill; what did the man state he had paid for the liquor, or did he make a statement? Did the man make a statement as to how much he paid for the liquor?

A.—I didn't ask him because I was just there to make the arrest.

Q.—Was there a conviction in that case?

A.—Yes sir, there was—\$1500.

J. A. AYEARST, Called.

Examined by HON. MR. RANEY:

Q.—Mr. Ayearst, there are just a few questions I want to ask you. You heard Mr. Smith's statement yesterday that these two men Cross and Courrian, when they made this raid that the last witness has spoken of, were drunk?

A.—Yes, I heard that.

Q.—How long was it——

A.—At that time I did not just recall the circumstances, but since they have come to my mind. When they left my house they were as sober as I am now.

Q.—Left your house to make the raid?

A.—And they only had twenty minutes to go to the place.

Q.—You say you saw them just before?

A.—They were at my house on another matter that we had to put off for a few days, and they were as sober as I am now.

Q.—I assume that you would not allow men under the influence of liquor——

A.—If they had been, I certainly would have reprimanded them.

Q.—You would not have allowed them to go at all if they had been drunk, would you?

A.—No, I would not have allowed them to go.

THE CHAIRMAN: So that it will appear properly on the notes, are you sober now?

A.—Yes. I have not drunk any liquor for many, many, many months, I don't know how many. I have not drunk any except tasting it a few times in my work, in thirty-five years.

THE CHAIRMAN: Somebody who did not know you might say that was only a comparative statement.

MR. McCREA: Q.—Did you see these men after they left the house?

A.—No, not for some—now, I can't say for sure.

Q.—All you say is that they were sober when they left, when you last saw them?

A.—Yes, and they only had twenty minutes. These people had called me and said they wanted two men, and I got these men to come to my house, and they had arranged to meet them. They just had twenty minutes to meet them. I just want to modify what I said about Mr. Smith's reporting to me. He never reported to me that these men were drunk. I think that is the way it appears; he did say something to me about Courian having misused the woman, and I inquired from both Cross and Courian, and knowing there was some jealousy among the bunch I took no further action.

JOHN W. DICKSON, sworn.

Examined by HON. MR. RANEY:

Q.—Mr. Dickson, you are the License Inspector for the County of Wentworth?

A.—Yes Sir.

Q.—With your headquarters in Hamilton?

A.—Dundas.

Q.—And you sometimes do work in Hamilton, I suppose?

A.—I have been assisting for a couple of months in Hamilton.

Q.—I understand Mr. Connor is in charge there now?

A.—Yes Sir.

Q.—How long have you been inspector, Mr. Dickson?

A.—Two years last March.

Q.—Now, Mr. Jacques was here yesterday, the proprietor of the—

THE CHAIRMAN: He is here to-day.



HON. MR. RANEY: The proprietor of—what is the name of the hotel?

A.—Beaver Hotel.

Q.—And he had a story to tell about an assault which he said Officer Smythe had committed on him in a raid that was made in April; now, just tell the Committee the story of that raid, will you?

A.—On the afternoon of the 11th—

THE CHAIRMAN: First, Mr. Dickson, is that the man there? (Indicating Jacques).

A.—That is the man, yes.

Q.—We are talking about the same man.

A.—On the 11th of April about 4:30 I took Officer Smythe and the chauffeur; that is all there was in the office; we had a report that there was doings at the Beaver Hotel. I took Officer Smythe and the chauffeur.

HON. MR. RANEY: Jones?

A.—Jones. Went to the hotel; they entered at one side, I entered at the other, and there was three groups of men in the bar; I didn't count them; I think about ten or eleven men altogether; before I got to where Jacques was—I didn't know Jacques at the time—before I got to where he was somebody said in quite a loud voice, "Inspector Dickson, go to it." I thought that was a signal for something, and I ran to the end of the bar, and Smythe and Jones followed me, and Jacques and part of the crowd followed them. I ran around the bar, and as I stooped down there was a bottle under the bar. Took it up, said, "Here is something doing," laid it down on the counter and said, "Smythe, you take that." I stooped down again; there was a pitcher over by the basin, and I went to pick the pitcher up and somebody from behind grabbed me with one hand and the pitcher with the other, wrestling; a young man, Robinson, his name was. He poured part of the contents of the jug, but I got part of it and handed it to Smythe in the same way, and said, "Take care of that."

Q.—What was in the jug?

A.—Whiskey. Then I pushed Robinson around the bar, and he and Jacques tried to take the whiskey from Smythe.

Q.—This man Jacques, who was a witness here?

A.—This man Jacques. Before I got to the end of the bar I was tackled by some person else. That boy came out of the room—

THE CHAIRMAN: Just a moment. What is your name?

MR. JACQUES: Dean, George Dean.

THE WITNESS: I was told he was a stepson of Jacques.

THE CHAIRMAN: This boy there is a stepson of Jacques?

A.—Yes.

MR. LENNOX: Is that the nephew you spoke of yesterday?

MR. JACQUES: Oh, no.

THE CHAIRMAN: Stepson.

THE WITNESS: He pushed me to one side, tried to get out where these men were tussling outside the bar; he grabbed me. Then we went through the rooms, I followed him through, and when I came back to the outside of the store, at the end of the bar, again, Smythe had Jacques up against the—Jones had Robinson with a pair of handcuffs on on the other side of the room. Jacques yelled something about killing him, and as I stepped over

I said something; I said, "If you are caught, be game; don't put up any fight." He said, "Look at my arm." One of his arms was scratched. He had his arm up this way, and the handcuff fell down and scratched his arm. I grabbed his hand and put the handcuffs on

HON. MR. RANEY: Who began the rough work?

A.—Jacques and the man Robinson went after the whiskey.

THE CHAIRMAN: The whiskey, was that in the possession of Smythe, an officer?

A.—Yes.

Q.—Handed to him by you to be taken care of?

A.—Yes.

Q.—And they attempted to rescue from him the evidence?

A.—Yes.

Q.—That is what you say?

A.—That is it.

MR. MCCREA: Mr. Dickson, have you a clear recollection of everything that took place there that day?

A.—Well, I think I have; that is all I saw. I can't tell you anything about what I didn't see.

Q.—Before you went to this place what were your plans?

A.—The plans were that they were to go in one door and I was to go in the other.

Q.—Who was to go in the other?

A.—I was to go in one door and Smythe and Jones in the other—rather indefinite plan, because we didn't know just what the rooms were like.

Q.—And were you going to make a raid; that is what your plan was?

A.—Yes.

Q.—And when you went in you came up to the proprietor, Mr. Jacques?

A.—No; I didn't come up to the proprietor. I came up to this group of men. I didn't know the proprietor, and before I got a chance to show my badge some person said, "Inspector Dickson, go to it."

Q.—So that so far as Mr. Jacques was concerned, there was no intimation from you that you wanted to inspect?

A.—He didn't give me any chance; I had a badge on—

Q.—So far as you were concerned, there was no intimation from you that you were there to inspect?

HON. MR. RANEY: Jacques says himself that he knew that.

THE WITNESS: He said himself, "Inspector Dickson, go to it." I didn't have to tell him who I was.

MR. MCCREA: It was Jacques who said that?

A.—He said afterwards it was him. I learned afterwards it was the proprietor that said, "Inspector Dickson, go to it."

Q.—What did you understand by that?

A.—I understood that he knew me, knew what I was there for, and there was something doing or he would not have given the alarm.

Q.—That is what you took it for?

A.—That is what I took it for, that he was giving the alarm.

Q.—That is the way you interpreted it?

A.—Yes.

THE CHAIRMAN: Yesterday Mr Jacques said he knew Inspector Dickson when he came in.

MR. LENNOX: And told him to go through.

MR. JOHNSON (Simcoe): He admitted that.

THE WITNESS: That is the words he said.

MR. LENNOX: Both agree on that.

MR. MCCREA: Up to that time you did not intimate in anyway to Mr. Jacques that you had anybody with you?

A.—We all entered the hotel at the same time from different doors.

Q.—That is not what my question was; did you intimate to Mr. Jacques that you had anybody with you?

A.—All the intimation was just as I have told you, just exactly.

Q.—We will get on better if you will just answer the questions put to you. Did you intimate to him you had anybody with you?

A.—No.

Q.—So that when you heard this statement from Jacques, "Go to it," what interpretation did you place on it?

A.—Well, I thought he was warning somebody else that the inspector was coming. That is what I took it for, that he was warning somebody that the inspector was coming over. They were around the counter; evidently there was drinking going on.

Q.—What reason have you for believing that this was a pre-arranged signal, when he told you to go to it?

A.—I have no reason only my own common sense.

Q.—It was following his statement to go to it—or, as he explained to this Committee yesterday, to go ahead and go through the place—that Smythe and this other man who had entered by another door rushed the bar?

A.—No; I rushed the bar.

Q.—What did Smythe do?

A.—Smythe and Jones followed me to the end, behind me, and four or five other men—

Q.—Did Jacques offer any objection to you?

A.—No, he did not.

Q.—Because he knew you?

A.—He says he did; I didn't know him.

Q.—But he did to the other two men who he saw coming in, whom he did not know?

A.—Not till I passed the bottle up to the bar.

Q.—What was the first thing you did when you got in behind the bar?

A.—Looked underneath where the sink is, at the bar, and saw the bottle there, picked up the bottle and said to Smythe, "There is something doing; take care of this."

THE CHAIRMAN: What they call in the hotel parlance the workbench, instead of the sink—the work board or workbench?

A.—Yes; sink alongside of it, anyway. When I looked the second time I saw the jug, and as I reached to pick up the jug some person from behind me grabbed me and grabbed the jug.

MR. MCCREA: Where was Jacques at the time?

A.—The other side of the bar.

Q.—It was not Jacques that did that?

A.—No; it was Robinson.

HON. MR. RANEY: Smythe was just across the bar, too?

A.—Yes.

Q.—Jacques must have heard what you said to Smythe?

A.—Yes.

Q.—You said to Smythe, "Take care of this?"

A.—"Take care of this, there is something doing."

MR. McCREA: Could Jacques see the jug from where he was when you picked it up?

A.—Surely; he was right on that side of the bar. Picked up the jug, and handed it to Smythe and said, "Take care of that." He saw the tussle; the two of us behind the bar.

Q.—Jacques was on one side of the bar?

A.—Yes.

Q.—You were on the other side of the bar?

A.—Yes sir.

Q.—The jug, as you told Mr. Curry, was down in the work-shop part of the bar, which was behind the bar where they could not see it?

A.—They could not see the jug till I put it up on the bar.

Q.—Then Jacques could not see the jug where it was behind the bar when you were there?

A.—Oh, no.

Q.—That is what he says too?

A.—No, he couldn't see the jug.

Q.—Were you the first person to lift the jug behind the bar?

A.—Yes sir; just got my hand on it—I don't know about lifting it; both lifted it at the same time, I suppose; just got my hand on it, and we had a tussle.

HON. MR. RANEY: Is Robinson here this morning?

A.—I don't see him.

MR. McCREA: Then when Mr. Jacques says that he didn't know there was a jug there, didn't see a jug, when you tell us that he was on the other side of the bar from you and could not see the jug in its place behind the bar, from where he was, there is no difference of opinion; there is no dispute as to his statement being correct up to that stage?

A.—He could not see the jug.

Q.—Now, tell us about the bottle?

A.—The bottle was behind the bar just on the one end of what you call the work bench, this sink, and the jug was on the other.

Q.—A person from the outside of the bar could not see it either?

A.—No.

Q.—When you got in Jacques was not behind the bar?

A.—No.

Q.—He was out in the main part of the hotel—

A.—With nine or ten others,

Q.—With nine or ten other people?

A.—Yes.

Q.—And you gave no intimation to him that Smythe or his accomplice were there for a raid?

A.—No.

Q.—You just made a rush—

A.—I wanted that whiskey.

HON. MR. RANEY: Why didn't you notify them half an hour ahead of time?

A.—I wanted the whiskey jug.

Q.—Why didn't you tell them half a hour ahead of time?

A.—I should have telephoned.

MR. McCREA: One can easily understand the action of Mr. Jacques when he saw the men he did not know, without any intimation—

HON. MR. RANEY: He was—

MR. McCREA: And a raid was being made.

HON. MR. RANEY: He saw Mr. Dickson.

THE CHAIRMAN: Mr. McCrea, you cannot ever have defended any liquor cases.

MR. McCREA: Oh, yes, I have defended a number of them.

MR. JOHNSTON (Simcoe): I would just like to ask Mr. McCrea if he knows of any case where they have intimated that they are coming to make a successful raid.

MR. McCREA: I am not objecting to a raid being made, but when they undertake to say that this man was not justified, when he sees fellows about whom he knows nothing, with no officers' badge or no disclosure to him that they are coming into his place—I would be tempted to do the same as Jacques did.

THE CHAIRMAN: He knew Inspector Dickson, and when Inspector Dickson put it up on the counter and said, "Take care of this"—that may be all right on the hustings, but it is no good here.

MR. McCREA: But these two men that he knew nothing about, Mr. Dickson had not told him anything about them.

Q.—Had you ever made a raid of that sort there before?

A.—Not there.

Q.—He had been fined once before?

A.—So he told me that day; that is the first I knew he had been fined before.

JOHN R. SMYTHE, SWORN

Examined by HON. MR. RANEY:

Q.—Mr. Smythe, you are with the Department as a Provincial Constable?

A.—Yes Sir.

Q.—How long have you been with the Department?

A.—Since last October.

Q.—Are you a returned man?

A.—Yes Sir.

Q.—Overseas?

A.—Yes Sir.

Q.—How long?

A.—Three years and a half.

THE CHAIRMAN: Were you in France?

A.—I was in the retreat from Mons, 1914.

Q.—You were there early?

A.—Yes Sir.

Q.—You were with the "Contemptibles"?

A.—Yes Sir.

HON. MR. RANEY: Mr. Smythe, you were not here yesterday to hear the statement of Mr. Jacques?

A.—No Sir.

Q.—Well, he says you beat him up?

A.—No sir, I did not.

Q.—Give the Committee your statement of what happened on this 11th of April?

A.—Well, in company with Inspector Dickson and Jones we entered this hotel. We went in, outside the bar. Mr. Jacques came around the corner of the bar, and said, "Go ahead Dickson." I showed him my badge. I says, "Provincial Police," but he didn't pay much attention. I followed Dickson around behind the bar. Dickson picked a bottle up off the wash-board beside the sink; he handed the bottle to me, which contained about half a glass of whiskey. Robinson, who was behind the bar, got hold of the jug and attempted to empty it out into the sink, and Inspector Dickson got hold of the jug before he had it all emptied out, saved about a glass and a half or two glasses. Robinson got in the scuffle with Dickson to regain the jug, and Dickson reached the jug around to me and told me to look after the jug.

Q.—Where was Jacques then?

A.—Jacques was on the outside of the bar.

Q.—How far from you?

A.—Oh, about three yards. I went around the end of the bar with the jug in my hand, and Jacques came running at me and tried to empty the contents of the jug away, and knock it out of my hand. I also had the bottle in my hand which contained the half a glass of whiskey. He said, "For God's sake throw that away!" He says, "I have a wife and family." He says, "I was convicted before and fined a thousand dollars, and if I will be convicted this time I will go down for six months sure." He says, "A man by the name of Jack Connor brought that liquor here, and we were having a nice little sociable drink," but he did not say where Connor lived. So Jacques in the scuffle took the jug away from me. I held the jug out that way, and caught him with the other hand, and Dickson came around the back and caught hold of Jacques, and I left the jug on the counter and handcuffed Jacques, and he gave us quite a struggle before we managed to get the handcuffs on him. He was not abused in any way. We did not use any more force than was necessary to effect this man's arrest.

Q.—I am not quite clear whether he said that you took a gun, or that he saw a gun?

A.—I drew a gun, yes sir. There were several men in the bar, and

when I drew the gun they all beat it out. They were apparently beginning to get hostile.

Q.—You were three against—

A.—Three against twelve or thirteen. These other men left the bar then, these three men—Jacques and Robinson and this other little son here.

Q.—Did you hit him?

A.—No sir, I did not.

Q.—Well, he was convicted in the—

A.—Six months' imprisonment. The Magistrate told him in the box, he said, "I would not believe a word you say. I am going to sentence you to six months' imprisonment. If I could take one day off, I would not do it."

Q.—Now, I am going back on some other things while you are here, Mr. Smythe—

THE CHAIRMAN: Q.—May I ask, do you drink?

A.—No sir.

THE CHAIRMAN: You have not that appearance anyway.

HON. MR. RANEY: Q.—Mention has been made of a seizure that was made by you and Officer Ball?

A.—Yes sir.

Q.—At Budway's house?

A.—Yes sir.

Q.—When was that?

A.—The 28th November last.

Q.—Of last year?

A.—Yes.

Q.—Budway had told us about it; I understood the facts were that Budway arranged for the delivery of the liquor to his house?

A.—He did, yes sir.

Q.—The people not knowing that he was an officer, of course—that he was not an officer, and the people not knowing that he was acting for the Department, and then it was arranged that you and Ball should be there and make the seizure?

A.—Yes sir.

Q.—And you were, and you seized, I understand, fifteen cases of whiskey?

A.—Seized seven bags; I do not know what they contained.

Q.—Well, whatever it was, was all the liquor that was seized taken to the Dispensaries officials?

A.—I understand it was; the liquor was kept in Budway's house over night. We took the three men to No. 10 Police Station.

Q.—Now after that seizure did you and Ball take away any of the whiskey with you?

A.—No sir.

Q.—It was said that you each took a bottle away with you?

A.—No sir; absolutely false.

Q.—That is not true?

A.—No sir.

Q.—That liquor was confiscated I believe?

A.—Yes sir.

Q.—And was the man fined also?

A.—One of them fined \$1,500, and the——

Q.—That was, as I recollect it, on the 28th of November?

A.—28th of November.

Q.—Then it was just three or four days after that that you accompanied Fielding and Creasy to North York?

A.—Yes sir; on the 1st of December.

Q.—Now, I will ask you to just tell us about that story?

A.—Constable Creasy and I went along with Fielding on instructions received from Inspector Greer, and we made our headquarters at Newmarket.

Q.—You need not tell the Committee anything about anybody who gave you any information.

A.—No, I understand. We received information, or Fielding did, about 9.30 on the second of December. We were staying at the Newmarket Hotel at this time. Fielding came back and told us that there was something doing. We did not know where we were going.

Q.—A little louder please?

A.—We did not know where we were going, but finally we arrived at Sutton. Fielding went into the hotel and came back about 11.30, and his observations, he stated that there was a lot of men up in room No. 11 and that there was one man looking out, had his head through the door——

MR. LENNOX: Never mind telling what Fielding told you.

HON. MR. RANEY: Q.—You cannot tell what Fielding told you, witness. Then what did you do?

A.—We entered the Mansion House Hotel at 11.55. Led by Fielding, we went to room No. eleven. Inside there was Mr. Armstrong and seven or eight other men. We made a search of the room, and Fielding found a bottle of whiskey beside Armstrong's boot, and also a bottle of wine under a table between two beds which were in the room. Fielding reached the bottle of whiskey, I think, to Creasy, and I took the bottle of wine. In the meanwhile Mr. Lennox came into the room, pushed his way in through the door—Creasy was holding the door—and I asked the man to give me the names.

Q.—The men?

A.—The men in the room. Mr. Lennox sat down on the bed, and says, "No, don't give these skunks your names. Give them Smith, Jones, or any old thing." He says, "I am surprised that you fellows did not throw these men out of the window when they come in the room." He says, "Where is your warrant?" I says, "We don't need a warrant. This is a public place, a hotel." He says, "If I had been in here when you come in, I would have thrown you out through the window."

MR. JOHNSTON (Simeoe): Q.—Do you think he could do that?

A.—No, I don't think so.

MR. HALL: Were you not afraid?

A.—No, not a bit.

MR. LENNOX: I wish you would not be so inquisitive.

HON. MR. RANEY: Q.—So there could not have been a case of terrorizing the officers, apparently. Go on, Mr. Smythe?

A.—No. Lennox said, "Don't give these skunks your names"—called us skunks, shrimps, and Spracklin's men, a lot of nice names. Eventually he



told the men to refuse to give their names anyhow, which they did not, they would not give their names, but I knew Mr. Lennox and Mr. Armstrong.

Q.—You knew Mr. Lennox before?

A.—Oh, yes, I had met him before—I did not meet him, but I had seen him before that time. We seized the liquor, and they would not give us their names. We left the room. There was one man there by the name of Tom Armstrong. We asked him for his name. He says, “What the hell do you want with my name for?” He says, “My name is John Smith,” so we left the room then.

Q.—Now, I just want to ask you, Mr. Smythe; in the House, Mr. Lennox in his speech which has been widely published, said, “I am not surprised, nor will the public be amazed, that that was a frame”—speaking of this particular thing—“or an endeavor to frame Mr. Armstrong and myself.” What do you say about that?

A.—That is absolutely untrue.

Q.—Did you take the whiskey in there?

A.—No sir.

Q.—Did Fielding take it there?

A.—No sir.

Q.—Did Creasy take it there?

A.—No sir.

Q.—Did you see it as soon as you got into the room?

A.—No sir. Had to search for it.

Q.—You searched for it and found it?

A.—Yes sir.

MR. FERGUSON: Q.—How do you know Creasy did not take it?

A.—I know well; he did not have it in his pockets, I was with him at the time.

HON. MR. RANEY: Q.—Who was it that picked up the bottle beside Armstrong's foot?

A.—Fielding.

Q.—Had Creasy been over there where Fielding was?

A.—No sir.

Q.—Then another extract from the same speech: “When this man named Smythe”—that is you?

A.—Yes sir.

Q.—“Or other operator was one who would steal from the Government liquor that was seized.” Is that true?

A.—No sir.

Q.—That, I understand, had reference to liquor that you seized at Budway's?

A.—No sir.

Q.—Did you steal any of that liquor?

A.—No sir, none.

Q.—Did you ever steal any Government liquor?

A.—No sir.

Q.—“When men of that type are in the employ of the Government, I think perhaps the better element of the people will not doubt me when I say

that the liquor that was seized in the room at Sutton was brought there by them." That is, by you three men; you say that is not true?

A.—No sir. At a speech—at an election meeting in Aurora, on the 4th December, Mr. Armstrong and Mr. Lennox were there, Mr. Armstrong addressed his constituents first—

MR. FERGUSON: Q.—Were you there?

A.—No, I was not there.

HON. MR. RANEY: If you were not there, you cannot tell us.

Examined by MR. LENNOX:

Q.—You have been generous enough to swear that the liquor was not brought either by you, or by Creasy or by Fielding?

A.—Absolutely.

Q.—You have not any doubt about that?

A.—No doubt at all.

Q.—Was Fielding in the hotel before you?

A.—He was.

Q.—How long before you were?

A.—Oh, say, perhaps an hour; I don't exactly remember.

Q.—Were you at the Police Court trial?

A.—When?

Q.—When I was the defendant?

A.—Yes.

Q.—And when seven or eight others were charged?

A.—Yes, I was there.

Q.—Do you remember the hotel proprietor or his son—I have forgotten which—swearing that when Fielding came in he came in with a valise?

A.—No.

Q.—Don't you remember that?

A.—I don't remember that.

Q.—And that he registered under an assumed name; do you remember that?

A.—I don't know what name he registered under.

Q.—You did not hear that?

A.—No.

Q.—He did not tell you that?

A.—No.

Q.—And that when he went out he went out without a valise?

A.—Out where?

Q.—When he left the hotel, he did not have a valise when he went out?

A.—I don't know.

Q.—Well, did he have a valise when he went out with you?

A.—I can't remember.

Q.—Well, don't you remember the hotel keeper saying, when he came in he registered, he had a valise with him, he went up to his room, and in some way or other he got out, during that hour, and when he went out ultimately he had no valise?

MR. FERGUSON: That was sworn to in the Police Court?

MR. LENNOX: Sworn to in the Police Court.

Q.—Do you remember that?

A.—The witnesses were excluded at that trial; I did not hear the evidence.

Q.—Well, do you remember whether he did actually have a valise or not when he made his first trip about nine o'clock?

A.—I would not swear to that.

Q.—You would not swear to that?

A.—No.

MR. FERGUSON: Q.—Then how do you swear that he did not plant the whiskey?

A.—I know he did not.

Q.—How do you know? You don't know whether he did or not?

A.—I know he had no whiskey when he left the car.

Q.—Is that sufficient ground for you to swear he did not plant the whiskey, when he was there an hour before you, and you don't remember whether he had a valise or not?

A.—No, I don't think he was in that room; at least, he stated he did not.

Q.—Well, that is a different thing.

MR. LENNOX: Q.—He was assigned a room almost immediately opposite the room that was raided; isn't that right?

A.—No, I don't think so.

Q.—Well, nearly opposite; it is a little bit of a hotel?

A.—Oh, I would say it was four or five rooms along.

Q.—And do you know whether the room that was occupied by Mr. Armstrong was locked or not?

A.—Do I know?

Q.—Yes.

A.—It was open when I was there, full of men.

Q.—Now, you know that three men did not bring it; what about the fourth man?

A.—The fourth man?

Q.—Yes?

A.—He did not accompany us to the hotel.

Q.—Well, how do you know he was not there?

A.—I know he was not there.

Q.—Why?

A.—Because he did not accompany us.

Q.—I know he did not accompany you, but you were in Sutton two or three hours, if your evidence is true which you gave before. Were you not?

A.—I don't think I was there three hours.

Q.—Well, I did not say three hours; I said two or three hours?

A.—I don't remember how long; perhaps two hours.

Q.—And during that time you were waiting within a range of probably one hundred or two hundred yards from the hotel?

A.—Yes, up the street.

Q.—Across the street?

A.—No.

Q.—Not across the street from the hotel?

A.—No.

Q.—Where was this mysterious gentleman?

A.—I don't know.

Q.—He was not with you?

A.—Not then.

Q.—So this man, whose name the Committee say should not be revealed—

MR. FERGUSON: When was that?

MR. LENNOX: That was yesterday. It was put to a vote to find out who the fourth man was.

Q.—You don't know what he was doing during that time he was away from you?

A.—No.

Q.—And you don't know whether he put any whiskey in that room or not?

A.—No; I don't think he was——

Q.—Never mind what you think; answer my question?

A.—No.

Q.—This man whose name will not be revealed may or may not, so far as you know, during the time that he was away from you, have placed a bottle of whiskey and a bottle of Port wine in that room?

A.—I don't know.

Q.—I say so far as you know he may have?

A.—So far as I know.

Q.—And that may be the reason why his name is not revealed, eh?

A.—Oh, I don't know; it is just contrary to law to reveal it.

Q.—Now, you had been in Newmarket the night of the Right Honourable Mr. Meighen's meeting?

A.—Yes.

Q.—Sent there by the Department?

A.—On instructions received.

Q.—Had you been sent to any other riding during the campaign for the same purpose as you were sent to Newmarket?

A.—No.

HON. MR. RANEY: Other officers were, though, Mr. Lennox.

MR. LENNOX: Well, I am asking this witness.

Q.—How long did you remain in Newmarket?

A.—Oh, we were there about four or five days.

Q.—Did you pick up much?

A.—We were there four or five days.

Q.—What was it that caused you to go to Sutton?

A.—Information received.

Q.—Did you receive the information from the man that you picked up on the way?

A.—I don't think I will answer that.

Q.—You won't answer that.

MR. FERGUSON: Q.—Why?

MR. LENNOX: I have charged a frame-up, you know.

MR. FERGUSON: Q.—Why won't you answer that?

THE CHAIRMAN: Because he does not have to, because no officer has to give the name of anyone from whom he gets information.

MR. LENNOX: That is in the Court; that has nothing to do with this Committee.

MR. JOHNSTON (Simcoe): This is a Court.

MR. LENNOX: I do not care whether he answers or not; I am going to put the questions, and then you may rule against me. I will leave it for the Public to decide whether he should or not.

Q.—Then did you know when you left Newmarket that you were going to pick up some person on the way?

A.—Oh, yes, we knew about that.

Q.—Are you or were any of you acquainted in that vicinity?

A.—Oh, I have been around there—no, not very much.

Q.—Did you know where the man lived that you were to pick up?

A.—No.

Q.—Who directed you to him?

HON. MR. RANEY: That won't do.

WITNESS: Oh, I won't answer that.

MR. LENNOX: Won't answer that; it would be a terrible thing.

MR. FERGUSON: It might have been a man in Toronto. What is the objection to a question like that?

MR. LENNOX: He won't answer that.

Q.—Why?

A.—Because we don't give the names of anybody that gives us information. It is contrary to the Ontario Temperance Act to give the name of an informer.

Q.—Then am I to understand that the man you picked up is an informer?

A.—I don't know.

Q.—Well, he either comes under that or he does not?

MR. LENNOX: Then you don't know?

A.—We picked him up, anyway.

MR. HALL: The other fellows might know that, without him knowing.

MR. LENNOX: Q.—Then you do not know?

A.—I don't know whether he was.

Q.—Then why did you pick him up?

A.—I don't know.

Q.—Did he give you any information? I do not want to know what the information was, but did you get any information from this man?

A.—No, I got none from him.

Q.—Did anybody?

A.—I don't know.

Q.—Well, were you on the car together?

A.—Yes.

Q.—Could any information have been given without you knowing it?

A.—I don't know; I don't think so.

Q.—Then did you hear of any information being given by him?

A.—Not by him, no.

Q.—Then I want to know the name of the man?

A.—Yes.

HON. MR. RANEY: You need not answer it.

WITNESS: Oh, I won't answer that.

MR. LENNOX: I will leave it to the Chair. I appeal to the Chair. He swore that the man gave no information.

WITNESS: Didn't give it to me.

MR. LENNOX: And he could not have given it without the witness having heard it. Now, I want the name.

WITNESS: Oh, perhaps he might have given it.

THE CHAIRMAN: Well, it is well established as a matter of law that an informer is to be protected by officers of the law.

MR. LENNOX: Quite so.

THE CHAIRMAN: That was decided in the Court of Appeal in the case of Smith, I think it was, and Slemin.

MR. FERGUSON: Well, he says this fellow was an informer.

HON. MR. RANEY: The evidence of Mr. Fielding indicated yesterday that he was a man from whom information had been secured.

MR. LENNOX: I do not agree with that.

THE CHAIRMAN: The Ontario Temperance Act provides that the name shall not be given.

MR. MACBRIDE: I am not quite sure that this man was an informer.

MR. JOHNSTON (Simcoe): Mr. Fielding said yesterday that it was he who gave the instructions.

MR. LENNOX: Whatever the Chairman rules I will comply with. He has heard this man's evidence. I am satisfied to abide by whatever he rules.

THE CHAIRMAN: I rule that he does not have to give the name of the man.

MR. LENNOX: Q.—Then, did this man return with you?

A.—Returned part of the way.

Q.—Back to his home, I suppose?

A.—Oh, I don't know.

Q.—You don't know that either?

A.—No.

Q.—There were in that room seven or eight men?

A.—Yes.

Q.—Mr. Armstrong?

A.—He was one.

Q.—Mr. Armstrong's son?

A.—He was another.

Q.—Mr. Willoughby—there is no harm in mentioning these names now, because they all gave evidence—Mr. Willoughby, the ex-Warden of the County, and at present Reeve of the Township of North Gwillimbury?

A.—I didn't know; they would not give their names then.

Q.—But you heard it at the Police Court?

A.—Yes.

THE CHAIRMAN: But he says he was excluded.

MR. LENNOX: Q.—You heard these fellows give their evidence?

A.—Well, I was not there all the time.

Q.—Well, do you know as a matter of fact that every man that was in that room was a public officer, public official?

A.—Yes.

Q.—In the County of York, all leading citizens. Do you know, as a matter of fact, that everyone of those leading citizens occupying public

positions, got into the box and swore that neither did they bring the liquor there, nor did they know it was in that room until the raid?

A.—I did not hear the evidence.

Q.—Well, did you hear it afterwards?

A.—Oh, I saw it in the paper.

THE CHAIRMAN: That, of course, is not evidence.

MR. LENNOX: Q.—Did you know as a result of the evidence that they gave that the charges against them were all dismissed?

A.—I believe they were dismissed.

Q.—They were charged with having liquor in an unlawful place?

A.—Yes.

Q.—And the hotel keeper?

A.—Oh, yes.

Q.—And the charge by the presiding magistrate was dismissed.

MR. HALL: Q.—Did they seem surprised? Did the company seem surprised when you pointed out the bottles there at their feet?

A.—I did not point them out at their feet; Armstrong made a grab for the bottle when Fielding went to get it.

Q.—They seemed to know it was there?

A.—Yes. His glasses fell on the floor.

Q.—Are you quite sure that Armstrong knew it was there when he made the grab?

A.—Well, he grabbed hold of it anyway.

HON. MR. RANEY: Q.—You saw that?

A.—Yes sir.

Q.—Did you see the effort Armstrong made to keep the whiskey?

A.—Yes sir.

Q.—Or to get it from the officer?

A.—Yes sir.

Q.—He struggled to get it?

A.—Struggled to get it. His glasses fell off on the floor, hit Fielding's arm.

Q.—Struggled with whom?

A.—With Fielding, to get the bottle.

MR. LENNOX: Q.—Did you hear Mr. Armstrong swear that he did not know the liquor was there?

A.—No, I was not there.

THE CHAIRMAN: Mr. Johnston, will you take the Chair a minute while I go to the telephone?

—Mr. Johnston (Simcoe) took the Chair.

MR. LENNOX: Q.—You just pledged your oath that Mr. Armstrong struggled with Fielding. Let me read you what you swore to in the Police Court:—

“Mr. Armstrong was sitting on the bed close by the whiskey or the liquor, the bottles, and when Fielding reached for the bottles, Mr. Armstrong reached for the bottle too, the result being that Fielding's arm came in contact with Armstrong's face and knocked his glasses off on the floor. Mr. Armstrong said

something—"Try and be careful' or something like that, and Fielding apologized." Was that statement true?

A.—Yes.

Q.—Then why didn't you tell us there about Mr. Armstrong struggling to get the bottle, as was suggested to you—

A.—What would you call it but a struggle, if he grabbed for the bottle when another man grabbed?

Q.—Is that what you meant?

A.—Yes.

Q.—When you swore that Mr. Armstrong reached for the bottle, made a reach for the bottle, is that what you meant by struggling?

A.—Yes.

Q.—Now, these two bottles were not together?

A.—No, I don't think so.

Q.—One was where, under the bed?

A.—The one was beside Armstrong.

Q.—Under the bed?

A.—Under the bed, at the edge.

Q.—Well, under the edge of the bed?

A.—Oh, yes; just put out of the way.

Q.—And the bottle of Port was under a table, wasn't it?

A.—Between the two beds.

Q.—Under a table?

A.—Just between them.

Q.—But I say under a table?

A.—Yes.

Q.—And who was it that got them? Fielding was it?

A.—Fielding.

Q.—When Fielding went in the room he knew to go to the bed to get the bottle of whiskey, and he knew to turn to his left to the table to get the bottle of wine, didn't he?

A.—Oh, I don't know.

MR. LENNOX: He could see them.

THE CHAIRMAN: (Mr. Johnston, Simcoe): He cannot say that he knew what Fielding knew.

MR. LENNOX: Q.—Well, did you see Fielding do that?

A.—I saw him pick up a bottle.

Q.—Knew pretty well where they were, eh?

A.—Oh, no; it was an appropriate place to search for a bottle.

Q.—But you would not go there at once unless you knew where it was, would you?

A.—Well, he don't take any chances.

Q.—Now, let us see about this; which was under the table?

A.—The wine.

Q.—The wine was under the table, and the bottle of whiskey under the edge of the bed; well, let us see what you swore to at the Police Court:—

"He picked one bottle of whiskey up from under the edge of the table."

Now you swear it was the Port that was there.

"And another, a bottle of Port, from under the bed."



Now which statement is true?

A.—A slight mistake.

Q.—That is just a slight mistake; well, then, is it true now that as a matter of fact he did pick up a bottle of Port from under the bed, as you swore it last December when it was fresh in your mind?

A.—Well, if I swore to it then it must be correct.

Q.—Is it true that he picked a bottle of whiskey up from under the edge of the table, as sworn to by you last December?

A.—If it is there it must be correct.

Q.—Was Fielding with you at any time from the time he left you when you got to Sutton until he came back to take you over to the hotel?

A.—No.

Q.—So that you don't know what he was doing during that time?

A.—I presume he was making observations.

HON. MR. RANEY: Q.—Is Mr. Creasy here?

A.—Yes sir.

MR. MACBRIDE: Q.—Mr. Smythe?

A.—Yes sir.

Q.—Now, I want to get this thing clear in my mind. I understand that you were in Sutton and you made a raid on a hotel there?

A.—Yes.

Q.—How many rooms did you raid?

A.—One.

Q.—You did not raid any of the other rooms, or examine them?

A.—No.

Q.—Why did you come to concentrate on this particular room?

A.—Well, the observations that were made by Fielding.

MR. LENNOX: Q.—Mr. Armstrong had just got in there, hadn't he?

A.—No, I think he went in that room from the Committee room.

MR. FERGUSON: Q.—Fielding was directing the raid, and it was under his leadership you went to that room?

A.—Yes.

MR. MACBRIDE: Q.—As I understand it, there was a fourth man, and you were there in that little town for two hours; did you go there for the express purpose of raiding room eleven?

A.—Oh, I don't know.

Q.—Did this fourth man, this mysterious man whose name we cannot get, give you the information and direct the raid to room eleven?

A.—Oh, I don't know.

Q.—Well, explain to this Committee how you came to go to Sutton, go into that hotel and concentrate all your thoughts on that one room?

A.—From information which Fielding got.

Q.—From information which Fielding got?

A.—Yes.

Q.—You don't know whether he got it from this fourth man or not?

A.—No.

Q.—Well, in any event, you were waiting there two hours to concentrate your attack on room eleven; that is right, isn't it?

MR. LENNOX: Q.—Until the meeting was out?

A.—Oh, I don't know.

MR. MACBRIDE: Q.—Well, how many rooms are there in the hotel?

A.—Oh, I couldn't say; I did not count them.

Q.—Well, you have an idea; you can tell us whether there were ten or twenty, can't you?

A.—It is a small hotel.

Q.—Would there be ten or twenty rooms?

A.—Oh, I don't know.

Q.—Would we be right in believing that there was an element of politics in it when you raided this particular room?

A.—Oh, no; there was no politics in it.

—MR. CURRY resumed the Chair.

MR. MACBRIDE: Q.—Are you acquainted with Sutton?

A.—No.

Q.—Now, I see that you also followed up a meeting in Aurora on the 4th December?

A.—No, I did not.

Q.—You were not at that meeting?

A.—No.

Q.—Well, you commenced to give the Committee some information; upon what were you giving that information? Somebody told you?

A.—Well, you hear quite a lot from what somebody tells you; it is all hearsay.

Q.—How long were you in that particular district?

A.—In Newmarket?

Q.—Yes, Newmarket and Sutton, North York?

A.—Five days.

Q.—You say that you knew Mr. Armstrong?

A.—Well, I had seen him at a meeting.

Q.—How long before that had you known him?

A.—Oh, the night before I saw him at the meeting.

Q.—You saw him the night before at the meeting?

A.—I seen him addressing his constituents.

Q.—How did you come to know it was Mr. Armstrong?

A.—Well, his name was called to address the meeting, and he was carried shoulder-high up through the crowd, so you could not help but know him.

Q.—You also said you knew Mr. Lennox; how long before had you known Mr. Lennox?

A.—Well, he was at that meeting too.

Q.—Can you tell us the name of some other man that addressed the meeting that you know?

A.—I don't remember.

Q.—You don't remember any others?

A.—No.

Q.—Your mind simply concentrated on the candidate and Mr. Lennox; is that it?

A.—Well, I had no cause to remember them.

Q.—The fact is that, on your own evidence, your mind concentrated on those two men, didn't it?

A.—Not then; afterwards.

Q.—And your raid was directed right to room eleven?

A.—Oh no; I don't know; that is the room we were taken to.

Q.—Were you directed to any other room?

THE CHAIRMAN: Illustrious men are always remembered.

MR. MACBRIDE: Were you directed to any other room either in Sutton or Aurora?

A.—No.

Q.—Did your instructions, as a matter of fact, come from the Department here?

A.—They come from Inspector Greer.

Q.—It came from an official of the Department?

A.—To go to Newmarket.

Q.—To go to Newmarket?

A.—That is all we know.

Q.—You did not know any more than you were just to go to Newmarket?

A.—No.

Q.—How did you come to go to this hotel?

A.—Information received, when we got there.

MR. FERGUSON: You mean you got the information at Newmarket?

A.—Mr. Fielding got the information.

MR. MACBRIDE: Who is Mr. Greer?

A.—Criminal Investigator.

Q.—Criminal Investigator of the Provincial Department; he told you to go to Newmarket?

A.—Yes.

Q.—Can't you give this Committee some information as to how, after getting instructed to go to Newmarket, you knew enough to concentrate your efforts on this particular room in that town?

A.—Oh, no; that is from information received later on. We did not know where we were going.

Q.—Are there any other hotels in that town?

A.—Which town?

Q.—Sutton?

A.—I don't know.

Q.—You don't know?

A.—No; it was night time when we got there.

Q.—You don't know whether there are any other hotels in Sutton?

A.—No sir.

MR. FERGUSON: You were up there four or five days?

A.—Not in Sutton; in that district. We were only there four or five hours.

Q.—Why didn't you go to room thirteen?

A.—I didn't know anything about it.

Q.—You would not have found any whiskey there?

A.—I don't know.

MR. LENNOX: They knew the room to go to, all right.

MR. MACBRIDE: Were you in any of the other rooms? I believe one of the men with you had a room directly opposite or nearly opposite?

A.—I was not in the other room.

Q.—You were not in any other room?

A.—No.

Q.—You came up the stairs and went direct to this room?

A.—Led by Fielding; we did not know what room to go to.

Q.—And was this mysterious fourth man with Fielding?

A.—No.

Q.—Had he been with him at any time during that evening?

A.—No; what do you mean?

Q.—This man whose name we cannot get?

A.—In Sutton, you mean?

Q.—Yes, at Sutton?

A.—I don't know where he left him.

Q.—Did you see him with Fielding at all?

A.—After that? After we got to Sutton?

Q.—Yes?

A.—No.

Q.—At any time?

A.—No.

Q.—So you have no acquaintance at all with him?

A.—No.

Q.—Fielding was directing the raid?

A.—Yes Sir.

Q.—Now then, how do you know that Mr. Greer gave the information?

A.—I say Mr. Greer instructed us to go to Newmarket.

Q.—Well, how do you know that?

A.—Because I got them from him.

Q.—Did you get them?

A.—Yes, told us fellows in the office, directed us to go to Newmarket.

Q.—Fielding did not get those instructions; how many were present when Mr. Greer gave those instructions?

A.—I don't know.

Q.—You were there?

A.—I was there.

Q.—Was Fielding there?

A.—I don't know.

Q.—Now, can't you just refresh your memory?

A.—I presume he was.

Q.—Was any other man there?

A.—Creasy.

Q.—Creasy and Fielding and you; any person else?

A.—Not that I can remember.

Q.—Will you swear there was no person else there?

A.—No.

Q.—You won't swear?

A.—I don't know.

MR. HALL: He is under oath.

MR. JOHNSTON (Simcoe): He says he does not know.

MR. MACBRIDE: Now Mr. Chairman, I do not require any instructions.

MR. HALL: Well, he is under oath.

MR. MACBRIDE: I will endeavour to get along with my limited ability.

MR. HALL: You are wasting time.

MR. JOHNSTON (Simcoe): You are wasting time.

MR. MACBRIDE: I take exception to the remark that I am wasting time.

HON. MR. RANEY: He has a perfect right to waste time.

MR. MACBRIDE: I think the information is important.

THE CHAIRMAN: The other member of the Committee did not think it was important, and he thought he was remonstrating with you and asking you to get ahead.

MR. MACBRIDE: He is interrupting, in very bad form, as I understand it.

MR. HALL: The man is under oath.

MR. FERGUSON: Fielding was the man in charge of this party?

A.—He was the man who received the information.

Q.—Well, he was the man who was the leader of the party?

A.—Yes.

Q.—Well, how was it you got instructions if Fielding was the man in charge of the raid?

A.—Inspector Greer gave the information; we got the orders to go to Newmarket.

Q.—How was it they gave you instructions if Fielding was the man in charge?

A.—Well, he was the man who was getting the information.

THE CHAIRMAN: You were here in Toronto?

A.—Yes Sir.

Q.—Were you sent by Greer to Newmarket?

A.—Yes Sir.

Q.—Who was to go with you to Newmarket?

A.—Creasy and I and Fielding.

Q.—Creasy—

A.—Creasy and I and Fielding.

Q.—Creasy, yourself and Fielding?

A.—Yes Sir.

Q.—Were they all together in Greer's office?

A.—Yes Sir.

Q.—The three of you were there together?

A.—Yes Sir.

Q.—And he told the three of you to go?

A.—Yes Sir.

Q.—And who was in charge of that party when you left?

A.—In charge of the party?

Q.—Yes?

A.—Well, we were all equally alike, I think, as far as that is concerned—nobody in charge.

Q.—But you all went together, did you?

A.—Yes.

Q.—And went up to the Newmarket Hotel?

A.—Yes.

Q.—And then, as a result of Fielding having got certain information he was in charge of the Sutton raid?

A.—Yes.

Q.—Or Sutton search?

A.—Yes Sir.

MR. MACBRIDE: How long have you been on the Force?

A.—Since October last.

Q.—How many other places have you visited besides Sutton?

A.—Since then?

Q.—Yes, roughly?

THE CHAIRMAN: Just a moment.

WITNESS: Several places.

THE CHAIRMAN: Just a minute.

Q.—Have those places been tried that you have visited? Have they all been tried?

A.—Tried?

Q.—That is, have the places that you visited, in which you made cases, have the cases been disposed of?

A.—Yes Sir.

THE CHAIRMAN: That is all right; go on and tell.

MR. MACBRIDE: Can you give us the name of any other community that you went to and just raided one particular place?

MR. LENNOX: Particular room.

MR. MACBRIDE: What is the usual custom when you go to a city or town? Do you look all around, or concentrate on one place?

A.—If we have got information we work on it.

MR. FERGUSON: Tell me this, Mr. Smythe: there was quite a crowd of people around that hotel in Sutton, I suppose, quite a lot of people in that place?

A.—Quite a few.

Q.—And a number of people in the hotel?—tramping about?

A.—Yes, there were.

Q.—And you did not make any effort to follow any of the rest of them, search anybody else's room, or anything of the kind; you went straight to room eleven?

A.—Led by Fielding.

MR. FERGUSON: Led by Fielding, you went straight to room eleven; all right.

HON. MR. RANEY: All right, Mr. Creasy; I suppose you had better clean up this little matter.

FRANK B. CREASY, sworn.

Examined by HON. MR. RANEY:

Q.—You are a Provincial Officer, Mr. Creasy?

A.—Provincial Constable, yes.

Q.—Where are you located now?

A.—Bridgeburg.

Q.—How long have you been with the Department?

A.—Since November 26th.

Q.—Last?

A.—Yes.

Q.—Then one of your first assignments, I suppose, was this North York business?

A.—Yes Sir.

Q.—You went with Fielding and Smythe?

A.—Yes Sir.

MR. FERGUSON: Where was he located then? In Toronto?

HON. MR. RANEY: He had just come on then. I suppose this is one of the first things you did?

A.—Yes sir; this is one of the first jobs.

Q.—You were the junior then of the three, I suppose; you were inexperienced; had you had previous police experience?

A.—Yes Sir.

Q.—Oh, where?

A.—I was on in Welland, sir, and down in the States.

Q.—How long? How much police experience have you had?

A.—About five and a half years, sir.

Q.—Then you went by automobile from Newmarket to Sutton on the 2nd of December?

A.—Yes Sir.

Q.—And at a certain time of the night, about midnight, we are told, you went with Fielding and Smythe to the Mansion House?

A.—Yes Sir.

Q.—Now, what happened after you got to the house?

A.—We went first to the kitchen of the Mansion House and found the proprietor, told him who were were, and that we were going to raid his place. He told us to go ahead. Led by Fielding we went to the room that he had previously found there was stir in, and found eight men in there. Fielding went in first, Smythe second, and I followed. I shut the door and put my back to it. Fielding and Smythe searched the room in a general way. Fielding found a bottle of whiskey and a bottle of wine.

Q.—Did you see him when he found them?

A.—I saw him reach down and pick the bottle up.

Q.—Where was that?

A.—It was around the corner of a bed at the foot of the window, right where Mr. Armstrong was sitting.

Q.—Are you able to say which bottle it was he found there? I am told there were two bottles.

A.—There were two bottles, but exactly where it was—the bottles were about a foot apart, I think.

Q.—You don't know which bottle it was?

A.—No; I was standing up at the other side of the room.

Q.—You saw him reach for the bottle?

A.—Yes.

Q.—When he reached for the bottle that was at Mr. Armstrong's foot, what happened?

A.—Mr. Armstrong reached at the same time, and Mr. Fielding's arm knocked Mr. Armstrong's glasses off. He asked Fielding to be a little more careful, and Fielding apologized.

Q.—Was that the first bottle that was found?

A.—Yes. And Fielding brought that out and handed it to me, and he handed the other bottle to Constable Smythe.

Q.—The bottle he handed to you was which one?—the whiskey or the wine?

A.—The whiskey.

Q.—Did you take that whiskey there?

A.—No sir, I did not.

Q.—Then what happened after that?

A.—I asked Constable Smythe to take their names, and just about that time someone tried to get in through the door. I opened the door a little bit, and Mr. Lennox came in. I let him in; I knew him previously; and Constable Smythe asked them for their names, the men that were there, and Mr. Lennox turned around and told them not to give their names at all.

Q.—What did he say?

A.—Oh, he said, "Don't give these skunks your names at all. If I had been in the room"—and he made a bunch of foolish remarks about throwing us out of the window, and one thing and another.

MR. FERGUSON: Made you nervous?

A.—Yes.

HON. MR. RANEY: From the appearance of Smythe and yourself, it must have made you nervous.

THE CHAIRMAN: Just a moment; do you mean that you were nervous?

A.—No Sir.

Q.—That was sarcastic, that part of it; you were not frightened?

A.—No Sir.

HON. MR. RANEY: Do you recall anything else he said?

A.—He made several remarks about the—surprised that the men in the room had not thrown us out when we first came there.

Q.—I suppose that eight or ten husky men could have done that?

A.—They may have done.

Q.—Did you get any names?

A.—No, we did not.

Q.—I just wanted to make sure that you had not taken the whiskey there, that is all.

MR. FERGUSON: Where did you have your experience before?

A.—In the City of Welland Police.

Q.—Where else?

A.—Three years, City of Welland Police Force.

Q.—You said you had some experience in the United States?

A.—Gallup, New Mexico.

Q.—You are a Canadian, are you?

A.—I am an Englishman, sir.

Q.—Was there a meeting in Sutton that night?



A.—Yes sir, I understand there was.

Q.—There had been quite a lot of people around?

A.—Yes sir, there was.

Q.—And the crowd repairs to the tavern to talk things over afterwards?

A.—Yes sir; there was a big crowd in there.

Q.—And you did not go to any other rooms?

A.—No Sir.

Q.—Or make any attempt to search anybody else; the whole thing was led by Fielding?

A.—Fielding led—he was in the hotel previously.

Q.—I mean, he was in charge of the squad?

A.—Well, he was not exactly in charge. We were all together—responsible for our own doings.

Q.—But he was the man that—

A.—He was the man that got the information—he was there first, and took the room.

Q.—Well, you all went up that road vested with equal authority, or was there some man who directed the raid?

A.—Well, sometimes there is and sometimes there is not.

Q.—This time there was?

THE CHAIRMAN: Do you drink?

A.—Well, I am not absolute teetotal.

MR. LENNOX: How long was it after the meeting was over was it that the raid was made?

A.—Why, I could not tell you exactly when the meeting came out, sir.

MR. FERGUSON: Evidently it was out; the crowd was around?

A.—Yes, the meeting must have been out; the crowd was around.

MR. LENNOX: The crowd had not dispersed?

A.—No.

MR. FERGUSON: How long were you in the hotel altogether?

A.—I should judge fifteen or twenty minutes.

Q.—You went right into the kitchen, told the landlord you were going to search, went up to room eleven, got what you were after, and went away; that is about it?

A.—Yes.

MR. LENNOX: Was there any brandishing of firearms after you went out of the hotel?

A.—No sir, not that I saw.

THE CHAIRMAN: You did not brandish any?

A.—No Sir.

MR. LENNOX: That is all.

MR. MACBRIDE: You say you came from the United States just shortly previous to that raid, did you?

A.—No Sir.

Q.—How long had you been there before that raid?

A.—I joined with the R.C.D.'s, at Kansas City, with the British Recruiting Mission; that is when I came to Canada.

Q.—How long had you been here before that raid?

A.—About four years, sir.

Q.—You had been here four years previous to that?

A.—Yes Sir.

Q.—You say you knew Mr. Lennox?

A.—I knew him by his photographs, which were widely advertised at that time, sir.

Q.—Did you know Mr. Armstrong?

A.—I knew him the same way only.

Q.—From his photographs?

A.—Yes sir, recognized him.

Q.—And you were in Newmarket, got an automobile; you went direct to Sutton; is that correct?

A.—Yes Sir.

Q.—How long were you in Sutton before you went to the kitchen of this hotel?

A.—Well, the best that I can remember, it was about nine or ten o'clock, some time around there when we got into Sutton.

Q.—What time did you make the raid?

A.—About eleven fifty.

MR. LENNOX: Why didn't you make the raid earlier?

A.—Because Fielding had not come back with the information that there was anything doing there, and I refused to go into the hotel until there was, till there was some signs of something doing somewhere.

MR. MACBRIDE: You went into the kitchen, the proprietor said, "Go ahead, search the hotel," didn't he?

A.—Yes.

Q.—Why didn't you search the hotel?

A.—Because we didn't think there was any need to.

Q.—Explain to the Committee how you came to have your mind concentrated on this room eleven? That is what I would like to know?

A.—Mr. Fielding was sent to the hotel to look around first to see where there was anything doing, and what was doing, and he came back with the information that there did not seem to be anything doing out of the way at all, except in one room, and there was a traffic in and out of that one room, and this was room eleven.

Q.—Did Fielding come to the kitchen with you?

A.—Yes Sir.

Q.—Now, as a matter of fact, did Fielding direct this raid?

A.—Fielding got most of the information, if you call that directing it; he did not have any authority over us; we did not have to go in there unless we wanted to, thought fit.

Q.—Did he direct you to this room?

A.—He told us where this room was that the traffic was going in and out of.

Q.—Did you wait in Sutton till you got information from Fielding?

A.—Yes.

Q.—Well, then, wouldn't that indicate that Fielding directed it? What were you waiting for him for if it was not for direction?

A.—It would not have done for us to walk in there.

Q.—Well, have you not power to go on and search rooms in a hotel?

A.—Yes sir, we have.

Q.—And how long did you wait for Fielding?

A.—We waited from the time we arrived till he came back.

Q.—How long? An hour, an hour and a half?

A.—About two hours.

MR. FERGUSON: A pretty small party for a big election.

MR. MACBRIDE: At what time did you notify the proprietor in the kitchen that you were going to search the hotel?

A.—I beg your pardon.

Q.—At what time did you notify the proprietor in the kitchen that you were going to search his hotel?

A.—When we went into the hotel, about 11:50.

Q.—About 11:50?

A.—Yes Sir.

Q.—You had not notified him previously?

A.—Well, naturally not.

Q.—I know, but I am trying to find out just how you came to be waiting for Fielding; a lot of unnatural things here, I might say.

THE CHAIRMAN: Oh, no; quite natural.

MR. MACBRIDE: A lot of unnatural things; we are all entitled to our opinions.

THE CHAIRMAN: Surely.

MR. MACBRIDE: Fielding was with you when you went to the kitchen?

A.—Yes. The best I can remember, I think all three of us walked back to the kitchen.

Q.—Which one of you told the proprietor you were going to raid the hotel?

A.—I think I did.

Q.—Are you sure you did?

A.—Well, I would not absolutely swear to it now; it is some time ago.

THE CHAIRMAN: Any further questions by anybody?

MR. JOHNSTON (Simcoe): Mr. Creasy, an intimation has been made that this was a frame-up; in your instructions were there any persons referred to as men they would like to get in this raid?

A.—No sir; there was no frame-up at all as far as I know.

Q.—No particular men that you were after?

A.—I heard Mr. Lennox make a statement a night or two afterwards right in Aurora; I was right in the meeting myself. He said it was not a frame-up.

Q.—Was that the statement?

A.—I presume so, and that one of the best citizens of North York County took the liquor there.

HON. MR. RANEY: You heard Mr. Lennox say that?

A.—Yes.

Q.—That it was not a frame-up?

A.—That it was not a frame-up.

MR. LENNOX: It is absolutely untrue.

HON. MR. RANEY: And that one of the best known citizens of North York took the liquor there?

A.—Yes.

HON. MR. RANEY: I think he said something like that in a newspaper interview.

MR. LENNOX: If I did I must have been crazy.

MR. JOHNSTON (Simcoe): So that no names were mentioned to you prior to this?

A.—No sir. We had general orders to go up there and stop liquor going in for electioneering purposes; these were all the orders we had.

MR. MACBRIDE: Did you make any other raids in that constituency at that time?

A.—No sir; we did a lot of night work.

Q.—Any previous raid to that?

A.—No sir. We only went there on the first. We made the raid on the second. It was the first raid we made.

MR. LENNOX: The last witness said that you were up there four or five days?

A.—About that, yes; we worked every night that we were there.

MR. FERGUSON: And you did not find any liquor anywhere except room eleven?

A.—In that hotel, sir.

Q.—I beg your pardon?

A.—We did not look any further in that hotel.

Q.—That is as I understand it; when you went to the proprietor and said, "We are going to search your hotel," why did you not search the place?

A.—Because the information we had previously from Mr. Fielding was that there was nothing doing in any other room. There is always a certain amount of stir and sign where a thing like that is going on.

Q.—But here is a crowd of people, and I suppose more rooms were occupied?

A.—Well, I don't know whether there was or not, but Fielding's information to us was that there was only stir around room eleven.

Q.—You did not look anywhere else?

A.—We did not look anywhere else, because the room was full and we were not a strong enough party to turn everything upside down where there was such a crowd of men there.

MR. JOHNSTON (Simcoe): When you have information that there is a certain irregularity in a certain place—for instance, when you hear that there is irregularity in No. eleven, would you start to search in the cellar?

A.—No.

Q.—Just tell us what chance you would have of getting room No. eleven?

A.—When we get information of a certain room, that is the first place we go.

MR. HALL: Mr. Fielding went there first?

A.—Yes.

Q.—To survey the ground?

A.—Yes Sir.

Q.—And having come to a conclusion that there was something doing in room eleven—

A.—Yes Sir.

Q.—He came back and decided that you fellows would take a hand in helping to raid?

A.—That is what we went there for; we were to lay in the background till he got the information.

Q.—And when you got there you told the proprietor in the kitchen what your errand there was, that you had come there to raid the house?

A.—Yes Sir.

Q.—And he said, "Go ahead?"

A.—Yes Sir.

Q.—And you went right to the spot where you suspected would be the most likely place to find liquor if there was liquor?

A.—Yes.

Q.—Why?

A.—Well, because that is the only place to go in the first place if you do not want to miss it.

Q.—Were you drawn to that particular room by any circumstance, any particular circumstance?

A.—Why, yes. Fielding's information when he came back was that there was a lot of traffic in and out of that room.

Q.—And that would be a likely place; where the tracks were, of course, the game would be?

A.—Yes Sir.

Q.—And you went there and you got what you went for?

A.—Yes.

Q.—There was no drinking in the room?

A.—There was a couple of glasses that had been drunk out of.

MR. FERGUSON: The two bottles that you got were sealed up?

MR. LENNOX: Those were the only two bottles that were there, weren't they?

A.—The only two bottles that were found.

MR. LENNOX: I just want to recall, with the Committee's permission, Mr. Fielding, for one question.

THE CHAIRMAN: Certainly.

GRANT FIELDING, recalled.

THE CHAIRMAN: You have already been sworn, Mr. Fielding. Mr. Lennox wants to ask you a question or two.

Examined by MR. LENNOX:

Q.—Mr. Fielding, you went there and registered, I think you told us yesterday, under an assumed name?

A.—I did, sir.

Q.—And you were assigned to a room?

A.—I was, yes sir.

Q.—That room that was assigned to you was opposite, not immediately opposite, but nearly opposite, room No. eleven?

A.—Well, I would not say that, sir; the room that I was assigned was at the head of the stair on the right, this room eleven, at the front of the house on the left, so it would hardly be opposite.

Q.—But I mean it is on the opposite side of the hall?

A.—On the opposite side of the hall, the front of the house. The other room is at the rear of the house.

Q.—And the whole hall would not be anything like the width, the size of this room?

A.—No sir, it is a very small hotel.

Q.—Until the meeting was adjourned had you seen any person go in and out of any room in that hotel?

A.—I had, yes.

Q.—Which room?

A.—The room that we went into, room eleven.

Q.—Whom had you seen going in there?

A.—I don't know; they were men; that is all I could say.

Q.—How long was it before the meeting was adjourned that you saw anybody go in there?

A.—Well, I should say about half an hour.

Q.—Were they any of the men that were in the room when the raid was made?

A.—I couldn't say that, sir; I did not pay much attention to the men.

Q.—Was there anything unusual in them going into room No. eleven?

A.—Anything unusual in entering the room?

Q.—Yes?

A.—Why, no, not that I know of.

Q.—Did they make any noise in the room?

A.—No sir; everything was—

Q.—Then is that the reason that you concentrated your efforts and your attention upon room eleven?

A.—No sir, it is not.

Q.—What was it?

A.—I was sitting down in the hall, sir, by the stove, for quite a while previous to the time we entered the room, and you were down there, sir; you spoke to me, said "Good evening."

Q.—I speak to everybody during election time.

A.—The proprietor, Mr. Graham, also spoke to me. I noticed two or three people go upstairs, come down again, and whisper to some other men in the hall.

Q.—Was that before or after the meeting took place?

A.—It was just before the meeting came out; I noticed people come in, and when they came in the door—of course I was too far back to hear what was said, but they started upstairs to room eleven.

Q.—How did you know they went to room eleven?

A.—I am just saying they went upstairs; I took it for granted—

Q.—They might have gone into any other room?

A.—There was no other room in that hotel—I think—I couldn't say for sure—that was occupied.

Q.—You do not know that?

A.—Except my room.

Q.—You know that the man from the telephone office was in the next room?

A.—I don't know, sir; I know he was in the hotel.

THE CHAIRMAN: Next witness.

MR. FERGUSON: Mr. Attorney-General, are you going to call somebody? I wanted to call Mr. Hammond, if you don't mind.

HON. MR. RANEY: Certainly.

E. D. L. HAMMOND, recalled.

THE CHAIRMAN: You have already been sworn, Mr. Hammond.

Examined by MR. FERGUSON:

Q.—Mr. Hammond, we have had evidence from a number of operators—I think they call them special officers; under you, at any rate—that they made reports to you at various times about incidents that occurred?

A.—Yes Sir.

Q.—These reports were made in writing?

A.—Not always.

Q.—Not always?

A.—Not always.

Q.—Now, when you get reports of that kind, what do you do?

A.—Well, it just depends on what the reports may be.

HON. MR. RANEY: Speak a little louder, Mr. Hammond, so that they can hear you down there?

A.—It just depends upon what those reports may be. If I think they are worthy of taking notice of, I report them to my superior officer.

MR. FERGUSON: That would be?

A.—Was at that time General Elliott. In the earlier part of the time I have gone to Mr. Ayearst, when I first joined the Department, and I have also gone to Mr. —— (?). When I was under General Elliott's charge I reported to General Elliott.

Q.—What did you do to preserve a record of these reports?

A.—I did not keep a record of them at all. Any reports that were handed to me in writing I turned right over to General Elliott.

Q.—You turned the original report over?

A.—I turned the original report over; I kept no record of it.

Q.—Was it transmitted in a covering letter, so that you would have a record of having sent it to him?

A.—No, it was not.

Q.—How was it done?

A.—I have taken it up to General Elliott, reported personally to him.

THE CHAIRMAN: When they were given to you verbally did you take them down?

A.—Not always, Mr. Curry, no.

Q.—At any time?

A.—I think I have one or two occasions, just made a short note of it.

Q.—Did they sign them?

A.—Sometimes, yes.

MR. FERGUSON: There have been reports made to you, according to the evidence here, of incidents that, if true, would be very objectionable in the service; have you had reports of that kind made to you?

A.—What?

Q.—What do you call that man?

MR. LENNOX: McCutcheon?

MR. FERGUSON: McCutcheon is the fellow I am trying to think about; he gave a long detailed story of a good many things he knew about and took part in, and said he reported to you that somebody else perjured himself on one occasion?

A.—No, not to my knowledge; the first I knew of that was when it came out in evidence. I knew nothing about it at all. I presume you are referring to Joynt?

Q.—Yes?

A.—Yes; I didn't know anything about it at all.

Q.—Did you ever get reports from McCutcheon?

A.—I did, sir, many.

Q.—Dealing with what?

A.—With irregularities.

Q.—That is what I am getting at. Now tell us, what were these generally? Have you got any specimens of irregularities in your mind?

A.—Well now, none of them in particular; there was so much reported by McCutcheon that it is pretty hard for me to keep track of any particular details.

Q.—You mean there were so many reports of that kind?

A.—So many reports; I have all the original reports of McCutcheon that were turned in to the Department.

HON. MR. RANEY: These reflected on Courrian, I think, most of them?

A.—Mostly, I think, on Courrian, sir, and there were other members of the Department.

MR. FERGUSON: This was when he was engaged in this investigation of the organization itself?

A.—Yes Sir.

Q.—Where are the reports?

A.—Where are the reports?

Q.—Yes?

A.—Over in my office—that is, his original reports. Copies of his reports, I believe, are on file in General Elliott's office.

Q.—General Elliott was the only man you ever reported to?

A.—To my knowledge, yes; I of course cannot recall who was in his place during his absence.

Q.—Were there men employed in this work that you thought were unfit or improper men to have?

A.—Well, as soon as I found out or had the least suspicions of the man I immediately let him go.

Q.—So that there were men you found from time to time that should not be there?

A.—Oh yes. While sometimes I had nothing absolutely definite against a man, there was just—I had some slight premonition, nothing more, that he was not altogether right, and I therefore let them go.

Q.—When you lost confidence in a man—

A.—As soon as I lost confidence in a man I let him go.



Q.—Now, what action was ever taken on these reports that you filed with General Elliott? What action was ever taken in consequence of them?

A.—I don't know what action General Elliott took. Of course I could not take any further action than submit the reports to him.

Q.—You are still in the Department, are you?

A.—Yes Sir.

Q.—Well, you would know if there was any departmental action based on these reports; you would be interested enough to keep track of it surely?

HON. MR. RANEY: You were not here, Mr. Ferguson, I think. General Elliott told the Committee that he himself read the reports and then turned them over to Mr. Middleton, the solicitor for the Department. Mr. Middleton read the reports and advised him that they would not take any action, that they were not sufficiently reliable.

MR. FERGUSON: Did you ever discuss it with anyone else than General Elliott?

A.—In the very first place when McCutcheon reported or went to General Elliott, he did not report to me, he did not tell me anything about this affair at all. He went to General Elliott first of all, once or twice, or possibly three times; if I am right in my belief I think it was three times that he went to General Elliott before General Elliott telephoned me, and I subsequently saw General Elliott in his office. This matter was then fully discussed between General Elliott, McCutcheon and myself. General Elliott was of the opinion that what McCutcheon told him was absolutely true, although I must say at the time that I was much much surprised at a lot of information that he gave, and I told General Elliott, I says, "If such is the case, all these irregularities, surely an investigation should be held," and he agreed. General Elliott then said that he would see or take the matter up with the Attorney-General before anything was eventually done. A day or two afterwards General Elliott again telephoned me and asked me to go up to his office, which I did, and, if the Attorney-General will remember, I went into his office with General Elliott, and the Attorney-General asked me the question, "Mr. Hammond, is this McCutcheon whom General Elliott speaks of the same man who was in trouble recently at Guelph?" and, if you will remember, sir, I said, "Yes, it is."

Q.—You mean Mr. Raney asked you this?

A.—Yes. You will probably remember that incident, sir.

HON. MR. RANEY: No, I do not recall it.

THE WITNESS: And just after that—that was all that was said—I walked out into Mr. Curry's office while the General and the Attorney-General discussed some further matters. Later General Elliott and I went into his office with McCutcheon.

Q.—Went into whose office?

A.—Into General Elliott's office, with McCutcheon, who had in the meantime come up and was waiting in the office outside for General Elliott. We again discussed the matter, and General Elliott, he said he thought that an investigation should immediately be started. McCutcheon had further information for him, and I told General Elliott to his face, and he knows it as well as I do, I said, "General Elliott—I says, "Mr. Commissioner"—that is the correct expression I used; I said, "Mr. Commissioner, I cannot

and will not employ McCutcheon while I have a charge of conspiracy hanging over his head," and he said, "That is all right, Mr. Hammond; go ahead, and I will back you up," and he has backed me up.

MR. LENNOX: How long was that after this interview with the Attorney-General?

A.—Two or three days after; I couldn't say, because we had no correspondence on the matter, I am sorry to say. If I had I would be able to back up my statements more. Then the question of financing this affair came up, and I told General Elliott that if it was to be made a secret investigation that I could not very well use the funds of the O.T.A., that I would have to be granted a separate account.

MR. FERGUSON: Some special fund?

A.—Some special fund to carry on the work with, and he asked me how much money I thought would be necessary, and at that time I had the North Bay Investigation, you will remember, sir.

HON. MR. RANEY: Yes.

THE WITNESS: To undertake, and there was also the Ottawa Investigation going on, and an investigation into the University here about stolen papers, examination papers, and knowing that General Elliott was going away to Europe, I asked General Elliott for the sum of \$2,000, and he said "Do you think that would tide you over until I return?" I said, "Yes sir, I think it will."

HON. MR. RANEY: Just to cover those three matters?

A.—Yes sir; when McCutcheon—

Q.—Yes?

A.—There are four matters. He said, "Very well," he would see about it, and I again spoke to General Elliott, and I somewhat demurred at the time about starting an investigation with McCutcheon.

MR. FERGUSON: You mean making use of him?

A.—Making use of him. I told him that his evidence would no doubt be discredited more or less. Everything was explained clearly and fully to General Elliott. He stated on the witness stand here the other day that he did not know, sir, of any previous trouble that McCutcheon was in, and I say now upon oath that the McCutcheon affair at Guelph was fully discussed with him in detail.

HON. MR. RANEY: You know, I suppose—or did you—that Mr. Flavelle, Mr. Ayearst, I think, and Mr. Sarvis had looked into the Guelph affair and were satisfied that McCutcheon had been framed in that case?

A.—I did, sir; and if you will remember, sir, the first day I gave evidence here I stated that I personally had discussed the matter with Mr. Flavelle, who felt himself quite assured that McCutcheon had been framed, and that Mr. Flavelle had suggested that I give or we give McCutcheon \$100, who was then up against it, to tide him over, as he thought he had been done wrong by, and in return for that McCutcheon suggested as he knew of certain bootleggers' places that in return for the \$100 he would take some of my operatives into these places, lead them in, but he would not give evidence, and Mr. Flavelle stated that he was not to give evidence in any case, and that was carried out. He was not used by me at any time to secure evidence against a bootlegger to go into court afterwards and give evidence

upon it himself, and when the special investigation was on he was not used in any way, either directly or indirectly.

Q.—I think you never used him?

A.—I never used him at all.

Q.—To give evidence, I mean.

MR. LENNOX: Did you discuss with General Elliott the fact that McCutcheon was under indictment?

A.—Why, certainly, sir. I told General Elliott the whole procedure, and how we had arrested Slavin and McCutcheon, and I told General Elliott that I thought McCutcheon had double-crossed me, and that I would not lift the charge of conspiracy from off his head any more than I would of Slavin and Gross, and I did not do so until the last. I felt satisfied that he was playing a double game, and I explained everything fully to General Elliott, and what had happened, and moreover I asked General Elliott at the time, or I told General Elliott I did not think it was very fair of Mr. Ayearst at the time we had Slavin arrested to turn around and retain Mr. Haverson to defend Slavin when we were trying our hardest to carry out our duty problem. Mr. Haverson came out the following morning and he asked me to give him all particulars of the case, as Mr. Ayearst had asked Mr. James Haverson to defend Slavin, and I said to Mr. Haverson in the hallway, I said, "Mr. Haverson, what in hell"—excuse the expression gentlemen—"has that got to do with Mr. Ayearst, to interfere with a case like this?" and that is the first time that I had reasonable grounds to think that Mr. Ayearst was not helping us in our Department as he should have done.

HON. MR. RANEY: Q.—I would like to ask you, if Mr. Ferguson is through, about some men whose names have been handed in?

A.—Pardon me, sir; I consider that General Elliott has shown me personal spite, knowing that he has made a mistake, and he has endeavoured to throw all this responsibility on my shoulders, and I will say this to you, sir, and to the House: If I was responsible for the employment of a man who has been convicted I would stand here as a man and take my medicine, but I have not done that and I do not intend to take it.

MR. FERGUSON: Why do you accuse General Elliott of spite?

A.—Because General Elliott, he came over to the office and said, "Mr. Hammond, your work has been splendid, excellent, you have done good work." The next thing I know is, my salary is reduced a hundred dollars a month and I am taken right out of the Department and placed in the Criminal Investigation Department, without a word.

MR. LENNOX: When was this?

A.—Just recently, sir.

Q.—Within what time?

A.—Within the last six months.

MR. FERGUSON: Cut down \$1,200 a year?

A.—\$1,200 a year, sir, and he has given me no explanation whatever. I consider I have done more, I believe, than any other man in the Province of Ontario in enforcing the Act, sir, during the last year, and I think I am entitled to some explanation as to why that was done.

MR. FERGUSON: What is your salary now?

A.—It is \$2,300.

Q.—You got \$3.500?

A.—And as a matter of fact I was reduced to even a lower salary than one of my own subordinates, Inspector Jeffrey, which I consider is nothing more or less than a disgrace.

HON. MR. RANEY: Then, Mr. Hammond, Mr. Lennox has handed in or intends to hand in, and has furnished copies already, the names of certain persons who have been convicted in the Toronto Police Court. One of those names is W. E. Ingram.

A.—Ingram, sir, was never employed by the Department. I arrested Ingram some time ago at 246 or 26, I think, Terauley Street; he was a bootlegger; he was fined, I think, a thousand dollars and costs.

Q.—So that instead of having been employed by the Department, he was prosecuted by the Department?

A.—He was prosecuted by the Department; he was never employed by the Department.

Q.—Now, another name, in respect to whom a certified copy of the conviction is handed in; that is the name of Vincent Nash?

A.—There is no Vincent Nash, sir; Stanley Nash is the only man.

Q.—You don't know Vincent Nash?

A.—I don't know the name.

Q.—Stanley Nash's name is here too; then there is the name of W. J. O'Leary, said to have been convicted in the Toronto Police Court of B.O.T.A. Did you ever employ O'Leary?

A.—No sir.

Q.—Know anything about him?

A.—No sir; I heard of Mr. O'Leary being employed in the Department, I think—Michael O'Leary, V.C.

Q.—That is a different man; he is over in Welland or somewhere over there. This is William J. Then there is a man named Leonard Bellair, and also a certified copy of the conviction against him. Do you know him?

A.—No sir.

Q.—Never heard of this man?

A.—No sir.

Q.—Then there are three other names in respect of which certified copies of convictions are handed in. Stanley Nash?

A.—Stanley Nash was employed by me, sir.

Q.—What about Nash?

A.—Nash was employed—

Q.—By the way, the certificate says that he was convicted as an absentee under the Military Service Act?

A.—As I stated here before, sir, I didn't know that Nash had had a conviction or had been convicted as a deserter until the conspiracy case was brought up before Judge Widdifield and a jury, and I was asked the question then. That was the first I heard of it, and the following morning General Elliott—I think it was the following morning—he wrote a letter asking me if it was quite true, and I made a full report and I also submitted a report of Sergeant-Major—

Q.—Just stick to Nash at present?

A.—Sergeant-Major Yates, who came up personally and saw General

Elliott regarding that; but I didn't know—he was dismissed shortly after that, or let out.

Q.—I see he was employed from the 1st of May, 1921, to the 10th of November, 1921?

A.—Yes sir.

Q.—And he was let out shortly after you learned he had been convicted in the Police Court?

A.—Yes sir.

Q.—That was the first knowledge you had of it?

A.—That was the first knowledge I had of it.

Q.—What had you known, or what had he told you, about his military record?

A.—He had told me that he was with the American Navy for a number of years, and he was discharged from the navy owing to very bad feet, and he tried to enlist to go overseas with the American Forces. Being unable to do that he came over to Canada and joined the Canadian Forces, and while stationed at the Stanley Barracks his feet again became very bad, and he was laid up for some time, and he thought that he was not getting the proper treatment from the army doctor that he deserved, and he left the army doctor and obtained some private position in the city, with the result that he was placed in a separate cot some place, and the military authorities didn't know where he was, and he was arrested on that charge then of deserter, but he never had any intentions of deserting at all.

Q.—You are satisfied that it was a mistake?

A.—Absolutely, sir.

Q.—Did he have an honourable discharge from the army?

A.—His discharge papers were submitted to General Elliott; he himself set out that he was sorry to see that a man like him had been——

Q.—Into this trouble?

A.—Yes sir.

THE CHAIRMAN: That is, had got the notoriety?

A.—Had got the notoriety.

Q.—Unjustly?

A.—Yes; he quoted it as very unjust.

HON. MR. RANEY: What kind of a man was Nash as an officer?

A.—I found Nash to be one of the most honourable men in the Department, and I think the other men in the Department will say the same.

THE CHAIRMAN: When he was discharged from the Canadian army did he get a certificate of clean discharge, an honourable discharge?

A.—His discharge papers, to my recollection, sir, showed that.

HON. MR. RANEY: Honourable discharge?

A.—Yes sir. His discharge papers were in the Department for some time for General Elliott's——

Q.—Then there is another man named Raymond Phillip, against whom it appears a conviction was registered on the 7th of October, 1919, for an offence under the Ontario Temperance Act. I see he was employed by you from the 1st of May to the 31st of May, just one month?

A.—Quite correct, sir.

Q.—That would be several months previous?

A.—I employed Raymond Phillip and one Tony Perille.

Q.—Sometimes called Tony Phillips?

A.—I don't think so.

Q.—That is what he is called here?

A.—Those two men were employed by me following receipt of a letter from your Department, sir, with reference to an Italian ring of bootleggers; some time ago I tried to find your memorandum in regard to that, but I don't see it in my desk.

Q.—These were employed—

A.—They were employed to try to obtain information against that particular syndicate of bootleggers.

Q.—And they were both employed for one month?

A.—They were employed for one month.

Q.—Just the one month, the month of May last?

A.—Yes.

Q.—Both the same month, the month of May last year; now, it is not suggested, I understand, that—

A.—I didn't know that they had a conviction.

Q.—So far as Raymond Phillip is concerned there was apparently no conviction against him at the time; he was convicted in October—oh, you are right; it was before that. Did you make inquiries about these men before you employed them?

A.—If I remember rightly, sir, Phillips was introduced to me by one of the city police officials who thought that he would be a good man. Of course I wanted two Italians, if possible, to secure the information that was necessary, as I knew other operators could not very well obtain it or get in with them, and I went to some of the officials and asked them if they knew of any men that they could recommend to me, and I remember that Raymond Phillips was recommended to me, and after Phillips came I asked him if he knew of another man, and he in turn brought this man Tony Perille. I didn't know of any conviction, and the police evidently could not remember of any conviction; otherwise, I think, they would have told me.

Q.—Apparently Raymond Phillip was convicted, according to this certificate, on the 7th of October, 1919, under the O.T.A., and Tony Phillips or Tony Perille was convicted on the 12th of October, 1919, of a similar offence.

THE CHAIRMAN: What is the offense of which he is convicted? That is pretty broad.

MR. LENNOX: Selling liquor, isn't it?

HON. MR. RANEY: Raymond Phillip, selling liquor and Tony Phillips did unlawfully have liquor in other than a private dwelling house.

MR. FERGUSON: That would mean that fellow was a bootlegger.

THE CHAIRMAN: The fellow that was selling. The other fellow might have had it in a rooming house and he might not have known there were a number of roomers that would have prevented him from having it there.

HON. MR. RANEY: These men were convicted, one in 1919, and one in 1918, and in May, 1921, you employed them each for one month, and you say you did not know they had been convicted?

A.—No sir, I thought they were both honourable and straightforward men; I did not know there was a conviction.

Q.—That was on your own responsibility?

A.—Yes, to try and comply with your request.

Q.—To round up these Italian bootleggers?

A.—Yes.

MR. JOHNSTON (Simcoe): You say that Mr. Ayearst employed Mr. James Haverson to defend Mr. Slavin, how do you know that?

A.—By Mr. Haverson walking out of Mr. Ayearst's office on the morning after we arrested Slavin, who was out on bail.

Q.—Tell us how you happen to know?

A.—Slavin was in Mr. Ayearst's office the following morning.

Q.—What do you mean by the following morning?

A.—The following morning after we had arrested him charged with conspiracy he was bailed out, and the following morning, which I think was on the 7th, maybe, of May, and Mr. Haverson came out of Mr. Ayearst's office and Mr. Slavin was in the office, and he took me by the arm—

HON. MR. RANEY: Haverson did?

A.—Yes sir. He says "Mr. Hammond, by the way, what is there to this conspiracy case or this conspiracy charge you have against Mr. Slavin?" I says "Why do you want to know?" He says "Mr. Ayearst has asked me to defend Slavin," and I immediately flew in rather a rage with Mr. Haverson over the affair, and I told him I thought it was rather a high handed piece of work if Mr. Ayearst had asked him to defend a man whom we had charged there with conspiracy.

MR. JOHNSTON (Simcoe):

Q.—Did Mr. Haverson defend Mr. Slavin?

A.—No, he did not.

Q.—You don't know whether it was true or not, you only had Mr. Haverson's word?

A.—Mr. Haverson has since spoken to me regarding the incident.

THE CHAIRMAN: What did he say?

A.—He says "You know, Hammond, you need not get mad at me for that, because I did not know at the time, I just went in to Mr. Ayearst and he asked me to defend him. I came promptly out to you to see if you would give me the particulars about the case."

HON. MR. RANEY: Did you ask Mr. Ayearst if that was the case?

A.—No. I tell you candidly I thought Mr. Ayearst was not giving me the assistance that he really should have done.

Q.—Did you ever employ women in enforcing the law?

A.—I never did.

MR. FERGUSON: Do you know of their being employed?

A.—No.

Q.—There have been two or three women's names mentioned here?

A.—They have. Those women, as I stated before, they were asked to give information which General Elliott instructed me to get. Their names were discussed with General Elliott regarding all these supposed irregularities by McCutcheon—I did not know who these parties were, he mentioned their names, and I asked General Elliott if it would be all right for me to have these women brought to the office to give the necessary information, and he said yes, and I asked General Elliott regarding the compensation of these

women, or paying them for loss of time or travelling expenses, and he said he would leave that with me, he thought it would be perfectly all right, we would not expect them to come for nothing.

MR. FERGUSON: You did pay them?

A.—Yes.

Q.—So that they were used to that extent in the enforcement of the law. I do not see anything wrong in that.

THE CHAIRMAN: They were not sent out to buy liquor?

A.—No.

HON. MR. RANEY: They were not employed?

A.—No.

THE CHAIRMAN: They had certain information, and you tried to get the information?

A.—I was told to get the information from them sir, and I did.

MR. FERGUSON: On what basis did you pay them—I think I saw a receipt from some woman of \$30?

A.—I think I gave Miss Bailey or Miss Collins \$10 one day. I asked McCutcheon there, who was with her, I says “How much does this young lady want?” And he says, “I think, Mr. Hammond, \$10 will be all right; it will tide her over for a day or two,” and in all I gave her \$30 for the two of them. As a matter of fact I have a bill or expense account that one of the girls made out which was never signed before a Notary Public, put in to show that they received the money.

MR. FERGUSON: The Attorney-General has asked you about a number of names that appear to have been convicted, and you say you did not employ them; do you know whether they were employed at all by Sarvis or Ayearst?

A.—Those men I don't know their names.

HON. MR. RANEY: We have made a search and we can find no trace of those four names mentioned.

THE CHAIRMAN: One he said they arrested and prosecuted.

HON. MR. RANEY: His name was Ingram?

A.—Yes.

MR. FERGUSON: You are only speaking of the men you employed yourself, and not of Sarvis's men?

A.—I don't know any of Mr. Sarvis's men except seeing them around the hall.

MR. MACBRIDE: How long have you been employed by the government?

A.—I was appointed in the 15th December 1920.

Q.—What experience did you have previously in police work?

A.—I was 10½ years with the Pinkerton Detective Agency here in Toronto.

Q.—So that you have had plenty of experience in police work?

A.—Yes.

Q.—Criminal investigations?

A.—Mostly.

Q.—Have you any records of the number of convictions that you have secured while you were in charge of this department for any one year, take 1921?

A.—The last year I handled in Toronto Police Courts 270 cases, 206



convictions; 32 dismissals. 6 cases were withdrawn; and warrants were issued in the other cases where the parties had got out, jumped their bail or something.

Q.—Have you any information as to the total amount of fines?

A.—The total amount of fines that were paid amounted to \$112,000.

Q.—During that year under your direction?

A.—Yes, last year.

THE CHAIRMAN: 1921?

A.—Yes.

MR. MACBRIDE: Is that the reason they cut your salary down?

A.—I could not say, sir; and I think we confiscated liquor to probably the amount of, I might almost say, \$100,000.

Q.—When were you reduced in rank in your department?

A.—Two months ago.

Q.—No explanation?

A.—No sir, no explanation. I will say this, that General Elliott came over to Mr. Ayearst's office and he called me in, and he said "Mr. Hammond, we are thinking of making some reorganization, and some, I forget the exact word he used, but however, he said they were considering a slight reduction in the Inspectors' salaries, and he says "Mr. Hammond, you are getting a very large salary." I says "Yes sir; that was given to me upon my appointment; I was asked to accept this position, which I did; I gave up my other position to do that;" and he said there would be some slight reduction made, and would I object to some slight reduction? And he says "You know, the other inspectors are somewhat jealous of your salary." I said "Well"—I did not think very much of it at that moment because it was so sudden, and he came out shortly afterwards and he says, "Mr. Hammond, I will see you again regarding this reduction in your salary," and since then I have not heard any more of it.

Q.—You were reduced \$100 a month?

A.—I was; I was taken out of that department where I was engaged and placed in the Criminal Investigation Department.

Q.—This record you have given us of 270 cases brought to the Court, 206 convictions secured, and \$112,000 collected in fines, is that record available for the Attorney-General?

A.—I can bring my book over.

Q.—I know, but is that on record that the officials over you would have that information?

A.—They should be. I turn in a record of every case handled every day in the Police Court; and I want to say further there, that despite that work we carried out with practically four men five hours of our day our time was taken up in the Toronto Police Court handling these cases, and we carried out over 400 searches of automobiles, public places, hotels and other houses irrespective of that work, and we worked on an average of 16 hours a day.

Q.—How many other inspectors are there in the same kind of work?

A.—Only myself and three other provincial officers.

Q.—Have you records of any of the other inspectors? I would like to know how they compare with yours?

A.—I do not know.

Q.—Have you any information at all?

A.—No sir.

Q.—The name of Mr. Haverson came up here as to being employed to defend Slavin?

A.—Yes.

Q.—Who was prosecuting Slavin, was it the Department?

A.—Certainly, my Department.

Q.—On what charge?

A.—Conspiracy.

Q.—And am I right in understanding that Mr. Haverson was also employed by the Department in defending him?

A.—No.

Q.—Give us that——

THE CHAIRMAN: What he said was Mr. Haverson came out of Mr. Ayearst's office.

MR. MACBRIDE: First of all we have got the department under your direction prosecuting Slavin.

THE CHAIRMAN: He did not say Haverson defended him. He said Haverson did not defend him.

MR. MACBRIDE: We have the first part of it under your direction Slavin was being prosecuted, for conspiracy. Mr. Haverson defended him; who employed Mr. Haverson?

A.—Mr. Haverson, sir, the morning after we had arrested Slavin and Gross, Mr. Haverson came out of Mr. Ayearst's office at 46 Richmond Street West, and I was just leaving my office, which was next door but one to Mr. Ayearst's office, and he said "Hello, Hammond," and he took me by my left arm, and walked in the passage, and he says,—just at that time Mr. Slavin who was standing in Mr. Ayearst's office just came to the door, and he says "I say, Hammond, what is this conspiracy charge that you have brought against Slavin, because of course Mr. Ayearst is asking me to defend Slavin,"—and I swore there, and then Mr. Haverson asked me not to be cross with him.

Q.—Did Mr. Haverson as a matter of fact defend him?

A.—He did not eventually, sir; Col. Greer defended him.

Q.—You spoke of having suggested to your chief General Elliott that an investigation should take place?

A.—I did.

Q.—When did you suggest that?

A.—One day.

Q.—Approximately what month?

A.—I think it was the first week in June of last year.

Q.—Has that investigation ever taken place?

A.—No, other than the investigation that McCutcheon undertook.

Q.—Was your investigation a matter of McCutcheon or a general investigation, was it confined to McCutcheon?

A.—When I spoke to General Elliott it was a matter of things in general, from complaints which had been brought to me from my officers, and also from men from other departments. Now, there were several things that came from time to time that I have no notice of at all, I thought it was just a lot of jealousy and small talk, but when my officers down there at the office said

"Mr. Hammond, we absolutely refuse to do any more work unless you see something is done" I thought it was quite time I did say something.

Q.—With your experience in the Pinkerton force and nearly two years experience here, were you convinced that McCutcheon was not a proper man to enforce this Act?

MR. HALL: Was McCutcheon enforcing the Act?

A.—As a matter of fact sir, to speak candidly, I don't think that I ever would have had any hesitation in employing McCutcheon before he came to General Elliott, and I felt—naturally I have since heard of that perjury which was committed in the Joynt affair, had I not known of anything of that kind I still felt, to-day feel, that McCutcheon would be about as honorable as any other man enforcing the law. Of course I still feel in my own mind convinced that McCutcheon is not guilty of what he has been charged with.

Q.—You speak of Mr. Ayearst not giving you the support to which you thought you were entitled?

A.—No Sir; I don't think Mr. Ayearst has done—I am speaking in all fairness to Mr. Ayearst and myself—

Q.—When did the idea enter your mind?

A.—The first idea was I thought afterwards, I did not really think on the impulse of the moment, it was after I reflected a little when Mr. Ayearst had introduced Nathan Slavin to me, which was one Wednesday about the middle of last February about a year ago, and told me, or had asked me rather to employ his car. We at that time were hiring automobiles to carry out our searching parties, raids, and so forth, and Mr. Ayearst introduced Slavin more as a friend and—

MR. FERGUSON: As an acquaintance?

A.—As an acquaintance; and I asked Slavin what the price of his car would be. He said \$2.00 per hour. I did not know Slavin from Adam at that time, I did not know that he was a bootlegger at that time—

Q.—Was he?

A.—He had been previously convicted. Provincial Officer Smythe who gave evidence yesterday, he waited until I had walked down to the Officers' room, which was quite a little distance from Mr. Ayearst, and I could see that he was quite displeased over something, and I asked him what the trouble was, and he said "Mr. Hammond, if you attempt to employ a bootlegger's car in this Department I for one will not go out on any case again;" and the man named Wiles, who was an operative at that time, he says, "Mr. Hammond, if you want to employ a car why my brother has several cars, and would be only too glad to rent a car out to the hire of the department, and he is no bootlegger." So I did not think any more of it at that time; I just let the matter pass, and we employed other cars from different garages—just got the telephone book and phoned one here and there.

MR. MACBRIDE: On the question of hiring cars, what is the usual custom?

A.—At the present time we have our own car.

Q.—What had been the previous custom?

A.—To just hire any car that would be convenient.

MR. LENNOX: I see amongst the public accounts on two occasions there

is a charge of \$240 for a car on each occasion to North Bay—is that in your department?

A.—It was, sir.

MR. FERGUSON: For a trip to North Bay?

A.—Yes.

HON. MR. RANEY: There was reason for it?

A.—Yes.

MR. MACBRIDE: This man Slavin had previously been convicted?

A.—Yes.

Q.—Was his car engaged?

A.—No sir.

Q.—Because the other man Smythe had told you not?

A.—Certainly.

Q.—Did you have any information at all about the Sutton raid, did that come under your direction?

A.—None whatsoever.

Q.—Was it in your department?

A.—No sir.

Q.—I want to ask you about money that is handed to officers to secure a conviction, what is the custom, for instance I know of an incident where \$50, it is alleged, was given to two officers to go and get a certain case; what is the usual custom, and is there any well defined custom?

A.—The custom that has been in my own department has been this, that each operative is given sometimes three, four or five dollars to go out. That money is not marked; that is given to him to go out to try and find places that are selling, that is probably some pool room, and meet a friend, "Hello, Bill, come on; I want a drink," and they will take them to some place, and that operative will come back to the office. He has been to this one place and bought liquor. He knows he could go back again. He will give us the name of the street, and if possible of the owner or occupant of the house. We will then secure a warrant, and when he is ready to go to this place we will then hand him another \$5 or \$10, whatever the case may be—If he wants to buy a bottle of liquor we give him a ten-dollar bill,—not always one bill, but sometimes in different denominations to the value of ten dollars, and each bill is then marked.

THE CHAIRMAN: The numbers taken?

A.—Yes; the numbers are taken of those bills. The operative is searched; he has not anything on his person excepting a pocket handkerchief, excepting the marked money that we give him. That operative is then shadowed, kept under strict surveillance from the time he leaves the office until the time he goes into the house wherever he is to purchase this liquor. Sometimes we will only give the man five or six minutes in a house to obtain a drink where he cannot obtain a bottle. As soon as that six minutes is up we make a raid, and we get them as a rule with the drink right in his hand and the bottle sitting beside him, and we recover the money.

THE CHAIRMAN: And in case it is a bottle, what then?

A.—In case it is a bottle he will bring that bottle out; but the house is kept under surveillance from the time that man enters the door until he comes out; so that he cannot meet any other person, and that there shall be

no collusion with any other person at all that might have spite against these people whereby they could hand him a bottle and make believe he got it in this place.

Q.—You make the arrest immediately?

A.—Absolutely right there and then.

Q.—Now, you speak of having interviewed the Attorney General with respect to these complaints that you have taken before General Elliott?

A.—With General Elliott on that one occasion.

Q.—Was it a thorough interview or a few minutes?

A.—The only question that the Attorney-General asked of me, sir, was “Is this man McCutcheon whom we are speaking of now the same man that was in trouble recently in Guelph?”

Q.—That was all the interview amounted to?

A.—I said yes sir, knowing that McCutcheon had explained his trouble to me that he had at Guelph, and I had discussed that with Mr. Flavelle, the former Chairman.

MR. LENNOX: Was he under indictment then?

A.—No sir—I beg your pardon, I think he was under indictment then.

Q.—Was that mentioned before the Attorney-General?

A.—Yes sir, I think that was.

HON. MR. RANEY: Be definite about that, if you please.

A.—I don't want to make any false statement; I want to be absolutely perfect in my statements, but I rather think sir, that, I know the matter was discussed, but whether this conversation took place before General Elliott went away or after his return regarding the indictment I won't be quite positive; I rather think regarding the indictment of McCutcheon it was upon General Elliott's return, and of course I was not asked any more questions at that time, but I thought possibly that General Elliott had taken and discussed the matter with the Attorney-General just as fully as what I have done, that he knew and was quite aware of all that had transpired.

MR. LENNOX: Did you have two interviews with the Attorney-General, or just one?

A.—It was after General Elliott returned; I was taken into the Attorney-General's office with General Elliott, and it was there that I mentioned to the Attorney-General also—we were discussing the whole thing regarding the different officers whom we thought were irregular in their methods.

MR. FERGUSON: You were discussing the integrity of the staff?

A.—Yes; it was following certain of the assertions that had been made by McCutcheon.

MR. LENNOX: Was that the occasion when you say it was brought to the attention of the Attorney-General?

A.—Regarding the conspiracy charge it is quite possible, I would not like to be too sure of that, but I know the first time was before General Elliott went away, because General Elliott after the discussion the last time with the Attorney-General, and we made the final arrangement, I knew he shook hands with me in his office, and said “Good bye, Mr. Hammond, I hope when I come back this will all be cleaned up satisfactorily.”

MR. MACBRIDE: Have you had any interviews with the Attorney-General since that time?

A.—No sir.

THE CHAIRMAN: Since which time?

MR. MACBRIDE: Since the time he speaks of when he made a complaint to General Elliott.

THE CHAIRMAN: He says he saw him before he went away and after he came back.

MR. MACBRIDE: He speaks of complaining to General Elliott, and then had a small interview with the Attorney-General; have you brought your complaint since that time to the Attorney-General's attention—you had been treated unjustly to your mind, and you had been reduced in your salary?

A.—I asked the Attorney-General about that; I have not been to him since about that.

MR. LENNOX: When did General Elliott return?

A.—July or August; I think in August.

Q.—I have here a copy of evidence filed in the Toronto Police Court *Rex v. Elsie Waddell*, 426 Church Street, was arrested March 24th 1921 on information of S. Smith?

A.—Yes, Samuel Smith.

Q.—Do you remember upon that occasion a woman by the name of Pearl Womford?

A.—I never heard that name.

Q.—She afterwards became Mrs. Clarke, who gave evidence in that case?

A.—I heard that Mrs. Clarke did give evidence in that case, but I never knew the name Womford.

Q.—She is the same person; so that in this case a woman was used for the purpose of getting a conviction?

A.—She did give evidence, but that was absolutely unknown to any officer I think in the department that she was going to give evidence, or that she was being used either directly or indirectly. Her husband used her on his own initiative unbeknown to us, and she happened to be there when the raid was made, and there was nothing else to do; but the lawyer called her as being a third party in the house, and she had to give evidence.

Q.—According to the evidence she was the one who got the bottle, did you know that?

A.—No.

Q.—She had been boarding at the house of Mrs. Waddell, and she negotiated the purchase of the liquor, you do not remember that?

A.—No sir; I heard afterwards, mind you that she had been staying at 426 Church; I heard that she had turned apparently on her friend, and I spoke to Clarke regarding that treatment towards this particular person afterwards, and I told him I would not allow anything of that kind.

Q.—Did she give evidence in any other case to your knowledge?

A.—Not to my knowledge.

THE CHAIRMAN: Clarke was in the employ of the Department?

A.—Yes.

Q.—And he went to this house with whom, what officer did Clarke go to the house with?

A.—With Smith. Smith laid the information.

Q.—Did the Clarkes go there with him—she was his wife?

A.—Mrs. Clarke was along with her husband——

Q.—You do not know when she married Clarke?

A.—No.

Q.—Was it before or after that?

A.—No.

Q.—But the lawyers for the defence called this woman, whether she was his wife or whether she was not?

A.—I understand that——

Q.—The lawyer for the defence called her?

A.—Yes.

Q.—So that as far as the Department was concerned you as Inspector of the Department employing this man, did not know this woman was in the house at the time?

A.—No.

Q.—And did not know she was going to be called, and she was not called by the Department, but was called for the defence by the solicitor for the defence?

A.—As I understand.

MR. JOHNSTON (Simcoe): I am not just satisfied in my mind about the charge made by Mr. Hammond against Mr. Ayearst in reference to employing Mr. Haverson to defend Slavin; you have already charged Mr. Ayearst with employing Mr. Haverson.

MR. FERGUSON: He did not charge him with anything of the kind.

THE CHAIRMAN: He said that Mr. Haverson told him that Mr. Ayearst had employed him. Knowing Mr. Haverson as well as some of us do, it may or may not be a joke. He ought to be called.

MR. JOHNSTON (Simcoe): Did you ever discuss this with Mr. Ayearst?

A.—I tell you I felt, so annoyed that I did not discuss the matter.

Q.—And you feel you are perfectly justified in making that statement without trying to ascertain whether it was true or not?

A.—I spoke to General Elliott regarding it, and I told General Elliott—he asked me if I had gone to Mr. Ayearst regarding it, and I told him no, I think it is a matter which you should speak to Mr. Ayearst about; I don't want any misunderstanding; I never had a word with Mr. Ayearst since I have been in the Department at any time.

Q.—Mr. Haverson did not defend this man Slavin as he told you he was going to do?

THE CHAIRMAN: If as he said he had been asked to do.

A.—He did not defend him; Col. Greer defended Slavin.

MR. JOHNSTON (Simcoe):

Q.—So that there still is some doubt as to whether he was asked?

A.—I have no doubt in my mind; I don't think Mr. James Haverson would lie. He has never lied to me.

Q.—You think still he was asked to defend?

A.—I do.

Q.—But he did not do it?

A.—No. I know Mr. Haverson felt the same as I did afterwards that probably it was not quite the right thing to do.

Q.—You say that in your opinion he was asked to defend Slavin by Mr. Ayearst?

A.—That is my opinion; I have no reason to think otherwise.

MR. HALL: You said something a little while ago with regard to the hiring of a car from Slavin by Mr. Ayearst?

A.—Yes.

Q.—Was Slavin at that time in the service?

A.—No sir. Mr. Slavin has never been employed to my knowledge since I have been in the department.

Q.—Had he been convicted previously?

A.—I understand so.

Q.—Have you reason to believe that Mr. Ayearst knew that he was a convicted bootlegger?

A.—That I could not say.

Q.—You have no information on that?

A.—No.

Q.—MR. FERGUSON: But everybody around the office knew it?

A.—Everybody around the office knew it very well.

MR. HALL: You have no facts?

A.—No.

HON. MR. RANEY: We will ask Mr. Ayearst what he has to say about it.

J. A. AYEARST, Recalled.

HON. MR. RANEY: Do you wish to speak, Mr. Ayearst?

A.—I would like to refer to that circumstance. In the first place when Mr. Hammond came, when Mr. Raney informed me that Mr. Hammond was to take charge of the Toronto district he came to me and I gave him all the information I possibly could do, advised him as to the methods of procedure, the procedure that he has described here was described to him by me, as it has been followed for years by us, and I took him out the first case he ever got, I think, I took him out and got him the——

MR. FERGUSON: Did you engage him?

A.—No, I did not know he was engaged till after.

Q.—Who did?

A.—I don't know who he was engaged by; he was engaged by Order-in-Council I presume.

MR. FERGUSON: Who engaged you, Mr. Hammond?

MR. HAMMOND: The Attorney-General and Mr. Flavelle I suppose.

MR. FERGUSON: Who got in contact with you?

MR. HAMMOND: Mr. Flavelle.

HON. MR. RANEY: Do you remember who it was that recommended you to the Department?

MR. HAMMOND: I do not know, sir. The whole thing came as a surprise to me. Of course I remember I was sick in bed at the time and Mr. Flavelle telephoned to me——

THE CHAIRMAN: You learned afterwards who recommended you?

A.—I heard afterwards several people did.

THE CHAIRMAN: I recommended him for one. I had had experience



with Mr. Hammond as Chief of the Pinkerton force here, he worked for the office in a number of cases, and gave satisfactory service, and I had no hesitancy in recommending him.

MR. THOMPSON: Did not I understand from the Attorney-General that this man Mr. Hammond—I never saw him before—that he got the very highest recommendations from the head officials of the Toronto Police Force?

HON. MR. RANEY: One of the head officials, yes.

THE CHAIRMAN: Before I recommended him I inquired from the Toronto Police Force to see what their experience had been, and their experience had been the same as my experience and I had no hesitancy in recommending him. I was asked if I knew him and I said yes, and I said "I will make inquiries," and subsequently I wrote a letter to Mr. Flavell.

MR. FERGUSON: I suppose you would recommend he get back to his original salary?

THE CHAIRMAN: This is the first time I ever knew he had been reduced.

MR. AYEARST: I took Mr. Hammond out the first night, the first case and showed him how we used the man who was acting as a go-between, and it was a successful case, and he got a conviction. I took him also into my confidence about men on the staff; I advised him in regard to them. I said, difficulties arise sometimes and we get some men who after a while we find they are not trustworthy, and we let them go. I said "I don't know of any one at the present time that is so, but I said you will have a better chance than I, because I am confined to the office now; and watch the men closely, and if you see anything wrong let me know. There is just one I have had complaint about, and I mentioned Mr. Courrian's name, and I said there have been complaints come in about him, statements that he was not straight in some regards, and I said I have investigated as far as I possibly can and I have never yet found anything wrong and I do not believe them, but I said watch specially and see if you see anything wrong about Mr. Courrian and report to me." I never received a report from Mr. Hammond about any of these men being wrong. Mr. Hammond came and consulted me for some time, and by and by he stopped consulting me, did not come near me, and I had memos from General Elliott that certain matters were taken out of my hands and were placed in Mr. Hammond's. I did not make any complaints; I just let the thing go. Men were engaged; there were some men engaged that I could not possibly have engaged, would not have engaged under any consideration. You have had the story about that from the men; their names will all appear before you.

MR. LENNOX: Men engaged as spotters?

A.—I don't know how they were engaged, but some of these men they were up here, whom we were charged about, I don't know who engaged them.

Q.—In the capacity of spotters and operators?

A.—I do not know just what their capacities were, but I had no knowledge of them at all, and I was not consulted about them in any way or form. Now, the next matter was the matter of Slavin and James Haverson. In so far as that is concerned James Haverson and Slavin both came to my office one morning. Mr. Hammond says it was the morning after this conspiracy. It was after the conspiracy, or after there was something about conspiracy, or after there was something about conspiracy, and this man

Slavin I think came in first, but I am not positive, but both of them together, and Slavin was talking about what he was charged with, he did not know what he was charged with, he did not appear to know, did not explain it anyway and said that he was down and out, had no money, and he guessed he would go to jail. I said "That is up to yourself; if you are not guilty you won't go to jail; if you are guilty you will possibly;" and he spoke about he had no lawyer. So Haverson was sitting there, and Haverson came in or was there at the time and I said to Haverson "Here is a man looking for a lawyer," and that is as far as I went, and I says, "He says he has no money to pay a lawyer." That is all that was said. And all that I had anything to do with it; and Haverson talked with him a while, and he went away. I was under the impression that Haverson was going to defend him; but when the case came to Court it was Dick Greer that defended him.

THE CHAIRMAN: It may be that Haverson going out said that?

A.—Yes; that is all that occurred in my office.

HON. MR. RANEY: We will bring Haverson up.

THE CHAIRMAN: There is nothing worth while in that.

HON. MR. RANEY: I don't think so.

A.—Haverson is an exceedingly great joker, and he may have been putting up some joke. But some days afterwards McCutcheon came into my office and to my utter astonishment he asked me if I was paying for a lawyer for Slavin, and they were all in the box together at that time, and I said, "Decidedly no, I am not paying for a lawyer for anybody; I have enough to do to pay my own debts."

MR. HALL: You heard what Mr. Hammond said about your recommending that they should employ that car?

A.—Yes, I explained that the other day.

Q.—Did you know that this man Slavin had been convicted?

A.—I knew this man was convicted once, yes, away back I think it is four or five years ago.

MR. FERGUSON: He was a man of unsavory reputation?

A.—I don't know anything against the man, except he had been convicted once; but when he was convicted that time he came to the Board and pledged himself he would never have anything to do with it in any shape or form, and so far as I knew I did not know of him having anything to do with it. When he came to me about that, I can explain it again, he came into the office once and he said, "I have two cars, and I am doing a jit business, I wish you people would give me a chance once in a while if you are going out anywhere, I will be glad to take you." I said, "I don't have anything to do with it; Mr. Hammond and Mr. Sarvis engage the cars."

MR. LENNOX: I don't think there is anything in that.

A.—I took him I think to Hammond and said, "Here is a man that has two cars, and he is running a livery, Mr. Slavin, and he will let you have them at two dollars an hour—we were paying \$2.50 or \$3.00 at that time. I left it to Mr. Hammond. He knew Mr. Sarvis and I presume he went to Mr. Sarvis himself.

MR. MACBRIDE: Was this man Slavin a bootlegger?

A.—Not that I know of at that time.

THE CHAIRMAN: Was this man Slavin the same man whose name was mentioned in the investigation before Sir William Meredith?

A.—Yes, the same man.

Q.—That of course was a long time ago?

A.—Yes.

Q.—Then there was an imputation at that time, was there not, by Mr. Dewart, that matters were not right as between the Department and Slavin?

A.—He brought up his conviction, and that his fine had been reduced six hundred dollars; that is all I know about.

Q.—And then Slavin at that time was supposed, was he not, to have been delivering liquor?

A.—No, the only thing they had against Slavin at that time was that he had secured a quantity of alcohol and when it was delivered in his garage our officer seized it; we did not know whether he had sold any or not, but he was charged with having liquor in a place other than his private dwelling, and convicted of that and fined one thousand dollars; and the fine was reduced to four hundred dollars on the request of the Board.

Q.—Then there was a question that came up in that investigation, would not that have been a fairly good reason not to have Slavin round about at all?

A.—He was not about at all that I know of any more than he came up at that time; he used to come up occasionally; I believe the officers got a good deal of information from him.

THE CHAIRMAN: Because there is many a time that it was said, "Courian is out with that bootlegger Slavin"—

A.—I would not be surprised. It was through Courian we got nearly all our information. He knew every bootlegger; that was the way we got the information.

Q.—He was out with Slavin?

A.—I do not know.

Q.—There was a case where the car broke down or was upset?

A.—Upset. That case I think I explained.

Q.—Whenever I heard anything I went to you?

A.—You came to me and I explained the thing.

Q.—If I got information I gave it to you direct?

A.—Yes, and I used it. But Mr. Courian was the man who gave us the information about the bootleggers all over this city, and I got more information than I ever got from any other hundred men.

MR. MACBRIDE: You knew this man Slavin had been charged with conspiracy, didn't you?

A.—I do not know whether or not at that time.

Q.—Was it not previous to that that he had been charged?

A.—I don't think so. I think when he came about the cars was prior to that; I knew he was charged and I knew the case was dismissed against him.

MR. LENNOX: You mean when he went for Mr. Haverson?

A.—No, I did not know what the charge was the first day, I knew very soon after, but when he came in he could not explain what the charge was to Mr. Haverson, something about a conspiracy, and he said he was hired for fifty dollars to drive a man to the Falls, and he got his fifty dollars.

MR. McBRIDE: How did Haverson and Slavin happen to be in your office consulting with you when your own department was laying a charge against him?

A.—They were not consulting with me; I don't know how they came there.

Q.—How long were they there?

A.—Probably five or ten minutes.

Q.—Were you present during the discussion?

A.—I was present when Mr. Haverson came in, and evidently Mr. Slavin came in.

HON. MR. RANEY: I suppose he came about different matters?

A.—Slavin had no excuse for being there. Haverson came in to see me about another matter altogether.

MR. MACBRIDE: Did they discuss this matter in your presence, the charge?

A.—Very little—not the charge at all. This man told his story; he said he did not do anything, claimed he was absolutely innocent, said that he just drove a man over and got fifty dollars for doing it.

Q.—You heard Mr. Hammond say they came out of your office almost together?

A.—I do not know.

Q.—How long approximately would they be in?

A.—Not over ten minutes all told, I don't think they would be more than that.

Q.—You speak of taking Mr. Hammond out and instructing him as to the method employed by the go-between?

A.—The case I had with Mr. Hammond we sent a man into a place we knew was selling, and he went in there and sat around awhile.

Q.—Did he buy anything?

A.—We knew a certain man had bought a bottle there, and he was arrested, and he acknowledged he had bought a bottle, and the man was fined \$1,500.

Q.—Was there money used that time?

A.—No, no money was used that time.

Q.—You have heard what other witnesses have said about a well defined method used in the Department for the transferring of money from the Inspector?

A.—Mr. Hammond described it well.

Q.—Is that a well enforced rule in the Department, do all the Inspectors operate on that rule, to get the money, mark it?

A.—Take the number and series.

Q.—Give the operator the money?

A.—Yes.

Q.—And immediately an arrest is made and the money recovered?

A.—They use their judgment, the officers, as to whether they make an arrest; sometimes if it is a person who has property they do not need to make an arrest; but among the element in the City of Toronto where there are so many foreigners that have not anything they generally make an arrest.

Q.—What is the object of taking the money except for recovering the money?

A.—They very frequently recover the money without arresting; the officers say, "Show us the money," and they show the money.

Q.—Do you know the names of Speik and Chopin employed by the Department?

A.—I don't know Speik; I have seen Chopin; I would know him if I saw him, but that is all.

Q.—What are they, Poles?

A.—I don't know; they speak English, but they are not Anglo-Saxon.

Q.—Have you any record in your department of each of these men having received twenty-five dollars to go and secure a conviction?

A.—Not to my knowledge, sir, nothing whatever.

Q.—If there was such a record could you bring it before the Committee?

A.—If it were within my reach I could.

Q.—It is under Inspector Sarvis?

A.—These men were employed by Mr. Sarvis.

Q.—If Sarvis gave them fifty dollars, that is twenty-five dollars each, to secure a conviction, there would be a record of that expenditure, would there not?

A.—He never gave them twenty-five dollars to secure a conviction; he gave them twenty-five dollars for their expense—if they went to an outside town he would not give them less than twenty-five dollars.

MR. FERGUSON: He would have a record?

A.—Yes, and when they put in their expense account that would be balanced, and if there were anything behind there would not be anything back.

HON. MR. RANEY: If you want to trace any payments made to these men we will try and get information for you from Mr. Mowat.

MR. MACBRIDE: I don't want to put you in any position unfair?

A.—You can put me in any position you like.

Q.—Will you swear there was no instance where special operators received twenty-five dollars apiece to secure a conviction?

A.—I say I never knew of anything occurring in the Department in the last sixteen years—

Q.—You would not swear?

A.—How could I swear?

Q.—Will you bring to this Committee the record of Mr. Sarvis's expenditures in the City of Brantford?

A.—You have them now.

THE CHAIRMAN: He has put this question this way, do you know of any instance whereby a man was given twenty-five dollars to secure a conviction?

A.—I do not.

Q.—Could that possibly happen?

A.—I cannot conceive of it happening.

Q.—If they are given money—?

A.—It is for the purpose of their expenses or going in and purchasing, when they would be followed, but I never knew of twenty-five dollars to be given unless they were going to buy a great many cases or a carload and pay

it on deposit, or where men were going out of the city, and using it for their expenses.

Q.—It is not given to secure a conviction?

A.—No.

MR. FERGUSON: The Attorney-General says the expense sheets are available.

HON. MR. RANEY: Yes, they are all in now.

MR. FERGUSON: That could be looked up?

A.—They are not in my control.

MR. MACBRIDE: Mr. Hales is here, and he will give us the facts. If Chopin and Speik were given twenty-five dollars each by Sarvis that would be an unusual proceeding would it not?

A.—It would not be; it would be an absolutely usual proceeding.

Q.—If it was used to secure a conviction would it be unusual?

A.—If they used it improperly to secure a conviction it would be. If they used it to pay their fare or hotel bill and purchasing liquor wherever it was necessary in order to get a conviction it would be proper.

Q.—They might use the whole fifty dollars?

A.—Yes.

HON. MR. RANEY: You sometimes put up four or five hundred dollars?

A.—Yes, often.

MR. MACBRIDE: What I want to know is the money always marked, and can I get evidence this money was marked?

A.—The money that goes out like that for expense account is never marked.

Q.—I have the evidence on record in a Court of this Province at which Mr. Hales was present.

A.—Why not give me a definite statement?

Q.—When your special operators are given money to secure a conviction, is it a well defined rule of the Department that the number of the money must be taken?

A.—I do not know what you mean by "to secure a conviction?"

Q.—I thought you were head of the License Department to enforce the O.T.A.?

A.—If you will tell me what you mean by paying money to secure a conviction.

Q.—To catch somebody selling liquor?

A.—How is the money paid?

Q.—Paid to a man to supply the operators with liquor?

A.—No, it is not always marked, not when they give it like that.

Q.—We have had witness after witness come up here and tell this Committee that there is a well defined rule that the number, denomination of the bill is taken?

A.—I think I can answer you now. When men are sent out to distant places and an officer does not go with them that rule is not followed; that is done where the officer can follow the men up.

Q.—If the officer is right there with him.

A.—If he is right there with him he might do that.

Q.—The proper thing for him to do is to follow up and make the arrest and recover the money?

A.—I do not know.

Q.—Is it proper if he did not make an arrest for a month after?

A.—He may never make an arrest.

Q.—Paying out fifty dollars of the public money?

A.—Heavens, we are paying out hundreds of dollars and do not get a thing from it sometimes.

Q.—They take the number of the money and hand it to the operator, and they follow him into the place designated, they have him make the purchase of liquor and they recover the money?

A.—Yes, sometimes.

THE CHAIRMAN: Will you permit me: I have allowed this matter to go right straight on; if these were two men that had been sent from Toronto to Brantford for the purpose of obtaining a conviction Mr. Ayearst has told you that they would have twenty-five dollars apiece?

A.—Maybe fifty dollars apiece.

Q.—And they would go up there. If it was being operated from Brantford with operators there and the Inspector there he might follow out that rule; it is not at all likely that he would follow it out if these men were sent from here to go up there, that the expense money and other money the numbers would not be taken for the purpose of identification?

A.—As a matter of fact in most cases the Inspector would not know they were there.

MR. MACBRIDE: As a matter of fact the Inspector himself was there and gave evidence in the cases, together with the special operators, so that explanation—

THE CHAIRMAN: If they did not give any evidence that the numbers had been taken of the money I suspect of course it was done.

MR. HALL: When they are given money on account do you get a receipt for the money when you hand it over—supposing you were sending me or some other chap out on a job and you were supplying me with funds to carry on the work, would you ask me for a receipt for the money?

A.—Not necessarily. The officer would enter it in their account, cash twenty-five dollars or fifty dollars, and then he would have his expense sheets when they came in, and if they did not balance up they would pay him back the difference.

MR. HALL: Supposing they gave him twenty-five dollars and the officer entered fifty dollars, and when he came to balance up his expense account he docked him fifty dollars when he had only had twenty-five dollars—that is a pretty loose system?

A.—No it is not loose; it is absolutely right.

MR. MACBRIDE: Have you any advice in your department of 110 cases of whiskey that came to the City of Brantford in November, 1920?

A.—Not to my knowledge.

Q.—Have you any advice of the late Chief of Police of Brantford, of the house to which 110 cases were delivered, only having ten cases recently?

A.—I could not say whether there is any advice to that effect or not; if there is any advice in the files we will let you have it.

Q.—Did the late Chief Slemin of Brantford consult you personally and give you much information?

A.—I could not say he did or that he did not. I get hundreds and thousands of letters of different kinds. I have had communications with Chief of Police Slemin of Brantford, different times.

Q.—I sent a telegram to the Attorney-General of the Province on the 28th September last, and I understand he handed it over to you?

A.—I could not say; possibly he did.

Q.—Have you any recollection of receiving that telegram?

A.—Not now. If I did it will be in the files there unless it was returned.

MR. MACBRIDE: Perhaps you will enlighten us on this (addressing Honourable Mr. Raney).

HON. MR. RANEY: No, I would not enlighten you on anything. I would if you would stop talking.

MR. MACBRIDE: I do not propose to take that insult at all. There is no person that I know of talks more and less to the point than the Attorney-General. I am not surprised he has to plead guilty to being unable to enlighten me. I have never known him to enlighten anybody yet.

THE CHAIRMAN: It is one o'clock. The Committee usually rises at one o'clock. Is it the will of the Committee to rise now?

MR. MACBRIDE: I believe I have a right to pursue my question because of the very fact that the Attorney-General said he does not want to enlighten me. I want to enlighten this Committee and the House.

THE CHAIRMAN: It is for the Committee to say whether you will go on. If the Committee desire to sit and let you go on all right; if the Committee desire to rise—they were in the House till five o'clock this morning, and if they desire to rise in order to go and get lunch before they go into the House it is their will that will have to govern.

HON. MR. RANEY: I move we adjourn.

MR. HALL: Before we adjourn Mr. Dewart said he had to go to the city on business, and he spoke to me about Tuesday, wanting to know if there was nothing else on Tuesday he would like that matter taken up with reference to the Workmen's Compensation Board.

HON. MR. RANEY: This matter we hope to wind up on Tuesday. I move we adjourn.

MR. LENNOX: I want to move, seconded by Mr. McCrea, that Mr. Graham of Sutton be summoned to appear before this Committee at its next sitting.

HON. MR. RANEY: I move that when we adjourn we adjourn until half past nine on Tuesday next and endeavor to conclude this hearing of these charges.

MR. MACBRIDE: I want to ask that Mr. Ayearst be requested to bring his records, and that Mr. Hales be also here on Tuesday.

MR. AYEARST: All right, I will be glad to.

The Committee adjourned at 1 p.m. to 9.30 a.m. Tuesday, May 30th, 1922.



## PUBLIC ACCOUNTS COMMITTEE.

The Committee resumed at 9.30 a.m. Tuesday, May 30, 1922, Chairman Watson, Presiding.

The minutes of the last meeting, Friday, May 26, 1922, were taken as read.

MR. LENNOX: I would call Mr. Kirk of Newmarket.

MR. DEWART: Mr. Chairman, before going on, I might say that I made a motion some time ago with reference to the inquiry in regard to Workmen's Compensation matters, and thirty-one blacklisted doctors, and I suggested a certain day for the hearing. My motion has been on the order paper here, I think, for a month. I thought that I might have disposed of it before the Medical Association met, but it is in session now. Perhaps I might get some additional witnesses here. I would move that that be the first order of business for to-morrow. It seems to me that these are matters of importance, as well as other matters, and I desire to get this on. I hope the Attorney-General will not misunderstand my motives. I would like it put on to-morrow, even if the O.T.A. investigation has to be postponed for a while.

MR. RANEY: I understood that this was to wind up to-day.

MR. FERGUSON: I may say I have a witness subpoenaed for to-day. I have had several of them hanging around for two weeks.

MR. RANEY: I thought it was to have closed last Friday. Apparently we did not get quite through. I do not blame anybody, but I think we ought to be finished to-day.

MR. DEWART: I am very anxious to get this matter on, under existing circumstances.

MR. FERGUSON: Do you want it to-morrow?

MR. DEWART: I would like it.

MR. FERGUSON: I have an official, who would take only about ten minutes.

MR. DEWART: With reference to what matter?

MR. FERGUSON: It is with reference to moving pictures; it would take five or ten minutes.

MR. DEWART: I have no objection to that, but I do not want to hang around all morning, because I am not so interested in this as I am in that.

MR. RANEY: If it be understood that subject to our finishing that matter, I should think that would do.

MR. FERGUSON: How much of this have you Mr. Lennox?

MR. LENNOX: I will finish to-day, as far as I am concerned.

MR. RANEY: I presume you intend to make your statement to-day, do you?

MR. LENNOX: Oh yes.

MR. RANEY: Then we will get all through.

MR. DEWART: Might I further ask, then—the papers have been brought down by the Workmen's Compensation Board and are in the possession of the Secretary; is there any objection to my looking at them and taking mem-

oranda outside of the Committee Room?

MR. RANEY: There cannot be any, I should think.

T. B. KIRK, sworn.

Examined by MR. LENNOX:

Q.—Mr. Kirk, you are a county constable?

A.—Yes Sir.

Q.—Do you remember a short time ago, within the last few months, a man by the name of Heaton being sent up to Newmarket, or being in Newmarket?

A.—Yes Sir.

Q.—He was superseding whom?

A.—Dan Mackenzie.

Q.—Dan Mackenzie was the Inspector for the County of York?

A.—Yes; he said he was retired or fired and Heaton had taken his place.

MR. FERGUSON: Inspector of what?

MR. LENNOX: License Inspector?

THE WITNESS: Yes.

MR. LENNOX: Just tell in your own words what took place between you and Heaton when he went to Newmarket?

A.—He said that he had been sent there to see me, to give him some information in connection with the bootleggers and fellows making swamp whiskey, and we had a case on that day, and I pointed two or three in the court to him, and he asked me to see him in the hotel at eight o'clock, and I said that I would. When I got there I told him that I had fifteen or sixteen summonses to deliver and I could not get back for an hour or so. He said, "Would you mind me coming with you?" I said, "No, not at all." One of the witness' houses we went to, he came in with me, and I said, "This woman has given me valuable information at different times," and I suspected the man where she was staying was a bootlegger, and when we came away he said, "You seem to be well liked by the people, according to what I can hear and what I can see." "Oh," I said, "Give them a square deal and treat them white, and you get better results." We went back to the hotel, and in the bedroom he said, "I think you could get better acquainted with this woman." I said, "What do you mean?" "Oh," he says, "Make a sweetheart of her." I said, "Explain it." He said, "Well, you could get next to her." I said, "I am dense; I can't understand you yet." "Oh," he said, "you could screw her." I said, "You have mistaken your man." Next he said during that conversation, he said, "We have men in the Department who will stoop to anything," he says, "to get a conviction." He says, "Make love to this woman and we will get this fellow." I said, "It is a pity that this isn't your town."

Q.—What did you do as a result of that?

A.—I reported to the Chief of Police, Mr. Phillips.

Q.—Then what took place?

A.—About two weeks afterwards I went to General Elliott.

Q.—Were you sent for?

A.—Yes Sir.

Q.—And was Heaton there?

A.—Yes Sir.

Q.—And in Heaton's presence what took place?

A.—General Elliott asked me if the report was true, and I told him it was, and he said that he believed me.

Q.—Is there anything else?

A.—I don't think so.

MR. FERGUSON: Where is Heaton?

MR. LENNOX: Do you know where Heaton is now?

A.—No Sir.

MR. DEWART: What is the man's name?

MR. LENNOX: Mark Heaton. I see according to the returns he left because his work was done.

Q.—That is all you know about it?

A.—Yes Sir.

Examined by MR. RANEY:

Q.—You made your complaint to the Chief Constable of the County?

A.—Yes Sir.

Q.—And the Chief Constable pointed it out to the Commissioner of Police here at the Buildings?

A.—Yes Sir.

Q.—And then you were summoned here to give your evidence?

A.—Yes Sir.

Q.—And Heaton was there?

A.—Yes Sir.

Q.—There was an investigation and Heaton was immediately dismissed?

MR. LENNOX: That is not what the return says.

THE WITNESS: Well, I don't know that, sir.

MR. RANEY: Well, Heaton was dismissed?

A.—Well, I heard that he was dismissed, sir, only just lately?

MR. FERGUSON: When was he dismissed?

MR. JOHNSTON (Simcoe): When was that investigation, on what date?

MR. LENNOX: The services were dispensed with at the end of his temporary employment; that is the return.

MR. JOHNSTON (Simcoe): What date were you in General Elliott's office?

A.—January the 16th.

MR. LENNOX: Budway mentioned you being in my office—I had forgotten about that; how often have you been in my office?

A.—Twice, sir; once to deliver a letter for Mr. Choppin of Newmarket.

Q.—That is my partner?

A.—Two years ago; and once about two months ago to deliver another letter for Mr. Reilly of Newmarket, which took about a minute. That is the only times I have been in your office. I don't know Mr. Budway.

MR. JOHNSTON (Simcoe): Mr. Kirk, did I understand you to say that he delivered a letter to you?

A.—I beg your pardon?

Q.—That Budway delivered a letter to you at one time?

A.—No Sir.

MR. LENNOX: He delivered a letter to me from a man in Newmarket; that is what brought him to my office.

Q.—So that there may be no misunderstanding, what do you mean about these letters?

A.—Mr. Choppin of Newmarket gave me a letter to bring to your office.

Q.—That is my partner in Newmarket?

A.—Yes sir, two years ago; and two months ago Mr. Reilly of Newmarket asked me if I was going down in the morning, about twelve o'clock at night. I says, "Yes." He said, "Will you give this to Mr. Lennox?" I says, "Yes."

MR. RANEY: There is no report against you, so far as I know, Mr. Kirk. What reports that have come to me have been to the effect that you are an excellent officer and that you are always on the job.

THE WITNESS: Thank you, sir.

I. E. WELDON, sworn.

Examined by MR. LENNOX:

Q.—Mr. Weldon, you are a barrister and solicitor practising at Lindsay?

A.—Yes Sir.

Q.—And you have been practising how long?

A.—Since 1898.

Q.—In Lindsay?

A.—In Lindsay, sir.

Q.—You have had something to do with this Martin case, the man who was sentenced the other day in Barrie?

A.—Yes sir; I was solicitor for the complainant.

Q.—And Martin was charged with what?

A.—Martin was charged with perjury in my case.

Q.—In connection with what charge?

A.—He had been in the case of King against Dolcart and King against Gardiz.

Q.—Were they cases under the O.T.A.?

A.—Yes Sir.

MR. FERGUSON: Is this the Martin we were talking about the other day?

MR. LENNOX: Yes.

Q.—This is the Martin that was sentenced the other day in Barrie for perjury by Judge Vance?

A.—Yes.

Q.—An operator for the Government?

A.—Yes.

Q.—This perjury charge that you were interested in, was that in connection with evidence that he gave in an O.T.A. charge?

A.—Yes sir. He swore falsely that he had got liquor from a man, and it was proved before the courts that he had not got it at all, that he had got a wrong conviction against him.

Q.—When was that?

A.—That was in August last, I think; I am not very—

Q.—August of last year?

A.—I think so, sir.

Q.—And he was one of the witnesses who gave evidence in the case?

A.—Yes. There were two policemen; the two policemen went up to Orillia and swore they got liquor from a man, and put him up, and got a bottle of liquor. Then he swore next day that he got liquor from a Jew that he didn't get liquor from.

Q.—After that case was over did you take any steps to bring this man Martin before the court?

A.—I went to Mr.—went to the License Commissioner.

Q.—For what purpose?

A.—To get the money back, and I brought the affidavit of these witnesses to prove that the man had been wrongly convicted; asked him to pay me the money back.

Q.—Was any information laid against him?

A.—Information against this man for months.

Q.—An information was laid against Martin charging him with what?

A.—Charging him with perjury.

Q.—Why was that information not acted upon?

A.—Well, I don't know. It was not acted on for months and months, until you started this investigation.

Q.—Until this investigation started; then the prosecution commenced?

A.—There was a warrant out for this man for months and nothing done about it.

Q.—Were you in communication with the Department?

A.—Certainly; wrote them letters.

Q.—Were you trying to get some explanation for the delay in proceeding with the charge?

A.—Well I would write to Mr. Raney and to the Attorney-General's Department, to the firm of Mr. Hales, and Mr. Hales said he was not administering criminal law in this country—

Q.—You could not accomplish anything, anyway, until this investigation was started?

A.—Even then I had to put up all the costs before they arrested him. I had to go good for all the costs of arresting him.

Q.—What were the conditions upon which they finally allowed the prosecution to proceed?

A.—Well, a letter from the Crown Attorney saying he would not go ahead unless I put up the money for the witness fee. I had to bring the Chief of Police from Ottawa, and some other witnesses from Toronto here.

Q.—That is, they would allow the criminal prosecution to proceed provided you paid the costs?

A.—Yes.

Q.—Of bringing the witnesses?

A.—Yes.

Q.—Did you do that?

MR. RANEY: This is going pretty fast, you know. He says this is in letters, and this is rather important.

THE WITNESS: It is.

MR. RANEY: He is accusing somebody of dereliction of duty. Let us have the correspondence. I do not know anything about that.

MR. LENNOX: I never saw this man before in my life.

THE WITNESS: I have got them right here; they are in there someplace; I cannot get it just now unless I delay you gentlemen. I didn't know anything about this thing until last night.

MR. LENNOX: At all events, did you put up the money?

A.—I didn't put it up.

Q.—I say, was the money put up?

A.—Yes

Q.—And after the money was put up?

A.—I don't want to be misquoted, but I think Mulcahey, a lawyer, who was acting with me, put up the money; I didn't put it up.

MR. RANEY: You say you think he did?

A.—He told me so.

MR. JOHNSTON (Simcoe): Better have Mr. Mulcahey here.

THE WITNESS: Of my own knowledge I don't know he did put it up; I went good for it.

MR. LENNOX: You were responsible for it?

A.—Yes; you will find it in my letter book.

Q.—You went responsible for the payment of the expenses?

A.—Yes.

Q.—And Martin was finally brought to court?

A.—Yes I won't say anything that I don't know. I wouldn't make a statement like that unless I had it in writing.

MR. LENNOX: And then Martin first had a preliminary hearing in Orillia?

A.—Yes.

Q.—Were you present at the trial?

A.—Yes.

Q.—And he was committed for trial?

A.—He was convicted on one charge; he swore he had never been convicted before, when he had been convicted. Then he was sent up on a charge for swearing he got liquor from a man he didn't get liquor from.

Q.—I don't care about the particulars, but he was convicted for perjury?

A.—I wasn't at the last—

Q.—You know that, as a matter of—you saw it in the press?

A.—I saw it in the press.

Q.—And he was sentenced by Judge Vance to three months?

A.—Well, now, I wasn't there.

MR. FERGUSON: That is what the newspapers reported, anyway; I suppose there is not any question about it. This fellow was apparently, according to the press, sentenced by Judge Vance to three months.

MR. RANEY: I understand there were two charges of perjury, one that he swore that he had never been convicted, when he had been convicted of—

MR. JOHNSTON (Simcoe): Receiving money under false pretences.

MR. RANEY: Receiving money under false pretences, and something else, I think.

THE WITNESS: Being drunk.

MR. RANEY: Then there was another charge of perjury against him, I understand, in connection with the liquor case. On that charge, I understood from the newspaper reports, he was dismissed.

MR. LENNOX: Has not been disposed of.

MR. RANEY: I understand it was dismissed.

MR. LENNOX: Possibly.

THE WITNESS: I cannot tell you, because I did not—

MR. RANEY: You said a little while ago—that is why I wondered—a little while ago I understood you to say he was convicted in a case against—  
A.—Certainly he is in jail now.

Q.—But there is a difference, whether the evidence he gave against the defendant was false or whether the evidence he gave as to his own record was false?

A.—I can't tell you.

Q.—Were you at the trial?

A.—I was not at the judgment before Judge Vance.

MR. LENNOX: You were at the preliminary trial?

A.—Yes.

MR. RANEY: Then you didn't know that?

A.—I didn't know that.

Q.—Then you have been telling the Committee something about which you did not know anything?

A.—I beg your pardon.

MR. JOHNSTON (Simcoe): What were the charges at that preliminary trial?

A.—There were two charges.

Q.—A charge arising out of this conviction under the O.T.A. at Orillia; you were at that?

A.—Yes, I was, and got him committed for trial.

Q.—On that charge?

A.—On that charge, certainly.

Q.—That he had sworn—

A.—That he had sworn—

Q.—That he gave false evidence against Dolcart?

A.—Yes; but I didn't go up to hear the judgment. What is the use—

MR. LENNOX: You did not go to the final hearing?

A.—No.

MR. JOHNSTON (Simcoe): I live in Orillia; my understanding was that the charge was dismissed.

THE WITNESS: Well, of course I can't tell you that.

MR. LENNOX: You know whether it was dismissed or not when it was in Orillia?

A.—No, certainly—sent up to trial in both cases, didn't offer any defence; how could he?

MR. RANEY: Don't say he didn't offer any defence.

THE WITNESS: He did not.

MR. RANEY: He pleaded not guilty, and that is all that is necessary.

THE WITNESS: He didn't put a witness in the box.

MR. RANEY: That is not usual in preliminary hearings; you ought to know that, I should think.

MR. LENNOX: He was committed to trial on two charges of perjury at Orillia?

A.—Yes sir.

Q.—By the magistrate?

A.—Yes.

Q.—One of which was for giving false evidence in connection with this O.T.A. case?

A.—Yes

HON. MR. RANEY: I see Mr. Chairman, there is quite a file of correspondence apparently in my department between Mr. Hales—you had some correspondence in this matter?

MR. HALES: Yes.

HON. MR. RANEY: Some with Mr. Weldon, and Mr. Bayly too.

MR. HALES: Mr. Bayly had some too.

HON. MR. RANEY: Of course Mr. Weldon, this was a prosecution for perjury, not under the Ontario Temperance Act?

A.—I went first of all to Mr. Hales, and Mr. Hales would not give me back the money. I said “I want to convict this man of perjury and then the Province to give back the money.”

Q.—That was the province of Mr. Bayly; did you go to him?

A.—I went to Mr. Bayly, and he referred me to Mr. Hales.

HON. MR. FERGUSON: That would be as to the return of the money..

HON. MR. RANEY: That would be a matter for Mr. Hales. So far as the prosecution for perjury is concerned that would a matter for Mr. Bayly or for the Crown Attorney. Did you go to Mr. Bayly or to the Crown Attorney Mr. Cotter?

A.—I went first of all to the Department and I saw Mr. Middleton.

Q.—You went and saw Mr. Cotter?

A.—No, I went to Mr. Hales. Mr. Middleton told me to go to Mr. Hales.

Q.—That would be about the remission; but about the prosecution for perjury whom did you see in the Department?

A.—I wrote to the Attorney General.

Q.—Then did you have correspondence?

A.—Yes.

Q.—With me or with Mr. Bayly?

A.—It was not with you personally.

Q.—I do not recall ever hearing about it. Did you have correspondence with Mr. Cotter, the Crown Attorney, at Barrie?

A.—Yes.

Q.—What difficulties did Mr. Cotter put in your way?

A.—He said I would have to put up the expenses of bringing these witnesses; I had to get a man from Ottawa to come up as witness, and to get two people from Toronto to come up there; the witness fees were heavy.

Q.—You did not put up any money yourself?

A.—My associate put it up, I think, anyway I know Mr. Cotter would not go ahead, and I gave assurance—

HON. MR. FERGUSON: You gave your undertaking?



A.—Yes.

HON. MR. RANEY: I cannot stop now to read this file, it is quite new to me.

HON. MR. FERGUSON: No doubt the man was committed for perjury and he was in jail.

MR. JOHNSTON (Simcoe): Would you mind telling the Committee what the charges were that you had this correspondence with Mr. Cotter about. Were the charges against the enforcement of the Ontario Temperance Act—tell us what the charges were?

A.—You understand I first of all went to the License Board.

Q.—We are investigating certain charges made against the enforcement of the Ontario Temperance Act, and why I am asking this question is to find out whether it has any bearing on the Ontario Temperance Act, in these charges you refer to that were laid against Martin?

A.—You understand this.

Q.—I will try to understand when you tell me, tell me what those charges were?

A.—I cannot explain that without explaining something more.

MR. NICKLE: Do it as shortly as you can.

A.—He got a conviction that I thought was wrong against Dolcart of selling liquor.

Q.—What right have you to say it was wrong?

A.—Because he is in jail now for perjury.

HON. MR. RANEY: Not for perjury in that case?

A.—Yes.

Q.—Not so far as selling liquor—

MR. NICKLE: He is perfectly right in the way he is answering.

MR. JOHNSTON (Simcoe): He has not the right to say he got a conviction which was wrong. You have not any reason to say that that conviction was wrong?

A.—I beg your pardon. You understand I went to work and brought him up and convicted him.

Q.—Tell us what the charges were?

A.—They went to Orillia and swore they got the liquor from a certain man at a certain time, Mr. Dolcart, and they fined Dolcart \$500, and Dolcart went to jail for that. Dolcart came to me and told me his story. I went to the License Department, to the Attorney General's Department to get the money back, and Mr. Ayearst said this man Martin was one of the best men he had, at least Mr. Sarvis reported that to him.

MR. JOHNSTON (Simcoe): You are going and sailing away from the point; tell us what the charges were; I want to know what the charges were against Martin?

A.—I want to be fair; don't you understand—

Q.—I ask you what the charges were?

THE CHAIRMAN: Make it as short as you can.

A.—I might explain sir, that when he came to me I did not think he had sold the particular liquor, and I went to get the money back—and naturally a man should not be thrown into jail unless he is guilty, and I went to Mr. Hales and I went to the Attorney-General's Department; and finally Mr. Hales wrote

me that he would not pay the money back, and I just told Mr. Dingman and the rest of the Commission "If you won't pay the money back I am going to have this man arrested and convicted of perjury," and I did.

Q.—They did not object to that?

A.—The charges against this man were two charges of perjury, one for swearing he had never been convicted of any offence, and one for swearing he got liquor from this Jew.

MR. JOHNSTON (Simcoe): It is quite a common thing for counsel to think his client is not guilty.

HON. MR. RANEY: Here is a report published in the Globe on the 26th May, after speaking of his conviction for perjury on the charge of having sworn he had never been convicted, the report proceeds:

"Martin also was charged with perjury in the evidence given in the case of Dolcart. Witnesses were brought to show that the transactions alleged could not have taken place at the time Martin and Stogner swore the whiskey had been bought. Judge Wismer acquitted Martin on the second charge, holding that the new evidence was not sufficient to justify a conclusion different from that previously arrived at by Police Magistrate Clark and Judge Vance."

A.—That may be quite correct.

Q.—The conclusion was the conviction was justified under the Ontario Temperance Act?

MR. NICKLE: The point I understand that Mr. Lennox is endeavoring to substantiate is that Martin was a perjurer.

MR. LENNOX: Yes. Here is a copy "Michael Dolcart of the Town of Orillia, county of Simcoe, taken this (blank) day of January in the year 1922"—that is last January; when did the preliminary trial take place?

A.—About three weeks ago. I will put it inside of a month.

Q.—That will be during April?

A.—No.

MR. JOHNSTON: Are you positive it was inside of a month?

A.—Look now.

Q.—This is the 30th May?

A.—The preliminary investigation I will say took place inside of a month; it was not a month since I was in Orillia on those cases.

HON. MR. FERGUSON: What difference does it make?

HON. MR. RANEY: Martin was convicted of perjury and he concealed the fact from the Court and from the Department that he had these convictions against him.

MR. FERGUSON: Do you want this correspondence?

HON. MR. RANEY: No, we have our own file.

FRANK SMITH: Sworn, examined by Mr. Lennox.

Q.—Where do you live?

A.—Bellville.

Q.—There were some convictions in Belleville a short time ago?

A.—Yes.

Q.—One against a druggist?

A.—Yes.

- Q.—And one against a man Bradley?
- A.—Yes, he was a dentist.
- Q.—What is your business?
- A.—Taxi driver.
- Q.—Operate your own garage?
- A.—Yes.
- Q.—Do you remember two men being spotters being there named Webb and Creighton?
- A.—Yes.
- Q.—Did you drive them?
- A.—Yes.
- Q.—What happened the first night you drove them? When was this?
- A.—I could not give the exact date, about two weeks ago.
- Q.—What happened the first night?
- A.—They called me up to drive them out to a place.
- Q.—You drove them out?
- A.—Yes, and they all got drunk.
- HON. MR. RANEY: Who all got drunk?
- A.—All hands.
- MR. LENNOX: Q.—You too?
- A.—Me too.
- Q.—Do you drink as a rule?
- A.—No Sir.
- Q.—Had you had a drink for months prior to that time?
- A.—About three months I should say.
- HON. MR. FERGUSON: How did the accident happen?
- HON. MR. RANEY: What were you drinking?
- A.—Some kind of still whiskey; it was not quite still whiskey, I believe, the rinsing out of the barrels.
- Q.—At all events you got drunk; did you drive them around after that?
- A.—Yes.
- Q.—Had you any idea they were spotters?
- A.—No Sir.
- Q.—What was their condition, how long were they in Belleville?
- A.—I should judge they were there about two weeks.
- Q.—What was their condition from the time they were there when they were with you?
- A.—They just seemed like real good fellows, you would not think for a minute they were spotters, they were out spending money and drinking.
- Q.—Were they friendly towards you?
- A.—Yes.
- Q.—Did they have any badges on?
- A.—I would not say, I never saw any badges of the Ontario Temperance Act.
- Q.—Did you see any fraternal badges?
- A.—I could not say myself that I saw it; there is one fellow was supposed to wear a Masonic—this man that was with him was a Masonic member, and he said this other fellow was.
- Q.—What took place so far as you are concerned after you had been

a good fellow with them for two weeks drinking, and having a good time, and thinking they were good fellows, what took place?

A.—The last thing that took place as they were leaving town they tried to hook me.

Q.—What did they do to try to hook you?

A.—I had driven them on several occasions and to different places and got very friendly with them, thought they were just good fellows out for a good time, and when they were ready to leave town they wanted me to buy them a case of whiskey. I said it would be a pretty hard thing to get. They said, "I know, you can get it if you want to." So I told them I would try to get it. He said he would wait over and take the next train, wait till the next day if I would get him a case of whiskey, so he waited over, and I happened to go in the country that day and was gone that day and he did not get his case of whiskey. So the next day, he called me up that night and he asked me would I be sure and get it the next day if he would wait over. He said he wanted good whiskey, he wanted to take it home. I said I would try and get it the next day. The next day came along and I still had horse shoes on me and went to the country again. So he called me up that night and asked me if I would get it the next day if he would wait over another day. I said I will try. He said, "I should be home before this, but if you will try and get it I will wait over." He said, "As far as the cost of the whiskey and your costs are concerned I will settle everything up fine." So the third came. I was not all suspicious then, and I went to the country that day and I came back about six o'clock and met this gentlemen in front of the hotel where he was stopping. He asked me did I get the whiskey, and I said no. He asked me what he owed me, and I told him, and he paid. I did not know then they were O.T.A. men. They had nothing with them to show that they were, but they turned out to be.

Q.—So they did not get you?

A.—No.

HON. MR. FERGUSON: How did you learn they were O.T.A.?

A.—Not until they were up on these other trials.

HON. MR. RANEY: The Committee will appreciate the difficulty we are placed in, in a case of this kind where a man comes here on the last day of this inquiry and makes charges. We may not be able to get the man here to get his statement of it.

William B. McCarger, sworn; Examined by MR. LENNOX:

Q.—You were an operative for the Government for some time?

A.—Yes.

Q.—When did you sever connection?

A.—May to July, 1921.

Q.—You got in trouble I believe, Mr. McCarger, in what month?

A.—In September.

Q.—You were arrested for what?

A.—Having a still.

Q.—You were found guilty?

A.—Yes sir.

Q.—And sentenced to six months or \$300 fine?

A.—Yes.

Q.—And after remaining in jail for a short time your fine was paid and you were released?

A.—Yes.

HON. MR. FERGUSON: Were you guilty?

A.—Yes.

HON. MR. RANEY: You were employed by Mr. Hammond in May, 1921?

A.—Yes.

Q.—And let out in July, 1921?

A.—Yes.

Q.—And had he known you before?

A.—No sir.

Q.—What had you been engaged in before?

A.—In an abattoir.

Q.—Then it was after that a couple of months after your dismissal that you got into this trouble?

A.—September, yes.

HON. MR. FERGUSON: How long had you been operating a still?

A.—I had not had a chance to operate.

MR. LENNOX: You just had one mash there?

HON. MR. RANEY: My note is that your record was clean at the time Hammond employed you?

A.—It was.

Q.—That is true?

A.—Yes.

Q.—Nothing against you?

A.—No.

Q.—You are a good looking young man?

A.—Yes.

Q.—Are you married?

A.—Yes.

Q.—Wife and children?

A.—Yes sir.

Q.—How long have you lived in Toronto?

A.—Four years.

HON. MR. RANEY: Mr. Budway's cross-examination was never completed; do you wish to ask him anything further?

MR. LENNOX: I do not propose to call Mr. Budway.

HON. MR. RANEY: I would like him to come forward.

Frank W. Budway, recalled.

HON. MR. RANEY: When I was examining you before I was not thoroughly in touch with one of the matters you were speaking about, and I want to ask you about that so that the facts will be clearly before the Committee. As I am informed now the incident in connection with the fifteen cases of whiskey that were seized at your house under arrangement you had made with the officers was on the 28th November last?

A.—Monday, November 28th.

Q.—Then the Sutton raid was on December 2nd?

A.—Yes sir.

Q.—Three or four days afterwards?

A.—Yes.

Q.—And then on the 18th December, you said that was on Sunday, you said you were sent for by Mr. Lennox?

A.—First Courian spoke to me and then Mr. Lennox spoke to me.

Q.—On the telephone?

A.—Yes.

Q.—Did you say they sent an automobile for you?

A.—No sir.

Q.—You went up to his house?

A.—Yes.

Q.—And you found Courian there and Mr. Lennox and Shamnetz the bootlegger?

A.—Yes.

MR. LENNOX: At one time operator.

HON. MR. RANEY: That was the 18th December, and the trial of the men charged with breach of the Ontario Temperance Act by reason of what took place at the Mansion House at Sutton on the 2nd December, that case was fixed for trial for the 23rd December?

A.—The 24th, was it not?

Q.—This meeting at Mr. Lennox's house was a few days before that trial?

A.—The Sunday previous.

Q.—It was known this trial was coming on?

A.—Yes.

Q.—Tell the Committee again what the proposal was that was made to you at that meeting?

MR. NICKLE: Whose house was this at?

HON. MR. RANEY: Where was the house?

A.—Col. Lennox's apartments in the Alexandra Apartments, University Avenue.

Q.—What was the proposition when that was made at that meeting?

A.—I went in, of course I sat down and Col. Lennox was there with Shamnetz and Alex Courian; he said, "Budway, what kind of liquor was this they got at your place?" I said, "It was McCaul's Scotch Whiskey."

Q.—That is the fifteen cases?

A.—Yes.

Q.—That was the liquor that had been seized by—

A.—Provincial Officer Smythe and Provincial Officer Baugh.

Q.—And Smythe was one of the men who made the raid in Sutton?

A.—Yes, Sir. So Col. Lennox turned to Shamnetz and says, "That won't do because the liquor they got at Sutton was Corby's Rye Whiskey." He said, "The funny part of it I cannot understand who would drink Corby's." Shamnetz said, "I will get a party who will swear that Smythe got it from them."

Q.—Bought Corby's?

A.—The port wine and whiskey from him. The way I believe, it might not have been uttered, the way I believe was that Shamnetz was going

to get somebody else to swear that Smythe had gone to the house and bought the liquor from that man.

MR. LENNOX: Tell what you know.

A.—That was the conclusion I came to, and anybody else would come to the same conclusion.

HON. MR. RANEY: Had there been any discussion before that about evidence that was to be given at the trial of these men on the 24th?

A.—No sir.

Q.—Did you understand what this had reference to?

A.—Yes.

Q.—Did it have reference to this forthcoming trial?

A.—It had reference to the case against Col. Lennox and in regard to the raid itself—

Q.—Then afterwards do you know why this arrangement was not carried—why Shamnetz did not get this man to swear to that?

A.—Yes; either Courian or Shamnetz I am not quite certain which one, I inquired on Sunday night or the Monday morning from Courian, and Courian told me or Shamnetz—

MR. LENNOX: That is not evidence.

A.—That after their investigation it was a man by the name of Hay or Hayes from Newmarket had taken the liquor to Sutton for the boys.

MR. LENNOX: That is exactly what you stated before?

A.—Yes.

MR. JOHNSTON (Simcoe): You said something the other day about a monetary promise, that you had been paid something on that, will you tell the Committee about that again, for your services in connection with this thing, that you had been paid on account so much money, did you tell us all that you were promised?

A.—Yes, I told you all that happened, everything that I have told you is exactly what has happened between me and Col. Lennox. The only thing is Col. Lennox told me that when he got Hammond in this box he would put Hammond on his knees because he was satisfied that if it was the kind of men that Hammond had employed that was injuring the Attorney-General and the Department, and I think myself and I believe it, that if it was not for Hammond there would be none of this dirty mud slinging at the Attorney-General or the Department to-day, because Hammond was out to get Chief Inspector Ayearst and anybody that was associated with the Chief Inspector—

HON. MR. FERGUSON: You are expressing a lot of opinions? Wait a minute?

A.—I will show it too.

HON. MR. RANEY: Was there any other offer or suggestion made to you at any time by anybody as to anything you should do or should not do?

A.—No.

MR. LENNOX: Were you paid any money after the Sunday when you say I was at Courian's house?

A.—Who by?

Q.—By me?

A.—No money after that.

Q.—Courian on that occasion according to your evidence said you were to get \$200 and you got nothing of the \$200 after that?

A.—No sir.

Q.—Whatever you got you got before the conversation took place between you and Courian in which you say you were to get \$200?

A.—The Saturday before you gave me \$5.

Q.—That was before?

A.—Yes.

MR. JOHNSTON (Simcoe): Who gave you that \$5?

A.—Col. Lennox.

MR. LENNOX: Between the occasion you speak of at the Alexandra Apartments and the time of the trial, were you seen by me at any time?

A.—No sir; no conversation.

Q.—No conversation between you and me at any time?

A.—No sir.

Q.—When you got so angry of course you were very friendly with me?

A.—You were with me too.

Q.—We were on good terms?

A.—Absolutely—would have been yet only for what you said.

Q.—What angered you was what I said in the House?

A.—When you knew it was not true.

Q.—Is that correct?

A.—Yes.

Q.—Is that what switched you from me to the Attorney-General?

A.—No, it did not switch me from you to the Attorney-General.

Q.—It made you very angry?

A.—Would not it make you angry if you were charged with something that was not true?

Q.—Is that correct, that what I said in the House made you very angry?

A.—Yes.

Q.—And as a result of that while you were in that stage of anger you rushed to whom?

A.—I did not rush to nobody.

Q.—Whom did you see?

A.—I seen Mr. Hales in the hall.

Q.—What took place between you and Mr. Hales in the hallway?

A.—I told him that you knew right well that I was not in the employ of the Department and that I had not been convicted for attempting to murder, as you had stated in the House, and I went to Mr. Hales and saw Mr. Lovering.

Q.—Mr. Lovering is one of the solicitors of the O.T.A.; to whom did you give your statement?

A.—I did not give any that day.

Q.—You did give a statement, that is your signature?

A.—Yes.

Q.—To whom did you give that statement?

A.—To Mr. Lovering.

Q.—How long after the time that I referred to you in the House?

A.—The next day.



Q.—Let me read the statement to you, the essential parts:

“On the afternoon of Sunday, 26th of March, I was in Ex-Provincial Officer Courian’s house at 677½ Woodbine Ave. and Mr. T. H. Lennox came in. Mr. Lennox told Mr. Courian that he would be willing to give me \$200. for my information regarding the operatives in the Department. Mr. Lennox knew that I could give him information regarding Provincial Officer Smyth and Provincial Officer Partridge and he was anxious to get that information as well as regarding the liquor which I had arranged to have come to my home in order to get a conviction against Salmer, Palmer and Farney.

“Mr. Lennox also wanted me to go over the public accounts with him saying that I no doubt knew many of the parties whose names would be in the accounts. J. O. Bell was with me when Mr. Lennox asked me to go over the Public Accounts with him and S. Arton and A. Arton were in Courian’s house and heard Mr. Lennox offer me \$200 for giving him information.

“I have seen the following persons in Mr. Lennox’s office who have told me that they were at Mr. Lennox’s office.”

Will you explain to the Committee when you were in this state of anger when you wanted to get even with me why you did not tell them about these other things, about what took place in my apartments and about the \$2500?

A.—Because it was not brought out.

Q.—Did you know about it?

A.—Yes.

Q.—Why did not you incorporate that in the statement you gave to Mr. Lovering?

A.—It was not asked anything about.

Q.—You were not asked anything about this, were you?

A.—I was asked what happened.

Q.—One would have thought if these statements were true that you would have put them in the statement you signed?

A.—I did not say anything about it.

Q.—When did you make up your mind you were going to speak about them here?

A.—When I was put under cross-examination here.

Q.—Is this correct when you swore before that you understood there was to be \$2500 spent by the Conservatives?

A.—I had heard so.

Q.—“To investigate the working of the O.T.A.” Tell me who told you?

A.—I cannot remember rightly; Courian or some other—

HON. MR. FERGUSON: Some other operator?

A.—I cannot swear it was an operator.

MR. LENNOX: Have you any idea who it was?

A.—No, I think it was Courian.

Q.—Is it true that at no time was \$2500 discussed between you and me?

A.—Never.

Q.—Never was mentioned?

A.—Never.

MR. NICKLE: Does it come down to this, that somewhere, you don't know where, nor do you know when, you got the idea that there was or might have been \$2500 available by the Conservative Party?

A.—That is what I was told there was going to be spent.

Q.—Where were you told that?

A.—I don't know.

Q.—By whom?

A.—I think it was Courian.

Q.—Or when?

A.—Before I went to see Col. Lennox.

Q.—Did you discuss it with Col. Lennox?

A.—About the \$2500, no.

Q.—He said nothing about it?

A.—No.

HON. MR. FERGUSON: That was an important thing, that was something that would strike one as important, is it not?

A.—I don't know.

Q.—Did not it strike you as important at all?

A.—That is principally why I went, because I heard this money—

MR. LENNOX: Did you come of your own volition or were you sent over?

A.—The first time you spoke to me in the corridor of the court and I went to see you.

Q.—Did you come to my office of your own free will?

A.—You phoned me.

Q.—When was that?

A.—Early in February.

Q.—To come to the office?

A.—Yes, to come to the office, and to come about 2 o'clock, you wanted to go to the House at three o'clock, but you did not go that afternoon and I stayed with you until about 5.30.

Q.—Did you make yourself a general nuisance around my office?

A.—You might say so now.

Q.—Did you stay waiting around from day to day?

A.—No; when you were not in I went out.

Q.—Did you hear the evidence of Smythe the last sittings?

A.—I heard some of it.

Q.—Did you hear that Smythe swore he did not take a bottle away from your house?

A.—I said he came there.

Q.—Did you hear him swear that?

A.—Yes.

Q.—When he made that statement was it true or untrue?

A.—I don't know which one took the liquor; they both took liquor away, and it was produced in Court for evidence next morning.

Q.—There were two?

A.—Smythe and Baugh.

Q.—There were two bottles taken away?

A.—Yes sir.

Q.—You said in your evidence the other day that Smythe took a bottle?

A.—And Baugh; I don't know whether he handed it over to Baugh.

Q.—Was that true when you swore to it?

A.—Yes.

Q.—Did you give evidence at the Firemen's Inquiry before Judge Denton?

A.—About ten years ago.

Q.—Did Judge Denton make any comment upon your evidence?

A.—I don't know; I was not there.

Q.—Did you hear he did?

A.—I heard he did.

Q.—Did you hear that he used the expression that he would not hang a dog on your evidence?

A.—No, but you would have hung this committee on it, wouldn't you?

Q.—Do you remember that?

A.—Yes.

Q.—He said he would not hang a dog on your evidence. Will you tell me Budway, after what you have said, what information you gave me that I have brought before this committee that I could not have brought if you hadn't given me the information?

A.—I do not know.

Q.—Tell me one thing you told me other than of Flack that I have brought before this Committee?

A.—I don't know.

Q.—Not one thing, is there?

A.—I have not followed it up.

Q.—So that your evidence did not amount to very much outside the Flack matter—

MR. JOHNSTON (Simcoe): Do you know of anybody else who has brought anything before this committee that has been substantiated he says that you did not tell him?

A.—As I say, Smythe, Smith and Hammond and those people come right in and they swear the Chief Inspector's life away, one of the best there ever was, and fairest there ever was to anybody.

HON. MR. RANEY: You mean Mr. Ayearst?

A.—Yes; they will come along and Hammond, I knew when I went back to the Department that Hammond was after the Chief Inspector; anybody that was associated with the Chief Inspector—Hammond poisoned the mind of General Elliott against him, I know for a fact that Hammond went around to solicitors, because solicitors told me, to try and get something on me, and one of the solicitors told me Hammond said "I would like to get something against Budway, because he cannot be fixed in the Court."

HON. MR. FERGUSON: What solicitor told you that?

MR. NICKLE: Let us have the names. Who were the solicitors?

A.—I don't know their names; I have heard them.

Q.—Tell us where their offices are?

A.—I don't know where.

Q.—You don't know their names?

A.—I have heard them.

Q.—Do you know their names?

A.—No.

Q.—Do you know their offices?

A.—No sir.

Q.—Where did the interview take place?

A.—I don't know; Bell told me all about it.

Q.—You should not talk like that?

A.—I knew that Hammond was after everybody that was in Ayearst's department—where he went down to 42 Henry Street, a man named Dymond—

THE CHAIRMAN: That will do.

HON. MR. FERGUSON: I think the sooner you get away the better for yourself.

Witness withdrew.

MR. LENNOX: That is all I propose to give. If the Attorney-General has any further evidence he might call it.

HON. MR. RANEY: No. I want to say one thing before Mr. Lennox makes his statement about a reference that Mr. Hammond made at the last meeting of the committee concerning the late Commissioner of Police, General Elliott. He said that General Elliott he was satisfied was actuated by spite in dealing with him, Hammond. I have not the least doubt in the world that Mr. Hammond was mistaken in making that statement. General Elliott is not now in the service of the department, and therefore I am a little more particular about covering this point. I never knew a man less free from personal animus than General Elliott, a man of very high type of personality. I am entirely satisfied that Mr. Hammond was quite mistaken when he attributed to him any motive other than his desire to forward the interests of the Province and the public service.

COL. T. HERBERT LENNOX then made the following statement:

MR. CHAIRMAN: At the sitting of the House and the Legislature a year ago I made certain statements when the debate with respect to the right of an accused to appeal was being debated relating to the class of men that had been employed by the Department. During the intermission, between two sessions—

HON. MR. FERGUSON: The right of appeal under the Ontario Temperance Act.

MR. LENNOX: Yes. During the intermission I noticed in the press that men who had been in the employ of the government were being prosecuted and were being convicted. I felt that it was my duty as a Member of the House after what I had said at the preceding session, to bring this matter to the attention of the House. I made the statement that in the employ of the Department under the Attorney-General were men who were criminals, thugs and perjurers. Under the O.T.A. the Magistrate has no alternative, especially for a second offence. If he is found guilty he has to serve a term, or he has to be sentenced at least to a term of six months. In view of the terror that has been struck into the Magistrates by the Attorney-General I felt that it was a still greater hardship to a man who was unfortunate enough

to be charged before any Magistrate in this Province. Confining myself to the general charge that I made that the Act was being enforced largely by men who had been convicted I wish to read to the Committee the names of those who had been in the employ of the Department during the last year, and mentioning as I pass, the record of each, and leaving it to the judgment of the committee as to whether the statement was justified or not.

The first name I shall mention, and I may say this, that notwithstanding what Budway has said or any person else, with one or two exceptions, the statements that I am about to make are all matters of public record filed in the Department of the Attorney-General or in the Crown Attorney's Department of this Province, and are available to every person in this province. I did not make the charges relying upon the *ipse dixit* of a man like Budway or of any other man, but in every case the records of the Court will bear me out, will testify as to whether I am stating what is correct, or whether I am not. Mr. Nickle has asked me what I mean by being available; I mean to say this, that where a charge is made against a man for any offence the records of the Court are public records, and any person is entitled to go and search the records and to ascertain what was the disposition of the case, and see the evidence upon which the case was disposed of. Lloyd Gordon was one of the men I mentioned, and I stated that this man Gordon who was in the employ of the government for the purpose of getting convictions against men who had committed breach of the Ontario Temperance Act had while in the discharge of that duty accepted the sum of \$600 from the hotel-keepers, and had gone to Regina, accompanied by a woman who assisted him up in Kitchener, and remained there for some considerable period, that the payment of the money was made so that he would not give evidence to sustain the charges that had been made. That statement is true. I also stated that this man Lloyd Gordon while in the employ of the government was arrested for stealing a Victory Bond, and that he was convicted and sent to jail for 30 days, and upon his release was again taken back in the employ of the government; and that statement is true.

I come now to McCutcheon. McCutcheon I stated in the House had been charged with aiding and abetting the delinquency of a child under the age of 14 years, that he had been discharged, but that he had been bailed out before it was known whether he was guilty or not by the Chief Inspector Mr. Ayearst; and that is true. McCutcheon was charged with the offence of which I mentioned in the House. He was discharged as I mentioned in the House, of that charge. In his evidence McCutcheon swore that he was not in the employ of the government at the time it took place, but at the time of his arrest he not only had this child in the automobile with him, but he also had a bottle of whiskey, the child, of course, being a girl of 14 years of age as sworn to by McCutcheon, whom he picked up upon the street. That was early I think in January or February, probably in December, I am not sure. I stated that McCutcheon while representing the people of this country I stated that McCutcheon while representing the people of this country through the Department that operates and enforces the Ontario Temperance Act was accused of criminally assaulting one of the waitresses in a hotel or restaurant in Guelph. McCutcheon was called, and he stated that about 12 o'clock at night he had taken off his boots, he had gone into this girl's room,

and he of course says there was no assault, but he admitted under oath that the girl had sworn in the box that her blouse had been torn, and that there were marks upon her body as if she had been assaulted. I stated in the House that as a result of the charge which had been made against McCutcheon he was found guilty of common assault, and that he was fined \$20; and that charge is true. I stated in the House at the trial of McCutcheon the government, though he was charged with the heinous offence of criminally assaulting a young waitress in the hotel, had engaged and paid for the lawyer that defended him, and we had the disgraceful spectacle of the Crown Attorney on the one hand representing the Crown prosecuting this man for his offence, and on the other hand we had Mr. Nichol Jeffrey engaged by the Crown defending McCutcheon. I made that charge. That charge is true.

In the House I stated that in the employ of the government was a man by the name of Raymond Phillip, and that Raymond Phillip had been convicted as a bootlegger, and furthermore that at the present moment he is in jail for carrying a gun and attempting to shoot or kill one of his fellow countrymen on Centre Ave. Both those statements are true.

I stated that a man by the name of Tony Phillips, whose real name I understand was Perille, had been convicted as a bootlegger and was subsequently engaged by the Department in an endeavor, as one of its operators, to enforce the Ontario Temperance Act. That statement is true.

I stated in the House that a man by the name of Partridge, who is still in the employ of the government, while operating in Fort Frances and while under the influence of liquor when in Court giving his evidence had assaulted the representative of the Crown, the District Crown Attorney, had beat him up, was arrested and was fined \$100. That charge is true.

I stated in the House that a man by the name of McCarger who had been an employee of the government had been found guilty of operating an illicit still, and I pointed that out for the purpose of showing the class of man that was being engaged by the department; and I stated in the House that McCarger had been charged with operating an illicit still, that he had been convicted of operating an illicit still, that he had been sent to jail as a result of his conviction. That charge is true.

I stated in the House that a man by the name of Earl McCoy, while in the employ of the government last December or January, while under the influence of liquor and in a railway coach coming into Hamilton had brandished a revolver and frightened the passengers, and when the train arrived at Hamilton he was arrested, and he was fined \$100. That charge is true; and as a result—no matter what may be said to the contrary, no matter whether his fine was remitted or not for the purposes of this investigation—and that is the only reason—this man was discharged from the employ of the government as a result of what took place upon the occasion to which I have made reference in the House.

I stated in the House that Stanley and William Hallam while in the employ of the government had invaded the premises or the cellar of a man near Windsor, and that they had beaten the man up, that they had coverings over their face, and when the man interfered with them they beat him up in the cellar, and they took from his cellar 80 cases of liquor. That charge is true. These men were both found guilty of that charge, and are to-day

both serving terms in prison as a result of the evidence which was given arising out of that charge. I stated further that that assault, that burglary of the 80 cases of liquor, theft of 80 cases of liquor, occurred while these men were in the employ of the government, giving evidence from day to day which resulted in many men being fined enormous sums of money and many men no doubt being deprived of their liberty for months on their evidence.

HON. MR. RANEY: What evidence did you bring before the Committee to prove that fact?

MR. LENNOX: I say I have no doubt of that. The Attorney-General asked me what evidence I had to prove that; I have this evidence, that this theft and this assault took place sometime in the month of September, and that these men were kept in the employ of the government for a term of six weeks to two months after the theft had taken place.

HON. MR. RANEY: What time did you say the theft took place?

A.—In September. I assume—I don't think any person would be assuming too much—that during the six weeks or two months that they must have had many cases, otherwise they would not have been retained.

I come now to a man named Andrews.

HON. MR. RANEY: While you are there perhaps I might correct you. William Hallam was employed from the 1st August 1920 to 30th September 1920, and the other man Stanley Hallam was employed from the 1st August 1920 to the 20th October 1920.

MR. LENNOX: I have got the return here. I asked this question: How long were Stanley Hallam and William Hallam in the employ of the Liquor License Department? And the answer was that they were employed by Mr. Spracklin from the 2nd August 1920 to the 31st October 1920. I assume that is correct.

HON. MR. RANEY: There may be some confusion, but I understand there were two William Hallams, junior and senior.

MR. LENNOX: No.

MR. AYEARST: There were two William Hallams, Mr. William Hallam senior—

MR. LENNOX: You know that is not correct, because I asked for the name of William Hallam, and it was said there was no such man there.

MR. AYEARST: He did work with Mr. Montgomery for a time.

MR. LENNOX: Will you pledge your oath that the father's name was William? If you will I would like you to pledge it right here, because I have the returns.

MR. AYEARST: I will pledge my oath that the senior gave his name as William, and that he was employed under that name.

MR. LENNOX: If the returns says that there was no William Hallam senior that would be incorrect.

MR. AYEARST: That would be incorrect, because he was there for a time; he was with Mr. Montgomery looking for shipments—

MR. LENNOX: May I ask you how long was William Hallam senior working for Mr. Spracklin?

MR. AYEARST: He did not work for Mr. Spracklin at all.

MR. LENNOX: Why interrupt?

MR. AYEARST: I did not interrupt.

MR. LENNOX: These men were county constables. They were employed by Mr. Spracklin.

MR. AYEARST: Yes, William junior.

MR. LENNOX: I come to the next man whose name is Andrews, and I stated in the House that this man Andrews had been employed by the government and that while in the employment of the government he had broken into a house at Cobourg where he was stationed, that he had stolen a large quantity of liquor, and that he had committed other crimes. I stated in the House that as a result of stealing the liquor while there representing the government as a provincial officer he was fined \$1000, three months in jail. That statement is true.

HON. MR. FERGUSON: Are these the Hallams that were afterwards mixed up in the shooting affray?

A.—Both of these Hallams were first arrested for manslaughter; one of them was released, William Hallam was released; Stanley Hallam was tried for manslaughter and he was found not guilty.

HON. MR. FERGUSON: That is the case here in Toronto.

MR. LENNOX: Yes, where the woman was shot on Sunday afternoon in a drunken brawl with the Hallams.

HON. MR. FERGUSON: She was not in the drunken brawl?

MR. LENNOX: No, they had an apartment in the same house and through the wall she was shot. She had no connection with the Hallams whatsoever, a perfectly innocent woman.

HON. MR. FERGUSON: The bullet penetrated the wall.

MR. LENNOX: Yes, where she was sitting talking to her husband in her sitting room.

I also stated that for the theft of this liquor Andrews, who had been in Burwash prior to his appointment, under conviction, was convicted by Judge Ward and was sentenced on two different charges, one for three years and one for five years for theft, and he is still at the present time in the penitentiary; that statement is true. He is serving five years in the penitentiary to-day, and he is also under conviction under the O.T.A. having offered to sell the liquor after he had stolen it.

I stated in the House that in Hamilton a spotter in the employ of the government had admitted under oath that he was giving evidence against a man who had been charged with a breach of the Ontario Temperance Act, he being a spotter who had been used, that he had been himself convicted of burning a barn and of highway robbery. That statement I made in the House. That statement is true.

I stated in the House that a man by the name of Stanley Nash while in the employ of the government had been charged, sent up for trial for conspiracy, conspiring to defeat the ends of justice by reason of accepting the sum of \$150 to leave Ontario so that evidence would not be given against a man named Morris Gross. That statement was true. To be fair to Nash, as I was fair to him in the House, I stated that Nash when the case came before the jury the charge against him was dismissed. I further stated with respect to Nash that he was a deserter in the army, and that he had been charged as a deserter, and that he had served three months in jail, being convicted of that charge.



HON. MR. RANEY: Why do not you put it the way it is put in the paper you put in, that he was charged and was convicted of being absent without leave?

MR. LENNOX: I read the evidence from the Court in the House, which I have not here, and those of you who heard me will remember that Nash admitted that he was a deserter, and he had got three months. I am not particular how nicely it was put here in the committee. Absent without leave, I may say for the benefit of my friend, is not a criminal charge necessarily; desertion is. Absent without leave is dealt with by the Commanding Officer; desertion is dealt with by the Courts, by the criminal Court.

HON. MR. RANEY: The papers show what this charge was, being absent without leave—the conviction, you put it in yourself.

MR. LENNOX: When I stated that men were being employed that had been bootleggers I referred to a man by the name of Shamnetz. Shamnetz was a bootlegger; Shamnetz had been arrested on one or two occasions at least for bootlegging; one occasion I remember distinctly where I defended him, and he succeeded in satisfying the Magistrate that he was not guilty. On one or two other occasions I was not defending him. Shamnetz after he was charged with being a bootlegger was taken on by the government as an operator and so acted as an operator for some time in the employ of the government. When I made that charge I made it knowing it was true, and it is true.

A man by the name of Wesley J. Robinson, to whom I made reference in the House, was arrested for being drunk. I made the statement in the House that he was a witness on a certain case, and that his fine was paid by a Mr. Partridge in order to have him released so that he might be able to give evidence on the following day.

THE CHAIRMAN: Did not you say in the House that the fine was paid by the government?

MR. LENNOX: No; I said by Partridge, by one of your employees. Now it turned out that I was wrong in Partridge being the man; it was paid by Montgomery, who is a permanent official of the Department, and I think an assistant to Mr. Aycarst. At all events the statement I made was that he was drunk, that he was arrested, that his fine was paid, that he was needed to give evidence in a case in which he afterwards did give evidence which resulted however in the non-conviction of the man that was charged. When I made that statement I made it knowing it to be true, and it was true.

Norman C. Hayes, another man to whom I made reference on the charge of having with Trubel been drunk in the headquarters of the O.T.A. officials at 46 Richmond Street West.

HON. MR. FERGUSON: That is the government office.

MR. LENNOX: That is the government office. The other statement I made was sworn to before this committee and has not been denied. The statement therefore having been sworn to here I take it to be true; I say it is true.

HON. MR. RANEY: That is evidence of the man Smith, is it?

MR. LENNOX: I think McCutcheon and Budway both, was it not? Then I come to a man by the name of John E. King whose name I mentioned in the House, and I stated that he was a bootlegger who had been assisting the government, and was a bootlegger to the knowledge of the government. This

is the man that the operators went to and you gave them the information with respect to Morris Gross. He is the man from whom they purchased a bottle of whiskey immediately before the raid took place on Morris Gross's house, and you will recollect from the evidence that was read that the operators, at least one of them, if not two, admitted that they had drunk this bottle of whiskey before they had made the raid.

The next man I referred to was a man by the name of Stagg who was operating at Cochrane. I stated that Stagg had represented himself as being a member of the Y.M.C.A. and had been using his return button in order to secure the confidence of the returned soldiers in Cochrane. Both those statements are true. I stated furthermore that Stagg had been charged by two young girls with criminal assault, and that a warrant had been sworn out before the gentleman who gave evidence here, and that Stagg had skipped and had not been back there since. That statement was true.

HON. MR. RANEY: That is not fair. Both Inspectors said that Stagg had been around there several times.

MR. LENNOX: I did not hear them say that; but that makes it all the worse. If he was back there then he should have been arrested and he should have been tried.

HON. MR. RANEY: They said there was no warrant.

MR. LENNOX: The gentleman who swore out the warrant gave his evidence and swore he sent it to Mr. Dempsey, and he is a Justice of the Peace, and official of this government Major Gridley.

MR. JOHNSTON (Simcoe): Did Mr. Gridley say he swore out a warrant?

MR. LENNOX: He did; he says he swore out a warrant and he sent the warrant to Mr. Dempsey, and I read a copy of his letter.

MR. JOHNSTON (Simcoe): I understand Mr. Gridley to say he had sent them to Mr. Dempsey, the regular Police Magistrate at Cochrane.

MR. LENNOX: In his evidence here—

MR. JOHNSTON: So that he only thought there was a warrant.

MR. LENNOX: He could take the information and he did. I said that Jeffrey while at Hamilton had arrested a couple of people, one a woman, for breach of the Ontario Temperance Act, that he was under the influence of liquor, that he had treated this woman harshly, and most shamefully. In order to support that charge I produced the disinterested policemen of Hamilton. The committee heard their evidence. They swore exactly what I stated. In defence of Jeffreys those who were with him swore that the man was not drunk, and that the woman was not harshly used. That of course I have to leave to the judgment of the committee.

MR. JOHNSTON (Simcoe): Tell us what you stated.

MR. LENNOX: I stated in the House that this man was drunk when he brought these people to the station and that he hauled them out of the—

MR. JOHNSTON (Simcoe): Did you say "hauled" or "dragged"?

MR. LENNOX: Or dragged, I don't remember which, out of the automobile into the station, and they both swore that that was true.

HON. MR. FERGUSON: You mean the Hamilton police.

MR. LENNOX: Yes.

HON. MR. FERGUSON: Now I come to this man Henry.

Henry and McCutcheon, without going over the evidence, laid a charge at

Shallow Lake against a man named Joynt. McCutcheon swore Henry never was at Shallow Lake, and he further swore that he would no longer co-operate with him, and that he reported what had taken place to Mr. Hammond upon his return. Mr. Hammond denies that. At all events we have this fact, that immediately after the Shallow Lake occurrence Henry was discharged, and there is no other reason suggested for his discharge than what took place at Shallow Lake.

I stated in the House that a man by the name of Arnold E. Hill while at Fort Frances representing the department had laid information against a certain man in order to convict him for a violation of the Ontario Temperance Act. I stated that this man Hill had been arrested for robbing a house in Winnipeg, and that he had been convicted, and that he was serving his time. I did not produce any evidence because that was admitted by the Attorney-General.

I then made probably one of the most serious charges of all, and that was with respect to what took place at Collingwood. I made the charge there that two of the operators under the Ontario Temperance Act while in the discharge of their duty, had gone to Collingwood and had induced a young man under the age of 16 to purchase liquor for them in order to get a conviction, and that the young man himself had got drunk from liquor that had been given to him out of the bottles that he had purchased. I have here in my hand the evidence of the operators, and I refer just to one line of it, which is all that is necessary for my purpose, the evidence of Fielding who says when asked the question "What took place? A.—He purchased the liquor for Mr. West." The boy swears he took two drinks, was given drinks, two or three, out of these bottles. That is denied by the operators. The first point I want to impress is that I made the statement that these operators had employed or induced a child to purchase liquor for them in order to get a conviction; that statement is absolutely true. I then made the statement that the boy that they had got to buy the whiskey for them was arrested for being drunk, and was convicted for being drunk upon the same day that he bought the whiskey for them; and that statement is true.

HON. MR. FERGUSON: Do you mean the boy was convicted?

MR. LENNOX: Yes, of being drunk on the day that he bought the whiskey, and was fined in the Juvenile Court \$20 and costs for being drunk.

I stated in the House that a man by the name of Rutka, who was an operator and had been for some time in the employ of the Government, was sent to Brantford for the purpose of endeavoring to secure convictions under the Ontario Temperance Act, that while there an information was laid against a man by the name of Taylor, who apparently was a bachelor or a widower with a housekeeper. I stated in the House that at the trial the housekeeper had denied that this man Rutka had paid her three dollars for liquor which he said he purchased from her. In order to prove to the satisfaction of the Court that Rutka had actually purchased the liquor he stated, it was stated there, that he could easily satisfy the Court, because he had had carnal connection with her and that upon her breast was a scar that would corroborate the testimony that he gave. I stated in the House that the Magistrate immediately stopped the proceedings in Court; he sent for the Matron and the Matron took the woman into a private room and examined her, and came

back and reported that there was no scar upon the person of this unfortunate woman—the result being that the charge was dismissed. That statement is true. I did not produce evidence for the reason that the Attorney-General admitted it in his correspondence, referring to the action of Rutka in Brantford. I say that the charge that I made is absolutely true.

I stated in the House that at Niagara Falls one of the spotters employed by the Government in order to clean up conditions there had been tried for murder. I read to the House this statement: "In the Niagara Falls Police Court the other day it was proven that the witnesses for the Crown were both jailbirds, one having been tried for murder and having served a term in jail, while the other was mixed up in the affair"—it is no wonder that Magistrate Fraser said, "How can I believe such witnesses? Can any credit be attached to their evidence. I cannot convict any person on such evidence." I produced no witnesses here to prove that, because it was admitted by the Attorney-General that such had taken place in Niagara Falls. So having made the statement I repeat that statement is true.

Coming down to Welland I stated that two men by the name of Cox and Wood—I read this statement from the *Welland Telegraph*: "Let us look for a moment at some of the episodes in the spotters' history in Welland in recent days:

"The making of a respectable Welland home a house of assignation.

"The making drunk of a company of girls.

"The enticing of a boy of sixteen to buy a bottle of liquor.

"An orgy of drinking and drunkenness."

The sworn testimony produced and put in by my friend the Honourable Member for Southwest Toronto, and also by the Honourable Member for Niagara, bears out and proves beyond all question that these two men while in Welland and while in the company with girls who were there playing in the opera got drunk on more than one occasion, and also the evidence proves the statement that they enticed a boy of sixteen to buy liquor. Having made these statements I say without any fear of contradiction that both of them are true.

I come to the man by the name of Meek. I stated that Meek while in Guelph with McCutcheon had received money from the hotelkeepers not to prosecute. McCutcheon swore here in the box that Meek had received from Mr. Reinhart no less than \$1,200 so that he would not prosecute the man against whom they had information. That statement was not denied although it was made upon the second day of this investigation. I think therefore I am safe in saying that if the statement was not true it would have been denied by some evidence produced on behalf of the Government. This man Meek at that time was an operator in the employ of the Government.

Then Nathan Slavin, whose name I did not mention, but you heard the evidence with respect to him and his connection with the Department, his convictions and his subsequent hiring of his automobile to the Department—Nathan Slavin's car was according to the evidence of McCutcheon, the car that took Nash away from Canada over to Niagara Falls in order that he would not give evidence against Morris Gross.

Now, coming back to McCutcheon, I referred to the charge against him at Guelph. I now wish to refer to two other charges that I made upon the occasion when I spoke in the House. I stated in the House that McCutcheon while in the employ of the Government and to the knowledge of the Government had been charged with conspiring to defeat the ends of justice by driving witnesses so that they would get beyond the jurisdiction of this Court. I further stated that McCutcheon had been tried upon that charge, tried before a jury, and had been found guilty, and that the charge was made some time I think early in May; he was under indictment from May until October, and during the whole of that period he was in the employ of the Government, notwithstanding the fact that he had been charged with conspiracy to defeat the ends of justice. When I made that statement I made it knowing it to be true. I repeat it because it is true; I stated in the House that McCutcheon was at that very moment languishing in the Toronto Jail as a result of a conviction based upon a charge for the operating of an illicit still in this city, that he was found guilty of operating the still,—was charged in July, and was not convicted till some time later in the fall, but that notwithstanding the fact that this man who was representing the Government for the purpose of cleaning matters up, was at that very time to the knowledge of the Department himself charged with illicitly making liquor. That charge is true. Poor McCutcheon is to-day suffering as a result of that charge, being incarcerated at the present moment in the Toronto Jail.

I referred to Courian. Courian has been spoken of very freely in this investigation. Courian according to the evidence was convicted for being drunk on one or more occasions. Courian according to the evidence was mixed up—

HON. MR. RANEY: Mr. Ayearst says Courian was never convicted of being drunk as far as he was aware of.

HON. MR. FERGUSON: He said he was drunk in his office.

MR. LENNOX: Drunk in his office. I did not say that Mr. Ayearst said; I said it was sworn he had been drunk and convicted; I do not say Mr. Ayearst said that.

HON. MR. RANEY: There was no evidence before the Committee that he was convicted.

MR. LENNOX: I think that by both McCutcheon and Smith, I am sure by Smith, and I think by McCutcheon. Courian's name had been mixed up with the Morriss Gross matter and with other matters relative to the enforcement of the Ontario Temperance Act, and I am not going to dwell on Courian.

Now then, I come to Max Cohen. Max Cohen, according to the evidence lived with Slavin, and was a cousin of Slavin's, living there when he was in the employ of the Government. According to the evidence of McCutcheon the liquor which was found in the house of Nash's mother-in-law was placed there by Max Cohen, that it was a plan to catch Nash by Courian and his friends because Nash endeavored to convict Morris Gross, apparently a friend of Courian's. McCutcheon swore that it was a plan. Smith swore that Courian went with him and another operator for the purpose of finding the goods, and that Cohen refused to go into the house unless he was allowed to go in alone; that Smith absolutely refused, but Cohen said that

Mr. Ayearst told him that he was to go alone. Smith then said he would not have anything to do with it, that Cohen had told him prior to this that he could get it any time he wanted it, and that afterwards he said he had to watch for a sign from the window before it would be safe for him to go in. It will be for the public to say whether they believe Smith and McCutcheon, or whether they do not. Cohen was not called; no person was called except a man by the name of Rogers, who said he did not get liquor there.

HON. MR. FERGUSON: Where is Courian?

MR. LENNOX: He was not called. I think he is down in Mexico or California.

Coming down to the information I got from Budway, the only information was with respect to Flack. He stated, exactly what I stated in the House, that Flack, at the time that he was in the employ of the Government, had given information believing that Budway was not in the employ of the Government, that enabled him to get in touch with a man by the name of Farney from whom he could purchase liquor. Flack told him that he was getting a rake-off of three dollars a case. Budway swore that was true. I do not ask you to believe Budway. It is not material to me whether you believe Budway or not, but if you do believe Budway he immediately reported it within an hour, to Mr. Ayearst, and within a very short time afterwards, within a few days or a few hours, he reported in writing to the Department that Flack was dealing illicitly and illegally in liquor. I said I did not care whether you believed Budway or not, for this reason, Flack is still in the Department, working for them. If it were not true Flack would have been called to deny it; but not only that, whether Budway is telling the truth or not in this instance, I would have thought if he was not telling the truth that Mr. Ayearst, when he got into the box, would have said that the statement that Flack, which Budway made to him, which he reported immediately afterwards that Flack was engaged in this business, would have been denied by Mr. Ayearst. There was no denial by Mr. Ayearst. It is admitted that Flack is still in the Department, and according to the evidence, the facts were brought home to the Chief Inspector of the Department.

Courian according to the evidence of McCutcheon was engaged in shipping liquor to the United States, and he stated that a man named Stewart was receiving twelve dollars a case, being commission, in the express office to take it over. That statement was not denied by anybody. I assume it is true, although I wish to point out to the Committee that that was not incorporated as one of the charges made by me in connection with the enforcement of the Liquor License Act.

I proved to the Committee I think, that every person who was engaged in the cleaning up process was to the knowledge of the Department, at least McCutcheon at all events and Gordon, known to have been convicted. Those are the men that I had in view when I made the statement that the Ontario Temperance Act was being enforced by men who had been convicted and were either criminals, thugs or perjurers. Since this investigation a man by the name of Martin, who has been with the Department according to the returns, I think a period of almost two years, was mentioned. This man

during that period has given evidence on many occasions on behalf of the Department, and I have no doubt as the result of his evidence many men have been found guilty. He was found guilty himself only a week or two ago, a few days ago, of perjury, and is to-day suffering the penalty in the Barrie Jail. Mr. Weldon this morning swore that he had been some time endeavoring to get this man before the Courts, and the reason of calling Mr. Weldon was to show that though he had endeavored from time to time to get this man before the Courts on a charge of perjury, and though the information apparently was laid eventually in January of 1922, notwithstanding the fact that charges were being made against this man for perjury, that an endeavor was being made to bring him to trial for perjury, he was still retained by the Government acting as a spotter, and as Mr. Weldon said he did not get permission to have him brought before the Courts until this investigation had commenced.

HON. MR. RANEY: Are you alleging that Martin was employed by the Government after a charge of perjury had been laid against him?

MR. LENNOX: I am alleging that Martin was retained by the Government long after negotiations had taken place between Mr. Weldon and the Department in an endeavor to have him arrested for perjury.

HON. MR. RANEY: There should not be any negotiations, there might be representations.

MR. LENNOX: Representations.

HON. MR. RANEY: Would you please give the Committee the dates?

MR. LENNOX: That is the reason we want the letters.

HON. MR. RANEY: I have no doubt you can speak.

MR. LENNOX: I am speaking from evidence given by Mr. Weldon, who says it occurred last August.

HON. MR. RANEY: So far as I know Mr. Weldon did not say a word about his employment; tell the Committee when the representations were made to the Department, and when he was dismissed.

MR. LENNOX: I am giving my statement. If you want to cross-examine me you will have all the time you want. Mr. Weldon stated that the conviction made against his client occurred last August, that in his opinion from the evidence he had in his control the evidence was perjured on which the conviction was founded, and that he had come down to the Department, that he had asked for a remission of the fine on account of it being perjured evidence, and he stated that he would prove the man had perjured himself if the opportunity were given to him, and having done that he would expect, of course, a remission of the fine. He said those negotiations had been going on, and that the charges had been laid in January last, and no action had been taken until this investigation had taken place.

In the House I stated that the Attorney-General or some one in his department had offered to release a large quantity of liquor that was under seizure by the government at Rainy River provided it would not be shipped to the United States, and that it would be shipped to British Columbia, where it could be bought by the people of British Columbia. I did not say that the Attorney-General had made that statement; I said the offer had been made through the Attorney-General or some one in his department. I did not say in the House that the Attorney-General or any one in his department had used the word "debauched." I did say that he or some

one in his department were willing to abandon the appeal, were willing to give up the liquor provided it were sent to British Columbia where it would be bought, where it could be bought by the people of British Columbia, but that he would not under any conditions allow it to be shipped into the United States. In support of that charge we have the statement of Mr. Hales—and I will say here that I congratulate the Attorney-General upon securing the services of a man of the high character of Mr. James Hales—Mr. Hales gave a statement to the Attorney-General, a copy of which was given to me, which I have not just at my hand, which bears out in to the statement made by me, that is that the Department was willing, that the government would abandon the liquor, the seizure which they had, provided it was sent to British Columbia.

HON. MR. FERGUSON: The Attorney-General admitted he knew that.

MR. LENNOX: The Attorney-General admitted that he knew that. The only difference between the Attorney-General and me was this, what I said was absolutely correct. The Attorney-General by adopting the language of the Mail endeavors to put into my mouth words that I did not use. I repeat what I said in the House, and it is true, but before doing so I may say that I read to the committee the evidence of the President of the company who owned the liquor, who swore that there was an arrangement made between Mr. Hales or some member in authority, that if the liquor was not shipped to the United States, and if it were sent to British Columbia all proceedings so far as appeal were concerned would be abandoned and the liquor would be given up. Mr. Haverson swore that that was the arrangement. Mr. Haverson swore that during the time he was in the department representing the company, that he stated to Mr. Hales that you are willing that the people of British Columbia shall be debauched, but you are not willing to release it and have it go to the United States. Mr. Haverson admitted that he had used the same expression to me, that the government were willing to ship it to British Columbia where it might be used in debauching the people of British Columbia, but there was no suggestion by me in the House that the word "debauched" was used either by the Attorney-General or by anybody representing him in the department. The Attorney-General tried to attach that to my statement well knowing, however, that I had made no such charge against him. The statement that I made with respect to British Columbia I say, however, is corroborated not only by the evidence of Mr. Haverson, but by the evidence of the President of the Company and by the statement of Mr. Hales, and if the statement I made was not true one would have thought that Mr. Hammond would have been put into the box so as to give an explanation, to have denied the sworn statement which he heard and which was read here of the President of the Company who swore that the arrangement was that the appeal would be abandoned, the liquor would be delivered over provided it was shipped to British Columbia.

That I think covers the most of the charges that I made that were of importance, but no doubt the Attorney-General in his cross-examination will be able to draw my attention to some other matters. I might also just before leaving draw the attention of the committee to the fact, which I was



not aware of when I made the charges in the House, that if the evidence of Mr. Hammond is to be believed the Attorney-General knew at the time of the arrangement for the special investigation into the Department that McCutcheon was the one that was going to handle it, and was aware that at the time McCutcheon had been convicted of assault, and either at that time or upon General Elliott's return, which was in the latter part of July or early part of August, the Attorney-General knew that McCutcheon was under indictment for endeavoring to defeat the ends of justice, and McCutcheon was kept on for three months at least after the Attorney-General knew, if the evidence of Hammond is to be believed, that he was under indictment for conspiracy to defeat the ends of justice. I am fortified in the statements that I made by a memorandum made over the signature of the Attorney-General in which he used these words, the memorandum being dated the 24th February 1922, "Too many of the special officers have been going bad." That is the statement, considered opinion, made by the Attorney-General over his signature on the 24th February of this year; and may I point out here that if all these men whose records I have given, whose records are all publicly recorded in the annals of the courts, if the returns are true there was not a single one of those men engaged by the government, notwithstanding his record, that was discharged except McCoy, and that is the man to whom the Attorney-General in his statement gave a testimonial. Every other man whose name I have given, every other man who has been convicted, if the statement is true, was not discharged by reason of his conviction.

One other charge before I finish, and that is with respect to the man by the name of Mark Heaton. I was particularly interested in Heaton, because he was sent up to supersede a very efficient officer Mr. Daniel Mackenzie, who has been a License Inspector for a great many years. He was sent into my own riding to represent or to look after the enforcement of the Act in my Riding, being appointed Provincial Inspector for the County of York. During the Session or some time before I made my speech in the House, my attention was drawn by the Chief of Police of the County to the report that he had got from the County Constable Kirk, who gave his evidence here this morning. You heard the evidence that Kirk gave. In the House I stated exactly what Kirk swore to-day, only I did not go so far, because Kirk swore to-day, and you will recall that the Attorney-General gave him a testimonial and said he was well spoken of, and a very highly respected officer, and the Attorney-General made that statement after Kirk. This highly respected officer had sworn in the box that Heaton had told him that they had men in the employ of the government that would go any length or do anything in order to get a conviction. That was the evidence given by Kirk. That was the evidence given by Kirk this morning when referring to Heaton, who asked him to become criminally intimate himself with this woman, and when he refused and became indignant said he had operators who would be glad to do it, to become criminally intimate with her in order to get a conviction. I made that statement in the House. That statement I made is true and is not denied and cannot be denied. Even that man Kirk was called up by the Commissioner of Police and was asked about

these matters, and even though these matters were brought to his attention, when the question was asked by me was he discharged—that is was Heaton discharged—or did he resign, the answer was “No, he was employed only temporarily for three months. His services were dispensed with at the end of his temporary employment.” No suggestion that his employment was severed by reason of the fact that he was guilty of this offence with which he had been charged by the County Policeman.

Just a word or two with respect to Budway. Budway gave a statement which he signed, left a statement at my office which he signed. Budway was sitting in the gallery when I made my statement in the House. I assume, I may be assuming too much, but I assume that there is no one here that will think that I would say anything that would antagonize Budway if I thought he had anything that he could disclose that would injure me. I hope that the committee will give me more credit than offering myself a prey to a man of Budway's type if he had anything that he could disclose to my injury. So that whether I am right or wrong you at least will give me credit for having the courage in the presence of Budway of making the statement that I made. Now, Budway has made certain statements against me, and he has also made certain statements reflecting, or in an endeavor to reflect upon the Conservative Party. Budway was charged and convicted of brandishing a revolver in a train some years ago while operating for the government in the discharge or while enforcing the Ontario Temperance Act; Budway gave evidence a few years ago in the Firemen's Enquiry before His Honour Judge Denton and His Honour Judge Denton at that trial, the evidence of which I have, after Budway had got out of the box or while he was in the box, told Budway, as Budway had to admit this morning knowing apparently that I had the evidence here that upon the evidence of such a man he would not convict a dog. That was the statement made by Judge Denton in open court, and which publicly appeared in the press in this city. Budway stated that I had paid him I think he said \$25 or \$30 for getting evidence or for information, and that seemed to please the Attorney-General very much. I just want to reiterate what I stated in the House, I was not referring to Budway as a matter of fact, we were referring to McCutcheon, but I am going to make it broad enough to cover Budway, because the statement that I have made had its reference entirely to McCutcheon, but I am willing to lay down the gauntlet so far as Budway is concerned; I stated in the House that I had not paid this man McCutcheon a single dollar, and McCutcheon swore I did not even give him, I was too mean to even pay his car fare. If I did say in the House—and I am willing to admit I did, although I did not say it—but if I did say this then that I never gave a single copper to any man for information, that statement would be absolutely true, and I repeat it to-day. I never gave Budway a single copper for information of any kind that he gave to me. What occurred was this; Budway had been discharged; Budway came to my office of his own free will a short time before or while the House was in session. He said he understood that I was going to attack the Department the O.T.A. and its enforcement, and that he had some information he would like to give me. I said I would be very glad to get any information that he had. He came to my office I suppose probably twenty

or thirty times, very few of which I was in, being engaged in court every day, and I would not get back to my office till five o'clock. He discussed matters, apparently very venomous against the department, more especially against Hammond, and brought in a man by the name of Bell, who also was an officer. After being in three or four times discussing matters he came to me and he said "Look here, I am out of a job, I have not a dollar in the world; can you give me \$5?" I said "Budway, it would seem very mean if I did not, and it will seem just as mean of me if I do. I will do it." He said "I have not a copper, I have not had a dollar, I have not earned a dollar since the 31st December, I have not a cent in the world." I gave him \$5. I called in my bookkeeper and said "I am giving—give Mr. Budway \$5" and it was entered in my book, no concealment whatever. On no occasion did I ever give him anything unless either my partner or my bookkeeper was present. On every occasion I gave it to him he would walk out, and he would then come back and say "Colonel, I wish you would let me have \$5—no suggestion that it had any reference whatever to do with the information which I was getting. He was taking advantage apparently of the fact that he was giving some information. I gave him according to my books \$20, four five-dollars bills on four occasions. That was given under the condition, under the circumstances that I have narrated, no reference whatever to being given to him, to being paid to him as an inducement for him to divulge or disclose any evidence that he would not have given freely because he was only too anxious to get even, as he puts it, with the department. That is the history of the \$20 or \$25 that was paid by me to Mr. Budway. I make no apology for it. Those are the facts, and I am quite willing that the public shall say whether that was wrong or whether that was right, and more especially am I quite willing to leave it to the public in view of the fact that every word Budway signed he swore was absolutely true.

Coming down to another statement made by me in the House, which also gave real pleasure to my distinguished friend the Attorney-General.

HON. MR. RANEY: No, no, you are quite mistaken.

MR. LENNOX: —that I had stated in the House that I had not seen this man Courian five minutes in six months. My recollection is that I said I had not seen him for half an hour, but I am not going to quibble over whether I said five minutes or whether I said half an hour. At the time that I made the statement I had entirely forgotten about what had taken place in December, if that is the case, I don't remember it, in my parlor. That was a matter of four or five months previous. I had in my mind an occasion when I went to Courian's house upon invitation from Budway, and the circumstances surrounding it were these: Courian had been in the States down in California where I understand he is now operating a large hotel in Santa Monica. He went down there leaving his family, and he came back for the purpose of taking his family away and removing his furniture. I had been told by Budway that there were women operators employed by the government, and I knew of a case of which I have the evidence, which I read here, of a Miss Mumfort, who afterwards became Mrs. Clarke, who has given evidence in the Police Court. Budway said to me "Courian will be able to tell you whether they had women in their employ." He said "I

knew myself two women, Miss Bailey and Mrs. Collins, I think is the name, who were around the department, around Hammond's office a great deal, but I don't know whether they were employed by him, but I think they were; but Courian will be able to tell you." He said "Courian is coming home Saturday and he will be here on Sunday, and if you go down on Sunday and see Courian he will tell you." I said "If I can I will do it." I went out, I was driving in my car, I jumped out of the car, I said to my driver, who had my wife and two others, I said "You drive around for a few minutes and I will go in and see this man, and I will see you when I come back." I went in and I saw Courian in the front room, Budway being in a back room where I was ushered into, sitting there by himself. I was asked to go into the front room, and went out of the door along a hall and then into a door. I asked Courian about these women, and he gave me just the same information as Budway, that they were around there, he had not any doubt that they had been paid by the department, he knew they were mixed up in this investigation, but further than that he could not say. He was leaving I think on Tuesday with his family for Santa Monica. Nothing however took place between Courian and myself that lasted probably five minutes. He then began to tell me of the beautiful place he was in in California, I waiting there for my car. If my car had not been sent on I would have been out of his house in probably five minutes. That is all that occurred so far as Courian was concerned. Such a thing as an offer of two hundred dollars being made to Courian for Budway is so utterly absurd on the face of it that I do not suppose any person will give it a moment's credence. In the first place this was just a few days before I made my speech. I had at that time all the information that Budway could give me, I had had his statement weeks before that, so that there was nothing for which I could possibly give Budway two hundred dollars in payment for, because he had no information other than what he had already given me, and I had in my possession at that time. So that why I should under those conditions offer Budway through Courian two hundred dollars is quite beyond me. The offer was never made. The offer was never discussed. Budway and Courian were more anxious at that time to get after the Department for personal reasons than I was for public reasons.

HON. MR. FERGUSON: Was any mention of money at all made?

MR. LENNOX: No money was mentioned either direct or indirect; no money was ever thought of by me, I am sure no money was ever thought of by Courian. Now, as to the \$2,500, I never heard of that in my life till I heard it from Budway. Budway does say of course, that it never was discussed with me either directly or indirectly. Let me say in passing—

MR. NICKLE: Budway says you knew nothing about it, and it was never mentioned in your presence.

MR. LENNOX: Budway says that on a third occasion I saw Courian. The third occasion was this, I think it was on the following Tuesday I was going into Court, and those of you who are familiar with the Courts will know that the corridor is always filled with spectators and witnesses and men who are curious idlers who have nothing to do, and in going in or coming out of Court where I was engaged in a case, I met Courian, and he said

to me, "I am leaving to-morrow." I shook hands with him, bid him good day and walked out; and that was the third occasion that I spoke to this man Courian.

That I think covers the statements made by me in the House. I may just say in conclusion that I know nothing whatever about \$2500 being obtained or being raised, I never heard of it, and I have not the slightest hesitation in saying that if it had been raised I would have known about it, and I therefore have no hesitancy in making the statement that there never was any such thing ever thought of.

MR. JOHNSTON (Simcoe): Would you mind just repeating what you said in reference to the man by the name of Partridge being prosecuted at Fort Frances—Partridge gave evidence here.

MR. LENNOX: I said that while giving evidence and under the influence of liquor he assaulted the Crown Attorney.

MR. JOHNSTON (Simcoe): You will remember when Partridge gave evidence he said he was not under the influence of liquor.

MR. LENNOX: I am telling you what my information is.

MR. JOHNSTON: You said that was true?

MR. LENNOX: I say the statement was correct that he assaulted the Crown Attorney and he was fined one hundred dollars.

MR. JOHNSTON: But you connected the influence of liquor along with it?

MR. LENNOX: I would not expect him to say he was not sober. He had to admit he assaulted him; he could not get out of that, and he could not get out of saying he was fined, but he could get out of admitting he was under the influence of liquor.

MR. JOHNSTON: Why did not you get a sworn statement from Mr. Courian?

MR. LENNOX: Mr. Courian gave me no information, none whatever.

HON. MR. RANEY: I may tell you that Mr. Lovering says he read the evidence in the trial of Partridge, and there was not a word in it about him being under the influence of liquor.

MR. LENNOX: That may be; I am saying so.

MR. NICKLE: The arrangement was Mr. Raney was to be entitled to examine.

Honourable Mr. Raney examined Col. Lennox as follows:

Q.—I judge from the evidence that has been given here and from your own statements that you have been fairly active for some months past in getting evidence of irregularities in connection with the enforcement of the Ontario Temperance Act?

A.—No, all this I have, nearly, was in the Press—the simplest thing in the world.

Q.—Apparently from the statement of witnesses and from your own statements you interviewed—your time is valuable of course—you interviewed witnesses at your office and elsewhere for the purpose of getting information, am I right?

A.—It depends on what you mean by witnesses.

Q.—Persons?

A.—I interviewed McCutcheon twice, I thought it was three times but he said twice; I interviewed Budway and Courian and that is all that I can recall.

Q.—And did you send anybody anywhere to make inquiries?

A.—I saw in the paper a statement to the effect that Jeffreys and Trubell had, while under the influence of liquor, arrested a man and woman for a breach of the Ontario Temperance Act, and that they had abused the woman after her arrest. In order to verify that statement so that I would not be making any mistake, because that was not a matter of public record—every other statement I think I can say, almost every other statement I could verify—that statement I could not verify from record of the court, and in order that there might be no possible mistake, that I might be doing no injustice to these officials, I sent one of my students up to Hamilton with instructions to go to the police and find out exactly what they said, and get their statement before I made the charge in the House. He went there.

Q.—You have been making statements; cannot you give clear cut answers?

A.—He went there under my instructions, and he verified the statement I made in the House.

Q.—Did you send him anywhere else?

A.—Not to my knowledge.

Q.—Did you send him to Kitchener?

A.—I did not.

Q.—Did he go to Kitchener?

A.—He did not to my knowledge.

Q.—Who paid his expenses to Hamilton?

A.—I suppose they would come out of my petty cash; it was done on my business.

Q.—I will not ask the young man's name—?

A.—His name is—

Q.—I am not asking the name; is that the young man who was in some trouble with the Board a year or so ago?

A.—I do not know.

Q.—Did you see the Board at that time and make representations to the Board to avoid a prosecution?

A.—I cannot say.

Q.—Do you remember the case of a young man having forged the doctor's name to a prescription?

A.—I cannot remember; I may have.

A.—I cannot tell you.

Q.—Did you go to see Mr. Flavelle to avoid a prosecution?

Q.—Did you go and see Mr. Flavelle to try and get Mr. Flavelle not to prosecute him for forgery

A.—I do not remember; I may have; but if I did what he did does not help you any.

Q.—Is this the same young man who has been assisting you in working up the evidence in this case?

A.—He has not assisted one minute in working up the case except going to Hamilton, and if he did anything wrong he is responsible for that.

Q.—Do you recall seeing Mr. Flavelle to get Mr. Flavelle not to have this young man prosecuted for forgery?

A.—It is possible, I saw Mr. Flavelle hundreds of times.

Q.—Did you see him and request him not to prosecute this young man for forgery?

A.—It is quite possible; I do not remember.

Q.—That would be rather a thing that would impress itself on your mind?

A.—Possibly, I saw Mr. Flavelle with reference to hundreds of men.

Q.—Hundreds of men who had forged doctors' names?

A.—No Sir.

Q.—Any other case of a man who had forged a doctor's name?

A.—I do not remember this particular case; it may be true; I am not saying it is not true.

Q.—Do you remember the name of the doctor whose name was forged?

A.—I do not, and I do not know that any name was forged, but if it was I am not interested in it.

Q.—How long a period have these investigations covered in months?

A.—Probably ten days, probably less.

Q.—You did not tell the committee anything about the meeting at your apartments that Mr. Budway told about?

A.—Oh no; may I state it now?

Q.—I will ask you questions now; he said however there was a meeting, a conference between yourself and Budway and Shamnetz and Courian at your apartments on Sunday the 18th December?

A.—They were there.

Q.—At whose instance did Budway come?

A.—Budway came at the instance of Courian.

Q.—Did you telephone him before he came?

A.—I think I did.

Q.—The trial of the case arising out of the North York raid, the Mansion House at Sutton raid, was then imminent?

A.—The trial—I do not remember the date. He says it was the 18th; that may be right; the trial was on the 24th December.

Q.—Did the meeting have anything to do with that trial?

A.—Yes.

Q.—You know Shamnetz to be a bootlegger?

A.—I knew him to be a bootlegger and an operator.

Q.—You knew him to be a bootlegger?

A.—Yes.

Q.—When was he an operator, in my time or in the time of the former government?

A.—I think he was an operator within the last year; I am not sure about that.

MR. AYEARST: I do not know the date when it was.

A.—At all events it was in your time.

HON. MR. RANEY: You heard Budway's story about what was said about Smythe on that occasion?

A.—Yes.

Q.—Was Smythe's name mentioned?

A.—I think it was, I am sure it was.

MR. AYEARST (To Hon. Mr. Raney): He was not an operator during your time—two years ago last February he ceased.

HON. MR. RANEY: He was let out in February 1920; I took charge of the department in November 1920. Smythe's name was mentioned?

A.—Yes.

Q.—Was the seizure at Budway's house of the fifteen cases of Scotch whiskey mentioned?

A.—I never heard of the seizure made at Budway's house until he gave me that statement.

Q.—Very likely not; what was Shamnetz doing there?

A.—Shamnetz and Courian came to my house at their invitation; Shamnetz apparently thought I was very strong with you, wanted to see if I could get him reinstated, he said he had been discharged, and asked me to use my influence.

Q.—He had been discharged in February 1920?

A.—Yes, and he had been trying to get back for about a year or six months.

Q.—That was the purpose of his being there?

A.—I think so.

Q.—To get your influence with the Attorney-General?

A.—Yes. He knew that you liked me so well.

Q.—Why did you send for Budway?

A.—My instructions—I had forgotten all about this interview till it was brought up here—Courian and Shamnetz came to me—when I say they came for that purpose that is my best recollection, because Shamnetz kept bothering the life out of me every time he would see me at the Court to see if I would not do something for him. While we were there the matter came up. Neither one of them knew Smythe or Creasy or Fielding. They said they were not in their department, they did not know them. I was very anxious to find out about these men to find out who they were. I could not get anybody who knew them. Courian says "I will tell you who can give you some information," he said, "Budway knows all about the fellows," and he said "I will call him up;" and he went to the 'phone and called him, and Budway called to me and said did I want him to come down, and I said "Yes, I want to speak to you," and he came down a few minutes afterwards. I then asked him if he knew anything about Smythe and these men, and he said he knew they were in the Department, but he did not know anything about them. He never suggested that Smythe was one of the ones who were in the Farney raid. The result was, we talked it over, and I said I would like to get some information about these men; the trial is coming up on the 24th December. I said I think this was a frame-up and I want to find out their reputation—

Q.—Was that true that you thought it was a frame-up?

A.—I still do.



Q.—Should I quote to you from a newspaper report of a speech you made that was referred to by one of the witnesses in North York, in which you said, speaking of this incident at the Mansion House on the 2nd December, if you are correctly reported—the unfortunate reporters appear to be a little inaccurate in reporting your speeches—?

A.—Do you not find that often?

Q.—No, not often. You are reported to have said—

A.—What paper?

Q.—The *Star Weekly*?

A.—Oh, my God.

Q.—“One of our men, with the view of being a good fellow had brought along a couple of bottles. I believe that whiskey was in them.”—did you say that?

A.—I certainly did not. That statement is absolutely and unqualifiedly false.

Q.—You heard the evidence of the young man who swore to it?

A.—That did not impress me at all.

Q.—I am going back to something else; what was your motive in making the inquiries?

A.—To clean up the department.

Q.—Did you make any representations to the department of the things that you discovered or that you thought you had discovered?

A.—I don't know; I don't think I did.

Q.—Did you?

A.—I do not remember of ever doing that. Would you expect it?

Q.—No, I don't think I would. Did you make any attempts to check up at the department any information you had received?

A.—I checked up in the Police Court records.

Q.—Did you make any effort to check up in the Department any information you received?

A.—I went to the fountain head.

Q.—Did you make any attempt to check up at the department any of the information you had received about these men?

A.—I put a great many questions on the order paper.

Q.—And they were answered. You know Mr. Ayearst a good many years?

A.—Yes.

Q.—Appointed in 1906, and you know he was in general charge of the enforcement of the Ontario Temperance Act?

A.—I knew he was Chief Inspector.

Q.—Did you have confidence in his honesty?

A.—Well, now, I am not going to discuss Mr. Ayearst; I have not said a word against Mr. Ayearst; I am not going to discuss him.

Q.—We will leave that there. Did you go to Mr. Ayearst and make any inquiries of him?

A.—I don't think so.

Q.—Did you go to him and tell him what had been told to you?

A.—I don't think so.

Q.—I am going to read the report in the *Mail and Empire* of what I understand to be your charge in this case, and I am going to call your attention before I read it to the fact that other newspapers in town, except the *Telegram* which contains a shorter report, have the same language almost word for word, so that if one reporter was mistaken I suppose three were mistaken—I read to you: “With full responsibility as a Member of this House I shall show that not only does the Attorney-General give employment to thugs and criminals, but I say further with all the emphasis that I can command, that these men were kept and are being kept to-day by the Attorney-General, assisting him in the enforcement of the Ontario Temperance Act”—is that charge true?

A.—I would think so.

Q.—Give me one name to support that charge?

A.—Flack.

Q.—Give me another one?

MR. FERGUSON: We have all heard the evidence.

A.—I am going to give them to you; I am going to answer.

HON. MR. RANEY: Pardon me.

A.—No. I am going to answer: Lloyd Gordon, McCutcheon, Phillips—

Q.—Just wait, I want to give you your full statement.

MR. NICKLE: Hold on now, Mr. Attorney-General, just wait; you asked a question and he has a right to answer. The Attorney-General asked a question and he allowed the witness to answer part of it, and he interjects right in the middle of the question another question; that is not fair play

MR. MACBRIDE: Let us have the answer.

HON. MR. RANEY: Give us your answer?

A.—Lloyd Gordon—

Q.—I suppose the names you gave a while ago?

A.—I am going to answer your question: McCutcheon, Partridge, Nathan Slavin, Courian, Hallams, Stanley Nash, Martin, Flack, Shamnetz, Robinson, Norman C. Hayes, Budway, Jeffreys. Is that enough?

Q.—Those men are all thugs and criminals?

A.—They come under one or the other.

Q.—You are not sworn, the oath has not been administered to you?

A.—Don't try any of that stuff on me.

Q.—You are answering I suppose as if you were under oath?

A.—Do not try that stuff on me.

Q.—That all these men are either thugs or criminals?

A.—You heard my answer.

Q.—I am going to finish your statement to see if you will modify your answer: “With full responsibility as a Member of this House I shall show that not only does the Attorney-General give employment to thugs and criminals, but I say further, with all the emphasis that I can command, that these men are being kept to-day by the Attorney-General assisting him in the enforcement of the Ontario Temperance Act”—just bear your answer in mind—“I can quite understand,” Mr. Lennox proceeds, “the administrator of a department being deceived by his officials or his servants, that is inevitable; but I cannot conceive, nor will the public condone any Minister keeping in his employ men that have been convicted and have to his know-

ledge served terms, in the enforcement of the Ontario Temperance Act," I call your attention to the fact that your charge is not that persons of that character were employed, but that thugs and criminals were kept in the employment of the department, kept in the employment of the Attorney-General with knowledge on my part that they were thugs and criminals, and that you expressly except cases where the department may have been imposed upon—you gather the point now; will you tell me now what names answer the description of that charge?

A.—McCutcheon, that Hammond swore you knew it.

Q.—Give the names?

A.—Let me answer your question—don't you think you have a magistrate in the box—Hallams, Slavin, Budway, Flack, Stanley Nash, Martin—those at least.

HON. MR. FERGUSON: I thought Hammond said all these things were reported to Mr. Middleton in your department?

A.—So he did.

HON. MR. RANEY: All what things?

HON. MR. FERGUSON: All these irregularities of the men.

HON. MR. RANEY: No, he said McCutcheon made his reports to the department in the absence of the Commissioner of Police, and when the Commissioner of Police came back he referred McCutcheon's report to Mr. Middleton for advice.

HON. MR. FERGUSON: I understand from Mr. Hammond that he sent copies of these reports to Mr. Middleton. That was the thing I asked you if we might see the other day, some of these reports. At the moment you said there was no objection; subsequently you wrote me a letter saying you had changed your mind.

HON. MR. RANEY: No, what you asked me was to see the evidence in the investigation conducted by—

HON. MR. FERGUSON: That was one of them.

HON. MR. RANEY: These men whom you have mentioned, eight of them, McCutcheon, Hallams, Slavin, Budway, Flack, Stanley Nash, and Martin are men whom you now tell this committee were being employed at the time you made this speech?

A.—I did not say that.

Q.—"I say therefore with all the emphasis I can command that these men were kept and are being kept to-day by the Attorney-General assisting him in the enforcement of the Ontario Temperance Act"—do you say that is true of these men?

A.—Not of all of them.

Q.—Of which ones is it true?

A.—It is true of Flack, of Martin, of Partridge.

Q.—He is not on the list; I will put him on.

A.—It is true of these three anyway.

Q.—And those three men are all thugs, are they?

A.—You heard what I say.

Q.—Are they thugs or criminals, which—please differentiate—McCutcheon, is he a thug or a criminal?

A.—You ought to know; you engaged him.

Q.—You are the man who is doing the talking, is McCutcheon a thug or a criminal?

A.—You are not going to get very far that way.

Q.—You decline to say; is he one or the other?

A.—Do you know the definition of a thug? If you do you will be able to say.

HON. MR. FERGUSON: Surely, Mr. Attorney-General, the committee has heard the evidence and it is for them to say.

HON. MR. RANEY: We are getting the evidence from Mr. Lennox. At all events you say these men were all thugs or criminals?

A.—Thugs, criminals, or perjurers.

Q.—You did not say anything about perjurers in your charge?

A.—I will make it stronger then—

MR. NICKLE: Surely a perjurer is a criminal.

HON. MR. RANEY: I am not arguing that with the Member for Kingston.

MR. NICKLE: I don't think you would.

HON. MR. RANEY: You say that Flack and Martin and Partridge were in the employment of the department when you made the charge; would you call Partridge a thug?

A.—I suppose a man who would beat an official up when he was representing the government would not be called a gentleman.

Q.—You heard the evidence, Partridge's own evidence?

A.—I cannot say I did; I was not here.

Q.—You heard the evidence of the Commissioner of Police?

A.—I heard the evidence of the Commissioner of Police.

Q.—That he had looked into the matter, and that the man ought to have another chance?

A.—Why did you not bring down the District Crown Attorney; that is the gentleman.

Q.—I read his telegram. You still think he was a thug or a criminal?

A.—You heard the evidence; it is not for me to think; it is for the public.

Q.—It is for you to say whether your charge is true?

A.—It is for the public to say.

Q.—Is Partridge a thug or a criminal?

A.—You heard the evidence; I am willing to take my chances on the public.

Q.—Your other organ the *Telegram* puts your charge a little differently?

A.—You never did trust the *Telegram*, did you?

Q.—“Not only has the Attorney-General given the work of enforcing the Ontario Temperance Act into the hands of thugs and criminals—these same characters were kept and are being kept to-day by Mr. Raney assisting him in the working of the O.T.A., men who have been convicted and have served terms in jail to his knowledge”—do you complain of the accuracy of that report?

A.—I cannot remember.

Q.—Do you remember asking Partridge when he was in the witness stand if he was drunk when he assaulted the Crown Attorney?

A.—I do not remember being here when Partridge gave his evidence.

HON. MR. FERGUSON: I asked him that I think.

A.—But I do remember asking Partridge in the Police Court when he gave evidence whether he was drunk or not, and I know what I think he said, that he was not altogether sober.

Q.—At the close of your speech in the House you wrote certain questions which were in the nature of charges, and I am going to refer to some of these. You inquired, addressing me, “Did I lie when I said that two of the government spotters at Hamilton under oath admitted that they had been in jail for burning a barn and committing burglary?”—were those two men in the employment of the department when you made your charge?

A.—I don't know I am sure.

Q.—Yes you do?

A.—I would hope not; that is as far as I can go.

Q.—You were told immediately after you made that charge that these men were immediately dismissed?

A.—I was told so many things in answers to my questions that were untrue that I accepted it with a little bit of hesitation.

Q.—We are talking of this particular thing now, the facts were given to you that Lickers the man referred to, was employed by Mr. Sturdy, License Inspector?

A.—Given to me by whom?

Q.—Given to you by me in the House?

A.—After I made the charge—

Q.—You have repeated it to-day?

A.—I have repeated to-day that these men were in your employ, and I stick to it.

Q.—The information conveyed to you was that Lickers was employed by Mr. Sturdy the License Inspector; Mr. Sturdy was a man appointed during the late Conservative regime, you know that?

A.—I do not; I never heard of Mr. Sturdy in my life till the other day.

Q.—I told you that?

A.—He ought to be a good man.

Q.—Mr. Flavelle told you on oath that he had examined this man Lickers and thought he was a good man, and sent him over; afterwards it transpired he had been guilty of these offences?

A.—How does that affect the statement I have made, that he was in your employ, and he had burned a barn and had committed highway robbery?

Q.—It affects very much your statement, which is the real charge, as you yourself put it, that the department was knowingly employing thugs and criminals?

A.—This man Lickers? Was any reference made to Lickers?

Q.—You heard Mr. Flavelle's statement of the precautions that were taken in employing Lickers?

A.—That does not get away from the fact that you employed this man after he had committed arson and committed highway robbery.

Q.—It is the fact that the department did not know he was guilty of the offence?

A.—I did not say the department did know about this man. I have given a list of thirty-five or forty criminals.

Q.—You said this man was known—

HON. MR. FERGUSON: Surely if there were two public records of conviction the department could not have made much inquiry.

HON. MR. RANEY: At all events this man Lickers having been employed by Sturdy with the approval of Mr. Flavelle, two officers appointed under the late government, do you see any ground for criticizing this department?

A.—I can only repeat what I said, that in your employ in the enforcing of the Ontario Temperance Act at Hamilton you had a man or two men who had committed arson and who had committed highway robbery, and I repeat that.

Q.—Did you say in your address that these men had been dismissed, or this man had been dismissed when the fact was known?

A.—I would suppose that notwithstanding the criticism that could be offered to your department that you would not be guilty of keeping a man of that character after you found it out.

Q.—I would suppose so too. Your next charge was: "Did I, to the public say what was true when I charged a stool pigeon by the name of McCoy with being drunk on the train, brandishing a revolver, and driving the passengers from the car at Hamilton, and who was afterwards convicted"—was that charge true?

A.—I think so; you admitted it yourself.

Q.—No, I did not?

A.—You said he had been fined \$100, and you had given it to him back because he was such a decent fellow.

Q.—"Did I to the public say what was true when I charged a stool pigeon by the name of McCoy, with being drunk on the train, brandishing a revolver, and driving the passengers from the car at Hamilton, and who was afterwards convicted"—where did you get your information?

A.—Of that?

Q.—Yes?

A.—I guess from the press.

Q.—Oh, no.

A.—I am not sure about that.

Q.—You don't know where you got it from?

A.—I either got it from the press or I got it as the result of the investigation made by my student at Hamilton. I don't know which, but as a matter of fact—

Q.—This is a serious charge you are making against this man?

A.—It is so serious that he was convicted and fined \$100.

Q.—For having a revolver in his possession; but it transpired that it was a German souvenir?

A.—When he was coming up I suppose in order to make it a little easier you remitted his fine.

Q.—The Magistrate remitted the fine on representation from Sarvis?

A.—Who is Mr. Sarvis? Is that the provincial officer?

Q.—Yes?

HON. MR. RANEY: You went on in your statement to the House speaking of this man McCoy, you said; "A man who has, since that occasion, gone into court and has been responsible through his oath for the confining of a number of citizens of this province"—give me one?

A.—I never made the statement.

Q.—What?

A.—Do not scare me, please. That is most unkind of you.

Q.—You deny the statement?

A.—Yes.

Q.—Because the Members of the Committee heard you?

A.—Do not try to bulldoze me.

Q.—"A man who has, since that occasion, gone into court, and has been responsible through his oath for the confining of a number of citizens of this province"—?

A.—I say I did not say it, but I have no doubt it is true.

Q.—Here is your own *Mail and Empire* report—

A.—First thing we know you will be subscribing for the paper.

Q.—"Yet for two months after that he drew pay"—was that true?

A.—I think so, but you will be able to tell me that.

Q.—I tell you it is not true.

A.—Good. How long was it after that took place that he was discharged?

Q.—About three weeks later; the matter was being investigated. "And was one of the confidential and trusted agents of the Attorney-General?"

A.—Do not you trust them all, otherwise you would not engage them.

Q.—"A man who has since that occasion gone into court and has been responsible through his oath for the confining of a number of citizens of this province"—you say you did not say it?

A.—I did not, as you know quite well I did not say it.

Q.—We will get back to the questions: "Did I to the public say what was true when I charged a stool pigeon"—you are aware this was a returned soldier?

A.—Are you trying to get sentiment in on this thing, or do you want this investigation to go on in an ordinary way?

Q.—Why did you call him a stool pigeon?

A.—Read your questions; don't try any funny business with me.

Q.—"A stool pigeon by the name of McCoy being drunk on the train"—who told you he was drunk on the train?

A.—It does not make any difference who it was; that is the fact.

Q.—Who told you he brandished a revolver?

A.—I do not remember. The Committee are not interested in who told me; they are interested in whether it is true or not. You stick down to what the public are interested in.

Q.—What information did you have that McCoy drove the passengers from the car?

A.—That is my business. The Committee are not the body interested in where I get the information, but the public are interested in whether the statement I made was true or untrue. Do you remember the other day when

you would not reveal the identity of the mysterious man who put the whiskey at Sutton because it was against the public weal and against the Act?

Q.—It is not against the public weal that you should give the committee the sources of information, which cannot be personal information to you?

A.—No matter where I got it, if I got it.

HON. MR. FERGUSON: Why should it make any difference?

HON. MR. RANEY: Another charge you made: "Will you stand up in your place in the House and deny that two of your spotters got a fifteen-year-old boy to buy two bottles of whiskey and then made this fifteen-year-old boy taste whiskey for the first time in his life at Collingwood?" Do you still affirm that is true?

A.—Yes, you bet I do.

Q.—Notwithstanding the evidence of Fielding?

A.—I have the evidence before me, and he got a conviction. The evidence is he did get drunk, and the evidence is he was fined for being drunk, and the evidence is he was under sixteen years of age, and the evidence is he was tried in the Juvenile Court and as a result of your men going to Collingwood he was fined \$20 and costs.

Q.—You are aware he was fined because he would not give the name of the party from whom he bought the liquor?

A.—That is not the conviction.

MR. NICKLE: Was he fined for being drunk?

HON. MR. RANEY: He was fined for being drunk, but he would not, I presume, have been prosecuted at all if he gave the information where he got the liquor.

MR. NICKLE: He was fined for being drunk?

HON. MR. RANEY: Yes.

HON. PETER SMITH: Was the charge made by Mr. Lennox in the House that this boy was furnished with liquor—

A.—The boy, upon the evidence, procured the liquor for these two spotters, the boy swears that they gave him liquor out of those bottles, the day the boy bought the liquor he was found drunk and was convicted. If you do not think they gave it to him, all right.

HON. MR. RANEY: The only evidence before the committee was the evidence of Fielding?

A.—I have the evidence here.

Q.—"Will you to the people of this province say that Police Magistrate Fraser lied when he announced at Niagara Falls a short time ago the witnesses provided by you were jailbirds, one having been tried for murder and having served a term in jail?" That was repeated again. You were told in the House that this man was employed by Ferris, the License Inspector over there, an appointee of the late government, without consultation with the Department, and was shortly afterwards dismissed. Do you blame the Department for that?

A.—I am not blaming anybody; I am leaving the public to do the blaming. Do you say it is not true; that is the point?

Q.—It is not true he was kept on afterwards?



A.—Is it true that a man charged with murder, and jailbirds were employed by the department at Welland? That is what the public are interested in.

Q.—The man referred to in this charge was employed by License Inspector Ferris of Niagara Falls without having taken sufficient precautions to ascertain his previous record. As soon as the facts were known the man was dismissed, and subsequently Ferris himself, who was an appointee of the late Conservative government, was dismissed for offensive partizanship and other irregularities.

HON. MR. FERGUSON: Is not the gravamen of the charge that that class of man was employed in enforcing the law?

A.—Is not that true, that question?

HON. MR. RANEY: It does not support your charge.

A.—Would you read this specific question again?

Q.—“Will you to the people of this province say that Police Magistrate Fraser lied when he announced at Niagara Falls a short time ago that the witnesses provided by you were jailbirds, one having been tried for murder and having served a term in jail?”

A.—Do you deny that?

HON. MR. FERGUSON: Who pays these fellows?

A.—Do you deny it?

HON. MR. RANEY: Yes, he was not employed by me.

A.—By your Department?

Q.—He was not employed by the Department.

A.—Whose money did these men get?

Q.—Another charge: “Will you deny that Stanley and William Hallam not only assaulted and burglarized one of Windsor’s citizens on the 14th September, 1920 and stole eighty cases of liquor and one of them was retained by you as a trusted servant”—I infer that your purpose was to charge that they were kept in the employment of the department after their conviction?

A.—No, my purpose was to show that these two men while acting with Mr. Spracklin in the enforcement of the Act down near Windsor had themselves criminally assaulted a man in his cellar, and that they had stolen eighty cases of liquor. Do you deny that?

Q.—No—?

A.—That they remained in the Department nearly two months after?

Q.—Not after their conviction?

A.—I am not speaking of their conviction.

Q.—“Stole eighty cases of liquor, and one of them was retained by you as a trusted servant”—the answer is this, the charge against the Department in this case is contained in the last two lines. The charge is false. It is true that these men were convicted of having stolen a quantity of liquor on the date stated. Their guilt was however not discovered until months after the termination of their employment with the department, which was in the case of one of them in September 1920, and in the case of the other October 1920. They were convicted in June 1921.

A.—That is not the point at all; the point is you had these men in your employ.

Q.—If you say that the point is that they were employed by the department, what do you make of your own statement that you “can understand an administrator of a department being deceived by his officials and servants. That is inevitable; but I cannot conceive, nor will the public condone, any Minister keeping in his employ men that have been convicted and served terms to his knowledge, in the enforcement of the Ontario Temperance Act.”

HON. MR. FERGUSON: You would not keep them if you knew they were that type of men?

HON. MR. RANEY: We did not.

HON. MR. FERGUSON: They were working there, and they were that class of men.

HON. MR. RANEY: The charge is we kept them knowing they were that class of men. Another of your charges was: “Will you deny, that one of the most miserable creations of life”—that is Stagg—“was in your employ at Cochrane and criminally assaulted two young girls.” You heard the evidence of Detective Blackwell and of Inspector Moore; do you repeat that charge, now, having heard their evidence?

A.—I do; and if you will look on your files and read your correspondence which I thought I had here with me, but which I have not, and read the press at that time you will find that it was the most diabolical assault that could possibly be committed.

Q.—You have heard the evidence of these two men upon this?

A.—Those two men do not know anything about it; they were not present.

Q.—That they had investigated the matter and concluded it was a frame-up?

A.—I daresay the officers would not care to investigate to be able to come down here and say it was true.

Q.—Here is another of your charges—

MR. HALL: Does the Honourable Member suggest these witnesses were deliberately lying to this Committee?

HON. MR. RANEY: Certainly?

A.—No.

MR. HALL: If they were, and the Committee thinks so, is there any way of punishing these men for lying to this Committee?

A.—What I said was that they were not in a position to know; how could they tell whether this man assaulted these girls or not?

MR. HALL: You said they would not tell?

A.—I said nothing of the kind.

Q.—They would not be likely to tell?

A.—Nothing of the kind.

HON. MR. RANEY: Another of your charges: “Will you say that a man by the name of Lentz, a German spy, was not engaged by your department and induced a young veteran by the name of Cote at Cobalt to become a criminal? Do you still say that is true?”

A.—I think so.

Q.—Should you call Lentz a German spy?

A.—That was in the press, and you should have seen it. I saw it.

Q.—Was he called a German spy?

A.—He was called a German spy in the press.

Q.—That was enough for you?

A.—I don't think it is very far astray, and if you also read the press you would see that the Women's Christian Temperance Union of Cobalt took the matter up and they paid his fine.

Q.—Let me tell you that charge is false?

A.—No.

MR. NICKLE: Which charge?

HON. MR. RANEY: The whole charge is false. The only foundation for the charge is that Lentz who was employed by Inspector Blackwell of Cochrane for two or three weeks in 1921 was a German by lineage. He was born in Renfrew County, Ontario, where his people had lived for twenty years before his birth—

A.—Why do you say the charge is false merely because you read something; why do not you bring your evidence?

Q.—Cote, who was convicted on his evidence was a man with a bad record, having been convicted previously of house breaking?

A.—That is not evidence you are reading.

Q.—Cote appealed to the Lieutenant-Governor in Council for a remission of penalty and Mr. Flavelle reported against his application?

A.—That is all nonsense, reading that.

HON. MR. RANEY: Mr. Lennox is here to prove his charges. What evidence has he submitted to the committee in proof of that charge?

Then your next charge: "Will you deny that a man by the name of Webb, alias West, soaked with drink in the King Edward Hotel at Guelph, after having read the notes of two other spotters, swore to what they said?"—are you still making that charge?

A.—No, I must modify that, that is the one charge that I think should be modified; the offence is just as great, but the wording may be a little unfortunate. According to the evidence McCutcheon swore that these men had taken his notes and also taken the note of Meek and was going to use them at the trial, but that Reinhart had given Meek \$1200 for his notes and this fellow's and consequently there was no conviction.

Q.—Another of your charges was that Reinhart had paid Wood \$1,200?

A.—It was not denied.

Q.—Were you told that that case went to court and that Wood was fined \$1,000?

A.—Reinhart?

Q.—Yes?

A.—Only one out of eight or ten; you don't mean to suggest it was all Reinhart's money?

Q.—Now, we come to North York?

A.—I am more at home there.

Q.—"I am not surprised, nor will the public be amazed"—you said in your speech—"that that was a frame or an endeavour to frame Mr. Armstrong and myself"—that is finding the whiskey in this room in Sutton—"When one of the men who represented you, Mr. Attorney-General, would go to Collingwood, as Fielding did, and there engage an eighteen-year-old

boy to purchase liquor and then have him arrested, when this man named Smythe, your other operator, was one who would steal from the government liquor that was seized"—do you still say that is true?

A.—I certainly say if the evidence of Budway is to be believed it is absolutely true.

Q.—Budway did not say he stole it?

A.—He said he took it.

Q.—For evidence, he said?

A.—Yes, took it.

Q.—Do you think they could put it over in that way when the whole cargo has to be shipped to the department, and all they have to do is to take a bottle that day.

Q.—“When men of that type are in the employ of the government I think perhaps the better element of the people of the province will not doubt me when I say that the liquor that was seized in the room at Sutton was brought there by them”—?

A.—I have not the slightest doubt about it, and I don't think you have.

Q.—“And I am not sure you did not know it”—are you still charging that?

A.—It looks like it when you won't let us have the name of that mysterious man. You give me the name of that mysterious man and I will be able to relieve you probably of any personal connection.

Q.—I do not ask you to relieve me. Who was campaigning with you in North York last election?

A.—A number of people.

Q.—Was Dr. Preston?

A.—Yes.

Q.—Did you buy liquor at the dispensaries just before the North York raid?

A.—You produced two scrips of two quarts in three months, but I think there must be more.

Q.—How many did you get during the month of November and December?

A.—I only got two, but I am ashamed of myself.

HON. MR. FERGUSON: Are we going into this kind of thing? Surely, surely.

HON. MR. RANEY: Yes, I think so.

HON. MR. FERGUSON: In the first place I understand these were confidential?

A.—If a doctor revealed this he would be up before the Medical Council.

HON. MR. RANEY: If he issued a prescription that is contrary to law he may be up before the Police Magistrate and the man who induced him to give the prescription by false pretences would be there too?

A.—I suppose so, but it never occurs.

HON. MR. FERGUSON: Let us be reasonable. How does Mr. Lennox's domestic affairs or private affairs affect the matter we are investigating?

HON. MR. RANEY: I will tell you—

HON. MR. FERGUSON: Are we going to resort to that kind of thing before the Committee?

HON. MR. RANEY: I will tell you how it affects the whole case. Mr. Lennox stands in his place on the floor of the Legislature, and he accuses two officers of my department of framing this meeting in the Sutton hotel by taking whiskey into the hotel, which he may or may not know to be false; he makes that accusation at all events, and he closed his accusation by the statement that he is not sure that I did not know of it, that these men had framed this in Sutton?

A.—Give me the name of the mysterious man.

HON. MR. FERGUSON: You have said you did not know of it, and that ends that surely.

HON. MR. RANEY: If Mr. Lennox will now withdraw the whole of that statement I will drop it.

A.—I certainly will not withdraw the whole of it, but if you say you did not know anything about it I will accept your word, but not the other, because I am more convinced to-day than I ever was that it was a frame-up.

Q.—Then it will not be withdrawn.

HON. MR. FERGUSON: Let us get away from personalities.

HON. MR. RANEY: Yes; it is not only a personality for Mr. Lennox to accuse me of having knowledge of a frame-up, but it is a personality for him to accuse two of my officers to have deliberately made a frame-up?

A.—I have produced the evidence; it is for the public to say.

HON. MR. FERGUSON: I am sure this committee does not want to hear anybody's personal affairs. Mr. Lennox said he was not sure you did not know something of the frame-up, and you have said you did not know anything about it, and Mr. Lennox has said "I accept your statement," does not that end it?

HON. MR. RANEY: I don't think I ever said I did not know of it. I do not propose to deny it—perhaps I may have said so at this meeting. Does Mr. Lennox withdraw this charge?

A.—Certainly not, excepting the part that refers to you; you having said you did not know anything about it I accept your statement.

Q.—Did the young man who was in trouble with the department before, assist you to get liquor from dispensaries?

A.—I don't know.

Q.—What?

A.—Damn it, I cannot remember all people who help me to get liquor from dispensaries; I make no bones about taking a drink. I don't think you do me justice, because I think I got more.

Q.—Do you make any bones about going to dispensaries to get whiskey when you want it?

A.—No, when I need it, and only when I need it.

MR. MACBRIDE: What real difference does it make to this committee whether Mr. Lennox had got ten or one hundred prescriptions? It has no connection.

A.—Not only that; he has invaded the sanctity of my home; when my wife required ale, cannot go out, and it is prescribed for her, and in order to defend himself he goes into the sanctity of my own home.

Q.—Do you recall going in the car to the dispensary, and your chauffeur being delayed longer than you expected?

A.—I do.

Q.—And saying you had a meeting to attend in Sutton?

A.—No. I recall it; it was a very very cold day, and I was not well, and I think Dr. Preston was probably with me at that time, and he went in to get the prescription. We waited there I should say probably 15 or 20 minutes, and I was getting hot under the collar, because I had to drive some distance, and I went in, and it was said it was not the doctor's signature, and then the girl afterwards said that she took it for another name; and she filled it. I said in the heat of the moment "If you cannot read these signatures better than that they ought to get somebody else here; I am going to write to the department." You spoke about Sutton; I was not at or near Sutton that night; I was at a meeting at a place miles and miles from Sutton, so that if any person says that I wanted that to go to Sutton, on the 24th November, it is absolutely untrue.

HON. MR. RANEY: Don't you know whether the liquor that was found at Sutton came from the dispensaries?

A.—No, but I could think you could easily find out; if I am rightly informed if I send in to a dispensary for a bottle of G. & W. Special a record is made of that, so that you know whether I get it, I am told you can find whether I get G. & W. Special or Scotch or Corby's—the simplest thing in the world to be done if, you wanted to be fair to me, would be to have gone down to the dispensary and have found out what brand of liquor I got that day, if it was Corby's—I never drank it in my life, I don't think so but if it was Corby's that would be pretty strong evidence. If it was G. & W. Special, which is my favorite drink when I drink, which is not often, then you would know you had it in your power to find out whether it was G. & W. I got or Corby's.

HON. MR. RANEY: It does not follow that the liquor you got that day went to Sutton?

A.—Do you mean to tell me my constituents don't know me well enough to know that if I got it filled on the 24th November that I would have it unopened on the 2nd of December?

Q.—Was there a man named Knowles, Chick Knowles at that party at Sutton that night?

A.—I don't think so; he was not in the room anyway.

HON. MR. RANEY: It is getting on to half past one; I don't want to close to-day?

A.—Then I propose to call some witnesses.

HON. MR. FERGUSON: I want to get some evidence before this Committee some time, I have had witnesses subpoenaed for weeks.

MR. NICKLE: Could we clear up that point about the liquor at Sutton?

HON. MR. RANEY: I am not charging that that particular liquor went to Sutton. It is only the opportunity, the suggestion as to the source of supply.

MR. NICKLE: Have we got that cleared up this far. that Mr. Lennox withdraws the charge as against your knowing anything of it, and you are not suggesting that he took the liquor to Sutton; have we got that far?

HON. MR. RANEY: I am not suggesting anything about it.

HON. MR. FERGUSON: Why go into these other things?

HON. MR. RANEY: Then I think I can close in two or three minutes. You raised the case of a man named Andrews at Cobourg?

A.—Yes.

Q.—You were aware that our friend Donovan recommended that man to the Department?

A.—You said so; I have not any doubt. I may say this, I spoke to Mr. Donovan only yesterday, met him on the street, and if you look at his testimonial there what he told me was, he said it was reported to him that he was a respectable man, and being a returned soldier he took it for granted.

Q.—Do you think there was any reason for criticizing the department for the employment of that man?

A.—Yes, a man that had been in Burwash immediately prior?

Q.—We did not know it, and we had Mr. Donovan's certificate?

A.—I don't think it was any use.

MR. NICKLE: Then is this particular inquiry finished?

THE CHAIRMAN: I am assuming so. The Attorney General is through.

The Committee adjourned at 1.30 P.M. until Thursday next, June 1st, 1922, at 9.30 A.M.

## PUBLIC ACCOUNTS COMMITTEE.

The Committee met at 9.30 a.m. June 1, 1922, with Mr. Edgar Watson in the chair.

MR. WALKER:—Mr. Chairman, I have a resolution which I would like to read just before the committee proceeds with other business.

Moved by myself, seconded by Mr. Hall;—

“THAT WHEREAS Mr. T. H. Lennox, Member for North York in the Provincial Legislature made certain charges on the Floor of the House against the Honourable the Attorney General in the enforcement of the Ontario Temperance Act, the main charge being made in the following words, as reported in the *Mail and Empire* newspaper of April 7, 1922:—

“With full responsibility as a member of this House I shall show, that not only does the Attorney General give employment to thugs and criminals, but I say further, with all the emphasis that I can command, that these men were kept and are being kept today by the Attorney General assisting him in the enforcement of the Ontario Temperance Act. I can quite understand the administrator of a Department being deceived by his officials and servants, that is inevitable; but I cannot conceive nor will the public condone any minister keeping in his employ men that have been convicted and served terms to his knowledge in the enforcement of the Ontario Temperance Act:

“AND WHEREAS we, the members of the Public Accounts Committee of the Provincial Legislature after hearing the evidence submitted by the Member

for North York and by the Honourable the Attorney General are of the opinion that no evidence has been produced to prove the said charge, but that on the contrary, the Honourable the Attorney General has proved by his own and other evidence including the production of numerous memoranda of instructions and letters, that he has taken every precaution to see that only men of good record are employed in the enforcement of the Ontario Temperance Act.

"THEREFORE, this Public Accounts Committee hereby expresses implicit confidence in the Honourable the Attorney General and in his administration of the Ontario Temperance Act.

"And this Committee hereby authorizes and instructs the Chairman to embody a copy of this Resolution in his report to the House."

"Toronto, June 1st, 1922."

MR. WALKER: Now, in connection with this resolution, the Committee not being all present, it was thought wise to also move by myself, seconded by Mr. Widdifield:

"That the Committee suspend all other business at the hour of 11 o'clock to-day for consideration of the attached resolution."

MR. FERGUSON:—Surely the Committee is not going to make itself ridiculous. That is a most unheard of thing. Mr. Chairman, why should this committee decide now that it will interfere with its business at the hour of 11 o'clock? We may be in the midst of most important business. I have no objection to the Attorney General getting any consolation or whitewash he can out of any resolution this committee may pass.

MR. RANEY: Insulting as usual.

MR. FERGUSON: But the resolution does not express the fact, in my opinion.

MR. WALKER: Vote against it then.

MR. RANEY: Well, vote against it.

MR. FERGUSON: Don't be so impetuous.

MR. RANEY: Don't start off so early in the morning by being insulting.

MR. FERGUSON: I'd rather you would be facetious. I have never known a Member of a Government to come in and ask the Committee to give him a certificate of character under these circumstances. Everybody realizes the gravamen of the whole situation was, that Mr. Lennox made certain allegations, that improper methods were used in the enforcement of the Ontario Temperance Act. I think the evidence has been overwhelming to show that. The Attorney-General has admitted, himself, that this is the fact. He has not only stated here that if he had known such things he would not have employed such men. He has gone further; he has produced a memorandum from himself to the Commissioner of Police admitting that many of these men have fallen. I think the public generally will say that Mr. Lennox has amply proven his allegations.

But if the Committee chooses to take that position and allow itself to be made use of in this way, of course, with all the Ministers of the Crown here, and the majority of the Committee chosen by the Government, there is no doubt you will easily get the certificate you are looking for, but I do think that if I were in your position I would be prepared to leave the



evidence to the public, if you are so sure of your position as that, rather than attempt to have it bolstered up by a resolution of this character. It looks to me very much like a drowning man grasping at something pretty nearly the size of a straw. After all, this whole thing will have to be threshed out before the public, and the public will decide whether Mr. Lennox's allegations have been justified or not.

MR. HALL: Well, the public are not trying this case.

MR. FERGUSON: The public are.

MR. HALL: Not at this period.

MR. FERGUSON: The function of this Committee is to take evidence and report it to the House. The function of the Committee is to give a report to the House. Every committee of the House has delegated to it certain duties, and report to the House, and then the House, if it chooses, can pass a resolution, or the public can thresh it out afterwards. But for the Committee to undertake to reach a conclusion and pass a resolution of this character is most unique, and an unusual position, if it is not unprecedented altogether. I have no doubt it is being done at the behest of the Attorney-General and done by special arrangement.

MR. HALL: A point of order. The Attorney-General did know nothing whatever of this resolution. If anybody is responsible for this resolution I have as much responsibility as any man in this House. And I assume all the responsibility that I have taken without apologies.

MR. FERGUSON: The Attorney-General is exceedingly anxious that it should be passed.

MR. HALL: I don't know that.

MR. FERGUSON: The Attorney-General is exceedingly anxious that it should be passed. He has pretty well lined up the Government to see that it is done here this morning.

MR. WALKER: That is making charges for which there is no ground.

MR. FERGUSON: I am making observations that are quite apparent to anybody. If passing this will bring any consolation or sleep to the restless nights of the Attorney-General he is welcome, but it won't help him very much with the public. It seems to me that the public will look on this as an attempt to pull himself up by his own boot tops. The thing is unprecedented and unusual, and making use of the Committee for something that is foreign to its function.

MR. WALKER: We are just asking that the resolution be considered at eleven o'clock. That procedure is often followed.

MR. SINCLAIR: Surely you are entitled to discuss a motion in Committee: I don't see that it makes any difference whether at 11 o'clock, 10.45 or 10.30. I have been a member of the Public Accounts Committee, this is the sixth session of Parliament, and I have never seen anything just like this. Of course as we get older we see different things. We see progress along different lines, and this is the newest of the new this morning, to my mind, brought before the Public Accounts Committee. I have sat through the different sessions of this Committee day by day as often as I could be here and I always took it the function of the members of the Public Accounts Committee was to sit here, hear the evidence, and, as anything came along, ask a question

to try and bring out further evidence. I have never thought its function was a jury's function, to find guilty or not guilty, and bring in some kind of verdict, and it does seem to me that this is a very new proceeding.

Surely the Public Accounts Committee meets here to investigate public accounts of the Province, so evidence may be brought out and so that the public of the whole Province may have before it these facts. They are the ones to judge, and surely we as members of the legislature are not going to say that certain charges are proved or not proved. It is not what we are here for. We are here to get out the evidence and it is for the public to decide. As far as any parliamentary party Public Accounts Committee verdict goes it is not worth a hill of beans with the leaves off, because we all know how the vote is got, how it is going to be got this morning, and it is not going to be got on the independent judgment of men here, but on a party basis, and that is all there is to it and all it means. to the Province of Ontario.

It certainly is a matter of regret to me to know that things have been happening under the Ontario Temperance Act, as have been happening throughout the Province. I am not here to find fault with the O.T.A. or its operation or anything of the kind. It is a difficult Act to enforce, anybody knows, but it does seem to me, listening to the evidence that has been given, that there are certain fellows who have been operating under the Government for the Ontario Temperance Act, that would not make very good fellows around the Communion table on Sunday. I'd be rather suspicious of their qualifications in a well organized church or anything of that kind, to put it mildly. And, talking to men on the street, people whom you meet from day to day, I can tell this Committee that there seems to be a fairly strong bit of public opinion, that seems to think, that the charges which Mr. Lennox has made have been pretty well substantiated, and it doesn't make much difference whether this committee finds, that one small section of something that Mr. Lennox says in the House, that he fell down or not. I listened to the resolution. It only deals with a small portion of the whole matter, and it is not getting at the heart of the situation.

Now, surely, what is to be gained by investigation such as this is, that in the years to come in the operation of the Ontario Temperance Act that a better class of men will be employed than have been employed, because we cannot deny the facts here that men have been employed that certainly were not fit to operate this Act or any other Act, and I for one certainly am sorry as a member of this Committee, to see a resolution such as this brought in, plainly for the purposes for which it is being brought in. Anybody knows it is brought in for the one purpose and one purpose only. Now we are not surely, as members of the Public Accounts Committee, members of this Legislature, going to stultify ourselves, going to make ourselves the laughing stock before the public by putting through any such resolution as this to-day, and I would certainly urge the mover and seconder of this resolution to consider carefully whether they should not withdraw the resolution now, and leave the matter to the same judgment of the people, and if there have been irregularities in the past, I am sure the Attorney-General and the License Department will see in the years to come in the operation of this

Act that this class of men are not employed, and it may be beneficial to the Province to have an investigation such as this to show the possibilities of men getting into the employ such as have been employed.

Surely we, a few men gathered here, are not going to be able to hand out to the Province of Ontario a dictum that will put an end forever to all question of whether what Mr. Lennox said was true or was not true. We cannot do it, and we might just as well calmly meet the situation and not try to do it. The public have got their own opinions and are forming their own judgments. They have read the evidence and they are in just as good a position to pass on this situation as we are, and so, I say, we should not here this morning put ourselves in this position as a Committee of passing a judgment on one small portion of the lengthy matter that has been before the Committee, because apparently the mover and seconder of the resolution have examined very carefully to just get one section of it.

Now I must congratulate the mover and seconder not being legal gentlemen, on the ability they showed in drafting that resolution, by themselves, without any outside influence, without assistance from anybody else, although I saw men, I think, who are members of the Law Society leaning over their shoulders coaching them as to how they should bring in the resolution. However, as they have brought in the resolution off their own bat, I feel all the more constrained to advise them to consider carefully whether they should not withdraw this resolution which they have of their own volition and without any outside influence, and without any suggestion from anybody else, brought in here. Now it is an important enough matter, I would say to these two gentlemen in Committee, that they should consult someone else before they put it before the Committee, and before they force it to a vote.

I say again, Mr. Chairman, I congratulate them for the skill and ability shown in their drafting, and for picking out the section which they did pick out, and certainly they have shown a great deal of ability in skating on thin ice and avoiding the large holes in the ice.

I just wish to put myself on record as a member of the Public Accounts Committee as not being in opposition to the Ontario Temperance Act or the principle of the Ontario Temperance Act. I say that it is a matter of regret to me to learn that such things have been going on. I must say that although practising law I had no idea such things as this were going on, because since I have become a member of the Legislature I have refused to my own disadvantage to have anything to do with defending Ontario Temperance Act cases in the the Police Court. It is one of our laws and it is one of our laws that we should try to enforce, and it is a matter of surprise to me, I say, to know that conditions have got as bad as they are. But I have said it often in conversation with men, and I say it here before the Committee, that it is not a position, the position of enforcing the Act, the spotters' position, is not a position that goes to the church leaders and men of that kind, and there were very many difficulties, I know, I can imagine, that the Attorney-General, in the enforcing of this Act—

MR. HALL: I do not happen to be a church leader nor do I happen to be a member of the legal fraternity.

MR. SINCLAIR: Did you draw it up?

MR. HALL: But I think I have common sense, and when the Lord gave me common sense he gave me this common sense to use, and I disclaim that any legal gentleman assisted me in regard to this resolution. I disclaim it. I have not had one word with any legal gentleman, much less Mr. Raney on this question.

MR. SINCLAIR: Did you draw it up?

MR. HALL: I assisted in it.

MR. SINCLAIR: Who else?

MR. HALL: The mover, right here.

MR. SINCLAIR: You two gentlemen alone? Nobody else?

MR. HALL: It is all right if it is presentable. We have no charges to make. We are not making any charges for our resolution. But I do wish to state my case, seeing I have been brought into this matter—

Under the protection of his seat in the House the honorable member for North York made certain statements. He made positive statements, charging positive charges, charging that such and such things had been going on in connection with the Attorney-General's Department, with his knowledge, with his personal knowledge, and I suppose I may say, and approval, because if he had this knowledge no sane man having this knowledge would permit the system to go on in the way it is reported to have gone on and not intervened.

But we find from the evidence that as soon as anything turned up which led him to believe there was anything crooked going on in any department he at once intervened and had discharged those people from the service of the Government. And this charge, I maintain, has not been maintained. A distinct positive charge was made against the Attorney General of Ontario and it was not brought out that he was guilty by any means. It has not been shown by the evidence adduced by Mr. Lennox, who admits that he had these bootleggers, that he was in close communion with these bootleggers, that he had them calling at his office, discussing this matter, getting his case. To what end? To what purpose? To the disadvantage of the Attorney-General who was trying to do everything he could in the way of upholding the law which the party to which Mr. Lennox belongs brought into being.

I want the Committee to remember that. That he was one of the men who formulated the Ontario Temperance Act, one of the men who fought for the Ontario Temperance Act law, one of the Government who brought it into being and left it on the door step of the present Government to enforce. That in itself seems to me excuse for Mr. Lennox, why he should at least have been decent with the Attorney General who had such a hard proposition thrust upon him. But he had no consideration for that. He went on and charged the Attorney-General with the personal knowledge of the shortcomings of the various men engaged in the enforcement of the Act. I admit that there were some men engaged who were not suitable for the position which they occupied and I understand that they have all been bounced and that the gallant gentleman who has now taken hold of this matter is taking hold of it from a different standpoint of it altogether.

I think that a great deal of the trouble lay with the change of avocation which the late Commissioner, General Elliott, took upon his hands. I do not

believe he was ever intended for a policeman. He was a good soldier no doubt, and he has made his mark, but as a policeman or as an enforcer of the Ontario Temperance Act he was utterly incapable as it is proven. Anyhow things have not gone as they should have done.

But shall the Attorney-General be charged with every infraction? Shall he be charged with the maintenance of these men in the offices which they held? Shall he be charged with the characters of these men? Shall he be charged with these men who were men of bad characters—they were thieves, rogues and scamps of every description you could think of? And that he knew all this, and continued to keep them in his employ? Has the evidence proved that? I say that any conscientious man in this committee can say that the evidence has proved that the Attorney-General was in no way responsible for what has been brought out in this Committee, not as the head of that Department. He had no knowledge whatever of it. It has been proved that he had no knowledge. It has been admitted by the main men. I am not going to congratulate Mr. Lennox for the child he has left on the province, which has been a pretty bad one and requires such stringent measures to keep it straight.

I am in favor of this Act or any other Act which is for the betterment of the Province of Ontario, and that is the reason I stand here to-day, because I am for righteousness and truth, and this man has been charged with something with which he is not guilty. The evidence has been adduced, and I have nothing to do with him, and I have nothing to do with this party, and I presume that after to-day I will not have much to do with some members of the Liberal party, and I don't care that much whether I have or I haven't. I stand here for the truth and I stand here for good Government and honest Government, and I want to say this, that if the Liberal party or any other party, with which I am connected, finds me rocking the boat, all they have to do is to throw me overboard and they will find what a good swimmer I am. I am not here in this House of Parliament to be led by the nose by anybody. I am here to use the brains which the Lord has endowed me with to the best advantage I can. I am always willing to listen to reason and be guided if I am going out of the narrow path into the wider one. I am glad of a hint from anybody. I came into this House with clean hands and a clean record and and I am going out of this House when I leave in the same way. Nobody will ever throw bricks or eggs or anything else at my children because their father had disgraced himself while a member of this House, or because he didn't stand for what is right and proper, and that is why I have moved that resolution, why I am a party to that resolution, to clear the skirts and clear them properly of the Attorney-General of the charges which were made—personal charges, not against the Department but against the Attorney-General personally. I seek in this resolution to clear his skirts of those personal charges which were brought against him.

MR. SINCLAIR: When did you first think of bringing in this resolution?

MR. HALL: After hearing Mr. Lennox give his evidence.

MR. SINCLAIR: No suggestion from anybody?

MR. HALL: No suggestion from anybody.

MR. SINCLAIR: You are the seconder?

MR. HALL: Yes.

MR. TOLMIE: Mr. Chairman, I have felt for quite a considerable time in my own mind that this was not the proper place to have investigated what we have been investigating for some time. It has come down, in a sense, to the investigation of definite charges in regard to certain matters, and really not an investigation of the public accounts. The purpose of this Public Accounts Committee, as I understand it, is to look into the Public Accounts, to check up the figures, look into the vouchers, if it is so desired, and so bring before the public and before the House the result of an investigation into the Public Accounts of the Province of Ontario.

Now, we have taken a long time over this matter, and the public accounts in the strict sense of the term have largely to stand to one side, and we have not finished in a sense in that way what we ought to have done as a Public Accounts Committee.

MEMBER: You are rather late bringing in objections.

MR. TOLMIE: I am only stating my view.

MR. FERGUSON: It was done at the request of the Attorney-General. He asked that nothing be done until this was cleaned up.

MR. RANEY: What is the good of saying that. In the House Mr. Lennox said he was going to submit this to this Committee, to the Public Accounts Committee. When he came in here I said finish what you were going to start.

MR. TOLMIE: As I look on it the proper function of the Public Accounts Committee has largely been set to one side while this has been going on.

Now we have this morning a resolution brought in. I have been since 1914 a member I think of the Public Accounts Committee, at all events a member of the Legislature, and for a considerable part of that time a member of the Public Accounts Committee, and it is the first time so far as my recollection goes that any resolution or any finding has been brought in by the Public Accounts Committee.

I remember sir, well, a year or two ago when we were investigating some matter. I think it was the question of the automobiles and motor trucks and Mr. Biggs' Department, if I am correct in my memory, but it was at all events something of some importance we were investigating, and there was a resolution suggested and at that time it was declared out of order to bring in a resolution, that the purpose of this Committee was simply to investigate and report all the investigation to the House.

I feel myself that it is regrettable that a resolution of this kind or of any kind should be brought in. I will say this, that a gentleman showed me a resolution that he suggested might be brought in of some different nature from this, and my answer was, that as I understand the custom and practice of the House, it was that this committee should not bring in any resolution at all. I do not think it ought to be brought in. For that very reason I am not going to discuss the purport of the resolution at all. I attended the committees as regularly as I could. I was accused by the Attorney-General of being one sided because he thought a certain question was not in order and because I said I thought it was. However, that has nothing to do with the matter at all.

I believe in the Ontario Temperance Act and I am anxious to see its enforcement, and I am anxious to see its enforcement in a right way and

by the proper men. And I will say this, that, from the evidence that I have heard I have felt that men have been used in the Department that were not desirable men.

MR. HALL: To the knowledge of the Attorney-General?

MR. TOLMIE: I am not saying that. I am not saying that by any means.

MR. HALL: That is the charge.

MR. TOLMIE: That men have been used in the Department that are not the right kind of men to carry on this Act. This Act was brought out by the moral sense of the Province and sustained by the moral sense of the Province, and I think that those who desire this Act and desire to see it enforced would like to see it enforced by the right kind of men.

Now the Attorney-General has given us some evidence, and evidence by way of showing that his memos in regard to certain men that were being employed, and warning the authorities to be careful in regard to the men. I admit all that. It is not a question of whether this resolution is a resolution dealing with the facts, and whether it is a resolution that is the mind of the Committee or not. The stand I take is this, that we should not bring in a resolution of any kind in regard to the matter, that it is not according to the practice of this committee at all; that our duty is, simply to investigate evidence and submit evidence, and let the evidence stand for itself. And I want to go a little further than that, that in my humble judgment the Attorney-General would stand better in this Committee and would stand better in this House, and would stand better in the Province of Ontario, if he were to rise up and say, "Gentlemen, I do not want this resolution passed. I do not want my friends or anybody else to vote for this resolution. I am willing to let the evidence stand for what it is worth, and let the public judge as to the evidence I have produced."

I believe he would be a bigger man, a stronger man, and I believe, if this resolution is passed to-day, if it is passed to-day, it will accomplish practically nothing, because the public will say, "After all, it was a white-wash," and that the men who were the friends of the Attorney-General lined up on one side and members opposed to him lined up on the other. You would have gained little, while on the other hand, with the force he has behind him and the majority of this committee he has behind him, if he would say, "No; I do not ask for this resolution; I do not want it. I want it withdrawn; I want this Committee to follow its usual custom of simply submitting the evidence to the House and to the Public."

It is not a question of its accuracy or inaccuracy, or whether the charges have been substantiated or have not been proven at all. That is not the question. We have all the evidence, we have listened to it. The evidence will be submitted to the public, and on that let the public judge, and I believe that is the proper thing to do.

That is the stand I take. I am not discussing the resolution at all. But I am saying I believe we ought to follow the usual custom, the precedents of the past, and submit the evidence just as we have received it.

MR. HALL: This thing is getting more complicated as we go along. Here we have the honorable gentleman, Mr. Sinclair, telling us that the enforcement is not a case for members of a church communion. On the other

hand we find our friend from Windsor telling us that the men who have been enforcing this thing are not of the right type, that we want men of integrity, better judgment, first class men. So here we are. Then the honourable member for Windsor says that there should not be any—

MR. TOLMIE: Will the honorable member permit me to ask a question? Don't you think we ought to have men of integrity to enforce this Act?

MR. HALL: We had preachers enforcing it and they shot people.

MR. TOLMIE: It is not necessary for Mr. Hall to try and be smart over this thing.

THE CHAIRMAN: Mr. Hall has the floor.

MR. TOLMIE: I have asked Mr. Hall a question. I want him to answer.

MR. HALL: I did. We had preachers tried out and they proved a failure. They went further than anybody else. There has been no evidence adduced here that anybody went as far as Spracklin did. There has been no murder except by Spracklin, and he was supposed to be one of an extraordinary class of men, a man who would do nothing except that which was right and proper in the law.

MR. TOLMIE: Mr. Hall has either misunderstood or misinterpreted my question and my statement. I said, I believe the Act ought to be enforced, only, by men of clean character, and of integrity, and good reputation. Is not he in favor of that?

MR. HALL: Sure I am. I say that this law is on the statutes as a law in Ontario, and as a law-abiding citizen I am here and inside the House and outside the House I am for enforcing the law as I find it on the statute books as long as it remains. As soon as we can get a better law I am willing to knock this fellow and go to the better enforcement of the law every time.

There is one other matter which I wished not to forget. The member for Windsor is anxious that there should be no division in this, that the sheep should not be known from the goats but that we should be known as sheep and goats.

MEMBER: Which are you?

MR. HALL: Usually I am not in favor of discrimination, but on a matter of this kind, on a matter of morality, a matter of law enforcement, a matter of right and wrong, I want to have my place designated, where I stand, whether I am for righteousness or whether I am for license and the disgrace of the Province. I am glad to know that I am on the side of the enforcement of the law, and I don't care who knows it.

MR. JOHNSTON: I am a hearty supporter of this resolution. I think the resolution is quite right. It has been said that it is a precedent. That is to be expected. This Government has established precedents all the way through in its legislation. It strikes me that there is a certain amount of timidity on the part of those who are opposed to this resolution, because as the honourable member for Parry Sound said they will go on record in their constituency.

Now, in the outset, I was not one of those *four no men*, in my campaign, going around with red noses, but I did tell my constituents that I would support the wishes of the people as expressed at the polls and I am behind the Attorney-General of Ontario in the enforcement of the Ontario Temperance



Act. Although the Attorney General has followed splendid men as Attorney-General, the Attorney-General of the Province to-day is the biggest Attorney-General the Province of Ontario ever had.

MR. SINCLAIR: You are drawing a very close argument there. Do you impute to the men who are opposed to the resolution in this form before the Public Accounts Committee because it is out of order, do you accuse us of being opposed to the Ontario Temperance Act?

MR. JOHNSTON: I do not admit it is out of order.

MR. SINCLAIR: Answer my question.

THE CHAIRMAN: You do not have to answer the question unless you want to.

MR. JOHNSTON: I do say and I repeat that it appears to me that there is a certain amount of timidity here—and I want you all to listen—the men do not want to have to go back to their constituents and be on record as opposing the Attorney-General of the Province in the enforcement of the Ontario Temperance Act. I say that with all the emphasis I can place on it.

I do not admire some of the criticisms that have been made here by the member for South Ontario and by Mr. Tolmie. I do not admire some of the criticisms that have been levelled at the head of the Attorney-General by the honorable member for Grenville, and I want to tell you that as an admirer of that gentleman at one time, I would much rather follow the Attorney-General in the Province than go behind the Hon. G. H. Ferguson.

MR. FERGUSON: I'd rather you would too.

MR. JOHNSTON: I want to tell you that all the seats you will get as leader of the Conservative party will be inconsiderable. You have not got the Conservative party behind you.

MR. FERGUSON: Do you want to discuss me or do you want to discuss the resolution. If you want to discuss me I am willing to go on.

MR. JOHNSTON: (proceeding) I am behind this resolution I think it is quite proper. We are a court here and we are the jury and the judge as to whether these charges were substantiated or not, and in my opinion they were not substantiated, and I think we are quite right in passing a resolution expressing our opinion on the matter.

MR. WATSON: The resolution reads:—

“THAT WHEREAS Mr. T. H. Lennox, Member for North York in the Provincial Legislature made certain charges on the Floor of the House against the Honourable the Attorney General in the enforcement of The Ontario Temperance Act the main charge being made in the following words as reported in the Mail and Empire newspaper of April 7, 1922.

“With full responsibility as a member of this House I shall show that not only does the Attorney-General give employment to thugs and criminals, but I say further, with all the emphasis that I can command, that these men were kept and are being kept to-day by the Attorney-General assisting him in the enforcement of the Ontario Temperance Act. I can quite understand the administrator of a Department being deceived by his officials and servants, that is inevitable; but I cannot conceive nor will the public condone any minister keeping in his employ men that have been convicted and served terms to his knowledge in the enforcement of the Ontario Temperance Act.”

"AND WHEREAS, we, the members of the Public Accounts Committee of the Provincial Legislature, after hearing the evidence submitted by the Member for North York and by the Honourable the Attorney-General are of the opinion that no evidence has been produced to prove the said charge, but that on the contrary, the Honourable the Attorney-General has proved by his own and other evidence including the production of numerous memoranda of instructions and letters, that he has taken every precaution to see that only men of good record are employed in the enforcement of the Ontario Temperance Act.

"THEREFORE, this Public Accounts Committee hereby express implicit confidence in the Honourable the Attorney-General and in his administration of the Ontario Temperance Act.

"And this Committee hereby authorizes and instructs the Chairman to embody a copy of this Resolution in his report to the House."

"Toronto, June 1st, 1922."

MR. DEWART: Mr. Chairman: When the Committee rose yesterday I endeavored to have this morning fixed for Workmen's Compensation Board matters that have been on the boards for some time, and I inquired last night of Mr. Lennox before I left the House as to whether any Ontario Temperance Act matter was going on this morning and he informed me I might go on with the Workmen's Compensation matters as he understood there was no further inquiry. I have no knowledge as to this resolution being submitted, but I was here this morning waiting to go on. I would ask was Mr. Lennox advised that there was such a resolution, because it seems to me that this is a matter with regard to which he ought to have an opportunity to speak. Has he been advised, because apparently nobody else knew about it?

MR. HALL: He was to be here at a certain stated time. He is a member of the Committee. It is not up to us to run after him.

MR. DEWART: Nobody suggests that, but I attended day after day and heard some snatches of the evidence, because I was anxious to go on when it came my turn. I moved a motion, some two or three weeks ago, which my honorable friend the Attorney-General misconstrued as to my motives, and it is not a question of his being here, but if it was definitely understood other matters were to be taken up I think it is fair that as Mr. Lennox is one of the parties to this controversy he should have an opportunity of being present when the resolution, so pertinently, affects him.

MR. RANEY: I understood there was a preliminary resolution that this matter should be discussed at 10 o'clock and I suppose there are friends of Mr. Lennox in the Committee and he can be had by telephone and be got here in a half or three quarters of an hour.

MR. DEWART: He went to Court.

MR. RANEY: Well, this is the most important Court sitting in Toronto.

MR. DEWART: He went to court this morning because he so understood and definitely stated to me that I would have the right of way this morning. I suggest in all fairness to him that the matter should stand until he is here.

MR. FERGUSON: I don't care whether it stands or not, but I want to make this clear, there was a distinct and definite understanding in my presence with the Chairman and the Attorney-General that we were through with

O.T.A. and we would go on with other business this morning. Is that not a fact, Mr. Chairman?

THE CHAIRMAN: It was the understanding we were through with the O.T.A.—Yes.

MR. FERGUSON: That we would be free to go on with other business, because I wanted to go on with some other business.

THE CHAIRMAN: Of course the Committee can do as they like.

MR. FERGUSON: Yes, the Committee can do as they like, but it was a distinct understanding and the Attorney-General was a party to it.

HON. MR. BIGGS: As the Committee will I think bear me out, I would not have been here this morning if my department had not been in question. I have not attended meetings of the Public Accounts Committee while the O.T.A. was up because personally I am not in sympathy with the kind of wrangle that has been carried on. The people of the Province can judge the administration without any show such as we have had in this Public Accounts, because there has not been a fair consideration given of the administration of that department before this committee.

When the honourable member from Grenville made the statement that the Government was mustered here, because this resolution was coming up, he made a statement that was not true as far as I am concerned, because I knew nothing of the resolution and would not have been here if I had known the O.T.A. was to be discussed. The reason I am here is because of matters pertaining to my department, witnesses were called for that purpose this morning.

Now as far as an understanding as to whether the O.T.A. was through or not that to my mind does not bar in any way a member bringing in a resolution to this Committee for consideration to be disposed of by them as they see fit, and I think this resolution is quite in order. It is most a question of whether Mr. Lennox or Mr. Raney is through at all, and this Committee has a right to consider this suggestion on its merits, regardless of anything authorizing an understanding that there would be no resolution on O.T.A. matters brought in.

MR. SINCLAIR: The situation is this. Ordinary practice is, that anybody, wanting to get anything before this Committee, has to give notice the previous day. The notice goes on the books in the form of a notice of motion, similar to that in the House. Yesterday a distinct understanding was made that the O.T.A. question was through, and this morning a notice of motion was given half an hour ahead of the time. I submit this certainly is very irregular.

Then one of the chief parties to the proceedings is Mr. Lennox who has been conducting one side of the case, and two honorable members of the House bring in a motion here without serving him with a copy. I submit such a proceeding as that is unprecedented in any committee, Court, or public body, and it certainly will not stand to the credit of this Committee if they take up a thing in the absence of one of the parties in what has turned into a contest between the Attorney-General and Mr. Lennox.

I certainly cannot refrain from going on record as being against going on with any such proceedings before this committee, and I think it should stand as a notice of motion, so that if Mr. Lennox wishes to be here he can

be here and discuss the question himself. Surely we can conduct the proceedings of this Committee on as high a plane as a Court, where notice is required to be given to the opposing party.

Now the honorable member for Simcoe here speaks about timidity. I thought I made it quite clear that I was not discussing the merits or the demerits of the O.T.A., that it was one of the statutes of the Province, and we as members were desirous of the fullest enforcement of that Act, and I think it ill becomes a member of the Government side of the House to try and impute improper motives to anybody that gets up and says anything in this Committee. I have been a member of this Committee too long to stand for anything of that kind without protest.

I do not look on this as condemnation or otherwise of the Attorney-General. I realize that the Attorney-General has a tremendous task on his hands to try and enforce this Act through the Province, and I am not going to be placed in the position of taking a stand and saying I am opposed to the Attorney-General. I oppose this resolution here on the grounds that the thing is unfair, that it is unprecedented, and should not come before the Committee here this morning. We should have the other business which was to come up before us. The honorable Minister of Public Works said he was here for business connected with his own department, that he did not attend O.T.A. sittings. The Chairman admits that the O.T.A. proceedings were closed. In spite of that this business comes up here this morning and the time of the Committee is taken up. The whole proceedings are irregular, and surely this Public Accounts Committee does not want to close its proceedings with a farce. I would say, let us conduct our business properly, and above all let those who wish to vote this thing as an admiration society of the Attorney-General view it so. I view it on a higher ground. I want to see the proceedings of this Committee carried on according to the rules and regulations of the Committee. I want to see members who are interested given notice. It will go through the length and breadth of the Province that the Attorney General is fully vindicated, and it will at the same time be published that two honorable members here moved a resolution here without notice to Mr. Lennox, did it in his absence. Surely members do not wish to go on record in such a manner as that. It is not fair to Mr. Lennox.

MR. FERGUSON: Particularly when Mr. Lennox was told the O.T.A. would not come up.

MR. SINCLAIR: And then go on with it.

MR. HALL: The honorable member for Grenville forgets that Mr. Lennox said he would want some other witnesses called.

MR. FERGUSON: No, no.

MR. HALL: Was that an indication that he considered that closed? And as far as the admiration society goes I am not a member of any admiration society. I don't think any member of this House will charge me with this. With me it is a question of right or wrong, and I maintain I have as many rights on this Committee, and that consideration shall be given to me equally with Mr. Lennox. I am here. I have business to transact as well as Mr. Lennox, and I am here at a great loss to myself, and why should not he be here also. Why should we waste the time of the members around this table awaiting Mr. Lennox?

MR. DEWART: There is plenty of other business.

MR. HALL: Well, it is a matter of right or wrong. I am no legal gentleman, but I know that we have a resolution before the Committee. Either it is in order or it is out of order, and I am willing to be led by the Chairman's decision whether we are in order or out of order. If we are in order then we shall proceed. If we are out of order I am willing to wait until we are in order.

MR. WALKER: The question of whether the resolution is out of order, the objection to the resolution at least, and the statement that it is out of order, is an afterthought on the part of those men that do object to it. After its being fully discussed by several members now they say it is out of order.

MR. DEWART: The mover of the resolution need not be so boisterous. He is one of the taciturn members, but he seems to have found his tongue for his inarticulate thoughts.

MR. WALKER: I am not talking all the time. Mr. Chairman, I don't think it is fair if he is a lawyer to make a statement like that about a farmer member.

MR. DEWART: He seems to have at least found a tongue. I understand there were other occasions outside the House in which he was more loquacious. I do not propose to be dragged into a discussion as to the merits between Mr. Lennox and Mr. Raney in regard to these matters that have been under consideration here. I would not support any resolution to say that Mr. Lennox had sustained his charges. I would not be a party to any resolution that dealt with the merits of the controversy that has been going on for some time and the evidence that has been given before this Committee.

The mover and the seconder of this resolution can hardly have taken into consideration the fact that the subject matter of this resolution has not been referred to this Committee. Mr. Lennox made certain charges in the House and the procedure is well established so far as these matters were concerned.

In 1919, I made rather serious charges with reference to the administration of the Ontario Temperance Act, involving not only the Chief License Inspector, but a number of others in so far as the way the Act was being administered. And the rule of the House, properly at that time was that the matters that related to the Public Accounts and properly came within the purview of the Public Accounts Committee, coming up under the heading of salaries of officials who were not giving proper service, were matters for consideration in the Public Accounts Committee, and I take it that the main reason that these matters have been investigated is because those who have been called were in the public pay of the Province, and therefore the Public Accounts Committee had the right to investigate the conduct of these Provincial Officials.

But I may remind my Honourable friend the Attorney-General, though he was not in the House he will no doubt remember the fact that in 1919 when other definite charges were made that reflected on the Government's management and control of the O.T.A. these matters were referred to a Commissioner, the Chief Justice of Ontario, who considered them and reported upon them, and I do not know of any case in which the proceedings

of the Public Accounts Committee have condoned any resolution dealing with the merits of a controversy, or an endeavor to pass a congratulatory resolution as this is to the Attorney-General. If a resolution had been offered to the effect that Col. Lennox had proved his charges and that he had made a case against the administration of the Act, I would have voted against it just as I must vote against this, because it is not a matter that the Committee should deal with.

The Public Accounts Committee is a committee for the investigation of matters, and it reports the evidence to the House. After that evidence is reported to the House my understanding has always been that upon report of the Committee being received, just as in other cases, a motion may be made with reference to any matter. These are not charges made before this Committee. Col. Lennox's statement as quoted from the *Mail and Empire* is not a charge referred to this Committee for investigation. It is a charge made in the House.

MEMBER: Why did he come here then.

MR. DEWART: It has not come here. It has never been referred here. But what has happened is that the investigation has proceeded so far as the Public Accounts Committee is concerned into the conduct of those who are in the employ of the Government. My honourable friend the Attorney-General will not pretend to say that by any procedure expressed or implied this matter was referred to this Committee. But it has indirectly been taken up by the Committee, the Attorney-General and Mr. Lennox. So we have all the evidence of both sides.

Now these are not matters for members of the Committee who happen to be here to-day, who have not heard all the testimony, to deal with before the evidence has been returned to the House. I do submit that the proper procedure is that if any resolution is to be moved it shall be moved in the House and not before this Committee. A resolution in this Committee of this kind is of no more force or effect than if it were passed by a church district, as many resolutions are being passed by district meetings that are being held all over the country by gentlemen who have not heard the evidence.

MR. HALL: You are advising this resolution should be brought in the House. You know we cannot do that.

MR. DEWART: I beg your pardon, you can.

MR. NICKLE: This resolution will bring it into the House.

MR. DEWART: This Committee has no power to deal with such a matter in this way, and it is utterly in violation of all precedent.

Now as far as the gentleman is concerned who has been good enough to suggest timidity on the part of those who do not want to vote for this resolution, it is not a question of timidity. I am prepared to take a stand, but I do not propose to be forced to vote for or against a resolution that is so plainly against all the commonest principles of parliamentary procedure.

MR. THOMPSON: I would like to say this before the vote is taken. I consider this a most extraordinary proceeding. As a matter of fact I don't think it is one that is going to help the Attorney-General in the country.

MR. HALL: We don't care whether it does or not.

MR. THOMPSON: I am not asking you whether it does or not. We have had enough ravings from Empty Sound this session.

MR. HALL: A point of order! I want to know what he means by Empty Sound. I'd rather have Empty Sound than an Empty Head.

MR. THOMPSON: Well, you find that those two things go along side by side—empty head and Empty Sound. The honourable gentleman, without asking any questions, apparently knows what is meant by Empty Sound and Empty Head.

MR. HALL: Yes, I know where it comes from, too.

MR. THOMPSON: But it does amuse me, a poor ignorant member, when I get in here, surrounded by all this intellect—and I am the last one to judge anybody or what anybody does; what anybody does is none of my business and you can criticize if you want to—but I honestly feel when I heard these people get up and put a halo around their head in a Committee like this, I said, "God help me a Sinner." I wanted to further say, "And be merciful too."

I wanted to say that I think it is a most extraordinary proceeding. I have been at some of these meetings. I have not been at them all; I have not heard all the evidence. And I see some honourable members who I don't think have been at all the meetings. And for anybody to come here who have not heard all the evidence and come and make a decision! Anyway, as the honourable member for Southwest Toronto said, I take exactly the same position. I would not get up here and vote for a motion to say that Col. Lennox had proved all his charges. On the other hand, as he has stated, I am not in a position, not having heard all the evidence, to say that all the charges have not been proven. I am not going to do that. It is not in my opinion a matter for this Public Accounts Committee to say which is which, because most of the members have not heard all the evidence.

My idea of this Committee is to get out the facts, in any case to get the facts fairly out, as fairly as we can, before the public, and the public should be the last judge and jury on the issue.

Let me ask you, supposing a jury was appointed here on a case, and sitting on a case, and half of the jury were there at one time and two or three at another time, and the whole jury did not hear the case, what a ridiculous situation it would be at the end for that jury to bring in a verdict without having heard all the evidence. I think that is exactly the case at the present time here.

I quite realize the Attorney-General has got a difficult task in the enforcement of the Ontario Temperance Act. No man has a more difficult job, and he is doing it according to his way. But whether he has made mistakes or whether he is guilty of some charges, that is for the public to decide.

I want to say that whether Mr. Lennox has proven all his charges or not he is entitled to the thanks of this House, of the License Department, of those engaged in the enforcement of the law, for he undoubtedly has revealed a situation that has existed there and no doubt after the publicity that has been given to it such a condition will not exist again, and the enforcement of the Ontario Temperance Act will be much easier for the Attorney-General, and those gentlemen in charge, because the public will know

the difficulties they have to contend with in connection with its enforcement. I say that Mr. Lennox is entitled to the thanks of the citizens of this Province.

I am neither condemning the Attorney-General nor endeavoring to boost Lennox, but I say, not having heard the evidence I am not in a position to whitewash the Attorney-General or to blame Col. Lennox. And from the fact that I understood this O.T.A. business was through, I thought other matters were coming up this morning, and if I had thought it was O.T.A. over again I would have stayed home and attended to my own business, because there are officers and others hired to look after the O.T.A.

As a matter of fact it was understood, I believe Col. Lennox understood, that the O.T.A. was finished with, and for that reason I am going to vote against the resolution, and as I said in the beginning, I don't think a resolution of this kind, moved where you have a preponderance of the vote, where you have got a lot of gentlemen here that certainly are going to vote for this resolution and carry it by a tremendous majority, five or six to one, and I don't think a resolution such as that is going to redound to the credit or help to make the people of the Province believe that the Attorney-General is perfection in the enforcement of the Act.

I think the Attorney-General would stand in a much better position before the public if this resolution was withdrawn, and have the evidence all printed, and the people can get access to it, and let them decide on the merits as between the charges of Mr. Lennox and the defence of Hon. Mr. Raney.

MR. WARREN: A serious charge was made on the floor of the Legislature by a member of the Legislature, against the Attorney-General of this Province. The substance of the charge was that the Attorney-General knowingly employed thugs and criminals to enforce the Ontario Temperance Act and continued them in his employ knowing them to be thugs and criminals. The matter was brought before this Public Accounts Committee for investigation.

MR. RANEY: By Mr. Lennox.

MR. WARREN: By Mr. Lennox. He undertook to prove it here and if he was not able to substantiate his charges before the Public Accounts Committee he would resign as a member of the Legislature.

Now we have listened to the evidence. I have been a regular attendant at the meetings, have listened to the evidence brought before the Public Accounts Committee. I have not heard one atom of evidence that would substantiate that charge of Mr. Lennox before this Public Accounts Committee.

Now what have we been here for? We are here as a jury.

MR. FERGUSON: No no. You are not. That, just, is the mistake.

MR. THOMPSON: Well you have been patient enough if you are here as one of the jurymen.

MR. WARREN: (Proceeding) Are we going to let this slip by, and have we no authority to express our opinions in the way of a resolution before this Committee? It seems to me a very strange thing if we must sit here and then have no authority to put ourselves on record in this matter. The charge has been made and I believe the resolution to be perfectly in order and that we ought to support it.



MR. SINCLAIR: It does seem to me that we are travelling far afield from the functions of this Committee, and in order that we may get ourselves on a proper basis, I propose to move an amendment to the resolution which is before the Committee, if I have a seconder—seconded by Mr. Thompson; (reads).

It was moved by Mr. Sinclair, seconded by Mr. Thompson:—

“That this Committee affirm its position under the rules and precedents, as a Committee of inquiry only into the Public Accounts of the Province, and to report the evidence to the House, and that it is beyond its well recognized powers to make a finding upon the evidence, as proposed by the resolution.”

MR. SINCLAIR: It seems to me that is the position which we must maintain, and it is not a question of one man here in this Committee accusing some other man of being opposed to the Ontario Temperance Act or not. We are here as members of this Committee to carry out our duties and it is for that reason I have taken the stand I have taken here this morning, and for that reason alone, and it does seem to me we should not go on record contrary to all precedents of this Committee and the rules which govern the Committee. I have spoken before, and I do not wish to speak any longer.

MR. HALL: Much has been said this morning by various members about whitewashing somebody, and it seems to me that this whole attitude—

MR. SINCLAIR: I think you should put the amendment now.

THE CHAIRMAN: He can discuss it.

MR. HALL: There has been a whole lot said this morning about whitewashing somebody, but all the whitewashing is being bestowed on Col. Lennox and all the opposition is to prevent anybody giving the Attorney-General what is his just due, a clean record with regard to these charges. That is the stand I take. I want to give the Attorney-General a clean record which he is entitled to as according to the evidence adduced in this Committee during this investigation there has not been a tittle of evidence put in to prove that the charge of Mr. Lennox, that the Attorney-General was employing these men, thugs and criminals and scallywags, and forgers, knowing that they were doing this kind of thing, and yet retaining them in his service—not a tittle of evidence. And if there is any whitewashing to be done, which I disclaim, the sympathies of this Committee should be toward the Attorney-General who was openly charged from the floor of the House under the protection of his seat in the House, and his privilege as a member, he openly charges that the Attorney-General has committed a most despicable thing in continuing these people in his employ, knowing that they were men of this character. The evidence has proved that such is not the case. And I for one, until it is proved constitutionally, somehow, that my resolution is out of order, will stand by that resolution.

MR. CURRIE: I desire to speak on this resolution because of certain things that have been said in the Committee with which I agree but which

I do not think will be of force in respect to the present situation.

It has been stated here that the duties of this Committee is one of investigation and reporting the evidence.

MR. FERGUSON: The facts.

MR. CURRY: The facts; the evidence, as they appear. That possibly is quite correct as far as it goes. But we have here a situation which is entirely different from the ordinary situation in respect of inquiring into public accounts as to the manner of spending of money and whether moneys have been properly spent or not, and in respect to that the Committee is supposed to inquire into the facts and report the evidence to the House.

This situation is entirely different from that which is ordinarily found before the Public Accounts Committee. We had a very well considered, beyond any question it had been prepared—statement in the House by the member for North York in regard to the administration of the O.T.A., and the accusation made against the Attorney General's Department, and not confined to the Attorney General's Department, but against the Attorney General himself personally, that with his knowledge, with his approval, with his consent, the Ontario Temperance Act had been sought to be enforced by crooks, criminals and thugs, and it was not only the words which were made use of at the time the statement was delivered in the House, but it was the manner and imputation of those words, most insulting, most detrimental, to my mind, to the opinion which the public would be bound to hold of public men who are charged with the administration of the affairs of the Province. If there were anybody who read that speech delivered verbatim and did not know the Attorney General and did not know the honorable member for North York there could be only one conclusion that they could come to in regard to the matter, that no responsible member of the House would dare to deliver such a statement in the House in respect to any other honourable member, or in respect more particularly to a Minister charged with the administration of a department, without it was founded on fact, beyond any question. And not only did the honourable member make statements and imputations, and the manner of delivery, the accent, and so on, and on many occasions during the time of the House when interruptions by way of questions were made by the Attorney General, there was, "Oh, you will not be so willing to ask questions when I got you before the Public Accounts Committee. We will have this matter investigated. You will see where you stand when you get through."

Now it has been brought before the Public Accounts Committee and the evidence that has been adduced here was adduced, with what end and purpose in view? With the end and purpose in view of convincing this Committee and the public at large that the honorable the Attorney General was false to his duty as Minister of the Crown, recreant in the manner in which he administered the Ontario Temperance Act, that he was reckless in the class of men that were employed, that he had no regard to the fact as to their honesty, integrity or reliability, and that he did employ people knowing what their records were and that they were not entitled to be believed.

Now it is said here that this committee is a jury, and that all of them have not heard the evidence, and so forth. I ask the members who are present at this Committee who have been on other Committees if they have been present at all the meetings of all the committees in respect to which they have been prepared

to make reports and do make reports and vote. And is this Committee to be changed and made different.

MR. FERGUSON: Different function altogether.

MR. CURRY: —It is a different function, quite true, as the honorable member for Grenville says, if the honorable member can see a weakness at all he is clever enough to point it out, and during the time somebody is speaking.

Now in the present instance we have something brought here with the direct statement in the House, "When I get you before the Committee on Public Accounts I will prove everything I have said, and more." Now I think it is for this Committee to say whether or not the Attorney General has been guilty as in the words quoted in this resolution, and I think this Committee would be recreant in its duty if they did not say as to whether it felt that these words were properly applicable to the Attorney General in the administration of his Department:—(reads).

"With full responsibility as a member of this House I shall show that not only does the Attorney General give employment to thugs and criminals, but I say further, with all the emphasis that I can command, that these men were kept and are being kept to-day by the Attorney General assisting him in the enforcement of the Ontario Temperance Act. I can quite understand the administrator of a Department being deceived by his officials and servants, that is inevitable; but I cannot conceive nor will the public condone any minister keeping in his employ men that have been convicted and served terms to his knowledge in the enforcement of the Ontario Temperance Act."

And what has been the evidence?

MR. FERGUSON: You read that magnificently.

MR. CURRY: I don't need any certificate of the manner in which I can read anything, as to my elocution, I don't need any certificate of character from the honorable member from Grenville. Such as it is it is mine; such as it is he had no part in the making of it, and more than that, such as are my conclusions, he has no part in the making of them at all.

MR. FERGUSON: That is right.

MR. CURRY: In respect to this condition as we find it, I say that the evidence not only does not prove the allegation but the evidence that has been here, and brought here, all the evidence that I have heard, and those whose evidence I have read, and I have read the reports as they have appeared in the papers, and I have read some of them and considerable of the testimony as it has been taken down; and I have no hesitancy in saying that every charge that has been sought to be laid at the door of the honourable the Attorney General has been met. And not only has he been able to say to this Committee that the charges against him have not been proved but he has gone a step further, which is not necessary, in British courts, he has shown beyond any question by the evidence he has adduced that from the time he became Attorney General and was charged with the enforcement of the Ontario Temperance Act as a Minister of the Crown, that he has endeavored to enforce that Ontario Temperance Act as no other minister who preceded him did.

I made that statement in the House I make it again now, that the Attorney General has shown an extreme desire to see that the law was enforced. And whose law is it? It is not the law of the Government that passed

it, because it has been referred to the people on more than one occasion, and the people have adopted it as the law. And it is on the statute books, and we want it enforced. And I say more than that, it has been well enforced.

I do say that the Ontario Temperance Act has made for the benefit of the Province of Ontario. It has made for the morality of the Province of Ontario. It has made for the comfort of many a family, of many a mother, and many a child who before had very little comfort, and the manner of administration of the Act has much to do with that. There never was a time in the administration of temperance legislation that it was as difficult as it has been since the honourable the Attorney General came into office. When we had the old license law we had the public opinion that was behind the liquor trade, and those that patronized the liquor trade, to see that there was not any pirating of their rights, and that there was not any selling illegitimately which infringed on their rights. And we had in addition to that, which we have alone to depend on to-day, the desire of the people of the Province who desire for the well being of the people of the Province and who are anxious for the enforcement of the law. That is the one thing people have to depend on at the present time, the public opinion in favor of the suppression of the liquor traffic and against the easy enforcement of the law.

The Attorney General has had a very difficult task. I think he has done it well, and I think this Committee is well within their rights in so expressing themselves in this particular case, which may be held as somewhat outside the purview of this committee.

I am in favor of the resolution and against the amendment.

MR. NICKLE: I just happened to travel into this Committee this morning by chance, because I have not attended it with all the regularity I should have if I had for a moment thought that we were going to be turned into a judicial committee to give a decision.

My idea of the Public Accounts Committee has always been that it is a Committee of inquiry for the purpose of securing evidence, which it submits to the House, and then the House has the information upon which it can reach certain conclusions. Judging by the resolution which has been handed to me since I entered this room it becomes apparent that the mover and seconder desire to constitute this committee almost into the status of a judicial body for the determination of fact rather than the reporting of evidence, and the unfortunate thing is that the preamble of the resolution rests on an extract taken from the *Mail and Empire* and not on a verbatim report of what the honorable member for North York may have said in the Legislature.

However, it is not my intention to waste time discussing this from a narrow or captious point of view, but before I vote on the resolution I have no hesitation frankly in expressing my opinion of the various aspects of the matter.

Summarizing Col. Lennox's charges in the House, which only got to this Committee by the indirect method that we are constituted for the purpose of making enquiry into the expenditure of public money, and are not a judicial committee to find this or that man guilty; a great mass of evidence has been adduced, and, unfortunately, as the inquiry developed and proceeded, it became apparent to most of us, I think, that we were drifting into a contest as between the personal animosities of Col. Lennox and the Attorney General.

MR. RANEY: There was no personal animosity—I hope there is none today—on my part against Mr. Lennox.

MR. NICKLE: I used the expression perhaps not with the fine technical regard for words that the Attorney General now intends to apply to them, but I will accept his explanation. I will put it this way. It became a personal political contest between the Attorney General and the member for North York.

Now I tell you frankly, Mr. Chairman and gentlemen, I was not here by any means at all the meetings when these charges were ventilated, but there were one or two things that stood out clear to me, and, although I am a Conservative, I want to be perfectly fair to the Attorney General. The evidence that was adduced and that I heard led me to the conclusion that from time to time the Attorney General became conscious that things were not going in his Department as he would like them to go and he tried as best he could to clear his department of obnoxious spotters and operators. I am willing to give the Attorney General credit for that. And when you put a resolution like this into my hands and ask me to vote for it you are asking me to go a great deal further than I think the evidence warrants.

The member for South East Toronto with his characteristic skill in addressing a jury, with his forensic eloquence and ability, drew a delightful red herring across the track, and you know red herrings are excellent things in dialectics and dietetics. They are a food and a good thing to draw across the track when you want to take a send off in another direction. What the member for Toronto read was from the *Mail and Empire*, but this is the finding that we are asked to agree to:

“That the Attorney General has taken every precaution to see that only men of good record are employed in the enforcement of the Ontario Temperance Act.

“Therefore, this Public Accounts Committee hereby expresses implicit confidence in the honourable the Attorney General and in his administration of the Ontario Temperance Act.”

Now when you give a certificate of character such as that to a minister it practically means that his administration of his department was beyond purview or criticism. Now I don't think that there is one man who sits in this Committee and who has heard the evidence, who, be he as generously inclined as I have been to the Attorney General this morning, has not the ability to reach the conclusion that there have been a good many things done in the Attorney General's Department that we as decent honourable gentlemen, cannot and should not be asked to condone.

I sat here the other day and I heard a reputable gentleman, a Provincial officer in one of the counties, say that a spotter of the Attorney General's Department, certainly not with the concurrence of the Attorney General because I know him as a man; he would not tolerate such a thing; suggest illicit intercourse with a woman of questionable character so that under the guise of sympathy and generosity he might learn where a certain bootlegger was and where he had been. Is there a man in this Committee would be prepared to vote and give his support to irregularities of that kind?

We had evidence given, certainly not with the consent or concurrence of the Attorney General, that young fellows sixteen or eighteen years had become drunk to secure convictions against bootleggers. That is not the sort

of thing Ontario wants. That is not the sort of thing members of the Legislature or of this Committee want. We are behind the Attorney General in the enforcement of the Ontario Temperance Act because it is a law on the statutes, but we are not prepared to go the length of saying that the irregular practices of some of the more objectionable of the spotters are of such a character that they should have our approval.

I am not prepared to vote, therefore, for that resolution. On the other hand, should we allow our partisan feeling to so far overcome our judgment as to blind us to the true function and purpose of this committee. We may by party vote, vote this way or that way; the majority may vote for the substance of the resolution; the majority may vote for the amendment. Voting for the amendment, I do not want, for one moment, to be considered as voting personally against the Attorney General in relation to the first paragraph of that resolution. But I do think the correct and proper function of this committee is to report the facts and evidence to the House. The evidence will be printed. It will be there for the members to read, and if the members of the House, or any member of this Committee on that report being received by the House cares to move a subsequent resolution as to findings of fact, then the House will be within its rights in adopting the resolutions and such conclusions as may be reached will carry such weight with the country as the country to give it.

Our function is to prepare the evidence, and place it before the House. The House has it printed. It is circulated among the people and the people in the last result will give their opinion as to the correctness of conclusions.

I regret exceedingly it is introduced, because by voting against it as I intended, I do not wish to be considered for one moment as admitting the contention that the Attorney General was personally a party to irregularities, nor am I prepared by voting for it to admit that everything done by his deputies and subordinates would have been done if the Attorney General had been cognizant of everything that took place.

MEMBER: Does that resolution refer to subordinates?

MR. NICKLE: I think the resolution is so carefully drawn that it does not carry out what it should carry out.

MR. HALL: I maintain, Mr. Chairman, that we are the representatives of the people who sent us here. We are the representatives of the Province of Ontario in the House and in this Committee, or else why are we on this Committee? Why is this committee not formed of individuals chosen from the various parts of the province in lieu of ourselves?

Now it seems to me that this thing is a very plain simple matter after all this matter we have had. Under the protection of his position in the House Col. Lennox made certain statements. He made statements which, if he had made them out of the House, would put him in a position of having to prove those statements as a matter of slander, if need be in the common court of the realm. But sheltering himself in the position of a member of parliament, from his seat, from his place in the House, he made these charges, and there was no other court, apparently, which could decide all these charges but this committee. And so it came to this Committee. It was brought to this committee, not at the instance of the Attorney General, but at the instance of Mr. Lennox. Mr. Lennox brought it to this committee.

He declares in his speech in the House it would be brought to this committee, and, as has been shown to the Committee—

MR. FERGUSON: Brought here for what? To prepare the evidence?

MR. HALL: To secure evidence and to back him up in villifying the statement regarding the Attorney General's administration of the law.

MR. NICKLE: Would you be willing to add a clause, "that this committee is also of the opinion that certain practices of a most obnoxious character had been shown to exist."

MR. HALL: We all agree to that. The Province agrees. Every member, including myself, agrees that there were obnoxious things done to enforce the Act. But I do not agree with the statement of Mr. Lennox that these things were done by the personal knowledge of the Attorney General and that he kept these men in employ after he knew these things. That is what my resolution deals with, to take the stigma from the Attorney General of having done things. That is what my resolution deals with. To take the stigma from the Attorney General of having done things which he ought not to have done and left undone things which he ought to have done.

This Committee seems to be the only court which could decide on this matter, and we have brought it to this court. We have heard all the evidence, and I believe that there is not a man around this table to-day but what is convinced in his own heart and soul that he is not culpable, that the charges made directly about the Attorney General were unfounded, and that is the stand I take. I am convinced of this matter, and as an honest man I cannot sit by here and allow any stigma to remain on the man who is innocent of the charge.

MR. BUCKLAND: I had hoped, Mr. Chairman, that the last word had been heard in connection with the Ontario Temperance Act, but this resolution this morning has brought up this matter in such a way that I feel that the Committee which has listened, and listened very intently to all the evidence that has been produced has fallen so low as to become personal. The remarks of many of the gentlemen this morning, well, I was going to say, are almost worse than Billingsgate, because it has become personal. Remarks have been made as regards timidity by certain individuals unless they vote for this resolution. I personally do not fear my constituents. They know me well enough. They know how I have been always a consistent abstainer. I may have been criticized by some persons as to being otherwise. That is their own private fault. I know what my life is. It has gotten down to personalities. One gentleman has even criticized the member from Grenville. I did not expect that we were going to have anything of that kind brought up this morning, because I do not think that this was the proper time, nor is this the proper place to bring up personalities.

The resolution that has been presented—of course the quotations that you have there are taken from the *Mail and Empire*, which I presume is a paper which is reliable and trustworthy—the latter part of it, of course, as has been maintained by the member for Kingston, is just going a little bit too far. And we are here this morning because we do not entirely agree with the resolution, and because we probably may vote against that resolution will, I suppose, be branded as men who are not in sympathy with the Ontario Temperance Act.

I want to place myself on record as being entirely in sympathy with every effort the Attorney General has put forth to maintain the carrying out of the Ontario Temperance Act. I think the Attorney General quite realizes that. I have never done anything against it. I have done many things that have been very helpful to the carrying out of it. But when this motion is presented to us this morning, brought in at the last moment; and we have many things brought in at the last moment; it was brought in at the last moment simply because of the fact that this is looked upon to be the time when you could get what I call a catch vote, and that in getting it it will go abroad to the country as being representative of men who were entirely sympathetic with the Ontario Temperance Act, and the others who voted against it are those who are aiding and abetting everything that is contrary to the law of this land.

Now I do not believe any gentleman who is present here this morning is justified even in voting for a resolution of that kind. I personally am not going to vote one way or the other, because I think in so doing I would be doing myself an injustice. Not that I am a coward, by any means. No one can accuse me of timidity; not at all. But I think that if I were to vote against it I would be doing myself an injustice, and doing an injustice to the people I represent, and whom I try to represent honestly, and that is the reason I stand up and say that the resolution should not have been brought up, nor should there have been any personalities brought in at all. It is outside of the issue entirely. If we had kept perhaps to the resolution and discussed that, that would have been an entirely different matter, but when men stand up here and sort of proclaim themselves to be, holier than thou, it is time, I think, for this Committee to take cognizance. Personally I abhor anything of a biblical nature being introduced into discussions of this kind. It is apparent to me, and I think it is apparent to the majority of the members of this Committee, when men use biblical quotations and exalt themselves and try to make one believe they are so much better than the rest of us. I feel I am justified in telling the Committee just where I stand, and that is the reason I say I am entirely against such a resolution of this kind coming before this Committee.

In the first place I think it is a precedent, and in the second place I don't think it is anything that will assist the Attorney General in securing the greater confidence of the people of this country. I believe the people throughout the country do believe he is endeavouring to carry out the Ontario Temperance Act, but beyond that I do not see how this committee can this morning deal with such a resolution of that kind.

MR. PINARD: Mr. Chairman, I do not doubt that the resolution before this Committee, the main motion, is to my mind absolutely out of order, and I intend in concluding my remarks to have your ruling, and I probably may say in passing, maybe I know what it is going to be.

MEMBER: That is not fair.

MR. PINARD: Well, I am not speaking to you.

Now, Mr. Chairman, this is the first time in the nine years or the nine sessions that I have been up here that such a resolution has been put before the Public Accounts Committee for the same purpose as this one. Generally these resolutions, once or twice I believe similar ones were brought to the



Committee, but they were always rejected, just on account of the duties of this Committee being well set and the duty being well known, that its only duty was not to give certificates of character to anybody, but on the contrary to take up the evidence and report to the House. As a matter of fact during the taking up of the evidence we all know that certain of the special officers or provincial officers or others have from time to time given a certificate of character to either the Attorney General or someone else. In listening to some of them there was certainly no one who was in charge above these gentlemen who were their bosses. There was not one man in their opinion and they proved it here, that was better than the man who was their boss, but they stated on one occasion that they could not ask no better men than those who were enforcing the law as far as the Ontario Temperance Act was concerned. That was his boss. But coming down here to this Committee and asking twenty-five per cent. of the members, probably, that were not regularly present—

MR. HALL: They should be here.

MR. PINARD: My friend is like old Sam Carter. He is everywhere. If I was not here I was somewhere else, attending to other duties on other committees. I was at the Municipal Committee or the Private Bills, and I was glad to be at one of those committees at times when I could not be up here, and for that reason my friend from Parry Sound has not to tell me I should be here. I should be where my duty calls me first and best, and I thought at times this was no place to be in at all. As was stated by the honourable member for Kingston a moment ago some of the evidence given here was not of the highest type and character, and it was not a place sometimes for a minister's son to be in.

Nevertheless I was here on other occasions and if I may be permitted and I generally very seldom congratulate anybody, but I must say that many of the accusations made in the House were proven. It is admitted. It is admitted by everybody that they were proven. So why not have if you are going to have a whitewash motion of this kind—

MR. HALL: It is not a whitewash motion.

MR. PINARD: Well, it is probably due to a flood from Parry Sound. It is a deluge from Parry Sound. Of course my honourable friend from Parry Sound knows it is worth while talking of his country. But as far as I am concerned I again repeat that the Chairman and this Committee cannot accept this motion as being one that is regular. And I believe that during the whole taking of the evidence since this committee has sat for the last several weeks we should have been supplied day by day with reports of the evidence, so to-day we could just read back of this, without taking extracts from the *Farmers' Sun*, the *Mail*, the *Globe*, or the *Telegram*.

And what better is it going to be. It is very similar this occasion to me to one in the House when the bonus of \$600 was granted to the members and when four of the members in the House approved the motion of Mr. Nickle and afterwards when the Prime Minister threw a wrench in the cog and Mr. Nickle finished the thing, and then those four men ducked right away and they said, we are going to take it. The majority rules here.

This resolution will not help the Attorney General at all. This resolution does not mean anything at all, so far as the general public is concerned.

MR. WALKER: Well, what are you afraid of?

MEMBER: What are you worrying about then?

MR. PINARD: I am only worrying about you just now. An action on his part not only to whitewash the Attorney General that doesn't need it at all, because we each have our opinion of the honourable gentleman. We all know it was impossible for the honourable gentleman to go down and hire men for the enforcement of the Ontario Temperance Act. We all know it was in the hands of Mr. Ayearst and the License Board. Still he is responsible as minister of the Crown. But how far? Personally he is not. He is probably as the man administering a department. My honourable friend says what am I afraid of. Nothing whatever. My honourable friend the Attorney General is afraid of nothing, I am sure. If that is all that is going to take you away from Heaven I would like to hold myself up by one of his legs. I would be sure to go there myself.

And there is not a chance for any citizen of this Province not to have his own opinion. They all have it and they will know that it is possible to hold one gentleman responsible for one thing that is done except as director of his department. But he has one job, and that is to put them out, these men under his direction, sack them, fire them, and have men of better character, if possible, to enforce the law. If there was a motion of this kind from the honourable member for Parry Sound asking, supporting or requesting the honourable the Attorney General, in finding the report of this Committee to the House, or in sending the report of this Committee to the House, asking the Attorney General to investigate himself whatever evidence was given and use what is sometimes commonly called in public life, political life especially, use the axe, cut off the heads of men that are only under suspicion just now.

It is a hard thing, the honourable the Attorney General knows and every man knows, it is a hard thing when you have got to deal with men giving evidence who have perjured themselves, who have been accused of all kinds of things and oftentimes sentenced for them, and it is a hard thing for these men to be able to prove that certain men who are their bosses, who were their masters in the work to prove that these gentlemen who are the higher ones are guilty. But there is always a chance for a man in reading between the lines to know if these men higher up are not guilty of such and should not be discharged. Some of them have been too long in the service, since the O.T.A. has been in force. Some of them have been, well, taken from certain positions of much higher character, and were satisfied to call down and regulate certain officers with regard to the enforcement of the Ontario Temperance Act. All those things are, I believe, of interest to the Committee. We must not look only at to-day. The honourable gentlemen who sit behind the Government, when they sit on the other side of the House and the same proposition might come up, would they be pleased, knowing very well that much of these cases were proven, that each of the accusations, I should say, had been proven? Would they like to see somebody away up

from Parry Sound or Guelph or somewhere else, would they be satisfied to see someone here with a motion trying to whitewash an administration that was wrong, and to a certain extent proven by the evidence given?

So I for one would ask the Chairman to rule upon the main motion and to tell this Committee whether it is a motion that is in keeping with the duties and the regulations that govern the Public Accounts Committee.

THE CHAIRMAN: Do you want me to rule?

MR. PINARD: Yes.

THE CHAIRMAN: I must rule that the resolution is perfectly in order.

MR. TOLMIE: Then I appeal from the ruling of the Chair to the Committee as to whether this resolution is in order or not.

Upon the Chairman putting the question, "Shall the chair be sustained," the Committee by a vote of twenty-two to nine sustained the Chairman's ruling.

THE CHAIRMAN: The vote will be upon the amendment.

"Moved by Mr. Sinclair, seconded by Mr. Thompson; that this Committee affirms its position under the rules and precedents as a Committee of inquiry only into the Public Accounts of the Province and to report the evidence to the House. It is beyond its well recognized power to make findings on the evidence as proposed by the resolution."

MR. FERGUSON: Somebody has said here this morning—

MR. HALL: A point of order. The Committee has declared on the ruling of the chair that the motion was in order.

MR. FERGUSON: We voted on the ruling of the chair. Somebody has said that Mr. Lennox made certain allegations in the House, and that is quite true. Now it seems to me apparent to everybody that he is answerable to the House as a member of the House and not to any Committee of the House. Allegations are made in the House and one can look where he likes, every precedent and the procedure well established must appeal to the common sense of everybody; the House is not in a position as a House to sit and take evidence as to these allegations. These things are taken by Committees of the House, and the evidence taken and the evidence reported back to the House, and this is my point—to be dealt with in the House. Apparently when the report of this Committee goes back to the House the Chairman will move the adoption of the report and then if anybody has any objection to the adoption of the committee's report then is the time and opportunity to have it threshed out before the members of the House in the House, where Mr. Lennox is responsible and can be made answerable.

This Committee I submit goes entirely beyond its function in attempting to make a finding, when its plain duty is only to investigate, and to get the evidence as it comes in investigation. I don't propose to argue. We all heard a lot of evidence I am sure even the Attorney General felt was a surprise and revealed a shocking condition of affairs.

It will be a matter for the public to decide whether Mr. Lennox is warranted in making the allegations he did or whether the Attorney General is to be exculpated altogether; but I do say we are digressing very seriously from what is the proper function of a Committee of the House, because everybody recognizes that the Government has a majority on all Committees, and only those on this Committee are in a position to get up and dis-

cuss this matter here. Members of the House who are not present here have no voice in the matter. So you are confining any discussion there is to the voice of the members who happen to be on the Public Accounts Committee. The matter is one for the House to discuss and to pronounce upon, because the public in the last analysis will be the jury who will decide.

I am strongly of the view that the amendment of Mr. Sinclair should be carried by this Committee.

MR. NICKLE: I move an amendment to the amendment:—

“Moved by Mr. W. F. Nickle, seconded by Mr. C. H. Buckland,—

“That all the words after the word ‘that’ be struck out and the following substituted therefor:—

“That this Committee report the evidence taken in reference to the charges of the Member for North York against the Attorney General and his Department to the House for consideration and action.”

MR. WALKER: As a matters of course it would be reported in the Chairman’s report.

MR. HILL: During this whole discussion, Mr. Chairman, it has been apparent to me that we are adopting a precedent to-day that possibly members of this Committee in favour of the main motion do not appreciate. We are establishing a precedent that will be followed many years to come. It has never been done before. You are in the majority. So far as the public are concerned the adoption of this report has no effect at all. Everybody knows, as the honourable member for Grenville says, that the majority on all committees are supporters of the Government. The adoption of this does not affect one person’s opinion. It has absolutely no effect whatever. But you are establishing a precedent. Now that precedent will be followed in other Committees hereafter, and you do not know what you are precipitating, and we cannot appreciate what it will lead to in the future. If you want to go ahead and pass it all very well; you have the power. But you are doing something that I don’t really think you appreciate.

MR. HALL: This is an age of precedents. I don’t belong to any party that says “as it was in the beginning, is now, world without end.” We are living in an age of progress. We are learning new things and we are determined to carry on the Government of this country in an efficient fashion. Why should we go back to the dark ages and say, “They did not do this and we won’t do it now.” There are men who are of political faith that is because it was that way in the beginning it shall not be now. That is not progress and I am for progress, and I want to say there is no chance for any member of this Committee to try and say we are doing what is wrong.

Col. Lennox chose this Committee as the medium through which he would sustain his charges against the Attorney General and I for one maintain that he has utterly failed in doing this as against the Attorney General personally, and it is a personal matter with me. A man has the onus of going out from this Government and proving that he has not been guilty of the charges laid against him. I say it should not be so, that this Committee should show what they think about it, and I want to say in spite of the legal opinion against me, that with me it is still a matter of right or wrong, and I think we should exonerate the Attorney General from these charges which have not been sustained.

THE CHAIRMAN: The vote shall be upon the amendment to the amendment—

MR. TOLMIE: Before the question is put, I would like to call attention to the fact that this is a matter that deals very personally with the Attorney General and I would like to know whether the Attorney General himself desires this motion, this main resolution, to be passed. As I said before this is a matter that deals very directly with the Attorney General and I for one believe that the decision of this Committee will have very little effect.

MR. HALL: Then why worry?

MR. TOLMIE: And that it will have very little effect on the country, and very many will look on it as simply a whitewash of largely members of his own party. And I think that that is putting the Attorney General in wrong possibly before the Committee, before the House, and before the country.

I believe myself—I am quite sincere in saying that I believe the Attorney General would be a bigger man if he were to say, “No, I don’t wish this Committee by a biased vote to pass a resolution of this kind.”

HON. MR. RANEY: I appreciate very keenly the solicitude of the member for Windsor for the Attorney General. I have had many instances, this is not the first one, of that nice appreciation of the Attorney General. At the same time I was taught in my youth to beware of gift-bearing Greeks and I think that meets this case.

Mr. Lennox dragged me before this Committee. The first day when he began there was one whole session occupied and I paid no attention at all. After that I thought I had better come and look after myself. I have been here every session since.

I am in the hands of the Committee. I suppose the honourable member for Windsor would say I am in the hands of my friends—and my enemies also. Let them settle that between them. I take no part at all.

MR. EVANS: The honourable member for Grenville made the statement that the Government was in the majority. The Government is not in the majority.

THE CHAIRMAN: The vote will be on the amendment to the amendment.

MR. CURRY: In regard to that question anybody could vote for that and vote for the first resolution.

MEMBERS: No, no.

PREMIER DRURY: Well, Mr. Chairman, if it is in order at this stage, I would like to say a word or two in regard to the question before the Committee. It seems to me that this is a peculiar question. A charge is made by the honourable member for North York in the House. It was not a charge of administration but of maladministration. It was a direct charge against the Attorney General in person.

MR. HILL: Or his Department.

PREMIER DRURY: It was carefully worded. Very carefully worded, but it was a charge that the Attorney General, practically with his knowledge, employed men who were thugs and criminals in the enforcement of the Ontario Temperance Act. I am reading from the *Mail and Empire* report:

"With full responsibility as a member of this House I shall show that not only does the Attorney General give employment to thugs and criminals, but I say further, with all the emphasis that I can command, that these men were kept and are being kept to-day by the Attorney General assisting him in the enforcement of the Ontario Temperance Act. I can quite understand the administrator of a Department being deceived by his officials and servants, that is inevitable; but I cannot conceive nor will the public condone any minister keeping in his employ men that have been convicted and served terms to his knowledge in the enforcement of the Ontario Temperance Act."

MR. FERGUSON: Why don't you take the *Globe's* report?

MR. NICKLE: The *Globe* has a different one.

PREMIER DRURY: We heard what was said in the House, and what is the good of equivocating in the matter.

MR. NICKLE: I rise to a point of order. I want the word "equivocating" withdrawn.

PREMIER DRURY: Well, I will withdraw it. Yes, what is the use of beating around the bush. I suppose that is better. It probably means about the same thing.

MR. NICKLE: But does it?

PREMIER DRURY: I have wished to protest more than once against the abuse of the privilege of members in the House. We have had more than one instance of it during this session. Here was a statement made not against the Department, but against the Attorney General in person—a personal charge that he employed men whom he knew were thugs and criminals in the enforcement of the Ontario Temperance Act. And if the Committee is worth anything, surely we can give our opinion.

The Government has not a brutal majority on the Committee. The Government has not a majority at all. When you take out the Chairman the members are equally divided between the Opposition and the Government, and surely this Committee ought to have character enough to say whether the charge preferred and investigated in this Committee is a charge that is proven or not.

The evidence that has been taken is not of much use to the man in the country. He cannot see it; cannot read it. I cannot read through it all. It is a distinct charge—

MEMBER: How can we pass on it then this morning?

PREMIER DRURY: You cannot read the whole of it, I am merely saying. Surely this Committee ought to pronounce on the question that is referred to it.

MR. NICKLE: Will you read the last part of that resolution and you will see what is confronting us?

PREMIER DRURY (reading): "Therefore, this public Accounts Committee hereby expresses implicit confidence in the Honourable the Attorney General and in his administration of the Ontario Temperance Act."

"And this Committee hereby authorizes and instructs the chairman to embody a copy of this Resolution in his Report to the House."

MR. NICKLE: The lines ahead:—

PREMIER DRURY (reading): "And whereas we, the members of the

Public Accounts Committee of the Provincial Legislature, after hearing the evidence submitted by the member for North York and by the Honourable the Attorney General are of the opinion that no evidence has been produced to prove the said charge, but that on the contrary, the Honourable the Attorney General has proved by his own and other evidence including the production of numerous memoranda of instructions and letters, that he has taken every precaution to see that only men of good record are employed in the enforcement of the Ontario Temperance Act."

MR. NICKLE: That is where we split.

PREMIER DRURY: That is a matter of opinion.

MR. FERGUSON: You have heard only just a portion of the evidence. You have only been here on one or two occasions.

PREMIER DRURY: I read a good deal.

MR. FERGUSON: And a number of others are in the same position; yet you propose to pronounce a verdict.

PREMIER DRURY: I have watched it and followed it carefully.

PREMIER DRURY: Now a little while ago it was said that the extract I read, the utterances of the member for North York, were taken from an unreliable report. I have a copy of *The Globe* and it is practically identical. The section is headed, "employes criminals." "With full responsibility as a member of this House," etc. "I shall show that not only does the Attorney General give employment to thugs and criminals, but I say further with all the emphasis I can command that these men were kept and are being kept to-day by the Attorney General assisting him in the enforcement of the Ontario Temperance Act. I can quite understand the administrator of a Department being deceived by his officials or his servants; that is inevitable; but I cannot conceive, nor will the public condone any Minister keeping in his employ men that have been convicted and have to his knowledge served terms in the enforcement of the Ontario Temperance Act."

PREMIER DRURY: What more do you want? A personal charge.

The amendment to the amendment was then defeated by a vote of twenty-three to eleven.

The amendment was defeated by twenty-three to thirteen.

The main motion was carried by a vote of twenty-four to nothing.

During the vote, Mr. DEWART said: For reasons I have already stated I decline to vote.

And Mr. NICKLE: For reasons given this morning I decline to vote.

And Mr. TOLMIE: Following the precedent of the Attorney General I decline to vote.

## PUBLIC ACCOUNTS COMMITTEE

The Committee resumed at 9.30 A.M., Friday, June 2, 1922, Chairman Watson presiding.

The Minutes of the last Meeting, June 1, 1922, were read and confirmed.

Mr. Dewart asked that the motion regarding Workmen's Compensation matters, carried on the 26th of April, should be read. The secretary read the motion, as follows: "Moved by Mr. Dewart, seconded by Mr. Sinclair:

That Samuel Price, Chairman of the Workmen's Compensation Board (Salary \$10,000 *per annum*), W. B. Wormwith, Secretary (\$4,758.34 *per annum*) and D. E. Bell, Medical Officer (\$4,383.33 *per annum*) employees of the Province under the Workmen's Compensation Act be summoned to appear before the Public Accounts Committee on the 5th day of May 1922, at the hour of 10 A.M. to give evidence with reference to the items charged regarding the Workmen's Compensation Act in the Public Accounts at pages. J.39 to 43; D.90, E.53, G.15, H.41 to 42, H.71, I.10 and N.73, and also to produce and show to the Committee all accounts, reports, information, correspondence or other documents relating to the thirty-one doctors referred to in the answer of the Minister of Labour upon Page 319 of the Votes and Proceedings of the present Session, and particularly to give evidence as to the inefficient service, neglect or unreliability in giving necessary reports and information, rendering of exorbitant or padded and dishonest accounts or other cause and which were not considered to be conducive to the proper administration of the Act and show why the doctors so blacklisted by the Board while in good standing as physicians should have been so dealt with."

"Carried."

(Sgd.) "EDGAR WATSON,"

"Chairman."

April 26th, 1922.

MR. DEWART: Mr. Chairman, do you think either the Premier or myself thought yesterday to ask permission to have this Committee sit during the sittings of the House, so that I take it we have no power to sit this morning after the House opens, and I would suggest that I open my inquiry and get under way as far as possible, and then ask for an adjournment until Tuesday, because I do not know what business is coming before the House to-day. I would have no objection, myself, to sitting on Monday.

THE CHAIRMAN: It is pretty hard to get a quorum on Monday. We have never sat on Mondays.

MR. DEWART: Supposing we were to sit on Tuesday at nine.

THE CHAIRMAN: You won't get the members here by nine.

MR. MCALPINE: Won't that be to decide after we get through this morning?

MR. DEWART: Well, I do not want to go on after eleven o'clock, because we have no power to do that.

MR. MCALPINE: It might not be necessary to sit at all.

MR. DEWART: There are other witnesses I propose to ask for this morning. some of the doctors, to hear what they have to say. I think I can summarize to some extent; I have something to go on with this morning. Would you mind saying Tuesday?

THE CHAIRMAN: Tuesday at 9.30, then.

SAMUEL PRICE, Sworn.

Examined by MR. DEWART:

Q.—Mr. Price, you are the Chairman of the Workmen's Compensation Board?

A.—Yes, Mr. Dewart.



Q.—And have been since when?

A.—Since the inception of the Act, in July 1914, I think I was appointed.

Q.—And you have two commissioners with you, Mr. H. J. Halford, who succeeded Mr. A. W. Wright as Vice Chairman?

A.—Yes.

Q.—And Mr. George A. Kingston as commissioner?

A.—Yes.

Q.—How long has Mr. Halford been on the Board?

A.—I do not know that I can give you the exact date. October last, the secretary tells me. It was about that time, so I think that is correct.

Q.—That would appear from the Public Accounts, because he is credited with only one quarter month's salary before the 31st of October, so the appointment would apparently be in October. I see you have a fairly extensive staff?

A.—Something like ninety members.

Q.—Is the staff divided into departments?

A.—Yes.

Q.—Dealing with different branches of the work?

A.—Yes.

Q.—Would you outline briefly what the system is and the division into departments, so that we will know how the work is handled?

A.—There are of course the two sides to our work: one side, the collection of necessary money; for that we have the Assessment Department, as we call it. Then we have for the handling of claims the Claims Department. Then we have the Medical Department, as we call it, three doctors. We started with one and now we have three doctors. Then we have what we call, for want of a better name, the Finance Department, to attend to the routine work, so to speak, of receipts and payments. They receive the assessments as they are paid and keep account of them, and they issue cheques for the compensation that is awarded.

Q.—In what respects do the duties of the Assessment Department with respect to the collecting differ from the duties of the Finance Department with reference to the receiving of assessments?

A.—Well, the Assessment Department really does not do the collecting. They merely rate and issue and send out the assessment notices. Then we have a collector who is charged with the duty of watching and following up delinquents.

Q.—Who is the collector?

A.—At the present time Mr. John Scott.

Q.—Let me see where he comes in in the Roll of Fame?

A.—He has not been very long in that position. Mr. Chambers was his predecessor, but Mr. Chambers left us.

Q.—Mr. George Chambers, who is listed as payroll auditor?

A.—He was, yes, at one time.

Q.—I see that he appears to have retired in October, because he is only credited with eleven and a half months' pay?

A.—Yes; I do not know the date, but that will be correct. I should have mentioned, Mr. Dewart, that we have what we call a Medical Aid

Department, whose duty it is to see as to the medical aid provisions, providing artificial limbs, and they also check up the doctors' accounts.

Q.—Then would you give us an idea—I am not so particular now with reference to the way in which the moneys are collected, because that is pretty well set out in the Act, is it not?

A.—Yes.

Q.—But I am more anxious to find out as to the working of the Act so far as claims are concerned and how they are taken up and considered; would you outline briefly, Mr. Price, what the procedure is when a claim is received or when notification of an injury is received, when some person claims to come under the provisions of the Act?

A.—The employer is required under the Act to send us notice within three days. When we receive notice from the employer, or if the first notice comes from anybody else—the claimant, or it may be the doctor, it may be a friend—on receiving word that there has been an accident from any source we send out a circular letter—we have forms, of course, as much as possible—to the workman enclosing a blank form—form, that is what we call it—to be filled in by himself, telling how this accident happened, telling what his wages were, because the compensation is based on that, and answering other questions as to himself. We also send a workman, in the same letter, a blank form, Form 8, to have the doctors fill up and report to us as to the nature of the injury and other details. We at the same time notify the employer, if it is not the employer who has given us the notice, we immediately communicate with him and require him to send us in the necessary report Form 7. Ordinarily we ask for the three reports; one from the workman, one from the doctor, one from the employer.

MR. DEWART: Have you blank forms of these reports that might be filed for convenience?

A.—Yes. Of course the claim files would show them.

Q.—I wanted something that we could keep?

A.—We will have that on Tuesday, the blanks for all the claims.

Q.—Those three, six, seven, and eight?

A.—Yes.

Q.—The Workman's Form is six, and the one for the doctor is eight and the one for the employer is seven?

A.—Our practice is to send the doctor's form to the workmen to take to the doctor.

Q.—Yes, I see these various forms in, but they are all filled up?

A.—Yes; I could send down now.

Q.—Not necessary sir; we have the samples here for reference this morning. I see that there are a number of cases that are referred to which came under the law before there was the right to give compensation for periods of less than seven days?

A.—If I might interrupt, possibly, what you were asking me awhile ago would be best covered by this little pamphlet that we issue, and always send to a workman, which outlines our procedure.

Q.—Is this the same as appears in the preface to the Act consolidated in 1920?

A.—Yes sir, except this is up to date. There are a few little changes. We send that to every workman that is injured. That goes with the first letter so that he will know what his rights are, what the procedure is.

Q.—Before taking up the medical department, have you any legal department?

A.—No, we have not what we call a legal department. The Secretary happens to be a lawyer, and the Claims Agent in fact is a lawyer, but we have no legal department.

Q.—By the Claims Agent do you mean Mr. Hancock?

A.—Yes; he has been with us from the beginning.

Q.—That is the gentleman to whom you refer as a lawyer?

A.—Yes, and Mr. Wormith, the secretary.

Q.—You have no legal department to deal with the legality of claims or to settle matters as to the interpretation of the Act other than in the way you have mentioned?

A.—No. Mr. Hancock, of course, makes recommendations as to the legality of the claims as they come through, that is his duty. Perhaps it would make it clearer to you Mr. Hancock handles all the routine claims, but if there is a claim of special difficulty that is set aside; it usually comes to myself, and it is laid on the table for the Board's consideration, or it is left with the secretary to look after any point that may arise in connection with it, and it is taken up and discussed then by the full Board. We call those in our office special claims, something out of the ordinary.

Q.—Then I understand Mr. Price, that it is the practice of your Board to refuse to entertain claims that come through a lawyer representing or purporting to represent the claims?

A.—We do not refuse to entertain a claim coming through a lawyer; we act on notice of an accident, no matter from what source we may receive the information, but we do not feel that a lawyer's services are necessary, and we prefer to deal direct with the claimant.

Q.—So that the effect of your practice is to make it impossible for a claimant to press his claim through a lawyer even if he desires to do it?

A.—We try to avoid having lawyers representing claimants.

Q.—Is it not the fact that you practically ignore the lawyer after the claim has been received and refuse to allow him to act?

A.—We do not want to carry on communications through a lawyer, and we won't, if we can help it.

THE CHAIRMAN: Why do you refuse to act through a lawyer?

A.—Simply because it is not necessary, and the claimant will be put to expense which he does not need to be put to. If his claim is a good one it will be allowed, if it is not a good one it does not make any difference who is supporting it.

MR. DEWART: So that as a matter of practice—

A.—Of course it is any agency. We would rather deal with lawyers if we had to deal with agents at all, than other agents. The rule is against dealing through agents of any kind.

Q.—But as a matter of fact I understand you refuse to enter into correspondence with lawyers who are acting in clients' interests after you receive the claim?

A.—That, I suppose, is substantially correct, but what happens is this, if a lawyer writes us about a claim we tell him that the rule of the Board is always to deal with the claimant direct so far as possible, but we generally end it up by giving the information which he wants. I think we did that with yourself, if I remember right.

Q.—I managed to get an audience with the Board on another matter, and so, I believe, was able to introduce my client's case.

A.—We have not any objections to lawyers.

Q.—But I think in that case you refer to, since you speak of my personal experience of the Board, you remember you had not entered into any discussion with me or rather declined to do it, but I received a private audience when I was discussing another matter, and then I think I was able to get some substantial redress, some \$60 for personal service?

A.—You appeared in some third party matter. But it only relates to claims. There are other matters in which we do have lawyers appear before us. I do not want to leave the impression that we have any objection to dealing with lawyers.

Q.—The expression is very prevalent, having regard to the way in which lawyers have found themselves treated?

A.—Well, we do not want to offend them, but we do not want them to be putting the workman to unnecessary expense.

HON. MR. ROLLO: Is it not true that one of the benefits of the present Compensation Act over the old system is to avoid the services of courts and lawyers?

A.—Yes, the Act has an express provision for the exclusion of lawyers.

MR. DEWART: They are very progressive people up there?

A.—I would be sorry to have the lawyers think we had any discourtesy to them. That is not the foundation of the matter at all. We want to avoid unnecessary expense.

MR. MURDOCK: You simply treat them the same as any other agent?

A.—Yes; and if we had to have agents I would rather have lawyers than other agents.

MR. DEWART: As a matter of fact you rather taboo all agents?

A.—Yes.

MR. MURDOCK: I think it would be well to amend the Act on the same lines as Manitoba and be progressive.

MR. DEWART: The lawyers think there is no need for amending the law. I was more anxious to take up the medical side of the case previously to—was it 1921 that the Act was passed that allowed compensation where the disability existed for less than seven days?

A.—What you are getting at is the inception of the medical aid.

Q.—I was asking first, there was an amendment of the law in reference to giving compensation where the injury was less than ten days?

A.—There is no compensation for less than seven days; there is medical aid provided for less than seven days, but no compensation.

Q.—That amendment was in 1920?

A.—No sir; the medical aid was passed, came into effect 1st July 1917. That provision provided for only one month's medical aid. In 1919 the law

was amended so that all the medical aid necessary as a result of the accident was to be given.

Q.—Even if the period of disability were less than seven days?

A.—Yes; it never made any difference how long the disability was as to the medical aid.

Q.—I was suggesting that your recollection was in error, because my impression was in about 1919 an amendment was put through under which doctors who would previously not be entitled to compensation for medical aid where the period of disability was less than seven days were allowed compensation?

A.—Oh no sir; the first medical aid provision was passed in 1917.

HON. MR. ROLLO: When the Act was first introduced there was no medical aid?

A.—Down to the 1st July 1917.

Q.—For the first thirty days?

A.—Then in July 1917 one month's medical aid not exceeding one month was provided for; in 1919 the limitation was swept away and full medical aid was to be provided.

MR. DEWART: Is that the effect of section 44a as you interpret it, subsection 1:

“Every workman entitled to compensation under this part, or who would have been so entitled had he been disabled for seven days, shall be entitled to such medical and surgical aid and hospital and skilled nursing services” etc.

Is there not still there a seven day limit?

A.—The doctor gets paid for every case where medical aid is necessary, even if the workman does not lay up at all.

HON. MR. ROLLO: But the workman gets no compensation unless he has been disabled for seven days?

A.—Correct.

MR. DEWART: When you get a claim from a workman, or a claim is put in for him, you usually are notified of who the doctor is who has given first aid?

A.—Yes. That was called for in the Form.

Q.—And naturally you communicated with him?

A.—Yes sir; we send them a Form with a circular also on the back of the schedule, printed on the back, and that goes to the doctor in every case.

Q.—I think there is a blank of that put in with these papers this morning?

A.—I can give you one of those (produces).

Q.—What is this?

A.—That is the doctor's account, Form 92, which is sent out to the doctor at once when we get notice of the claim if we are given the name of the doctor; but the doctor is told on the back that if it is found later that the case is not one found under the Act he will be notified to that effect.

Q.—This can be marked as an Exhibit—

EXHIBIT I: Form 92, Doctor's Account.

MR. DEWART: This Doctor's Account I take it would not be sent in until after the doctor's services had been completed?

A.—That would be correct unless the attendance stretches over more than a month, we ask the doctors to render accounts monthly.

Q.—I see on the back you have a memo of medical and surgical fees; how are those medical and surgical fees determined, and under what statutory authority—what statutory authority is there for fixing these amounts?

A.—The amounts are not fixed by Statute.

Q.—What statutory authority is there for the Board fixing them?

A.—Section 44a, sub-section 6:

“The fees or charges for such medical aid shall not be more than would be properly and reasonably charged to the workman if himself paying the bill, and, except in the case of an employer individually liable and himself furnishing the medical aid, the amount thereof shall be fixed and determined by the Board, and no action for any amount larger than that fixed by the Board shall lie in respect of any medical aid herein provided for.”

Q.—That would apply to the charges in a particular case, but what I was asking was rather what is the authority for the fixing of the schedule of medical and surgical fees on the back of the Form of Doctor's Account?

A.—There is no specific authority. The doctors urged very strongly that we should fix the schedule, and it was I think felt by the Board and everybody it was the proper thing to do.

THE CHAIRMAN: This says: “It has been approved by the Council of the College of Physicians and Surgeons of Ontario”?

A.—Yes.

MR. DEWART: What about that?

A.—What happened was this. The medical aid provision came into effect 1st July 1917; some mention was made of providing a schedule and fixing a schedule, but the Board thought that it would be better to wait a little and see how the bills came in. We got experience so to speak, for some seven months, I think then we had conferences with the Executive chiefly through the President Dr. Crane at that time of the Medical Council, and after a good many attendances between him and our own doctors and the Board we agreed tentatively upon a schedule, and Dr. Crane submitted it to the Executive of the Medical Council. They approved of it in March 1918. In June 1918 when the full Council met in Annual Convention they confirmed the approval.

Q.—This schedule has not been revised since that time?

A.—No, but in September 1919 the Board really without any request particularly from anybody added 20%. The practice is for the doctor to make out his account according to the schedule, and when our officers check it over and ascertain the total they simply add their 20%. We thought it was better to do that rather than open up the schedule again, which of course was a contentious matter, naturally.

THE CHAIRMAN: 20% added to this schedule?

A.—Yes.

MR. DEWART: What is the date of that?

A.—September 1919, after the schedule had been working a little over a year.

HON. MR. MILLS: Would you permit me a question; is this schedule of fees in addition to any fees the doctor might receive through deductions made from the month's wages of men—you know there are quite a large number of men who contribute \$1 or \$1.50 and get other medical attention. This schedule of fees is in addition?

A.—We do not take any cognizance of what the doctor may get from any Benefit Society.

Q.—Other sources?

A.—No. Of course if the workman pays the doctor, we tell him not to, but if he should pay the doctor then it is a question of refunding to the workman what he has paid the doctor, if it is a proper case.

MR. DEWART: I take it the benefit fees would be practically an insurance that the workman would receive attention for minor disabilities or sickness?

A.—It is very common.

Q.—That would not cover injuries of the kind that are referred to here?

A.—It generally covers sickness; it might cover both.

HON. MR. ROLLO: It is also a guarantee to the doctor that he is going to get paid for his work when he gets paid by the Board?

A.—I have paid those fees myself for many years.

HON. MR. MILLS: I know three doctors I have in mind received \$30,000 in one year; 25% of that they paid the hospital, that would be about \$7500?

A.—For one doctor?

Q.—No, there were three of them, and they paid towards the hospital certain cases—

MR. DEWART: That has nothing to do with this class of work. Most of these fees are for amputations, fractures, dislocations, operations, and so on—the first fifty-seven items cover that, and then there are the items for visits and attendances. I noticed running over some few of the files that injuries such as cutting of tendons,—a man had an injury to his arm and cut the tendons, and they had to be sutured and treated, how would such a case as that be dealt with in fixing the amount that the doctor would receive, is that something that would really be in the discretion of the Board apart from schedule altogether?

A.—Of course the schedule does not and cannot provide for every contingency, and where it does not specifically provide what the fee is we have to fix the fee. Of course our officers have to fix a fee as they think just in the circumstances of the particular case; and of course the schedule Mr. Dewart is elastic; for instance item seventy, we could hardly work with a schedule that was not to some extent elastic, item seventy says, "Fees higher than those specified in the schedule will be approved when in the opinion of the Board circumstances so warrant;" and sixty-nine I think answers your question "Fees for services not covered by the above schedule are to be in corresponding proportion to the fees specified."

Q.—Taking a claim that has come in where it is reported that a certain doctor has attended the injured person, what procedure is followed then, do you retain the services of the doctor who has been called in or who is in attendance upon the injured person?

A.—I do not know that I just catch your question.

Q.—When a claim comes in from a workman who has been injured and the name of the doctor is given who has given first aid or who is in attendance, do you then retain the services of that doctor—what is your procedure?

A.—Ordinarily we do; we have issued instructions on that in the posters which employers are required to keep posted up in all working places, also

in this little booklet which I showed you which is sent to every workman when a claim comes in, and unless it is a doctor that has not in some previous cases been found satisfactory, we accept the doctor who is in attendance. The instructions are that, in the absence of any direction by the Board, the employer and the workman are to choose the doctor jointly; they are to agree. If they do not agree it is submitted to the Board for a decision. This is a copy of the poster and the instructions are also printed on the back of the little booklet telling the workman and telling the employer what to do in case of accident.

Q.—So I might put this on the notes, so as to save it going in:

“THE WORKMEN’S COMPENSATION ACT  
ONTARIO

---

“Workmen injured by accident, in their employment, are entitled to first aid, or necessary medical aid, and, if disabled from work for seven days or more, to compensation.

“THE WORKMAN is required to—

“Notify the employer at once of the injury; Ask for first aid, where proper; Arrange with employer for medical aid if necessary; Have report forms received from Board promptly attended to.

“THE EMPLOYER is required to—

“Notify the Board within three days of every accident disabling a workman or necessitating medical aid; Provide first aid according to the regulations; Assist in arranging for a doctor where necessary; Provide ambulance or transportation to doctor, home, or hospital, where necessary.”

A.—The ambulance, the employer must do at his own expense.

MR. DEWART: Is he not reimbursed for that?

A.—No sir. That is under a special clause in section forty-four.

Q.—Even if the workman has to pay for his transportation the employer has to reimburse him?

A.—Yes.

Q.—(Continues reading poster) “Furnish the Board promptly with reports and information as prescribed or requested.

“Any workman entitled to compensation who does not receive claim forms promptly, should write the Board.

“Legal assistance is not necessary.

“The workman is not to pay the doctor for services or reports under the act.

“In fatal accidents the workman’s dependents are entitled to compensation.

“For further information or for copies or synopsis of the Act write the Board.



## THE WORKMEN'S COMPENSATION BOARD,

Normal School Buildings, Toronto, Ont.

“Employers are required under the Act to keep this Poster posted up within easy access of all their workmen.”

A.—A fuller explanation of medical aid and practice and the law is given at pages six and seven of this little booklet, and as to the Board's policy regarding medical aid and doctor that is explained at page sixty-one of our report for 1919, published in 1920.

Q.—By the way, your 1921 report is not out yet?

A.—Yes sir.

Q.—I inquired for it awhile ago and I could not get it?

A.—It is not out; it ought to be ready shortly.

Q.—May I look at that?

A.—Yes.

Q.—If a doctor who sends in the first report with reference to an injured workman is a doctor in good standing in the medical profession under the College of Physicians and Surgeons for Ontario, do you continue his services?

A.—Yes, unless we have found him unsatisfactory in previous cases.

Q.—Unless you have found him unsatisfactory in previous cases?

A.—We consider, Mr. Dewart, that the attending doctor is practically and really an officer of the Board.

Q.—I think you said unless your previous experience had been such that you would not accept his services?

A.—Yes.

Q.—Who passes upon the qualification or right to serve of any doctor—have you a Medical Board or what medical assistant have you?

A.—No, our Board determines that on the recommendations and advice and opinion of course of our own officers.

Q.—I see your medical officers are:—Dr. W. E. Struthers, Dr. D. E. Bell, Assistant Medical Officer Dr. J. M. Bremner, and Medical Aid Officer Mr. L. M. Miller—you have three doctors?

A.—Mr. Miller is not a doctor.

Q.—You have three, Dr. W. E. Struthers, Dr. D. E. Bell, and Dr. J. M. Bremner; and are they the gentlemen on whose advice, medical practitioners, you act?

A.—I would not say always their advice, because the Board really act where the circumstances are felt to justify—

Q.—What are the circumstances which in your opinion as Chairman of the Board justify you in refusing to accept the services and the report of a doctor?

A.—There are various things; I don't know that I could enumerate them all, but chiefly where we have found a doctor unreliable. There are not very many cases of that kind. We have sometimes found that padding their accounts, charging for services they did not render—that is one class of case. I am glad to say not a very numerous class, although there are quite a few.

Another thing we are not able to get proper reports from some doctors, failure to give us proper reports, or unsatisfactoriness in their reports, not giving full or necessary information.

THE CHAIRMAN: You do not mean deliberately false?

A.—Sometimes; we have a number of such cases. We convicted one doctor for fraud. I think that covers it in a general way.

HON. MR. ROLLO: Are not there some at their own request?

A.—Yes, a large number of them have practically discharged themselves. Of this list of thirty-one there would be quite a proportion of those who were dropped simply because they expressed themselves as not desiring to do work for us. There was another heading I missed; a few cases of inefficient services. We deal with the matter just in the same way as we deal with the appointment of a member of our staff; we consider all the circumstances as to whether it is desirable in the best interests of the administration of the Act that a certain doctor should do our work.

THE CHAIRMAN: What is the general reason given by these doctors why they decline to act?

A.—Generally because the fees are not big enough, sometimes because they say we are asking for too many reports.

HON. MR. ROLLO: Apart from those that might refuse to do work for the Board are there any doctors what you might say suspended without being given an opportunity to explain?

A.—I don't think so now. There would be some doctors—perhaps another category I should add—who failed to co-operate with the Board. Doctors like any other officer, must be sympathetic and must co-operate or we will not get good administration.

MR. WARREN: Do you ever find a tendency for a doctor to overcharge?

A.—I could give you some very bad illustrations of overcharges, yes.

Q.—I think that would be interesting to the Committee, those illustrations of over-charging?

A.—We had, I just recall one case where a doctor saw a patient once and charged him one dollar and got the dollar, and then he found it was a Workmen's Compensation Board case, and he put in a bill to us for twenty dollars. We had another case—

HON. MR. ROLLO: Did you ever find out that he paid any more than the one visit?

A.—In that case there was only the one visit paid according to our information.

MR. DEWART: Is that the case in which—I propose to go over some of these cases particularly—?

A.—I don't think that was a doctor that was stricken off as a matter of fact. I just happened to think of that one. Of course we have had a few cases, I am glad to say not very numerous, where doctors have deliberately I will have to say, put in accounts including services they never rendered.

I prefer as far as it is agreeable to Mr. Dewart and the Committee not to mention names of doctors, but I have the names I can supply.

MR. DEWART: There are how many cases in which there are accounts for services never rendered—more than one?

A.—Oh, yes sir. I say services never rendered, they have charged for more attendance, a great many, than they gave, and for a kind of attendance and service that they did not give.

MR. WARREN: Do you find that it ever happens that doctors send in a wrong diagnosis of a case?

A.—Yes. We must not blame them too readily for that, because we are all liable to be mistaken; but when they should know better we sometimes are inclined to suspect that it is deliberately done.

MR. DEWART: If a doctor makes what is afterwards considered to be a wrong diagnosis of a case, is it not possible that that is a matter of honest mistake?

A.—Yes.

Q.—Where he has not a previous history of the case?

A.—Yes. In the majority of cases it would be an honest mistake.

Q.—Where you have a traumatic injury which causes inflammation and so on, it would be almost impossible without previous knowledge of the previous history to diagnose, some trouble that might have been pre-existent?

A.—Undoubtedly; if a doctor was infallible in his diagnosis he would be a very valuable man.

Q.—Have you not in some cases, simply because the doctor did not report to you facts that could not be within his knowledge, as he had not attended, dropped them from your visiting list?

A.—Not intentionally; we would not want to do that.

Q.—Have you sorted out the thirty-one doctors that have been suspended by you?

A.—I have at your request—you call this a black list, we have no list really; we put this information together for you. I don't think it was together before.

Q.—Perhaps I had better have access to them and go over them, because as Mr. Price suggests, it might be unfair to some doctors to go into an investigation of matters that might be prejudicial to them professionally—

A.—I have here, if you care to take it or look at it, a statement—of course this is only in brief, it wont give all the details in each case, but omitting the doctors' names—

Q.—Are they numbered?

A.—Yes, they are numbered.

Q.—Like other criminals?

A.—I don't like to put it that way, because we owe a good deal to the doctors; we get good service from the majority of our doctors.

(Mr. Price hands list to Mr. Dewart).

Q.—This is very complete?

A.—I have purposely left off the names of the doctors.

Q.—That might go in; have you a duplicate copy of this?

A.—I think I have one duplicate here. I would be glad to give you that one at all events.

Q.—In how many cases have doctors who were suspended been reinstated, will that be shown by this statement?

A.—Eight cases now. There was one mentioned as pending, and that one was restored. He came in the other day and we had a little chat.

Q.—So that the present suspension list would include twenty-three doctors?

A.—Net twenty-three, and a large portion of those I should say, to avoid misunderstanding, are doctors who have discharged themselves, so to speak.

Q.—When a doctor comes under your suspicion, shall I say, as to being unreliable in the way of padding accounts or charging for services that were not rendered or because of his failure to give proper reports or to give false reports, or in the third place for inefficient services, is his case reported to the College of Physicians and Surgeons or the Registrar Dr. Aikens?

A.—No, I think not as a rule. I believe some cases—in the case of one Doctor W—— that was reported. I don't recall whether we reported any others or not.

Q.—That was a case in which a charge was made for services that had not been rendered?

A.—There was an actual conviction in the Courts.

Q.—That came up here in Toronto?

A.—Yes.

Q.—I believe there was a conviction of the doctor, and he was allowed to go on suspended sentence?

A.—Yes.

Q.—Was he afterwards suspended by the Medical Council?

A.—Yes.

Q.—Did you bring that before the Medical Council before you brought it before the Courts?

A.—No.

Q.—Do you not think it would be fair to the doctors whom you have under suspicion or whose reports you have actually refused to accept, that their case should be reported to the Medical Council to be dealt with?

A.—I do not know that there would be any objection to that, but I do not know that we should be bound by that. The responsibility is on us in regard to providing proper medical aid.

Q.—Are you a court of error without appeal?

A.—We would hardly send the appeal to the doctor's organization any more than we would send a workman's claim for compensation to a Labor organization.

Q.—Is it not the fact that there is a Discipline Committee, a very efficient Discipline Committee appointed by the Medical Council which deals with all charges that are preferred against doctors, and deals with them very effectively?

A.—I understand in a general way there is; I am not really familiar with the details.

Q.—Do you know of any profession that is more jealous with reference to the conduct of its members than the medical profession in the Province of Ontario?

A.—I could not say as to that. I might except the legal profession.

Q.—I suppose we are equally so.

HON. MR. ROLLO: You have no desire to deprive a doctor of his right to practice?

A.—We do not assume for a moment to do that; what we say is we won't employ him.

Q.—You have no desire to do it?

A.—No; we have no power.

Q.—You just say from your experience with him that he cannot do work for you any longer?

A.—We won't employ him any longer.

Q.—Just the same as if I had a doctor that was not giving satisfaction I would get another doctor?

A.—Just the same.

MR. DEWART: Do you realize in the position you occupy as the Workmen's Compensation Board your refusal to accept the reports of a doctor practically gives him a black eye so far as the whole of his clientele where he lives is concerned?

A.—I think not, Mr. Dewart; it is not a thing that would be generally known.

Q.—Does not the Board take the most effectual way of making it known by notifying those who afterwards employ the same doctor that his services will not be accepted by the Board?

A.—We do, but that is only an individual notice; and the doctor would be to blame himself if he undertakes to treat our cases after he has been told we do not want him.

Q.—I have noticed in some of the few files that I have been able to go over that there is case after case in which after a doctor has incurred your displeasure or disfavor or disapproval you have notified others to whom he renders first aid that his services are not acceptable?

A.—That was necessary to make the order effective.

Q.—In those cases is the matter brought up for investigation in any way before any Board or tribunal that you have within the Workmen's Compensation Board?

A.—Do you mean the question as to whether we should continue to employ a certain doctor?

Q.—Yes?

A.—They are dealt with by the Board itself, unless possibly there may be some cases where the doctor said he did not want to have our work, and then it would be a matter of routine to tell him. That might not come before the Board, although I think it generally comes.

Q.—Have you special inquiries in some cases?

A.—I should have said there, to make it plain, that we notify the doctor concerned giving him an appointment fixing the time to consider the matter as to whether we will further employ him.

Q.—I notice in the case of Dr. S—— of Ottawa, that you notified the doctor, and apparently on December 1st 1920 you held an inquiry at Toronto; taking that as a case in which the matter of inquiry comes up, would you tell us, what the course of procedure was so that we may get a general idea of the nature of inquiry; what page is that on?

A.—It is on page 6 of this bald memorandum, No. 24.

Q.—That is the one I had time to run over; I want to know with reference to the opportunity of inquiry in that case, perhaps you would hand

Mr. Price the file in that case; I want to call your attention to that case and see how far we agree; that was a case of accident, on the 19th July 1920, and would you turn to Dr. S——'s report of August 13th, I think that is the first considered report?

A.—Yes, I have it.

Q.—Is that the report in which he says there was six weeks' disability and no previous defect?

A.—Yes.

Q.—It was a case in which there was pain and swelling of an organ?

A.—Yes.

Q.—Resulting from falling on some crossbar or something, falling astraddle a crossbar?

A.—Not resulting from a fall.

Q.—That was the injury was it not?

A.—That was not the view that we took of it, that our officers took of it.

Q.—That is not the view you subsequently took?

A.—Or——

Q.—Just a moment?

A.—I do not recall all the details.

Q.—At any rate, returning to that report of August 13th would you give us the details of that report—it is a very short one?

A.—Yes. (Reads from report):

1. When did the accident occur?

A.—July 19th, 1920.

2. State nature, extent and region of injury.

A.—Orchitis due to a fall.

3. Who rendered first treatment?

A.—Dr. Dover, July 19th, 1920.

4. State your treatment.

A.—Rest in bed; ice and other local and internal treatment.

5. Does the injury wholly disable the claimant from work?

A.—Yes.

6. How long should this injury disable claimant?

A.—Six weeks.

7. Is the claimant now able to resume work?

A.—No.

8. Will there be any permanent injury resulting from the accident?

A.—Cannot say.

9. Had he any previous physical defect?

A.—No.

10. Is there any reason to suspect that this claim is not an honest one and free from misrepresentation or concealment?

A.—No.

Q.—In that case he gave you the name of the doctor who had rendered first aid as Dr. Dover?

Yes.

Q.—I see from the records that you communicated with several doctors, Dr. Dover, Dr. Davies, and Dr. Dobbie?

A.—Dr. Dobbie was a referee. In cases of doubt the practice is in accordance with the Act to have the man go to an independent doctor.

Q.—Did you get the opinion or did you write to Dr. Davies and Dr. Dover referring the case to Dr. Dobbie as referee?

A.—We have a report from Dr. Dobbie; I do not see the correspondence in this file.

Q.—I saw a memorandum there that they had been written to?

A.—We have here though, I see, a letter from Dr. Dover.

Q.—What is the date of that?

A.—October 25th, 1920.

Q.—What does he say?

A.—He says: "On consulting my records find that I treated Dan Milks on July 19-20. My diagnosis then was an acute exacerbation of chronic tuberculosis of the organ. He gave a history of long standing swelling of the organ. At the time I saw him a couple nodules were adherent to the skin. He volunteered the information that Dr. A. D. Davies had made the same diagnosis.

"He did not report back for further treatment."

Q.—You got a report from Mr. Davies, and then you had a report before that I think from Dr. Dobbie, the referee, on October 13th?

A.—Yes, that is right.

Q.—And Dr. Dobbie was practically in accord with what Dr. Dover had stated with regard to his previous treatment?

A.—Dr. Dobbie says "whether or not there was a blow I cannot state, having only the man's statement, but the present condition corresponds to that described as being present on the 10th May 1920."

Q.—Dr. Dover himself speaks of an acute exacerbation, that is a condition that might be the result of a fall or injury?

A.—I think the condition existed before the supposed accident.

Q.—What I am pointing out is that here is a case in which Dr. S——, being called in, having a certain history given to him of a fall, diagnoses the injury to the organ as being the result of a fall of which he has a history, an immediate injury?

A.—Yes.

Q.—He knows nothing with reference to Dr. Dover's previous treatment; you get Dr. Dover's report, you see Dr. Dover had rendered first aid and Dr. S—— in his report to you, the very first report, points out that Dr. Dover had rendered first aid—that would be an indication would it not that he knew of no reason why you should not consult Dr. Dover? He gave you Dr. Dover's name as the man who had rendered the first aid?

A.—I don't know how we got Dr. Dover's statement; I cannot find the correspondence here.

Q.—That you got from the report of August 13th which you read?

A.—Apparently the files have got mixed. Somebody has put the correspondence file belonging to the claim into the doctor's file.

Q.—I have not taken the documents out of the clip as they were attached together. You gave us in Dr. S——'s report of August 13th the statement that you read "Six weeks disability, no previous defect—Dr. Dover gave first aid"; your knowledge of Dr. Dover in connection with the

case then came from the attending doctor's statement that Dr. Dover had given first aid, you see?

A.—I cannot say how it came.

Q.—Don't you see that, in the document you had there a moment ago, the report of August 13th which referred to Dr. Dover having given first aid?

A.—Yes.

Q.—What I want to point out is this, the attending doctor S— in his report to you refers to Dr. Dover—you find out about Dr. Dover through that source, that Dr. Dover previously treated him; you got also the report of Dr. Davies, and you got the report of Dr. Dobbie, and the report of these three doctors indicated that any temporary injury might have subsided as a result of the accident of July 19th, when they examined in October they found evidence of the pre-existing condition which Dr. Dover had earlier treated; do you think it was fair then under those circumstances to send a notice to Dr. S— to make an inquiry, on the 1st December, and then refuse to employ him further?

A.—I do not remember the details of this case, but looking at the letters here I think that our medical officers—our medical officers of course advised us in the matter—our medical officers wrote Dr. S— asking him for an explanation. I fancy we did not get any from him, did we?

Q.—You wrote him; he has given you all his explanation; he gave you an explanation, and on the 30th August the employer said that was the first trouble there.

HON. MR. ROLLO: Several pointed requests for explanation ignored is one of the reasons given?

A.—I cannot remember all the details of this case.

MR. DEWART: I call your attention to it, and I see on the 23rd November there is a memo which I will refer to afterwards, that on the 24th November you sent a notice to Dr. S— of an inquiry at Toronto on December 1st, and that subsequently on the 20th January the doctor was notified that the Board will not employ him?

A.—That is going too fast.

Q.—I will ask Mr. Wormith to take these down so that we will resume at this point next day.

A.—To avoid any misimpression, our doctors wrote Dr. S— to this effect: "In none of your reports to the Board have you intimated that claimant was suffering other than from simple Orchitis, the result of injury, yet a report from Dr. J. A. Dobbie, Medical Referee, also reports we have received from other doctors, who have seen claimant from time to time, show that he is and has been for some months suffering from Tuberculosis of the organ.

"We cannot conceive of the possibility of your being unaware of this condition as it has been shown that Claimant himself knew what his trouble was and volunteered the information to different doctors who examined him.

"We would be glad to have an explanation from you as to why you failed to mention this matter in any of your reports to the Board."

We did not get an explanation.

Q.—Is there any suggestion anywhere in that file that the patient had communicated the fact of the previous condition to Dr. S—?



A.—I could not say off hand. But in addition to that letter we then gave Dr. S—another chance, gave him a notice that the Board would at a certain day and time consider his case. He absolutely ignored us, gave no answer, no response, no explanation of any kind.

Q.—He did not come up from Ottawa?

A.—He did not come up from Ottawa or write up from Ottawa.

The Committee adjourned at 11.10 A.M. to 9.30 A.M. Tuesday next, June 6th, 1922.

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PUBLIC ACCOUNTS COMMITTEE.

June 6, 1922.

The Committee met at 9.30 A.M. Tuesday morning, with Mr. Watson in the Chair; H. H. Dewart, K.C., examining.

MR. SAMUEL PRICE, recalled:

Q.—Mr. Price, I was working up one or two cases when we adjourned last week so as to see how the Act worked out in your Department, and I think I was referring to case number 24.

A.—Yes.

Q.—Dr. Smith of Ottawa; that was the case in which, from the papers, the doctor was informed that there had been an accident and an injury by falling straddle or something, and that there was pain and swelling, which he diagnosed as being Orchitis, and I think I pointed out to you that in the first report he gave the name of the doctor who had previously treated him?

A.—Yes; I don't know as to what story he got of an accident, Mr. Dewart; I cannot subscribe for that part.

Q.—Do you not get that from the employer and employe himself?

A.—Well, he would not get it from the employer.

Q.—What is the account that is given by the employer of the accident? (reads) "Slipped while placing tool in lathe, injured right testicle. It doesn't say what he struck on.

A.—What does the man's report say?

Q.—"Slipped while placing tool in lathe." The same wording. Then you realize, do you not, that if there was an injury and swelling as a result of striking that organ that it would be difficult, if not impossible, to have diagnosed a previous tuberculosis?

A.—Well, I am not a doctor, Mr. Dewart.

Q.—Well, you undertook to deal with the case as you have with many others, Mr. Price?

A.—Oh yes; on the recommendation of our own doctor—

Q.—Where do you find—take my questions as they come, please—anything that indicates that there was brought to Dr. Smith's attention the knowledge of the previous tuberculosis?

A.—Our doctor's opinion—

Q.—Where do you find anything that indicates that Dr. Smith had any knowledge of previous tuberculosis?

A.—Our doctor's opinion—

Q.—I did not ask your doctor's opinion. I asked you where you found he had any knowledge of previous tuberculosis?

A.—I say again, we act on the recommendation of our doctors.

Q.—Going over the files I have been unable to find anything to show he had any such report or any reason to suspect such a thing, having regard to the injury?

A.—I think we had very good reason, Mr. Dewart.

Q.—He gave you the name of the doctor who previously attended?

A.—Yes, one of a number of previous attendants.

Q.—Dr. Dobie?

A.—Yes.

Q.—And you could have found out by inquiry from him, and subsequently did find out by inquiry from him?

A.—From him and also by inquiry from other doctors.

Q.—Also you engaged Dr. Davis and Dr. Dobie?

A.—We asked Dr. Davis for information and we referred the case to Dr. Dobie as our Referee.

Q.—Do you find the letter or report of the employer under date of August 20th?

A.—Letter or report?

Q.—I have a note here August 30th, memo from the employer. I may say I understand from the secretary you have made some complaint of the order of your papers. I have found them miserably arranged in all the files, and they have not been altered from the time they came to the Committee Room?

A.—I don't know how you found them, but I know how I left them, and I was not raising a complaint. But the last day you referred to this case and I wanted to look up the files I found they had been disarranged.

Q.—I may say they have not been disarranged from the clips?

A.—I didn't say for a moment—

Q.—The suggestion was made to the Secretary.

A.—I said that they have been disarranged and say so still, and I can tell you in what way if you want to know.

Q.—I may tell you the disarrangement was in your own office.

A.—It was not in our own office. This correspondence file had been taken out of the claim file and put in the doctor's file and when you asked me about this case the other day I was confused and could not locate the letters.

Q.—Did you find any paper had been taken from its order in the clip?

A.—I did not say that.

Q.—All that happened was that one file was put—

A.—And you have no right to say the disarrangement was in our office, because it was not.

Q.—You will find the papers relating to one case scattered over four files.

A.—I would like to see that if that is true.

Q.—Well, we will come to it. Then, have you any other cause of complaint against Dr. Smith except this one case of mistaken diagnosis?

A.—I don't recall any other, but you are not correct in saying it is a case of mistaken diagnosis.

Q.—Have you turned up the employer's letter of August 30? The accident had taken place on July 19, 1920.

A.—Yes; we have a letter from the employer dated August 30.

Q.—What does he say in reference to this?

A.—He says this: "The man's legs were straddled across a boring bar which was in the lathe. He somehow slipped and in falling his right testicle was struck by the boring bar which caused the accident. This is the first trouble in this particular."

Q.—When you found the employer reporting that as a result of the information he must have received from the man on August 30, can you blame the doctor for being under the same misapprehension that the employer was when he would have the same source of information?

A.—Most decidedly I blame the doctor. It is the doctor's place to diagnose the case, and every doctor would in a case of this kind, he should ascertain the history, and if this doctor had taken the pains to ascertain the history all the other doctors had taken he would not be in ignorance of the nature of the trouble.

Q.—Do you not see, in so arbitrary an assumption in this case as I shall show you make in others, that when there is a direct statement under the date of August 30 from the employer that this is the first trouble in that portion, that that is the same information which must have reached this doctor and on which he acted.

A.—I don't think so; Dr. Dobie found out the history; Dr. Davies found out the history; all the other three doctors found out what was the matter.

Q.—Dr. Dobie had treated him before and knew the condition?

A.—True.

Q.—Dr. Dobie is the man who had treated him before and was referred to in Dr. Smith's report to you?

A.—Yes; that same report said there was nothing the matter with him. What brought the matter up was another letter from the employer. We received another letter dated October 6th from the employer. The employer says in that letter:

"It is our opinion that this employer would not be long in returning to work if no more payments were forthcoming.

"We wish to be fair and do not pretend to understand the exact nature of injury, but have report that this employe (unmarried) is quite content to be idle, and can get along very nicely on liberal compensation he receives.

"We are sorry to so advise and have hesitated for some time, but thought your Board could perhaps request a report from an independent doctor."

Q.—And you practically took the case out of Dr. Smith's hands and acted upon the report of Dr. Dobie, whose name he had given you, and Dr. Davies and Dr. Dobie, from whom you got reports in October. Is it not a fact that you practically took the case out of Dr. Smith's hands and left it for the independent reports of these doctors?

A.—No; we did not take the case out of Dr. Smith's hands, but we appointed a referee to examine this man and report to us, and we made inquiry

from Dr. Davies and Dobie, the other two doctors who had knowledge of the case.

Q.—Then, under these circumstances, you suspended Dr. Smith and notified him on the 20th of January that the Board would not employ him?

A.—I beg your pardon; you are skipping a great deal. Our Medical Officer first wrote—

Q.—I am well aware that you had an inquiry at Toronto, and that after the inquiry you notified Dr. Smith that the Board would not employ him.

A.—You were taking three jumps in one. Our Medical Officer first wrote Dr. Smith, putting the matter up to him—the letter which I read the other day. A follow-up went out, but Dr. Smith did not answer, asking him for a reply. We still got no response. And then he got formal notice that the Board would on a certain day in its offices consider whether he should be further employed by the Board in Workmen's Compensation Board cases, and we got no response of any kind from Dr. Smith.

Q.—Was Dr. Smith notified that these inquiries had been made by the other doctors and that you had their reports?

A.—Oh I cannot say as to that. The file would show, but I do not recall.

Q.—Do you find anywhere in evidence that Dr. Smith had information of the previous condition, tubercular condition, at the time he made the report to you?

A.—All I can say is that if he did not have it, as a doctor he should have had it.

Q.—In any event on that diagnosis he made, and because of his failure to answer your letters you suspended him?

A.—Yes.

Q.—And you consider that within your powers under the Act?

A.—Yes; within our duties under the Act.

Q.—Powers is what I asked you, under section 44 A. Had you any other difficulty with Dr. Smith in any other case?

A.—I don't recall that we had, Mr. Dewart. I cannot say absolutely. I certainly would consider that enough.

Q.—I believe that you are rather thin-skinned with reference to remarks that are made in some of the correspondence, Mr. Price?

A.—We all are inclined that way sometimes.

Q.—I see a number of cases in which the doctors think that the fees were too low?

A.—Yes; the lawyers think that too sometimes.

Q.—I did not ask you that sir. You have impertinently suggested in your report of 1919, the paragraph to which I refer, in which you undertake to refer to the "ambulance-chasing lawyer."

A.—I'd be very glad to have that in.

Q.—The lawyer has no status before your Board?

A.—Well now, I tried to explain that to you last day. In a proper case we are perfectly willing to have a lawyer attend.

MR. SINCLAIR: What is the case where a lawyer has any status at all before your Board.

A.—In any case other than a claim for compensation we have no objection at all to a lawyer, and if in a claim for compensation there is any reason why a lawyer should attend we are willing to have a lawyer attend.

Q.—Has that been your practice?

A.—Yes, numbers of cases.

Q.—But you know, Mr. Price, that you have declined to answer the letters that come to you from lawyers urging certain matters.

A.—Well, you are mixing things a little now. We were talking about attendances before. Our rule certainly is to deal directly with the claimants as far as possible. If we get information from a lawyer we are willing to act on it, but we don't want the continued correspondence with a lawyer, and we will not under any circumstances send checks in payment of compensation to a lawyer. We are anxious to send them direct to the workmen themselves.

MR. WALKER: Can you justify that Mr. Price?

A.—One reason is we do not want the workmen to be put to expense. It was certainly never contemplated that the Act was framed so that the workmen would have to pay lawyers' fees.

Q.—Then I notice further on, after the Act came into force, there was a very common feeling amongst the doctors, evidenced by the correspondence, that the fees allowed were too low?

A.—I do not think it is right to say that there was a very common feeling.

Q.—Well, I say as evidenced by the letters produced here in these cases. One of the cases of complaint I see by the doctors who have been suspended from your visiting list, one of the greatest causes of complaint was the small fees that were allowed for their continued attendances?

A.—Yes; that is one of the most frequent causes of complaint perhaps, but there are comparatively few doctors that complain of that.

Q.—Do you not think that where that complaint was made it largely arose from lack of understanding with reference to fees and the schedule?

A.—No doubt there was a good deal in that Mr. Dewart, until they got to understand the work.

Q.—I notice for example a doctor in Ottawa, number 10, who wrote you in 1919, complaining about "one measly damn little check for \$5.50." You recall that?

A.—I do; I recall the doctor too, pretty well. He is reinstated I may say.

Q.—Well then, if a doctor uses a remark of that kind in a letter and incurs your sovereign displeasure, is that sufficient ground for suspending him?

A.—I would be glad if you would leave that out, Mr. Dewart.

Q.—I think it is quite proper?

A.—Well, I don't think it is, Mr. Dewart.

Q.—Then is it a fact that a reference of that kind is considered sufficient so far as you are concerned to justify your suspending a doctor?

A.—I do not think it is proper that a doctor or anybody else who is in effect an officer of the Board should use that kind of language in the conduct of our work.

Q.—And you would consider that sufficient to justify suspension?

A.—Unless he withdrew it we probably would.

Q.—He has to be polite?

A.—Oh, I think everybody recognizes that business should be carried on in a reasonable way.

Q.—What I mean to say is this, that in dealing with these matters do you not consider these little pin pricks might be overlooked?

A.—Oh yes; we have to overlook and do overlook a good many.

Q.—But in that particular case you did not overlook that until the doctor made his due apology for having been hasty and said he was willing to retract what he had said?

A.—Yes.

Q.—And then he was reinstated?

A.—Yes.

Q.—Then, going back—I have got the key to this now—I see a case, Dr. Tillman of London, who also complained about not being allowed large enough fees?

A.—Yes; I remember that.

Q.—And apparently he got under your skin when he talked about the taxing of his accounts and not wanting any country doctor to tax his accounts and so on?

A.—Yes.

Q.—You recollect his remarks of that nature?

A.—I recollect a number of them, Mr. Dewart.

Q.—He didn't want a village doctor with political pull paying him a dollar for attendances?

A.—Yes; no warrant for that at all. There never has been any politics in our administration in the work of the Board.

Q.—And I see in another letter he speaks of the fees befitting a lodge doctor in a police village?

A.—Yes.

Q.—Those remarks in his correspondence were considered as sufficient justification for his suspension?

A.—If I remember aright I think he intimated that he did not want to work for us any more.

Q.—You suspended him; although there was nothing so far as his medical work was concerned or anything else except the remarks he made in his correspondence?

A.—I don't think there was anything against Dr. Tillman so far as his medical ability is concerned, but he would not co-operate with the Board.

Q.—In what way would he not co-operate with the Board. I find no reference to that in your precis there?

A.—He was very much dissatisfied.

Q.—How do you say he would not co-operate, because I fail to find anything that indicates a lack of medical ability or proper treatment, or irregularity in the work?

A.—His attitude was antagonistic, Mr. Dewart.

Q.—Well, he thought you were not treating him fairly in cutting him down to dollar fees in a city like London.

A.—I am sorry he should think so, but we did not want to cut him down unduly.

Q.—What does your letter of suspension say?

A.—“As no response has been made to our letter of January 25, the Board has directed that you are not in future to be employed by the Board under the medical provision of the Act.”

Q.—He did not sufficiently apologize to my lords of the Workmen's Compensation Board?

A.—Well, I object to that.

Q.—He did not sufficiently apologize to satisfy you?

A.—He did not respond at all to the notice he got.

Q.—And he has not been reinstated?

A.—No.

Q.—And is still under your ban?

A.—He has not been reinstated.

Q.—And is still under your ban?

A.—If you put it that way; we don't use that expression.

Q.—Although you know him to be a doctor in the best of standing in his city of London?

A.—Well I do not know anything about him as far as that is concerned.

Q.—You took a great deal of trouble to inquire in other cases. Is it not a fact that he is a doctor in the best of standing amongst the medical profession in London.

A.—I have had no reason to doubt his medical standing.

Q.—Do you not think then Mr. Price, when your temper has cooled a little you might fairly reinstate Dr. Tillman?

A.—Well, there was never any temper about it as far as Dr. Tillman was concerned or any other doctor.

Q.—Then I see another doctor, Dr. J. S. McCullough, 394 Bloor Street West, Toronto.

A.—What is the number of that, please?

Q.—Number 6. I am keeping to cases in which the files have been produced. The reason appears from your short synopsis that he was dropped on account of contemptuous letters and refusal to render accounts on prescribed form or according to the Board's rules. That he said the Board's action was impertinent in the extreme in setting forth a schedule of fees, apparently not understanding this had been approved by the College of Physicians and Surgeons—

A.—If he had looked at it he would see because it is marked at the bottom of the schedule.

Q.—And you are aware that the College of Physicians and Surgeons has reported that it feels the schedule of fees are too low?

A.—No.

Q.—Did you not gather that?

A.—No. I think you are perhaps thinking of the Medical Association.

Q.—I beg your pardon you are quite right. The Ontario Medical Association. Well, your memorandum is that, he “should like to know whether he is dealing with a man or an individual in a socialistic way.”

A.—Yes.

Q.—And he said he would prefer running a hen farm?

A.—Yes.

Q.—And in view of that he was suspended?

A.—Well he got notice in the usual way and he did not respond.

Q.—Well was he suspended?

A.—He discharged himself as you will see.

Q.—Was he suspended by you.

A.—I don't know; we do not use the word "suspend."

Q.—Well then the wording I take from your own memo is "Suspended June 17, 1919." Did you take action and suspend him?

A.—He is off the list of eligibles for Workmen's Compensation Board work.

A.—Was he suspended?

A.—Well, if you call that suspended——

Q.—Did you suspend him?

A.—We do not use that word "suspend" in our orders at all. We make an order saying that the Board will not in future employ or pay such a doctor. That is the wording of the Board.

Q.—Now I propose to have an answer to my question. Here upon your note of this case number 6 I find "Suspended June 17, 1919." Is that correct?

A.—That is correct, according to the use of that word among our officers.

Q.—Is it correct?

A.—It is not the word we use in the Board's order. I have no objection to the use of the word.

Q.—I am taking your own way. Then he said he would "prefer running a hen farm."

A.—Yes, he said he would rather run a hen farm. Any organization that would keep a person like that in their employ would be considered an odd institution.

Q.—This was the subject of correspondence between Dr. Aikins as Registrar of the College of Physicians and Surgeons and yourself?

A.—Yes. I beg you pardon. Dr. Aikins received a letter from McCullough as I remember it and Dr. Aikins wrote to the Premier, and the Premier asked me for a statement regarding the matter and I gave it to him. It is all there.

Q.—And I see that you made a memorandum concerning his complaint. It is marked "S. P.—I. N." so I suppose that means that you dictated it?

A.—Yes.

Q.—And in that memo., amongst other things, you say: "A large number of doctors were found to be exorbitant and unreasonable in their charges." Was there any such suggestion in this case?

A.—Dr. McCullough? I don't recall as to whether there was or not. I do not recall that there was. I think the trouble arose though over fees. Yes, he was complaining that we were not paying him enough.

Q.—Did you consider in this case he was exorbitant and unreasonable in his charges?

A.—Well, we must have if we cut his bills down.

MR. WALKER: Are the fees of the doctors set by the Board?

A.—Yes; but we have a schedule and that schedule as I stated here the



other day has the approval of the governing medical body of the province, the council, and we are paying the doctors twenty per cent. more than the council agreed to accept as proper and reasonable fees. In September 1919 we voluntarily added 20 per cent.

Q.—In this case he was suspended on June 17, 1919, according to your memo. Do you find in some cases the medical men overstepped that and wanted still more?

A.—Oh yes, we certainly did.

MR. DEWART: In your memo you go on to say that a few, some of them, were dishonest in their accounts and reports. Do you suggest there was dishonesty in Dr. McCullough's case?

A.—No, I don't think I could or did suggest that.

Q.—So the reason for his being advised that he would not in future be employed to render medical aid is set out in the correspondence and did not arise from any lack of medical ability?

A.—I don't think so, in Dr. McCullough's case. I think Dr. McCullough is a competent doctor as far as I know. Mr. Chairman, these cases are being gone over, and, although I suppose I am not supposed to take cognizance of conditions, but I understand that this Committee may probably be brought to a conclusion. I would like to have the privilege of putting in anything by way of explanation as we go along. I may have absolutely no opportunity of putting in anything at all.

Q.—What is the source of your information?

A.—It is common knowledge that the House is about to adjourn the session.

Q.—Well, you are aware that a resolution has been passed allowing the Committee to sit during the session of the House. It is proposed to go on until one o'clock to-day.

A.—In any event, I would be glad to put before the Committee the facts of the case as appearing in this memo you have referred to.

Q.—Is there any part of it which you have not read?

A.—Yes.

Q.—Oh, that is that long memo. Well I was pointing out that there were certain suggestions made there and asking you if there was anything corrupt so far as this doctor was concerned, and you said no.

A.—Not that I recall; I cannot recall every instance of every case.

Q.—Is there anything except the difference as to the schedule or scale of fees, and what you call the contemptuous suggestion and remarks contained in his letters that led to what took place?

A.—Yes, the expressed wish not to do work for the Board.

Q.—Under those conditions?

A.—“I would rather be running a hen farm.” I would like to read that memo, if I have permission. This is a report to the Premier of the Province on the case, when he asked me for information.

Memorandum concerning complaint of Dr. J. S. McCullough, forwarded to the Premier by Dr. Aikins, Registrar of College of Physicians and Surgeons of Ontario.

Dr. McCullough is one of the very few doctors of the Province that the Board has felt it necessary to exclude from the handling of Workmen's Compensation Board cases, the exclusion in his case being, in fact, made at his own request after he had refused to comply with the requirements of the Act, and he had stated that he considered the schedule of fees upon which the Board was paying the doctors (and which the College of Physicians and Surgeons of Ontario had approved) "impertinent in the extreme."

The Board does not prevent any doctor who treats a case without knowing it is a Workmen's Compensation case from collecting pay from the workman or person requesting the treatment, though it does refuse to pay a doctor for services after he has been notified that he will no longer be employed by the Board, as was the case with Dr. McCullough.

When the medical aid provisions of the Act first came into effect, there were those who sought to have the Board confine the doctors' work entailed thereby to chosen doctors in the various districts, it being in fact urged upon the Board that this was a matter of patronage belonging to the political party in power.

Though it was felt that there were objections to leaving the work open to the medical profession at large because too often cases would be apt to fall into the hands of the less competent and less reputable members of the profession by reason of such members taking unprofessional and often improper means to secure the work (just as under the old law, damage cases used too often to fall into the hands of what were known as ambulance-chasing lawyers), nevertheless it was thought best at the commencement at all events to leave an open field to all the medical profession subject only to their services being found satisfactory. It will be realized that any doctor dealing with Workmen's Compensation Board cases must conform to the Act and to the rules and regulations of the Board and must not only give proper services, but must also make the necessary reports so that the Board can deal with the matter of compensation, and it will be realized also that the Board cannot pay the fees that every doctor asks, which as is well known, are in many cases much larger when a public body like the Board is making payment than they would be if payment was being made by a private individual. A large number were found to be exorbitant and unreasonable in their charges and a few of them have been found to be dishonest both in their accounts and in their reports to the Board. Some also are so antagonistic to the Act and to its administration that it is plainly not in the interest of the work to have them dealing with Workmen's Compensation Board cases. The dishonest ones have been eliminated as far as possible and when a doctor has been found persistently ignoring the requirements of the Act and showing an antagonistic spirit towards its administration, it would seem a strange condition of things that would require the continuances of the services and payment of such a doctor. The practice has been in such cases to call his attention to what is objectionable and unless there is some indication that there will be no cause for complaint in the future he is informed that his services will no longer be accepted or paid for under the provisions of the Act. Up to the present time twenty-four doctors in all the Province

have been so notified. The majority of these being because of dishonesty and unreliability in their accounts and their reports, and a few like Dr. McCullough by reason of an attitude absolutely incompatible with the smooth and satisfactory working out of the Act.

In a letter written the Board May 24th, 1919, Dr. McCullough, in response to a request by the Board to send in his account monthly as the rules required, wrote that he would not comply with the Board's wishes, though as a fact his account form stated that he was in the habit of rendering his account monthly. He also refused to make his accounts out on the form prescribed by the Board for this purpose, and which provided for the details considered necessary, and for informal declaration to the effect that the services had been actually rendered. He said in his letter he was enclosing all that he expected to enclose in regard to the case. In a letter written on the form of account which the Board sent him in June, 1919, Dr. McCullough said he wanted to know whether he was dealing with cases in an individual or in a socialistic way and that as things stood he would very much prefer having none of the Board's work, stating that he would prefer "running a hen farm." These letters are not attached to the correspondence which he forwarded to Dr. Aikins. It was after receiving these letters that Dr. McCullough was notified on June 17, that as he did not desire to treat Workmen's Compensation Board cases, he would not in future be employed under the provisions of the Act.

In the Walshe case (claim 161598) which arose after Dr. McCullough had written the letters and received the notice from the Board above mentioned, Dr. McCullough appears to have treated the workman, notwithstanding the notice that had been given him that the Board could not recognize his services and he rendered an account to the Board and was notified that it could not be entertained. Nothing was done in any way to prevent Dr. McCullough collecting from whoever requested his services, and if as he states he was unaware that the case was a Workmen's Compensation Board case it does not seem that there is anything to prevent him from making such collection. It may be pointed out, however, that very little inquiry would have made it plain to Dr. McCullough that Mr. Walshe was a Workmen's Compensation Board patient, and the fact that Dr. McCullough filled up a Workmen's Compensation Board form on June 26, shows that he did know within seven days after the accident, if not sooner, that it was a Workmen's Compensation Board case. Up to that time, according to his account, he had only treated the patient once. The other seven items of his account were rendered after June 26. Knowing that the Board would not recognize or pay for his services, it would seem that the fair thing to have done with his patient was to have informed him that the Workmen's Compensation Board would not pay for these services, and leave it to the patient to decide whether he would continue to employ Dr. McCullough or go to a doctor that could be paid by the Board.

Q.—Now you have found, have you, in a good many cases that doctors have refused to accept the scale of fees provided by the Board, especially in the cities.

A.—Oh, a very small number of them, Mr. Dewart.

Q.—Take Dr. Charles Moore of London, has he refused to act for the Board?

A.—I don't recall that he has. I don't know that he ever acted for the Board to any extent.

Q.—Have you a copy of the document you refer to here in the schedule of fees, where you say the schedule has been approved by the Council of the College of Physicians and Surgeons?

A.—It appears in the literature. It appears at the bottom of—

Q.—I asked you have you a copy of the document in which that approval was given?

A.—Oh yes, yes. The schedule was framed in the early part of the year 1918. The president, the then president of the College, Dr. Crane, acted for the College. Yes, I see the letter here, formal notice of approval. I understood it was approved some time previously, but we got notice from Dr. Aikins in a letter dated April 29, 1918; (reads)

“Dear Mr. Price;—

“I beg to inform you, that the Executive Committee of the College of Physicians and Surgeons of Ontario, has expressed interim approval of the Schedule of Fees prepared by the Workmen's Compensation Board and submitted to the College.

“Further approval by the Council itself cannot be had, until it meets in June next.”

“Respectfully,

“H. WILBERFORCE AIKINS,

*Registrar.*”

Then in June we got a further notice from the executive; (dated June 27)

“The Executive at an interim meeting some months ago, received a statement of the Schedule of Fees from the Compensation Board, and decided that said Schedule was reasonable and on the whole acceptable and accordingly we now recommend the adoption of this view or attitude, to the Council.”

(Signed) “W. E. CRAIN.”

And another letter, July 12, 1918, from Dr. Aikins;

“I beg to enclose copy of Report of Special Committee having to do with matters cognate to the operation of the Workmen's Compensation Act, which report was adopted in Council by this College at the meeting of the Council held two weeks ago.”

(Signed) “H. WILBERFORCE AIKINS,

*Registrar.*”

Q.—And from that time on there has been no revision of the fees?

A.—Yes.

Q.—Except by your allowing twenty per cent.?

A.—We added twenty per cent.

Q.—I notice in your general provisions to which you referred the other day, item seventy, provides fees higher than those specified in the schedule will be approved when in the opinion of the Board circumstances so warrant?

A.—Yes.

Q.—It would not be unreasonable therefore, for a doctor to render an account for a higher sum if he thought his services warranted that?

A.—Oh no, we allow them every day.

Q.—And it would then be subject to your taxation?

A.—Yes.

Q.—And do you not think that a professional man of high standing in the city might be allowed more than one dollar attendance, that is the common amount you allow?

A.—Well, I do not think it would be right to do that, Mr. Dewart. We are following in that regard the same course that has been followed in all the other Provinces. There are uniform fees for the whole of the Province. I think it would be objectionable to make distinctions in different parts of the Province. Of course in the case of a man of high standing in his profession we propose he should get a fee commensurate—

Q.—I notice a case where Dr. Marlow went to Hamilton to make an investigation and you made a fee of twenty-five dollars?

A.—He did not even go to Hamilton. It was done here. I can show you sections of letters from doctors expressing satisfaction with the fees.

Q.—I did not ask that. I have no doubt there are a great many men that are glad to get small fees.

A.—They do not regard them as small.

Q.—But in that case of Dr. Marlow, he was paid twenty-five dollars for one attendance?

A.—Oh no, he had a woman in the hospital and attended her for quite a time.

Q.—I thought she was merely here under observation, particularly by Dr. McCullough, at one time.

A.—I would not say a fee of twenty-five dollars might not be exorbitant in some cases.

Q.—Now, I would like to take up case number sixteen—I am just trying to go over them—that is Dr. Tuck, Dr. J. A. Tuck, 604 Bathurst Street. Now I see he treated a number of cases; in August, 1917, a man named Lewis Robertson, where there was a bill of \$28, and he was allowed \$14; a man named Smith, in December '17, where his bill was \$29, and he was allowed \$15; in August of 1919, a man named Doyle, a fracture case, where his bill was \$10, and he was allowed \$5; and then a man named Clarke, May, 1920, where his account was reduced from \$44.00 to \$37.50; that was just in the ordinary course of taxation of his account?

A.—Yes, I think most of those, a number of those were in the earlier days before we really had the schedule fixed, Mr. Dewart—some of them were.

Q.—The first two were 1919; and then on the 10th of September he seemed to make a sarcastic reference, as you call it here, as to the generosity of your Board. And then the memo is that he was suspended after notice June 9, 1920. Now was there anything to complain of except these sarcastic

expressions in his letters, such as "generosity of your noble board," and another letter which he wrote, "some people cannot see charity except at home," and his threat to take up the matter of reinstatement if necessary on the floor of the House. These were the causes of his services being dispensed with?

A.—That was the substantial effect?

Q.—No complaint so far as his medical conduct is concerned.

A.—I don't know anything against Dr. Tuck's professional standing, Mr. Dewart.

Q.—Apparently he was reinstated after the first suspension? in June, 1920?

A.—No, not Dr. Tuck. You must be looking at the wrong one, Mr. Dewart. Dr. Tuck was not reinstated.

Q.—Is there a memo in his case under date March 22, 1921, or have I got another case?

A.—Number sixteen is the case.

Q.—I thought there was a 1921 file in his case. And in view of the doctor's threat that he might take proceedings he has not been reinstated.

A.—I don't know that the Board would object to reinstating Dr. Tuck if he showed a disposition to work in harmony with the Board.

Q.—You would require an apology from him, would you?

A.—Well, we should have a withdrawal of the threats. The difficulty, the chief difficulty with him was his attitude, that was indicated by the character of the letter he wrote.

Q.—If as a matter of fact he suffered injustice, or believed he did, do you see anything wrong in his suggestion. I think he had a lawyer write you a letter, did he not?

A.—Yes.

Q.—The fact that he wanted to enforce what he believed to be his rights would be no ground for your continuing his suspension would it?

A.—No; not at all, Mr. Dewart. The only thing would be to be satisfied that he would work in harmony.

Q.—And you have not reinstated him. This is the case in which, notwithstanding your memo of April says; notwithstanding that Dr. Tuck knew the Board's position he still treated some workmen and forwarded the accounts to the Board. When the reports were received showing that Dr. Tuck had been in attendance, the workmen were notified that it would be necessary for them to procure a report from some other doctor, as Dr. Tuck's services were not satisfactory to the Board. That, I see, is your mem.

A.—That is not as a fact my memo; that is the secretary's memo, I think.

Q.—"N.B.W."

A.—That would be Mr. Wormith.

Q.—I see. And then there is a reference to a lawyer's letter and so on, and proceedings, and bringing the matter up on the floor of the House. Now let me ask you this question, Mr. Price; supposing a doctor has incurred your displeasure and has been notified his services would not be—

A.—Oh, I don't think that "incurred our displeasure" is correct. That is not our attitude.

Q.—Is there any other term that would please you?

A.—Yes, a doctor does not show a disposition to co-operate with the

Board and work in harmony with us; that is the whole point.

Q.—But when you find a doctor, after being suspended has given first aid to persons who have come to him without knowledge of his position so far as your Board is concerned, is it your position that you will not allow him any fees for giving first aid to these persons?

A.—If it was really an emergency matter and another doctor was not at hand we will pay for the emergency treatment if the matter is presented to us.

Q.—It is not a question of whether another doctor is at hand or not. A person who is injured comes to the doctor whose services you are not approving of, and that doctor as is his duty renders him first aid and assistance. Do you undertake to say you will not allow the doctor to be compensated for the service he renders?

A.—Not if it was reasonable to have another doctor without injury to the man; that is exactly the attitude that railway companies have carried on for years.

Q.—I am not asking you about railway companies, but about a corporation that is supposed to be the servant of the people. So far as these are concerned you would not approve then of Dr. Tuck giving treatment and first aid while under suspension?

A.—Yes; we would pay Dr. Tuck for emergency treatment, what we call emergency treatment, if there were not another doctor readily available, and we have done that right along. That is the policy that is followed in other Provinces under similar Acts.

Q.—I see under date November 30, 1920, Messrs. Johnston, Grant, Dodds and Grant, through Mr. Gideon Grant, a member of the firm, wrote to the Workmen's Compensation Board regarding a list of seven accounts of small sums and aggregating fifty-one dollars and in your reply you say, November 19th, 1920, or Mr. Wormith says:

“In the performance of its duties under the Act the Board decided that Dr. Tuck should not be employed for Workmen's Compensation Board cases, as his dealings with these cases were not considered satisfactory. As Dr. Tuck has persisted in dealing with the Board's cases notwithstanding that notice of the Board's decision had been given him, it became necessary to notify the claimant that his services could not be accepted. The Board does not desire to do anything to injure Dr. Tuck and so cannot permit itself to be coerced or frightened into employing or recognizing or paying for his services when it does not consider it to be in the interests of satisfactory administration of the Act to do so.”

Now I am unable to find, Mr. Price, anything to show that the dealings of Dr. Tuck with any of these cases was considered unsatisfactory, that is his medical treatment.

A.—I cannot recall the circumstances. I do not know that there was anything unsatisfactory in his treatment. I am not prepared to say there was.

Q.—Then the mere fact that there had been what is put here as sarcastic letters and the threat to bring the matter up—was there anything else besides that as to which there was complaint against Dr. Tuck?

A.—He was grumbling continually about the fees. It was very evident that he was not satisfied, antagonistic, not harmonious with the Board's ideas of the working of the Act.

Q.—And although you had reason to believe that he had in good faith rendered these services to the seven persons you refused to make any payment to him?

A.—No; I don't think he rendered them in good faith after he was told we would not employ or pay him.

Q.—And you think if a person came to him asking for attention and aid that Dr. Tuck might not fairly expect you to act in as large a way as he was and give him the fees when he was giving service?

A.—Decidedly not.

MR. WALKER: Is it not just possible that a lot of these men when they are injured are not aware that a doctor's services have been suspended and they go to the doctor.

A.—That sometimes happens, but as soon as we find it out we immediately tell the workman we cannot pay that doctor. The doctor already knows and the doctor in fairness ought to tell the workman I will treat you if you like, but the Board won't pay me, and let the workman use his judgment and pay the doctor himself.

DR. STEVENSON: Well supposing a doctor lives across the road, and there is no other doctor for a long way; someone might be injured and the man might die before they could get the other man. The man across the road would not know what the accident was, and you would be responsible for the death of the man?

A.—We would not be responsible.

Q.—The man would die before he would get another doctor; I think that is square.

A.—I don't think that we have had such a situation.

Q.—If the order of the Board was applied that man might die.

A.—That is not so.

Q.—Well we had up in London an emergency case in which a man was struck on the leg and they could not get a doctor and he was just bleeding to death, and he bled to death.

A.—It would be a queer doctor that would not attend to the case.

Q.—But he would not know what the accident was?

A.—Well, I don't think any doctor that would fail to inquire what the accident was in such a case would be worthy of the name of doctor.

Q.—Well they would call him over and say there is an accident; for instance, Highman's Tannery, in London, would not call him?

A.—They should.

Q.—But they can't. He would not get paid.

A.—If you find such a case as that and bring it to my attention I will pay for it myself.

Q.—Well, that is not the question. The man would be dead. I have seen them hunting around London, going to ten men, getting men to go, and the man would be hurt, and Highman's would not call him; Tillman could not go and that man might be dead before you could get another medical man.

A.—In an emergency case a doctor should be got and the Board would pay for an emergency case.

Q.—But you don't do that.



A.—But we do.

Q.—But I mean if the orders of the Board were complied with. Tillman could not go?

A.—I do Tillman the justice of saying I think he would go.

Q.—Don't you see this Tillman lives right opposite the factory and they always called him before you turned him down. A man might bleed to death.

A.—I can only say they should call Dr. Tillman, and Dr. Tillman would attend to the case I have no doubt.

Q.—But your orders are emphatic?

A.—But we won't employ him or pay him; that doesn't hinder anyone from calling him in, and they ought to call him in an emergency case.

MR. DEWART: I take it, Mr. Price, from the returns in a number of cases, without going into them more particularly, that if you make an inquiry of a doctor who is reporting on a case, asking him for further particulars or information and he fails to answer your letter or letters, that would be considered as sufficient ground for notifying him his services would not be acceptable?

A.—Oh yes; if a doctor won't give us information we cannot possibly handle our work.

Q.—Although he may think that the information is quite sufficient, if he doesn't follow up you will say, well, "Good-by?"

A.—Surely a doctor should give the information.

Q.—Then I notice a case, number twenty-five. I have not seen the papers. They were not produced and I just conclude that is Dr. Fissette, of Brantford. The note in this case is—I will read it:—

"Complaints about fees allowed, numerous and persistently continued letters and remarks about 'usurping right to decide fees' 'Autocracy' 'It takes a thief to catch a thief' 'nuf sed' 'reserve the right to be branded a liar' 'arrogant autocracy'."

MR. DEWART: And you resented these kindly observations?

A.—No; I don't think it is quite fair to say I resented it. I would be glad if you would read the letter I personally wrote the doctor.

Q.—I have a summary of it.

A.—No, no. I'd be glad to read the letter. You are not interpreting it right.

Q.—I am taking your own memo, if you want to read it well and good.

"Chairman finally wrote him November 19, 1919, pointing out that this was out of place in business correspondence, and suggesting that perhaps what had occurred was owing to a misunderstanding or difference in point of view, and if so there should be no difficulty in removing the trouble, but if on the other hand there was antagonism and lack of sympathy with the Act and its administration there would be nothing to do but discontinue further dealings. Doctor replied that discourtesy was 'most remote from his mind'."

MR. PRICE: I think he was a little sarcastic there.

MR. DEWART: I think not sir, when we have men so thin skinned as the Chairman.

"Later further complaints about taxation of bills, etc., again took place and the doctor threatened in claim 185844 to keep patients in the hospital unless larger allowances were made for office dressings. He was written

that this must not be done. He again talked of autocracy and said he was certainly going to make a boarding house of the hospital rather than a charitable institution out of his office. The Board warned him the result must be refusal to employ him in Board cases. No satisfactory reply was received, and after notice, doctor was suspended May 9th, 1921."

Q.—Is that a fair summary?

A.—I think that is a fair summary.

Q.—And he has not been reinstated?

A.—No. He made no reply to the notice, Mr. Dewart. I think that is one point I should add.

Q.—That is here. I read that here:—"The Board warned him the result must be refusal to employ him in Board cases. No satisfactory reply was received and after notice the doctor was suspended May 9th, 1921."

Q.—Now, Mr. Price, in a case of that kind where there is nothing so far as the medical treatment is concerned that is amiss, do you not think that the Board of its own volition ought to make the reinstatement?

A.—The chief difficulty there at the end of the matter Mr. Dewart is this; that Dr. Fissette threatened to keep patients in the hospital improperly to suit his own convenience; the dollar fee was not large enough, and he intended to keep them there. He would get the dollar fee and the hospital would have to attend to the dressings, and he persisted in saying that he would do that. You cannot surely continue to employ a doctor who takes that stand.

Q.—So that is your view with reference to that.

Q.—Then do you remember one in which you complained with reference to the doctor's services and he returned the check for the account?

A.—Oh we have several cases where that happened. I don't know which one is referred to. Of course he was—I don't think he was justified. We want to give a proper fee.

Q.—There have been cases I notice here and there in which upon inquiry it has turned out that the doctor has mixed accounts, which might happen, and explained the circumstances to the Board?

A.—Yes; not always satisfactorily.

Q.—Not satisfactorily to you?

A.—No.

Q.—Then I see that there are some cases in Hamilton, two cases, number twenty-nine and thirty, Dr. Nancekivell and Dr. Rogers. They appear to be gentlemen who were employed largely by the workmen of the Steel Corporation of Canada, and the Hamilton Bridge Co.

A.—Yes; one of the plants of the Steel Co., not the big factory.

Q.—Now does not the difficulty there appear to arise from the fact that one doctor took over the other doctor's practice, and that in some cases the certificate was made by the doctor who is interested in half of the account rather than by the doctor who had made the actual attendance? You recollect that?

A.—No; that was not the essence of the difficulty, Mr. Dewart.

Q.—Your note here under the second of the Nancekivell cases says;

“The Board finds that doctor who took over another doctor’s compensation work along with other practice, under arrangement by which the latter was to receive half the fees although doing none of the work, rendered an account containing items of service which he did not render.”

Q.—Stopping at that point, that means that the person to whom he had handed over the work rendered the service, and he, having a half interest, rendered the account?

A.—No; it means the services were not rendered by either doctor and the account was falsified and dishonest.

Q.—And you undertook to say;

“And falsely declared to the correctness thereof and it is believed in an attempt to cover up the fraud subsequently made alterations in his original record of attendance.”

A.—Yes.

Q.—Now have you any evidence to support that charge?

A.—There was a hearing before the full Board and that was the unanimous finding of the Board.

Q.—I endeavored to decipher the notes of somebody but was unable to follow the hieroglyphics. What evidence was there before the Board?

These doctors’ books were produced and they were palpably altered. There was not any manner of question about that.

Q.—Well, I would like to put in the evidence taken before the Board; it would take some time to read it.

A.—That is only notes.

Q.—I went over the papers with some care last night because the charges there were rather serious and I was unable to find any evidence to support the suggestion.

A.—The evidence was not taken down.

Q.—I had been unable to find in the files any suggestion of evidence supporting the charge that he had falsely declared to the correctness of the account.

A.—It is not a charge.

Q.—The charge here is that he falsely declared to the correctness of his account and that he subsequently made alterations in his original records to cover up the fraud.

A.—I can only tell you again that that is not a charge; it is the finding of the Board after taking the evidence.

Q.—That stands in your books as a charge against the doctor, as a reason why he should not be engaged?

A.—It is a copy of the finding of the Board.

Q.—Well, that is a very fine distinction. It stands as a charge against the doctor on your books? Where is there evidence to show that there was a false declaration made or alterations in these files?

A.—I did not say evidence was produced; the evidence was taken *viva voce*.

Q.—Well, can you tell me where is the evidence that would justify the charge?

A.—You have it there, claim 202134. The doctor always makes a declaration that the services were actually rendered. We found on the taking of evidence and the examination of Dr. Nancekivell's books that a large number of these items that he charged for and declared to, were not rendered at all. There is no manner of doubt.

Q.—Well, I am asking you what evidence there is in your notes to justify that?

A.—I don't say there is any evidence in my notes, but there is the amplest in the Board.

A.—I would like to have the notes extended.

Q.—In that case will you refer to a letter July 8th, 1921, in the small file?

A.—That is the doctors' file. What is the date?

Q.—July 8, 1921.

A.—Copy of our letter; yes, do you wish me to read it?

Q.—I see here under date of July 3, 1921, that Dr. Nancekivell writes: "I took over Dr. Rogers practice permanently on May 23, 1921 and shall be attending to his Compensation cases from the Steel Co. of Canada and both Hamilton Bridge Works, where there is only one or two dressings. After that date you may remit to Dr. Rogers but before that I prefer you to remit to me, as we are in partnership by mutual agreement, I doing all the work and keeping full account of the finances."

That is under date July 3. Then, following that you write—this is your letter:

"Your letter of July 3 has been carefully noted, but we wish to advise you that the Board cannot comply with your request as to division of fees between Dr. Rogers and yourself. Where both names appear in accounts, check will be issued in the firm's name.

"Will you please forward to the Board for approval copy of your contract with the Steel Company and Hamilton Bridge Works?"

Q.—What was the object of that, Mr. Price?

A.—What point do you refer to?

Q.—"Please forward copy of your contract with the Steel Company and Hamilton Bridge Works."

A.—We always do that. We always ask for a copy where there is a contract.

Q.—Then you take the position that the terms of the contract under which any doctor is employed to treat the employee of any work or works, that that contract must be submitted to you for approval?

A.—Oh it is certainly our duty to look into that matter. And if I may explain that, everybody who is familiar with conditions in the north country at all knows—

Q.—This is in Hamilton.

A.—I know—knows the difficulties that there used to be with contract prices in the handling of work and that led to the establishment of the practice of asking for the doctors' contracts with the employer in our cases, knowing these grievances exist.

Q.—Then do you take the position that in cases of contract in the city like Hamilton whereby a doctor who is acceptable to a corporation is to treat the employes of a corporation like the Hamilton Steel Company or the Hamilton Bridge Company that contract must be in form approved by you?

A.—Well we are under duty by the provisions of the Act to look after and deal with the matter of medical aid. It is our responsibility to look after that.

Q.—Then Dr. Nancekivell wrote you on the 11th of July, “re contract with Steel Company and Bridge Works?”

“Re contract with the Steel Company of Canada and the Bridge Works, I have none, but am doing all Dr. Rogers’ office work including this work by mutual agreement with him, and with the assent of the managing Directorate of these Companies.”

Q.—Was that satisfactory to you?

A.—No it was not; no arrangement is satisfactory under which one doctor agrees to divide fees with another doctor who does not do the work. The doctors on the one hand grumble about the fees not being large enough and here was a doctor giving half of the fees away, paid to another doctor.

Q.—Under arrangement that had been made between them as to certain divisions of the work?

A.—The Board talked it over and we did not feel that was a proper arrangement to have in existence.

Q.—Do you not realize so far as Dr. Rogers is concerned he might be entitled under the arrangement they had to a part of the fees earned by Dr. Nancekivell as Dr. Nancekivell claimed to be entitled to part of the other fees? If one is doing a certain class of work and the other, another, each might be entitled to part of the other’s fees?

A.—I don’t think that is the situation. Dr. Nancekivell was continuing the work and Dr. Rogers had quit that work. I am satisfied now—I am sure Dr. Nancekivell was not sharing out of work Dr. Rogers did. There might have been some temporary arrangement about dividing up fees for cases partly attended to but not completed.

Q.—You would not think there might be sufficient consideration existing between the two for certain transfers of work of that kind?

A.—We do not feel Dr. Rogers had any interest in our work which he was entitled to transfer. The fees we paid were for services rendered by the doctor, and I don’t think any doctor has a right to transfer.

Q.—Is it not equally the work of the company that pays its money into the Compensation Board?

A.—Yes.

Q.—And the workman who was treated?

A.—Yes; but the management of it is left with the Board.

Q.—Do you not think I might fairly use the word “paternalism” in regard to your attitude in regard to some of these matters?

A.—Well, you will have to use it in connection with the statute. We simply act according to the statute.

Q.—I may suggest you exceed your powers under the statute when you undertake to deal with the terms of the contract under which work is done?

A.—It is our duty to see as to the kind of medical service that is being

rendered and everybody knows that there has been a lot of abuse in connection with contract work.

Q.—After Dr. Struthers there was quite a bit of improvement in connection with the medical men?

A.—Dr. Struthers has always been our chief medical officer.

Q.—Well, I think they had a lot of trouble with Bell?

A.—Well, there has been much less friction between Dr. Bell and the doctors than between Dr. Struthers and the doctors.

Q.—Then I believe the Steel Co. were anxious that Dr. Nancekivell should be continued, he was apparently very satisfactory to them?

A.—He was. I do not know that it is right to say they were anxious.

Q.—I see your letter of October 24 in which you write to Mr. Champ, Treasurer of the Steel Co. of Canada and expressed surprise at the course taken in view of the contents of our letter to you of September 15th. That was the notification that some other arrangement should be made with regard to the work which Dr. Nancekivell had been handling. And you wrote to them:—

“October 24, 1921.

“Surely you cannot intend to take the position that the fact that Dr. Nancekivell has been found by us to be unsatisfactory, and unreliable in his reports, is to be ignored.

“Kindly let us know whether or not you intend to make arrangements under which someone other than Dr. Nancekivell will be called in case Dr. Rogers is absent. We did not ask you to make an investigation as we already had what we felt was sufficient information to require us to act. Frankly we cannot understand why you should want to continue such a doctor in Compensation Board cases.

“Chairman.”

A.—Yes; I recall that now.

Q.—And as a result of your view in the matter Dr. Nancekivell and Dr. Rogers' service have been dispensed with. Now I find another case, number 31, which seems also to be a case dealing with a doctor who was employed by the Steel Corporation.

A.—Before leaving the Nancekivell case might I ask you to put in our finding?

Q.—I thought I had put them in before I read them, Mr. Price.

A.—That is only the memo. I have here the formal finding.

Q.—Then that can go in with the copy of the evidence:—

Regarding Dr. T. W. Nancekivell and Dr. J. T. Rogers.

“Upon investigation into the accounts of these doctors in claims 199461 McIntosh and 202134 Sparrow, after hearing the evidence of Robert McIntosh, Dr. Thomas W. Nancekivell, and Marie LeBlanc and the statement of Dr. J. T. Rogers, and upon examining the books and records of both doctors and the papers and records on file with the Board.

“The Board finds that Dr. Nancekivell, who took over Dr. Rogers' compensation work along with other practice, under arrangement by which Dr. Rogers was to receive half the fees although doing none of the work, rendered an account containing items of service which he did not render, and

falsely declared to the correctness thereof, and it is believed in an attempt to cover up the fraud subsequently made alterations in his original record of attendances.

"The Board also finds that Dr. Rogers rendered and declared to an account containing items of service which he did not render, he having no entries or records in his books for a large number of the items contained in his account and the evidence satisfying the Board that the Services charged for were not all rendered and that the amount of the bill was not warranted in the case.

"The Board directs that the services of Dr. Thomas W. Nancekivell be not accepted in Workmen's Compensation Board cases hereafter occurring, and that the Steel Company of Canada Limited and the Hamilton Bridge Works Company, Limited, be so notified.

"And the Board also directs that the services of Dr. J. T. Rogers be not hereafter accepted in Workmen's Compensation Board cases and that he be so notified."

November 10, 1921.

#### EVIDENCE NOTES

November 4, 1921.

199461—McIntosh.

202134—Sparrow.

Full Board present.

Robert McIntosh S. to Mr. W.

Injured Apl. 26. Went to Dr. J. T. Rogers. He opened it next day. Quit work. He treated me again the following day. Dressed my finger nearly every day. I went nearly every other day for some time. He had been to my place on 2 or 3 occasions. After that I went to his office every other day. I went every day for two weeks. Kept going for about 5 weeks."

"Then went to Dr. Nancekivell at same office. He opened it once at his office. I guess I was going back for 4 or 5 weeks about every 3 days—twice a week. Didn't go every day."

"To Dr. Rogers—Came twice a day on several occasions.

"To Mr. K.—I did not see Dr. after I went to work.

Dr. Thos. W. Nancekivell S. to Mr. W.

"First saw McIntosh May 25—that is first record. Think I saw him once or twice before that. (Looks at his compensation book).

"To Chairman—I told you of this Book. (Chairman reads what Dr. N. told us the other day.)

"To Mr. W. —(Goes over book—traces entries). I enter these at the time.

"To Chairman—All the entries for McIntosh in that book are in my writing. All were entered at the same time.

"To Mr. K.—I swear that."

#### SPARROW CASE

"To Mr. W.—First part was made up from statement from patient."

"5 items in Form 92 that are not in Dr's book."

Marie LeBlanc—S. to Mr. W.

"Bookkeeper of Dr. N. started about time Dr. N. took over Dr. R's practice. He told me to go by the book but where I was in doubt I would ask the Dr."

"I made out the Sparra acct, from book and asking Dr. N."

"There are only 3 not 5 additional entries on Form 92."

"No explanation as to missing 3 items."

"Chairman asks Dr. Rogers if he wishes to give evidence or make a statement. He says he will make a statement.

"States that he handed all his practice but continued to live there a while."

"Says got the 23 items in McIntosh case from May 23 out of his head. Did not have Dr. N.'s book before him when making it up."

"Not now in practice."

"To Mr. W.—The items in acct. in Sparrow case dated 4 July 1921 were got out of my little pocket book. That book mislaid."

Q.—Then I see number 31, another Hamilton case, Dr. P. T. H. Wythe. He appears also to have been employed by the Steel Co.

A.—He was never employed as far as I know by any firm, that is to say he never had any regular employment like Nancekivell and Rogers and others.

Q.—Was he never employed by vote of the Workmen of the Steel Co. of Canada?

A.—No. They were—

Q.—Well, if he was not that is an answer?

A.—There were three cases that went to him. I don't know how they got there.

Q.—Well, I see a case of Mrs. Mary Barrett?

A.—Yes.

Q.—That is a case in which under date of September 24, 1920, Dr. Syers seems to have been treating that case?

A.—Yes.

Q.—What is the first item of Dr. Syers' account, October 11?

A.—That is the first, yes.

Q.—I had an idea there was an earlier account. However, Dr. Syers' account allows \$28.80?

A.—Yes.

Q.—Then there is a memo that so far as Dr. Wythe is concerned he was allowed \$3.00?

A.—Yes.

Q.—What is the first report that Dr. Wythe made in that case?

A.—January 11, in the form of a letter, I think, Mr. Dewart, is the first one.

Q.—That is the case as I recollect it, going over the documents last night, in which she had been handling a truck full of goods and the rope broke and she was thrown down and suffered injuries to her back and base of the buttocks, and had considerable injury, do you recollect the case?

A.—Yes; the statement was she fell on the floor.

Q.—She was violently thrown by the breaking of the rope?

A.—While pulling truck rope broke and she fell to the ground.



Q.—Now may I look at Dr. Wythe's report of January 11, 1921? That was some time after the injury. He apparently was not the first doctor called in in that case?

A.—No, apparently not.

Q.—Well, let me see, on the 11th of January then she would be under the treatment of Dr. Syer? You have Dr. Syers' account there?

A.—This is only extending to the 11th of November—from October 11th to November 11th.

Q.—But on January 11th, that was some time after Dr. Syers had her under treatment?

A.—Yes, quite a while after.

Q.—Yes, and Dr. Wythe writes to the Secretary of the Workmen's Compensation Board:—

“Hamilton, Ont., January 11th, 1921.

“The Secretary

“Workmen's Compensation Board,

“Toronto, Ontario.

“Dear Sir:—

“On the 6th inst. I was requested by the Mercury Mills Co., Ltd., of Hamilton, Ont. to examine Mrs. Mary Barrett of 52 Cedar Avenue, on their behalf to inquire into and ascertain the extent of the injury she sustained while in their employment on the 24th day of Sept. last.

“I was informed both by herself and her employers that while she was engaged in hauling a truck loaded with underwear the rope attached to the truck broke and she fell as a consequence.

“I therefore made a complete examination of Mrs. Barrett and find that she is suffering from strained and torn ligaments of both sacro iliac joints, the muscles ligaments and sacral nerves also give evidence of being damaged, there is also an appearance of fracture of the coccyx on examination for there is extreme tenderness over this part. She is in severe pain and is unable to sit down and finds it impossible to assume an upright carriage. There is every indication that her present condition is the direct result of the fall and after thorough examination I am of opinion that there certainly is no constitutional reason which would assume for her present state. As to the probable duration of her capacity I think that she will be unable to work for at least two months from the present time, and as she is in an impecunious condition it is imperative that some relief be afforded at a very early date.

“To make a complete diagnosis of the full extent of the injury further X-ray photographs are necessary and this I am having done. However even supposing these do not reveal a fractured coccyx that will be no indication that the woman is not seriously injured. Meanwhile I would advise electrical treatment massage and if as I fear the coccyx is fractured an operation will be necessary to remedy this condition.

“Taking everything into consideration I think there can be absolutely no doubt that the woman's condition was due to the fall she received Sept. 24 - 20 as her employers are willing to swear that she was perfectly well and strong before her accident, able to do her work efficiently whereas after her

fall she was almost completely incapacitated and after thoroughly examining her I find such injuries as she has could certainly have been caused by a fall such as she had. So that it leaves no room for doubt in the matter whatever regarding her condition.

"It is very desirable that your board make a finding in the matter forthwith as the patient has no means of paying the cost of treatment and has no means but work for earning a livelihood, and delay will only aggravate her condition and retard her recovery. So I ask you to write at once and let me know the action which your Board are taking with the case so that I can proceed with the treatment.

(Signed) "P. WYTHE, M.D., C.M."

Q.—Now that was his letter to you under date January 11th, that was the first communication from him in this case?

A.—Well, the file will show.

Q.—And then on the 18th he writes, "Not having received any answer from your Board."

Then let me follow this up. I see the file contains under date of February 2nd, 1921, the report of the X-ray examination at the Toronto General Hospital, signed by G. E. Rogers, in which he says "The examination shows that there is no evidence of abnormality in the bony structure of the pelvis; the coccyx are apparently normal—showing no injury to the bony structure."

And then we have Dr. F. W. Marlowe's report to Dr. Struthers, his chief medical officer, pointing out to him—

A.—Yes, there are more intervening reports.

Q.—And apparently the net result of Dr. Marlowe's report is that she has been in a highly nervous state and under the impression she had sustained some serious injury and he thought there was an aggravation of the nervous and physical effects and disability and so on. Now was that the first case in which you had reason to criticize Dr. Wythe's reports?

A.—I think it was, Mr. Dewart. I think I knew nothing about that case for some time after it happened. The doctors attended to it.

Q.—And your note here on the 22nd February is—

A.—That is the doctor's note.

Q.—That would be Dr. Struthers. Now Dr. Marlowe's report said this accident had not produced serious physical injury, but she was apparently of a highly strung nervous system, she was apparently upset, and this was apparently made worse by the efforts to return to work and I think of the failure of her medical attendants to realize her real condition and failure to reassure her there was no serious condition present. And the advice is she be given two or three months t.t.d. What is that?

A.—Temporary total disability; that is full compensation.

Q.—And Medical Aid and be left under Dr. Marlowe's care for another week or two. Now you say, I think, undoubtedly the condition is made worse by the failure of her medical attendants to realize her real condition. Surely that must apply to Dr. Syer rather than Dr. Wythe?

A.—It applies to both of them and probably more particularly to Dr. Syer.

Q.—Then so far as Dr. Wythe is concerned you notice in Dr. Wythe's letter or report of January 11th he finds this is injury to ligaments and he says the fracture of the coccyx that he suspects can only be determined by X-ray. That was a reasonable report, was it not?

A.—Well, our doctors did not think it was a very skillful report.

Q.—Well, Dr. Wythe is a young practitioner. He examined the case and found the injury. He had not had experience with nervous diseases; that apparently called for the attention of one of the highest class practitioners in the country, namely Dr. Marlow. Would you expect that a young practitioner like Dr. Wythe would be able to establish all Dr. Marlowe found?

A.—No, I do not, Mr. Dewart.

Q.—Then when he called your attention to the necessity for the Board's attention to the necessity for X-ray and so on, he was pointing out the very line that was afterwards taken?

A.—Oh yes, he was urging settlement of the case without further investigation!

Q.—He suggested X-ray and suggested the woman's condition is such that she should have some allowance. If you look at the woman's own letters to your Board, she pointed out her impecunious condition and urges what no doubt she urged on the doctor, that she had a family and children and had no means of support. You notice that in her letters?

A.—Well, I don't notice it. I have no doubt it is correct if you say so.

Q.—Yes, this is a letter of the 11th of January, he feels the woman is in a bad way. He was not treating her, he merely made this examination.

Q.—That was his opinion, and that had been the opinion of Dr. Syers. And Dr. Syers treated her for a period of over a month for which you allowed him. You realize, do you not, that in nervous conditions it is very difficult sometimes to diagnose the real trouble?

A.—Undoubtedly.

Q.—And with a woman of her highly strung nervous character that would be particularly so?

MR. GREENLAW: Is there any surprise that the woman was highly nervous when she was being used for a horse, pulling a truck with ropes?

Q.—I see that the Mercury Mills Ltd. employers wrote you under date December 16: "Mrs. Mary Barrett about whom you have written me is still suffering from her accident. She was in hospital for several weeks . . . . Two weeks ago she came out of the hospital and has been in bed ever since her return to her home. On December 14 her condition was so serious we were forced to call in another doctor, Dr. Blake. He diagnosed her case as fractured coccyx."

Q.—You see that is in December, nearly a month prior to the examination by Dr. Wythe. So you had Dr. Blake diagnose as fractured coccyx at that time and she was sent back to hospital as a ward patient.

"We will be pleased to have you look again into her case as a ward patient."

Now that followed a letter by the secretary of the Board to the Mercury Mills, claim 176765—"The Board has decided that compensation or medical

aid cannot be allowed in this case as the disability was not the result of an accident."

In the face of the opinion of the doctors that there was injury; in the face of the report that came from the Mills as to how the thing had happened, she had fallen, how can it be said that if her condition was aggravated as a result of the fall that her condition was not so due to the accident that she should receive compensation?

A.—That was the opinion of our chief Medical Officer, Dr. Struthers, and his recommendation as to her condition. I think it recommends rejection.

Q.—I see, and it was accordingly rejected.

MR. WALKER: In a case of that kind would not the company where the woman is working, would not they give a report?

A.—Oh yes; we always get it.

Q.—What was it?

A.—Well, Mr. Dewart has read that letter. They apparently thought she did suffer from the injury.

MR. TOOMS: It seems rather hard lines that one medical man's opinion should go against so many other doctors who are not connected with the Board.

A.—There was further examination and the claim was ultimately allowed, Mr. Tooms.

Q.—Oh, it was allowed?

A.—The claim was ultimately allowed. It was reconsidered and she was paid.

MR. WALKER: Is it not a fact that the company recommendation ought to be taken in preference to others?

A.—Oh, we cannot take anybody's recommendation as conclusive. You see if we asked the employers so and so and took it as conclusive we would be open to all sorts of impositions.

Q.—But there is a good deal of importance in the company's recommendation?

A.—Yes.

MR. DEWART: This is a letter dated April 13 which you wrote to the Mercury Mills, saying:—

"April 13, 1921.

"Mercury Mills Limited,

"Balsam and Cumberland Sts.,

"Hamilton, Ontario.

"This claim was given very careful consideration by the Board. Mrs. Barrett was given a thorough examination by Dr. F. W. Marlow, who reported that he could find really nothing specifically wrong with her. In his opinion Mrs. Barrett was in a highly nervous state due to a combination of circumstances. She had lost her children and her husband and was under the necessity of working for her living, and this coupled with failure to rest completely after the accident and her impression that she had sustained a severe injury, resulted in a run down and extremely nervous condition. The Board felt that so far as the accident itself was concerned it produced very little physical injury but that considering the case as a whole it might be fair

to award three months' compensation for total disability and final the claim. It was also considered in the best interests of Mrs. Barrett to close the claim and not convey to her the impression that she was really disabled."

A.—That was in accordance with Dr. Marlow's opinion.

Q.—She had lost her children and her husband and was under the necessity of working for her living, and this, coupled with failure to rest completely after the accident and her impression that she had sustained a severe injury resulted in a run down and extremely nervous condition. The Board felt, so far as the accident itself was concerned, it produced very little injury, but considering the case as a whole it thought it might be fair to award three months' compensation, that is pay her for three months, is that it?

A.—Yes.

(Reads): "It was also considered in the best interests of Mrs. Barrett to close the claim and not convey to her the impression that she was really disabled."

Q.—Try to get the idea out of her mind that she had fallen down and hurt herself. Then hospital accounts, I see, have been paid. Now so far as Dr. Wythe is concerned this appears in his bill. And so far as his report is concerned, in view of the fact that the woman was examined three weeks before by Dr. Blake who diagnosed fractured coccyx—

A.—It was the opinion of our medical officers we were going on. But the criticism was he did not make a skillful diagnosis, and he made the woman worse by putting in her mind she had injuries she did not have.

Q.—Dr. Blake had so diagnosed the case. Dr. Syers had been treating her. Why do these particular matters come in Dr. Wythe's file? Was Dr. Syers disciplined by the Board?

A.—He was not allowed his bill—only a very small part of it.

Q.—I think not. I see he rendered a \$25 bill. You struck \$1.50 off. added twenty per cent., leaving him \$28.80, instead of the \$25 he claimed?

A.—There is a memo, that there was no serious condition. Dr. Struthers blames them for making the woman as bad as she was.

Q.—But Dr. Wythe had not attended her at all. He simply made an examination in January and reports on January 11, at the request of the company, regarding injuries that had been sustained. I want to know why you singled Dr. Wythe out for condemnation?

A.—We didn't. This was not the case that led to Dr. Wythe's suspension as you call it.

Q.—Well, it is the first item I find.

A.—This is one of the cases he dealt with. So far as I know there were three up to that time, and this is one of them. If there had been nothing but this case Dr. Wythe would not have been suspended. He was not suspended on this case nor for some considerable time after.

Q.—Well, when Dr. Wythe was not called in and then only at the instance of the company from the date of the injury, September 24th, 1920 to January 11th, 1921, you would not think he was responsible for the condition?

A.—Well our doctors thought he was partially responsible.

Q.—Then the next item I see, 207504, case of John Wells, and the account was \$32.50 and according to your memo here, "when written made

it \$15 claiming to have mixed accounts and saying he had three patients of the same name." The account was taxed \$2.50, making it \$12.50 and \$2.50 put on, allowing him \$15.

A.—\$2.50 was put on.

Q.—So he was allowed \$15?

A.—Yes.

Q.—Did you ascertain he hadn't other patients of the same name?

A.—No.

MR. WATSON: Was he suspended?

A.—He was suspended later on for still another case.

MR. DEWART: Well there is case 194491, that is a case I see of H. Taylor, who was employed at T. H. Secord and Sons in Dundas. Would you turn up a letter of September 22, 1921, from Mr. Dickeson, secretary of the Brotherhood to which Mr. Taylor belonged.

A.—Yes.

Q.—This is a letter from A. F. Dickeson, secretary of the United Brotherhood of Carpenters and Joiners of America, Hamilton District Council.

"I am instructed to communicate with you regarding the above claim. The man concerned, a carpenter, named H. E. Taylor, received injuries to both feet through falling from a scaffold in Pantages Theatre, Hamilton, March 4, 1921, and was incapacitated through these injuries until September 1, 1921, when Wr. Wythe decided he could resume work of a light nature.

"He received compensation only up to June 30, 1921, on the ground I believe that he was suffering from an attack of Typhoid Fever. Dr. Wythe however informs me his inability to resume work was entirely due to the accident and had nothing to do with Typhoid Fever."

Q.—It appears, I think, that the Typhoid Fever was a mild attack and only lasted about a week?

A.—That is not correct.

Q.—Well, that is what I saw somewhere in the file.

And he goes on to ask in view of the doctor's opinion that the man be allowed Compensation for July and August.

Q.—Have you there Dr. Wythe's report, his report on the case?

A.—Here is form eight.

Q.—That accident was on March 4th, 1921, and Dr. Wythe's report is under date March 18th. He says: "In regard to the nature, extent and region of the injury—fracture of the right talus with extreme swelling of right, ankle, left ankle also swollen and sprained but no fracture, gash over the right eye;" then he explains his treatment, posterior splint to the right ankle, after swelling had been taken down, followed by massage. Massage and liniment to the left ankle. And on April 23 he thinks he will be able to resume in about three weeks. Still suffering from strained ligaments both ankles and fallen arches, and a similar report of May 10th. On the 18th of June he is unable to say how soon he will be able to resume because of condition of both ankle joints still making it painful to walk on, become swollen with standing up for any length of time. And then again on the 1st of July; at present he is not able to work on account of swelling of both feet and fallen

arches; and then there is a subsequent statement sent on August 30th, doubtful if right ankle will come back to normal form; left ankle too tender to touch; swollen with standing for any length of time; lameness in walking. Now that shows Dr. Wythe's remarks about the case which he considered was a serious one, which, from the nature of the fall I would say might produce these conditions. Now what reason have you for doubting the accuracy or correctness of Dr. Wythe's diagnosis in that case?

A.—We had an investigation.

Q.—What medical reports did you receive?

A.—Opinions of our own doctors, Dr. Struthers chiefly. I think it was Dr. Struthers had to do with this.

Q.—Where is Dr. Struther's report?

MR. WATSON: Who do you mean by your own doctors?

A.—Our medical aid doctors who are with us all the time in the office. We have three medical officers, three doctors, Drs. Struthers, Bell and Bremner. Taylor was over and he was seen by Dr. Struthers and also by the Secretary, Mr. Wirmeth. Dr. Struthers' memo here of September 6th says: "Claimant at first denied having typhoid fever, then admitted the statement was incorrect; recommend final claim as it stands."

Q.—Was there any outside doctor called in to report the matter as in some other cases such as the Barrett case?

A.—I don't recall that there were any outside doctors except our own in this case.

Q.—Then you have no doctors whose report would cover the early period of treatment from the injury of March 4th until the time Dr. Struthers seems to have taken hold of the case about August or September?

A.—Yes, about the end of August Dr. Struthers recommended the claimant be brought over.

Q.—Then there is no other report that you have with reference to the medical or surgical condition of this man from March until September?

A.—There is one from Dr. Wythe, or at least a copy, that you did not read—one at the end; that is really a report.

Q.—I thought that was some labor council?

A.—Well, they forwarded it.

Q.—"October 18th"—this is a copy of the heading of the Hamilton District Council of the United Brotherhood of Carpenters and Joiners. "This is to notify that H. E. Taylor has been since March 4th, 1921, suffering from injuries received to both ankles while working; he was confined to bed absolutely and then had to go about on crutches and was positively not able to do his regular work until September 1st; the condition of his injury was such that one ankle was badly broken and the other very much contused and fact that he had to carry his whole weight on the injured parts retards recovery." So he puts the date at September 1st that he was able to resume work, which was a little prior to Dr. Struthers' report of September 6th. What was the amount of Dr. Wythe's account in that case?

A.—I don't think it was ever all rendered.

Q.—What amount do you find that was rendered?

A.—Here is one which we received May 19th, 1921, for \$23.50, received by us May 19th, dated 16th of May. And another one was received

the same day again, made out on another sheet for \$11.00; and another one received, that is dated 2nd of June, for \$13.

Q.—Is that all?

A.—That is all, yes.

Q.—So there has been no bill rendered since that time?

A.—No.

Q.—Were these accounts all taxed or allowed or what happened?

A.—Yes, these were all taxed and allowed, but they were all added to. The first one was allowed at \$28.20; the next allowed at \$13.20 and the last allowed at \$15.60.

Q.—There has been no account since that?

A.—No.

Q.—Having regard to the nature of the injury do you think the amounts of these accounts were unreasonable?

A.—Well, I think there were too many attendances; too many charges, rather.

Q.—That man Taylor was allowed for his injury?

A.—Yes; up until 1st of July I think he was allowed.

Q.—Then you thought there were too many attendances. Why so, Mr. Price?

A.—When Dr. Wythe was examined under oath at the investigation we asked him to produce his books.

Q.—What is the date of the investigation?

A.—Friday, 18th of November, 1921.

Q.—Are there notes of that investigation there?

A.—They are like the others; they are only partial notes; this record did not purport to be notes of the evidence; simply what I jotted down from time to time.

Q.—I take it that Taylor's statement and Dr. Rykert's statement were made with reference to treatment; and then we have Dr. Wythe; I suppose "S" stands for sworn; "Attended Mr. Taylor; called by hospital surgeon; fracture; extensive swelling of both feet, X-rays did not show any bony pathology except fracture of ascaleis, treated him some months up to September, (refers to report of July 17), not sure he was in front of me then, actually saw him June 17, 28 (28 another Taylor) I admit very bad book-keeping (examination shows accounts 92 does not at all agree with book, also number of fresh entries for Taylor in book). I saw him on June 17; that is right; he always came to my office; I was treating another Taylor; may have got them mixed; next entry June 11th; seems to be July 11th; Taylor told me he had Typhoid (about July 11th), and that Dr. Rykert had treated him for Typhoid; don't know which Taylor I saw July 11th; saw him July 11th; I put light in then and massage; Mr. Taylor July 18 and 20, 24 and 27; eight electrical treatments and massage; August 9, August 24; man was in front of me when I made out report of August 30; I treated him only up to September; I remember seeing Taylor I think up to end of August. I told employer or someone I thought he would be able to resume work after he recovered from typhoid fever. Claimant says thinks threw crutches away about middle of June; used a cane about a week later."

Q.—That is the note I find here of his evidence.



A.—Yes; it is not a full note by any means, just jottings.

Q.—And you made another reference there, you suggested in the precise of this case to you say the Board believed a large number of items were entered up afterwards, being in fresh ink, for the purpose of investigation. There is not reference to that?

A.—No, I don't remember that there was.

Q.—And you have no recollection of that evidence being given?

A.—I think one of the Commissioners told Dr. Wythe right there, "You don't expect us to believe that these were entered up at the time."

Q.—I see you are cognizant of the fact that sometimes doctors as well as lawyers, supposed to be good lawyers—I say it with bated breath—do not enter the whole of their accounts up at the time, and have to trust to jottings and entries?

A.—Yes, to some extent no doubt that exists.

Q.—I know one lawyer that has not made an entry or charge in his books during the session, though there has been some work done. It is not an unusual thing when a man is busy, he may not make his entries at the time?

A.—That may be so.

Q.—Do you think the total sum he charged, amounting to some \$57, do you think that is unreasonable for the treatment of a serious case like this which would require more constant attendance during the earlier period?

A.—Well, if there had been no falsification of the books I don't know that we would object to the sum. There is no question in the minds of the members of the Board that his books had been altered and falsified and he made fresh and false entries.

Q.—Because of the conclusion you reached on that point, although there was nothing in his medical treatment of the case that was amiss, although his charges were not exorbitant—

A.—His medical treatment was not satisfactory.

Q.—Why do you say that when you have no knowledge of what the treatment was until after September?

A.—Well this man's case was kept dragging along as our doctors thought unnecessarily and the reports and findings of Dr. Wythe as to the man's condition we found not to be correct.

Q.—Your doctors never looked into the matter until September?

A.—They examined the man twice.

Q.—Do you not see that Dr. Wythe's own report was given to the Brotherhood that he was able to resume work and he did resume work on the 1st of September.

A.—Dr. Wythe's reports were considered misleading.

Q.—And if you considered them misleading does it not seem strange you made no investigation from March 4, 1921, until after 1st of September, after he had resumed work?

A.—It was the later ones, not the earlier ones in March.

Q.—The ones in July and August?

A.—Yes.

Q.—I see.

A.—Particularly those.

Q.—And Dr. Wythe was suspended?

A.—Yes.

Q.—Solely on account of this Taylor case?

A.—I don't think that is so. The Board had the memo in the three cases, but it was chiefly on account of the Taylor case.

A.—Well, you have already admitted you would not suspend him on the first case?

A.—Not alone, but the accumulation of such cases might have led to it.

Q.—And the second case was one in which he mixed two cases?

A.—Well, I don't accept that. I don't know what the facts were.

Q.—Did you investigate it?

A.—No.

Q.—Why should you refuse to accept that when you have no evidence?

A.—Because he himself admitted it was wrong and he made some excuse for his error in that case as he did in the Taylor case—strange he should be mixing names all the time.

Q.—I understand that so far as that is concerned, in the second case, that is the Wells case, you made no investigation to ascertain whether or not there were other Wells on his books or not. That is a fact?

A.—There was no investigation except that our officers wrote for an explanation.

Q.—And he reduced the account and explained the matter and then it was put at \$12.50 and you added \$2.50?

A.—Yes.

Q.—And then I am right in saying there was nothing you were holding against him by reason of the two earlier cases?

A.—If nothing had happened subsequently no action I think would have been taken on these two former cases.

Q.—Do you think there was anything in the two former cases that should have been held in reserve against him, within your own mind?

A.—Oh, I do.

Q.—The first case in which he charged \$3 for examination and the second in which he explained the error and accepted a lesser sum?

A.—Yes; that was his statement.

Q.—Now the result of this was that Dr. Wythe was suspended November 15th, 1921?

A.—That is correct; whatever the date is there.

Q.—And that was largely because of your investigation into his accounts?

A.—It was chiefly because of that, Mr. Dewart, because of unreliable and falsified accounts.

Q.—Falsified accounts as you choose to put it.

You have given Dr. Wythe no opportunity for reinstatement?

A.—No, I don't think he personally ever applied to us, for that matter. One or two persons saw us in regard to him but I don't think he personally made any application.

Q.—Did he send you any statement in regard to other cases after the date of his suspension of November, 1921?

A.—There were some reports came in in subsequent cases, yes.

Q.—Have you got those that took place after his suspension?

A.—No; we can get them for you.

Q.—You have not the memo? I understood that as Dr. Wythe's medical services were not complained of that he attended a number of cases which naturally came to him?

A.—Well, I don't accept that statement, that his medical services were not complained of; they were complained of.

Q.—Then it will remain an open question as to whether you were justified in that or not. You say you were?

A.—Well, our doctors, of course, advised us as to that.

Q.—Have you a memo of the other accounts he rendered later on?

A.—I don't think he rendered us any others, Mr. Dewart.

Q.—Now, following your letter of the 25th of November did you send any letter to the Steel Co. or to Mr. Champ at the same time?

A.—I don't know what that letter was.

Q.—Well, the letter notifying Dr. Wythe that his services would not be acceptable? Is there a letter notifying the Steel Corporation of that at the same time?

A.—No, there is no such letter. The correspondence with the Steel Co. arose from an inquiry made by Mr. Champ as manager of the company and merely in answer to his letters; the correspondence is all there in the files.

Q.—I cannot find Mr. Champ's letter?

A.—Well, Mr. Champ wrote us about several doctors from time to time.

Q.—I see under date of January 10, 1922, that Mr. Champ, the Treasurer of the Steel Co. of Canada writes you:

“Mr. Sam Price, Chairman Workmen's Compensation Board.”

“We have been asked to approve of another applicant in respect to the medical position for our Hamilton works Benefit Society, Dr. R. T. Wythe, 23 Bay street, South, Hamilton, has been nominated and will stand for election with the others of whom we have already advised you. Will you please advise us if in the events of his election he will be satisfactory to you. We understand that Dr. Connell is the most likely to be elected.”

And you reply under date January 12, as Chairman, to Mr. Champ, acknowledging his favour of the 10th.

“On account of past experience with Dr. Wythe the Board a month or two ago ruled that he should not in future be employed for work on board cases. His services, therefore, cannot be accepted, and even though he should be elected the Board would refuse to have him act in accident cases, and would have to appoint another doctor for that purpose.”

Q.—Is that the position you take?

A.—That is right. This election I should explain was for the appointment to the Benefit Society. That was the occasion of the matter and that has been the custom, to have the same doctor act both for the benefit society and for the Board.

Q.—So that you made it impossible by your report to Mr. Champ for Dr. Wythe to be elected by the men or to serve or give reports on accidents to you?

A.—No; I did not say anything or do anything regarding his election to the Benefit Society. All I dealt with was, had in mind was our work in accident cases. The Benefit Society covers Benefit Society sickness; with that I had nothing to do and attempted to have nothing to do.

Q.—You were pointing out in reply to Mr. Champ, anyway, as to the medical position for the Hamilton works Benefit Society and Dr. Wythe's nomination, that Dr. Wythe's services would not be accepted and even though he should be elected by the men the Board would refuse to have him act in accident cases and would have to appoint another doctor. Do you think it was possible for the men to elect Dr. Wythe in view of your letter?

A.—I hadn't any idea that the letter would ever go to the men.

Q.—You had been canvassing the whole situation with Mr. Champ very carefully for some time?

A.—I answered his letters of inquiry.

Q.—And you realize that in writing to you Mr. Champ knew that the man must be acceptable to you or else he could not be elected for their works?

A.—No; that wasn't the situation at all as I understand it. We would not accept him for our work unless he was satisfactory, but we had nothing to say as to what doctor would act for the Benefit Society. It was a matter of convenience that the same doctor should act for both—not necessity.

Q.—Take the situation as far back as December 30, 1921; Mr. Champ wrote to you, "We are to have an election of our Benefit Society about the middle of January. Dr. Woodall is not running this year, but Dr. Connell, who did a good deal of work, has consented to run and we believe the men will elect him.

"Will you please advise if this will be satisfactory to you in every respect."

And then you reply on January 5th—

"We shall be satisfied to have Dr. Connell act in Workmen's Compensation Board cases."

A.—Yes.

Q.—So he might therefore run for the men's Benefit Society?

A.—Well, that is the result, I suppose that would follow, but in the result we had nothing to do.

Q.—Well perhaps others will form a more impartial judgment. Then under date of January 6th, Mr. Champ states:

"Application received from Dr. Perkins, another practitioner, and he has given references of several leading men which they believe satisfactory and ask will you please advise if in the event of Dr. Perkins being elected will it be satisfactory for him to act in Workmen's Compensation Board cases."

Q.—Did you not realize when you got that letter that it was essential the man should be acceptable to you?

A.—No; what I thought was this, and I am not sure yet it is not a fact, that the employers approval is necessary as well as the election by the workmen, and what I think Mr. Champ wanted to know was whether he would

be satisfactory to us so he would know whether to approve of the doctor. They have been asked to approve—I understood it was Dr. Connell was going to act—either to approve or not approve of the doctors that were nominated.

Q.—I see a memo, January 9, “M.M.L.” Would that be Mr. Miller?

A.—It was referred to me to place before the Board as to whether Dr. Perkins was likely to be suitable.

Q.—“From what work Dr. Perkins has done from the Board we have not been favourably impressed as far as his account is concerned,” and so on. “We have, however, never noticed anything to lead us to believe he is not capable of treating accident cases.”

A.—That is Mr. Miller’s memo, our officers memo.

Q.—And the same day you wrote to Mr. Champ acknowledging favour regarding Perkins, saying you discussed the matter with Board officers and saying, “We regret we are unable to say we feel Dr. Perkins would be satisfactory. It is open, however, to him to make application to our board personally when the question can be considered.”

Then again on January 5th, I see a similar inquiry made by Mr. Champ about Dr. Richmond, giving names Dr. Olstead and Rennie, and Dr. Storms; he believes he is thoroughly experienced and capable, and “Before approving application we would like to know if the same would be satisfactory to you. We understand the election would take place next week and there is likely to be two or more candidates and the candidate receiving the majority of votes will receive the position.”

Mr. Miller apparently gives you a memo that he knows little about Dr. Richmond.

And your reply under date January 7th is that you know little about Dr. Richmond but should he be elected you would look into the matter more fully and we think from the doctors recommending he would be satisfactory.

Q.—Now will you say in view of all that correspondence, Mr. Price that you did not realize, Mr. Price, that your approval of the doctors’ names that were submitted to you was not essential for their election to represent the men on the Benefit Society?

A.—No; it was not essential for the election of the doctor for the Benefit Society, and my last letter to Dr. Wythe distinctly shows that if they elected him to the Benefit Society we would have to have somebody else for our work, contrary to the practice which had existed.

Q.—Do you not realize that the effect was to blacklist him for election so far as the Benefit Society was concerned?

A.—No, I didn’t look on it in that way.

Q.—Do you not now realize?

A.—No; the way Mr. Champ put it to us was they had been asked to give approval and I didn’t know that the name would ever go to the men at all. I supposed he would withhold approval and that would end the matter.

Q.—Well, if that is your view it seems a rather extraordinary one because one would naturally expect the result of a letter such as that sent out to the Treasurer of a company out of all this correspondence with reference to this man was for the purpose of determining your attitude and determining whether the name should be submitted to the men?

A.—It had been the practice under agreement with the company between the company and the Board that the doctor who acted for the Benefit Society should also act for the Board if agreeable to the Board, and that was what I understood Mr. Champ's purpose was in making inquiries about these several doctors.

Q.—Are you aware that the result of your action was to make it impossible for Dr. Wythe to be elected by the men for their Society?

A.—I don't know, except indirectly, what happened, except Dr. Connell was elected and Dr. Connell is doing the Board's work.

Q.—Now just a question or two with reference to your medical staff. How long has Dr. Struthers been with you?

A.—From the commencement. I think he was appointed December 1914 or thereabouts.

Q.—What was his previous position, where was he practising?

A.—I don't know what the name of the office is; he was medical officer for the School Board, some position of that kind.

Q.—Where was that?

A.—In Toronto.

Q.—And he came to you in 1914?

A.—Yes; he was appointed, I think, in 1914. Just before the beginning of the year. We commenced paying compensation January 1, 1915 and he came on a little ahead of time to get things shaped up.

Q.—And is he the one whose advice is relied on in dealing with the reports that come in in dealing with the doctors from outside?

A.—Well, we rely on both of our doctors; he seems to have been concerned chiefly with the cases we have been discussing.

Q.—He is practically the final medical authority?

A.—He is the chief.

Q.—Dr. Bell who is on your staff, how long has he been with you?

A.—July 1, 1916, Mr. Wirmeth says.

Q.—And when did he graduate, do you know?

A.—He is a Queen's man, in 1914, Mr. Wirmeth says. I don't know of my own knowledge.

Q.—And what previous experience had he before he came on the Board?

A.—He had been practising in Kingston. He had some military work. I don't know the exact nature of it.

Q.—And Dr. Bremner, who is assisting medical officer?

A.—Very much more recent. It would be 1920, about the summer of 1920, he came to us. In the interval, I may explain we had Dr. Curtis. Dr. Struthers was away overseas and we had Dr. Curtis fill his place while Dr. Struthers was away.

Q.—Then Dr. Bremner, when did he graduate?

A.—I cannot say. I think he had been through about five or six years, something like that I would judge. He is a junior, of course.

Q.—Mr. Miller is not a doctor?

A.—No.

Q.—When was he taken on?

A.—From St. Thomas. He had hospital experience, first aid and hospital experience on the Michigan Central Railway and in the St. Thomas Hospital. He had charge of the railway part of the hospital there for a number of years.

Q.—As what? Had he taken a medical course at all?

A.—No medical course except first aid, and he is an expert X-ray man.

Q.—Then that forms your whole medical staff?

A.—Well, we have stenographers of course and we have two first aid officers Mr. Hayward and Mr. Hallam who assist under the doctors.

Q.—I see, Hallam is the attendant to the medical aid officer, assistant to Mr. Miller?

A.—Well, Hallam is; Mr. Hayward is assistant to the doctors.

Q.—I may say I did not go into all the thirty-one cases but I had only time up until last night to run over them hurriedly. How many of the thirty-one doctors that have been from time to time suspended are still under suspension?

A.—Twenty-three.

Q.—Do you publish these names?

A.—No; not at all.

Q.—What is the proportion of doctors suspended to those employed?

A.—Oh, there are some 3,500 doctors all told in the Province, I think.

Q.—Are the doctors generally satisfied with the administration?

A.—I believe that they are.

Q.—Did they express themselves so?

A.—We have numerous letters. We have nearly 700 letters from them saying they are glad to do our work and saying they are satisfied with the fees and treatment they get and the courtesy they get. I could produce them by the dozen.

Q.—Would employment of those antagonistic to the Board impair the administration of the Board?

A.—I certainly feel so?

Q.—Why?

A.—We cannot get on unless we get satisfactory representatives and the doctors' co-operation. If they hold back and won't co-operate we certainly cannot work properly. We handle some 56,000 cases every year and we must have help and co-operation or we cannot hope to handle them properly.

Mr. Tooms: The Board of course appoints the medical staff on the Compensation Board?

A.—Oh yes.

Q.—And are not they, most of them, juniors?

A.—Dr. Struthers is quite an old practitioner. The other two are comparatively young.

Q.—It seems to be a responsible position for juniors.

A.—It is but they consult each other in their work. And we send out a great many cases, Mr. Tooms, cases of particular difficulty, like the case that went to Dr. Marlowe. We do a good deal of that; a specialist case is

always sent out to a specialist for examination and treatment. We do a great deal of that. We use the best doctors, the ones we consider the best, that our own doctors consider the best, in the Province; Dr. Marlowe, Keele, Chadworth, Campbell, for eye cases, Boyer for nervous cases—

MR. WARSON: Is there no possibility Mr. Price of these men getting back on the list?

A.—It is always open, the Board is always ready to reconsider a case. There are a few who have been found in the Board's opinion to have been guilty of dishonesty that I am afraid we would hesitate a good deal about, and there are two or three whose attention to cases has been such that I think we would hesitate about, but apart from those few it is open to any of the doctors to apply, but after a doctor has said he does not want to do our work it would seem very poor business to have him attend to our cases.

Q.—Unless he applied?

A.—Unless he applied and wanted to co-operate.

Q.—Speaking of London, who is your consultant in London?

A.—Dr. E. Williams. We use Dr. C———(?) a good deal and Dr. Thompson for eye cases.

Q.—I understand Dr. Ernest Williams is a specialist in diseases of women?

A.—I really don't know that; that may be correct; I don't know it. But we have not only one doctor. We will send our cases to any doctor, although naturally when our officers find a certain doctor satisfactory they continue to employ him. These matters we leave with our doctors.

Q.—It was suggested to me that as Dr. Williams was a specialist in Women's diseases that it would be more in the interests of the Workmen's Compensation Act if a specialist in general surgery were appointed?

A.—We don't appoint them. We just refer to them when the occasion arises.

Q.—There is one matter I want to ask you briefly, as to what the system is. I notice in various departments of various accounts, public accounts, itemized for compensation for workmen injured on Government work. For example under the department of Public Highways an item of \$13,531.76. How are these claims for compensation of workmen who are in the employ of the Government, how are they dealt with? Does the Government pay the whole shot, or how is it treated?

A.—Oh yes; just like any other employer. You see under the Act there are certain employers including railways, express companies, and steamboat companies, who are on the individual liability basis; they do not pay assessment but when accidents happen we get reports and fix compensation, notify them of what we do and ask them for payment. Now the departments of the Government do the same. An accident happens; they report it to us, that is if the department is so disposed. It is purely voluntary on the part of the Ontario Government.

Q.—Have you a similar arrangement with the Federal?

A.—The Federal Government is compulsory. They have a federal statute under which we legally deal with their cases, under which the workmen apply to us as a matter of right.



Q.—They are on the individual basis?

A.—Yes.

Q.—I notice so far as this compensation is concerned taking the Department of Highways, page I 12, there are a large number of doctors were paid for medical attendances, some range from \$5 up to \$294. How are these doctors appointed? Are they doctors who give first aid?

A.—The Department of Highways would have to give you that. I think they do as we do, let men go to the doctors by arrangement with the foreman, but the doctors' bills I know are referred to us. I don't know whether they are systematically referred, but I know a great many are where they think it is proper.

Q.—So that the local doctors would be the doctors who would be naturally employed?

A.—Yes.

Q.—And so with the Department of Public Works on Page H 41?

A.—The Department of Public Works is of course most numerous.

Q.—Public Works, \$6,680, a very considerable item for medical services. They applied to doctors who would be called in locally to deal with cases, I suppose?

A.—Yes.

By way of explanation, if I may, there was a reference made by Mr. Dewart to what was contained on page 61 of our report for the year 1919. I would be glad if I might be permitted to put that in; that explains the policy of the Board in handling the question.

Q.—Of course that is printed?

A.—Well, unless it is put in it won't appear on these proceedings. I would like to have it in.

I may say the Compensation Boards everywhere say they find the doctors question about the most difficult question they have to handle. We only try to do our best with it, and I believe it is fair to say that the doctors as a rule who do our work are satisfied. The letters which we get from them, copies of which I can produce, will show that.

### Medical Aid and Doctor

Whatever may be the medical aid provision, the relation of the medical profession to the Act must always claim a good deal of attention. After passing through the stages of no provision for medical aid when the Act commenced and a month's medical aid during about two years, we have recently arrived at a medical aid provision without limitation of time or amount, which I think is the only proper or logical or reasonable provision, as the ordinary workman is less able to pay for a long attendance than a short one and less able to pay a big bill than a small one.

In this, as in other matters of administration the first consideration must be to get efficient and honest service. Much complaint was made by the profession originally of there being no provision in the Act for payment of doctors' services to workmen, and afterwards of the limitation of payment to one month, and undoubtedly doctors in these cases as in many others very often did much work without remuneration. The present provision should be very satisfactory, and

under the collective liability system the absence of any constraint to favour any party or to deprive the workman of anything to which he is entitled should make the position of the doctor much more agreeable. Under our collective system he is in effect an officer of the Board and under corresponding obligation to perform his duty without fear or favour.

With the direct interest of the employer removed, there is less reason for controversy as to choice of doctor. Our policy up to the present time has been an open field to all members of the profession with as little interference as possible on the part of the Board, the workman and employer being encouraged to agree upon the doctor and the Board stepping in only where it is found that the doctor has not been satisfactory. I regret to say this open policy has not been entirely successful. Some members of the profession apparently do not realize the duties of their position, and unfortunately also rather frequent instances of exorbitant charges, padding of accounts, multiplication of attendances and even dishonest and fraudulent practices by some unscrupulous members, occur. Here, as with the legal practitioner, cases too frequently fall into the hands of the less reputable members of the profession, often no doubt, by reason of unprofessional or improper means and inducements being used to secure the work. The ambulance-chasing doctor is as little conducive to the proper administration of the Act as the ambulance-chasing lawyer. With the provisions of the law as they now are there is no need and no excuse for employing any but capable and reliable members of the profession.

Upon the whole, however the difficulties in regard to medical aid, as in matters of administration generally, have been less than might have been expected.

The Committee then adjourned until 10 a.m. June 7. 1922.

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Public Accounts Committee. June 7, 1922.

The Committee met at 9.30 a.m., with Mr. Watson in the Chair.

W. A. McLean, Deputy Minister of Highways, recalled. H. H. Dewart, K.C., examining.

Q.—I think you had a memo of where we were at. Did you make some notes?

A.—Some of the staff of the Department who were in at the time, I believe.

Q.—I think I was asking you with reference to purchases of property. Have you any notes?

A.—Well, you were indicating yesterday that you were chiefly interested in the method of purchasing.

Q.—Yes, I put the question so as to cover that. The Public Accounts show, beginning on page 13, considerable purchases, in the first place of stone, gravel, sand, and screenings, and then purchases of property on page I 15 and following pages, being under the Provincial Highways Act, and then, in the third place, beginning on page I 19, purchase of gravel beds and so on. What I was anxious to ascertain was what was the method in which these several purchases were made, and to what extent was there any advertisement for

property, whether you had agents for the purchase, or what was the method generally employed by the Department?

A.—Well, taking up in the first place the method of purchasing these properties, we have an agent who is a property valuator, and who has whatever assistance he may from time to time require. In 1920 the Provincial Highways system was largely extended. It was subdivided into residences over each of which was placed a resident engineer. Before he could undertake any improvement or repair of these roads he had to have material ready. The Province may broadly be divided into certain sections in which there is gravel, in which there is stone, in which there is no material whatever. Where there is no material we have to ship in mercerized stone; where there are frequent outcroppings of suitable stone it is economical to operate small local quarries adjacent to the road utilizing this material, with portable crushing outfits, instead of adding to the cost of railway rates and the cost of handling the material from the cars. A still cheaper method of handling it, of course, is where suitable gravel beds are available.

Now the Province in the eastern section, as far as Trenton, except in the vicinity of Toronto, is a gravel section. In that section we are purchasing gravel beds.

The northwestern section of the peninsula, including the Counties of Simcoe, Grey, Huron, Bruce, Waterloo, Perth, Lambton, parts of Middlesex, Kent and Essex have, some parts of Kent and Essex, have gravel. In these sections we are purchasing gravel beds.

East of Toronto, however, we have supplied the roads from the small local stone quarries because there is very little gravel and outcroppings are convenient.

Now every gravel bed and every stone quarry is a property in itself to be considered and we cannot of course lay down any broad general principle that we will pay so much for a gravel pit or so much for a stone quarry.

Now in the supply of these materials for the highways from local quarries and gravel pits the length of haul is material, and it would pay us as far as possible, particularly in the case of gravel pits, to have a pit every six miles or so along the highway, so that the maximum haul would not exceed three miles from the pit. That, however, is impossible. That is the ideal situation. Somewhat the same in connection with the stone quarries, although the cost of the stone plant and opening the quarry makes it the fact that you can economically have the stone quarries further apart.

Now as to reaching the price to be paid for the gravel pits—I am speaking of the purchase of the properties.

Q.—Such as the property, R. M. Beattie, \$5,210, page I 19?

A.—Well, that is not a gravel.

Q.—Well take the next, purchase of land for gravel pit \$1,000, and further, Jas. Bovaird purchase of land for gravel pit, four acres at \$250 per acre, \$1,000; that would come in that category?

A.—Yes, that comes in that category. Now I have a form here. These have been just picked up at random from our files showing what happens in our department when these pits are purchased.

Q.—Then take one of these; would you outline the procedure?

A.—The procedure is that this form is sent into our department from

the resident engineer whose duty it is to look for gravel or suitable stone supplies and to advise his senior engineer as to what is available and what can be utilized. He submits this form to our department with all the particulars on it that are indicated, but I can go into that later on.

This passes from him to the division engineer. There are three divisions of the 1,800 miles, about 600 miles in each, and a division engineer to each. The division engineer certifies that the material is required and this passes on to the chief engineer who also adds his certificate that it is required. He has the broad field in mind and considers what is being generally done.

On the next claim there, the property valuator—this claim at the back of the page—the property valuator looks into the terms of an option if it is sent in by the resident engineer, or if one is not sent in he is supposed to go out and see what terms he can make. He puts in the price and terms he would recommend, which are usually the same as an option which has been obtained from the vendor.

The chief engineer then adds his concurrence to that, that is that the price being paid is not excessive as compared to what the value of the material will be to our Department.

This then comes before me. I scrutinize it as a whole and approve or disapprove of the purchase as the case may be.

Now the information which we have before us when this comes in is broadly as to the ownership, the location of the quarry, the assessed value of the farm from which it is being taken, and the average value of the farm land in that vicinity.

Q.—Where do you get that upon this?

A.—That is on the first page; you will find each of these items inserted here.

Q.—Average value of land in the vicinity, well, that is blank in this one?

A.—Well, in some cases the resident engineer or the person who fills out the form is not able to express a very satisfactory opinion as to what the average value of the land has been. He makes a statement as to the general character of the land. He gives opinion as to whether the acquiring of this pit and the operation of this pit will injure the remainder of the farm, that is if we have a pit right on the highway and in front of a farm house; it is manifestly a disadvantage to the farm as compared with a pit in the rear of a farm, to which access can be had with the teams going past the farm house it is manifestly a disadvantage to the farm as compared with a pit in the rear of a farm, a pit to which access can be had with the teams going past the farm house or through the farm is of less injury to the farm as a whole. The opening of a pit is always a disadvantage to a farm. It is a disfigurement.

Q.—I see in one case the particulars given are that the acquiring of the parcel detracts from the appearance of the farm?

A.—Yes.

Q.—What strikes me, Mr. McLean, looking at a couple of these forms is that there is a great disparity in the price paid. For example the price paid I see Dr. J. R. Hancock who sold property for a gravel pit in Haldimand County,

Northumberland, for 2.5, that is 2 1-2 acres, he got \$1,950, or at the rate of \$780 an acre. Then I find another one at St. Marys where Mr. Bagnell, for four acres got \$800, or \$200 an acre. Is not \$780 a rather excessive sum to pay per acre for land out of a farm?

A.—No. It depends on the general value of the farm. For instance in the vicinity of Grimsby ordinary farm land is worth a thousand or so an acre, when to-day the County of Essex is negotiating for the purchase of 15 acres of gravel for one thousand an acre; that is the only pit in the vicinity and it is of extreme value there.

Q.—Grimsby is not so far from Flamboro or Ancaster township but what you could haul there?

A.—Oh yes, that would be 25 miles of a haul and you would have to haul through the City of Hamilton. The depth or quantity of the deposit would have considerable to do with the value.

Q.—There may be more in one acre in one case than in five in others?

A.—Absolutely.

Q.—It looks as if poor land on a farm was worth more when the Government wanted it for gravel than good agricultural land?

A.—Well, the willingness of a man to sell is always a factor in fixing the price.

Q.—If a man could get a farm of gravel it would be worth more than for good agricultural purposes?

A.—Well, in some parts of Ontario; if you could supply a quarry in Essex you would have something more valuable than a gold mine.

Q.—Now turning to some of these accounts, just one or two that occur to me,—

MR. WATSON: Just before you leave that; supposing you find a good pit and a man wants too much money; what do you do? Expropriate?

A.—Well, we have that authority, but we have used it very seldom, for two reasons. One is that we find we can usually by delaying negotiate a purchase; the other is that if we take the matter up by the usual procedure of expropriation and it goes before the County Judge we do not know what we will have to pay. We have to pay our own law costs and the law costs of the claimant.

Q.—You would rather pay a little more?

A.—Between the two it pays the department to negotiate a sale, a purchase, wherever it is possible. Now the case of Dr. Hancock—

MR. DEWART: Oh I just took it because it happened to be handed to me.

A.—...that is in an orchard district where land is very valuable. Whether that is the case in this particular instance, I cannot say.

Q.—Before I pass from this, you spoke of resident engineers having been appointed under the extension of the system in 1920 I do not find any resident engineers listed at page 11 under Civil Government, but I find a number of assistant engineers in the temporary employes on page 12, G. F. Hanning \$250 a month, and J. H. Hawes, \$200 a month; H. Irwin, County Road Engineer, \$200; testing engineer, W. Kitson, \$150 a month; H. G. Lumsden assistant engineer \$200 a month; J. M. McInnes \$200 and so on running at the rate of \$24000 *per* year, but there is no mention here of resident engineers. How are they paid? Take Mr. Bues? He is a resident engineer but

his name does not appear in Public Accounts so far as I can see anywhere?

A.—Well some of these men are paid, I think, on the pay list, are they not Mr. Parker? Yes!

Q.—Would they be paid out of that big item of seven hundred odd thousand?

A.—No. It is not that.

Q.—I find here on page I 8 a series of engineers?

A.—Baldwin is a resident engineer; he is called assistant engineer.

Q.—I was just wondering; is Mr. Bues a permanent employe or temporary?

A.—Temporary.

Q.—Working the whole year round?

A.—Yes, working the whole year round.

Q.—His name does not appear; he must have been acting in 1921 according to these estimates?

A.—It is in here some place.

Q.—However, coming to page I 13, under stone, gravel etc., Ed. Brule, \$26,000.23, What was purchased from him, where situated, and why?

A.—We purchased a quarry, adjacent to the City of Ottawa, right at the boundary of the city and located on the Rideau river, at the edge of the Ottawa Prescott highway.

Q.—Do you recall the approximate area and price?

A.—Well, this is not for area, that is for crushed stone hauled to the road.

Q.—He has works there, has he?

A.—He has works there; that is a commercial quarry.

Q.—That is commercial stone, as you call it?

A.—Quarry.

Q.—Then a little later, Canada Crushed Stone Corporation \$238,000.

Where are their works?

A.—That is at Dundas

Q.—Dundas County or the city of Dundas?

A.—Town of Dundas.

MR. STEVENSON: Is that the big plant they are putting up there?

A.—They have the largest stone quarry in Ontario; it is by all means the largest in the Province. They have the most efficient system of supplying you stone, and they have the best railway accommodation. The result is that they really control the market.

Q.—Do you know who constitute that company or are interested in it?

A.—The only one I know is Mr. Doolittle.

Q.—What Doolittle is that?

A.—I don't know; his home is in Hamilton.

Q.—Do you recollect when that company was incorporated?

A.—No; it is an old company and has been in operation as long as I can remember.

Q.—And its works are situated at Dundas?

A.—Yes.

Q.—How did you contract with them? That was a large sum. Did others tender?

A.—We advertised for quotations and received them from all the stone quarries in the Province.

Q.—And how did their price compare with the others?

A.—The prices from all were very similar. They were, I think, the low tenderers. The result of the advertising and receiving quotations is that we have to regulate the purchase of our stone according to the location of the work, and the railways it is on, and receive it from the quarry best able to supply with the most favorable freight rate.

Q.—That would imply a very large quantity of stone. What would be the approximate quantity covered by \$238,000?

A.—It would cover approximately 200,000 tons of stone.

Q.—Where was that 200,000 tons of stone used and how far was it taken from Dundas?

A.—That stone was used on the Queenston road. It has been used as far as Chatham, Woodstock, Cainsville; on the Queenston Road it was used—

MR. BIGGS: Practically where there are Grand Trunk shipping points?

A.—Yes. I may say practically all of our construction has been on the G.T.R. We had to utilize G.T.R. shipping points and if we ship over two lines we have to pay two freight rates. It doubles the cost of the freight rates. The result is that as we are constructing very largely on the old highways of the province which were paralleled by the G.T.R. We are compelled to receive stone from quarries there.

Q.—Well in the case of the Canada Crushed Stone Corporation I take it it was not proximity to the works so much that caused their tender to be accepted but the quantity of stone they could deliver?

A.—That was one material factor.

Q.—On page I 14 I see Crushed Stone Limited, \$21,069.68. Where are their works?

A.—That is Essery's quarry at Kirkfield.

Q.—I don't know whether I asked you who owned the Queenston Quarries Limited. I don't think I did.

A.—The Queenston quarries were owned by a man—I think it is a company now—Lawry is the name of the man.

Q.—A local man there?

A.—Yes; he lives at St. Davids.

Q.—Then we had some items which you I think were explaining before, with reference to the purchase of properties, page I 18 and I 19 and I think I asked you with reference to Hughes and Acres, \$3,000, and their fees of \$892.60 You were going to give us some further explanation with reference to that. You said I think that that was not all fees.

A.—Oh no; that \$3,000 was a check transmitted to them in accordance with the usual procedure of the solicitors. That was transmitted to them for the payment of a property.

Q.—Property I think you said near Hog's Hollow?

A.—Yes; the other is a case of fees; that is on page 19.

Q.—And you pointed out that was for services in connection with two matters?

A.—Yes.

Q.—I don't think I asked you to take the item of R. M. Beatty property, \$5,210; what was that for?

A.—That was part payment on a property at Hog's Hollow in connection with the securing of a right of way to deviate from Yonge street and avoid the hole at Hog's Hollow.

Q.—I think I was more particularly going into the legal accounts which had apparently included some purchases of property. Now there was an item somewhere, page I 51, I think it was, that we just touched upon, accountable outstanding, the 6th item of the page, \$776,011.46 I think I had asked you a question with reference to that; that appeared as accountable outstanding expenditure.

A.—Yes.

MR. WATSON: That is on I 27.

MR. DEWART: I 51; well, it is the same thing.

A.—That is simply the outstanding advance to our department in carrying on the work. The financial year of the Province ends October 31, at the period of the year when we were carrying on heavy work and making heavy expenditures. Under ordinary circumstances a large percentage of the highway construction in Ontario is carried on during the months of September and October for the reason that we can get more labor at that time. That means that it is impossible for our accounting department to have all their returns in and transmitted to the audit office in time to be itemized in these accounts. It will be itemized in next year's Public Accounts. It doesn't follow that that is all expended. It is simply the amount either in the bank or to be accounted for.

Q.—I see that the last question I asked you was referring to that item, whether you could tell us what outstanding accounts you had and what the liabilities of your Department were on October 31 last; in other words to take stock of your Department on the 31st of October and see how much money you owed then, showing what the total expenditure was on the 31st of October. Am I to understand that there were \$776,000 accounts outstanding or that that was the money that you had with which to pay outstanding accounts that were not then ascertained?

A.—That was really the situation.

Q.—The money you had in hand?

MR. BIGGS: The Treasury Department advances probably \$300,000 or \$500,000 or whatever the cost may be; then it is accounted, itemized and accounted back, and this refers to that.

Q.—My point was this, that as that was the money that you had to spend for the accounts that were outstanding, has it been ascertained since what was the actual expenditure out of that sum?

A.—I have a statement here from the accountant showing the outstanding accounts at that time.

Q.—And what is the summary?

A.—He sums it up as \$193,937.64, is what he sums it up.

Q.—Well, would that mean that a balance of \$776,000 is still in hand?

A.—Was still in hand, according to his statement.

Q.—Well then is that just simply carried on to the next year as something to carry on with?



A.—This will all be itemized in next year's accounts. My understanding of the decision reached in the Committee was that this item would be separate as far as possible in next year's statement so as to show what the items were; that is my understanding of the situation.

Q.—So that there is approximately \$580,000 of moneys that were on hand and are not expended on the 31st of October.

A.—That is the effect of this statement.

Q.—That suggestion is very satisfactory I think to the Committee.

Now I want to ask a few questions with reference to some items under general expenditure beginning page I 22 and particularly the purchase of different machinery. Take the Adams Waggon Co., Limited, Adams Waggons, 52 at \$265, 3 at 82 and so on, making a total of over \$14,000 with the tax. What was the procedure followed? Were tenders got for it?

A.—Yes; quotations are asked for from all firms supplying this material.

Q.—And were they asked for in that case?

A.—Oh yes, it is the practice of the Department for anything but a small item to ask for quotations from any firm that wishes to offer a price or could supply us with the material.

Q.—It does not mean you buy the cheapest?

A.—It doesn't mean we buy the cheapest.

MR. BIGGS: It generally follows. Not in 100 *per cent* of the cases, but it generally follows that the cheapest is bought.

Q.—Well, in that case was the lowest tender accepted?

A.—I am satisfied that it would be.

Q.—Where is the Adams Waggon Company?

A.—Woodstock.

MR. BIGGS: No, the Adams Company is in Brantford, I think. The Bain is in Woodstock.

Q.—Then L. Allan, road building equipment, \$10,000. That is a round sum. How is that accounted for?

A.—That was a case in which the contractor failed in carrying on our work. He had a large amount of equipment on hand which he was anxious to dispose of. We had careful valuation made and to relieve the situation the Department required the material. We had use for it and we took it over.

Q.—At a lump sum?

A.—Well, it was itemized.

MR. BIGGS: I think the estimate was about \$14,000 and then finally an understanding was reached that a lump sum of \$10,000 should cover everything. I may say among these items there was concrete mixers, I think three different sizes, and one five ton truck which composed approximately half of the whole item. The contractor was working on the Ottawa Prescott road and failed entirely to carry out his work.

Q.—This whole plant was taken over?

MR. BIGGS: His plant was taken over.

MR. McLEAN: Not the whole of it.

MR. BIGGS: These items can be got if you wish?

MR. DEWART: Oh no. It looked an odd sum, \$10,000, road building equipment, because the estimates usually bring down the odd sum; this is an even sum.

MR. BIGGS: Well that is the reason. It was \$14,000 he asked and finally agreed that a block sum of \$10,000 should clear it up.

Q.—Then another item, just taking a typical one, Anderson, Langstaffe, supplies of hardware, etc., \$6,167.80. Are tenders asked for there or do you just purchase these from standard firms—middle of the second column, page I 22?

A.—That was material purchased from a local concern at Kemptville.

Q.—That would be without tenders, I take it?

A.—Well, I don't think we took tenders because there was so many small amounts it was impossible in that case.

Q.—There are a number of other smaller items, Bain—Davis, iron and steel \$3,182.

MR. BIGGS: That is an item that was advertised—that is bonding for the top of concrete—that is according to tender.

Q.—The other item, Anderson and Langstaffe was made up of so many different scattered items for carrying on the work on the Ottawa Prescott Highway. Do you find it is cheaper to buy from a local hardware firm than a large wholesale firm?

A.—Well, wherever we have need of any large amount of material such as steel, cement, or stone, we purchase by tender, but in certain cases where the camp is carried on for a time we have a large amount of the equipment on the highway requiring small repairs.

MR. BIGGS: I believe a lot of this item was composed of supplies for camps on the road, that is provisions and also oil and gasoline for trucks. I don't think there is very much hardware.

Q.—It is suggested it is for auto supplies.

Take B. K. Wire Fence Co., \$6,713, were tenders asked for for that item?

A.—Yes.

Q.—Then I find page I 21, near the top of the second column, J. E. Bell, surveys engineer on 16 mile creek bridge to the County of Halton at 5 *per cent.* of the cost, on account; will you explain that?

A.—That refers to the construction of the 16 mile creek bridge to the County of Halton on Dundas street; that bridge had just been started by the County of Halton; plans had been prepared by Mr. Bell on the construction, and they had entered into the agreement with him to pay 5 *per cent.* of the cost of the plans supervising construction. When we took over the contract we felt under obligation to carry out the agreement to the County.

Q.—What was the total cost of this gentleman for his services on that one bridge?

A.—Well, that I think is really the total cost.

Q.—It is on account here, you say?

A.—Well, that should not have been there.

Q.—You think you paid him plenty?

A.—Well, we paid him simply what the County Council of Halton agreed to.

Q.—What is the character of the bridge? On that basis it cost \$100,000?

A.—It is a bridge of concrete piers, with steel superstructure almost a thousand feet in length—

MR. FERGUSON: . . . and almost a thousand feet up from the ground.

MR. BIGGS: Oh no, 120 feet.

MR. MCLEAN: The bridge was one initiated by the County Council.

Q.—Bottom of page I 23, Beaver Motor truck, two dump trucks at \$5,000 and so on; tell us something about that? There is the Beaver Motor Truck headquarters? Is that Hamilton?

A.—I think it is Kitchener.

MR. BIGGS: In Hamilton.

Q.—Take these two dumps trucks at \$5,000 each, were there advertisements and tenders?

A.—I think there were.

Q.—Sure?

A.—I feel sure there were.

Q.—Are there any other truck corporations manufacturing a similar kind of truck in Ontario?

A.—Well, a similar kind of truck.

Q.—I mean to say if there were tenders what other manufacturers tendered? That is another round figure, you see, at \$5,000?

A.—I have not the particulars of it here but I feel sure that we had quotations from all the truck companies which could supply this truck.

Q.—And there is one ideal motor complete \$750. Is that just a little "puffing Billy?"

A.—Which item is that. Oh, that would be a motor purchased for the repair work or the reconstruction of a truck.

Q.—Oh, I see; for reconstruction of a truck you had.

Q.—How many cement companies are there from which you can purchase cement for the province of Ontario to-day?

A.—Three.

Q.—What are they?

A.—The Canada Cement Co. St. Marys: Alfred Rogers, Limited, and the other at Hanover, a small concern.

MR. BIGGS: The Alfred Rogers is at St. Marys.

Q.—I just want to know as far as the purchases of cement are concerned. I see on page I 25 the Canada Cement Company have a net amount of \$386,807, and on page I 40 Alfred Rogers Company a net account of \$156,109.93. How are those accounts constructed? Were tenders asked for?

A.—Yes.

Q.—What were the relative prices from all the firms?

A.—The prices last year was, with the percentage off it came to net \$3.10 a barrel.

Q.—Well was it the same price to each concern?

A.—Oh they were the same.

Q.—I see they each tendered at the same figure?

A.—At the same figure. The only thing we can do in that case is to order the material from the point at which it can be most expeditiously delivered.

Q.—There is an item page I 26 Clay Products Agency, Limited, \$36,478.24. Where is that firm's place of business located?

A.—In Hamilton.

MR. BIGGS: I don't know where they are situated Mr. Barker says they ship from several points in Ontario and have head office in Toronto. I don't know who the firm is.

Q.—Are there any other firms engaged in that business?

A.—Oh yes—Toronto Sewer Pipe.

Q.—Were tenders asked for in that case?

A.—Yes.

Q.—How did the tender of this company compare with those of the others?

A.—It was the low figure. But we have to adjust purchases according to freight bills.

Q.—What were the terms? F.O.B. Toronto or F.O.B. factory?

A.—I think the terms are usually F.O.B. factory.

MR. BIGGS: That is where the freight adjustment comes in.

Q.—Passing to page I 29—I am just taking some of the high spots, I find Four Wheel Drive Auto Company Limited and there are four auto chassis at \$7,695 each, \$30,780, and so on, and then small items, two and three and a half ton chassis with steel dump body at \$6,700 each, \$13,400. Where is the factory or the warehouse of that company?

A.—The factory is in Kitchener.

Q.—These were of course for road work?

A.—For road construction.

Q.—Were tenders asked for those?

A.—Yes.

Q.—You received more than one tender?

A.—Yes.

Q.—Do you remember what other company tendered?

A.—Why, I am quite sure we had quotations from every possible source.

MR. BIGGS: Ten or twelve tenders.

Q.—And was the lowest tender accepted in that case?

A.—I would not say so, with the four wheel drive truck. We tried to buy Canadian trucks. There was four wheel drives and National—these two Canadian companies.

MR. McLEAN: We distributed the business.

The four wheel drive is particularly adapted to gravel pit work. These trucks drive with the whole four wheels, and in many places where another truck might get stuck these trucks would pull out.

Q.—I was going to ask you; on page I 30 Mr. McLean, I would like your explanation as to that Grace Motors Limited, 3 1-2 ton Sterling truck, \$7,916.50; that is a little in excess of the other truck that was referred to, I take it, 3 1-2 ton chassis steel dump body, \$6,700. Was that particular truck purchased by tender?

A.—Yes; we called for quotations on all of them.

Q.—Well, what I mean to say is this, did you call generally for quotations for a certain number of trucks and then did you accept a certain manufacturer for a certain number of trucks and another for another and so on and divide the work up?

A.—We scrutinized carefully the quotations and where these quotations

gave us good value for the price we placed the order in so far as it was in the interests of the Department to do so.

Q.—Do you happen to have with you the tender or tenders that were issued so far as these tenders were concerned, because they run into very large items of six, seven and eight thousand dollars apiece?

A.—No; I have not them here.

Q.—Well, their advertisement, can you tell me from your own personal recollection whether you advertised for so many trucks giving specifications, and then divided up the work as I suggested?

A.—To a slight extent.

Q.—Can you recollect to what extent the work was so divided?

A.—I think we ordered about two trucks from each of three firms, was it not?

MR. BIGGS: Speaking from memory, I think there were four 4-wheel drives, I think one National, one Sterling, and one Layland.

Q.—Then, had you advertised for seven trucks of the character that were afterwards ordered from these four firms?

A.—Oh yes.

Q.—And then when you got the tenders in, the first firm, that four wheel drive company, they apparently got an order for four and two are six and the Grace Motors got an order for one, that would be seven, and the Minister's recollection is that there were two others that were ordered from other firms. Would that be right, Mr. McLean?

A.—I would have to verify it, but it strikes me that that is about what the situation was,

Q.—In any event the orders were divided amongst some of the tenderers?

A.—Some of the tenderers. We had strong representations from these different firms. We looked into the merits of the machines.

Q.—That would appear to be the case. I see on page I 32, second column, two thirds of the way down, that D. O. Johnston got an order for two trucks at \$9,116?

A.—No; that was not the case with that order. D. O. Johnston was a contractor with the Department. We had advertised for certain work and afterwards did not go on with it. In anticipation of this work he had purchased these trucks. He strongly represented to us that we should take the trucks off his hands. We paid him just what he paid.

Q.—So you took these over from him?

A.—Yes.

Q.—He being a contractor?

A.—Because of the responsibility of the Department in rearranging the work.

Q.—Where is Johnston's place of business?

A.—His home is in Toronto. He has an office in Brantford.

Q.—I see an old friend at the bottom of page I 32, first column, M. and H. Jerome. I think they are in Dundas, are they not?

MR. BIGGS: Yes.

Q.—And amongst other items we have four Ford cars and 3 Ford truck chassis, with the other items coming to \$5,556. Were tenders asked for for those cars?

A.—Yes.

Q.—What tenders were received?

A.—We received a long series of tenders. I cannot enumerate them. We received them from all the Toronto firms, several outside of Toronto, at Cobourg, I think, and others.

MR. BIGGS: And Chatham, I think.

Q.—Where were the cars and trucks and chassis to be delivered that you got from Jeromes, Dundas? F.O.B. Dundas?

A.—No. They were delivered in Toronto.

Q.—I understand that so far as Ford cars were concerned all the Ford agents sold at uniform prices?

A.—Well that is understood, I think, but we do find a slight variation. There may be a few dollars.

Q.—Could you produce the tenders in that case?

A.—We can produce them.

Q.—My reason for asking that is I thought the principle on which the Ford car was sold was a uniform price?

MR. BIGGS: Yes, but there is this difference, I think it was brought out last year, that you will notice these were asked for with a box on the back of the car for carrying surveying instruments and that kind of thing. While the price of the car is standard the difference in the equipment that is put on the Ford truck explains the difference in the tenders received. I don't think that there is any difference in the Ford itself. That explains the difference in the tenders. I might say that these tenders—in some instances there is only a difference of a few cents on some of the tenders.

Q.—Were there any other Ford cars or chassis purchased during the year except this order?

A.—Yes.

MR. BIGGS: Yes, there is another on page 35, first column, down about fifth or sixth item, J. McDonald & Co., Stratford, four roadster trucks.

Q.—How do you account for the difference there. Roadster trucks were accepted at \$652.57 each and the trucks from the Jerome people at \$786.38; there would be a difference of about \$130.00?

MR. BIGGS: Well, the Ford roadster trucks, the ones I spoke of, that have a small box attached on the back and the other item is a Ford truck. The first one is a roadster with box on the back and the other is a one ton truck, an entirely different machine.

Q.—The tenders, I suppose, will show what the difference is?

MR. BIGGS: Yes, the tenders will show. This year the Gorrie Company in Toronto have been successful I think on 18 that we turned in and new ones we got; they had run two years and over.

Q.—Will they appear in these accounts?

MR. BIGGS: No, they will come out next year; that just illustrates the thing is all allotted by tender and you take the used cars and how many dollars to produce eighteen new cars. You see in that case it would be hard to determine the price the new car was put in at.

Q.—Now on page I 35, third item, second column, McLaughlin Motor Car Co., auto supplies, and one extra special car, \$2,615, less credit for

old car, \$500. Were tenders asked for for that car or was it a special car just ordered and a bargain made?

A.—It was just a standard car, I think, purchased at their standard price. The McLaughlin cars are sold according to the fixed price.

Q.—What was that car purchased for, what use?

A.—I think that is the car I am using.

MR. BIGGS: The extra special is the McLaughlin term for the car. I don't think there is anything extra special about it. They put that on; we don't buy that extra special.

Q.—Well, we expect the Deputy Minister to have an extra special car if anybody is to have it. Charity begins at home.

The next item I want to refer to is page I 37, first column, National Steel Car Corporation, Ltd, one three and a half wheel base chassis with dump body and hoist \$5,620; is that another?

A.—That is a National.

Q.—Where is their place?

A.—Hamilton.

Q.—And that is another case in which they are given the order for one of the trucks?

A.—Yes, the general order that was given.

Q.—And would that be so of the item in the second column, page I 37, on two Packard trucks?

MR. McLEAN: Yes, that was the same advertisement.

Q.—Dividing up the work?

MR. BIGGS: Yes.

Q.—At the top of page I 38, first column, seventh item, L. C. Parkin, auto repairs, supplies and storage, \$6,354.31; where is his place of business?

A.—Dundas.

Q.—Have you contract with him or were tenders asked for for the work?

A.—I think these are principally supplies for use in the repair of our trucks. These are small supplies.

Q.—They made up in the aggregate to \$6,354?

A.—Well, there were three or four trucks working in that district last year, and the gasoline and the storage every night, and the week end storage.

Q.—Well some one seems to have a weak end for Parkin in Dundas?

MR. BIGGS: No; I don't think so at all.

MR. McLEAN: That is purely a business transaction.

Q.—The amount of it?

A.—There is nothing in it at all—just a matter of auto repairs and supplies.

Q.—I see on page I 42, middle of the second column, Toronto Motor Co., Ltd., four Ford Touring cars with starters at \$810.80 each. Were those advertised separately or part of the other advertisement?

A.—Not advertised separately.

Q.—Tenders, Mr. McLean?

A.—Yes.

Q.—They were not part of the other item I was referring to a little while ago, where the Jeromes furnished four cars at \$659.07?

A.—Those were——

Q.—Now does that run over pretty well the question of cars and heavy items of supply, with the exception of page I 44 Wilson and McGovern, Limited, 1 Goldie McCullough complete \$3,000.00 boiler feed pump,—I suppose that means the engine, complete, \$3,000. Where are Wilson and McGovern doing business?

A.—Toronto, I think, are they not?

MR. BIGGS: Yes, Toronto.

Q.—Did you ask for tenders for that?

A.—No; our mechanical men looked over the equipment.

MR. BIGGS: This is a second hand outfit. Goldie and McCullough are in Galt; this is second hand.

Q.—I was just going to ask why you did not buy from Goldie and McCullough in Galt?

A.—Well that is the reason it is a used piece of equipment on which we had a most favorable report from our mechanical men.

Q.—Now, commencing on page 44 and running over some six pages we have a number of contracts ranging up to as high I think as \$250,000 I think in some cases, that is my recollection. There is one here \$393,496. Would you explain to the Committee please Mr. McLean the basis upon which contracts are let and why contracts are let in certain of these cases for such large sums and in other cases work is undertaken by your department and done by the Government, taking a typical account, the very first one, R. H. Blackwell, their accounts in Toronto and Trafalgar townships, Nelson, East Flamboro, Toronto and Chinguacousy, East and West Flamboro, \$21,836.97. When your provincial men were at work on the extensive highway scheme through there how does it come that contract, for example, is let for these culverts instead of being part of your general construction when you were doing work of construction at these very points where these constructions were?

A.—Not always; frequently these culverts are constructed in advance of the general work?

Q.—Is there any reason why they should not be constructed more cheaply by your own highway men?

A.—Well, it is a question. When we first started to handle the provincial highway system it was in the year 1917 and we advertised considerable contracts in 1918. We could not get any tenders whatever or any that were received were so high we could not go on with the work. The result is that we were forced to go on with the work by day labor. But under the Canada Highways Act, under which we received the special grant from the federal government we have to in order to earn their subsidy do the work by contract if reasonably so. The result is that as work has proceeded conditions have become very favorable for contract work and an increasing amount has been carried on. It relieves the department from carrying the large amount of equipment and organization which it would otherwise have to carry.



Q.—There is another item on page I 45 A. Cope & Sons. Where is their plant?

A.—At Hamilton.

Q.—Now I see there for work in Barton and Saltfleet townships, \$44,318, composed mainly of concreting and excavating, when your men were at work on the very portions of the roadway; is not that so?

A.—That may be. We carry on some work by day labor and other work by contract in order that we—we let as much as we reasonably can by contract and where we can more efficiently or cheaply carry it on by day labor.

Q.—Was there any advertisement so far as this contract number 42 of the Cope firm was concerned in answer to which you received tenders?

A.—Yes.

Q.—How many tenders did you receive in that case?

A.—That was a case in which the previous contractor fell down with the work.

Q.—Yes; it was suggested to me that this work was let to Cope & Sons this contract for \$44,000 without any tenders being called for at the time it was let?

A.—I think we called for tenders on that. The situation was that the original contractors fell down hopelessly on the work let in the fall. They made an assignment and we had to take the work out of their hands.

Q.—Well then was the work given to the Copes without calling for tenders? That is what was suggested to me?

A.—Well, I am not positive as to how we handled that. I think we took the series of quotations.

Q.—Had not you your own equipment right there where this work was in progress, Barton and Saltfleet? Your graders?

A.—No, we had not sufficient equipment.

Q.—Graders, dump carts, you didn't have enough?

A.—We have to have graders to handle this work.

Q.—How many steam shovels has the Department got?

A.—Four or five.

Q.—I think I have seen steam shovels at work on the construction of the roadways in the vicinity of Hamilton?

A.—I think they have all been the machines of the contractors.

Q.—It seems a large sum, that \$44,000 in connection with work where the Government was spending so much on construction itself?

A.—The case there was one of emergency. The contractor had been unable to carry on the work. He was hopelessly in debt, and had to make an assignment, and, late in the season, in order to carry on at all, we had to make whatever arrangements we could to complete the road.

Q.—I see by the accounts that there are various items on account of the construction of Steel sub-structure bridge number 1 at the Hamilton entrance; Steel sub-structure bridge number 2 at the Hamilton entrance; and Steel sub-structure Bridge number 3 at the Hamilton entrance, amounting to, I should say, over \$200,000. Where are those bridges being constructed and you might give us some explanation with reference to that. I notice the items under Hamilton Bridge Company page I 47, they are paid balance of contract 141 for steel superstructure bridge number 3

Hamilton entrance, \$111,794.26. Now will you give us some account of what these steel superstructure bridges were and how it comes so much money is spent on these entrances into the City of Hamilton?

A.—This refers to the entrance of the Toronto—Hamilton Highway into the city and also the main highway from the north from Guelph and the entrance for Dundas street, that is between Bloor street and Toronto, through Cooksville and so on into Hamilton, all of those three roads converge and enter the city approximately at the same point. Each of them in order to get entrance would have to drop into the ravine approximately 90 feet in depth and the roads are winding and difficult to construct. It was recognized that for the Toronto Hamilton Highway entrance the only solution was a high level bridge.

Q.—Is that bridge running across from near Aldershot?

A.—Well, it is west of Aldershot, over the point of the arm of the bay into Hamilton. When we took it over and had to consider the entrance for the road from Guelph and the entrance of Dundas street we saw that the three could be combined in one by high level bridges.

Q.—Where do they converge?

A.—Right at the north point of Hamilton over practically the canal outlet, the old canal there.

Q.—That is on the Hamilton side?

A.—On the Hamilton side.

Q.—So they all have to be carried across the big ravine?

A.—Yes.

Q.—Which is bridge number 1.

A.—Bridge number 1 is the large bridge over the first ravine from the Toronto Hamilton Highway end?

Q.—Then which is number 2?

A.—Number 2 crosses at the Grand Trunk Railway cut.

Q.—Is that the one from Guelph or from Dundas road?

A.—No, that would be the Toronto Hamilton Highway.

Q.—And number 3?

A.—Number 3 is the bridge that carries in the Toronto Hamilton Highway from the approaches of the bridge from the north.

Q.—What is the total cost of this structural work on these bridges?

A.—This represents pretty closely the full amount, I think, of the cost of these superstructures, that is bridge Number 1, 2 and 3. I think, practically, this is the full amount.

Q.—Yes, apparently the items in Dickenson's account are for concrete sub-structure?

A.—Well, they are for the piers and the buttresses and the floors.

Q.—And the third item? As to number 3 the sub-structure of the Hamilton Bridge Company is \$111,794. I do not find the items for bridges numbers 1 and 2 so far as the sub-structure is concerned here. Perhaps they may be in a subsequent account. Then, what is the total estimated expenditure of the construction of that new entrance into Hamilton that you referred to with these three steel super-structure bridges?

A.—The three structures complete cost it is estimated approximately

half a million—about.

Q.—And who bears that cost? How is it divided?

A.—The City of Hamilton pays the amount agreed upon, approximately \$365,000, and the province the remainder. The City of Hamilton also has to construct two additional bridges into the city to carry the road in.

MR. McLEAN: The Toronto Hamilton Highway Commission had for some years been estimating on the cost of getting an adequate entrance and their estimates ranged from about half a million to a million and a half for schemes to carry through one highway into the city. We carry the three highways in at about half a million.

Q.—Now I would like you to refer to page I 50, to an item in the Warren Paving Company account and it is the second portion of that item, balance of contract No. 132, warrenite bitulithic pavement. Ancaster township, \$241,650.93. Will you tell me where that is constructed, anything you can with reference to the contract, the length of the road, and its average cost?

A.—The payment refers to one extending westerly from the City of Hamilton at what they call Paradise road to Biggs' corners, where the road forks; one fork runs out through Ancaster to Brantford, Paris, Woodstock, Ingersoll and London. The other fork runs through the town of Dundas on the main Provincial Highway to Galt, Preston, Kitchener, where it connects with the highway to Stratford. It is the short cut through Stratford into Hamilton and into Toronto.

Q.—Would you give me the length of the various sections you have referred to?

MR. BIGGS: There are two other sections that are included.

MR. McLEAN: You mean the section extending on to Dundas?

MR. BIGGS: Well, there is a mile or a little over on the fork running into Dundas and a mile leading out to Ancaster and Brantford all included in this one contract.

Q.—Well, what is the total mileage covered by this contract?

MR. BIGGS: I should think approximately between four and a half and five miles.

Q.—By the whole contract?

A.—I would think so.

Q.—Then you would say it would not be more than five miles? So we may say that this piece of roadway cost approximately \$50,000 a mile?

MR. McLEAN: I would think so.

Q.—Do you know what the rate was that was allowed the Warren Paving Co. *per* mile for the construction of that road out to the township of Ancaster?

A.—The contract was paid for according to what we term unit costs, so much *per* square yard of paving, so much for stone put in the foundation of the road, so much for earth moved, so much *per* cubic yard. The items I cannot recall from memory but I think the price *per* square yard of paving, the main item, was about 65 a square yard.

Q.—What is the width of this highway that is constructed? Is it uniform?

A.—No; from Hamilton to Binkley's the pavement is 24 feet in width with bituminous shoulders on each side of three feet making a total width of 30

feet of protected surface.

Q.—How long is that road from Hamilton to Binkley's?

A.—That is about 4,900 feet as I recall it.

Q.—What is the next section that you give us, and its width?

A.—The next section is from that point, Binkley's to Ancaster, about 20 feet in width, as I recall it. I cannot say the length of it.

Q.—Can you give me a rough estimate or an idea?

A.—Well, approximately a mile?

Q.—Any shoulders on that road, too?

A.—Yes, there are shoulders on that road too, but I cannot recall—

Q.—Well, what is the next?

A.—Then the other is that extension to the town of Dundas.

Q.—What is the width of that?

A.—Same width, about 20 feet and shoulders.

Q.—And how long is that? About a mile?

A.—Something like that; I don't think it is that length, Mr. Dewart.

Q.—Then what is the next section?

MR. BIGGS: Are three sections referred to? That is the idea.

Q.—Do those connect with one another?

A.—Except for some soft spots that have to be a matter of further construction?

Q.—Well, I want to know are these just spots of highways constructed here and there, with mud between them, or are they connected?

A.—600 feet of the Brantford spur is left out to form a subway; on the other spur, earth from the subway is being used to fill a ravine with a space of from six to seven hundred feet left there; that work is going on now, and in the near future, as soon as settlement takes place, this will be attended to.

MR. MCLEAN: That is all on the continuation section of the road, as continuous as construction can possibly be made.

Q.—Well, upon the estimate you have given me that would be less than three miles?

A.—That is a mistake.

Q.—Because you have given me 4900 feet on—

A.—No; it is about two miles on that section. I am wrong about that.

Q.—Well, about two miles in the first section, about one on the second, less than a mile on the third. Then, having regard to your previous estimates, would you say this roadway exceeded four miles total length? What I want to get is what is the approximate cost of this roadway per mile. I have the cost of the paving at \$241,650. If you can give me the actual length then we will be able to estimate accurately, exactly; how much is the cost *per mile*?

A.—Well, I am somewhat hazy in recalling these figures. I would rather get you them accurately.

Q.—It is less than 5 miles?

MR. BIGGS: Yes; it is less than five miles.

Q.—Would it be more than four miles. You say you have about two for the first about a mile for the second and about a mile for the third?

A.—There is over four miles as I recall it.

Q.—Over four and less than five miles?

MR. BIGGS: Less than 5.

Q.—You see when you get such a high priced roadway as this, half a mile makes a big difference in the price.

A.—Of course you have to consider that the main branch of that road is nearly twice the width of paving on the Toronto Hamilton Highway.

Q.—What was the necessity for that width, or the wisdom of that construction?

A.—Because of the extremely heavy traffic between Hamilton and the town of Dundas, and that section is the trunk of the whole Western Provincial system, because from that point the road branches to Brantford and on to London, Windsor, St. Thomas, and so on, and the other one out to Galt, Kitchener, and to Stratford. That is one of the most heavily and constantly travelled pieces of Provincial Highway.

Q.—The cost, then, would be—I am trying to get at the cost, and Mr. McLean has not given me that—the cost at any rate would be between \$50,000 and \$60,000 a mile?

A.—Yes.

Q.—Do you suggest that there are any other stretches of highway, even in the vicinity of Dundas, that approximate to that cost *per mile*?

MR. McLEAN: No, that was the most expensive piece of work we have had to do, as I recall.

Q.—Take the road running down past Mr. Biggs' corner there?

A.—No, that was not as expensive a piece of road.

Q.—Well, that is a pretty level road?

A.—Yes, but we had not to do the same amount of earth work in it. We had not to put the same amount of stone in the foundation.

Q.—What is the width of that?

A.—Eighteen feet with shoulders.

Q.—Eighteen feet with shoulders?

A.—And shoulders; that is shoulders are in addition.

Q.—Well, that is a pretty high class road is it not?

A.—It is the class of road we are constructing wherever the traffic justifies.

Q.—Has that got an asphalt top?

A.—Yes.

Q.—How would you describe the road I have spoken of; where does it come from and where does it go to? What is it known as. When I saw it it came to the corner?

A.—Well, it is under construction. That is the main roadway between Hamilton, Galt, Preston, Kitchener, Stratford. It is the main road. It is the oldest toll road in Ontario—one of the oldest.

Q.—Well, that, I take it, has been constructed beyond the corner.

A.—Oh yes, two miles; and it is under construction from the other end.

Q.—Well, what is the average cost of construction, or estimate, of the road of the character that was up to what I saw at the corner there?

A.—Well, that section up to Mr. Biggs' corner was something like \$30,000 a mile.

Q.—Will that be the fair cost of the further two miles that have been constructed past Biggs' place?

A.—Well, I would think so, but some sections are costing more because of the length of stone haulage we have to make on them.

Q.—What would you say was the larger cost of the more expensive sections?

A.—It runs from \$30,000 to \$40,000 a mile.

Q.—What is the length of road from the corner, Biggs' Corner, what is the length of road that is to be constructed of that character at \$30,000 to \$40,000 a mile?

A.—Well there is the length from Hamilton to Preston, Galt, and that is in the main in the industrial section of Ontario.

Q.—I did not ask you to advertise it; I asked you what the length of the road is.

A.—Well, I like to say these things.

Q.—I know. We understand it pays to advertise, but the suggestion is that you tell me what the estimated length of this road at \$30,000 to \$40,000 a mile?

MR. BIGGS: About 17 miles?

Q.—Would that bring it to Galt?

A.—Yes.

MR. McLEAN: It is then one mile from Galt to Preston.

Q.—Is that all?

A.—Just a mile to the limits.

MR. McLEAN: The limits of the town cut considerable off the length.

Q.—Then there is a road through Galt; where does that lead from and to? Is that the old Guelph road?

A.—No; that is not under the Provincial Highway system at all.

Q.—Where does it run from?

MR. BIGGS: Dundas to London; Dundas to Paris it is under county and township jurisdiction.

Q.—Is it the road that runs in from Brantford?

No, it runs midway between—

Q.—Is there any construction work contemplated on that road?

A.—From Paris west to London.

Q.—From what I saw of it the eastern section needs repair?

A.—Well, that is the County system.

Q.—That is not a Provincial road! Ever any arrangement with the County to take it up?

MR. BIGGS: They spent considerable money on it late last season and the one reason of the road probably being in disrepair last season was the building of the Hamilton Brantford; that caused a detour of all the traffic over that road to a large extent. This year the County no doubt will be better able to maintain it.

Q.—Where else in the Province of Ontario are you constructing Provincial Highways of the same character as the road to Hamilton to Galt?

A.—Radiating from the City of Toronto.

Q.—Give me the stretches that are under construction now, please?

A.—Well, from the western limit of the city on the extension of Bloor and Dundas street out to Cooksville and beyond.

MR. BIGGS: Part of that done last year.

Q.—And where else?

A.—We have a similar plan for Yonge street up as far as Richmond Hill and beyond.

Q.—Any part of that constructed?

A.—Not yet; no.

MR. BIGGS: Part under contract now, five miles.

Q.—Who is that contract let to?

MR. BIGGS: I think the Warren Paving Co. have five miles there.

Q.—At what price?

A.—Well, these are unit costs; in accordance with all paving.

Q.—What is the width of that highway on Yonge street?

A.—Well, that is not fully determined, but I expect it will be a pavement of about, well, our plans are twenty feet, and, if necessary, shoulders.

Q.—Well, has it been let on the basis of a twenty foot roadway and shoulders?

A.—Yes.

Q.—Anywhere else except these roads from Toronto?

MR. BIGGS: Pickering.

MR. McLEAN: Well, that is on the Kingston Road. We expect to construct as far as Oshawa.

Q.—Where from?

A.—From the eastern limits of the City of Toronto.

Q.—Well, are you going to take up the road that is there?

A.—Oh no; that is all under construction, and a great part of the foundation is in.

Q.—Will you say that will be the same character of road as this Hamilton, Galt Highway?

A.—Yes.

Q.—Bitulithic top?

A.—Yes. Well, it will be H? M? Asphalt. Some of the firms have trade names.

Q.—Are there any other portions of the Province in which you are constructing roads of a similar character?

A.—There will be a short stretch out of Ottawa, south on the Ottawa-Prescott Highway.

Q.—Yes, anywhere else?

A.—There are some stretches on the Queenston road.

Q.—That is over in the Niagara district?

A.—Yes.

Q.—How much there?

MR. BIGGS: Seven miles.

MR. McLEAN: About seven miles I should think.

Q.—Where does it run? Up to Niagara Falls?

A.—That runs from Hamilton to Niagara Falls.

MR. BIGGS: In connection with this item, just as a matter of suggestion, there is another type of road which costs very similar, and gives the same surface, that is the concrete highway, and they have to be adjusted according to the

classes of soils and materials available, so there are several other sections that complied practically with that last year and this year which run very similar in price.

MR. McLEAN: We are constructing concrete pavements leading from the City of Windsor, London, Sarnia, Chatham, St. Thomas.

Q.—I overlooked asking you about an item, two items, on page I 12, one is a grant to the Department of Indian Affairs of \$3,250. What is that for?

A.—That was for the construction of a piece of roadway in the time of the Indian reserve near Deseronto. The purpose of this road was to extend from the Highway the Provincial Highway near Deseronto to a ferry operating across the Bay of Quinte.

Q.—Is there an Indian reserve there?

A.—Yes, that is within the Indian reserve, and it was felt by the Department of Indian affairs that as this would serve the county that we should bear a portion of the cost. There is also a very keen feeling on the part of the Indians that we should assist them in connection with their roads.

Q.—Then there is another item on that same page, I 12, reimbursement for loss on contract, Brockville Highway Construction Co., \$840.70. Does the Department reimburse contractors who happen to make a little loss?

A.—No, that is not the case. That contract was entered into in I think the year 1919.

Q.—Why was any reimbursement made?

A.—Because the contract was cancelled and before the cancellation was made this construction company had made certain expenditures in connection with their organization which we felt the Department and the Province was morally bound to assume.

Q.—I see another item, page I 53, Highway Improvement Act, R.S.O. 1914, object lesson, road in the town of Dunnville, \$5,000. What is an object lesson road and what is the system under which they are constructed in Dunnville?

A.—We constructed several of those roads. One was near Windsor; one adjacent to S? one out of the County of Hastings.

Q.—What is the length of them and what is the idea?

A.—This one was approximately a mile or so in length. It was undertaken in the year 1919. The purpose of it was to encourage more satisfactory construction in that part of the country and at the same time link up the proposed Provincial Highway with the town of Dunnville.

Q.—What is the length of the construction that cost \$5,000.

A.—What page is that?

Q.—I 53?

A.—Well, that is only a part of the cost and I cannot say to what portion of the cost that applies.

Q.—What would be the length?

A.—The length would be approximately a mile.

Q.—Then this simply was a contribution?

A.—Well, we carried on the work under Departmental organization.

Q.—Well now you have been good enough to bring down a number of the tenders with reference to motor cars and I just want to go into these for a



few moments. The first one refers to an advertisement which is cut out here under date, Toronto, May 19, 1921, inserted by you. Notice to Ford dealers, sealed tenders marked for contract number 431 will be received by the undersigned until twelve noon on Thursday, June 2, 1921, for the supply of three standard Ford roadsters with box on the back and tool box on the running board for the Department of Public Highways, Ontario. Then the usual reference to specifications and tenders follows. Now was there a later advertisement than this, because I notice that there are a number of tenders that seem to have come in at a later date?

A.—Well, I think there were. We required to replace certain trucks and cars from time to time during the season and as we have to have them we advertise them. I may say positively that every Ford car purchased last year was purchased in accordance with tender and the order was given to the lowest tenderer. I know that to be the case.

Q.—Well now I see here under date of May 28th, there is a J. W. McLaughlin of London, who tenders on a truck, F.O.B., \$709, then on May 23, Toronto Motor Car Co., at \$670.60—

A.—I think you will find them all summarized in that report Mr. Dewart.

Q.— — Jerome at \$670.57; and then, apparently, there were new tenders put in by these different parties; on June 8th, McLaughlin puts in a tender at \$657 which is the amount summarized here?

A.—I think they were all received at the same time, Mr. Dewart.

Q.—And it would appear as though there had been a change in the prices between the time of the original tender and later?

A.—Well, that may be.

Q.—Because one is brought down from \$686.50 to \$636.56—

A.—We have had this, between the time in which we made the call for the tenders and the time we received them and before we would make the order, there would be a general change in prices of these cars, and then we would receive amended quotations from the different men. I say we have had that experience; whether it applies in that case or not I cannot say.

Q.—So it would look as though you sent out a further call for tenders under June 8, because, a firm acknowledges with thanks receipt of call for tenders for Ford cars under June 8; Jerome, M. & H. Jerome, apparently wired you a rush telegram on June 14th; "This will authorize you to reduce our tender of June 2, \$151.24, making the net amount of \$619.33; letters follow. M. & H. Jerome. 4.15 p.m." It was quite evident that you were going to let tenders next day and that your notification to them must have made it clear you were going to let them on the 15th. Then they write a letter dated, June 14th, giving the more detailed tender at the same figure contained in the telegram, \$619.33 marked, tender number thirty-one, and endorsed by pencil received June 15th, 1921, twelve noon.

Now I want to point out that the tenders appear to have been considered on June 15th, and the Jerome tender was sent so as to come in to you on that very date, June 15th, at noon, at that reduced figure. How does that happen? They were not the lowest tenderers, but it seems odd that their reduced tender came in right at the very day you were dealing with them at twelve o'clock noon?

A.—We called for tenders from time to time during the season.

Q.—I do not quite understand the acceptance of a reduced tender at twelve o'clock noon on the day tenders were to be opened. Is it the custom to receive tenders right up to the very moment you open them?

A.—No, no.

Q.—When you have advertised they should come in by a certain day?

A.—No, we expect them to be in at a certain day and they are considered at that time.

Q.—It was not the lowest tender but it was next to the lowest, and you nearly nosed out the successful tenderer at the post, as Mr. Raney would say?

A.—Well, I really cannot follow it from memory.

Q.—Well, I won't press the question. It just looks a little curious.

A.—The practice was closely adhered to, to call for tenders last year.

Percy William Bull called.

Sworn.

HON. G. H. FERGUSON, examining.

Q.—What is your full name?

A.—Percy William

Q.—What position do you hold in the Government service?

A.—Clerk.

Q.—In what branch of the service?

A.—Motion Picture Bureau.

Q.—When did you come into the service?

A.—1920.

Q.—What was your position before that?

A.—In the Public Works Department.

Q.—How long had you been there?

A.—Three years.

Q.—What were you doing in the Public Works Department?

A.—I was with the Trades and Labor Department and then I was promoted into the Labor Department.

Q.—And in 1920 you came over to the Motion Picture Bureau?

A.—Yes.

Q.—What are your duties in the Motion Picture branch?

A.—My duties are measuring negative, proof prints and prints, shipping. Measuring the negative.

Q.—That is measuring the volume.

A.—Yes.

Q.—That is purchased by the foot, is it not?

A.—Yes.

Q.—And is there an allowance for rejection?

A.—Well, that I have nothing to do with. If there is any waste or unused negative of course I get it; that is included in the footage.

Q.—Just tell us in a practical way what you do. These are the films that are purchased by the Government?

A.—Yes.

Q.—And when a film is purchased by the Government who buys it? Who is the official in the Department that supervises and puts through the purchase?

A.—Well that I cannot just tell you, unless it is Mr. Elliott who is Director of the Motion Picture Bureau.

Q.—You have nothing to do with that?

A.—No.

Q.—But when the film is purchased then it becomes your duty to measure it?

A.—Yes.

Q.—Do you measure all the film in the Department?

A.—Yes.

Q.—Is that the work you began with when you went into the Department first?

A.—No.

Q.—What were you doing first when you went in?

A.—It was to put the Bureau into shape to start with?

Q.—You mean to organize?

A.—To organize. exactly.

Q.—Now what did you do to organize it?

A.—Is it necessary to go into the detail of that.

Q.—Yes; I want to know how it is organized. I do not understand the organization. It was a bureau that had been in existence for some time?

A.—Yes.

Q.—Now what did you do?

A.—The first procedure I took on that was to get a quantity of the films catalogued, comedies, dramas, education, and scenic, get these into shape, and I might say, at that time there was an awful lot of demonstration work being done—

Q.—In the Agricultural and Educational work?

A.—Yes. These films had been sent broadcast through the Province to the different fairs, agricultural representatives, institutions, colleges, schools, and so on; quite a number were on standard reels, which was more convenient for the operators demonstrating at the fairs and so on. Following that I had to do with shipments, the films in circulation.

Q.—Well now was that the operation of the branch when you went in there?

A.—Well what the mode of operation was I cannot tell you.

Q.—But you took over this work that you speak of?

A.—Yes.

Q.—And when did you become the official who measures the films?

A.—Not until last year 1921.

Q.—Was it subsequent to some inquiry at the Public Accounts Committee here about films when there was some understanding the films would be measured?

A.—Yes.

Q.—And it was pursuant to that you were authorized, you understand, to take up the measuring?

A.—Yes.

Q.—Now as well as measuring films do you have anything to do with inspecting the quality and the character of the film?

A.—No.

Q.—You have nothing to do with that?

A.—No.

Q.—Well who looks after that?

A.—The editor.

Q.—Who is the editor?

A.—Mr. Blake.

Q.—He is the man who takes care of the quality of the film. Now the value of the film largely depends on the quality, does it not?

A.—Yes. Of course that depends on the work of the film. Just what do you mean by the quality of the film?

Q.—Different grades of film. There are different qualities; some of them will live longer than others?

A.—Well that would apply I would say to any material. That depends on the quality of the negative in the first place and that will depend secondly on the usage of the film. The duration of a film is a hundred screenings.

Q.—Is there not a difference in the film itself, fabric and the life of it?

A.—Well no, there should not be.

Q.—Is not there a film that is called—it is used by the newspapers largely in letter press film. What is that film?

A.—Well that would apply I would say to any material. That depends to would be what they use for pictorial work or Fox news—

Q.—Do you know there is such a thing as news print film?

A.—Well I do and I don't because that part of the work I have nothing to do with. We do not carry that kind of film?

Q.—But I am asking you if you know there is such a film as news print film? Do you know as a matter of fact?

A.—No, I do not know.

Q.—And you have nothing to do with that question of quality of the film at all?

A.—No.

Q.—Your duty consists entirely of measuring film day in and day out?

A.—Yes.

Q.—And when you measure it who do you report to?

A.—The director; that is when my certifications are complete. I give him the original and keep a copy for myself.

Q.—Who is he?

A.—Mr. Hearst.

Q.—Your certificates are handed to him?

A.—The original.

Q.—Now pursuant to the inquiry of last year I think it was, in regard to film, there was to be a measurement and you were instructed to make that measurement. Did you make a measurement of the film in the service?

A.—Of what films?

Q.—Did you make a measurement of any films? I don't want you to hedge with me. I want you to tell me all you know.

- A.—I am not hedging.
- Q.—Tell me then what films you measured when you went in there?
- A.—The first measurement I undertook was the Film Craft industries, standard films.
- Q.—Did you make any of the Aero Film Company's?
- A.—Well at that time probably they were the Aero Film Co.
- Q.—They are the same company?
- A.—Same company, yes.
- Q.—Film Craft succeeded the Aero film?
- A.—Yes.
- Q.—Just a change in name, practically?
- A.—As far as I know.
- Q.—Do you know that?
- A.—I haven't the least idea.
- Q.—You have not heard that firm was reorganized?
- A.—No, it was not my business to make these inquiries.
- Q.—No, but sometimes you know things that are not directly your business?
- A.—Exactly.
- Q.—And I thought perhaps you were in a good position to know. I am not in the Department at all and I can learn them all right.
- MR. SMITH: But probably your information is not correct.
- MR. FERGUSON: Well I fancy it is. When I come to develop it I think it will be fairly correct.
- Q.—Now who instructed you to make these measurements? Was there a general measurement to be made up of all the films?
- A.—Yes.
- Q.—Did you measure films that had already been purchased and paid for?
- A.—Oh yes.
- Q.—Measure everything that the Government had purchased? Practically everything?
- A.—Practically everything.
- Q.—But you went over the Government stock of films and checked it all up with you measurements?
- A.—Yes.
- Q.—Now did you compare your measurements with the footage that came in the invoices?
- A.—There were no invoices at that time. I had then undertaken or had been given orders to measure, and I had to go through each, right up to the proof prints which should correspond with the print itself, and the order is put through—
- Q.—What was the object of your measuring?
- A.—That was my instructions.
- Q.—But what was the purpose of the measuring?
- A.—That I cannot tell you.
- Q.—Hadn't you any idea?
- A.—Only that I was instructed.
- Q.—Have you no notion of why you were there?
- A.—Only I know it was part of my duties.

Q.—And do you carry out your duties without any intelligent notion of what your purpose is at all? Why do you suppose you were asked to measure film? What would be the object?

A.—Well, from a business point of view——

Q.—Why?

A.—Well, I would not put an order in for an amount of ten thousand feet of film to be delivered tomorrow if I did not require that and if I paid for that ten thousand feet I would expect that ten thousand feet to be delivered.

Q.—And you would check it up to see?

A.—I would.

Q.—And that was the purpose of your measuring wasn't it?

A.—Yes.

Q.—You were measuring film to check them up with the purchase of the film, I understand?

A.—Yes.

Q.—Now how did you find the measurements compared with the films purchased in length?

A.—They were satisfactory.

Q.—They were all satisfactory?

A.—With invoices that were sent through that finally came to me.

Q.—And you checked these all over?

A.—Yes.

Q.—That is, not only the stuff purchased from the Aero Company, but the Film Craft, which is the same company. I am speaking about all the films?

A.—Yes.

Q.—You found no shortages at all?

A.—I might enlighten you on this, that this work has been performed before I was transferred to the Motion Picture Bureau. I was measuring negative of the first prints that were delivered. What the footage was previous to that I don't know. My orders were to go through and the list of films were given to me to measure which I did do.

Q.—And you made no comparison with footages that were purchased?

A.—I had no comparison to compare with.

Q.—Well I am asking you if you did?

A.—No, I did not.

Q.—Couldn't you get the footages in the Department. Didn't they keep track of a ten thousand foot purchase?

A.—Yes, but I don't know what was doing five years ago.

Q.—I thought you told me you were asked to check up all the films?

A.—I was asked to measure the negatives, which I did do.

Q.—And what did you do with the information when you measured them?

A.—The original certificate I handed to Mr. Hearst; the duplicate I kept myself in my own file.

Q.—That is all you did?

A.—That is all I could do.

Q.—You didn't make any report to anybody? In connection with any phase of the work of the Moving Picture company?

A.—No.

Q.—You never made any report?

A.—No.

Q.—About any conditions?

A.—No.

Q.—Are you quite sure about that?

A.—Yes.

Q.—So your duty consisted of simply measuring and handing over a certificate of what you found to be the measurement to Mr. Hearst?

A.—Exactly.

Q.—And is that the work you are still performing?

A.—Yes.

Q.—You don't deal with quality? You have no duty to perform except to put the yard stick on this film and see how long it is and put down the figures and give a certificate? That is your duty?

A.—Yes.

Q.—And you have never performed any other?

A.—You mean in connection with the measuring?

Q.—In connection with the work of the Bureau?

A.—Oh yes; I have other duties, in fact numerous.

Q.—What are they?

A.—Bookings.

Q.—What are bookings?

A.—Bookings of film for shipping.

Q.—What do you mean by booking?

A.—For instance if you were to put in a request for a film, or put in a request for a selection of film, first and second choice. In some cases we can substitute. In other cases we cannot. There may be a booking on the same day—Kingston, one from the north, Arnprior, or other places. The first order that is receiver gets the preference, and so we work on this and make the shipment.

Q.—And that is part of your duty, to keep the stuff in circulation?

A.—Exactly.

Q.—Now what else comes within the scope of your duties? These are the only two things you have ever done for the Department.

A.—Well, examining films on return, rewinding to see if there is any shots missing in titles. Sometimes there is an enclosure made in the return shipment; go through the film and examine it; it may be short a title or a sub-title; if so an order is put through—

Q.—What is a shot?

A.—Just a shot of picture?

Q.—What does that mean?

A.—If you want five feet of a scene the camera man goes out and shoots that.

Q.—Takes a picture, that is what you mean?

A.—Yes.

Q.—So that is the sum total of your work in the Bureau?

A.—Cataloguing and all these things take time and need to be given very close attention.

Q.—Now as you have told us when film comes in there it is turned over for you to measure?

A.—When the editor gives it first screening I measure it. If there is any cuts made on that I have to give it a second measuring. When he finally screens it he puts through a certificate, notifies me it is o. k. for final measurement.

Q.—And then you make your measurement?

A.—Yes.

Q.—And you are given no information as to how many feet should be in it or anything else?

Q.—That is the editor's duty.

A.—I know it is the editor's duty officially but you don't have any information as to how many feet should be in a film when it is handed to you?

A.—No.

Q.—It is a well organized branch; nobody communicates to anybody anything except what is officially his duty to perform. You never talk about things?

A.—Oh no.

Q.—Do you know of shortages existing in deliveries or sales to the Department, by the Aero Film people or the Film Craft people?

A.—No.

Q.—Have you heard of these things?

A.—Have I heard?

Q.—Have you heard in the Department that there were shortages in the delivery?

A.—Well that does not interest me, what I have heard.

Q.—Well it is interesting to me. Just wait a moment. I have made up my mind and I think the committee has that you are not being fair. I am asking you if you have heard in the bureau that there were shortages at all?

(Mr. Smith objects to the question).

Q.—You never heard anything that led you to check up any film at all, find out whether there were any shortages of any kind?

A.—No.

Q.—And you do not know from any of your superior officers that there has been shortage in delivery?

A.—No.

Q.—Never anything of that kind?

A.—No.

Q.—And you have never heard in the Department that there was any claim against either the Aero Film Company or the Film Craft Company?

A.—No.

Q.—That there was any dissatisfaction of any kind?

A.—No.

Q.—And you have never made a report to anybody that there was unsatisfactory service anywhere?

A.—No.



- Q.—I want you to be sure?
- A.—Yes.
- Q.—You have never made any such report and never had any such information from any official of the Department?
- A.—No.
- Q.—That is absolutely correct?
- A.—Yes.
- Q.—Do you come in contact with the Film Craft people at all?
- A.—Oh yes.
- Q.—When?
- A.—In the performance of my duties.
- Q.—Well, I do not suppose you go down there to play pinochle with them. How do you come in contact with them?
- A.—In measuring.
- Q.—Just tell me how? Do you go down there to measure film?
- A.—Yes.
- Q.—To the Film Craft premises?
- A.—Yes.
- Q.—And all the film is measured there?
- A.—Yes.
- Q.—What do you call it when you speak of measuring, measuring film or print or negative?
- A.—Negative.
- Q.—And then do you measure film as well?
- A.—After the measurement of the negative then it is proof or proof print whatever you wish to call it—some call it print; that is for the editor, which is screened in the motion picture projection room.
- Q.—Then the most of your work is done down there at the Film Craft place?
- A.—Oh no.
- Q.—Well, when do you measure down there?
- A.—Just when an order is put through that a proof is completed.
- Q.—Then you go down there and measure?
- A.—I go down and measure, yes.
- Q.—So all your first measurements are done down there?
- A.—Yes.
- Q.—Now who is the manager down there?
- A.—Well, I think under that heading, I have known him to be the superintendent, Mr. Miller.
- Q.—Mr. Miller is the superintendent?
- A.—Yes.
- Q.—What other officers do you come in contact with down there?
- A.—Nobody.
- Q.—You never see anybody but Mr. Miller?
- A.—I see quite a number, but never have any business with them.
- Q.—Do you know anybody else there?
- A.—I guess I know the staff pretty well?
- Q.—Well, who are the staff?
- A.—There is a Miss Storch, who does the assembling of the film.

Q.—Who else?

A.—The accountant, Mr. Simpson, and the camera man or men.

Q.—Who are they?

A.—Mr. Tash.

Q.—Who else? I want to know everybody you know around that place?

A.—Everbody I know?

Q.—Yes, connected with the Film Craft?

A.—I am not there doing business with them.

Q.—I am not asking you anything about that. Please answer me. I want to know whom you know at the Film Craft. You have told me three?

A.—Well, that is not my business to know these people.

MR. WATSON: You should answer that question.

A.—I have no dealings with these people.

Q.—Your attitude is not just as satisfactory as it might be. Now who do you know down around the Film Craft establishment. You have given me the names of three people—Miss Stirsch, Mr. Tash, who else.

A.—Miller, the superintendent.

Q.—Who else?

A.—Well, that is all I know that I have any business dealings with.

Q.—I am not asking you about that. Whom do you know that is down there?

A.—I don't know them all by name.

Q.—Do you know any more than you have told me that are around the Film Craft place? You have been working around there for the last year and a half and you only know four people. I think I would know them all in a week?

A.—As far as that goes, I am not going to give you an indirect answer; I might as well say I don't know myself; that is quite a thing to ask a man.

Q.—Well, wait a minute. I am asking you who are around there that you know. I don't care how you know them?

A.—I am not quite sure of all the names. These are just people I have come in contact with in the performance of my duties.

Q.—Will you swear that these are the only people you know around the Film Craft?

A.—Oh no, I don't swear as to that.

Q.—Well who else do you know?

A.—Mr. Proctor.

Q.—What is his job?

A.—Well, I cannot tell you that.

Q.—You don't know what his position is?

A.—No, I do not.

Q.—Who else do you know?

A.—Mr. Irish.

Q.—What is Mr. Irish?

A.—That I cannot tell you.

Q.—And who else do you know?

A.—Mr. Irish again; this is Mr. K. Irish.

Q.—Who else do you know?

A.—I know a Mr. Bastedo.

Q.—Who else is there?

A.—Mr. Sifton.

Q.—Anybody else you know down there?

A.—Yes, there is the office boy.

Q.—Well, he is an important factor, I understand in this organization, what is his name?

A.—Martin.

Q.—Do you ever run across a Mr. Cleland?

A.—No.

Q.—Don't know him?

A.—No.

Q.—Or Mr. McGill?

A.—No.

Q.—Or Mr. Thompson?

A.—No.

Q.—Don't know any of these?

A.—No.

Q.—And that is then the sum total of your knowledge with respect to the people around the Film Craft?

A.—To the best of my recollection, yes.

Q.—When you were working around the Aero Film Company the predecessor of this Company, you came in contact with the same people?

A.—Yes, some changes.

Q.—Mr. Proctor was there?

A.—Yes.

Q.—Mr. Miller was there?

A.—Are you speaking of last year? No. Mr. Miller was not there, he succeeded the late Major Sampson.

Q.—Where is Sampson now?

A.—I cannot tell you.

Q.—Did you know Maxwell?

A.—No.

Q.—Was Irish, the two Irishes, around the Aero Film Company.

A.—Oh yes, on different occasions I have run across them.

Q.—You knew they were connected with them?

A.—Mr. Irish? I don't know what his position is there; the other was a camera man.

Q.—You don't have anything to do with checking up the invoices, you told us, the price or anything of that nature?

A.—No, I have nothing whatever to do with that?

Q.—Nor the quality?

A.—No.

Q.—I understand there is a very marked difference in the quality of films, some will live longer than others?

A.—That depends on the usage.

Q.—I am told more than that, that in the nature of the material itself there is a very important difference? Do you know anything about that. I don't want you to speak of it if you don't know.

A.—No.

Q.—You do nothing but just measure?

A.—Yes.

Q.—Who has to do with the testing of the quality? The editor?

A.—That I cannot answer.

Q.—Do you buy a different type of stuff—or do you know anything about that—do you buy a different type of material from the Pathes than what you do from the Film Craft people?

A.—That I don't know.

Q.—Nor you don't know the amount that is bought from each?

A.—No.

Q.—Now can you tell me who has to do—I asked you a little while ago and I am not sure I got your answer,—who has to do with the quality of the film, who decides whether you will accept or not?

A.—The editor, Mr. Blake.

Q.—He is the man whose duty it is to decide on the acceptance. Who purchases, Mr. Blake?

A.—That I don't know. I have nothing to do with the purchasing.

Q.—You don't know around the Department what official has to do with purchasing the films?

A.—No, I don't. I have nothing to do with prices.

Q.—I know you haven't but you have been working around a Department for nearly two years maybe and you cannot tell me the name of the official in the department that does the purchasing?

A.—No, I have nothing whatever to do with it.

Q.—Do you know the man that does it, supposing you don't speak to him, do you know who he is?

A.—The question is who does the purchasing of the film? That I don't know.

Q.—You don't know?

A.—No sir.

Q.—How do you know Mr. Blake is the editor?

A.—Well, from the duties he performs.

Q.—Do you know whether there is a man that purchases the film around there or not?

A.—No, I don't know.

Q.—You don't know whether there is anybody there that buys film, so you don't know how the film gets into the Department.

A.—I know how the film gets into the Department.

Q.—Why?

A.—When I receive an order I know that work is in progress.

Q.—All you know is that there is a film to be measured and you don't know who it belongs to?

A.—It doesn't belong to anybody until I receive it.

Q.—Doesn't it belong to anybody?

A.—No.

Q.—You are displaying a fine degree of intelligence. The film doesn't belong to anybody?

A.—Until that film is received and measured it is really not the Govern-

ment's property until it is paid for.

Q.—And you don't know whether it is a Departmental film you are measuring or whether it belongs to the company.

A.—I do when I have the order, for that order covers that.

Q.—Now I understand you go down to measure first at the Film Craft. That is the first place you measure the film?

A.—That is provided the order is made.

Q.—Do you handle the same film more than once?

A.—Oh yes.

Q.—And the first time you measure, is down at the Film Craft?

A.—Yes.

Q.—That is the negative. So that is the first you have to do? You go down there and measure?

A.—Yes.

Q.—And do you know who it belongs to down there?

A.—It belongs to the company that makes it?

Q.—How do you know that?

A.—Because it is finally accepted, passed finally by the editor.

Q.—So you do know the work of this Department? You know all about the workings. You are the man that organized it. You should know the duty of every official in it.

A.—No; I only perform my duty.

Q.—Well how did you reorganize this thing?

A.—When I first went down there there was a kind of conglomeration.

Q.—Well tell me what you did when you reorganized it?

A.—Well the first thing was to get the film in condition, see the films were in their right tins, with the right bands on, under the right number, and at that time the fall fair was on and I had to set to and find out which was—

Q.—And you call that reorganization of the staff?

A.—I had nothing to do with the staff.

Q.—You told me you went there to reorganize the branch. As a matter of fact you did not reorganize at all?

A.—No I did not reorganize, I went to check it.

Q.—That is what you told me a little while ago, you went there to reorganize the branch.

A.—You are putting the question a little different than what you did in the first place.

Q.—Well, your first job was to do what?

A.—The first thing when I went down there was to get the shipments out.

Q.—Who sent you down. Who did you get instructions from?

A.—Mr. McCutcheon.

Q.—Did Mr. McCutcheon instruct you in what you were to do in the Motion Picture Bureau?

A.—No, he didn't.

Q.—Well, who instructed you, and you know that perfectly well. From whom did you get your instructions?

A.—Mr. Elliott.

Q.—He is the head of the Bureau?

A.—Director of the Bureau.

Q.—And by the way, did he give you your instructions in writing?

A.—No.

Q.—He just told you what your duties were to be?

A.—Yes.

Q.—And what did he tell you?

A.—Shipping, measuring at that time was not mentioned, sorting the films and putting the films in condition that they could be put into the label; at that time they were not in condition to do that, and in fact at that time I was working under difficulties. I was working in the lower projection room and all the screening was to be done there.

Q.—I am asking you what Mr. Elliott told you—straighten up things, see they were properly labelled, and put them in their proper places, and so on?

A.—Yes.

Q.—Now Mr. Elliott had been director for a while before this, hadn't he?

A.—Yes; I cannot say what time.

Q.—Well, he was there before you came?

A.—Yes.

Q.—Do you know how long he was there, a day or a year?

A.—I do not.

Q.—You never heard that any place, from him or any place else?

A.—No.

Q.—Did you ever hear of this Bureau before you got a job in it?

A.—I had not.

Q.—Then Mr. Elliott was the man who set you to work to fix up his own conglomeration?

A.—I did not say that?

Q.—You did not say it was a conglomeration?

A.—I didn't say it was his.

Q.—He is responsible, isn't he?

A.—Not at that time. I think it was early, in its infancy; I think really nobody was directly responsible for it.

Q.—No, it just ran off the track itself somewhere?

A.—Yes.

Q.—Was Mr. Elliott head of the Bureau?

A.—Yes.

Q.—And he would be responsible for whatever took place there, wouldn't he?

A.—I cannot answer that.

Q.—You don't know whether the head of the branch would be responsible or not?

A.—I do not.

Q.—Who has direction and control of you, do you know that?

A.—At the present time?

Q.—Yes.

A.—Mr. Elliott.

- Q.—How do you know that?  
 A.—I get my instructions from him.  
 Q.—And that is the way you discovered that?  
 A.—Yes.  
 Q.—And the only people you know anything about is people you have direct contact with in the performance of your duties?  
 A.—Yes.  
 Q.—And you know nobody else around the institution?  
 A.—Nobody at all.  
 MR. SMITH: To your knowledge was there any measuring of films previous to the time of the Public Accounts Committee sitting last year?  
 A.—No sir, I do not know.  
 Q.—Does Mr. Blake examine the films for quality or does he examine them as to the nature of the pictures?  
 A.—In the nature of the pictures.  
 Q.—To see if the picture is all right. who handled the shipping in that office before you started?  
 A.—I cannot tell you; I do not know.  
 The Committee then adjourned until 10 A.M. June 8, 1922.

#### THE PUBLIC ACCOUNTS COMMITTEE.

Resumed June 8th, 1922, at 10 A.M., with Mr. Watson in the Chair.

H. M. BLAKE, Sworn.

Examined by HON. MR. FERGUSON:

- Q.—You are Mr. H. M. Blake?  
 A.—Yes.  
 Q.—I see in the Public Accounts you are designated as Film Editor in the Moving Picture Bureau?  
 A.—Yes.  
 Q.—How long have you held that position?  
 A.—Since April 9th, 1920.  
 Q.—Were you in the Public Service before that?  
 A.—No sir, I was overseas.  
 Q.—Had you had any experience in this class of work before?  
 A.—I had been in journalistic work for eight years.  
 Q.—Here?  
 A.—Here first, and then on the Pacific Coast, principally in Vancouver.  
 Q.—And you began in April, 1920, in this position?  
 A.—Yes.  
 Q.—What are your duties as Film Editor?  
 A.—My duties are to prepare the scenarios, to direct the work in the field, that is the photography, and to review the films after they are completed.  
 Q.—That is, dealing with the—  
 A.—Just with the photography.  
 Q.—Then, are you responsible for all the scenarios?  
 A.—I review them all, sir.  
 Q.—You do not conceive them?

A.—Yes, I conceive most of them, but now and then I have not time to do them all and then they are made up by other people and presented to me for my approval.

Q.—You do not have anything to do with the checking up of the amount of film that comes in, or the accounts that come in for it?

A.—No, I have nothing to do with that.

Q.—We had some discussions here with a gentleman yesterday named Bull. I was asking him something about the different qualities of film. There is a difference in the quality of film I understand. Film is the thing that is used in the machine ordinarily to show the picture?

A.—Yes, film is the stock on which the picture is taken.

Q.—That is, the roll that you send out?

A.—Yes.

Q.—That is the thing you pay for, what you get for your money, which comes up in the form of a reel, doesn't it? There are different qualities as to that?

A.—I don't know anything as to the qualities of that.

Q.—Who deals with that?

A.—I imagine that is a matter for Mr. Hearst or Mr. Elliott.

Q.—The question of quality?

A.—Yes.

Q.—You have nothing to do with length, breadth or quality at all?

A.—No.

Q.—Do you know of such a thing as news-print film?

A.—No sir, never heard of it before.

Q.—Is there a difference in the life of film, films of different character?

A.—I know nothing at all as to the durability.

Q.—Your duties are largely artistic?

A.—Yes.

Q.—You are the artist of the Department. You conceive the picture, and see that they throw it on the screen properly?

A.—Yes.

Q.—You cannot tell me anything at all about the measurements?

A.—No Sir.

Q.—How many pictures do you remount, or do you regulate, or work in that way?

A.—Well, I make certain suggestions to Mr. Elliott, and he decides whether a picture will be proceeded with, and then when I receive instructions from him, I map out the work.

Q.—How many of these did you do last year, new pictures?

A.—Just off hand fifteen or twenty.

By MR. DEWART:

Q.—Mr. Blake, I want to ask you, have you anything to do with the films, with seeing that the film is right? I thought you said to my Honourable friend that you had chiefly to do with the photographic reproduction, but I understood you to say also that you reviewed the films after they were completed?

A.—Yes, I review the photography.

HON. MR. FERGUSON: You inspect the picture?



A.—Inspect the picture to see that it has been properly assembled, and is in order generally.

MR. DEWART: That is chiefly then as to workmanship?

A.—Yes.

Q.—Have you any control over the films so as to say whether they are proper in size, or length, or anything of that kind, that the Government is getting value for its money?

A.—Well, in this way, that if there is very bad photography our subject matter does not meet with my approval, I eliminate it from the film.

Q.—What do you mean by the subject matter not meeting with your approval?

A.—I mean by that if the scene is too long, or it is not pertinent to the subject that we are taking at the time—I mean does not bring home the point.

Q.—You do not undertake to review the subject matter of the scene? You are not an official Censor?

A.—Oh, no sir.

HON. MR. FERGUSON: His duties are purely aesthetic.

WITNESS: Yes.

MR. DEWART: Who is the Official Censor?

A.—The Censor is Major Hamilton, sir.

Q.—Does he have anything to do with the scenes or pictures that are to be put on before the photograph is taken?

A.—No, he has nothing to do with that at all.

Q.—Then all the expense of taking the photographs and producing the films is incurred before any Censoring is done?

A.—I don't know anything as to the payment at all. That does not come under me.

Q.—I can quite understand that, Mr. Blake, so far as films are concerned that are purchased from corporations that they have made, that they have to be censored after the film itself is seen; but I understand from you that you have had to do with what you were pleased to call the scenarios?

A.—Yes.

Q.—That is, the whole setting, the *locus in quo*, things of that sort?

A.—Yes.

Q.—The Censor has to pass on your work after you have done it?

A.—He is supposed to pass I think on every film produced in the Province, as far as I understand.

Q.—If charges were made for a film that was not in accordance with what was prescribed, would you know anything about that?

A.—No Sir.

Q.—Is there any standard as to the size and length of a film?

A.—I don't quite understand.

Q.—What I mean to say is this, what is the ordinary width of a film?

A.—Well, there are two sizes, as far as I understand it; the standard size and the Pathéscope size. I don't know whether they are the same width or not.

Q.—There is the standard and the Pathéscope width?

A.—I don't know whether the width is different.

Q.—Who would know that—Mr. Elliott?

A.—Mr. Elliott would know that.

MR. DEWART: I do not want to delay the Committee, but I would like to ask him a few questions on that.

OTTER ELLIOTT, SWORN.

Examined by MR. DEWART:

Q.—Mr. Elliott, I see that your official designation is “Director.” What does that mean—Director of what?

A.—Of the Amusement branches.

Q.—That includes in your duties what?

A.—All the amusements down there.

Q.—Down where?

A.—Richmond Street.

Q.—I would like it a little more localized?

A.—It is having charge of the administration of the Theatres under the Cinematographs Act, the Amusement Tax Act—

Q.—Are you in charge of all the Government amusements?

A.—No.

Q.—I take it it is only the reproduction of pictures and things of that kind that you have to do with?

A.—Yes.

Q.—Have you charge of the inspection of theatres?

A.—Yes.

Q.—The theatrical performances?

A.—No, the theatres with regard to safety appliances, etc., operating rooms and all that.

HON. MR. FERGUSON: You mean the regular drama theatre?

A.—Yes, we inspect those too.

MR. DEWART: Have you a staff under you that inspects the different moving picture theatres, and so on?

A.—Yes.

Q.—I take it that your work includes the inspection of theatres, and certain matters in connection with the Motion Picture Bureau?

A.—Yes.

Q.—Have you any supervision over the films?

A.—Well, a picture is ordered to be made, and then the staff handles the making of it, and I finally ascertain that the film has been completed, and I obtain various certificates as to measurements, that the picture is satisfactory, and then authorize payment of the account.

Q.—So you would have control of the question of measurement. That, I take it, to be the length and size of the film?

A.—Mr. Bull who gave evidence here yesterday, measures the film and reports it on a certificate for each film.

Q.—Something was said by the last witness about the standard and Pathéscope size. What was meant by that?

A.—The standard width film is an inch in width. The Pathéscope is slightly smaller.

Q.—How much smaller?

A.—It would be about a quarter of an inch.

HON. MR. FERGUSON: I think it is about seven-eighths.

MR. DEWART: That would be running from three-quarters to seven-eighths?

A.—Yes.

Q.—Is there a set price for the standard film?

A.—Yes sir, for the negative we pay 75 cents *per* foot for exterior scenes, and \$1 *per* foot for interior scenes. Then for the prints that we need from the negative we pay 10 cents *per* foot.

THE CHAIRMAN: How many feet would there be in a reel?

A.—1,000 feet.

HON. MR. FERGUSON: Are you allowed rejection?

A.—Yes, ten *per cent.* rejection.

MR. DEWART: It would not cost as much, I take it, to make or reproduce the smaller film—that is, three-quarter to seven-eighths of an inch—as it would to make and reproduce the standard one inch film?

A.—Well, sir, we pay ten cents *per* foot lineal measurement regardless as to whether it is standard or Pathéscope film.

Q.—It is a fact that the Government has been charged for the narrow width film in excess of the actual footage that was delivered?

A.—Yes Sir.

Q.—Explain what you mean by that. I take it that if you have a film for which you are paying \$1 *per* foot, and the film is a quarter or an eighth of an inch narrower than the standard film, then it must be correspondingly shorter; that is, the whole length of film must be correspondingly shorter because you are making your picture smaller?

A.—Yes sir, that is correct.

Q.—So that the length of each individual film picture would be smaller corresponding to the narrowness which you have in the width?

HON. MR. FERGUSON: Let me put it this way; the standard film runs about sixteen pictures to the foot?

A.—Yes.

Q.—And the other runs about twenty?

A.—About twenty.

MR. DEWART: The standard runs about sixteen *per* foot, and the other, because the pictures are smaller, runs twenty?

A.—Yes.

Q.—Is it a fact that the Pathéscope Company charged the Government for narrow width prints for a length greatly in excess of the footage that was delivered?

A.—Yes Sir.

Q.—What difference would that make so far as the film was concerned? You are paying at the rate of \$1 *per* foot. What is the fair length of a picture? You said I think about 1,000 feet?

A.—The average picture is 1,000 feet in length, but the \$1 *per* foot that you mentioned, that is for negative. We pay 10 cents *per* foot for prints. 10 cents *per* foot would be where the discrepancy would exist.

Q.—At the rate of 10 cents *per* foot on 1,000 feet of film, that would come to \$100?

A.—Yes.

Q.—What would be the over-charge for the narrower print on the basis of a negative for the thousand feet of film at the rate of \$100, compared with the standard film?

A.—Approximately \$20.

Q.—When did the fact come to your knowledge that the Pathéscope Company was charging \$20 more for 1,000 feet of negative than they were really entitled to?

A.—About the first week of May last.

Q.—Have you any idea as to how long that had continued?

A.—Ever since the inception of the Motion Picture Bureau, that would be 1917.

Q.—Can you give me any idea as to what the amount would be that the Pathéscope Company in your opinion has been improperly charging since 1917 by reason of collecting from the Government upon the basis of a standard negative instead of the narrower and shorter film?

A.—I have made no definite calculation. I roughly estimated the amount to be from \$40,000 to \$60,000.

Q.—I take it that was not a mere matter of overcharge, was it?

A.—I contend it is.

Q.—There is a charge for material that never was delivered?

A.—Oh, yes.

Q.—So that it was not merely an over-estimate of the value of what they gave, but they were charging for something that the Government never got?

A.—Yes.

Q.—You say you discovered this last May. Did you take any steps to remedy it?

A.—Yes sir. I immediately wrote to the Pathéscope Company advising them of the over-charge, and suggesting that they appoint one of their officials, and I would appoint an official of the Motion Picture Bureau, who would make an inventory to ascertain the amount of refund due the Department.

Q.—And did you get any reply to that letter from the Pathéscope Company?

A.—Yes sir, I got a reply just a few days ago.

Q.—You wrote them in May?

A.—Yes.

HON. MR. FERGUSON: You mean this May, just a month ago?

A.—Yes.

MR. DEWART: I thought you meant last year?

A.—No.

Q.—Do you suggest that this matter only came to your knowledge during the last month?

A.—Yes Sir.

Q.—I thought you meant a year ago?

A.—No.

Q.—I am glad that this is cleared up, because I think that is very important. Then, there is correspondence on this subject?

A.—Yes.

Q.—You haven't that correspondence here?

A.—No.

Q.—It was only in view of what my Honourable friend asked yesterday that I adopted this line of examination.

HON. MR. FERGUSON: How long since you wrote them?

A.—I wrote them somewhere about the 15th of May.

MR. DEWART: And got a letter in reply?

A.—I got a letter I should say about two weeks later.

Q.—You have not, naturally, that letter with you, because I had no opportunity of being in the House yesterday to ask for your attendance to-day. Could you give us the substance of the letter?

A.—The reply?

Q.—Yes, from the Pathéscope Company?

A.—The reply was to the effect that they always charged on that basis, and that officials in the Bureau prior to my having anything to do with it were fully aware of it. However, I had drawn their contract to their attention, and they claimed that, although it was not specifically mentioned in the contract, yet it was understood that they were to charge for Pathéscope prints on the basis of the measurement of the negative itself.

MR. DEWART: And the contract you contend does not allow that?

A.—No sir, it does not. That is my contention.

HON. MR. FERGUSON: When was the contract made?

A.—There were agreements made back as far as 1916. The pathéscope Company wrote saying what prices they would charge, and they were accepted, and then tenders were called for in February, 1920, for a specific contract on every operation—what they would charge for making a negative, what they would charge for printing.

MR. DEWART: Having regard to these contracts, and to your examination of them in connection with this matter, you say that these contracts do not allow the charge that has been made?

A.—That is what I say.

HON. MR. FERGUSON: It is on the basis of that contract that this overcharge is worked out?

A.—It is on the basis of all the correspondence since the inception of the Bureau.

Q.—Which gave you the price of this contract?

A.—Yes.

Q.—When did you say it was?

A.—February, 1920, and accepted on March 2nd, 1920.

Q.—And that is the contract you are working on now?

A.—Yes.

MR. DEWART: Did that vary, Mr. Elliott, the general terms and conditions under which charges should be made, so as to show that the Pathéscope Company had been making honest charges before February, 1920, Do you consider that the charges they made before February, 1920, were improper, as you consider they are since February, 1920?

A.—Yes.

Q.—And the mere fact that the contract was entered into in February, 1920, makes no difference so far as your interpretation is concerned?

A.—No Sir.

Q.—But the improper over-charge has been going on ever since the inception of the Bureau?

A.—Yes.

Q.—And in your judgment that amounted to \$50,000 or \$60,000?

A.—That is only a rough calculation.

Q.—Well, that is all you can give.

MR. THOS. MARSHALL: How was it you did not discover this sooner?

A.—The situation was peculiar. I took charge of the Moving Picture Bureau in 1920. At that time I found that the Motion Picture Bureau had no measuring machine, and that the officials of the Department went to the producing companies and used their measuring machines to ascertain the measurement of the print for which they were charging. I ordered a measuring machine for the Department, and when I got it I found that the sprocket was of standard size, and, of course, could not measure the narrow film. I asked the Pathéscope Company where I would obtain a Pathéscope measuring machine, and they told me that all they did was to remove the standard sprocket from the machine, and put a Pathéscope sprocket on in its place. So all I did was to get a Pathéscope sprocket.

Q.—And their agreement would approve of that system of measurement, would it?

A.—There was no agreement as to measurement. We could measure them in any manner we liked. We could use a foot rule if we wanted to.

MR. DEWART: But by any system of measurement there was a shortage?

A.—The way the shortage occurred was in this manner; we put the Pathéscope sprocket on, but the Pathéscope sprocket did not vary the fact that this was a standard measuring machine. We did not think of that for the moment. By putting on the Pathéscope sprocket, it still gave you the same number of feet as it would give you if it were standard. The standard machine was not correct when it had a Pathéscope sprocket on.

Q.—You are under the Provincial Treasurer, are you not?

A.—Yes.

Q.—Did you make any report to him?

A.—I made a report to him very recently.

Q.—I understand it is only a matter of recent discovery. Was your report in writing, or was it verbal?

A.—It was in writing.

Q.—Naturally you have not got a copy of it with you?

A.—No Sir.

Q.—Any objection to its production?

HON. PETER SMITH: Not at all.

A messenger was dispatched to bring the report from the Minister's office.

MR. DEWART: Probably that report would cover the whole matter, and save asking you a lot of questions?

A.—I feel satisfied that the report covers the situation fully.

Q.—I would like to follow up the suggestion of Mr. Marshall. Can you explain to the Committee how it was possible that this has been going on for so long without it ever having been discovered? You have been there for how long?

A.—I have been in charge of the Motion Picture Bureau for slightly over two years.

Q.—And this was going on during the time that your predecessor in office was there, and during the two years that you have been there, and here you think there is a loss of \$50,000 or \$60,000 to the Government. Can you explain how it was possible for that to go on with you and your predecessor in office there?

A.—I accounted for it a moment ago in explaining to you that we got standard measurement regardless of the sprocket that was used. But the manner in which it was discovered, the other film company, the Filmcrafts Industries Limited, who are also under contract with the Government, recently installed machinery to make the standard width film. Orders were given to them for prints, and we found, when the account came in, that the account was not for the same amount of film as the other people had charged for a print, from the same negative. In other words, I have forgotten the measurement, but the Filmcraft's charges were based, we will say, for the sake of argument, on 800 feet, while I found that the Pathéscope charged on 1,000. So I thought that some mistake had been made in making the film. I inquired from the Filmcrafts, and they assured me everything was there. They said, "You know that Pathéscope gives you all the photography in shorter measurement."

Q.—So it was in that way you learned you had been paying for something you had not received from the Pathéscope Company?

A.—Yes.

Q.—If there had been a proper measuring machine in your Department would you have been able to ascertain that sooner?

A.—Oh, yes sir.

Q.—What do these measuring machines cost?

A.—The one that the Motion Picture Bureau purchased I think cost \$50.

Q.—And does that measure accurately now?

A.—No sir, it does not measure accurately.

Q.—Have you not yet got a machine that measures accurately?

A.—I understand we may have to import one from France. Since I learned this I have been making inquiries.

MR. THOS. MARSHALL: The standard sprocket, as I understand your explanation, would measure accurately?

A.—For standard film.

HON. PETER SMITH: On this Pathéscope film which is narrower, the sprockets are closer together, there are more sprockets to the inch, and the same sprocket would not run the two.

MR. DEWART: You suggested there was a difference as between the standard and Pathéscope film of, I think you said, 100 to 80 feet?

A.—Yes, the measurements would run standard 100, and Pathéscope approximately 50.

HON. MR. FERGUSON: One runs sixteen pictures to the foot, and the other twenty-four.

MR. DEWART: I thought you said twenty.

HON. MR. FERGUSON: He said twenty.

WITNESS: I counted it.

MR. DEWART: I was taking the witness' evidence.

Q.—I suppose these films are worth something. The films themselves are of value. If a company only has to pay for 80 feet of film, it comes to a great deal less than if they had to pay for 100?

A.—Yes.

Q.—If you have a narrower film by a quarter to an eighth of an inch upon an inch measurement, and twenty feet less upon 100 feet length, it will make quite a considerable difference so far as the company producing the film is concerned.

A.—It should.

A.—And that is one of the factors you have taken into consideration in your estimate as to the amount that the Department has paid to this company that they are not entitled to?

A.—Yes.

Q.—Those are factors you have taken into consideration?

A.—Yes.

Q.—I take it that from what you have said, the net fact is that the Government has been paying for something that it has not received, and you have concluded that the Government is entitled to a refund of from \$50,000 to \$60,000 from the Pathéscope Company?

A.—Yes.

Q.—Are they still doing business with the Government?

A.—Yes.

Q.—Have you ever found any other discrepancies in the accounts, or charges, of either the Pathéscope Company or the Filmcrafts Industries?

A.—Following the investigation of a year ago—

Q.—A year ago?

A.—By the Public Accounts Committee. I instructed Mr. Bull during any time he might have at his disposal to re-measure all the film prior to the Public Accounts investigation.

Q.—Last year?

A.—Yes. He has got through all the Filmcraft so far, but he is not through all the Pathéscope yet. I have not his report on Pathéscope, but there are some overcharges by Filmcraft, for which they paid. There were some undercharges which they billed us for, which we paid; dividing the thing up, it was about even.

Q.—So far as the Pathéscope Company is concerned, have you billed them with these charges yet?

A.—No sir, I have not.

Q.—May I ask you what was your occupation? What position did you hold before you took over this position with the Government a few years ago?

A.—Inspector of Theatres.

Q.—For whom, for the Government?



A.—Yes.

Q.—How long had you occupied that position?

A.—Well, my service with the Government has been from 1911 to 1915 as a Member of the Board of Censors; from 1915 to 1917, Assistant Inspector of Theatres; and from 1917 to 1920, Inspector of Theatres; and from then on, Director of Amusement Branches.

Messenger returns with the report and correspondence from the Minister's Office.

MR. DEWART: Any objection to this being filed or put in?

HON. PETER SMITH: Not at all.

MR. DEWART: Then I put in this letter of May 30, 1922, which embodies your report to the Honourable Provincial Treasurer that you have just referred to?

A.—Yes.

Q.—I see that my honourable friend from Grenville, the Honourable G. Howard Ferguson, had a letter addressed to him on June 28th, 1916. That was by Mr. Howie.

HON. MR. FERGUSON: I was the pioneer in the moving picture business.

MR. DEWART: Let me just read this letter, and if there is anything further that needs to go in, it can go in. I think it should all go in, because this shows the terms on which they tendered.

WITNESS: Yes sir, all the contracts are attached.

MR. DEWART: In the meantime, I will just read this one letter, so the Committee may understand:—

Toronto, May 30, 1922.

Honourable Peter Smith, M.P.P.,

Provincial Treasurer,

Parliament Buildings,

Toronto, Ont.

“Sir

*Re: Apparent over-charge on Pathéscope prints  
by the Pathéscope of Canada, Limited.*

“I have consulted the files of the Motion Picture Bureau since its inception, and can find nothing on record that might be construed to mean that the Motion Picture Bureau is to pay 10 cents *per* foot for Pathéscope prints based on the measurement of the negatives rather than the prints.”

HON. MR. FERGUSON: What would be the difference in measuring a negative and a print? I thought the print was taken right off the negative?

A.—It is, sir.

Q.—It should be the same length?

A.—In making a Pathéscope print, it not only goes through the printing machine, but the printing reducing machine. The pictures are pulled down. The standard would come down quite a bit. The Pathéscope just a little.

HON. PETER SMITH: That is, they condense the picture; they make a Pathéscope print off a standard negative film?

WITNESS: Yes, in reducing the photography they would bring it from 1,000 feet to 800 in the print.

HON. MR. FERGUSON: You measure what you are to pay for, not the original negative?

A.—We first of all pay for the negative, then afterwards for the print.

MR. DEWART: What you are complaining of is that you were paying an improper overcharge for 1,000 feet of print, when you were only getting 800 feet of print?

A.—Yes.

Q.—And you say that would make a difference of \$50,000 or \$60,000?

A.—Yes.

Q.—I will continue reading this report of yours to the Honourable Provincial Treasurer. There is no suggestion of any reflection upon anybody, because this was not discovered. "Copies of correspondence bearing on the matter are attached herewith, and I would respectfully direct your attention to a letter addressed to the Honourable G. Howard Ferguson, signed by Mr. N. A. Howie, President of the Company dated June 28th, 1916. The part of this letter that bears on the subject is the fourth paragraph. You will note that there is nothing in this letter providing that the measurement of the negative is to be the basis of the charge for prints, but it is particularly stated that the prints are to be purchased on Pathéscope non-inflammable film, at the rate of 10 cents *per* foot. The letter attached is marked Exhibit 'A' and is a copy of the original on file.

"The next letter I find bearing on the subject, is dated June 5th, 1917, a copy of which is attached and marked Exhibit 'B'. You will note the postscript at the bottom states, P.S. 'The prices per foot quoted above are *per* foot of negative. The price of 10cts. is *PER FOOT OF EITHER STANDARD OR PATHESCOPE FILM.*' There is absolutely no mention made of the fact that the negative measurement shall form the basis of charges for prints, but rather, it is emphatically stated in the post-script, that the Bureau may have either standard or Pathéscope films, at the rate of 10 cts. *per* foot.

"I understand that representations have been made to you by the Pathéscope of Canada Limited, to the effect that the late Mr. S. C. Johnston was aware of the fact that the Pathéscope of Canada Limited, were charging for Pathéscope prints on the basis of negative measurements."

Q.—Who was the late Mr. S. C. Johnston?

A.—He was the first Director of the Motion Picture Bureau. He died during the first Flu. epidemic.

Q.—"Attached is a copy of a letter from the Honourable T. W. McGarry, dated January 30th, 1918, asking for a report relative to prices, this is marked Exhibit 'C'."

I take it that the Provincial Treasurer was then, as now, the Minister who had under his charge this particular branch of the Service?

A.—Yes.

HON. MR. FERGUSON: That was just after they organized the Bureau?

A.—Yes.

Q.—I made the first contract for pictures, expecting to use them in

the Old Country, and then subsequently the Government decided to organize the Bureau. Then it was put under the Treasurer.

MR. DEWART: I suppose the original thought was that pictures representative of Ontario could be used for immigration and other purposes?

HON. MR. FERGUSON: Yes.

MR. DEWART: "The reply by Mr. S. C. Johnston under date of February 5th, 1918, is attached and marked Exhibit 'D'. You will note that the third and fourth paragraphs of Mr. Johnston's report to the Minister, particularly bear on the price *per* foot of positive film, particularly paragraph four, which is as follows:—'The price *per* foot as quoted above are *per* foot of negative. The price of 10 cts. is *per* foot, either standard or Pathéscope positives.'" By positives you mean—

A.—That is prints.

Q.—You mean prints?

A.—Yes.

Q.—"I take from this report, that the late Mr. Johnston never understood that the Motion Picture Bureau was to pay for Pathéscope prints based on negative footage, but rather for the actual measurements delivered to the Branch.

"Mr W. Dawson, late Director of the Bureau, and who succeeded Mr. Johnston in the position, was in my office on May 26th (Friday last). I discussed the entire matter with him, and he informs me that he was always of the opinion that the Bureau only paid for actual measurements delivered to the Bureau and that if 1,000 ft. were paid for, and only 800 ft. delivered he was ignorant of that fact, but believed to have received and paid for 1,000 ft. of finished stock.

"I would further call your attention to the request for tenders issued by myself February 23rd, 1920. A copy of the request is attached herewith and marked Exhibit 'E'. You will note that the Pathéscope Company was particularly requested to quote 'price on Pathéscope size film prints *per* foot.' Their tender under date of February 24th, 1920, is attached herewith and marked Exhibit 'F'. You will note in the fourth paragraph of the tender 'extra prints on either standard or Pathéscope where the negative was made by ourselves, 10 cts. *per* foot.' You will also in the next paragraph 'Pathéscope prints made from negatives other than our own, 13 cts. *per* foot.' Further, there is my acceptance attached under date of March 2nd, 1920, and marked Exhibit 'G'. The request for Tenders, the Tender, and the acceptance of same, in my opinion forms the contract.

"I do not wish to burden you with further correspondence in the matter other than to state, that Tenders were called for a year ago, but never accepted and in calling for Tenders the Companies were advised that the old rates would be in force until a new contract had been accepted. As the contract entered into on March 2nd, 1920, is not for any specific period, I think unless notice is given by either the Bureau or the contracting Companies, the contract is still in force.

"I am at a loss to know upon what grounds the Pathéscope Company contend that when 800 ft. of Pathéscope film is delivered to the Bureau, they

are entitled to payment for approximately 1,000 ft. Certainly when the Pathéscope Company order, say, 1,000 ft. of Pathéscope raw stock from the manufacturer, 1,000 ft. is delivered to them, and not 800 ft. and all that is paid for is 1,000 ft.

"I therefore respectfully beg to submit that a refund is due to the Department based on the correspondence submitted to you and particularly on the contract entered into over two years ago.

I have the honour to be

Sir,

Your obedient Servant,

(Sgd.) O. ELLIOTT,

Director."

Attached to this are all these exhibits you have referred to, including particularly a letter of the 24th of February, 1920 from the Pathéscope of Canada, Limited, to yourself, signed by W. Redpath of that Company. In that letter I find these two paragraphs:—

"Extra prints on either Standard or Pathéscope, where the negative was made by ourselves, 10 cents *per* foot.

"Pathéscope prints made from negative other than our own, 13 cents *per* foot."

And you say that they have been charging at the price on the basis of 1,000 feet, where they only actually delivered 800 feet

A.—Yes.

Q.—Despite their own letter?

A.—Yes.

Letter, O. Elliott to the Honourable Peter Smith, Provincial Treasurer dated May 30th, 1922 with correspondence attached marked Exhibit J-2.

Moved by Mr. McCrea, seconded by Mr. Dewart, that the usual report be made reporting the evidence to the House. Carried.

Whereupon the Committee adjourned.

## LIST OF EXHIBITS.

*Produced before the Committee on Public Accounts at Session of 1922\**  
*Chippawa Development—Exhibits A to S Not printed.*

- A....Special memoranda, containing copies of letters, reports, etc. relating to Chippawa Development.
- B....Estimates of Expenditures, 1919-1920. (File No 4).
- C....Estimates of Capital Expenditure, Jan. 7, 1921 to Feb. 2, 1922. (File No. 6).
- D....Estimates of Capital Expenditures for 1922. (File No. 7).
- E....Reports of Consulting Engineers on Queenston-Chippawa Development, as submitted to Hon. E. C. Drury on Jan. 21st, 1921, being—
1. Report of R. D. Johnson, June 1, 1920.
  2. Report of Hugh L. Cooper & Co., Aug. 7, 1920.
  3. Final Report of Hugh L. Cooper & Co., Oct. 22, 1920.
  4. Correspondence re Report of H. L. Cooper & Co. 1920.
  5. Reports of F. L. Stuart & H. S. Kerbaugh, Sept. 30, 1920.
  6. Reports of H. S. Kerbaugh, etc., Sept. 20, 1920.
  7. Reports of R. S. Lea, Oct. 26, 1920.
- F....Revised Estimate submitted to Government, Jan. 21, 1921.
- G....Final Report of Chippawa Hydro-Electric project by H. L. Cooper & Co.
- H....Design of Intake for 15,000 cu. ft. per sec. (original report of R. D. Johnson). March 1, 1920.
- I....Niagara Development. Study of Intake for 15,000 cu. ft. per sec. Jan. 31, 1919 (original).
- J....Report to Hydro Electric Power Commission on Hydraulic characteristics of the Rock Section of the Power Canal. By. R. D. Johnson, Feb. 1, 1917 (original).
- K....Report on Comparative waterways for development of 900,000 Horse Power. By R. D. Johnson, April 18, 1917.
- L....Correspondence with R. D. Johnson re Niagara Development from Oct. 11, 1916 to Dec. 14, 1921. (File J. 1).
- M....Correspondence re H. L. Cooper & Co. from April 17th, 1920 to Jan. 12, 1922. (File C. 129).
- N....Correspondence re Francis L. Stuart from Sept 14, 1920 to Dec. 13, 1921.
- O....Correspondence re H. S. Kerbaugh, from August 20, 1917 to March 24, 1922. (File K.5)
- P....Correspondence re R. S. Lea, from Sept. 14, 1920 to Feb. 25, 1922.
- Q....Correspondence between Members of the Commission and the Prime Minister from Sept. 13, 1915 to April 4, 1922.
- R....Copies of original tenders on Niagara Development.
- S....Copy of Report of F. L. Stuart, September 30, 1920.  
*Ontario Temperance Act, Exhibits T. to H. 1, Printed.*
- T....Letter of H. M. Elliot, Commissioner Ontario Provincial Police to H. H. McCutcheon, Jan. 20, 1922.

\* Such of the Exhibits as have not been printed can either be seen, or copies obtained, at the Department to which they belong.

- U....Letter from T. H. Lennox, M.L.A. to Mr. McCutcheon, Feb. 9, 1922.  
 V....Copy of Order-in-Council re Extra-Mural Employment of persons under sentence, May 20, 1921, with Rules and Regulations annexed.  
 VV....Receipt of liquor from Board of License Commissioners to Alex. Courrian, September 2, 1921.  
 W....Copy of letter (not addressed or signed) from W. E. Partridge to Gen. H. M. Elliot, June 21, 1921.  
 X....Statement by Frank Wm. Budway, April 4th, 1922.  
 Y....Information and conviction against Nathan Slavin November 28th, 1918.  
 Z....Information against Nathan Slavin, Dec. 5th, and 21st, 1921.  
 A.1....Information and conviction against Annie Slavin, Oct. 19, 1920.  
 B.1....Informations against Fanny Slavin, April 14 and August 14, 1920.  
 C.1....Requisition for liquor No. 2962 for T. H. Lennox, Nov. 24th, 1921.  
 D.1.... " " " No. 6003 for H. Lennox, Nov. 24th, 1921.  
 E.1.... " " " No. 6004 for Clifford Case, Nov. 24th, 1921.  
 F.1.... " " " No. 2985 for T. H. Lennox, Dec. 9th, 1921.  
 G.1.... " " " No. 2946 for T. H. Lennox, Oct. 1st, 1921.  
 H.1....Statement of Samuel Smith, May 22, 1922.

*Workmen's Compensation Act, Exhibit I. 1, Printed.*

- I.1....Form of Doctor's Account for Workmen's Compensation Board.

*Motion Picture Bureau, Exhibit J. 1, Printed.*

- J.1....Letters and memoranda relating to the Pathescope of Canada Limited.

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EXHIBIT "T"

Toronto, Jan. 20th, 1922.

HENRY H. McCUTCHEON, Esq.,  
 4 Whitby St.,  
 Toronto.

Dear Sir:

I received your letter of the 19th instant and may say I had previously discussed the case with Dr. Lavell, of the Board of Parole, in order to see what could be done to help you, and he agreed to permit you to go to your employment, but he has no option at present in regard to your sleeping at the Don Gaol. I spoke to him this morning in regard to your health and he promised me that he will consult Major Basher, in order that you should not suffer any hardship owing to your health.

Yours truly,  
 H. M. ELLIOT,  
 Commissioner.  
 Toronto, Feb. 9, 1922.

## EXHIBIT "U"

MR. McCUTCHEON,  
4 Whitby St.,  
Toronto, Ont.

Dear Sir:

I wish you would call and see me some time when you are down town.

Yours truly,  
T. HERBERT LENNOX.

## EXHIBIT "V."

Copy of an Order-in-Council approved by His Honour the Lieutenant Governor, dated the 20th day of May, A.D. 1921.

Upon the recommendation of the Honourable the Provincial Secretary, the Committee of Council advise that pursuant to the provisions of an Act respecting the Extra-mural Employment of Persons under Sentence, being 11 George V, Chap. 93, the rules and regulations, a copy of which is hereto annexed, be approved and prescribed.

Certified,  
C. F. BULMER,  
Clerk, Executive Council.

PROPOSED RULES AND REGULATIONS UNDER THE ACT FOR THE EXTRA-MURAL  
EMPLOYMENT OF SENTENCED PERSONS.

1. The officer to be known as the Commissioner under the Act for the Extra-Mural Employment of Sentenced Persons shall investigate and recommend to the Honourable the Provincial Secretary in all cases where an application is made for action by the Lieutenant-Governor in Council under section 2 of the Act.

2. In making any recommendation the Commissioner shall submit to the Provincial Secretary a memorandum giving all essential facts and reasons for such recommendation.

3. When the Lieutenant-Governor in Council has authorized, directed or sanctioned the employment of any sentenced person on any work or duty beyond the limits of any gaol, industrial farm, reformatory or other place of safe custody, the Commissioner shall take steps to put this into effect, but in no case shall the sentenced person be removed from the limits of the place of safe custody until the Commissioner is satisfied that proper conditions of employment, custody and all other conditions in the public interest are assured.

4. Unless otherwise stipulated in the Order of the Lieutenant-Governor in Council and Commissioner or other proper person appointed by him shall have the custody of the sentenced person while the latter is beyond the limits of the gaol, industrial farm, reformatory or other place of safe custody.

5. If any sentenced person employed beyond the limits on permit from the Lieutenant-Governor in Council disobeys the instructions of the Commissioner or in any way in the judgment of the Commissioner acts contrary to the objects of the Order of the Lieutenant-Governor in Council, the Commissioner is authorized to take all necessary steps to place the offender within the limits of a gaol, industrial farm, reformatory or other place of safe custody. The Commissioner may do this either himself or through the Provincial or other police or other agent acting in his behalf.

6. The Commissioner before removing any sentenced person from the limits of any gaol, industrial farm, reformatory or other place of safe custody shall notify the Inspector of Prisons, and if the sentenced person is returned within the limits the Commissioner shall immediately before or thereafter notify the Inspector of Prisons.

7. The Commissioner is authorized from time to time to place any sentenced person who is in his custody on permit, temporarily within the limits of any gaol, industrial farm, reformatory, or other place of safe custody and to take the said sentenced person outside the limits from time to time, as may be deemed necessary or advisable by the Commissioner in carrying out the objects of the Order-in-Council and in the public interest.

8. In case of prisoners who are serving sentences for a breach of The Ontario Temperance Act the Commissioner shall not make any recommendation except by and with the approval of the Board of License Commissioners.

9. The Commissioner shall make an annual report to the Honourable the Provincial Secretary, and, if he has received or administered the wages or other monies of persons out on permit, he shall include in his report an account of all such funds.

#### EXHIBIT "VV"

"Mr. Alex. Courian, in Tweedley. No name (237 Manning Ave.) 9 6/12 doz. Liq. Board of License Commissioners for Ontario, 29 Front St. East. Johnston. This was Chas. Zenner's stuff seized at 238 Manning Ave, where Zenner's sister lived—apt. Blk. Suite 2, ground floor. Receipt received for liquor that Sam McCutcheon said was not taken away from place where seized."

FORT FRANCES, Ont., June 21st, 1921.

Dear Sir:—

I beg to report that my case came up before the Assize Court this morning and was quickly disposed of. The Court expressed the opinion several times that a matter of this trival nature should have been settled by the Magistrate. I decided to offer no evidence and did not go into the witness box. The Jury brought in the following verdict:

*"We find the accused guilty of Common Assault under extenuating circumstances."*

I need not comment on this verdict other than to say that the interpretation put upon it locally is that each of the twelve Jurymen would have done as I did under the same circumstances. I am credibly informed that the



Jury on the first ballot stood nine to three for complete acquittal, but this compromise was arrived at on the ground, as expressed by one Jurymen, that while I was "technically guilty," I was "morally innocent."

The Judge fined me \$100.00 which I immediately paid. I am quite willing at any time to forgive and forget the incident and shake hands with the Crown Attorney.

The publicity given to the matter was not of my seeking but I am assured that it has not affected in any way public confidence in my ability to properly enforce the provisions of the O.T.A. in view of which I ask for my re-instatement.

I am,  
Yours very sincerely,

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IN THE MATTER OF THE ENFORCEMENT OF THE O.T.A.

I, Frank Budway, of the City of Toronto, in the County of York, Operator, make oath and say as follows:

FRANK BUDWAY:—I have been in the employ of the Ontario Government in the Liquor License Department for a period extending over eleven years.

On Nov. 25th, 1921, I was approached by an operator of Mr. Hammond's by the name of Norman Cecil Hayes who told me that Mr. Flack had a party who wanted to sell some liquor. Mr. Hayes got Flack from the License Dept. office who introduced me to Arthur Farney for the object of purchasing liquor. Flack, Farney and Hayes all thought that I was not connected with the Department at this time as I was on the outside doing special work for Provincial Inspector Ayearst. I went and saw Mr. Farney on the morning of the 25th at his place of business 112 Broadview Ave. He then told me about having this supply of liquor. I told him that I would have to have a sample of it to make sure that it was not moonshine whiskey. On Saturday 26th he phoned my house 2 o'clock and told me if I met him at 3 o'clock at the corner of Simcoe and Queen, he would give me the sample I asked for. I met him as arranged. He was in company with Flack. He gave the bottle to N. C. Hayes, who in turn handed it over to me. I took it to my home and immediately communicated with Chief Inspector Ayearst who ordered me to proceed with the case as far as they wanted me to. On Monday, the 28th, I phoned Farney telling him that the whiskey was moonshine. He asked me to come to his place of business at 2 o'clock in the afternoon as he had some other stuff. I went to his place. While there he gave me a sample of Irish whiskey. He asked me if I would like to buy some gin and I told him I would. He took me to Wm. Lyons at 122 Eastern Ave. where I got a bottle of gin as John De Kuyppers and paid Lyons \$7.00 for the bottle. I then made arrangements with Farney to bring 15 cases of the Scotch whiskey to my house at 10.30 that night. I then reported to Chief Inspector Ayearst in regard to what had happened. He sent two provincial constables to my house at 277 Silverbirch Ave. They arrived about 7.30. Provincial Constable Smythe and Provincial Constable Baugh. That was on the 28th. At 9.40 p.m. Mr. Farney

came to my house and told me that the liquor would be delivered at 10.15. At 10.15 the liquor came to my house. W. Palmer came to the door and said that all he got was 14 cases of Scotch whiskey. I told him to bring it in and he did. The arrangements were that after the delivery of the first case to me at my house, I was to pay the money which was \$570. Walter Samler, 30 Bright St., was in charge of the truck which had the liquor. He brought in a bag consisting of 2 doz. bottles of Scotch whiskey. Provincial Officer Baugh, who was in the kitchen, came in and arrested him. The liquor was then all placed in my house over night. Walter Samler, Palmer and Farney were all locked up on a charge of B.O.T.A. in No 10 Police Station. We then searched Wm. Lyons place at 122 Eastern Ave. and placed him under arrest on a charge of selling liquor. We found in his place 6 doz. McCaul's Scotch whiskey, 22 bottles John De Kuypers Gin. Arthur Farney told me that Flack had told him that I was the right man to get in with to sell the liquor as I knew all the bootleggers. He said he wanted to drop Flack as he had to pay him \$2.50 on each case he sold.

Flack is a chauffeur for Mr. Hammond, Provincial Officer for the Ontario License Board.

While waiting for liquor to be delivered by Farney Prov. Officers Baugh, Smythe and myself drank two bottles of gin. When the said Provincial Officers left my house they took with them each a bottle of Scotch whiskey, being part of the lot that we had seized.

That Norman C. Hays, one of the operators, was charged with being drunk and raising a disturbance in the basement of 46 Richmond St. West. Leslie Truebell was also drunk with Hays. I reported this matter in writing to Inspector Ayearst who took the matter up with General Elliott.

Trubell was not discharged and is still in the employ of the Government. Declared before me at the City of Toronto, in the County of York, this 4th day of April, 1922.

*A Commissioner, etc.*

(Sgd.) FRANK WM. BUDWAY.

ONTARIO,  
County of York,  
CITY OF TORONTO,

THE INFORMATION OF  
Edward H. Lewis,  
of the City of Toronto, License Inspector,

To WIT:

laid before me, George Taylor Denison, Esquire, Police Magistrate in and for the said City of Toronto. The twenty-eighth day of November in the year of our Lord one thousand nine hundred and eighteen.

The said informant says he is informed and believes that Nathan Slavin on the twenty-seventh day of November in the year of our Lord one thousand nine hundred and eighteen at the City of Toronto, in the County of York, unlawfully did have liquor in a place other than the private dwelling house

in which he resides, to wit in a garage at the rear of No. 43, Brookfield Street.

Laid and signed before me the day and year, and  
at the place first above mentioned.

G. T. D.

E. H. LEWIS.

Police Magistrate.

28th Nov. 1918.

Remanded to 5th December.

Defendant pleads guilty. Fined \$1,000 and costs, 6 months in the Toronto Municipal Farm for Men.

G. T. D.

ONTARIO,  
County of York,  
CITY OF TORONTO,

THE INFORMATION OF  
Robert Gregory,  
of the City of Toronto, Staff Inspector.

To WIT:

laid before Police Magistrate in and for the said City of Toronto, the 21st day of December in the year of our Lord one thousand nine hundred and Twenty-one.

1. The said informant says he is informed and believes that Nathan Slavin on the 19th day of December in the year of our Lord one thousand nine hundred and twenty-one at the City of Toronto, in the County of York, unlawfully did keep liquor for sale or disposal contrary to the Ontario Temperance Act without the license therefor by law required.

2. And further that the said Nathan Slavin was previously, to wit, on the 5th day of December in the year one thousand nine hundred and eighteen at the City of Toronto, before George Taylor Denison, Esquire, Police Magistrate in and for the said City of Toronto, duly convicted of having on the 28th day of November in the year of our Lord one thousand nine hundred and eighteen at the City of Toronto, in the County of York unlawfully had liquor in other than his private dwelling in which he resided, to wit in a garage rear of 43 Brookfield St., contrary to the Ontario Temperance Act. And the informant says the offence hereinbefore firstly charged against the said Nathan Slavin is his second offence against the Ontario Temperance Act. Laid and signed before me the day and year, and

at the place first above mentioned,

(Sgd.) J. COHEN,

(Sgd.) ROBT. GREGORY.

Police Magistrate.

22nd of December 1921.

Adjourned to 29th. inst.

Defendant pleads not guilty. Evidence was taken in shorthand by Walter L. Breckell, Court Reporter.

Mr. R. H. Greer consents under Section 70 to an order of destruction.

Discharged.

(Sgd.) J. E. JONES.

This is to certify that I, the undersigned Analyst, appointed by the Ontario Government, received on the 21st day of December A.D. 1921, a sample of liquor contained in a bottle properly and securely sealed with an official seal No. A 3269 which was unbroken when I received the same, and to the said bottle there was attached a label, a true copy of which is shown in the schedule hereunder written marked A.

The contents of the said bottle were duly analyzed by me on the 22nd day of December 1921 and I certify that the same contained 63.60 *per cent.* of proof spirits. I further certify that the laboratory No. of said sample is 40834.

(Sgd.) R. REID,  
Witness.

(Sgd.) W. I. PRATT,  
Government Analyst.

Schedule "A" referred to above.

Liquor for Analysis.

Name and Address of person from whom liquor was seized.

Nathan Slavin, 43 Brookfield.

Date of seizure, 19th Dec. 1921

By whom seized, P.C.'s Reid and O'Driscoll.

Inspector sign here

.....Inspector

.....  
License District

Enter figure number of seal here, No. A. 3269.

.....  
Post Office Address

ONTARIO,  
County of York,  
CITY OF TORONTO,

THE INFORMATION OF  
Alex. Coorian,  
of the City of Toronto.

To WIT:

laid before me J. Cohen, Esquire, Police Magistrate in and for the said City of Toronto, the nineteenth day of October, in the year of our Lord one thousand nine hundred and twenty.

The said informant says he is informed and believes, that Annie Slavin on the Seventeenth day of October in the year of our Lord one Thousand nine hundred and twenty at the City of Toronto in the County of York, unlawfully did sell liquor, contrary to the provisions of the Ontario Temperance Act, without the license therefor by law required.

Laid and signed before me the day and year, and at the place first above mentioned.

ALEX. COORIAN.

J. COHEN,  
Police Magistrate.

19th October, 1920.

Adjourned to 26th instant, 2nd November, 1920.

Defendant being called fails to appear.

Warrant to issue.

3.11.20. Adjourned till 9th inst. Nov. 9th, 1920.

Defendant pleads not guilty.

RALPH WALSH sworn, states:—I believe Deft. lives on Sullivan Street, I was at 26 Sullivan Street. I believe it was the day before Thanksgiving (Sunday). I walked in and asked for a bottle of whiskey. I can't say which one, I don't think I would recognize her again. I saw her outline. I couldn't distinguish her face. It was dark in the passage. I asked for a bottle and she came back and handed me a bottle. It is the shape of this bottle. I put it in my pocket. I gave the person \$6.00 for the bottle. I came out of the house. I walked down the street and was stopped by an officer. I walked back with him into an automobile and we later went to 26 Sullivan St. I was asked to identify Deft. there. I couldn't. I believe the woman whoever it was walked to the door. She did walk to the door. She opened the door. I can't say she went right out. The only conversation I had was asking for a bottle. I couldn't remember how she was dressed. It was about six o'clock, I went for the liquor because I knew that the bottle. I was not paid or sent by the Liquor Department. I was in the house once before during Race Week at Thorncliffe. I believe there were several people in the house when I went there before. I don't know of a charge over me. There is no arrangement made as to my evidence. I am here to give my evidence. I saw Deft. in the house afterwards. I did not see any other woman in the house this time. There were a number of women the first time I went there. I cannot recognize the woman as the woman who showed it to me. There was a person sat on the steps, she was not fully dressed. I went by with Mr. Ayearst and we met Deft. I don't know about others in the house. I did not see a man about.

Sworn before me,

JAMES EDWARD JONES.

(Sgd.) R. B. WALSH.

ALEX. COURIAN, sworn states: I arrested last witness on 17th October on Sullivan Street. This is the bottle he had in his possession, I asked him where he got it. As a consequence of the conversation, we walked to the motor car at Beverley and Sullivan St. I took him to Mr. Ayearst and we three went to 26 Sullivan St. We saw Deft. there. The door was opened I believe by the Defendant. I produced this bottle and asked her if she had sold it to last witness. She said no and she was excited. She recognized the man. She said I did not sell that bottle to you, I gave it to you. At first last witness did not recognize her and we went to a well lighted room, and he said, I believe this is the woman. Deft. said I did not take money for the bottle. The man said I paid her. Deft. said she would never do it again if the thing was settled. We found three other bottles same brand, we found them upstairs, she produced them. We looked around and could not find other than three bottles. The other lady was sitting on the verandah. An elderly lady, she had no hat on. There were children besides, we were through the ground floor, I just went in to see her husband and found him lying in the bed, I am attached to the de-

fendant as a special officer. Deft. has 2 or 3 children of her own. The man identified the woman, the first time he did not and then later in the kitchen he said yes, I believe this is the woman. Deft. did not say she gave a bottle to anyone else. She admitted giving the bottle and finally she said she would not do it again, if we gave her another chance. She said I will never sell again, my husband is sick, I have not enough to pay a fine. Deft. was not very excited, she was quieted down by the time she was talking. I did not do very much business. If you will give me another chance I will never do it again. I saw last witness go in and come out of the house. Just before he came out of the house, Mrs. Slavin came to the door and looked out up the street. Then the man came out, and I got him.

Sworn before me,

JAMES EDWARD JONES.

(Sgd.) ALEX. COURIAN.

JOHN A. AYEARST, sworn, states: I saw first witness go into the 26 Sullivan St. I saw the lady sitting outside and he went in. I saw Mrs. Slavin in the house when I went in. She appeared after I got in. I had seen Mrs. Slavin go up the street and come back with a shawl under her arm in a bundle. First witness was sitting in the auto when I got there. He produced this bottle and we marked it and put our initials on it, we drove back to the house and walked in. The auto was part a block away. It was out ten minutes after first witness was got. Mrs. Slavin came to us in the kitchen. Deft. said to first witness, I did not sell you the bottle, I gave it to you. First witness said, I paid. Later Mrs. Slavin said give me a chance, if you let me go this time I will never sell any more. I told her I couldn't do that, we started to look into the dining room, I asked her if she had any more and she said she would give us everything she had, 2 bottles were the same as this and a bottle of gin. I have them in a suit case that Deft. lent me. I found another gin bottle in the kitchen, there was a little in it as she said her husband used it for kidney trouble. We left it. When first witness by himself it was 5.12. I am a Provincial Officer sworn in, Courian is also a Provincial Officer sworn in, we walked right in. Deft. heard us and came to us. Deft. did not recognize me but she recognized the other two. I don't know that an officer went in to get a bottle and failed. I think Mrs. Slavin was upstairs when we went in. We had no search warrant. We went in without asking owners permission. I told first witness he was liable to having liquor in any unlawful place. He did not refuse to recognize the woman. He said it looks like the woman who sold it and then she said, I did not sell it. I gave it to you. Deft. was not so excited that she knew what she was saying. She pleaded to be let off. I have no recollection of her saying you have no case against me, and you should not prosecute me, and she said don't prosecute me. There was a charge against first witness.

Sworn before me,

JAMES EDWARD JONES.

(Sgd.) JOHN AYEARST.

ANNIE SLAVIN SWORN states: I am 25 years old, married, and have three children. I am sick, I got out of bed to come here. My husband has kidney trouble. He took a little gin once in a while. I had three and a half bottles of liquor in the house, two bottles of Scotch, one and a half bottles of gin. There

is a widow in the back in one room and the woman in front with her husband. I was upstairs near my husband's bed when officers came in. I heard them and came down stairs. They tried to make first witness say something. This was in the dining room. He said I don't know that woman. I thought that they had got my brother-in-law with the bottle and said I gave it to him. I did not admit having sold it. I said to Mr. Ayearst, you having nothing on me. I have given away a bottle, don't prosecute me. I never saw first witness before he came in with the officers, I don't know anything about anyone selling any bottle of liquor, there might have been one bottle disappear between 4 and 6 bottles. I don't know if anything disappeared between 4 and 6 o'clock. My brother-in-law had been there. The other people were in the house. I heard them. The woman on the verandah was the widow in the back room. At first I thought first witness was my brother-in-law. I did tell the officers I gave the bottle to this man and in the kitchen I found he was not my brother-in-law. I did not say first witness had been there three or four times with a friend and that I knew him. I have never seen liquor coming into the other people's rooms. I nursed my husband.

Sworn before me,

JAMES EDWARD JONES.

(Sgd.) ANNIE SLAVIN.

JACK SLAVIN sworn states: I live at 26 Sullivan St. The last year I had kidney trouble, I was in bed two weeks on the 17th Oct. My wife was nursing me, we have three children, nine five and two and half years. When the officers came in my wife was sitting beside me. The officers did not come up to speak to me about it. I knew nothing about the liquor in the house. My brother-in-law had been there and had been to see me. Courian had not seen me before they took the three bottles. Afterwards Courian came back to see. My wife told me what they took away. There is a couple living in the front room and a woman at the back. The woman who lives in front was a heavier woman than my wife.

Sworn before me,

JAMES EDWARD JONES.

(Sgd.) J. SLAVIN.

MAX LONDON, sworn, states: I am brother-in-law of Deft. On the 17th of Oct. I was at 26 Sullivan St. I had a cold myself. I asked my brother-in-law if he had a bottle of whiskey for my cold and Deft. gave me a bottle of whiskey. I came in the afternoon. I had my overcoat on. I was about one and a half or two hours in the house. I did not see any other person in the house.

Sworn before me,

JAMES EDWARD JONES.

(Sgd.) MAX LONDON.

RALPH WELSH re-called: I was up before the court and pleaded guilty. No one knew anything about the case. I did not pay a fine. I believe Deft. said she gave it to me. I did not hear her make any admission that she had sold me a bottle. It was said in the kitchen. Every room was dark but the kitchen,

the gas was lit. In the kitchen she said she gave it to me. Inspector Ayearst had conversation with defendant when I was not there.

Sworn before me,

JAMES EDWARD JONES.

(Sgd.) R. B. WELSH.

First witness: I never sold it to you, I gave it to you. She said he had been there two or three times with another friend.

Sworn before me,

JAMES EDWARD JONES.

(Sgd.) JOHN A. AYEARST.

Fined \$200 and costs or 3 months in The Toronto Municipal Farm for Women.

JAMES EDWARD JONES.

*EXHIBIT B.I.*

Ontario, County of York,  
City of Toronto,

To Wit:

The Information of David McKinney, Act. Staff Inspector of the City of Toronto, laid before me, P.V. ELLIS, Esquire, Police Magistrate in and for the said City of Toronto, the 14th day of August in the year of our Lord one thousand and twenty. The said informant says he is informed and believes, that Fanny Slavin on the 13th day of August in the year of our Lord one thousand and nine hundred and Twenty at the City of Toronto, in the County of York, unlawfully did keep liquor for sale at 43 Brookfield without the License therefor by law required, contrary to the Ontario Temperance Act.

Laid and signed before  
me on the day and  
year, at the place first  
above mentioned,

P. V. ELLIS, Police Magistrate.

(Sgd.) D. MCKINNEY.

'August 14th, 1920.

Remanded to 20th inst., 27th Aug.  
Defendant pleads not guilty.

WM. HUTCHINSON, sworn, states: 13th Aug. 3.45 p.m. at 43 Brookfield Ave. I searched the premises for liquor. Deft. was in charge of the house. I met a man there, he admitted in her presence trying to buy whiskey. I found a parcel containing 3 bottles of whiskey, the bottle produced is one that was in the parcel. She denied ever seeing the man before.

W. HUTCHINSON,  
J. COHEN, P.M

WM. WHITLEY, sworn, states: I called at 43 Brookfield Ave. on 13th Aug. in the afternoon and saw Hutchinson and another gentleman and the Deft. I asked her if she got her car fixed. I said the magneto and she said it



was the lights. Hutchinson asked me in Defendant's presence if I had bought any liquor. I said I had. I had drinks previously. I paid fifty cents and forty cents whatever I had. I have been there over a dozen times. The Police was there ahead of me. I did not buy any drinks when the Police was there. I was there and bought drinks in last thirty days.

Sworn before me,  
J. COHEN, P.M.

(Sgd.) WM. WHITLEY.

FANNY SLAVIN, sworn states: I live at 43 Brookfield and I had 3 bottles of liquor, 2 men came in looking for a still. They searched till they found the 3 bottles of liquor, I said I bought it at Montreal, the house was not convicted. I saw Whitley the day before to rent a garage, he never bought a drink from me in his life, he never mentioned a drink to me.

Sworn before me,  
J. COHEN, P.M.

(Sgd.) FANNY SLAVIN.

MARY ROSENSWEIG, sworn, states: I never seen Whitley buy any liquor. Mrs. Slavin never sold any liquor.

Sworn before me,  
J. COHEN, P.M.

(Sgd.) MARY Her mark: X ROSENSWEIG.

J. COHEN, P.M.

Adjourned till called on.  
Canada, Province of Ontario,  
County of York,  
City of Toronto,

To wit:

Be it remembered that on the 13th day of August in the year of our Lord one thousand nine hundred and twenty Fanny Slavin, 43 Brookfield St., housewife, Ethel Brofsky, 52 Brookfield St., housewife, personally came and appeared before me, the undersigned JAMES FENWICK, police sergeant in and for the said city, and severally acknowledged themselves to owe to our Sovereign Lord the King, the several sums following, that is to say: the said Fanny Slavin the sum of Four hundred dollars, the said Ethel Brofsky the sum of Four hundred dollars, of good and lawful current money of Canada, to be made and levied of their several goods and chattels, lands and tenements respectively, to the use of our said Lord the King, his heirs and successors, if she the said Fanny Slavin fails in the condition hereunder written.

Taken and acknowledged,  
the day and year first above  
mentioned at the said City  
of Toronto, before me,

(Sgd.) JAMES FENWICK,  
Police Sergt.

The condition of the within written recognizance is such that if the said Fanny Slavin personally appears at the Police Court, in the City of Toronto, on Saturday the 14th day of August in the year of our Lord one thousand nine

hundred and twenty at the hour of ten o'clock a.m., before me or such Justices of the Peace for the said City of Toronto, as shall then be there, to answer further to the information exhibited, and further to be dealt with according to law, then said recognizance to be void otherwise to remain in full force and virtue.

B.O.T.A. Renewed till 27th inst.

Canada, Province of Ontario,

County of York,

City of Toronto,

To wit:

D. MCKINNEY, Inspector of the City of Toronto, taken on oath before me, R. E. KINGSFORD, Esquire, Police Magistrate in and for the said City, the 14th day of April in the year of our Lord one thousand nine hundred and twenty. The said Informant upon Oath saith he is informed and believes that Fanny Slavin on the 31st day of March in the year of our Lord one thousand nine hundred and twenty at the City of Toronto, in the County of York, did contrary to law have liquor in a place which had ceased to be a private dwelling, 43 Brookfield Ave., contrary to the Ontario Temperance Act, in such case made and provided.

Complainant prays that justice be done in the premises.

Sworn before me,  
on the day and year  
first above mentioned,

R. E. KINGSFORD, P.M.

(Sgd.) D. MCKINNEY,  
Complainant.

Defendant pleads not guilty.

14th April, 1920.

JAMES KENNEY: On 31st March I watched 43 Brookfield Street. I found a man coming out of the house and I found a bottle on the man. I did not take the man back. Defendant said she had not sold any liquor to any person. I searched the house and found 3 bottles of liquor. I don't know how long the woman was living there, she was there in 1918. Mr. Slavin was the owner of the house.

Sworn before me,

R. E. KINGSFORD, P.M.

(Sgd.) JAMES R. KENNEY.

P.C. JNO. O'DRISCOLL, sworn, states: On day in question 31st March asked Deft. if she had any more liquor than the 2 bottles. I searched the house and found the bottle of Scotch whiskey under the floor where there were potatoes; she said it cost six dollars in Montreal. Defendant went to the pantry and brought 2 bottles of G. & W. whiskey.

Examined by MR. HEYD, SR.: I know the defendant is wife of Nathan Slavin.

Sworn before me,

R. E. KINGSFORD, P.M.

(Sgd.) JOHN O'DRISCOLL.

R. E. KINGSFORD, P.M.

Dismissed.

Canada, Province of Ontario,  
County of York,  
City of Toronto,

To wit:

The Information and complaint of D. McKinney, Inspector of the City of Toronto taken on oath before me R. E. Kingsford, Esquire, Police Magistrate in and the said City, the 14th day of April in the year of our Lord one thousand nine hundred and twenty.

The said Informant upon Oath saith he is informed and believes that Fanny Slavin on the 31st day of March in the year of our Lord one thousand nine hundred and twenty, at the City of Toronto, in the County of York did, contrary to law, have liquor in a place which had ceased to be a private dwelling, 43 Brookfield Ave., contrary to the Ontario Temperance Act, in such case made and provided.

Complainant prays that justice be done in the premises.

Sworn before me,

on the day and year  
first above mentioned,

R. E. KINGSFORD, P.M.

(Sgd.) D. MCKINNEY,

Complainant.

Defendant pleads not guilty.

14th. April, 1920.

JAMES KENNEY: On March 31st I watched 43 Brookfield Street. I found a man coming out of the house and I found a bottle on the man. I did not take the man back. Defendant said she had not sold any liquor to any person. I searched the house and found 3 bottles of liquor. I don't know how long the woman was living there. She was there in 1918. Mr. Slavin was the owner of the house.

Sworn before me,

R. E. KINGSFORD, P.M.

(Sgd.) JAMES R. KENNEY.

P.C. O'DRISCOLL, sworn, states: On day in question 31st March I asked Deft. if she had any more liquor than the two bottles. I searched the house and found the bottle of Scotch whiskey under the floor where there were potatoes. She said it cost six dollars.

MEDICAL PRACTITIONER "PATIENT"

Requisition for Liquor  
by Medical Practitioner

**Ontario Government  
Dispensaries**

EY No. 2962

Office Hours: 9 a. m. until 4 p. m.  
Saturdays, 9 a.m. until 1 p. m. noon

CENSORED
BY.....
PRICE.....

.....*November 24th*.....**1921**.....  
CITY, TOWN OR VILLAGE DATE

Required for M.....*T. H. Lennox*.....  
NAME

.....*Toronto*.....*Barrister*.....  
ADDRESS OCCUPATION

.....*One Dozen Quart Bottles of Ale*.....  
QUANTITY AND KIND OF LIQUOR WANTED

for medical purposes only, for the patient named,

I certify that the amount of liquor hereby prescribed is the minimum quantity necessary for the patient for whom it is ordered.

NOTE—Not more than one quart of wine or spirits can be prescribed at one time. Sec. 51, (A2), nor more than twelve bottles of Ale, Beer or Porter at any one time. Sec. 51, (A1).

.....*R. F. Preston, M.D.*.....  
DOCTOR'S NAME  
.....*Carleton Place*.....  
ADDRESS

No Requisition will be filled unless properly made out.

Received by.....*H. T. Arnold*.....

MEDICAL PRACTITIONER "PATIENT"

GD No. 6003

ONTARIO GOVERNMENT DISPENSARIES

Office Hours: 9 a. m. to 4 p. m. Saturdays, 9 a. m. to 1 p. m.

CENSORED
BY..... <i>N</i> .....
PRICE..... <i>4.00</i> .....

.....*Stouffville*.....*November 24*.....**1921**.....  
PHYSICIAN'S ADDRESS DATE

Required for Mr.....*H. Lennox*.....*Lawyer*.....  
PATIENT'S NAME OCCUPATION

.....*Lumsden Building*.....*Toronto*.....  
STREET ADDRESS OR LOT CITY, TOWN, VILLAGE OR CONCESSION

.....*One Quart of Whiskey*.....for medical purposes only, for the patient named.  
QUANTITY AND KIND OF LIQUOR REQUIRED

I certify that the amount of liquor hereby prescribed is the minimum quantity necessary for the patient for whom it is ordered.

NOTE—Not more than one quart of wine or spirits can be prescribed at one time, Sec. 51, (A2), nor more than twelve quarts of Ale, Beer or Porter or the equivalent, at one time, Sec. 51, (A1).

.....*S. S. Ball, M.B.*.....  
DOCTOR'S SIGNATURE  
Received by.....*H. T. Arnold*.....

No Requisition will be filled unless properly made out.

MEDICAL PRACTITIONER "PATIENT"

GD No. 6004

ONTARIO GOVERNMENT DISPENSARIES

Office Hours: 9 a. m. to 4 p. m. Saturdays, 9 a. m. to 1 p. m.

CENSORED

BY.....N.....

PRICE.....4.80.....

.....*Stouffville*.....*November 24*.....*1921*.....

PHYSICIAN'S ADDRESS

DATE

Required for Mr.....*Clifford Case*.....*Barrister*.....

PATIENT'S NAME

OCCUPATION

.....*176 University Ave.*.....*Toronto*.....

STREET ADDRESS OR LOT

CITY, TOWN, VILLAGE OR CONCESSION

.....*One Dozen Quarts of Ale*.....for medical purposes only, for the patient named.  
QUANTITY AND KIND OF LIQUOR REQUIRED

I certify that the amount of liquor hereby prescribed is the minimum quantity necessary for the patient for whom it is ordered.

NOTE—Not more than one quart of wine or spirits can be prescribed at one time, Sec. 51, (A2), nor more than twelve quarts of Ale, Beer or Porter or the equivalent, at one time, Sec. 51, (A1).

.....*S. S. Ball, M.B.*.....

DOCTOR'S SIGNATURE

Received by.....*B. Middleton*.....

**No Requisition will be filled unless properly made out.**

MEDICAL PRACTITIONER "PATIENT"

Requisition for Liquor  
by Medical Practitioner

Ontario Government  
Dispensaries

EY No. 2985

Office Hours: 9 a. m. until 4 p. m.  
Saturdays, 9 a. m. until 1 p. m. noon

CENSORED

BY.....

PRICE.....

.....*December 9th*.....*1921*.....

CITY, TOWN OR VILLAGE

DATE

Required for M.....*T. H. Lennox*.....

NAME

.....*Toronto*.....*Barrister*.....

ADDRESS

OCCUPATION

.....*One Quart of Whiskey*.....  
QUANTITY AND KIND OF LIQUOR WANTED

for medical purposes only, for the patient named.

I certify that the amount of liquor hereby prescribed is the minimum quantity necessary for the patient for whom it is ordered.

NOTE—Not more than one quart of wine or spirits can be prescribed at one time. Sec. 51, (A2), nor more than twelve bottles of Ale, Beer or Porter at any one time. Sec. 51, (A1).

.....*R. F. Preston, M.D.*.....

DOCTOR'S NAME

.....*Carleton Place*.....

ADDRESS

**No Requisitions will be filled unless properly made out.**

Received by.....*Jas. T. Kemp*.....

**MEDICAL PRACTITIONER "PATIENT"**

Requisition for Liquor  
by Medical Practitioner

**Ontario Government  
Dispensaries EY No. 2946**

Office Hours: 9 a. m. until 4 p. m.  
Saturdays, 9 a. m. until 1 p. m. noon

CENSORED
BY.....
PRICE.....

.....*October 1st*.....**1921**.....  
CITY, TOWN OR VILLAGE DATE

Required for M.....*T. H. Lennox*.....  
NAME

.....*Toronto*.....*Barrister*.....  
ADDRESS OCCUPATION

.....*One Quart of Whiskey*.....  
QUANTITY AND KIND OF LIQUOR WANTED

for medical purposes only, for the patient named.

I certify that the amount of liquor hereby prescribed is the minimum quantity necessary for the patient for whom it is ordered.

NOTE—Not more than one quart of wine or spirits can be prescribed at one time. Sec. 51, (A2), nor more than twelve bottles of Ale, Beer or Porter at any one time. Sec. 51, (A1).

.....*R. F. Preston, M.D.*.....  
DOCTOR'S NAME

.....*Carleton Place*.....  
ADDRESS

*No Requisition will be filled unless properly made out.*

Received by.....*C. K. Case*.....

Statement of SAMUEL SMITH, Ex-Provincial Officer, made May 22, 1922:

The day we went to Hamilton, I believe it was on the 30th or 31st of August. We attended to the Court in Toronto and after lunch we proceeded to Hamilton and the marked money was given to operator Wiles and he entered the house. I allowed him a limited time to purchase and then I raided the place. To the best of my recollection I was the first officer in. I told the woman to sit down in the chair where the operators were sitting around the table. I believe the money was produced on the table and it corresponded with my book and with Mr. Jeffrey's book which I previously gave to the operator. Then this woman Mrs. Friar was placed under arrest by me. She asked permission to go to the street and fetch her little children before we took her to the station. Permission was given her, I went with her, the front door being opened and as soon as she got on to the side-walk she ran clean up the side-walk and screamed something in foreign tongue after which there was an awful crowd gathered and I saw with my own eyes several knives flashing. I at once seized her by the right arm, left hand on the wrist and right hand on the triceps. I ran her back down the side-walk and put her in the car pretty quick. Mr. Jeffrey also jumped into the car and there was a crowd then of about 100 people gathered in that short space of time. I told the driver then to drive straight on and never mind the crowd. I was afraid that they might board the car. She was violent on the way to the station. When we got to the station she was taken out of the and there charged by Mr. Jeffrey. The woman was not

dragged out of the car nor she was not roughly treated. She got out of the car of her own accord and by the assistance of Mr. Jeffery and myself. Jeffery had one arm and I had the other. The woman was not searched by Jeffery, myself, or any of the other Provincial Officers. It is contrary to our instructions and our custom to search women prisoners. Mr. Jeffery was not drunk nor under the influence of liquor during any of these proceedings nor had he had any liquor to drink unless perhaps he may have tasted some in the house of Mrs. Friar. I do not believe he did taste it. The next morning when the woman was brought before the Police Magistrate, the Police Magistrate and the Court officers were indignant and the Police Magistrate asked why we should get a warrant from an outside Magistrate for use in Hamilton. Mr. Jeffery told him that if we had got the warrant here (Hamilton) we would never have made an arrest.

Money used at Mrs. Friar's house was part of the following:

(Dom. of Canada)

\$1.00	Letter N.	871934-C
1.00	M.	969550-C-Dd
1.00	R.	481058-C-Co
2.00	L.	101570-A
2.00	L.	948813-D
2.00	L.	385365-B
5.00		167175-C Standard Bank
5.00		139871-C Standard Bank

I was with the City "Flying Squad" for a few days and then I engaged with Mr. Hammond from the 10th Nov. 1921 to the 2nd Feb. 1922 when I resigned of my own free will. I was in the army about 19 years altogether. I enlisted in 1914 in the C.E.F. and served until 1919, was honourably discharged with rank of Sgt. and was acting as Drill Instructor, 200 Sherbourne St., Toronto.





**AMPUTATIONS** including subsequent attention

1. Finger or toe, one	\$10 00
2. Each additional finger or toe	5 00
3. Metacarpal or Metatarsal, one	15 00
4. Each additional Metacarpal or Metatarsal	5 00
5. Arm, forearm or wrist	40 00
6. Shoulder (Disarticulation)	75 00
7. Hip (Disarticulation)	75 00
8. Thigh	60 00
9. Leg, ankle joint, or foot (Tarsus)	40 00

**FRACTURES** including subsequent attention

10. Finger, one	\$ 5 00
11. Fingers, two or more	10 00
12. Metacarpal, one	5 00
13. Metacarpal, two or more	10 00
14. Radius or Ulna	20 00
15. Radius and Ulna	25 00
16. Humerus	25 00
17. Toe, one or more	10 00
18. Metatarsal, one or more	10 00
19. Tibia	30 00
20. Fibula	20 00
21. Tibia and Fibula	40 00
22. Femur	50 00
23. Jaw	20 00
24. Malar and Nasal Bones	10 00
25. Clavicle	15 00
26. Scapula	15 00
27. Ribs, one or more	5 00
28. Patella	\$20 00 to \$40 00
29. Pelvis	\$10 00 to \$40 00
30. Increased fees may be allowed according to the circumstances for multiple, compound, or complicated fractures.	

**DISLOCATION** including subsequent attention

31. Fingers or toes, one or more	\$ 5 00
32. Metatarsal or Metacarpal, one or more	5 00
33. Wrist	10 00
34. Elbow	15 00
35. Shoulder	15 00
36. Clavicle	10 00
37. Jaw	10 00
38. Sacra Iliac	10 00
39. Hip	25 00
40. Knee	20 00
41. Patella	10 00
42. Ankle	15 00
43. Tarsus	10 00
44. Increased fees may be allowed according to the circumstances for multiple, compound, or complicated dislocations.	

**OPERATIONS** including subsequent attention

45. Minor operations, not otherwise provided for	up to \$10 00
46. Major operations, not otherwise provided for	up to 60 00

47. Removal of eye	up to \$40 00
48. Extraction of steel from interior of eye ball	50 00
49. Iridectomy	50 00

**ANAESTHETISTS AND ASSISTANTS**

50. General anaesthetic (by doctor when House Surgeon not available)	\$ 5 00
51. Assistant (when considered necessary by the Board)	5 00

**X-RAY** when required

52. Of hand	\$ 3 50
53. Of foot	5 00
54. Of leg or shoulder	5 00
55. Of pelvis or hip	7 50
56. Of spine, head, or eye	10 00
57. These fees include number of exposures necessary and print if required by Board.	

**VISITS AND ATTENDANCES** not included in other allowances

58. First visit at plant, home or hospital	\$ 2 50
59. First visit at office	1 50
60. Subsequent visit at home	1 50
61. Subsequent visit at office or hospital	1 00
62. The above fees may be increased or decreased according to the nature of the injury, the dressings required, and other circumstances.	
63. The Board will pay only for a reasonable number of visits or dressings, depending on the nature of the injury.	
64. Night visit away from office (between 8 p.m. and 7 a.m.) \$1.00 extra.	
65. Mileage 50c. one way outside town or city limits, for trips specially made for the case, not exceeding \$10.00.	

**GENERAL PROVISIONS**

- 66. Fees in all cases include necessary dressings and drugs.
- 67. Attention at plant by a doctor under contract, except upon special emergency call, is to be treated as if it were at the doctor's office.
- 68. Hospital fees will only be allowed for treatment of out-patients in Emergency and Clinical departments.
- 69. Fees for services not covered by the above schedule are to be in corresponding proportion to the fees specified.
- 70. Fees higher than those specified in the schedule will be approved when in the opinion of the Board circumstances so warrant.
- 71. Consultation fees allowed only when specifically authorized or approved by the Board.

Effective March 26th, 1918.

*This schedule applies to services under the provisions of The Workmen's Compensation Act. It has been approved by the Council of the College of Physicians and Surgeons of Ontario.*

*To enable the Board to deal satisfactorily with accounts, practitioners are requested to be careful to furnish all the information provided for in the within Form, itemizing the services rendered, giving the date and place of and specifying the work done at each call or visit. No lump sum allowance can be made which the particulars do not justify.*

*Nothing must be included in these items except services personally rendered by the surgeon signing the account, but when another practitioner is known to have rendered service also this fact should be mentioned. In operations at a hospital the house surgeons, when available, must be utilized as anaesthetist and assistant. Where treatment by a specialist is necessary the case should be transferred; concurrent accounts cannot be entertained.*

66 Temperance Street, Toronto, Ontario

Dear Sir,

Accounts are required to be rendered as follows :

Where treatment is closed within a month after commencement of disability, immediately after final treatment;

Where treatment continues longer than such month, immediately after EACH MONTH'S treatment.

Appropriate forms will be sent in each case, the period covered by subsequent accounts being noted at the top of the form.

If it is found after sending the form that the claim cannot be allowed, notice will be given as soon as possible.

Yours truly,

**THE WORKMEN'S COMPENSATION BOARD,**

N. B. WORMITH, *Secretary*

## EXHIBIT "J.1"

Toronto, May 30, 1922.

Honourable Peter Smith, M.P.P.,  
Provincial Treasurer,  
Parliament Buildings,  
Toronto, Ont.

Sir:

*Re* apparent over-charge on Pathescope prints by the Pathescope of Canada, Limited.

I have consulted the files of the Motion Picture Bureau since its inception, and can find nothing on record that might be construed to mean that the Motion Picture Bureau is to pay 10c per foot for Pathescope prints based on the measurement of the negatives rather than the prints. Copies of correspondence bearing on the matter are attached herewith, and I would respectfully direct your attention to a letter addressed to the Honourable G. Howard Ferguson, signed by Mr. N. A. Howie, President of the Company dated June 28th, 1916. The part of this letter that bears on the subject is the fourth paragraph. You will note that there is nothing in this letter providing that the measurement of the negative is to be the basis of the charge for prints, but it is particularly stated that the prints are to be purchased on Pathescope non-inflammable film, at the rate of 10c per foot. The letter attached is marked Exhibit "A" and is a copy of the original on file.

The next letter I find bearing on the subject is dated June 5th, 1917, a copy of which is attached and marked Exhibit "P." You will note the post-script at the bottom states: P.S. "The prices per foot quoted above are per foot of negatives. The price of 10c is *per foot of either Standard or Pathescope Film.*" There is absolutely no mention made of the fact that the negative measurement shall form the basis of charges for prints, but rather, it is emphatically stated in the post-script, that the Bureau may have either standard or Pathescope films, at the rate of 10c per foot.

I understood that representations have been made to you by the Pathescope of Canada Limited, to the effect that the late Mr. S. C. Johnston was aware of the fact that the Pathescope of Canada Limited were charging for Pathescope prints on the basis of negative measurements.

Attached is a copy of a letter from the Honourable T. W. McGarry, dated January 30th, 1918, asking for a report relative to prices, this is marked Exhibit "C." The reply by Mr. S. C. Johnston under date of February 5th, 1918, is attached and marked Exhibit "D." You will note that the third and fourth paragraphs of Mr. Johnston's report to the Minister, particularly bear on the price per foot of positive film, particularly paragraph four, which is as follows:—"The price per foot as quoted above are per foot of negative. The price of 10c is per foot, either standard or Pathescope positives." I take from this report that the late Mr. Johnston never understood that the Motion Picture Bureau was to pay for Pathescope prints based on negative footage, but rather for the actual measurements delivered to the Branch.

Mr. W. Dawson, late Director of the Bureau, and who succeeded Mr. Johnston in the position, was in my office on May 26th (Friday last). I discussed the entire matter with him, and he informs me that he was always of

the opinion that the Bureau only paid for actual measurements delivered to the Bureau and that if 1,000 ft. were paid for, and only 800 ft. delivered he was ignorant of that fact but believed to have received and paid for 1,000 ft. of finished stock.

I would further call your attention to the request for Tenders issued by myself February 23rd, 1920. A copy of the request is attached herewith and marked Exhibit "E." You will note that the Pathescope Company was particularly requested to quote "price on Pathescope size film prints per foot." Their Tender under date of February 24th, 1920, is attached herewith, and marked Exhibit "F." You will note in the fourth paragraph of the Tender "extra prints on either standard or Pathescope where the negative was made by ourselves, 10c per foot." You will also note in the next paragraph "Pathescope prints made from negatives other than our own, 13c per foot." Further, there is my acceptance attached under date of March 2nd, 1920, and marked Exhibit "G." The request for Tenders, the Tender, and the acceptance of same, in my opinion forms the contract.

I do not wish to burden you with further correspondence in the matter other than to state, that Tenders were called for a year ago, but never accepted and in calling for Tenders the Companies were advised that the old rates would be in force until a new contract had been accepted. As the contract entered into on March 2nd, 1920, is not for any specific period, I think unless notice is given by either the Bureau, or the contracting Companies, the contract is still in force.

I am at a loss to know upon what grounds the Pathescope Company contend that when 800 ft. of Pathescope film is delivered to the Bureau, they are entitled to payment for approximately 1,000 ft. Certainly when the Pathescope Company order say 1,000 feet of Pathescope raw stock from the manufacturer, 1,000 ft. is delivered to them, and not 800 ft. and all that is paid for is 1,000 ft.

I therefore respectfully beg to submit that a refund is due to the Department based on the correspondence submitted to you and particularly on the contract entered into over two years ago.

I have the honour to be,

Sir,

Your obedient servant,

O. ELLIOTT, Director.

EXHIBIT "A," PAGE 1.

PATHESCOPE OF CANADA LIMITED.

Toronto, June 28th, 1916.

Hon. G. Howard Ferguson,  
Parliament Buildings,  
Toronto, Ont.

Dear Sir:—

*Re Moving Pictures.*

In confirmation of our conversation, we are submitting a proposition to put Northern Ontario on Moving Picture Film.

In our original estimate made some weeks ago, we considered that to properly film all that you are likely to want of New Ontario, would take about 20,000 feet in all. The season, however, has now advanced to such a stage, that

we would not care to take and guarantee that we would turn out more than 10,000 feet. This amount, however, we have no hesitation in guaranteeing. We might say, however, that we are satisfied that before you get through, you will easily require the large number of feet.

For the production of the first 10,000 feet of positive film, the cost would be 50 cents a foot, plus Operator's Railroad expenses (not to exceed \$300.00) which would amount to \$5,000.00.

We consider, however, that you would require five additional copies of each, the price of which would be 10 cents a foot, making a further amount of \$5,000.00 or \$10,000.00 in all for six copies of each subject. The above to be produced on Pathescope non-inflammable film. Any additional copies required over the above estimate, would be at the rate of 10 cents per foot. It is understood that you are not to be charged anything for wastage up to 10%, but over that amount, at the rate of 7½ cents per foot.

In fairness to ourselves, would say that the price above quoted, is an extremely low one, as the majority of American firms to-day would charge anywhere from 85 cents to \$1.50 a foot.

In the footage that we have figured out above, it means that you would have sufficient films available to give at least 18 demonstrations per night, and were same further augmented by say a couple of stock Comedies, so that the evenings performance could be opened with a Comedy and closed with one, you would then be able to hold four more demonstrations per night.

Before commencing on the taking of the photographs, it is understood that we are to outline the whole plan or scenario on paper, and submit same for your approval and having this in mind, we would thank you to pick out for us some one man from your Department, who has a thorough knowledge of the Northern Country, with whom we could consult with as often as necessary, as same would tend to simplify and expedite matters very much for us.

Yours truly,

PATHESCOPE OF CANADA, LIMITED,

N. A. HOWIE,

President.

Toronto, June 5th, 1917.

Mr. S. C. Johnston,  
Parliament Bldgs.,  
Toronto.

Dear Mr. Johnston:—

Our prices for work to be done under your instruction for the Government of Ontario will be as follows:—

For the first 25,000 feet 50c Net.

From 25,000 to 50,000 feet 45c Net.

All over 50,000 feet 40c Net.

These prices are for the first positive copy. Additional copies will cost 10 cents per foot. Pictures of interiors, unless by special arrangement, will cost \$1.00 per foot for the first positive copy, 10 cents per foot for additional copies.

There are a few details which it might be well at this time to put in writing, and we therefore submit these at some length:—

It is understood that all pictures now on order, or in future ordered by the Government of Ontario shall be taken by us under your direction.

After having taken the pictures ordered we will prepare a positive film for submission to you for inspection and approval.

Before doing so we shall make such "trim" of the film as we consider desirable, and will submit to you only positive film, which in our judgment you are justified in accepting. Inferior or faulty photography will not be submitted.

You are then at liberty if you consider it desirable to further trim the negatives not exceeding 10% without charge.

"Trim" in excess of 10% made to your order will be charged for at the rate of 7½ cents per foot of negative.

Fifty per cent. of the charge for the first positive copy shall be payable to us when and as this film receives your inspection and approval. The remaining fifty per cent is payable when the completed reels of film are delivered to you.

In order that there shall be no delay in taking the photographs desired it is urgently desirable that orders should be placed as far in advance as possible. Good camera men are not easily procurable and we should be given the orders in ample time to make all arrangements necessary for the successful carrying out of the work.

It is of still greater importance that orders for machines be placed several months before they will be required for use. Under war conditions particularly this is indispensable. From four to six months will be required under present conditions for the filling of any orders of unusual size.

Yours faithfully,

PATHESCOPE OF CANADA LIMITED,

G. FRANK BEER,  
President.

P.S.—The prices per foot quoted above are per foot of negative. The price of ten cents is per foot of either Standard or Pathescope film.

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EXHIBIT "C" PAGE 1.

Toronto, January 30th, 1918.

Dear Sir:—

I send you herewith a letter I have just received from G. Frank Beer of the Pathescope of Canada, Limited.

You might prepare and send me a report upon this matter.

Yours very truly,

(Sgd.) T. W. MCGARRY,  
Provincial Treasurer.

S. C. Johnston, Esq.,  
Buildings.

## EXHIBIT "D" PAGE 1.

Parliament Buildings,  
Toronto, Feb. 5th, 1918.

*Memo for the Honourable T. W. McGarry.*

I beg to acknowledge receipt of your letter with one received from Mr. G. Frank Beer of the Pathéscope Company, with regard to proposed change in agreement governing price of film.

I beg to report the following:—

On June 5th, 1917, Mr. Beer wrote this office as follows:—"Our price for film to be done under your instructions for the Government of Ontario will be as follows:—

For the first 25,000 ft. ....	50 cents net.
From 25,000 to 50,000 ft. ....	45 cents net.
All over 50,000 ft. ....	40 cents net.

These prices are for the first positive copy, additional copies will cost 10 cents per foot. Pictures of interiors, unless by special arrangement, will cost \$1.00 per foot for the first positive copy and 10 cents per foot for additional copies.

The prices per foot quoted above are per foot of negative. The price of 10 cents is per foot either standard or Pathéscope positive.

To the 31st of January, the Department of Agriculture have been charged with 14,188 ft. The Department of Lands, Forests and Mines have been charged with 8,277 ft.; The Department of Highways 1,541 ft.; The Department of Public Works 676 ft.; The Provincial Secretary's Department 5,000 ft., making a total of 29,682 ft. These have all been charged at the rate of 50 cents per foot as it was considered advisable by this office to make the adjustment of price on finished copy rather than on scenes without titles. As each of these Departments has purchased film according to the agreement above stated, it would appear that the Pathéscope Company should make arrangements with the various Departments, rather than with the Provincial Treasurer.

Yours very truly,  
(Sgd.) S. C. JOHNSTON,  
*Director.*

## EXHIBIT "E" PAGE 1.

Toronto, Feb. 23rd, 1920.

W. Redpath Esq.,  
Pathéscope of Canada Limited,  
156 King Street, W., City.

Dear Sir:

Your letter of the 11th, addressed to the Provincial Motion Picture

Bureau, has been referred to me by the Minister, and I am directed to ask you to tender as follows:—

Negative and first print per foot.  
 Negative, Interior work, per foot.  
 Prints, per foot.  
 Toning, per foot.  
 Tinting, per foot.  
 Pathéscope size films prints, per foot.  
 Title cards.

State percentage of negative that may be trimmed (without charge to Over the limited percentage, state the charges for wastage per foot for negative, and, per foot for positive.

I shall be glad to receive your tender on the above at the earliest possible date, in order that cost of production and the policy of the Department for the year can be decided at once.

Yours very truly,  
 (Sgd.) O. ELLIOTT,  
*Inspector.*

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EXHIBIT "F" PAGE 1.

PATHESCOPE OF CANADA, LIMITED.

Toronto, Feb. 24th, 1920.

MR. O. ELLIOTT,  
 Inspector of Theatres,  
 Toronto, Ont.

Dear Sir:

Replying to your letter of the 23rd, we beg to tender on your work as follows:—

Exterior negative and first print on either Standard or Pathéscope stock, 75 cents per foot.

Interior negative and first print on either Standard or Pathéscope stock, \$1.00 per foot.

Extra prints on either Standard or Pathéscope, where the negative was made by ourselves, 10 cents per foot.

Pathéscope prints made from negative other than our own, 13 cents per foot.

Toning on Pathéscope or Standard stock, 2 cents per foot extra.

Tinting, Standard or Pathéscope stock, one cent per foot extra.

We will furnish regular title cards, prepare the negative, etc. charging at the rate of 75 cents per foot for the finished product. For art titles we will charge the cost of the card, less the amount paid for the regular titles. This extra cost would be in the neighbourhood of \$1.50 to \$2.00 each, the footage of film remaining the same, 75 cents per foot.

We agree to trim the pictures before submitting them for a charge, and after we have done this, the Bureau may take off another 10% without any

cost to themselves. Any negative not used in the picture, but taken at your order, will be charged at the rate of 15 cents per foot, and the positive prints that are wasted will be charged at 5 cents per foot.

Yours truly,  
Pathéscope of Canada Limited.  
W. REDPATH.

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EXHIBIT "G"

W. REDPATH, Esq.,  
Pathéscope of Canada,  
156 King St. West, City.

Dear Sir:—

With further reference to your Tender of February 24th on the work of the Motion Picture Bureau. I beg to advise you that this has been accepted, and you are to consider the Tender in force from this date. Any work ordered prior to this date and which has not been completed, must of course be completed under the previous rates.

Yours very truly,  
(Sgd.) O. ELLIOTT,  
*Inspector.*



# INDEX

TO THE REPORT, EVIDENCE, ETC., OF COMMITTEE ON PUBLIC ACCOUNTS.

	PAGE.
<b>A</b> YEARST, J. A., examined .....	442-66, 710, 717, 766
<b>B</b> ECKETT, MATHEW, examined .....	637-42
BLACKWELL, W. S., examined .....	690-97
BLAKE, H. M., examined .....	951
British Columbia case, the .....	228-43
<b>B</b> RYANT, JAMES B., examined .....	484-87
BUDWAY, F. W., examined .....	487-521, 787
BULL, PERCY W., examined .....	944
<b>C</b> AIN, W. E., examined .....	119-27
Chairman Elected .....	34
CHARLTON, INSPECTOR, examined .....	642-45, 713
Chippawa-Queenston Com. GABY, F. A., examined .....	64, 75, 79, 97, 101-19
LEA, R. L., examined .....	245-78
CREASY, FRANK B., examined .....	740-47
CROSS, HERBERT H., examined .....	714-17
CRUICKSHANK, JOHN, examined .....	526-7, 533-41
<b>D</b> AVIDSON, WILLIAM, examined .....	541-47
DICKSON, JOHN W., examined .....	718-23
DUNLOP, W. W., examined .....	425-42
<b>E</b> LLIOTT, MAJOR GENERAL, examined .....	389-425
ELLIOTT, OTTER, examined .....	960-70
Exhibits .....	971-998
<b>F</b> IELDING, GRANT, examined .....	646-71, 747
FLAVELLE, J. D., examined .....	632-37
Fruit Export, report.....	3-28
<b>G</b> ABY, F. A., examined .....	64, 75, 79, 97, 101-19
GORDON, LLOYD, examined .....	378-89
GRIDLEY, HENRY E., examined .....	671-76
<b>H</b> AMMOND, E. D. L., examined .....	179-208, 749-66
HAVERSON, JAMES, examined .....	228-43
Highways; W. A. McLEAN, examined .....	127-48, 920

	PAGE.
Hydro-Electric Com.	
Argument <i>re</i> Production of Documents, etc. ....	64-79, 97
HON. MR. RANEY'S motion <i>in re</i> .....	69-74
F. A. GABY, examined .....	64, 75, 79-97, 101-19
FRANCIS LEE STUART, examined .....	148-78
R. S. LEA, examined .....	245-78
<b>J</b> ACQUES, JOSHUA, examined .....	676-90
JOYNT, THOMAS, examined .....	548-63
<b>K</b> IRK, T. B., examined .....	776
<b>L</b> AVELLE, DR., examined .....	600-4
LEA, RICHARD L., examined .....	245-78
LENNOX charges, Resolution .....	829-61
LENNOX charges, statement and argument .....	794
LENNOX, T. H. examined .....	811
<b>M</b> CCARGER, W. B., examined .....	786
MCCUTCHEON, H. H., examined .....	279-363
MCCUTCHEON, SAMUEL, examined .....	363-78
MCLEAN, W. A., examined .....	127-48, 920-44
<b>M</b> ACBETH, WILLIAM, examined .....	527-33
Minutes and Proceedings .....	34-64
MONTGOMERY, ALBERT A., examined .....	563
MOORE, WALTER, T., examined .....	697-9
Motion Picture Bureau:	
H. M. BLAKE, examined .....	951
PERCY W. BULL, examined .....	944
OTTER ELLIOTT, examined .....	960
<b>O</b> NTARIO TEMPERANCE ACT:	
HAMMOND, E. D. L., examined .....	179-208, 749-66
HAVERSON, JAMES, examined .....	228
MCCUTCHEON, H. H., examined .....	279-363
MCCUTCHEON, SAMUEL, examined .....	363-78
LLOYD, GORDON, examined .....	378-89
ELLIOTT, MAJ. GEN., examined .....	389-425
DUNLOP, W. W., examined .....	425-42
AYEARST, J. A., examined .....	442-66, 710, 717, 766
SARVIS, A. E., examined .....	466-80
PARTRIDGE, W. E., examined .....	480-84
BRYANT, JAMES, D., examined .....	484-87

	PAGE
BUDWAY, FRANK W., examined .....	487-521, 787
CRUICKSHANK, JOHN, examined .....	526-7, 533-41, 547-8
MACBETH, WILLIAM, examined .....	527-33
DAVIDSON, WILLIAM, examined .....	541-47
JOYNT, THOMAS, examined .....	548-63
MONTGOMERY, ALBERT A., examined .....	563
LAVELLE, DR., examined .....	600-4
Statement and argument <i>re charges</i> .....	521-26, 613-32
Argument <i>re</i> summoning of witnesses, etc. ....	595-9, 604
FLAVELLE, J. D., examined .....	632-37
BECKETT, MATHEW, examined .....	637-42
CHARLTON, INSPECTOR, examined .....	642-45, 713
FIELDING, GRANT, examined .....	646-71, 747
GRIDLEY, HENRY E., examined .....	671-76
JACQUES, JOSHUA, examined .....	676-90
BLACKWELL, W. S., examined .....	690-97
MOORE, WALTER T., examined .....	697-9
SMITH, SAMUEL, examined .....	699-710
ROGERS, ALBERT, A., examined .....	714
CROSS, H. H., examined .....	714-17
DICKSON, JOHN W., examined .....	718-23
SMYTHE, JOHN R., examined .....	723-40
CREASY, FRANK B., examined .....	740-47
KIRK, T. B., examined .....	776
WELDON, I. E., examined .....	778
SMITH, FRANK, examined .....	784
MCCARGER, WILLIAM B., examined .....	786
LENNOX, T. H., makes statement .....	794-811
LENNOX, T. H., examined .....	811-28
LENNOX, T. H., Resolution and argument .....	829-61
<b>P</b> ARTRIDGE, W. E., examined .....	480-84
PRICE, SAMUEL, examined .....	862
<b>Q</b> UEENSTON-CHIPPAWA	
F. A. GABY, examined .....	64, 75, 79, 97, 101-19
F. L. STUART, examined .....	148-78
R. L. LEA, examined .....	245-78
<b>R</b> ANEY, HON. MR., makes statement .....	613-17
RANEY, HON. MR., argument <i>in re</i> .....	617-32
Report of Committee .....	31-4
ROCHESTER, W. L., examined .....	208-26

	PAGE.
ROCHESTER, B. C., examined .....	226-28
ROGERS, ALBERT H., examined .....	714
<b>S</b> ARVIS, A. E., examined .....	466-80
SMITH, SAMUEL, examined .....	699-710
SMITH, FRANK, examined .....	784
SMYTHE, JOHN R., examined .....	723-40
STUART, FRANCIS LEE, examined .....	148-78
Sutton case, the .....	614, 726, 828

**T**IMBER ENQUIRY:

W. L. ROCHESTER, examined .....	208-26
B. C. ROCHESTER, examined .....	226-28
Tolmie case, the .....	667

<b>W</b> ARREN, R. N., statement .....	599
WELDON, I. E., examined .....	778
Witnesses summoned .....	32-3

**WORKMEN'S COMPENSATION:**

SAMUEL PRICE, examined .....	862
DR. McCULLOUGH's complaint .....	888