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C A N A D A
PROVINCE DE QUEBEC
DISTRICT DE MONTREAL
CSM No. 3000 EX PARTE

PRESIDENT: L'HONORABLE FRANÇOIS CARON, J.C.S.

REUBEN LEVESQUE ET AL,

Requérants.

PROCUREURS:

Me PACIFIQUE PLANTE, C.R.,

Me JEAN DRAPEAU,

Procureurs des Requérants.

6 Oct 1950 = John M. Lamoureaux - Izzie Litwack
A. Choquet - Edvard Workman

10 Oct 1950 = Auxilie Desroches - Angelo
Dejess - René Dupont

Pages 514 à 790 = 275 p.

ARCHIVES MUNICIPALES
MONTREAL
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ALPHONSE SAUVE

En l'an de Notre Seigneur, mil neuf cent cinquante,
le 5 octobre, a comparu:

ALPHONSE SAUVE,

âgé de 55 ans, dessinateur-architecte à la banque
canadienne nationale, demeurant au numéro 803 de la
rue Buchanan, Ville-St-Laurent, et province de Québec,
témoin entendu de la part des requérants.

Lequel, après avoir dûment prêté serment sur les
Saints Evangiles, dépose et dit:

INTERROGE PAR ME PACIFIQUE PLANTE, C.R.,

PROCUREUR DES REQUERANTS:

D Etes-vous à l'emploi de la société du fond de
retraites de la banque canadienne nationale?

R Oui, monsieur.

∅
PAR LE PRESIDENT:

D 463 McGill, connaissez-vous ça?

R Oui, monsieur.

D L'avez-vous visité souvent?

R Quelques fois.

D De quelle année à quelle année?

R Pendant deux, trois ans, de 1942 à 1945, à peu
près.

D Quelle était la disposition des lieux?

R C'était au premier étage, en montant l'escalier
à gauche.

ALPHONSE SAUVE

- D Quand vous dites le premier étage, c'est l'étage au-dessus du rez-de-chaussée?
- R Au-dessus du rez-de-chaussée, en entrant, il y avait une grande pièce, et de cette grande pièce-là, on pouvait passer dans un petit corridor de la profondeur de la bâtisse, et puis il y avait des petites pièces de chaque côté, et puis une chambre de toilette, au fond ensuite.
- D Combien de petites pièces?
- R Il y en avait à peu près deux, trois.
- D Dans la chambre de toilette?
- R Avec la chambre de toilette.
- D Quelles étaient les dimensions?
- R Environ 9 par 12, 10 par 12.
- D Deux, trois petites pièces d'environ 9 par 12?
- R Oui, à peu près.
- D Dans le sens ordinaire du mot, est-ce que ces pièces pouvaient être considérées comme ce qu'on appelle des appartements?
- R Non, pas du tout.

ME PACIFIQUE PLANTE, C.R.:

- D Dans la grande pièce, est-ce qu'il y avait des tableaux comme il y en a chez les bookies?
- R Oui.
- D Voulez-vous prendre connaissance de l'exhibit E-175B et regarder ce document, et nous dire si vous avez inscrit quelque chose vous-même?

X

ABPHONSE SAUVE

R J'ai inscrit la date, le 4 décembre.

D Qu'est-ce que vous avez inscrit?

R Nous avons constaté que le 4/12/51, appartement 4, avait été cadenassé.

D C'est vous-même qui avez constaté cela?

R Oui, monsieur.

PAR LE PRESIDENT:

Q Quelle pièce?

ME PACIFIQUE PLANTE, C.R.:

La pièce E-175B.

D Une note à mine, à gauche, dans la marge gauche, c'est bien ça?

R C'est bien ça.

D C'est vous qui avez écrit cela?

R Oui.

PAR LE PRESIDENT:

D Appartement 5, vous dites?

R Appartement 4.

ME PACIFIQUE PLANTE, C.R.:

D Est-ce que c'était à l'étage du milieu?

R Au premier étage, au-dessus du magasin, c'était une petite pièce à gauche, en entrant dans le petit corridor, il y avait une pièce sur laquelle

ALPHONSE SAUVE

il y avait un cadenas.

D Quelle était la grandeur?

R A peu près 9 par 12.

D Est-ce que le cadenas empêchait le bookie de fonctionner?

R Je ne crois pas, du moins.

D Est-ce que cela barrait quelque chose dans la grande pièce où il y avait les tableaux?

R Non, c'était pas dans la pièce où il y avait les tableaux et communiquait là, c'est là que j'ai constaté qu'il y avait une pièce quelconque.

D Avez-vous remarqué le numéro sur cette pièce -là?

R Je me rappelle pas. C'est marqué numéro 4, je me rappelle pas l'avoir vu.

D Parce que l'ordonnance de cadenas disait numéro quatre?

R Probablement.

D Vous rappelez-vous à quelle heure du jour vous êtes allé là?

R Dans l'après-midi.

D Est-ce qu'il y avait du monde dans la grande salle?

R Trois ou quatre personnes.

D Vers quelle heure à peu près?

R 2.30 p.m., 3.00 p.m.

D Est-ce qu'un monsieur ~~Ragel~~ également travaillait comme vous pour inspecter ces locaux-là?

R Oui, monsieur.

ALPHONSE SAUVE

- Q Connaissez-vous Monsieur Roger?
- R Oui, monsieur.
- D Il est décédé aujourd'hui?
- R Oui, monsieur.
- D Voulez-vous regarder l'exhibit E-176A et nous dire
si l'inscription qu'il y a dans la marge est de la
main de Monsieur Roger?
- R Absolument.
- D Vous êtes positif?
- R Oui, c'est son écriture, cela.
- D Qu'est-ce qui apparaît sur ce document E-176A, de
la main de Monsieur Roger? Voulez-vous le lire
pour la Cour?
- R Oui.

Le premier mars, 1946, j'ai constaté qu'il y avait
un cadenas de posé à la porte de 463 rue McGill,
c'était la porte d'entrée.

- D C'était la vraie porte?
- R De la porte d'entrée au rez-de-chaussée.
- ∅ PAR LE PRESIDENT:

- D La date, s'il-vous-plait?
- R le 1er mars, 1946.

ME PACIFIQUE PLANTE, C.R.:

- D Posé à cette porte-là, tout se trouvait....
- R Complètement désorganisé.

ALPHONSE SHUVE

ME UBALD BOISVERT, C.R.,

PROCUREUR DE CERTAINS INTIMES:

- D Quand avez-vous visité cette propriété?
- R En 1945.
- D En 1945?
- R Oui.
- D Etes-vous allé seulement une fois?
- R Oui, je suis allé à différentes reprises, pour différents travaux, mais cette fois-là, j'étais allé simplement pour fins de réparations de la bâtisse, parce qu'il y avait de l'eau qui pénétrait au travers de tout l'étage supérieur, puis l'eau s'introduisait dans ce local-là. Alors, j'allais là, simplement pour fins de réparations.
- D Voulez-vous dire ce que vous entendez par appartement?
- R Ce sont des pièces attenantes dans la grande salle d'entrée qu'il y avait là, ce sont des pièces... je ne suis jamais entré dans ces pièces-là, parce que c'était pas là où on avait eu des dommages.
- D Vous savez que d'après le langage courant, le langage ordinaire, un appartement c'est une pièce?
- R Certainement.
- D C'est pour ça, par exemple, que des gens, dans le langage ordinaire disent qu'ils ont un logement de cinq appartements?
- R Oui.

Q Ou, j'ai loué de six appartements. Il y a même des annonces sur les journaux, deux appartements?

R Oui.

D Un appartement, c'est une pièce?

R Une pièce, certainement.

Ø

PAR LE PRESIDENT:

D Les appartements qui sont des pièces, dans le sens ordinaire du mot, sont-ils numérotés, ordinairement, à votre connaissance?

R Dans les conciergeries, on numérote d'habitude les appartements.

D Et si on disait comme Monsieur Boisvert le suggère, est-ce qu'il est vrai, ici, dans un logement qui a cinq appartements, avez-vous déjà vu des logements avec cinq appartements numérotés de 1 à 5?

R Non, monsieur, jamais.

ME UBALD BOISVERT, C.R.:

D Dans un édifice où il y aurait des bureaux séparés, des bureaux numérotés?

R Oui, dans plusieurs endroits.

D Il y a une foule d'endroits, les chambres sont même numérotés, ce sont des pièces distinctes les unes des autres, avec des portes qui portent des numéros au-dessus de la porte?

R Oui, monsieur.

ALPHONSE SAUVE

D Des maisons de chambres sont obligées d'être numérotées, depuis qu'il y a des ordonnances à l'effet que chaque pièce doit être numérotée?

R Certainement.

D Si on convertit une maison privée en chambres, chaque pièce est numérotée, pour chaque chambre?

R Oui, monsieur.

PAR LE PRESIDENT:

Il n'apparaît sous chambre 3, appartement 3, chambre 4, appartement 4.

ME UBALD BOISVERT, C.R.:

Si c'est annoncé sur les journaux, vous allez lire sur la presse ou n'importe quel journal, logement de 7 appartements à louer, ça veut dire 7 pièces, 7 chambres.

PAR LE PRESIDENT:

C'est dans un logement, très bien, mais là, on a donné deux numéros à chaque pièce.

ME UBALD BOISVERT, C.R.:

Si la police l'appelle appartement, cela ne change rien au sens des pièces.

PAR LE PRESIDENT:

La police a peut-être raison.

ALPHONSE SAUVE

ME UBALD BOISVERT, C.R.:

On s'est servi du langage ordinaire, purement et simplement.

ET LE TEMOIN NE DIT PLUS RIEN.

LUCIEN GUERTIN

STENOGRAPHE OFFICIEL.

William RIVEN

In the year of Our Lord, One thousand nine hundred and fifty, on the 5th of October, has appeared:

WILLIAM RIVEN,

56 years of age, dress-maker, residing at 4655 Bona Vista Avenue, apartment 410, in the City of Montreal and Province of Quebec, witness heard on behalf of the petitioners.

Who, after being duly sworn on the Old ~~xxx~~ Testament, doth depose and say:

EXAMINED BY MR. PACIFIQUE PLANTE, K.C.,

COUNSEL FOR PETITIONERS:

Q Were you ever the proprietor of a building bearing civic number 1018 Mount Royal Place, in the City of Montreal?

A Yes.

Q From what date?

A From the early thirties to 1945?

Q From the early thirties to 1945?

A That's right.

Q Did you have as a tenant... Who did you have as a tenant there, in 1941?

A Well, this is the real door, I really had a tenant for 1019-1021 St-Catherine West.

Q Did you have a tenant...?

A At 1018, no.

Q You had no tenant at 1018 Mount Royal Place?

WILLIAM REVEN

A No.

Q Was not that part of your property?

A Yes, but when I bought the property, there was a lease with one Louis Rightman, of Rightman Stores. The lease was between Gales, the former owner, and Louis Rightman, for the whole building, a commercial building at 1019-1021 St. Catherine Street West. Mr. Rightman sub-let it, there were two stores, he sub-let one of the stores, and the rest of the building I had nothing to do with anybody else. It was the other tenant which Rightman, he sub-let it at that time, and he occupied ~~1012~~ 1021 St-Catherine West.

Q You mean in 1941?

A ~~That~~ No, that was when I took it over, it was in the early thirties.

Q We are talking now...

A 1941.

Q Yes, in 1941, who was occupying 1018?

A I still had a lease with Louis Rightman.

Q You had nothing to do with 1018?

A No.

Q Do you know who was the tenant at 1018?

A At 1018?

Q Yes?

A At that time? yes.

Q Who was it?

A Well, I don't know the party, I had some cheques,

WILLIAM RIVEN

I have not seen the lease.

Q Did you visit at 1018, the door bearing number 1018? Did you rent that one floor or two floors?

A The two floors?

Q The two whole floors?

A The two whole floors, yes.

Q Have you ever been there in 1941?

A In 1941, I don't know. I have been there about three or four times, altogether, during my ownership, which was about ten years.

Q What did you see there?

A What I say there?

Q Yes? Was the middle floor divided?

A Yes.

Q How many divisions?

A One division, there was one large room, a very large room.

Q What was it used for, that large room?

A When I visited, it was not, I believe, it was padlocked, or whatever it is, for repairs, only it was in business at the time I visited.

Q When would that be?

A That was... I don't know exactly. I am not the owner of the building now, for the last five years. It was during those years, I don't know, I was there about three or four times.

BY THE COURT:

Q Was it used as a bookie, to your knowledge?

WILLIAM RIVEN

A Yes.

Q As a book-maker's place?

A That's right, I believe it was book-making, or whatever it is. I never visited a book-maker nor ever visited other gambling places.

Q To your knowledge, did it appear as a book-maker's place?

A I beg your pardon.

Q Did it appear like a gambling place?

A Yes, there was the board, there was blackboards there, from what I surmised, it would be that. I never placed a bet.

Q It was not a broker's office?

A No, not a broker's office.

Q Nor a school?

A I don't think got their schooling there.

Q Was it the same way for the middle floor and the top floor?

A I don't know, I only heard.

MR. PACIFIQUE PLANTE, K.C.:

Q During your visit, did you come in contact with the tenant of the two stores?

A No.

Q Did you go there by yourself?

A I went there, when we had a few repairs to do.

Q Where? On the top floor?

A On the roof, and it was the heating only, that's all.

WILLIAM RIVEN

Q Dá you recall what were the divisions on the top floor, it there was any?

A I don't think there was any division, I am not sure, I am not certain about that. I believe they had a lot of parcels, lots of stuff.

Q What kind of stuff?

A Gambling books, I am not sure about that, I am vague on that.

BY THE COURT:

Q You said on the middle floor, there was one large room. Do you remember approximately, how many other rooms there might have been?

A The large room was the full width of the building, going back about 40 feet, I believe there was one room, that had a lock on it, I had to get into it for some reason or other, and there was also some paraphanelia, some gambling paraphanelia.

MR. PACIFIQUE PLANTE, K.C.:

Q What would they be? Would they be tables?

A Maybe there was tables, some game books, or whatever it is, I don't know.

Q Were they large apparatus or small?

A In the back, I believe it was the stock room. I believe business was done in the front only.

WILLIAM RIVEN

BY THE COURT:

Q You said that one room was locked. Do you remember with what it was locked?

A With a padlock.

Q With a padlock?

A Yes, a wall was made of tongue and groove to make another partition.

MR. PACIFIQUE PLANTE, K.C.:

Q A temporary partition?

A A temporary partition, it could be temporary.

Q It was not all plastered, a closed and plastered wall?

A No. You mean the back part, to where they had the stock, it was definitely a stock room.

THE COURT:

Q Do you remember the dimensions of that room that was padlocked, approximately?

A That must have been about 13 feet, oh, about 14 feet, by about 25 feet.

Q What was the width of the large room, you said...

A The large room was the full width, which was about 23 feet inside measurements by about 40 feet.

MR. PACIFIQUE PLANTE, K.C.:

Q As the owner of the building, did you receive any notices from the police department, to the

WILLIAM RIVEN

~~effect~~ that someone had been convicted as been convicted as a keeper of a betting-house at 1018?

A I received some notices, I don't remember exactly what they were.

Q You don't remember what they were? Did you receive several of those notices?

A I imagine about half a dozen in all.

Q At least half a dozen?

A About half a dozen.

Q What did you do with these notices?

A I told my tenant.

Q Which tenant?

A Louis Rightman.

Q What did you tell him?

A I told him "here, I get these notices, and I don't like it"

Q What did he say?

A That I should send the notices to him, and I did.

Q You sent the notices to ~~him~~ Rightman?

A That's right.

Q You haven't the copies of these notices?

A I just mailed the notices to him, after talking to him on the telephone.

Q Do you remember what the names were on the notices?

A Not that I recall. They were different names, they were not the same names as the tenant.

Q At which address did the notices say that so and so had been convicted? Was it 1018 or 1021?

WILLIAM RIVEN

A I don't know what the notices say, whether it was convicted, whether it was being used as a gambling house, I don't remember, that was many years ago.

Q Did you ever receive padlocking orders from the Recorder's Court?

A They may have been those kinds of orders. As I say, I received notices, I don't know, I don't remember.

Q Were the notices small in size?

A They may have been.

Q Did you receive large size notices?

A No, I remember the large size, there may have been some small ones.

Q You remember the large size?

A I remember the large size, yes.

Q What did you do with them?

A I sent them on to Rightman.

You heard that this here, this says here (showing a piece of paper), My Lord, I have been quoted in the paper as running a gambling place, I don't think that's very fair of the newspaper to do that, as you see. I want to make a statement. I have never placed a bet on horses, I don't know bookies, and I never gambled on this continent at all. Anyway, here is what it says: "Mr. Justice François Caron and the lawyers heard from

WILLIAM RIVEN

Arthur Boydman, who said he bought a building at 1018 Mount Royal Place, in 1945, at which time the second and ~~third~~ stories were rented by one William Riven.

Riven said he knew ^{that} the upper floors were used for "bookie" operations, under the management of one Moy Detnar.

Detnar paid the rent, Riven said, until may the 1st, 1946, "When I asked them to leave and they left voluntarily".

Now, that is utterly false. My friends telephoned me up and wanted to know if I was in the gambling place. The story also says that the place was rented to me. I think reporters should correct that, they don't care what they are doing. I think the Court should try to do something about that.

BY THE COURT:

I have no jurisdiction over a matter like this. I cannot give any orders to the newspaper. You could yourself, if you want to consult your lawyer about what you could do, but in the meantime, maybe the newspaper has found out about its mistake in reporting part of the evidence, and will apologize ...

A This is more than a mistake, it seems to me a deliberate false statement to make, because, it is

WILLIAM RIVEN

so badly done, unless it was done to do somebody a favour, I don't know.

BY THE COURT:

I have no power to condemn a newspaper or to force him to apologize or to pay you damages. I have no power at all to do anything of the kind.

A The reason why I made the statement is I hope that whatever I said in the witness stand, they don't twist, they don't alter what I said. If they do that when I was not here, when I was here, what are they going to say, when I was in the box.

BY THE COURT:

There is no doubt that this is the first time you are in the witness box.

The paper quotes you as saying in the witness box that you knew that the upper floors were used for "bookie" operations, under the management of one Moy Detnar?

A It also says I was the owner, renting that space, the tenant of that space. There is no doubt that there is something which erroneously reported in this paper.

BY THE COURT:

It must be the same, the author who says that, if some error has been committed, maybe the paper

WILLIAM RIVEN

could correct it, apologize and publish a retraction, but, as I said, I have no power to order anything.

AND FURTHERMORE WITNESS SAITH NOT.

LUCIEN GUERTIN
COURT REPORTER.

HARRY HORN

In the year of Our Lord, One thousand nine hundred and fifty, on the 5th of October, has appeared:

HARRY HORNÉ,

60 years of age, merchant, residing at 1838 Lajoie Avenue, in the city of Outremont and Province of Quebec, witness heard of behalf of the petitioners.

Who, after being duly sworn on the Old Testament, doth depose and say:

EXAMINED BY MR. PACIFIQUE PLANTE, K.C.,

COUNSEL FOR PETITIONERS:

- Q In 1941, were you the owner or part owner of a property bearing civic number 1288 St-Urbain Street, in the City of Montreal?
- A The property was owned by Horn, a realty company limited, of which company I am the secretary.
- Q You the secretary of the ...
- A Horn Realty Company Limited.
- Q Did you have anything to do with the administration of that property?
- A No.
- Q Who was taking charge of the administration?
- A The mortgage company.
- Q Which mortgage company?
- A The Capital Trust Company.
- Q How long was the Horn Realty Company owner of that building?

HARRY HORN

A Since 1922.

Q Are they still the owner?

A Yes.

Q Is it still administered by the Capital Trust?

A No, I repurchased it from them, the property was in financial difficulty, and it was turned over in 1933, and I repurchased it from them in 1945. I took possession of it about January 1946.

Q So, from 1941 to 1945, it was..

A 1946.

Q It was administered by ...

A The Capital Trust who are now out of business.

BY THE COURT:

Q It is another Trust Company, the Guarantee Trust?

A The Guarantee Trust, yes, Sir.

MR. PACIFIQUE PLANTE, K.C.:

Q Do you know who was the tenant at 1288 St. Urbain, in 1941 and 1942?

A Yes, I have a copy of the lease made in ...1941...

ME UBALD BOISVERT, C.R.:

PROCUREUR DE CERTAINS INTIMES:

C'est un bail avant l'enquête.

PAR LE PRESIDENT:

Jusqu'à quelle date, de 1940 à quelle date?

HARRY HORN

ME PACIFIQUE PLANTE, C.R.:

Le 31 mai 1941.

Q Was this lease continued?

A Apparently, I did not have any knowledge of it when I took over the property, they had no lease.

BY THE COURT:

Q When you bought the property, was the same tenant still occupying the premises?

A Not according to the signature, here, because, when I bought the property, I took steps to have the premises vacated, and action was taken against a fellow named Labelle.

Q That was in 1945?

A 1946. This lease is made with St. Urbain Bridge Club.

Q Do you know anything about the building yourself?

A I had very little to do with the property during the time when the Capital Trust were in possession of it.

Q Do you know who was acting in this Club?

A No.

MR. PACIFIQUE PLANTE, K.C.:

Q You mentioned the name of Labelle. Have you ever met this Labelle?

HARRY HORN

- A Yes, I think so.
- Q Is he a french fellow or a jewish fellow?
- A I could not tell you.
- Q You could not tell whether he is french or jewish?
- A I think he was french.
- Q How many times have you met the man?
- A Oh, once or twice.
- Q Twice? Have you ever heard the name of Louis Shattner?
- A I know a Shattner who was in the clothing business.
- Q In the clothing business?
- A Yes.
- Q But did you know any Shattner in relation to 1288?
- A No.
- Ø BY THE COURT:
- Q Do you know what kind of business was going on there, what kind of a club?
- A They had a little lunch room in the front, and when I was in there, there was nothing going on that would arouse my suspicion for anything wrong.
- MR. PACIFIQUE PLANTE, K.C.:
- Q Did you ever visit the premises?
- A Yes, when I took it over, I visited it.
- Q In 1945?
- A In 1946.

Ø

HARRY HORN

Q What part of the building did Labelle occupy?

A The ground floor.

Q The ground floor? Was it a private dwelling or a store or what?

A They were stores.

Q You say stores, or store? A store or two stores?

A It was originally, years ago, it was two stores and it was made into one.

Q It was made into one? Did one of the stores bear civic number 1286 at one time?

A Yes.

Q Were there any divisions on the first floor?

A On the ground floor?

Q On the groundfloor? Yes?

A No, in the front part, in the entrance, there was a lunch counter and there was a partition and beyond that, the whole place was clear, one large room.

Q That large room, in the back of the restaurant, how large would it be?

A Well, the premises measured 32 feet deep by about 40 feet in length, 42 by 32, about?

Q About 40 feet by 32 feet?

A Yes, Sir.

Q Do you know if a bookie has operated there?

A No, the time I was in there, the place did not look like a bookie at all. I know what a bookie looks like from the description of one of the

HARRY HORN

witnesses here, but there was nothing going on there, when I was in there to suggest they were running a bookie.

Q Did you see big blackboards on the wall?

A No, there were no blackboards when I was there.

Q Was it an ordinary wall?

A An ordinary wall, just like this.

Q There was no camouflage of any kind?

A Not that I can recall.

BY THE COURT:

Q What was in what year? or about?

A 1946, in the spring of 1946.

MR. PACIFIQUE PLANTE, K.C.:

Q Did you ever go before that, before 1946?

A No.

Q At no time?

A At no time.

BY THE COURT:

Q Had you taken steps to have these people vacate the premises?

A Yes, immediately, I did.

Q You immediately took steps to have these people vacate the premises?

A Yes, as a matter of fact, I instructed the Capital Trust not to renew their lease, and they wrote me

HARRY HORN

this letter.

MR. PACIFIQUE PLANTE, K.C.:

Q Would you file this copy of a letter addressed to the St. Urbain Bridge Club, 1288 St. Urbain Street, dated January 29th, 1945?

A Yes.

May I read it to the Court.

"We regret to advise you that we will be unable to renew your lease on May 1st, 1945, in view of fact that the premises will be required by the owners. Please govern yourselves accordingly.

(Signed) A.E. Sinclair,
Manager,
Capital Trust Limited.

Q Would you file this letter as exhibit E-178?

A Yes.

BY THE COURT:

Q When you visited, it was about a year after this letter had been sent?

A Yes, some time in the spring of 1946.

Q Or a little more than a year?

A Just about a year.

MR. PACIFIQUE PLANTE, K.C.:

Q Had you not felt, from this letter, that this

HARRY HORN

letter dated the 1st of June, 1940 to the 31st of May, 1941, was extended to that period covered by this letter?

A Well, this letter, I received in 1945; this lease I received in 1946, a year later.

Q You received this lease in 1946?

A In 1946, is a copy when I took over the premises.

Q Is a copy of what?

A As a copy the Capital Trust handed over some of the documents they had to me.

Q Did they hand you over this lease as having anything to do with the tenants at 1288?

A Most likely.

Q Most likely?

A Yes.

Q BY THE COURT:

Has this lease been filed?

MR. PACIFIQUE PLANTE, K.C.:

No, My Lord.

My confrere raised an objection, asking whether the lease was continued. Apparently it was continued.

BY THE COURT:

It was in force for a part of 1941.

HARRY HORN

MR. PACIFIQUE PLANTE, K.C.:

Yes.

BY THE COURT:

Your confrere is withdrawing his objection on account of that.

MR. PACIFIQUE PLANTE, K.C.:

Q Would you file this lease as exhibit E-179?

A Yes.

Q Did you receive any notices from the police department to the effect that someone had been convicted as a keeper of a betting-house?

A These notices, all from the city or police department were directed to the Capital Trust, and if anything came to my attention, came to my office, I would re-address it to them.

Q Did any come to your office?

A Yes.

Q What did you do?

A Re-address them to the Capital Trust.

Q Did you receive several of these notices?

A Very seldom, it was only a rare occasion, just two or three times.

Q Just two or three times in all those years?

A That came to my office.

HARRY HORN

There might have been some sent directly to the Capital Trust.

Q Did you ever take the matter up with the Capital Trust?

A No.

Q Did you ever receive any notices of padlocking orders from the Recorder's Court?

A I don't remember.

Q Did these first notices bear the name of your tenant? or some other tenant? Would you recall that?

A I could not say.

Q You could not recall that?

A No.

Q This Labelle that you~~e~~ are talking about, do you know where he lives?

A No.

Q You don't know?

A No.

Ø AND FURTHERMORE WITNESS SAITH NOT.

LUCIEN GUERTIN
COURT REPORTER.

En l'an de Notre Seigneur, ~~l'an~~ mil-neuf cent cinquante,
le 5 octobre, a comparu:

GEORGES ALBERT LAPORTE

Agé de 44 ans, marchand, demeurant au numéro 476 de
l'Avenue Bloomfield, en la cité d'Outremont, et province
de Québec, témoin entendu de la part des requérants.

Lequel, après avoir dûment prêté serment sur les
Saints Evangiles, dépose et dit;

INTERROGE PAR ME PACIFIQUE PLANTE, C.R.

PROCUREUR DES REQUERANTS:

D Avez-vous déjà été propriétaire d'un édifice
portant le numéro civique 257 Est de la Rue
Ste-Catherine, dans la cité de Montréal?

R Oui, monsieur.

D Quelle année? En 1941, étiez-vous propriétaire?

R Oui, monsieur.

D Quel était votre locataire à cet endroit-là?

R Leo Bercovitch.

D Aviez-vous un bail de passé avec Leo Bercovitch.

R Oui, monsieur.

D Avez-vous ce bail?

R Non, monsieur.

D Est-ce que vous avez reçu un subpoena?

R Oui, monsieur.

D Est-ce que le subpoena ne vous le demande pas?

R Oui, mais j'ai vendu depuis ce temps-là et j'ai
transmis tous les documents de la propriété.

- D Au nouveau propriétaire?
- R Oui.
- D Qui est-il?
- R Rod. Jolyé.
- D Jusqu'à quelle année avez-vous été propriétaire?
- R 1945.
- D Bercovitch a-t-il été votre locataire?
- R Oui, monsieur.
- D Il s'agit de l'immeuble dont les deux étages supérieurs étaient occupés par Bercovitch.
- R C'est ça.
- D Ces deux étages-là appartenaient à deux maisons différentes?
- R J'étais propriétaire des deux.
- D Vous étiez propriétaire dans cette maison?
- R Des deux.
- D Monsieur Jolyé a acheté l'autre?
- R Il a acheté les deux en même temps.
- D Il était votre locataire?
- R Oui.
- D Et, ensuite, il a acheté?
- R Oui.

PAR LE PRESIDENT:

- D A quoi ces lieux-là servaient-ils?
- R Un club social.
- D Qu'est-ce qu'on faisait dans ce club social-là?
- R On jouait au pool, on jouait aux cartes.

- D Est-ce qu'on gageait aussi sur les courses?
- R Sur l'autre côté, oui.
- D Sur l'autre côté?
- R L'entrée sur la rue Ste-Elizabeth.
- D Dans le même édifice?
- R Dans le même édifice, un plain plancher.
- D Tout un plancher servait de bookie?
- R De bookie.
- D La division a-t-elle toujours été la même depuis que Joly l'a?
- R Après ça, je m'en rappelle pas... après lui, je peux pas....
- D Comment était-ce divisé?
- R Quand vous montiez par 257, il y a un grand escalier d'à peu près six pieds, à droite, il y avait des chambres, à votre gauche, il y avait une salle de pool, en face de la salle de pool, le restaurant pour les membres. Il y avait comme une espèce de partition de ten-test ou de beaver-board, puis de l'autre côté, c'était le bookie.
- D Quelle dimension avait le bookie?
- R 25 par 30.
- D Combien y avait-il de chambres en tout? De pièces, au meilleur de votre connaissance?
- R quatre ou cinq.
- D Quatre ou cinq pièces en tout, incluant la grande pièce?
- R Oui, il pouvait y avoir trois chambres.

- D Est-ce que seuls les membres étaient admis?
- R Ça, je peux pas dire.
- D Vous ne savez pas si le public entraît pour aller gager?
- R Ça devait, mais je peux pas dire.
- D Vous étiez en affaires au milieu de tout ça?
- R Certainement.
- D Vous saviez ce qui se passait?
- R Certainement.
- D Les gens montaient là, descendaient l'entrée chez vous? Est-ce que c'était ouvert au public?
- R Grosse présomption.

ME PACIFIQUE PLANCE , C.R.:

- D Comment est-ce que ça s'appelait ce club-là?
- R Réellement, je l'avais sur le bail...
- D Savez-vous si réellement il y avait un club ou si c'était autre chose?
- R Oui, il y avait un club.
- D Qu'est-ce que vous en savez?
- R Ils jouaient aux cartes.
- D Est-ce qu'ils avaient une charte?
- A Avant ça, j'ai loué à un club à charte.

PAR LE PRESIDENT:

- D A votre connaissance, comme marchand dans les environs, vous saviez que c'était un bookie?

R Absolument.

D C'était ouvert à tout le monde?

R Absolument.

ME PACIFIQUE PLANTE, C.R.:

D Un bookie populaire?

R Très populaire.

D Comme propriétaire, avez-vous reçu des avis du service de la police, vous informant que des occupants avaient été condamnés pour des maisons de jeux?

R Oui, monsieur.

D En avez-vous reçu plusieurs de ces avis-là?

R De temps à autre, oui.

D Tous les mois ou tous les deux mois?

R Trois, quatre fois par année.

D Est-ce que ces avis-là indiquaient le nom de votre locataire/ Leo Bercovitch?

R Non.

D De différents noms?

R De différents noms.

D Est-ce que cela indiquait 257 Ste-Catherine ou une autre adresse?

R 257.

D Est-ce qu'on indiquait des appartements?

R Oui.

D Qui variaient ou qui ne variaient pas?

R Qui variaient.

D Qu'est-ce que vous faisiez de ces avis-là?

R Dans le panier.

D Pourquoi?

R J'étais intéressé à avoir mon argent, je savais que ça marchait.

D Le saviez-vous que la police y allait régulièrement?

R Absolument.

D Saviez-vous que la police n'a pas jamais arrêté Bercovitch...

ME UBALD BOISVERT, C.R.:

PROCUREUR DE CERTAINS INTIMES:

Je m'objecte.

R Non, j'exp ça, je peux pas vous le dire, j'étais pas là, lors des descentes.

PAR LE PRESIDENT:

D Vous dites que vous saviez que ça marchait?

R Oui, monsieur.

D Qu'est-ce que vous voulez dire exactement par là? Je ne comprends pas exactement le sens de cette déclaration?

R Si vous vous faites une descente, et vous faite arrêter, ça vous arrête de marcher pendant 48 heures, une semaine, et puis après, ça va reprendre.

- D Est-ce que vous étiez au courant de ce qui se passait à cet endroit-là?
- R Certainement, on parlait de 257. La balance je ne suis pas au courant.
- D De 257 Ste-Catherine Est? Personnellement, quelle valeur attachiez-vous aux avis?
- R Aucune.
- D Vous n'y attachiez aucune importance?
- R Si j'en avais attachée, le locataire aurait déménagé, il aurait payé pareil, seulement l'année suivante, je l'aurais perdu. Il aurait été en face, à l'autre coin de rue. J'étais intéressé à garder un bon locataire. Je suis franc.
- D Etiez-vous plus intéressé que la police à fermer cet établissement-là?
- R Pas plus.
- D Quand c'était fermé pendant trois mois de temps, je retirais le loyer pareil, six mois, ça dépendait de la misère qu'il avait à rouvrir.
- D A votre connaissance personnelle, savez-vous si c'était le seul établissement qui opérait dans votre bout?
- R Mon Dieu, non.
- D En connaissiez-vous d'autres?
- R Oui.
- D A 906?
- R 247.

G.A. LAPORTE

- D En quelle année?
R A peu près les mêmes années.
D A peu près les mêmes années?
R Oui.

ME PACIFIQUE PLANTE, C.R.:

- D Au-dessus du Café de la Paix, 328, savez-vous s'il y avait quelque chose là?
R Oui, j'y ai jamais été.
D Qu'est-ce qu'il y avait là?
R Surtout les cartes eux-autres.
D A votre connaissance, c'était connu de tout le monde?
A Absolument.
D Ce n'était pas un secret pour personne?
R Non.

PAR LE PRESIDENT:

Lequel, le dernier?

ME PACIFIQUE PLANTE, C.R.:

328 Ste-Catherine.

ME UBALD BOISVERT, C.R.,

PROCUREUR DE CERTAINS INTIMES:

C'est pas mal suggestif.

G.A. LAPORTE

PAR LE PRESIDENT:

Vous avez raison.

ME PACIFIQUE PLANTE, C.R.:

D 1017 Ste-Catherine?

R Inconnu.

D 327, pas loin de 257 connaissiez-vous ça?

R Inconnu.

D Y en avait-il d'autres que vous connaissiez dans les alentours, dans les bookies?

R Pas à ma connaissance.

D Avez-vous reçu des ordonnances de cadenas, des copies?

R Je ne crois pas, non, seulement les petits avis.

D Seulement des petits avis du service de la police, disant qu'untel avait été condamné?

R C'est ça.

ET LE TEMOIN NE DIT PLUS RIEN.

LUCIEN GUERTIN

STENOGRAPHE OFFICIEL.

En l'an de Notre Seigneur, Mil/Neufcent cinquante,
le 5 octobre, a comparu:

LEONIDE LAVIOLETTE,

Agé de 60 ans, inspecteur du service de la police,
domicilié au numéro 7291 de la rue Bordeaux, cité de
Montréal et province de Québec, témoin entendu de la
part des requérants.

Lequel, après avoir dûment prêté serment sur les
Saints Evangiles, dépose et dit:

INTERROGE PAR ME PACIFIQUE PLANTE, C.R.,

PROCURER DES REQUERANTS:

- D Inspecteur, depuis quand faites-vous partie du
service de la police de la cité de Montréal?
- R Depuis le 1er janvier, 1910.
- D En 1941, quel grade occupiez-vous?
- R Inspecteur, le même grade qu'aujourd'hui.
- D Inspecteur de quelle division?
- R Division centre.
- D A cette époque-là, en 1941, combien y avait-il
de divisions pour la cité de Montréal?
- R Il y en avait toujours quatre.
- D Est-ce que c'est changé depuis? Est-ce qu'il y a
encore quatre divisions?
- R Bien, il y en a peut-être plus que quatre, actuelle-
ment, ils ont fait des divisions avec la circulation
et la radio.
- D Au point de vue territoire, je parle de divisions

de territoire en 1941, combien y avait-il de divisions?

R Quatre, Votre Honneur.

D Comment s'appelaient-elles?

R Est, Nord, Ouest et Centre.

D Quelle division aviez-vous?

PAR LE PRESIDENT:

D Centre?

R Centre.

D Qu'est-ce que cela comprenait, cela?

R Le territoire....

ME PACIFIQUE PLANTE, C.R.:

D Qu'est-ce que cela comprenait?

R Entre City Councillors et Papineau, du Fleuve St-Laurent.

D Pendant combien de temps avez-vous été inspecteur de la division centre?

R Depuis le 1er septembre, 1939, au 20 février, 1950.

D Le 20 février, 1950, est-ce qu'il y a eu une nouvelle répartition des divisions de territoires de la police dans la cité de Montréal?

R Les divisions Centre et Est ont été constituées.

D Ont été fusionnées, vous voulez dire?

R Fusionnées.

D Est-ce que vous êtes demeuré inspecteur de la nouvelle fusion de ces deux territoires?

LEONIDE LAVIOLETTE

- R Non, monsieur.
- D Quel nom cette nouvelle division porte-t-elle?
- R Division Est.
- D Elle est sous la direction de qui présentement?
Est-ce l'inspecteur Lévesque?
- R L'inspecteur Lévesque, oui.
- D Vous-même, actuellement, quel est votre rôle?
- R Attaché aux quartiers généraux.
- D Vous faites partie de l'état-major de la police?
- R Oui, monsieur.
- D Comme attaché à l'état-major, quelles sont vos fonctions?
- R Voir aux rapports généraux du département.
- D Rapports généraux avec qui? Qu'est-ce que vous entendez par voir aux rapports généraux?
- R Entre Monsieur Choquet et mes supérieurs, les assistants-directeurs.
- D Voulez-vous dire monsieur Zzarie Choquet?
- R C'est ça.
- D En 1941, alors que vous étiez inspecteur de la division centre, quelles étaient vos fonctions, quelle était votre autorité?
- R En charge.
- D En charge de quoi?
- R En charge de la division.
- D Aviez-vous plusieurs stations de police sous votre gouverne?
- R En 1941, j'en avait une, deux, ... quatre.

D Quelles étaient ces stations?

R Un, deux, trois et quatre.

D La station numéro 1, était-elle, c'est celle qui est annexée à l'hotel-de-ville?

R C'est ça.

D La station numéro 2, où était-elle?

R Quartier Craig.

D Le poste numéro 3?

R Beaudry et Ontario.

D Le poste numéro 4?

R Hotel-de-ville et Ontario.

D Où étaient vos bureaux?

R Hotel-de-ville et Ontario.

D En cette qualité d'inspecteur, comme inspecteur-en-chef, est-ce que les capitaines de ces quatre postes-là venaient directement sous vos ordres?

R J'ai jamais été inspecteur-en-chef.

D En qualité d'inspecteur du district du centre?

R La division du centre.

D Est-ce que ces capitaines venaient directement sous vos ordres?

R Oui, monsieur.

D Directement sous vos ordres, dans cette division territoriale du centre?

PAR LE PRESIDENT:

D Vous aviez quatre capitaines, et chacun d'eux avait la direction d'un poste de police?

X

R District ~~de~~ poste de police.

D Chaque poste déservait un district dans votre territoire?

R C'est ça, dans ma division.

D Dans votre division?

R Dans ma division.

Ø
ME PACIFIQUE PLANTE, C.R.:

D Dans votre territoire, comme responsabilité immédiate, est-ce qu'il y avait quelqu'un qui vous était supérieur?

R Oui, monsieur.

D Qui?

R Dans le temps, il y avait ~~un~~ inspecteur-en-chef Bélanger.

D Comme responsabilité immédiate, si par exemple, l'inspecteur-en-chef Bélanger, est-ce que l'inspecteur-en-chef Bélanger pouvait donner des ordres sans passer par vous au capitaine?

R Certainement.

D Est-ce que cela se faisait en fait?

R Oui, cela se faisait.

D Souvent ou était-ce extraordinaire? ~~A~~

R C'est arrivée quelques fois.

D Suivant les règlements ordinaires de la discipline de la police, est-ce qu'on ne passait pas par l'inspecteur?

R Généralement, oui.

LEONIDE LAVIOLETTE

D Est-ce qu'on peut dire que comme responsabilité immédiate, c'est vous qui aviez la haute responsabilité de la division centre, comme responsabilité immédiate?

R Oui, monsieur.

D Aviez-vous un assistant-inspecteur?

R Cela dépend en quelle année.

D En 1941?

R Non, j'avais un capitaine dans ce temps-là.

D Vous aviez un capitaine qui agissait...

R Comme capitaine du district numéro 4.

PAR LE PRESIDENT:

D Est-ce qu'il avait une autorité soit de fait ou officielle supérieure aux capitaines des autres postes?

R Non, monsieur.

D Il était sur le même pied?

R Oui, monsieur.

D Ce capitaine pouvait-il donner des ordres au capitaine qui avait la direction du poste numéro un?

R Non, monsieur.

ME PACIFIQUE PLANTE, C.R.:

D Vous n'aviez pas ni officiellement ni officieusement, d'assistant, est-ce exact?

R Voulez-vous dire un assistant-inspecteur?

LEONIDE LAVIOLETTE

Q Oui?

R Pas dans le temps.

D En 1942?

R Non, monsieur, je crois que ça été en 1943 ou 1944.

D C'est vers 1943 ou 1944 que vousavez eu un assistant? Quel a été votre premier assistant?

R L'assistant-inspecteur Dumoulin.

D En 1945, savez-vous qui était assistant-inspecteur, au poste numéro 4, au district centre?

R Je crois que c'était l'assistant-inspecteur Dumoulin.

D Le directeur actuel Albert Langlois, est-ce qu'il a été assistant-directeur du poste du district centre?

R Oui, monsieur.

D En quelle année?

R Je crois que c'est une partie de 1945 et 1946.

D Une partie de 1945 et 1946?

R Oui, je le crois, du moins.

D Seriez-vous en mesure ou en état de prendre des renseignements, de façon à nous donner des dates précises?

R Oui, monsieur.

D Comme inspecteur-en-chef du district, quelle sorte de contrôle exerciez-vous sur les capitaines des différentes stations? Est-ce que ces capitaines-là étaient tenus de vous transmettre certains rapports sur les activités de leur station respective?

R Tous les rapports.

ME UBALD BOISVERT, C.R.,

PROCUREUR DE CERTAINS INTIMES:

Ø La question renferme un énoncé pas tout à fait exact, comme inspecteur-en-chef du district.

PAR LE PRESIDENT:

Comme inspecteur du district.

ME UBALD BOISVERT, C.R.:

Au-dessus de tous les inspecteurs du district, il y a un inspecteur-en-chef, qui est aux quartiers généraux.

ME PACIFIQUE PLANTE, C.R.:

C'est ça.

D Est-ce que ma question vous a induit en erreur?

PAR LE PRESIDENT:

A tout évènement, il y a possibilité de la changer.

D Comme inspecteur de district, les capitaines, c'est-à-dire comme inspecteur des districts, deviez-vous recevoir des rapports des capitaines?

LEONIDE LAVIOLETTE

R Oui, Votre Honneur.

ME PACIFIQUE PLANTE, C.R.:

D Quelle était la teneur de ces rapports là?

R Tous les rapports concernant le département de la police de la division.

D Si on faisait une arrestation dans le district numéro 4, est-ce que le capitaine vous en faisait rapport?

R Oui, Votre Honneur.

D Chaque arrestation?

R Des arrestations en général.

D De quelle façon ~~zaka~~ est-ce que cela vous était transmis?

R Par rapports.

D Par rapports écrits?

R Par rapports écrits.

D Si, par exemple, il y avait une descente dans une maison de désordre, est-ce que vous receviez un rapport du poste du district concerné?

R Non, monsieur.

D Vous ne receviez pas cela? Vous êtes sûr de ça?

R Une descente par qui? de la ville?

D Une descente dans une maison de désordre?

R Par qui?

D Par qui se faisait les descentes dans les maisons de désordre?

R ~~Raxke~~ Ordinairement, par le département de la moralité.

LEONIDE LAVIOLETTE

D Est-ce que le département de la morbidité, ordinairement, lorsqu'il faisait une descente, est-ce qu'il vous envoyait un rapport?

R Oui, monsieur.

D Qu'est-ce que comportait ce rapport?

R Telle rue, tel endroit,...

- D Et puis, le nom du tenancier?
- R Du tenancier, et le nom de la personne arretee comme tenancier.
- D Est-ce qu'on vous transmettait egalement l'adresse?
- R Oui, monsieur.
- D Est-ce qu'il y avait un systeme, une facon de classifier tous ces rapports qui vous parvenaient des quatre districts qui etaient sous votre gouverne?
- R Des filieres.
- D Est-ce que ces documents-la etaient preserves?
- R Non, monsieur.
- D Ils ne sont pas conserves?
- R Pas tous.
- D Combien de temps conserviez-vous ces documents-la? ordinairement?
- R Environ cinq ans.
- D Alors, si je comprends bien, lorsqu'une descente etait faite par l'escouade de la moralite dans un des quatre districts qui etaient sous votre gouverne, un rapport ecrit vous etait fait, donnant le nom du tenancier, l'adresse ou la descente avait eu lieu, lors de la descente, le nombre de personnes trouvees? C'est bien ca?
- R Oui, monsieur.
- D Est-ce qu'il y avait dans chaque poste, des officiers speciaux, travaillant en civil, des speciaux que vous appelez generalement, estce qu'il y en avait dans chaque poste?

- R Oui, monsieur, moi, j'en avais, du moins.
- D Quelle etait l'occupation ou la besogne particuliere de ces speciaux?
- R Ouvrage general.
- D Est-ce qu'ils n'avaient pas mission, egalement, de faire rapport a leur capitaine ou inspecteur, des maisons de desordre qu'ils pouvaient deceler dans chacun de ces districts dont elles relevaient?
- R Oui, monsieur.
- D Effectivement, est-ce qu'ils faisaient ce rapport-la?
- R Effectivement, je le crois.
- D Est-ce que ce rapport-la etait fait par ecrit a leur capitaine?
- R A leur capitaine, je ne pourrais pas vous dire.
- D Qui pourrait nous dire cela?
- R Les capitaines eux-memes.
- D Vous-meme, vous etes-vous enquis si leurs speciaux faisaient rapport a leur capitaine des maisons de desordre qu'ils pouvaient deceler dans leur district respectif?
- R Oui.
- D Comment?
- R Le capitaine faisait rapport a son inspecteur des plaintes qu'il avait eues.
- D vous-meme, en avez-vous recu de ces plaintes-la?
- R Oui, monsieur.
- D Par ecrit?

R Oui, monsieur.

D Les avez-vous conservees?

R Jusqu'a venir il y a a peu pres cinq ans.

D Que faisiez-vous de ces plaintes-la?

R/ On envoyait ca au departement de la moralite, au bureau de la moralite, autrement dit.

D En envoyiez-vous egalement au bureau clerical du service de la police, au bureau central, je dirais?

R J'imagine qu'ils devaient passer par la, mais je ne pourrais pas vous repondre la-dessus.

D Lorsque vous communiquez d'une division ou service a l'autre, dans la police, le faites-vous par l'entremise du service clerical ou.....

R Que voulez-vous dire?

D Est-ce que cela passe par le bureau central ou le directeur, lorsque vous transmettez un document?

R Je ne saisis pas bien votre question.

D Par exemple, si vous avez a transmettre des plaintes qui etaient faites, ou des rapports qui etaient faits par des speciaux dans un poste particulier, qui depend de vous comme inspecteur, et que vous vouliez transmettre ces plaintes-la au service interesse, dans le cas present, est-ce que vous passiez par le bureau de monsieur Choquet, le bureau clerical general, ou si c'etait transmis directement a la moralite?

- R On l'envoyait aux quartiers generaux.
- D Vous l'envoyiez aux quartiers generaux?
- R Oui, monsieur.
- D Les quartiers generaux, cela comprenait quoi?
- R Ce sont tous les quartiers generaux, je suis sous l'impression que cela passait par le bureau clerical.
- D Effectivement, savez-vous a qui c'etait envoye?
- R Non, monsieur.
- D Qui pourrait nous dire a qui c'etait envoye, de votre bureau?
- R De mon bureau?
- D Oui, comme inspecteur. Je comprends que les capitaines recevaient les plaintes de ces hommes et que les capitaines informaient l'inspecteur, et vous dites, que comme inspecteur, vous envoyiez ces rapports aux quartiers generaux. Qu'est-ce que cela comprenait, les quartiers generaux? Est-ce que vous voulez dire le bureau de monsieur Choquet?
- R Ce sont tous les bureaux, le bureau du directeur, l'assistant-directeur.

PAR LE PRESIDENT:

- D A qui adressiez-vous ces rapports de certaines maisons de desordre dans votre division? Quand ils vous arrivaient, a qui les adressiez-vous? Les adressiez-vous a monsieur le directeur ou

a qui?

R C'était monsieur le directeur, Votre Honneur.

Me PACIFIQUE PLANTE, C.R.:

D Savez-vous par qui monsieur le directeur était représenté, à ces fins?

R Je ne sais pas, monsieur.

D Aviez-vous raison de vous douter que c'était monsieur Azarie Choquet comme chef du bureau clerical, que c'est lui qui recevait les documents.....

Me URBAIN SIMONEAU

PROCUREUR DE CERTAINS INTIMES:

Je ne crois pas que le témoin soit compétent pour répondre à cette question-là.

PAR LE PRESIDENT:

Je crois que vous avez raison.

D Personnellement, savez-vous à quel bureau se rendaient vos rapports qui étaient adressés au directeur?

R Je peux vous dire que j'étais sous l'impression qu'ils passaient par le bureau clerical, le bureau de monsieur Choquet.

D Vous ne le savez pas personnellement?

R Non, monsieur, pas dans le temps.

D Le savez-vous maintenant?

R Oui, monsieur.

D Savez-vous a quel endroit ce rapport-la prevenait?

R Au bureau de monsieur Choquet, Votre Honneur.

D Et de la, savez-vous ou ils vont?

R Ils viennent a mon bureau, c'est moi qui fait la distribution.

D Vous faites quelle distribution?

R Ou ils vont, s'il s'agit de la moralite.....

D S'il s'agit de la moralite ou des homicides?

R C'est ca, Votre Honneur.

D Sans que cela passe par le directeur lui-meme, ou est-ce que le tout est soumis au directeur?

R Non, moi, je fais la distribution.

D Aux differentes escouades?

R Aux escouades concernees.

Me PACIFIQUE PLANTE, C.R.:

Dans votre role d'inspecteur en chef, dependez-vous directement du directeur.....

Me UBALD BOISVERT, C.R.,

PROCUREUR DE CERTAINS INTIMES:

Il n'est pas inspecteur en chef.

Me PACIFIQUE PLANTE, C.R.:

Actuellement?

PAR LE PRESIDENT:

D Vous etes inspecteur, mais pas en chef?

R Non, Votre Honneur.

Me UBALD BOISVERT, C.R.:

Demandez-lui qui est inspecteur en chef.

Me PACIFIQUE PLANTE, C.R.:

D Ces rapports, les rapports.....

PAR LE PRESIDENT:

D Savez-vous personnellement si le meme systeme qui est etabli aujourd'hui, employe aujourd'hui, pour la reception des rapports des differentes divisions et, ensuite, leur distribution, la distribution que vous faites maintenant, savez-vous si ce meme systeme existait avant, ou est-ce vous qui l'avez inaugure, ce systeme-la?

R C'est moi qui l'ai inaugure, sur les ordres du directeur.

D Avant votre arrivee la?

R Je ne pourrais pas vous dire.

D Vous ne pourriez-pas dire du tout?

R Non, Votre Honneur.

PAR LE PRESIDENT:

Tres bien.

Me PACIFIQUE PLANTE, C.R.:

Ces rapports sont livres de quelle façon?
Les rapports de police, en général, à qui
sont-ils adressés? Est-ce qu'ils sont adressés
au directeur de la police, à l'inspecteur,
au capitaine?

R Il y en a différentes catégories.

D Ceux qu'un inspecteur adressait, à qui les
adressiez-vous, comment?

R Au directeur Langlois.

D Dans votre temps, lorsque vous étiez dans la
division centre, à qui les adressiez-vous?

R Aux différents départements, aux différents
inspecteurs.

D Ce n'était pas adresse au directeur de la police?

R Pas dans le temps que j'étais à mon bureau,
pas dans le temps que j'étais en charge de la
division centre.

PAR LE PRÉSIDENT:

D Alors, quand vous avez dit que vous adressiez
vos rapports à monsieur le directeur, c'était
ce qui se fait aujourd'hui, et non pas ce
qui se faisait dans votre temps?

R J'ai parlé de ce qui se fait aujourd'hui,
Votre Honneur, c'est bien ça.

D Dans votre temps, quand vous étiez inspecteur

de la division centre, si vous aviez recu des rapports venant de differents districts dans votre division concernant certaines maisons de desordre, vous faisiez vous-meme un rapport a l'escouade de la moralite?

R Moi, je les recevais du capitaine.

D Ensuite, vous-meme, vous faisiez rapport a l'escouade de la moralite?

R Oui, Votre Honneur.

D Et concernant un meurtre ou un vol a main armee, vous transmettiez un rapport a l'escouade des homicides ou des vols a main armee?

R C'est ca.

D Vous n'adressiez jamais votre rapport au directeur de la Surete municipale?

R Non, pas dans le temps, Votre Honneur.

Me PACIFIQUE PLANTE, C.R.:

D Est-ce que vous n'avez pas dit tout alors, effectivement, que vous etiez sous l'impression que c'etait adresse a monsieur Choquet qui, lui, les referait a qui de droit?

R Je crois que ce n'etait pas tout a fait la meme question.

PAR LE PRESIDENT:

J'ai cru comprendre tout alors que monsieur

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Laviolette a explique qu'aujourd'hui, il a inaugure un systeme d'apres lequel les inspecteurs de division adressent leurs rapports a monsieur Choquet qui, ensuite, les transmet aux escouades interessees.

D Est-ce que c'est ca aujourd'hui?

R Il les transmet a mon bureau.

D Et vous faites la distribution?

R C'est ca, Votre Honneur.

D Tandis que de votre temps, l'inspecteur adressait les rapports aux escouades interessees?

R C'est ca.

Me PACIFIQUE PLANTE, C.R.:

D Directement?

R La moralite, je le crois, Le systeme a pu change depuis, je vous parle d'une dizaine d'annees.

PAR LE PRESIDENT:

D Mais, en general, c'etait a peu pres ca?

R Autant que je puis me rappeler, oui.

Me PACIFIQUE PLANTE, C.R.:

D Lorsque des rapports faits par des officiers en civil, a l'effet qu'ils s'etaient apercu qu'une maison de desordre operait, et qu'ils transmettaient a leur capitaine, et que les capitaines vous transmettaient, et, qu'a votre tour, vous

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transmettiez a l'escouade de la moralite, une fois que vous aviez transmis ces rapports, est-ce que vous suiviez cette plainte, est-ce que vous vous interessiez au sort de cette plainte-la?

R Non, monsieur.

D Vous ne vous interessiez pas au sort de cette plainte-la, pourquoi?

R Apres que le rapport etait rendu a la division de la moralite?

D Oui

R Il y avait des hommes specialises pour ca.

D Est-ce qu'il est arrive que des plaintes venant du meme poste, concernant la meme maison, soient referees par le capitaine a vous-meme, et vous-meme a l'escouade de la moralite. Est-ce que cela s'est presente plusieurs fois au sujet de la meme maison.

R Oui, monsieur.

D Dans ce temps-la, qu'est-ce que vous faisiez?

R On renouvelait la plainte.

D Est-ce que vous vous interessiez a la plainte?

R Je crois avoir repondu tout a l'heure.

PAR LE PRESIDENT:

D Vous pouvez repondre encore?

R Repondre a la plainte, si je m'interessais a la plainte?

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D Oui

R Jusqu'au retour que j'avais de la moralite,
qu'il y avait eu une descente.

D Vous aviez un retour de la moralite?

R Oui, monsieur.

Me PACIFIQUE PLANTE, C.R.:

D Que comportait ce retour, ce que vous disiez
tout a l'heure?

R C'est ca.

D Lorsque l'escouade de la moralite faisait une
descente, faisait des arrestations, vous
receviez une copie du rapport de la descente?

R Oui, monsieur, c'est ce que j'ai dit tout a
l'heure.

PAR LE PRESIDENT:

D La, vous receviez un rapport dont vos capitaines
faisaient rapport a la moralite. Plus tard la
moralite vous renvoyait une copie de la plainte
qui avait ete portee, avec le rapport de la
descente qui avait ete faite?

R Elle me renvoyait une copie du rapport de la
descente.

D Indiquant les particularites que vous avez
mentionnees tout a l'heure, le nom de l'accuse,
le nombre de personnes trouvees, nature de

l'accusation, l'adresse?

R C'est ca, Votre Honneur.

Me PACIFIQUE PLANTE, C.R.:

D Le nombre de personnes trouvees?

R Le nombre de personnes trouvees.

D Est-ce qu'il indiquait ce qu'il s'agissait aussi?

PAR LE PRESIDENT:

D Les choses saisies?

R Je crois que oui.

Me PACIFIQUE PLANTE, C.R.:

D Lorsque la Cour du Recorder emettait des
attentions de cadenas, pouvez-vous dire a la
Cour a qui ces attentions de cadenas etaient
transmises pour execution?

Me UBALD BOISVERT, C.R.,

PROCURIEUR DE CERTAINS INTIMES:

En quelle annee?

Me PACIFIQUE PLANTE, C.R.:

D En 1941 et en 1942, a qui?

R De qui je les recevais?

D Non, lorsque des ordonnances de cadenas etaient
emises par la Cour du Recorder, a qui ces

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ordonnances etaient-elles transmises pour execution?

R Je ne pourrais pas vous dire, monsieur.

D Avez-vous deja execute des ordonnances de cadenas de la Cour du Recorder?

R Oui, Votre Honneur.

D Qui vous envoyait ces ordonnances de cadenas?

R Monsieur Choquet, je crois.

PAR LE PRESIDENT:

D Pour votre division, quand il y avait des ordonnances de cadenas a executer, qui les recevait?

R L'inspecteur, c'est moi-meme.

D Pour tout ce qui concernait votre division?

R Oui, monsieur.

Me PACIFIQUE PLANTE, C.R.:

D Lorsque vous receviez de monsieur Choquet des ordonnances de cadenas, de quelle facon procediez-vous? Est-ce que vous les executiez vous-meme?

R Pas dans chaque cas.

D De la facon la plus generale, generalement, qu'est-ce que vous faisiez?

R Je les transmettais a l'officier en charge du district.

D Voulez-vous dire le capitaine du poste?

R Le capitaine du poste.

D Est-ce que le capitaine du poste vous faisait rapport de l'exécution, de l'ordonnance ou de l'exécution de l'ordonnance que vous lui aviez transmise?

R Oui, monsieur.

D Est-ce qu'il vous faisait rapport par écrit?

R Il faisait rapport a la fin de l'ordonnance que c'était.....il faisait rapport au bas, qu'il y avait eu, que l'ordonnance avait été exécutée tel ou tel mois.

D Et puis?

R Conformément a l'ordonnance numero un tel, signée par monsieur le juge un tel.

D Le capitaine faisait-il rapport pour chaque ordonnance?

R Oui, monsieur.

D Cela, c'était pour les cas en general, c'était la façon ordinaire de procéder?

R Oui, monsieur.

D C'était le capitaine qui recevait l'ordonnance qui vous avait été transmise et puis exécutée?

R Oui, monsieur.

D Vous est-il arrivé, en ce qui concerne le poste numero quatre, le poste numero quatre ou vous aviez vos quartiers generaux, est-ce que vous avez preside a l'exécution d'ordonnances de cadenas?

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R Oui, je crois, quelque fois. Les ordonnances pourraient le mentionner plus que moi, je ne me rappelle plus si c'était avant 40 ou 45.

D Vous souvenez-vous d'en avoir exécuté?

R Oui, monsieur.

D Êtes-vous allé seul ou accompagné?

R Accompagné.

D Accompagné de qui?

R D'un officier de la moralité.

D À chaque fois?

R À chaque fois, et un constable sur le poste.

D Est-ce que c'était toujours un officier de la moralité?

R Autant que je puis me rappeler, oui, monsieur.

D Est-ce que votre rapport aux registres indiquerait qui vous accompagnait? Est-ce que vous avez consigné quelque part quels sont les officiers ou constables qui ont pu vous accompagner dans l'exécution des ordonnances auxquelles vous avez présidé?

R Je ne le crois pas, Votre Honneur.

D Vous ne gardiez pas un procès-verbal ou un mémoire à cet effet-là?

R Je ne me rappelle pas.

Me UBALD BOISVERT, C.R.,

PROCUREUR DE CERTAINS INTIMES:

Il y a des procès-verbaux de produits déjà, et

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parmi les quatre mille huit cents dossiers
qui sont produits, les proces-verbaux de
tous les dossiers de cadenas.....

Me PACIFIQUE PLANTE, C.R.:

Votre Seigneurie, je suggere que les explica-
tions que je demande au temoin sont de routine
ordinaire.

Me UBALD BOISVERT, C.R.,

PROCUREUR DE CERTAINS INTIMES:

Il n'y a aucune preuve de faite qu'il y a
routine, a l'heure actuelle.

PAR LE PRESIDENT:

L'inspecteur est assez au courant de la facon
dont ils executaient leur devoir pour me donner
des explications generales, de sorte que je
puisse en avoir une vae d'ensemble. Je ne
crois pas qu'il y ait prejudice jusqu'a date.

Me UBALD BOISVERT, C.R.,

PROCUREUR DE CERTAINS INTIMES:

Ici, on demande au temoin ce que contenait les
rapports. Ils sont deja produits comme pieces.

PAR LE PRESIDENT:

Des officiers qui l'ont accompagne les quelques fois que l'inspecteur a execute des ordonnances de cadenas, a-t-il garde note des noms de ces personnes-la. Il dit qu'il ne le croit pas.

Me PACIFIQUE PLANTE, C.R.:

D Savez-vous de qui relevait, dans chaque district, la surveillance de l'execution des ordonnances de cadenas? Qui devait voir a ce que les cadenas soient effectifs, demeurent sur la porte ou ils avaient ete poses, qui etait responsable de ca? Est-ce que quelqu'un etait responsable de cela?

R Toujours l'officier en charge du district, celui qui a pose le cadenas.

D Le capitaine?

R Le capitaine, si c'est lui. Des fois, le capitaine, et aussi c'est le lieutenant.

D Savez-vous quelles etaient les mesures ou si des mesures etaient prises par le capitaine ou son assistant, pour voir a faire constater, officiellement, si le cadenas pose, par l'execution d'une ordonnance de la Cour du Recorder, restait bien place durant la periode specifiee par la Cour?

R Il y a eu des periodes ou il y avait des constables speciaux appointes a cet effet-la.

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D Que faisaient ces constables?

R Ils visitaient des endroits cadenasses.

D Est-ce qu'ils tenaient un registre de cela, est-ce qu'ils faisaient rapport?

R Verbal ou écrit, oui.

D A qui faisaient-ils ce rapport-la?

R A son officier superieur, son capitaine.

D Dans chaque poste de police, y a-t-il ce que je me permettrais d'appeler -(parce que je ne connais pas le terme exact) une espece de livre de barre? Est-ce qu'il y a un livre general, un registre general, dans lequel on inscrit ce qui se passe au poste, l'arrivee du capitaine un tel, son depart, "le beat" c'est-a-dire le territoire, la ronde?

R Le journal du poste, vous voulez dire.

D Est-ce que dans le journal du poste on consignait les visites faites par ces constables qui, a certaines epoques visitaient les endroits cadenasses, pour voir s'ils demeuraient cadenasses?

R Non, c'etait inscrit le nom du constable qui etait appointe pour cette charge speciale.

D Dans le livre du jour?

R Oui, Votre Honneur.

D Est-ce que ces livres du jour sont conserves a la police?

R "Ben", c'est comme je vous ai dit tout a l'heure, on les gardait environ cinq ans.

LEONIDE LAVIOLETTE

D Alors, les livres du jour de la police sont détruits a tous les cinq ans?

R Pas necessairement.

D Savez-vous si presentement les livres du jour du poste numero 4 ont ete conserves?

R Je ne pourrais pas vous dire, monsieur.

D/ Est-ce qu'il est a votre connaissance qu'on en ait detruit recemment, de ces livres-la?

R Au poste numero 4?

D Oui

R Pas a ma connaissance, Votre Honneur. Je pensais que vous vouliez parler des rapports de mon bureau, tout a l'heure.

D Est-ce que le capitaine actuel du poste numero 4 serait en mesure de nous informer si les registres du jour pour l'annee 1941, 1942, 1943, 1944 et 1945 existent encore? Est-ce de lui qu'on obtiendrait cette information-la?

R Oui, monsieur.

D Quel est le nom du capitaine du poste numero 4 a l'heure actuelle?

R L'officier en charge actuel, c'est l'assistant-inspecteur Huneault.

D C'est celui qui remplit les fonctions de capitaine du poste?

R C'est ca, Votre Honneur, aujourd'hui, c'est un assistant-inspecteur qui est en charge.

D Est-ce que l'inspecteur de la division ouest a

ses bureaux au poste numero 10?

R Oui, monsieur.

D Qui est-il presentement?

R L'inspecteur?

D Oui

R Rawley.

D Pourriez-vous demander a l'assistant-inspecteur Huneault, a l'inspecteur Rawley de constater si les livres du jour pour les annees 1941, 1942, 1943, 1944, 1945 et 1946 sont encore en leur possession, ou s'ils savent qui est en possession de ces livres du jour, de 1941 a 1946?

Me UBALD BOISVERT, C.R.,

PROCEUREUR DE CERTAINS INTIMES:

Je ne crois pas qu'on puisse demander a l'accuse de preparer la cause des requerants. Monsieur Laviolette a plusieurs accusations de portees contre lui, qui sont toutes plus mal fondees les unes que les autres, et je ne crois pas qu'on puisse demander a l'inspecteur de preparer la cause des requerants.

PAR LE PRESIDENT:

Si vous avez besoin d'assigner ces messieurs, vous pouvez demander d'autres subpoenas et je les emettrai.

LEONIDE LAVIOLETTE

Vous vous objectez a ce qu'un accuse
coopere a la preparation de la cause, vous
avez raison.

Me JOHN AHEARN, C.R.,

PROCUREUR DE LA CITE DE MONTREAL:

Il n'a qu'a nous dire qui il veut avoir
comme temoin.

PAR LE PRESIDENT:

Me Ahearn a dit que vous pouviez lui demander
vous-meme.

Ce a quoi s'oppose, c'est que vous demandiez
a celui qui doit repondre a certaines accusa-
tions de vous aider a preparer la cause.

Me PACIFIQUE PLANTE, C.R.:

Est-ce que cela veut dire que l'inspecteur
Laviolette, qui est un des intimes, et qui,
actuellement, occupe un poste prominent en
l'etat major, est-ce que cela veut dire qu'il
serait de son ressort de les presenter.

Me JOHN AHEARN, C.R.,

PROCUREUR DE LA CITE DE MONTREAL:

Si l'inspecteur Laviolette est en possession
de certains documents, vous pouvez lui demander

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mais de la lui demander de vous rendre service, de communiquer un ordre a un autre, il y a une difference.....

PAR LE PRESIDENT:

Je crois que Me Ahearn dit que les documents, en autant qu'il le sache, sont disponibles. Si vous voulez continuer avec l'inspecteur Laviolette.

Me PACIFIQUE PLANTE, C.R.:

Est-ce qu'il me serait juste permis de dire que Me Masson ou Me Ahearn informe la Cour qu'il y a trois ou quatre jours, j'ai donne par ecrit une demande, que jé n'en ai pas entendu parler effectivement.

PAR LE PRESIDENT:

Cela peut arriver, mais peut-etre pourriez-vous communiquer avec Me Ahearn et Me Masson de nouveau.

Me EDOUARD MASSON, C.R.,

PROCUREUR DE LA CITE DE MONTREAL:

J'ai communique avec les personnes autorisees. Ils ont fait les recherches, et j'ai transmis la demande exactement comme elles me l'avaient faite.

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Le lendemain, elles demandaient tout autre chose. J'ai re-communiqué de nouveau avec le chef Langlois et là, on m'a fait rapport que les registres qu'ils demandaient, relativement à certaines adresses, ne contenaient pas les adresses en question, et ce midi, avec monsieur Plante, j'ai même téléphoné au bureau de la police pour tâcher de lui procurer tous les renseignements qu'il demandait.

C'est parce que la demande n'a pas été faite clairement, et je l'ai transmise telle qu'on me l'avait soumise.

Me UBALD BOISVERT, C.R.,

PROCUREUR DE CERTAINS INTIMES:

A part cela, si monsieur Plante veut communiquer avec mes clients, il peut m'en parler, au lieu de s'adresser aux avocats qui représentent la ville.

Me JOHN AHEARN, C.R.,

PROCUREUR DE LA CITE:

On ne peut pas blâmer monsieur Plante pour ça.

PAR LE PRESIDENT:

Il est concevable que monsieur Plante ait faite

une erreur en demandant tel document, ne sachant pas comment appeler un tel document. Je crois que M^{re} Masson et Ahearn ont démontré qu'ils desirent coopérer autant que possible.

Me PACIFIQUE PLANTE, C.R.:

Il s'agit de deux choses bien différentes. J'ai demandé d'abord le registre dans lequel, dans chaque poste, à mon information, l'on tient les noms des personnes qui ont quelque chose à faire avec un édifice public. Par exemple, si un incendie se déclare, il y a un registre écrit pour cela.

PAR LE PRESIDENT:

D Y a-t-il un registre tel que celui que monsieur Plante vient de décrire?

R Oui, Votre Honneur.

D Est-ce que c'est différent du livre du jour ou du livre du poste?

R Certainement.

Me PACIFIQUE PLANTE, C.R.:

C'est ce que j'ai demandé, deux livres différents.

PAR LE PRESIDENT:

Pour quel poste le desirez-vous.

Nous avons un témoin qui nous dit que deux sortes

LEONIDE LAVIOLETTE

de livres existent, et vous desirez avoir ces deux livres concernant quel poste, et de quelle année à quelle année?

Me PACIFIQUE PLANTE, C.R.:

J'ai donné tout cela sur la liste.

En ce qui concerne le poste numéro 4 et le poste numéro 10, je voudrais savoir si dans un registre ou dans un document quelconque, on a indiqué le nom d'un constable qui était chargé de la surveillance, de l'exécution des ordonnances de cadenas.

Ensuite les livres du poste qui contiennent les noms des gerants ou propriétaires des établissements publics.

Deux choses différentes.

PAR LE PRESIDENT:

Parfois, on ne connaît pas les descriptions techniques de certains documents, ceci pour prêter à l'erreur, à confusion, à rendre les choses plus difficiles.

Me EDOUARD MASSON, C.R.,

PROCUREUR DE LA CITE DE MONTREAL:

On a demandé un registre qui contenait ces adresses, et l'on m'a dit que les registres ne mentionnaient pas ces adresses.

Au sujet du nom des propriétaires, concierges ou surveillants, on a fait des recherches on ne l'a pas trouvé.

PAR LE PRESIDENT:

- D Monsieur Laviolette nous dit que d'après lui, il y a certains registres, qu'on ne je ne sais trop comment, concernant les edifices publics.
- R Les places d'affaires, Votre Honneur.
- D Que contiennent ces registres-la, en general?
- R On l'appelle le livre du recensement qui se fait tous les printemps.
- D Le livre du recensement?
- R C'est ca, Votre Honneur.
- D En avez-vous un pour chaque district ou chaque division?
- R Un pour chaque poste.
- D Dans l'ancien district centre ou division numero 4, il y en avait quatre?
- R Il n'y en a plus quatre aujourd'hui.
- D Mais, anciennement, il y en avait quatre?
- R Justement.
- D Ce sont les capitaines de chaque poste qui sont les depositaires des registres qui n'ont pas ete detruits?
- R Oui, Votre Honneur.

LEONIDE LAVIOLETTE

PAR LE PRESIDENT:

Pouvez-vous nous donner, nous dire quels sont les volumes, les livres que vous desirez?

Me PACIFIQUE PLANTE, C.R.:

Qu'on me dise avec qui me mettre en communication.

PAR LE PRESIDENT:

Revenons aux choses serieuses.

Me PACIFIQUE PLANTE, C.R.:

J'ai fini du temoin pour le moment.

PAR LE PRESIDENT:

Pas de contre-interrogatoire pour le moment.

Me URBAIN SIMONEAU,

PROUREUR DE CERTAINS INTIMES

Non.

PAR LE PRESIDENT:

Vous vous reservez le droit de le contre-interroger plus tard?

LEONIDE LAVIOLETTE

Me URBAIN SIMONEAU, C.R.,

PROCUREUR DE CERTAINS INTIMES:

Ah, oui.

Le temoignage est suspendu, sur reserve de
contre-interrogatoire de la part des autres
avocats interesses.

ET LE TEMOIN NE DIT PLUS RIEN

LUCIEN GUERTIN,
Stenographe officiel.

FRANK RAWLEY

In the year of Our Lord, one thousand nine hundred and fifty, on the fifth of October, has appeared:

FRANK RAWLEY,

49 years of age, police inspector, residing at number 1375 Belanger Street, in the city of Montreal and province of Quebec, witness heard on behalf of the petitioners:

Who, after being duly sworn upon the Holy Evangelists, doth depose and say:

EXAMINED BY MR. PACIFIQUE PLANTE, K.C.

COUNSEL FOR PETITIONERS:

Q Presently, what is your occupation with the police department?

A Police inspector.

Q For what division?

A Western division.

Q How long have you been inspector for the western division?

A Since 1944.

Q As such, inspector, where is your office?

A Number 10 station, corner of St.Luke and St.Matthew Streets.

Q Are you aware, if at number 10 station, in 1941, for instance, there were any entries in the daily journal of the station, of the visits made by

FRANK RAWLEY

policemen or any other officers, at the places that were closed?

A Your Honour, from 1941 to 1943, I never looked at those books, because I only went up there in 1943, as assistant-inspector, in October, but from October up to date, there is no entry in any of the journals, where constables were specially detailed to look after disorderly houses, padlocks on gambling places. There was special men on the beat, on duty, that did work...

Q Special men did that work? Would you explain that, in many instances, the captain would be in a position to report to the Court that an ordonnance for padlock was executed as directed by the Judge?

A When I took charge, in 1943, an ordonnance was sent to me, and I would go out with a man from the morality squad, mostly a sergent or a lieutenant, with two of the special duty men. We would go to the place designed by the ordonnance to padlock a certain establishment, and the number and the room indicated on that ordonnance would be padlocked and sealed.

BY THE COURT:

Q Did you always go yourself?

A 95% of the times, unless I was on holidays or sick.

That's the time when I was assistant inspector.

Q Since you are inspector?

A Very seldom, for a time, I did not, Your Honour, and after that, I would go around to see that they were properly put on.

MR. PACIFIQUEPLANTE, K.C.:

Q Who saw, or did anyone see or visit those places, during the padlocking intervals, to see if the padlocks remained on the door?

A Yes, the special duty men received instructions from the captain of the station, to around and visit those places, and they made monthly reports, stating that that place was not tampered with.

Q Is there any record of those reports, any existing record of those reports?

A Not in the station. Mr. Choquet would receive a copy, with the ordonnance, when we sent them down.

Q Would that report bear the name of the special constable, the special duty man, whose duty was to see?

A No.

Q It would not?

A No.

Q Would there be any register where the names of these special constables was registered?

FRANK RAWLEY

A Just in the daily journal, that were designed for special duty.

Q Do you know of these registers have been kept, these daily journals, have been kept, for instance, for station number 10?

A They are, Your Honour, supposed to be kept, not destroyed, but in 1945, 1946, I don't know the exact date, the cellar was flooded, and we lost a lot of our records.

Q At number 10?

A At number 10, but at other stations, you will find them.

Q They are not supposed to be destroyed, you say?

A Not destroyed, they are to be filed away.

Q Are they filed away at the station itself, or sent at the Central station?

A At the station itself.

BY THE COURT:

Q Are you in charge of one station of one division?

A One division, Your Honour.

Q As an inspector, you are not directly... You don't have direct custody of those records about which you are talking?

A No, Your Honour, they are in the station.

Q The captain of each station would have that?

A Yes.

MR. PACIFIQUE PLANTE, K.C.:

Q Would you please give us the names of the captains of the different districts in your division?

A Yes, Your Honour. Inspector Minogue, number 10, was captain Thivierge, number 9, Captain Lamoureux, 17, at the present time it is captain Rochon.

Q Would they also have custody of the livre de recensement?

A Yes, the daily journal.

Q Yes, but besides that, the other volume we were talking about a minute ago?

A The census books, we do not keep them. It is only for our own personal use, and after they are made up, we destroy the old ones. In fact, some of the stations, had a card system, it is just in case of a fire or a place gets broken in, we call some persons to come after and look after the building. Those books, we haven't got in our possession.

Q If a place was raided several times a year, as a gaming house or a betting house, would you consider it a public place, which would be filed at the station, and have its card?

A Well, it would be put in the census book.

Q It would be put in the census book?

FRANK RAWLEY

- A Yes, practically all establishments ...
- Q What would be the description in the file?
- A It would be mostly as bridge clubs, some are restaurants, may have had a bookie in the rear, but we have take restaurant.

BY THE COURT:

- Q Do you know if some of those books still exist in anyone of the stations?
- A Yes, Your Honour, we went through them, and we have one for 1946, number 6 station, also at number 10 station.
- Q It would be the captain there who would have immediate custody of these books?
- A Yes, sir. In fact, I have number 10 in my office now, because I asked for it, to have a look at it.

BY MR. PACIFIQUE PLANTE, K.C.:

Would you bring that one of which you are in possession and you could ask the captain of the different stations if they have that?

INTERROGATOIRE SUSPENDU, SOUS RESERVE DU CONTRE-INTERROGATOIRE.
ME URBAIN SIMONEAU,

PROCUREUR DE CERTAINS INTIMES:

Avec la même permission de la Cour, sujet au contre-interrogatoire.
AND FURTHERMORE WITNESS SAITH NOT.

LUCIEN GUERTIN
COURT REPORTER.

IZZIE LITWACK

In the year of Our Lord, one thousand nine hundred and fifty, on the 5th of October, 195 has appeared:

IZZIE LITWACK,

46 years of age, salesman, residing at 4641 Hutchison Street, in the city of Montreal and province of Quebec, witness heard on behalf of the petitioners.

Who, after being duly sworn on the Old Testament, doth depose and say:

~~EXAMINED BY MR.~~

Your Lordship, I would like like to refuse to answer any questions, on the ground of being incriminated.

MR. MYER GROSS, K.C.,

COUNSEL FOR WITNESS:

Would you explain...

I appear for the witness. The witness refuses to answer questions which might involve him in any criminal proceedings, which might tend to incriminate him and involve him.

I have advised the witness, My lord, to answer questions, concerning dates on which he may have been convicted, for which he may have been convicted since 1941. The witness, My Lord, has been convicted on several occasions. He is

IZZIE LITWACK

prepared to answer questions concerning those.

BY THE COURT:

The same rules as in the case of Silberberg.

MR. MYER GROSS, K.C.,

COUNSEL FOR WITNESS:

Yes. He doesn't remember the dates of the convictions. I would ask my learned friend to point them out to him, and he can answer.

MR. PACIFIQUE PLANTE, K.C.,

COUNSEL FOR PETITIONERS:

Q Were you convicted on the 14th of June 1943, for keeping, as a keeper of a gaming house, at 371 West Ontario Street, in the city of Montreal?

A 370 what?...

Q 371....

ME UBALD BOISVERT, C.R.,

PROCUREUR DE CERTAINS INTIMES:

Est-ce que c'est une poursuite provinciale ou municipale?

ME JEAN DRAPEAU,

PROCUREUR DES REQUERANTS:

Cela n'a pas d'importance.

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IZZIE LITWACK

ME UBALD BOISVERT, C.R.,

PROCUREUR DE CERTAINS INTIMES:

Non, on veut le savoir, ce n'est pas difficile de le dire. Si c'est une poursuite provinciale, cela ne s'applique pas à l'enquête.

ME JEAN DRAPEAU,

PROCUREUR DES REQUERANTS:

Peut-être que cette date-là, que nous pourrions déclarer le système suivi. Il peut y avoir d'autres offenses mentionnées là-dedans.

ME UBALD BOISVERT, C.R.,

PROCUREUR DE CERTAINS INTIMES:

Si on veut faire enquête sur les arrestations provinciales...

PAR LE PRESIDENT:

J'ai déclaré que nous n'avons aucune juridiction sur les affaires provinciales.

PAR LE PRESIDENT:

(à Me Pacifique Plante, C.R.:)

Vous avez une liste assez longue.

IZZIE LITWACK

Me PACIFIQUE PLANTE, C.R.,

PROCUREUR DES REQUERANTS:

Oui, Votre Seigneurie.

PAR LE PRESIDENT:

Pourriez-vous compter, à peu près, le nombre de condamnations.

ME PACIFIQUE PLANTE, C.R.:

J'ai les deux dossiers, Votre Seigneurie.
Nécessairement, les deux se complètent.

MR. MYER GROSS, K.C.,

COUNSEL FOR WITNESS:

I shall like to point out, Your Lordship, just for the purpose of the record, so that you will understand.

I see here, convictions against the witness by the provincial and the municipal police.

In the case of Shulkin, it is quite possible, that he never had one hundred and two (102) convictions, if that was the system followed.

MR. PACIFIQUE PLANTE, K.C.:

In the case of Shulkin, there were (102) convictions.

IZZIE LITWACK

BY THE COURT:

Whether it is twenty-five of fifty-five, the difference isn't big enough.

MR. PACIFIQUE PLANTE, K.C.:

We can assure you the registers are there for Shulkin, it was one hundred and two (102) convictions.

BY THE COURT:

It will be understood the questions put to the witness should concern only the dates on which he was arrested, maybe the day before or after.

MR. PACIFIQUE PLANTE, K.C.:

With no reference whatever about the provincial police, we are not interested in that aspect.

BY THE COURT:

No evidence will be allowed for anything which would incriminate the witness for a period of a week or a month, during which he could have been arrested, but he was not. Supposing he was six months without being convicted, we ~~would~~ won't be allowed to question him during that period, because the evidence could be

IZZIE LITWACK

used against him, according to what /his claimed
by his attorney, not according to me.

Now, it is 4.15 o'clock, I presume this witness
will be fairly long, instead of starting for about
10 minutes, and then adjourn, it might be more
convenient for you, if we adjourn until tomorrow
morning.

AND FURTHERMORE WITNESS SAITH NOT.

LUCIEN GUERTIN
COURT REPORTER.

WILLIAM MINOGUE

In the year of Our Lord, One thousand nine hundred and fifty, on the 6th of October, has appeared:

WILLIAM MINOGUE,

52 years of age, assistant-inspector of the Montreal police department, in charge of number 10 station, residing at number 5382 Snowden Avenue, in the city of Montreal and province of Quebec, witness heard on behalf of the petitioners.

Who, after being duly sworn upon the Holy Evangelists, doth depose and say:

ME UBALD BOISVERT, C.R.,

PROCUREUR DE CERTAINS INTIMES:

Le dernier témoin qui a été assermenté hier, c'était un monsieur Litwack. Il a été assermenté dans la boîte, et il n'y a rien qui nous dit que son témoignage soit suspendu.

PAR LE PRESIDENT:

J'ai demandé d'ajourner, parce qu'il était quatre heures et quart. Maintenant, je suppose qu'on veut libérer ce témoin-là, le plus tôt possible, son témoignage peut prendre quelques minutes.

WILLIAM MINOGUE

Me PACIFIQUE PLANTE, C.R.,

PROCUREUR DES REQUERANTS:

Tout simplement.

BY THE COURT:

Q Of what division are you assistant inspector?

A Western division.

Q You are in charge?

A Of number 10 station, and assistant-inspector of Western division.

EXAMINED BY MR. PACIFIQUE PLANTE, K.C.,

COUNSEL FOR PETITIONERS:

Q Who is your immediate...The first preliminary question. By whom were you requested, by anyone to appear before this Court, this morning?

A Inspector Rawley, is in charge of Western division. First, I am in charge of number 10, and he advised me to appear this morning, to be in a better position to give the Court better particulars, if it is necessary.

Q You have not received any orders from me to come before this Court?

A No, Your Honour, not from Mr. Plante.

Q You say that your immediate superior is inspector Rawley?

WILLIAM MINOGUE

- A Yes, Your Honour.
- Q Who is inspector of the Western division?
- A Yes, Your Honour.
- Q How many district stations does the western division comprise?
- A Eight stations.
- Q Would you enumerate them, please?
- A Number 10, that's the corner of St.Luke, 1684 St.Luke Street.
- Q That's the headquarters for the inspector?
- A Yes.
- Q Number 6?
- A Montfort.
- Q And?
- A St.James.
- Q And?
- A Number 9, the civic address is Shearer Street, and Grand Tronc. Number 17 station, St.James and College.
- Q McGill College?
- A No, College. Number 25 station, Monk Blvd at Jolicoeur Street, number 23 station, 3571 Botrel Avenue, Notre-Dame de Grâce. Number 18 Station, Gatineau North of Swail Street.
- Q North of ...
- A We Swail. I haven't got the civic number, and number 10 station, 1260 Remembrance Road.

WILLIAM MINOGUE

- Q How long have you been connected in any capacity with number 10 station?
- A Since september 9th, 1947, Your Honour.
- Q Where were you stationed previous to that?
- A I was captain at number 23 station, Notre-Dame-de-Grâce.
- Q How long have you been assistant-inspector of the Western division?
- A Just a little over three years, Your Honour.
- Q Were you promoted at the same time as inspector Rawley, or before him, were you assistant-inspector?
- A After him, there was assistant-inspector Barnes. I replaced assistant-inspector Barnes, in 1947.
- Q Do you know who was the inspector of the Western division, before inspector Rawley?
- A Inspector Patrick Lawton.
- Q Did you ever serve under him, as assistant-inspector?
- A No, Your Honour.
- Q Do you know if in these other stations...At station number 23, you were captain there?
- A Yes, Your Honour.
- Q How long were you captain at number 23?
- A A little over three years, Your Honour.
- Q That would be from what date?
- A 1944 to 1947.
- D During that period of time, were there any padlocking orders sent from the Recorder's Court to your office

WILLIAM MINOGUE

for execution?

A Yes, Your Honour.

Q Who would generally see to the execution of those padlocking orders?

A The captain, accompanied by a morality squad officer, to apply the padlock, to show him where the raid was made, and accompanied by a constable.

Q Whose responsibility was it to see that the padlocking that the padlock remained on the door, and that the premises or room, the premises against which a padlocking order had been received, remained padlocked? Whose responsibility was it?

A It is the captain of the district.

Q The captain of the district? As captain of that district, in that period, and in relation with the padlocking orders that were ordered to be executed, what means, if any, did you take to make sure that the padlocking was effective?

A Well, Your Honour, there is plainclothesmen attached to your station, they are advised, when they are passing that place, automatically, to examine the lock. I also went myself, personally. The sergeant was also notified and the beat men.

Q The beat men, also?

A Yes.

Q So, approximately...

A Four people received orders.

Q Did anyone keep a record...Did these people, these

officers, ~~which~~ or constables which you just mentioned, whose duty it was to see that the padlocking, to the efficiency of the padlocking, make any records of those?

A Your Honour, in Notre-Dame-de-Grâce, there was only one place.

Q There was only one place which was padlocked?

A That's all.

Q Which was that?

A 5014 Décarie Blvd, and they make verbal reports to me, Your Honour, if any. I would be advised of any abnormality, or if the same lock had been there or sealed, they would report to me, and we would see what action would be taken.

BY THE COURT:

Q Pardon me. You said Notre-Dame-de-Grâce?

A That's right.

Q That would be station number 23?

A Yes, Your Honour.

Q Only one, during the whole period?

A No, there was two that I can remember.

MR. PACIFIQUE PLANTE, K.C.:

Q You mean only one location?

A Yes, I had the administrative cares of N.D.G. number 23 station, between 1944 and 1947.

WILLIAM MINOGUE

Q Just your own personal experience?

A Yes.

Q9 Would you be in a position to give the Court, the name of the special constable or the man on the beat, or any of the officers ~~of-the~~ which you mentioned, in whose responsibility it was to see to the padlocking, to visit the padlocked place? Would you be able to gather those names?

A Well, I would be in a better position, if you will permit me to look up the records. Sometimes, your plainclothesmen lasted one month, two months, three months, and after years, I would have to look up the records. I would come back and answer that question perfectly for you.

Q With the permission of the Court, I will not suggest to you give us all the names, but if you gave us a few of the names of these constables or officers who made those visits, it would be sufficient, as far as we are concerned?

A There was a plainclothesman who has left the police department now, constable Albert Connolly, I forget his number.

Q And he has left?

A He has left.

Q Is he on pension?

A No, he resigned from the police department years ago.

- Q How long a time ago?
- A It must be seven or eight years ago.
- Q Anyone on the force that you would recall?
- A Number 485, Constable Raiche.
- Q He's in the force?
- A Yes.
- Q Do you know where he is?
- A Oh. yes.
- Q Which station?
- A number 17 station.
- Q Would you recall anymore?
- A Number 921, Sauvé.
- Q Is he still with the police force?
- A Oh. yes.
- Q Do you know where he is stationed?
- A Oh. yes, Sub. number 10 station.
- Q Would you recall another one, that would be enough?

Would Your Lordship, if he could bring, these men or send these men, say Tuesday.

PAR LE PRESIDENT:

Me Ahern, Me Masson, l'assistant-inspecteur Minogue dit que deux constables, Messieurs Raiche et Sauvé, pourraient peut-être donner certains renseignements...

WILLIAM MINOGUE

A Your Honour, I will have to check the records, to make sure they are right. Then padlocks, if I remember, were put on in 1944. ^{Q.-} If after examining your records, you find that these were not the pertinent witnesses, would you advise us?

A I will bring in the men, that were on duty at that time.

MR. EDOUARD MASSON, K.C.,

COUNSEL FOR THE CITY OF MONTREAL;

Q With whom should I communicate to get these two constables?

A Chief inspector Pleau. I am not sure if they were. I will have to look in inspector Pleau's office, he will have the records here, but I will report to you, to verify that they are the men.

MR. PACIFIQUE PLANTE, K.C.;

Q If you find other names, would you bring them?

A With pleasure, Your Honour.

BY THE COURT:

That is for number 10 station?

MR. PACIFIQUE PLANTE, K.C.:

Oui, Votre Seigneurie.

BY THE COURT:

Q Any other stations, in which you would be interested in getting other reports?

MR. PACIFIQUE PLANTE, K.C.:

Yes, but I don't know if the proper officers are here.

A I represent number 10 station.

PAR LE PRESIDENT:

On me dit que ce sont des constables.

ME UBALD BOISVERT, C.R.,

PROCEUREUR DE CERTAINS INTIMES:

On peut s'adresser à Monsieur Pleau. Je suis prêt à demander à Monsieur Pleau de faire comparaître les témoins dont ils ont besoin.

BY THE COURT:

Q You don't know if the other stations in your division have kept records about that?

A I don't think so, Your Honour, because they... we made reports in the last, every month, concerning them.

Q If they did, it is not to your knowledge?

WILLIAM MINOGUE

A No, I don't think there is any record of them, with regard to those details.

MR. PACIFIQUE PLANTE, K.C.:

Q Would they follow the same procedure as you did?

A Yes.

Q Do you think they would be in a position to inform the Court which station did the visiting?

A That's a big job to go back and check that, and the question...

Q Is it a big job? Could you not from the head office, from the secretary's office, Mr. Choquet's office, to know who was detailed as a special man in number 10 station, in 1941? There is in there, his address, Mr. Choquet's office has a record for each officer, to trace where he has been?

A Yes, Your Honour, there is a record in Mr. Choquet's office, and if the Court wants to bring them in here, we can do that business. I know that in the Western division, I don't know of any written records of men trying padlocked doors. The procedure was the same, is the same all over the Western division.

BY THE COURT:

Q The other divisions might have had a different system?

WILLIAM MINOGUE

A Yes.

MR. PACIFIQUE PLANTE, K.C.:

We will be satisfied if they gave us the names of a few officers whose duty it was to visit the places.

BY THE COURT:

Q Do you know certain gentlemen who have been captains, and assistant-inspectors in your division, during the period of 1941 to 1950? Not all of them, but if you know just a few?

A In 1941?

Q Who is captain now at shall we say number 6?

A There is captain Horace Thivierge.

Q How long has he been captain there?

A He has been there nearly four years, to my knowledge. Number 10 station, Your Honour, I can give you information about number 10.

Q You have the information for number 10?

A Yes, because it happened at assistant-inspector Barnes who was captain from 1944 to 1947. He was the officer in charge of number 10.

MR. PACIFIQUE PLANTE, K.C.:

Q He is retired presently?

A Yes.

WILLIAM MINOQUE

Q He would not be in a position to dig out in the police records, to know who was in charge of one particular duty or not?

A The police records are opened to him, to serve the Court, at any time. Your Honour, any records he wants, he can have them at number 10, any information he wants, he can go back and have them.

BY THE COURT:

Q Number 18 station, do you know who was captain there? Do you know of any captain there, during that period?

A What date? 1941?

Q 1941 to 1950?

A Captain Hugh McCoy. He is at present the captain there.

MR. URBAIN SIMONEAU;

COUNSEL FOR SOME OF THE ACCUSED:

He is here this morning.

A He is presently captain at number 18.

MR. PACIFIQUE PLANTE, K.C.:

Q Do you the captain of number 25 station?

A Yes, captain Eugene Duchaine, presently.

Q How long has he been there? Do you know?

A Nearly four years.

Q Previous to him, do you know ~~who~~ who was there?

A No, Your Honour, I will have to consult the records, to make sure, there.

Me PACIFIQUE PLANTE, C.R.:

Je crois que dans les circonstances il serait préférable de communiquer avec monsieur Choquet, par l'entremise de Monsieur Masson. On pourra obtenir cela plus facilement.

A You can get a list of our department, of our officer in charge.

ME URBAIN SIMONEAU,

PROCUREUR DE CERTAINS INTIMES:

On peut demander à tous ces capitaines de stations-là d'être ici présent.

PAR LE PRESIDENT:

Pas tous ensembles.

ME URBAIN SIMONEAU,

PROCUREUR DE CERTAINS INTIMES:

Il peut arriver qu'un capitaine dont il n'est pas fait mention dans la requête vienne. On devrait faire une espèce d'émondage pour les

WILLIAM MINOGUE

autres, dans lesquelles, les stations sont visées.

PAR LE PRESIDENT:

Les déranger premièrement, et deuxièmement, les interroger pendant quinze minutes, pour apprendre qu'ils ne savent rien de l'enquête. Je crois que monsieur Plante pourra faire l'émondage d'ici.

ME PACIFIQUE PLANTE, C.R.:

Nous allons donner les adresses à monsieur Choquet, il va savoir, je vais lui donner la période. Alors ça va s'appliquer aux individus.

BY THE COURT:

Any questions to this gentleman?

ME UBALD BOISVERT, C.R.,

PROCUREUR DE CERTAINS INTIMES:

Je suppose que le témoin va revenir plus tard.

ME PACIFIQUE PLANTE, C.R.:

Oui.

WILLIAM MINOGUE

PAR LE PRESIDENT:

Sous réserve du droit de contre-interroger.

AND FURTHERMORE WITNESS SAITH NOT.

LUCIEN GUERTIN
COURT REPORTER .

HUGH McCOY

In the year of Our Lord, One thousand nine hundred and fifty, on the 6th of October, has appeared:

HUGH MC COY,
55 years of age, police captain of the city of Montreal residing at number 1691 Coughtry Avenue, ville St-Laurent and province of Quebec, witness heard on behalf of the petitioners.

Who, after being duly sworn upon the Holy Evangelists, doth depose and say:

EXAMINED BY MR. PACIFIQUE PLANTE, K.C.,

COUNSEL FOR THE PETITIONERS:

- Q What station are you in charge of, captain?
A Number 18, Côte-des-Neiges.
Q Since how long have you been captain there?
A The first of June 1944,
Q Would you recall if during that period, you received several padlocking ordonnances from the Recorder's Court, for execution in your district?
A I received none, we have none, none at Côte-des-Neiges.
Q None at Côte-des-Neiges?
A Never had.

ME PACIFIQUE PLANTE, C.R.;

Ca finit là.
AND FURTHERMORE WITNESS SAITH NOT.

HORACE THIVIERGE

En l'an de Notre Seigneur, mil neuf cent cinquante,
le 16 6 octobre, a comparu:

HORACE THIVIERGE,

Agé de 59 ans, capitaine de police de la cité de Montréal,
résidant à 104 4ième avenue, Verdun, province de Québec,
témoin entendu de la part des requérants .

Lequel, après avoir prêté serment sur les Saints
Évangiles, dépose et dit:

(INTERROGE PAR ME PACIFIQUE PLANTE, C.R.,)

Votre Honneur, si vous me le permettez, cela
fait soixante heures que je n'ai pas dormi, que
j'ai été sur pieds. J'ai emporté des documents.
Je ne suis pas bien bien dans une condition, je
suis consentant, si ce n'est pas trop long, si
Votre Seigneurie veut me libérer maintenant.

PAR LE PRESIDENT:

Si les questions sont très courtes, peut-être
pourriez-vous disposer de monsieur Thivierge.

INTERROGE PAR ME PACIFIQUE PLANTE, C.R.,

PROCUREUR DES REQUERANTS:

D Depuis combien de temps êtes-vous en charge du
poste numéro 6?

R Depuis 1945, je crois, au mois de juin.

D Vous souvenez-vous si des ordonnances de cadenas

HORACE THIVIERGE

vous ont été adressées pour exécution dans votre district?

R Oui, Votre Honneur.

D Vous rappelez-vous s'il y en a eu plusieurs?

R Depuis 1945, j'en ai eu à peu près sept ou huit.

D Vous rappelez-vous quelles adresses?

R Ah, bien là, les adresses, ce matin, sur la rue Des Inspecteurs. Sur la rue St-Antoine.

D De quelle façon est-ce que vous avez procédé? Qu'est-ce que vous faisiez pour vérifier de jour en jour ou de semaine en semaine, si le cadenas qui avait été apposé demeurait en place?

R Ordre était donné aux constables spéciaux de porter une attention spéciale, à voir à ce que les cadenas ne soient pas dérangés, ainsi que les constables, comme on fait pour les autres magasins, qu'on tient. Une serrure, s'il y a quelque chose, ils nous avertissent, au point de vue vol, défonçage, s'ils trouvent une porte ouverte. Les raisons de ces renseignements, c'est pour notre propre personnel, c'est pour notre point de vue personnel, à nous autres. Si on trouve un vol, une porte ouverte, on tâche de trouver le propriétaire, c'est tout ce qu'on fait.

ME PACIFIQUE PLANTE, C.R.:

D La première partie de votre réponse était suffisante.

HORACE THIVIERGE

PAR LE PRESIDENT :

D Vous avez dit qu'il y avait eu sept ou huit ordonnances, durant la période que vous étiez à la tête de ce poste?

R Sept ou huit ordonnances, il y en a qui ont été deux fois pour la même maison.

D Combien de maisons environ ont été susceptibles, sujettes au cadenas, pendant que vous étiez capitaine?

R A peu près cinq.

- D A peu près cinq?
- R A peu près cinq.
- D En tout sept ou huit ordonnances?
- R Ils étaient fermés tout de suite, dans le temps que j'étais là, en 1945, 6, 7 ou 8 qui ont ouvert deux jours après qui étaient cadénassés.
- D Tenez des registres contenant les noms des hommes qui...
- R Il y a toujours des registres, dans le journal, .. les constables spéciaux, ils ont instructions de faire une attention spéciale, ils font un rapport spécial.
- D Font-ils une inscription dans le registre?
- R Non, on a toujours eu un livre, je crois qu'en 1945, il y a quelques pages qu'ils inscrivaient leurs visites, chaque date est marquée dans le livre, O.M.
- D Avez-vous encore ce livre-là?
- R Je le crois, Votre Honneur.
- D Est-ce qu'il serait possible de l'envoyer par quelqu'un?
- R Je ferai mon grand possible, Votre Honneur.
- Ø
ME PACIFIQUE PLANTE, C.R.:
- D Est-ce qu'il y aurait possibilité également, d'avoir les noms de trois ou quatre des officiers ou constables qui avaient pour mission de surveiller dans ce temps-là, la surveillance générale de ces

endroits-là?

R Le constable Côté, numéro 1134.

D Vous souvenez-vous d'un autre?

R Numéro 1383, Vottereau. Le constable Hobbs, aujourd'hui sergent-détective. Le constable Leblanc, je ne sais pas son numéro. Ça, je vous parle de 1945. Avant ça, je ne sais pas.

PAR LE PRESIDENT:

On a parlé de certains registres concernant certains établissements de nature publique. Est-ce que vous auriez des questions à poser à ce sujet-là?

ME PACIFIQUE PLANTE? C.R.:

D Dans ces registres, est-ce que vous enregistriez les locataires ou les occupants des maisons...

R Seulement que l'adresse, Votre Honneur.

D Qui était après la descente de la police?

R Seulement l'adresse de l'endroit où y avait un cadenas.

D Voulez-vous dire dans le registre du recensement?

R J'en ai un ici, on enregistre tout ce qu'il y a, restaurant, hotel, taverne, ainsi de suite. Quand c'est club, on marque club.

D Voulez-vous aller les chercher? Quel est le plus ancien?

R Oh, je crois bien que c'est celui là, depuis 1946; Voyez-vous, Votre Honneur, y font le recensement une année, ils prennent un livre, ils recommencent. Quand il y a des nouveaux locataires ou propriétaires, ils n'y touchent que quand c'est un nouveau

ils le marquent. Vous allez voir qu'ils sont par mal barboullier, on est à faire le recensement de cette année.

D Mettez-donc 1945?

R Tiens, vous en avez justement un ici, 1831 Notre-Dame, Tbra Nova Club. J'avais seulement le numéro de téléphone, au cas où on trouverait la porte ouverte. Ça c'est des renseignements pour notre besoin personnel du poste, quand unconstable trouve une porte ouverte soit chez le boulanger soit dans la taverne, ainsi de suite, c'est pas pour rapporter les maisons de prostitution ou de gambling, c'est seulement les magasins, les clubs.

D Les avertissez-vous dans un cas d'incendie?

R On les avertit si on trouve la porte ouverte, dans le cas de feu on cherche à trouver le propriétaire.

D Ce sont des personnes en autorité dans vous entrez les noms, que ce soit le gérant ou le propriétaire ou l'assistant-propriétaire, c'est une personne en autorité?

R Je ne comprends pas ça.

D Dans un magasin, le constable prend-il le nom du messenger?

R Le nom du gérant ou propriétaire, ça prend six mois pour faire le recensement.

PAR LE PRESIDENT:

D Je ne sais pas si vous en aviez dans votre district, mais si vosse hommes voyaient un bookie?

- R Le constable faisait rapport.
- D Comment l'inscriviez-vous dans votre registre?
- R Ce n'est pas inscrit là-dedans, ce n'est pas un magasin.
- D Supposons ~~Supposons~~ que ce soit quelque chose qui soit enregistré ailleurs, comme club de bridge, comme celui-là, le Tera Nova? Et puis ça devient un bookie?
- R On fait rapport à part directement à la moralité.
- D C'est le rapport que vous envoyiez....
- R A l'inspecteur de division.
- D Supposons que vous ayiez un magasin, un restaurant, ayant comme devanture un restaurant, mais qu'en arrière vous avez un bookie?
- R On en fait rapport immédiatement à l'inspecteur.
- D Comment l'inscrivez-vous dans vos registres?
- R Seulement restaurant. Nous autres, ça c'est une autre chose à part, on tient des filières. Le rapport de la moralité, c'est un rapport, une grand feuille jaune qu'on tient à part.
- D L'envoyiez-vous immédiatement?
- R On l'envoie immédiatement à l'inspecteur de la division, qui l'envoie à la moralité.

ME PACIFIQUE PLANTE, C.R.:

- D Serait-il advenu, à votre poste, qu'une maison de jeux était visité, par exemple, deux trois fois par mois, par l'escouade de la moralité, et qu'on vous envoyait des rapport à cet effet-là? Est-ce

que vous considérez... Quel status donniez-vous à la maison? Est-ce que vous allez considérer que c'est un endroit public, en cas d'incendie ou de troubles?

R Tout le recensement, c'est tout ce qui concerne les magasins, en partie, des magasins, des manufactures, des industries.

PAR LE PRESIDENT:

D Des bureaux?

R Des bureaux.

D Des agences?

R Des agences.

D Des agences d'importation?

R Des agences d'importation, tous les bureaux qu'il y a dans la bâtisse, dix étages, cinq étages, on l'enregistre.

D Si un bookie s'appelle agence, par exemple?

R Ça, pour l'enregistrer, si le constable constate qu'il y a un bookie en arrière, on en fait rapport séparément.

R Si le bookie est en avant?

R La même chose. Ça, le rapport de la moralité, est tenu séparément, pour pas que personne voit ça. un constable doit faire rapport... On a eu des instructions depuis que je suis dans le département que tous les constables du poste, comme les constables

spéciaux, sont avertis que quand ils voient quelque-
chose illégale, d'en faire rapport à l'officier au
poste, et ce dernier m'en fait rapport, et ensuite,
on fait enquête, on envoie les spéciaux pour voir
si c'est vrai, et là, c'est envoyé à l'officier
supérieur.

D Dans ces registres que vous avez mentionnés, vous
n'avez jamais mentionné de bookies, ou de maisons
de prostitution ou de jeux?

R Non, Votre Honneur, c'est seulement des places
commerciales. S'il y a un restaurant et un bookie
en arrière, c'est le rapport qui est fait. C'est
un registre seulement pour notre besoin personnel
du poste.

ME PACIFIQUE PLANTE, C.R.:

D Lorsqu'une licence de restaurant est accordée
à un établissement, dans votre district, par
exemple en étiez-vous informé?

R Comment voulez-vous dire?

D Si une licence de restaurant est accordée à un
établissement, par la ville de Montréal, dans
votre district, dans le district d'un capitaine,
est-ce que le capitaine en est informé?

R C'est-à-dire, nos spéciaux font la ronde, y font
le recensement, ils s'informent pour les licences.

D Et c'est la seule façon que vous le savez?

R Oui, Votre Honneur....

ME UBALD BOISVERT? C.R.,

PROCUREUR DE CERTAINS INTIMES:

Mon confrère devrait laisser répondre le témoin, et non pas l'interrompre.

R Il prend avantage parce que j'ai pas dormi ça fait soixante (60) heures.

PAR LE PRESIDENT:

Si vous le préférez, vu que vous êtes fatigué...

R Les restaurants sont visités.

ME PACIFIQUE PLANTE, C.R.:

D Ce n'est pas ça que je vous demande...

PAR LE PRESIDENT:

D On vous demande si la visite de vos hommes est le seul moyen qui soit mis à votre disposition pour découvrir les nouvelles licences accordées dans votre district.

R Ce sont les constables spéciaux qui s'occupaient de ça, et moi-même.

D Est-ce que ceci est le seul moyen à votre disposition?

R C'était le seul moyen, s'il n'a pas de licences, on prend action.

D Receviez-vous un avis ou une note quelconque du bureau émetteur des permis, pour vous dire qu'un nouveau permis avait été accordé à telle adresse?

R Dans certains cas, comme les maisons de chambres, on recevait un avis et certains restaurants. On en reçoit pour les nouveaux restaurants seulement.

D Vous en receviez pour les nouveaux?

R Pour la première fois, quand il ouvre son restaurant, on reçoit un avis.

D Comme moyen pour découvrir l'existence d'un nouveau permis, vous avez vos hommes d'abord, et deuxièmement, vous avez un avis du bureau des permis?

R Oui.

D Aviez-vous d'autres moyens?

R Non.

ME PACIFIQUE PLANTE, C.R.:

D Etiez-vous consulté avant l'émission?

R Pour celui qui prend son permis, il vient nous voir, en ~~temps~~ tant qu'il se conforme aux règlements de la ville.

D Est-ce que le bureau-chef ou l'état-major de la police ne vous demande pas votre opinion avant

HORACE THIVIERGE

à émettre un permis?

R Seulement quand c'est un nouveau venu qui veut ouvrir un restaurant, y vient me voir, je lui dis: en tant que vous vous conformerez aux lois de la ville, les lois provinciales et fédérales, je n'ai pas d'objection.

PAR LE PRESIDENT:

D La question qu'on vous pose est différente. Avant que le permis soit émis par le bureau-émetteur des permis, vous écrit-on pour vous demander si vous avez quelque chose contre l'émission du permis?

R Pas immédiatement, si je fais un rapport au capitaine Langlois comme quoi je n'ai pas d'objection.

D Le capitaine Langlois du département des permis? Alors vous envoyez un petit rapport, comme je n'ai pas d'objection, comme c'est un nouveau propriétaire, et vous lui donnez son permis? S'il commet une infraction, on prend action, on fait rapport, et lui annule sa licence? Est-ce que c'est la capitaine Langlois qui vous demandait d'abord de faire enquête au sujet de celui qui demandait un permis?

R Oui, Votre Honneur.

D C'est le capitaine Langlois qui vous demandait de faire enquête?

R Oui, le département des permis.

Ø ME PACIFIQUE PLANTE, C.R.:

D Si, par exemple, un permis est accordé, et que vous êtes satisfait que l'individu à qui le permis est accordé, et qu'après ça il se conduit mal, est-ce que vous avez un moyen de l'informer ou l'informez-vous?

R Oui, Votre Honneur, une fois par année on a un livre rouge, et puis on fait rapport chaque année sur les restaurants ou tout endroit sur la liste noire.

D Alors vous avez votre mot à dire là-dedans?

R D'après le nom, de ce qu'on peut voir, et notre enquête, nos constables et nous-mêmes, Si c'est vérifié par toute, je le sais pas.

D Si vous avez des reproches à faire contre un individu qui tient mal un restaurant, pouvez-vous envoyer vos observations aux quartiers généraux de la police, à sujet-là?

R C'est ça, Votre Honneur. On fait un rapport aux quartiers-généraux à propos de tel ou tel restaurant sur la liste noire.

PAR LE PRESIDENT:

B Si, par exemple, vous aviez un restaurant qui était bien connu, qui était un lieu de bagarres et qui vous causait des difficultés, et puis que vous voyez que cela se répétait à peu près quinze, vingt fois par année, est-ce que vous alliez lui faire

HORACE THIMIERGE

son permis?

R Oui, Votre Honneur. Je peux vous dire que ça été le cas de la maison de chambres, c'était le Bermuda. Monsieur Plante en a eu connaissance, il était assistant directeur. C'était sur la rue St-Jacques, 983, je crois, et Monsieur Lipson qui est propriétaire de ça aujourd'hui, c'était une femme en charge de ça alors. Votre Honneur, on a fait rapport à ce sujet-là, comme quoi des prostituées reconnues fréquentaient la place. Une cause a été faite par la moralité; ils ont gagné la cause.

D L'affaire se répétait, alors vous faisiez rapport?

R Voici ce qui est arrivé. Ça prend un an. La ville lui annule son permis, elle prend un avocat, elle va en Cour d'Appel ou en Cour Supérieure, et tandis ce temps-là, ça marche.

D C'est la Cour Supérieure?

R Ça m'a pris un an pour fermer le Bermuda, un an, un an et demie. Je pense que vous étiez là. C'est la loi qui est toujours contre nous autres là-dedans.

ME PACIFIQUE PLANTE? C.R.:

D A votre connaissance, est-ce que des permis de restaurant ont été accordés dans votre district dans des endroits, ou pour des endroits où il y avait un bookie ou une maison de jeux?

R Non, Votre Honneur, pas à ma connaissance.

HORACE THIVIERGE

D Pas à votre connaissance? Se peut-il qu'il y en a qui soit donnés en vous passant par-dessus la tête?

R Pas à ma connaissance.

D Ce n'est pas supposé se faire?

R Nos instructions sont très sévères. Le capitaine ne peut pas protéger parce qu'il est surveillé, il y a le bureau de la moralité qui surveille, l'état-major. Alors, le capitaine ne peut pas donner de protection à personne. Il faut rapport de ce qu'il voit, les choses. Si le capitaine dit qu'il peut donner de la protection, c'est pas le cas, parcee qu'il y a la moralité qui surveille, ils ont des investigateurs. Il ne peut pas dire je vais te donner de la protection, il y a d'autres surveillants.

D Avant d'être en charge du poste, avant le mois de juin, 1945, ou étiez-vous?

R Je crois que j'étais au poste 17, j'ai été là à peu près un an, un an et demie.

Ø ⁶/₄ PAR LE PRESIDENT:

D Étiez-vous capitaine?

R J'ai été nommé capitaine en 1943, au poste 25, on m'a transféré au poste 17, et du 17 on m'a transféré au 6, c'est-à-dire, permuté.

D Vous avez dit tout-à-l'heure, qu'à votre connaissance

HORACE THIVIERGE

aucun permis de restaurant a été accordé à des endroits où on tenait des bookies? A votre connaissance, des permis de restaurant ont-ils existés dans des endroits où on tenait des bookies?

R Pas dans mon district, parce que dans le district, moi, j'en connaissais pas. Il y avait un restaurant avant, mais il y avait le bookie de l'autre bord, il n'était pas dans la même bâtisse.

D Pas dans le même immeuble?

R Sur le même terrain, c'était un pauvre diable qui "shinait" les bottes en arrière.

ME PACIFIQUE PLANTE, C.R.:

D Dans aucun des postes, depuis que vous avez été capitaine, depuis novembre, 1941...

R Non, novembre, 1943.

D Vous avez été nommé capitaine en novembre, 1943?

R Oui.

ME PACIFIQUE PLANTE, C.R.:

L'interrogatoire va être très long.

PAR LE PRÉSIDENT:

Témoignage suspendu.

ME UBALD BOISVERT, C.R.:

PROCU REUR DE CERTAINS INTIMES:

Vous pouvez apporter votre livre.

HORACE THIVIERGE

ME PACIFIQUE PLANTE, C.Ré:

Je vais le faire produire.

- D Comment appelez-vous ce livre-là?
R Livre de recensement.
D Pour l'année?
R 1946.
D Pour le district?
R Numéro 6.
D Alors, voulez-vous le produire sous la cote E-181?
En avez-vous d'autres là?
R 1948.
D Voulez-vous le produire sous la cote.... quelle
est la date, quel est l'autre?
R 1949, Votre Honneur.

PAR LE PRESIDENT:

- D L'exhibit E-182 qui est pour l'année 1948, est-ce
que c'est ça?
R Pour le poste numéro 6, oui, Votre Honneur.

ME PACIFIQUE PLANTE, C.R.:

- D Voulez-vous produire comme exhibit E-183, le volume
de recensement pour l'année 1949, pour le district
numéro....
R Six.

ET LE TEMOIGNAGE EST SUSPENDU.

ET LE TEMOIN NE DIT PLUS RIEN.

LUCIEN GUERTIN

STENOGRAPHE OFFICIEL.

JOHN M. LAMOUREUX

En l'an de Notre Seigneur, mil neuf cent cinquante,
le 6 octobre, a comparu:

JOHN M. LAMOUREUX,

Agé de 47 ans, capitaine de police, demeurant au numéro
2296 Avenue Souvenir, en la cité de Montréal et province
de Québec, témoin entendu de la part des requérants,

Lequel, après avoir dûment prêté serment sur les
Saints Evangiles, dépose et dit:

INTERROGE PAR ME PACIFIQUE PLANTE, C.Ré

PROCUREUR DES REQUERANTS:

D Depuis combien de temps êtes-vous capitaine?

R Depuis Avril 1946.

D A quel poste?

R Au poste numéro 9.

D Avez-vous commencé comme capitaine au poste numéro
9?

R Capitaine-intérimaire, Votre Seigneurie.

D Au poste 9.....

PAR LE PRESIDENT:

D En 1946?

R En 1946, avril 1946, vers le 7 ou le 10, je sais
pas au juste.

ME PACIFIQUE PLANTE, C.R.:

D Actuellement, où êtes-vous capitaine?

JOHN M. LAMOUREUX

R Au poste numéro 9, au même endroit, Votre Seigneurie.

D Etiez-vous capitaine avant 1946? Quand avez-vous été promu capitaine?

R 1946. Je n'ai pas été nommé, j'ai été nommé capitaine-intérimaire en 1946.

D Etes-vous encore capitaine intérimaire?

R Non, monsieur, je suis capitaine promu.

D Depuis quand êtes-vous "full Captain"?

R Je ne pourrais pas vous dire au juste, ça pris un an avant que je sois nommé capitaine, ça été après.... le salaire a été rétroactif, c'est difficile à dire au juste, mais j'étais capitaine pareil.

PAR LE PRESIDENT:

D Comme capitaine intérimaire, vous aviez la direction du poste numéro 9?

R La pleine direction, c'est la même chose.

ME PACIFIQUE PLANTE, C.R.:

D Depuis que vous êtes capitaine au poste numéro 9, avez-vous eu l'occasion d'exécuter des ordonnances de cadenas par la Cour du Recorder, contre des maisons de désordre situées dans votre district?

R En quelle année?

D Depuis que vous êtes capitaine au poste numéro 9?

R Une fois, Votre Seigneurie.

D Pour quelle adresse, vous souvenez-vous?

JOHN M. LAMOUREUX

R 592 Congregation.

PAR LE PRESIDENT:

D Vous n'en avez jamais eu d'autres que cette ordonnance-là?

R J'en ai jamais exécuté d'autres, j'ai eu la surveillance de la cadennassation d'une ordonnance.

D Depuis 1946, vous-même, comme capitaine, vous n'avez jamais eu d'autres ordonnances que celle-là dans votre district?

R Du tout, c'est-à-dire, une ordonnance au point de vue Hookie.

D Une ordonnance de cadenas?

R On a eu une ordonnance, à part ça, à 612~~1~~ Maple.

ME PACIFIQUE PLANTE, C.R.:

Ce n'est pas couvert, Votre Seigneurie.

PAR LE PRESIDENT:

Alors, la preuve concernant l'ordonnance de cadenas à 592 Congrégation, devra être rayée.

ME UBALD BOISVERT, C.R.,

PROCURER DE CERTAINS INTIMES:

L'autre aussi.

JOHN M. LAMOUREUX

PAR LE PRESIDENT:

L'autre, naturellement; cela ne nous ne concerne pas du tout.

ME PACIFIQUE PLANTE, C.R.:

D Voulez-vous dire que vous n'avez ~~pas~~ exécuté qu'une seule ordonnance, c'est-à-dire, deux aordonnances, celles que vous venez de mentionner?

R Oui.

D Avez-vous fait rapport au directeur de la police en ce qui concerne....

MEURBAIN SIMONEAU, :

Le cas vient d'être réglé.

PAR LE PRESIDENT:

Je ne sais pas encore quelle va être la question, au sujet de quoi..., ~~si~~ finissez la question, et nous verrons.

ME PACIFIQUE PLANTE, C.R.:

D Pendant que vous étiez capitaine, est-ce que d' autres ordonnances ont été exécutées par votre district, par des officiers sous vos ordres?

R D'autres ordonnances à part, quelle ordonnance?

D A part des deux de la rue Maple et de la rue Congrégation?

R Non, pas dans mon temps, Votre Seigneurie.

D Pas dans votre temps?

R Non, monsieur; à ma mémoire, non.

ME PACIFIQUE PLANTE, C.R.:

Je vais suspendre son témoignage.

D Présentement, est-ce que vous êtes en charge des registres qui étaient compilés par vos prédécesseurs au poste numéro 9?

R Les registres précédant 1946, je les ai pas.

D Vous les avez pas?

R On les a pas.

D Savez-vous...Vous ne les avez pas?

R Non, monsieur.

D Savez-vous si quelqu'un les a, à la police?

R Je ne crois pas, je crois que ce sont des choses qui sont disparues depuis assez longtemps.

D Qu'est-ce que vous en savez personnellement? Vous pensez seulement?

R Au point de vue disparution?

B Oui?

R Quand je suis arrivé au numéro 9, le poste n'était pas bâti convenablement pour ces registres-là. Les registres étaient sur le deuxième plancher. Après que nous étions installés, il y avait vingt-cinq (25) personnes qui demeuraient en haut, sur le deuxième plancher, il y a un club devant, là, Alors, on a traversé dans le poste de police, une couple

JOHN M. LAMOUREUX

de cents personnes par jour, le va et vient, et je me suis aperçu que les enfants, peut-être bien, malheureusement, avaient brisé la chambre là où il y avait beaucoup de records. Là, je suis arrivé, j'ai tout ramassé ça et j'ai essayé de redresser ça. C'était tout bouleversé, il y avait des journaux ~~xxx~~ là-dedans. Alors, j'ai descendu ça à l'étage inférieur, Evidemment, alors, la reconstruction du poste a commencé et puis tous les planchers ont été enlevés, même les pupitres étaient supportés par des madriers. Cet état de chose-là a duré longtemps. Alors, j'ai conservé mes documents, là-dedans, j'ai mis ça dans la cave comme place temporaire, en attendant qu'on puisse placer tout ça en haut, lorsqu'on ne pouvait pas accrocher nos paletots. Le bureau et le téléphone se déménageaient toutes les fois que nous attaquait le plancher. Ils ont reconstruit tout le poste, à ma demande; On pouvait pas maintenir l'ordre de cette manière-là. Comme de raison, il n'y avait pas de voûte pour serrer les boîtes, c'était serré dans les armoires, du mieux que ça pouvait, et dans l'évènement de la construction, les vieux documents ont disparus. Ça été massacré par l'eau ou les ouvriers, et on pouvait savoir notre perte. Durant la construction, là c'était une reconstruction complète, changement à l'intérieur, les portes changées, les escaliers arrachées, rebâties complètement. Alors, ces documents-là....

JOHN M. LAMOUREUX

PAR LE PRESIDENT:

D Les documents sont disparus?

R Ça, tout a été perdu.

ME PACIFIQUE PLANTE, C.R.:

D Avant 1946, où étiez-vous. A quel poste étiez-vous attaché?

R J'ai été lieutenant au poste 23 à peu près 4 ans moins une période de 3 mois, en 1946, là où j'ai été au poste 17, et j'ai été transféré du 23 au 17 dans l'hiver, après les fêtes, en 1946, et je suis arrivé au 9, au numéro 9, en avril 1946. Avant ça, j'ai fait à peu près 4 ans comme lieutenant au poste 23.

D Lorsque vous étiez lieutenant au poste 23, est-ce qu'il vous est arrivé d'avoir à surveiller ou à voir aux cadenas, visiter les endroits cadénassés, de façon à faire rapport si le cadenas était toujours à la même place?

R Non, Votre Seigneurie.

D Ça ne vous est jamais arrivé?

R Je n'ai rien eu à faire avec ça.

PAR LE PRESIDENT:

D Vous avez déjà eu à faire à poser des cadenas?

R Non, comme responsabilité, c'est l'ouvrage du capitaine.

JOHN M. LAMOUREUX

- D Le capitaine, parfois, peut demander à un de ses subalternes de faire une partie de son ouvrage?
- R Oui, il pourrait faire ça. Il ne peut pas faire faire cet ouvrage-là, seulement, c'était à son inspecteur de lui demander de lui prêter un capitaine d'un autre poste, pour lui aider à faire l'ouvrage.
- D D'après vous, la visite faite à un endroit où le cadenas a été apposé doit être faite par le capitaine même, d'après vous?
- R Par le capitaine et les spéciaux.
- D Le capitaine doit aider s'il est capable de l'aider?
- R Le capitaine y va aussi souvent qu'il le peut, s'il est satisfait des derniers rapports, il peut vérifier par les hommes, par les rapports.
- D Comme lieutenant, vous n'avez jamais assisté...
- R Le lieutenant est simplement comme un homme de bureau, il tient les livres, il prend les rapports, désigne les factions. Il ne va pas en dehors du tout.
- D Rien sur le territoire?
- R Il fait seulement ses rapports, c'est tout ce qu'il a à faire, à moins qu'on en aurait besoin pour remplacer un autre.
- Ø
- ME PACIFIQUE PLANTE, C.R.:
- D Capitaine Lamoureux, est-ce que 1868 Wellington est dans le district numéro 23?
- R Pardon, Votre Seigneurie, c'est dans le district numéro 9, Pointe St-Charles.

JOHN M. LAMOUREUX

- D Etes-vous déjà allé à cette adresse-là?
- R Souvent.
- D Pourquoi faire?
- R Il y avait une salle de billard, je suis allé faire l'inspection, ensuite, il y avait une ordonnance.
- D Aviez-vous quelque chose à faire avec l'ordonnance?
- R La surveillance des cadenas seulement.
- D Est-ce que je ne vous ai pas demandé si n'aviez jamais eu à faire avec la surveillance des cadenas?
- R Je vous ai dit que oui, monsieur.
- PAR LE PRESIDENT:
- D Est-ce que vous n'avez pas dit qu'à part des ordonnances de la rue Congrégation et de la rue Maple, vous n'en aviez jamais eu une seule autre?
- R Exécutée, j'ai jamais exécuté d'ordonnances à part celles-là. Quant à l'ordonnance de la rue Wellington....
- D Attendez une minute. Celles-là vous dites que vous les avez exécutées. Ce sont les seules, celles de la rue Congrégation et de la rue Maple. Maintenant, on vous a demandé...
- R Pardon, Votre Seigneurie.
- D Un instant. Vous me corrigerez si je fais erreur. Ensuite on vous a demandé si vous aviez déjà visité des cadenas pendant que vous étiez lieutenant. Vous avez dit jamais.
- R Lieutenant, non.

JOHN M. LAMOUREUX

D Est-ce qu'on vous a demandé si vous aviez visité des endroits cadenassés pendant que vous étiez capitaine?

R Non, monsieur.

D On vous ne l'a pas demandé encore?

R Pas encore.

D En avez-vous visités?

R Oui, Votre Seigneurie.

D Lesquels en lequel?

R J'ai visité 1868 Wellington, c'est l'adresse, je crois, que l'avocat m'a demandé. J'ai visité 592 Congrégation, j'ai visité 612 Maple, c'est tout.

D Quant à 1868 Wellington, vous n'avez pas apposé le cadenas vous-même?

R Ça, l'ordonnance, pour les six mois, j'en ai eu la surveillance pour les deux derniers mois, quelques jours.

D Pour quelle raison n'en n'avez-vous pas eu la surveillance?

R Parce que je n'étais pas appointé à ce district-là. J'ai commencé au mois d'avril, et l'ordonnance a commencé au mois de décembre, l'ordonnance 112, je crois.

D Ça c'était en 1947?

R 1946. L'ordonnance était... Je suis arrivé en avril 1945, il y avait à peu près quatre mois d'échu sur l'ordonnance. J'ai complété la surveillance, j'ai fait enlever le cadenas.

JOHN M. LAMOUREUX

PAR LE PRESIDENT:

D Mais la question était tout simplement... pour que nous puissions nous comprendre, exécution et surveillance, ce sont deux choses différentes.

ME UBALD BOISVERT, C.R.:

PROCUREUR DE CERTAINS INTIMES:

D Vous n'avez pas d'autres explications? Est-ce qu'on vous a interrompu sur les explications?

R Ne ne crois pas, je crois que je comprends; je n'ai pas exécuté d'ordonnances, l'ordonnance 112, j'ai simplement fini la surveillance et j'ai enlevé le cadenas.

ME PACIFIQUE PLANTE, C.R.:

D Est-ce que quelqu'un a fait rapport au directeur de la police que l'ordonnance 112 avait été exécuté conformément aux prescriptions du Juge?

R Non.

D Personne ne fait rapport au directeur?

R J'ai fait le rapport du jour...

D Au directeur de la police....

ME UBALD BOISVERT, C.R.:

S'il y a un rapport par le capitaine Lamoureux, qu'on le sorte, qu'on lui montre. Vous l'interrogez sur un document, un rapport qui a été

JOHN M. LAMOUREUX

fait il y a longtemps. Qu'on lui montre le dossier.

ME PACIFIQUE PLANTE, C.R.:

Votre Seigneurie, je soumetts respectueusement, que ce n'était pas mon intention d'entrer dans cet interrogatoire-là pour le moment.

ME UBALD BOISVERT, C.R.:

Vous êtes aussi bien de finir, c'est la seule accusation.

ME PACIFIQUE PLANTE, C.R.:

Nous allons décider de ça, moi-même.

ME EDOUARD MASSON, C.R.:

ME UBALD BOISVERT, C.R.:

ME URBAIN SIMONEAU, :

Ça, ça dépend du Juge enquêteur.

PAR LE PRESIDENT:

Monsieur Plante, a changé sa phrase vers la fin, est-ce qu'il ne serait pas préférable de continuer avec la preuve que vous vous proposiez de faire ce matin, obtenir des renseignements, plutôt que de rentrer dans

JOHN M. MAMOUREUX

l'interrogatoire des officiers au sujet de leurs propres actes. Il me semble qu'il serait préférable.

ME UBALD BOISVERT, C.R.:

Il n'y a qu'une accusation.

PAR LE PRESIDENT:

D Durant la période où vous avez été capitaine, vous n'avez eu à surveiller qu'une seule exécution d'ordonnance de cadenas? Vous n'avez probablement pas tenu de registre spécial pour les cadenas?

R Oui, Votre Seigneurie.

D Vous en avez tenu quand même?

R Nous faisons rapport à tous les mois sur les cadenas, que les cadenas, voulant dire qu'ils sont encore là, que rien n'a été dérangé.

D Pendant que les cadenas étaient là?

R Quand la période est finie, c'est à nous de savoir quand enlever le cadenas.

D Vous avez peut-être fait rapport, mais ma question est à cet effet: Avez-vous tenu un registre spécial concernant les cadenas?

R Les registres contiennent...c'est les copies de nos rapports.

D Vous n'avez pas tenu de registre spécial?

R Non.

JOHN M. LAMOUREUX

R Non, On sait que tous les jours, les hommes sont allés....

D Vous n'avez pas de registre spécial?

R Non, on n'a pas de registre sur ça.

PAR LE PRESIDENT:

(à Me Pacifique Plante, C.R.):

Avez-vous d'autres renseignements à demander au capitaine au point de vue des livres de recensement?

R Les livres de recensement, on n'a quelques uns, on garde pas ça beaucoup, parce que si c'est passé l'année passée... On en a quelques uns; antérieurement à 1946, on en a pas.

D Avez-vous des livres de recensement depuis 1946?

R Depuis 1946, je crois que j'ai 1947, 1948 et 1949.

D Pouvez-vous les conserver ces livres-là, au cas ou on en aurait besoin?

R Certainement, Votre Honneur.

Témoignage suspendu sous réserve du contre-interrogatoire.

ET LE TEMOIN NE DIT PLUS RIEN.

LUCIEN GUERTIN

Sténographe Officiel.

~~JOHN~~ ARMAND LEFEBVRE

En l'an de Notre Seigneur, mil neuf cent cinquante,
le 6 octobre, a comparu:

ARMAND LEFEBVRE,

Agé de 44 ans, Lieutenant de police de la Cité de
Montréal, demeurant au numéro 5320 de l'avenue Décelles,
en la Cité de Montréal et province de Québec, témoin
entendu de la part des requérants.

Lequel, après avoir dûment prêté serment sur les
Saints Evangiles, dépose et dit:

INTERROGE PAR ME PACIFIQUE PLANTE, C.R.,

PROCUREUR DES REQUERANTS:

D A quel poste êtes-vous?

R Présentement, capitaine intérimaire au poste 17,
St-Henri.

PAR LE PRESIDENT:

Ø Le poste 17. Est-ce que ce poste-là vous
intéresse?

ME PACIFIQUE PLANTE, C.R.:

Je ne sais pas, Votre Seigneurie.

D Depuis quand êtes-vous capitaine intérimaire?

R Capitaine intérimaire seulement depuis le 25
septembre 1950.

ARMAND LEFEBVRE

- D Où étiez-vous attaché avant et à quel titre?
- R J'ai fait deux ans au poste 25, à Ville -Emard, comme lieutenant.
- D Pendant combien de temps avez-vous été au poste 25?
- R Je suis là depuis le 27 juin, 1950.
- D Avant ça?
- R Avant ça, lieutenant au poste numéro 22, à Rosemont.
- D Combien de temps là?
- R Du ~~1^{er}~~ 1^{er} mai.... du 18 mars, au 1^{er} mai 1950.

PAR LE PRESIDENT:

Encore cette année?

ME PACIFIQUE PLANTE, C.R.:

Nous pouvons trouver des témoins plus au courant.

PAR LE PRESIDENT:

- D De 1941 à 1948, avez-vous été, avez-vous rempli des fonctions assez importantes dans la cité, dans certains postes, de la cité de Montréal?
- R De 1941 à date, lieutenant dans différents postes.

ME PACIFIQUE PLANTE, C.R.:

- D En 1941, à quel poste, vous rappelez-vous?
- R En 1941, sur l'escouade anti-communiste pendant un bout de temps; j'ai été 7 ans sergent, lieutenant,

ARMAND LEFEBVRE

sergent un bout de temps, sergent 1936, lieutenant
1941, escouade anti-communiste. De là, au départe-
ment des prisonniers pendant trois ans.
ET LE TEMOIN NE DIT PLUS RIEN.

LUCIEN GUERTIN
STENNOGRAPHE OFFICIEL.

IZZIE LITWACK

In the year of Our Lord, One thousand nine hundred and fifty, on the sixth of October, has appeared:

IZZIE LITWACK,

witness previously produced on behalf of the petitioners.

Who, under the oath already taken, doth depose and say:

EXAMINED BY MR. PACIFIQUE PLANTE, K.C.,

COUNSEL FOR PETITIONERS:

Q Do you recall if you were convicted as a keeper of a common gaming house at 1455 Metcalfe, on the 10th of July, 1943?

A Yes.

Q Do you also recall of being convicted as a keeper of a common gaming house at the same address in the City of Montreal, on the 17th December 1943?

A No, I don't remember.

Q You don't remember that? It was a provincial accusation?

A It is a provincial accusation.

BY THE COURT:

Q Do you recall the exact dates on which you were convicted? Are you ready to admit that you have been as often as it is shown on the record which is in the hand of this gentleman?

IZZIE LITWACK

A Yes.

ME UBALD BOISVERT, C.R.,

PROCUREUR DE CERTAINS INTIMES:

Votre Seigneurie, je suggère qu'on réfère au paragraphe de la requête, dans lesquelles, on allègue ses condamnations contre lui.

PAR LE PRESIDENT:

Peut-être plus tard, mais là, je veux savoir s'il serait prêt. Naturellement, il ne se rappelle pas.

D You are ready to admit that you have been convicted as often as it is shown on the police sheet or the police records? Are you? You are not obliged to admit that, but do you think the police records are correct?

A Yes.

C'est inutile de demander à ce témoin-là s'il se rappelle avoir été condamné le 13 septembre ou le 12 août 1943.

MR. PACIFIQUE PLANTE, K.C.:

Q When you were convicted on the 10th of ~~July~~, as a keeper of a common gaming house at 1455 Metcalfe Street, what ^{had}/brought you there, at 1455 on that day? You were convicted on the 10th, but you were

IZZIE LITWACK

arrested a few days before.

Est-ce que Votre Seigneurie, va accepter la preuve entre la date de l'arrestation et la date de la conviction?

PAR LE PRESIDENT:

Au sujet de ces faits-là, je ne sais pas encore quelles sont les questions que vous voulez poser.

MR. PACIFIQUE PLANTE, K.C.:

Q Were you not arrested on the two dates I mentioned? Would you recall whether you were arrested by the Provincial Police or the Municipal Police? Do you recall?

A I don't remember.

Q Do you recall how many times you were arrested and convicted as the keeper of 1455 Metcalfe Street?

BY THE COURT:

Q About?

A Once or twice, I am not sure.

MR. PACIFIQUE PLANTE, K.C.:

Q Could it be three times?

A No, I don't think so.

Q The name of Izzie Litwack that you have just given,

IZZIE LITWACK

is it your wight name?

A Yes.

Q Have you ever been convicted under some other name?

A I guess so.

Q Would you recall under what names? Werey you ever convicted under the name of Lettnar?

A Yes, I. Littner.

Q ~~Exp~~ E, capital E, as in Edward?

A No, my initial is I.

Q Yes, but do you recall whether you were convicted under the name of E. as in Edward Lettner?

A It is possible.

Q How do you spell your name?

A My right name, Litwack.

Q Were you ever convicted under the name of Izzie Litwack?

A Yes.

Q Were you ever convicted under the name of Izzie Littner?

A Yes.

Q Were you also convicted under the name of Ezzie Leitner?

A Yes.

Q I am asking you in what circumstances, what circumstances brought you to 1455 Metcalfe, in the

IZZIE LITWACK

middle of July 1943? What brought you there?

A I was working there.

Q You were?

A What was it?

Q It was a game of dice? Was it barbotte?

A Barbotte, yes.

Q It was a barbotte? How long had you been working there?

A In that place?

Q Yes?

A I don't remember.

Q Was it a month, two months or three months?

A Maybe a month or three weeks.

Q Who was your employer there?

A Arthur Davidson.

Q Your employer was Arthur Davidson?

A Yes.

Q That was your boss in 1943?

A From 1941 until 1945.

BY THE COURT:

Q From what?

MR. RACIFIQUE PLANTE, K.C.:

Q Just a moment. He was your boss from 1941 to ...

A 1945 or 1946.

Q Until he died?

IZZIE LITWACK

A Yes.

BY THE COURT:

Q Is it possible for you to speak a little louder?

A Yes.

MR. PACIFIQUE PLANTE, K.C.:

Q Did you work in several gaming houses for Arthur Davidson?

A Yes.

Q Did you know Arthur Davidson well?

A Well, I was working...

Q You knew him well? Do you recall different places different gaming houses, where you worked for Arthur Davidson?

A I could not remember, they used to move often.

Q In 1941?

A From 1941 until....

Q Did they move often in 1941?

A Yes, Oh. maybe every second week.

Q Every second week? You're sure of that?

A Yes.

Q Do you know personally, or if you were told?

A No, I know myself.

Q For instance, was 1222 University Street, one of Davidson's gaming houses?

A Yes, I worked there.

BY THE COURT:

Q Twelve...

MR. PACIFIQUE PLANTE, K.C.:

1222 University.

Q What kind of a gaming house was that?

A Barbotte.

Q It was a barbotte also.

BY THE COURT:

Q 1222 and 1207 were barbottes, the two of them?

A Yes.

BY MR. PACIFIQUE PLANTE, K.C.:

Q Did they belong, both of them, to Arthur Davidson?

A Yes, he was in charge.

Q To your knowledge, was he in charge until he died?

A Yes.

Q He was in charge from 1941 of 1222 and 1207
University?

MR. URBAIN SIMONEAU,

COUNSEL FOR SOME OF THE ACCUSED:

Q At the same time?

IZZIE LITWACK

A Yes.

MR. PACIFIQUE PLANTE, K.C.:

Q You say that from 1941 until he died, until 1946...

MR. URBAIN SIMONEAU,

COUNSEL FOR SOME OF THE ACCUSED:

Cela aurait pu être subséquemment.

I just want to clarify the point, just to make it a little clearer.

Q Was it at the same time that Davidson was operating at 1222 and 1207?

A We moved often.

Q You were moving?

A Yes.

Q Changing places?

A Yes.

BY THE COURT:

I think that would be cross-examination, don't you? You just have to take a note, to remember it.

MR. PACIFIQUE PLANTE, K.C.:

Q Let's take the case of 1222 University. You say that you were moving all the time?

IZZIE LITWACK

A Yes.

BY THE COURT:

Q Answer. Don't only make a sign with your head.

A Yes, they moved.

MR. PACIFIQUE PLANTE, K.C.:

Q What kind of premises were 1222 University? Was it a rooming house, or a hotel or a store?

A No, it is a flat.

Q It was a flat? Did it occupy one story or two stories?

A It was two floors there.

Q It was two floors there? Was it the middle floor and the top floor?

A I guess so.

Q The middle floor and the top floor? Was there only one tenant there; or if there were several tenants at 1222 University, where the barbotte was going on?

A There was a tenant downstairs.

Q But in the middle and top floors?

A One tenant.

Q Just one tenant?

A Yes.

Q Do you know who the tenant was?

A Davidson.

IZZIE LITWACK

Q Arthur Davidson? Was Davidson the tenant from 1941 to 1946, to your personal knowledge, or if there were other tenants on the middle and top floors for the barbotte?

A I don't know.

BY THE COURT:

Q Could he run those two floors all the time, from 1941 to 1946?

A He was in charge since that time.

Q From 1941 to 1946?

A About that, yes.

Q If he died in 1945, it is around until his death?

A Yes.

MR. PACIFIQUE PLANTE, K.C.:

Q Did Arthur Davidson go there often?

A Every second day, every day.

Q Did one Max Shapiro go there also?

A No, I don't know, I don't know him at all.

Q You don't know him?

A I don't know him to come there.

Q You don't know him to come there? Did you ever work for Max Shapiro in relation to 1222 University?

A No.

Q Do you know if Max Shapiro was or was not an associate of Arthur Davidson?

A No, I don't know.

IZZIE LITWACK

Q You don't know? Did you not know Max Shapiro personally, do you know him well?

A Just like that.

Q Just like that? What do you mean, "Just like that"?

A Did you ever work for him in any capacity?

A No.

Q You never worked for him? Did Davidson have a manager at 1222 University?

A Yes.

Q Who was he?

A He was called big Shappie Shapiro.

~~QxxxxxShabby~~

BY THE COURT:

Q Shabby?

A Shappie.

MR. PACIFIQUE PLANTE, K.C.:

Q ^{ever} Did you/have anything ~~wixk~~ to do with this big Shappie Shapiro?

A He was my manager, and he paid me off every night.

Q Were there any employees there, at 1222?

A There were quite a few.

Q Do you recall a few of them?

A I don't remember.

Q They changed often, those employees?

A Yes.

Q They changed often?

IZZIE LITWACK

- Q Would you look at this picture and say whether you know this man?
- A Yes, Sir.
- Q Who is he?
- A Arthur Davidson.
- Q That's Arthur Davidson? Would you file this picture as exhibit E-184, photograph of Arthur Davidson?
- A Yes.
- Q Would you look at this picture and say whether you know this man?
- A Yes, he worked with me.
- Q He worked with you there?
- A For the same man.
- Q Was he a long time employée?
- A About the same as me.
- Q From 1941 until Davidson died?
- A Yes.
- Q What is his name?
- A Eddie Zuckerman.
- Q Did you ever know him under the name of John Brown?
- A No, I just know him under the name of Zuckerman.
- Q Would you file this picture as exhibit E-185, photograph identified as that of Eddie Zuckerman?
- A Yes.
- Q Did he have the same occupation as yourself?
- A Yes.

IZZIE LITWACK

Q For Davidson, he did the same thing?

A Yes.

BY THE COURT:

Q What was your occupation?

A We were dealing in the box, looking after the cards, like.

ME PACIFIQUE PLANTE, C.R.:

Ce témoin-là va témoigner très longtemps, j'essaie de diviser les idées autant que possible.

PAR LE PRESIDENT:

Il a dit que l'autre faisait la même chose que lui. Je ne sais pas encore ce qu'il fait.

ME PACIFIQUE PLANTE, C.R.:

Nous allons élucider ce point-là.

Q Would you look at this picture and say whether you know this man?

A Yes.

Q Who is he?

A Harry Davies.

Q Did you know him?

A Yes, everybody knew him.

IZZIE LITWACK

Q Would you produce this photograph as exhibit E-186?

A Yes.

Q Do you know if Harry's Davies had anything to do with Davidson's organisation?

A No, I can't tell.

Q You can't tell, was he one of the bosses?

A I don't know.

Q You don't know? Was he an employee like yourself?

A No, I don't know.

Q Have you ever seen him as a boxman?

A No.

BY THE COURT:

Q Did you ever see him working there, during the time you were there yourself?

A You mean Davis?

Q Davis, yes?

A No.

Q You never received any orders from him during that time?

A No, the only orders I got was from Davidson or Shapiro.

MR. PACIFIQUE PLANTE, K.C.:

Q Would you look at this photograph and say whether you know this party?

A Yes.

Q Who is he?

A He is called Eddie Baker.

Q Eddie "Kid" Baker?

A Yes.

MR. PACIRIQUE PLANTE, K.C.:

This is Exhibit E-155.

Q Would you look at this picture and say whether you know this man?

A I see him around, but I cannot remember his name.

Q Did he ever work with you in one of Davidson's houses?

A I don't remember.

Q Do you know him as a boxman or what?

A Taxi driver.

ME PACIFIQUE PLANTE, C.R.:

Il ne le reconnaît pas.

BY THE COURT:

Q Do you know ^{one} Marcel Warren

A Marcel Warren, no.

Q Have you ever seen him at 1455 Metcalfe Street?

A It is possible I know him, I can't say, I am not sure.

Ø
PAX

IZZIE LITWACK

PAR LE PRESIDENT:

Désirez-vous que la dernière photographie
soit produite.

ME URBAIN SIMONEAU,

PROCUREUR DE CERTAINS INTIMES:

Il ne la reconnaît pas.

ME PACIFIQUE PLANTE, C.R.:

C'est tout simplement pour lui aider.

Q Did you know one Archie Harrison?

A No.

Q You don't recall seeing this man at 1455 Metcalfe
Street?

A No.

Q Would you look at this picture?

A I look the papers, but I don't know the name.

Q Do you know one that was Edward McBride?

A No.

BY THE COURT:

Q Do you know the face, are you sure, or...

A I am not sure.

ME PACIFIQUE PLANTE, K.C.:

Q Would you look at this picture? Do you know this
man?

IZZIE LITWACK

A No.

Q Do you know one Alfred Déry?

A No.

Q Or Doré, Alfred Doré?

A No.

Q Would you look at this photo, and say if you know this man?

A I know his face, but I don't know his name.

Q Do you know one Harry Kulo or Kulae?

BY THE COURT:

Q Are you sure of his face?

A I am not sure of his name, I know the face, I have seen him somewhere,

Q You don't know where?

A No.

Q You never saw him at one of Davidson's institutions?

A No.

MR. PACIFIQUE PLANTE, K.C.:

Q Do you know this man?

A I don't know... He is...

Q Do you know a man by the name of Blind Sam?

A I don't know, I must have seen him around the street.

Q You don't know him in connection with Davidson's houses?

IZZIE LITWACK

A No.

Q Did you work for any other boss than Davidson from 1941 to 1946?

A No.

Q Just Him?

A Yes.

Q Were there other big time barbotte operators, the size of Davidson, from 1941 to 1946?

A This was the biggest.

Q Was he the top man?

A The top man.

BY THE COURT:

Q How do you know he was the biggest?

A Well, it must be, they seemed to be...

Q Did you know of any other smaller ones?

A Well, I don't mean anything about this.

Q Too small for your size? Did you know of any other barbottes?

A There must be, but I wasn't around, I was in this place only, I wasn't going to any other place, except where I worked.

Q Did you know, by common knowledge?

A There was small ones, but I never used to go there.

MR. PACIFIQUE PLANTE, K.C.:

Q Would you look at this picture, and tell the Court whether you know this man?

IZZIE LITWACK

A Yes.

Q Who is he?

A He used to work with us.

Q For Davidson also?

A Yes.

Q In the same places?

A Yes.

Q Would you recall knowing him under the name of Jos. Rosen or Jos. Rimer?

A Jos. Rimer.

Q Did you know him under the name of Joseph Clarke?

A No.

Q He was known as Jos. Rimer to you?

A Yes.

Q Would you file this ^{photograph as} exhibit xxxE-187?

A Yes.

Q Would you look at this picture and say whether you know this man? Do you know one Paul Hamelin?

A Yes, I must have seen him somewhere

Q Where do you recall seeing him? In the gaming house?

A I guess so.

Q Did you see him several times?

A Once in a while.

Q In gaming houses?

BY THE COURT:

Q Do you recognize his face?

A Yes.

MR. PACIFIQUE PLANTE, K.C.:

- Q Would you file this photograph as exhibit E-188?
- A Yes.
- Q Would you look at this picture and say whether you know this man?
- A I seen him somewheres, but I don't know his name.
- Q Would you look at this picture?
- A It is the same picture.
- Q You don't know one George Appleby?
- A I must have seen him, I don't know, I am not sure.
- Q Would you look at this picture and say whether you know this man? Do you know one Shine Potvin?
- A Yes.
- Q Is that Potvin?
- A Yes.
- Q Did you ever know him under the name of Lorenzo Potvin?
- A No, just by the name of Shine.
- Q Where did you meet him or see him? Was he one of the bosses or what?
- A I seen him some nights, he would come and stay sometimes.
- Q Did he have anything to do with the management?
- A No.
- Q Nothing at all, just as a player?
- A As far as I seen.

IZZIE LITWACK

- Q Would you produce this picture as exhibit E-189?
- A Yes.
- Q Would you look at this picture and say whether you know this man?
- A Yes.
- Q Who is he?
- A He is Sam Newdelman.
- Q Did you ever work for this man?
- A No.
- Q You never worked for him?
- A No.
- Q Where did you see him? Where were you in the habit of seeing him?
- A He came around sometimes and played it.
- Q Where?
- A When we operated at Davidson's.
- Q Did Davidson operate 1455 Metcalfe?
- A He only rented the place.
- Q Did he operate it as a barbotte?
- A All the while, until he got pinched.
- Q Who got pinched?
- A Davidson's place.
- Q Was Davidson himself pinched, to your knowledge?
- A I was pinched in that place.
- Q When was that?
- A I don't remember, you have it in the file.
- Q Did you ever know him under the name of Sam Stone?

IZZIE LITWACK

A No, just by tje name of Newdelman.

Q Did you ever hear anybody call him by addressing him by any other name than Newdelman?

A No, Newdelman.

Q Will you produce this photograph as exhibit E-190 ?

A Yes.

ME PACIFIQUE PLANTE, C.R.:

Monsieur Azarie Choquet, a apporté d'autres documents, peut-être pourrait-il les produire avec la permission de la Cour.

The witness's testimony is suspended.

AND FURTHERMORE WITNESS SAITH NOT.

LUC IEN GUERTIN
COURT REPORTER.

AZARIE CHOQUET

En l'an de Notre Seigneur, mil neuf cent cinquante,
le 6 octobre, à comparu:

AZARIE CHOQUET,

Témoin déjà entendu de la part des requérants.

Lequel, sous le serment qu'il a déjà prêté,
dépose et dit:

INTERROGE PAR ME PACIFIQUE PLANTE, C.R.,

PROCUREUR DES REQUERANTS:

D Voulez-vous produire comme exhibit une série de documents se rapportant aux avis préparés par votre service clérical du service de la police, avisant les propriétaires que quelqu'un a été condamné comme tenancier d'une maison de désordre at 486 rue Ouest Ste-Catherine, dans la cité de Montréal?

R Oui, monsieur.

PAR LE PRESIDENT:

Liasse d'avis concernant quel numéro?

ME PACIFIQUE PLANTE, C.R.:

486 Ouest, rue Ste-Catherine.

D Voulez-vous produire ces documents sous la cote E-191?

R Oui.

AZARIE CHOQUET

D Voulez-vous également produire sous la cote E-192 une série de documents préparés par votre service ...

PAR LE PRESIDENT:

Quelle adresse?

ME PACIFIQUE PLANTE, C.R.:

1018 Place Mont Royal.

Votre Seigneurie, j'ai préparé pour l'indication de Monsieur Choquet une liste de dix ou onze adresses se rapportant à des maisons de jeux. Auriez-vous l'obligeance de lui demander de préparer, dans la mesure où il pourra le faire, tout en faisant une distinction entre maison de jeux et de paris, cartes,....

R Maisons de jeux et surtout, cartes, ou dés, ou autre chose du genre.

ME PACIFIQUE PLANTE, C.R.:

C'est ça.

PAR LE PRESIDENT:

Est-ce que le système que vous vous proposez de prouver pour les maisons de jeux est à peu près semblable à celui que vous tentez de prouver quant aux maisons de paris?

ME PACIFIQUE PLANTE, C.R.:

Oui, Votre Seigneurie.

PAR LE PRESIDENT:

Serait-il possible de vous limiter à quatre ou cinq ou six maisons du genre, si c'est à peu près le même principe. Je crois que quand nous aurons examiné environ douze ou quinze maisons, nous pourrons avoir une idée.

ME PACIFIQUE PLANTE, C.R.:

Je concours absolument. Ici, il y a onze adresses, c'est pour cette raison-ci: il y a 1003 et 1003A. C'est un cas typique: d'un côté, suivant notre information, il y a un barbier, sur l'autre côté il y a un bookie. A 6968 St-Denis, c'est un genre de maison qui opère une barbotte et un bookie, c'est un genre mitoyen.

PAR LE PRESIDENT:

Mon idée est que si la preuve que vous avez faite jusqu'à date n'est pas contredite ou expliquée, il y a un système qui semble avoir existé dans quelques maisons. Nous pourrions peut-être, par la suite, nous satisfaire d'une preuve plus sommaire pour d'autres maisons.

AZARIE CHOQUET

Alors, s'il s'agit exactement de la même chose, peut-être pourrions-nous nous satisfaire d'une preuve plus sommaire, et de la sorte, limiter l'enquête à un total de vingt-cinq ou trente maisons, au lieu de faire enquête au sujet de deux cents ou trois cents.

A un moment donné, je vais me déclarer satisfait d'un certain nombre de maisons, si on en exige plus. Quant aux maisons de prostitution, vous avez dit que le système semble différent.

ME PACIFIQUE PLANTE, C.R.:

Oui, Votre Seigneurie.

PAR LE PRESIDENT:

Pouvez-vous vous limiter à une dizaine des plus importantes.

ME PACIFIQUE PLANTE, C.R.:

Dans les maisons de prostitution.

PAR LE PRESIDENT:

Oui.

ME PACIFIQUE PLANTE, C.R.:

Je désire vous informer que je ne pourrais me

AZARIE CHOQUET

limiter qu'à une dizaine de maisons. Si une maison a trois adresses, cela ne fait qu'une maison.

PAR LE PRESIDENT:

De sorte que la tâche de Monsieur Choquet serait allégée, le temps des avocats serait épargné, et au lieu de rester ici un temps indéfini, nous pourrions peut-être abrég^{er} l'enqu^{ête}.

ME PACIFIQUE PLANTE, C.R.:

Je lui en demande six seulement.

PAR LE PRESIDENT:

Pour commencer, ça devrait être suffisant. Une fois que la preuve sera rassemblée, nous pourrons voir quels moyens employer pour clarifier la situation.

ET LE TEMOIN NE DIT RIEN DE PLUS.

LUCIEN GUERTIN,
STENOGRAPHE OFFICIEL.

EDWARD WORKMAN

In the year of Our Lord, One thousand nine hundred and fifty, on the sixth of October, has appeared:

EDWARD WORKMAN,

Aged 57, manufacturer, residing at number 5 Raffrew Avenue, in the city of Westmount and province of Quebec, witness heard on behalf of the petitioners.

Who, after being dily sworn upon the Old Testament, doth depose and say:

EXAMINED BY MR. PACIFIQUE PLANTE, K.C.,

COUNSEL FOR PETITIONERS:

Q Were you the owner of a property bearing civic number 486 West St.Catherine Street, in the city of Montreal, in 1941?

A Yes.

BY THE COURT:

Q 486, did you say?

MR. PACIFIQUE PLANTE, K.C.:

486, yes.

Q Are you still the owner of that building?

A No.

Q How long have you been the owner?

A Well, the building is in the estate for a number of years.

EDWARD WORKMAN

- Q Is it still part of the Workman's estate?
- A No, it is not, it has been sold.
- Q When, approximately?
- A About the 1st August, about two months.
- Q Would you look at this picture and say...which was filed as exhibit E-155, and say whether you recall having had this man, who is identified as Eddie Baker, as your tenant, in the basement of your building at 486 St.Catherine Street West?
- A Baker was my tenant, I don't know how good the photograph is, I don't recall exactly what he looks like, but I assume it is a photograph, Baker was the tenant.
- Q He was the tenant for what part of your building?
- A A small section of the basement.
- Q A small section of the basement?
- A That's right.
- Q Was there a special entrance to the basement?
- A Yes.
- Q For the premises rented by yourself to Eddie Baker?
- A Not specially for Baker, there is an entrance from the foyer to the basement area.
- Q Is there a special entrance from the sidewalk directly leading to the basement?
- A No, I said from the foyer, which is inside the sidewalk area.
- Q Are you sure there is no entrance from the sidewalk directly to the basement?

- A No.
- Q Do you know what kind of business Baker, your tenant was carrying in your premises?
- A He was a bookie.
- Q Did you know he was a bookie?
- A I knew it after he was in tenancy, but not before.
- Q You knew it after he was...
- A In tenancy.
- Q How long was he in tenancy?
- A Oh. I just don't recall, he was several years, I got him out once, and he came back in when I was not looking, but he was there several years.
- Q Was he there in 1941?
- A I think so, he died, I don't know which year he died, when he died, the place was closed up.
- Q But at what time did he sneak back?
- A I don't recall.
- Q You don't recall?
- A I don't recall.
- Q What do you mean by that? When was that that he came back and you were not looking?
- A I don't recall. I know I put him out once, I went away on business, and some weeks or months after I found he was back in there, probably some of my employees let him in, and I did not pay much attention. I left him there.
- Q Did you receive any notices from the police department, that some occupant of your basement, was

convicted several times?

A Oh, yes.

Q Did you do anything about the notices?

A The first notice I got, I sent for Baker who had rented the place, ostensibly as a card club. I asked him what it meant, and he said to pay no attention, that it is, he said, simply a method of the authorities to collect tax, they fine us, we pay a fine and we open up again. That was his excuse.

ME UBALD BOISVERT, C.R.,

PROCUREUR DE CERTAINS INTIMES:

C'est du oui-dire, il rapporte ce que Baker lui a dit. C'est du oui-dire.

ME EDOUARD MASSON, C.R.,

PROCUREUR DE LA CITE DE MONTREAL:

Est-ce que Votre Seigneurie nous permettrait une remarque?

Comme avocat de la cité, je crois bien que le témoignage exprime pas l'idée ou l'économie, ~~de~~ l'administration de la cité, de considérer les amendes comme une taxe, pour une permission aux tenanciers des maisons de jeux. Je sou mets respectueusement que la réponse du témoin

EDWARD WORKMAN

pourrait peut-être utilisée pour établir quelle était la mentalité que les tenanciers avaient en ce qui concerne la cité. Je soumets que cette preuve est absolument illégale, mais en ce qui concerne les tenanciers, ce serait peut-être intéressant -- c'est à Votre Seigneurie, de décider si oui ou non l'opinion que les tenanciers avaient relativement aux amendes qu'ils considéraient l'équivalent d'une taxe doit être apprécié.

PAR LE PRESIDENT:

Quant à vous, la preuve pourrait être prise sous réserve.

ME EDOUARD MASSON, C.R.:

Comme me le fait remarquer Me Ahern. Alors, peut-être, une preuve secondaire, sous réserve...

PAR LE PRESIDENT:

C'est ce qui m'embarasse. Le oui-dire n'est pas considéré comme preuve, mais dans certains cas, il est admis.

ME UBALD BOISVERT, C.R.,

PROCUREUR DE CERTAINS INTIMES:

Il n'y a pas de preuve au dossier que Baker est mort.

EDWARD WORKMAN

PAR LE PRESIDENT :

Je suis convaincu que le Roi George III est mort, et je vais le croire tant qu'on ne me prouvera pas le contraire.

Sous réserve, pour le moment.

Q Mr. Workman, without asking you to recall exactly the exact number of notices that you received, would you remember approximately how many were sent to you?

A I am afraid not, My Lord.

Q Would it be twenty-five or fifty?

A It could be anything from a dozen to fifty, I was not always at the office, and my employees would receive them.

Q Anything from twelve to fifty or maybe sixty, you would not know?

A It might have been sixty.

Q Was the main door of this place ever closed to your knowledge, ever padlocked, to your knowledge?

A The premises of Baker's premises?

Q Yes?

A I was never there, My Lord, when they were padlocked. I rarely went into the building, I had maintenance men, and superintendents, and organization, and

I heard they ~~were~~ padlocked from time to time, but I never happened to be in the building when the padlock was on the door, because I went there so irregularly.

ME PACIFIQUE PLANTE, K.C.?

Q Would you recall whether any copies of padlocking orders were sent to yourself or to your employees, regarding the premises occupied by Baker?

A All I recall, are these notices, saying that William Green or John Dée or John Smith, had been convicted of keeping a booking establishment, and govern yourself accordingly. I was not instructed to eject the tenant or anything, in that notice.

Q Did these notices always describe the premises that you had rented to Baker, or if it described 486, apartment so and so?

A To the best of my recollection, it simply said: Address, 486 West St. Catherine.

Q Do you know personally if Baker, your tenant, was ever arrested himself there?

A I would not know.

Q You would not know?

A I would not know.

Q Did you have ^{other} ~~any~~ tenants than Baker operating a ~~Bookie~~ in the basement of your establishment?

A Oh. no.

EDWARD WORKMAN

Q Just Eddie Baker?

A He had a storage space, he was the only tenant.

Q Was he the only bookie?

A Oh. yes.

Q He was the only bookie? Do you know if it was known at large that Eddie Baker was there?

A Oh. I would not know.

Q You would not know?

A I assume so, he kept his business to him.

Q Do you know if it was an exclusive business, or if anybody could go and bet there? Would you know personally?

A I did not know of the gentlemen, sorry.

BY THE COURT:

Q Would you know if it was open to the public, or only to certain members of a closed club?

A I would not know, My Lord.

MR. PACIFIQUE PLANTE, K.C.:

Q Did you also have as a tenant a restaurant keeper, named Hyams, in the basement?

A Oh. yes.

Q Could you give a description, some kind of a description of the premises that you rented to Baker? Is it a full room or several rooms?

A I rented him the front space on the East side of the basement, it was an area which I rented to him

EDWARD WORKMAN

for a card club. What he did about sub-dividing
I never inquired particularly.

Q Have you ever been inside, while he was operating?

A Yes, I was in once.

Q Was it a large room or several small rooms?

A It was a large room that I walked into.

Q Would you recall in what year you went there?

A No, I would not.

Q Would it be at the beginning, in 1941, 1942, 1943
or approximately 1944, 1945?

A I imagine it was before the war.

Q You imagine it was before the war?

A Yes.

ME URBAIN SIMONEAU,

PROCUREUR DE CERTAINS INTIMES:

Je m'objecte.

ME PACIFIQUE PLANTE, C.R.:

Q He had been your tenant a long time?

A Yes. I would not swear to the....

Q Would you recall since when?

A I really don't, I don't.

Q Would he have been your tenant from 1945?

A Oh, I don't think so.

Q You don't think so?

A No, but I may be wrong, I imagine it was around

EDWARD WORKMAN

1940, when he went in, I imagine.

Q Would you recall if in 1945, he had as a tenant, one Danny Black, convicted as a keeper of a betting house, at 486?

A Never heard of him.

BY THE COURT:

Q In other words, did you ever have, from 1941 until what year...

MR. PACIFIQUE PLANTE, K.C.:

Q You said the estate was sold, when?

A About a month ago.

BY THE COURT:

Q From 1941 to 1946, did you have any other tenant but Baker for those premises?

A No, My Lord, he is the only man I had.

Q So, any other tenant appearing as your tenant there, the mention of any other name as being your tenant, would be something against the truth or untrue?

A It would be untrue, yes, My Lord.

MR. URBAIN SIMONEAU,

COUNSEL FOR SOME OF THE ACCUSED:

Q Was your tenant Baker allowed to sub-let, according

EDWARD WORKMAN

to his lease with you people?

A He had only a verbal lease.

Q He could sub-let?

A I don't know what the law is on that.

BY THE COURT:

Q Was it ever brought to your knowledge that he had sub-let?

A Never, My Lord.

Q The whole or part?

A I would not have permitted it, My Lord.

Q It was never brought to your knowledge?

A No.

BY THE COURT:

Any more questions, gentlemen?

A Am I dismissed, My Lord.

BY THE COURT:

Yes.

AND FURTHERMORE WITNESS SAITH NOT.

LUCIEN GUERTIN
COURT REPORTER.

IZZIE LITWACK

In the year of Our Lord, One thousand nine hundred and fifty, on the 6th of October, has appeared:

IZZIE LITWACK,

witness already heard on behalf of the petitioners.

Who, under the oath already taken, doth depose and say:

EXAMINED BY MR. PACIFIQUE PLANTE, K.C.,

COUNSEL FOR PETITIONERS:

Q Would you look at this photograph and tell the Court whether you know this man?

A Yes.

Q Who is he?

A They call him Ned Roberts.

Q Do you know him well?

A I know him well enough to speak to him.

Q Do you recall if ever worked at the same time with you at 1222 University?

A Yes.

Q What did he do there?

A The same as I do.

Q Boxman?

A Yes.

Q Do you know if he worked out at other gaming places

IZZIE LITWACK

of Arthur Davidson's?

A No, I don't know.

Q You don't know? Would you file this photograph ?

PAR LE PRESIDENT:

Photographie de...

ME PACIFIQUE PLANTE, C.R.:

Ned Robert.

Q You are filing this photograph as exhibit E-193?

A Yes.

Q At 1222 University, you said this morning, that following raids by the police, operations discontinued, and you changed from place to another, is that right?

A Not the same night.

Q Were there, on the middle floor, at 1222 University, were there several rooms?

A The night we got raided?

Q No, when you worked there?

A There was quite a few rooms.

Q How many rooms on the middle floor?

A Three or four.

Q Were they of equal size?

A Well, some were larger, some were smaller.

Q Was there one large room in particular?

IZZIE LITWACK

A Yes.

Q Was it the front room or the back room?

A I think it was the front room.

Q You think it was the front room? Was there any distinction between the rooms, according to the kind of games or the amount you could wager there?

A About the same.

Q There was no distinction?

A What do you mean by "distinction"?

A I mean distinction. Would there be a room where there was a maximum amount that you could wager or bet?

A Big games?

Q Yes?

A It depends on the people.

Q It was not a matter of one table or another?

A Some nights it was low, some nights it was more.

Q You don't get me?

A Some nights it was less people, some nights it was more people.

BY THE COURT:

Q Was one of them affected, used as an office?

A Playing short games, like rummy, short card games.

Q What I mean, on the...

A Same floor.

Q On the middle floor, was any of those rooms used

IZZIE LITWACK

as an office?

A There might have been.

Q Were all the rooms affected to gambling?

A Some used as an office, for telephone.

Q There was an office? In that office, particularly, nobody would go in and say...

A No.

Q How many rooms were left for playing?

A Probably two or three.

Q Was it the same game?

A In both rooms.

Q Was it the same game played in both rooms?

A The same game.

Q What was the game? Was it always the same?

A Barbottes.

Q So, two or three barbottes were going on at the same time?

A Not exactly the same time.

Q Sometimes, there would be two ~~barbottes~~ barbottes, at the same, sometimes, there would be only one barbottes and a game of rummy or a game of poker?

A That's right.

Q From what time to what time, would the public be allowed?

A Until it broke up, at four or five o'clock in the morning.

IZZIE LITWACK

- Q From what time or about?
- A Well, from the night, eight o'clock.
- Q Around eight o'clock at night? Nothing going on, no betting going on, in the morning or in the afternoon?
- A I was not there, I was only at night.
- Q Do you know personally if the business was going on in the afternoon?
- A I can't say yes or no, I was not around in the afternoon, I was there mostly at night.
- Q Now, I am not at the Winnipeg station, but I know that trains come in and out?
- A There might have been something in the afternoon.
- Q In the same room, would there be more than one barbotte or only one?
- A One table.
- Q Only one? Was this room large enough for two barbottes?
- A No.
- Q What about the top floor? Was it divided about the same way?
- A Some large rooms, some small rooms.
- Q Was it about the same thing too, sometimes a game would be going on in every one of those rooms?
- A Yes.
- Q How many people would you have altogether there, on a good night?
- A Well, you could say about sixty-five, seventy,

IZZIE LITWACK

Q.
thirty, or forty./Sometimes business was poor,
and sometimes it was good?

A Right.

Q Did it happen sometimes, that you closed the
middle floor and used only the top one?

A When the game was over, you closed everything up.

Q Would it happen for one week or two weeks, for the
middle floor?

A As far as I know, I can't remember.

Q You don't recall any such instance?

A They might start with one table, when it gets
busy, they get the two tables up.

Q For two weeks, one floor would be completely closed
by the police?

A No, I can't say that.

BY THE COURT:

Q Very well.

MR. PACIFIQUE PLANTE, K.C.:

Q Would gaming go on on Sundays?

A Well, Sunday, it was quiet.

Q Was it open?

A There was a game.

Q You never saw a fast game on Sunday morning?

A I was not around in the morning, only at nights,
I slept in the morning.

IZZIE LITWACK

Q But, it was open on Sunday?

A It might have been open.

BY THE COURT:

Sunday morning, until four.

MR. PACIFIQUE PLANTE, K.C.:

Q Did you ever work on the top floor?

A At night?

Q Yes?

A Yes, once.

Q How many rooms were there, on the top floor?

A Two rooms.

Q Two large rooms?

A One large, one small.

Q How did one reach the second floor? Was there a special staircase leading to it?

A There were stairs to walk upstairs.

Ø
BY THE COURT:

Q From inside?

A From the big room, leading to upstairs.

Q Was it possible to go the top floor from inside the second floor?

A Yes.

Q Just like it was the same house?

A The same house, two floors.

IZZIE LITWACK

MR. PACIFIQUE PLANTE, K.C.:

Q What did it look like? By appearance, do you think it was formerly a private dwelling, a private house, at one time?

A No, I can't say what it was, it was two floors leading to the stairs upstairs.

BY THE COURT:

Q How was it furnished?

A Bridge tables, chairs, and tables to play.

Q Carpets on the floor?

A There was cloth.

MR. PACIFIQUE PLANTE, K.C.:

Q Oilcloth?

A Oilcloth.

Q Nothing luxurious?

A No.

Q These barbotte tables were they of a special type?

A The tables are all alike.

Q Do you mean to say that all gaming tables are alike, or if barbotte tables are all alike?

A Barbotte tables are all alike.

BY THE COURT:

Q Are the barbotte tables of any special shape?

A You can play barbotte on any table.

Q The ordinary barbotte table used in a business

IZZIE LITWACK

place like this one, is not made like a pool table?

A Something like it, the same size.

Q The same size, but the bands are much higher?

A A little bit.

MR. PACIFIQUE PLANTE, K.C.:

Q Is there an opening for the man who conducts the game?

A Yes, there is a thing in the centre.

Q An opening?

A Yes.

BY THE COURT:

Q Covered with felt?

A Yes.

Q How high would be the border or the band on the side?

A Oh, we will say...

Q
~~MR. PACIFIQUE PLANTE, K.C.:~~

BY THE COURT:

Q

I was well informed.

MR. PACIFIQUE PLANTE, K.C.:

Q One foot, one and a half feet?

A One and a half feet.

Q One and a half feet?

A One and a half feet.

IZZIE LITWACK

Q These tables were they, I should say, expensive tables, or very ordinary tables?

A Ordinary tables.

BY THE COURT:

Pardon me?

A Ordinary tables.

Q The barbotte tables was not an ordinary table, you would not use that in your kitchen, to prepare your meals?

A No.

Q You would not use that in any dining-room, to eat?

A Oh, no.

Q To play bridge?

A To play bridge and stand up.

Q To would not use it to play ping pong?

A It is something like ping pong.

Q Only not at all like it? To your knowledge, was any of those barbotte tables seized often by the police?

A Often broken up and seized.

BY THE COURT:

Very well. That's what I wanted to find out.

Q How much would a good barbotte table cost?

A Oh, I would say, about thirty-five or forty dollars.

IZZIE LITWACK

MR. PACIFIQUE PLANTE, K.C.:

- Q For a good barbotte table, what was the size?
A The size you play.
Q In the large room, on the middle floor, at 1222 University, what was the size of that table? Was it the size of this table here?
A Not as large, a little smaller.
Q Would it go up to approximately, about two thirds?
A Yes, about that.

BY THE COURT:

- Q That would be about ten or twelve inches?
A Eight or ten inches.
Q How many feet wide?
A Three and a half.
Q What kind of legs? Something similar to the legs of a pool-table?
A Well, a cheaper make.
Q Was there a slate under the felt?
A The felt cover, something like ~~like~~ this.
Q Was there a slate under the felt, like a pool-table?
A Yes, wood, plain wood.
Q Just wood?
A Plain wood.
Q It had to be perfect lumber?

IZZIE LIZWACK

A Of course.

Q Because if it had been slanting in any way, it would have been dangerous?

MR. PACIFIQUE PLANTE, K.C.:

Q You would say that a table of that size would cost \$35.?

A Cheap wood, it would cost about \$35., \$40. or \$50.00.

Q Did you have a regular salary there, or if you worked on commission?

A Commission, every night, we were paid.

Q On commission? On what was played?

A Commission, what I take in.

Q Commission of what you took in?

A Yes.

Q What would you take in? How much would you take in? Would you take something on every bet?

A Yes.

Q How much would you take?

A It depends, one dollar or five cents.

Q Would you explain? Personally I don't know about the game.

BY THE COURT:

Q How much would you take in? If there were five

IZZIE LITWACK

bets on the table, and every one of them, from one to fifteen dollars, how much would you take in?

A About \$1.50 or \$0.75 or \$1.00.

Q According to the size of the bet?

A Yes.

Q A bet of \$1.00 A. five cents.

Q A bet of \$15.00?

A Would be twenty-five cents.

Q A bet of \$200.?

A I did not have such a big game.

Q What would be the highest bet?

A My table was ~~\$25xxxxx~~ twenty-five, fifty, one, two, and three.

Q At your table? Was there a table which was higher?

A This, I don't know.

Q Do you know of other tables, where the wagers were over?

A I did not pay no attention, because I was busy at my table.

Q In your business...

A It might have been twenty-five, fifty or one hundred.

Q In this business in which you were, there was not a table where bets of \$100. or \$200.00 would go on?

A Not in my table.

IZZIE LITWACK

- Q But in the house?
- A Oh. yes.
- Q \$500.?
- A Well, could be, some nights, forty, fifty, five hundred, one hundred, it depends on the size of the gambler.
- Q But there was a game of that kind at that time?
- A Yes.
- Q To your knowledge?
- A Yes.
- Q What would be the highest bet ever made, to your knowledge, anything that would have surprised you?
- A Three hundred, five hundred ~~thousand~~ dollars, four hundred dollars, two hundred dollars, it depends. Fifty dollars, or one hundred .
- Q What would be the take on a five hundred dollar bet?
- A I would not know, it is not my department.
- Q You would not know?
- A I had no games like that, It could be \$1.25 a \$1.50.
- Q On a five hundred dollar bet?
- A At that time?
- Q You would not take a little bit more?
- A It depends on the dealer, I don't know.

IZZIE LITWACK

MR. PACIFIQUE PLANTE, K.C.:

Q It depends on the dealer?

A I remember the size of the bets.

BY THE COURT:

Q What would be the commission you would make yourself?

A I work at night, I only work every second night. It would be six dollars, seven dollars, eight dollars, nine dollars, five dollars, eight dollars, nine dollars. It depends on the commission I get.

Q Would you get serious tips at times?

A It depends of anybody's bet.

Q On a \$15. bet, how much could a man get, the highest?

A Well, he gets \$15., and his \$15., less the take off.

Q So, it only doubles the amount bet?

A That's all.

Q You never get three or four times the amount you bet?

A No.

Q If he puts up \$10., he get \$20., If he puts in \$5., he gets \$10., less the commission and then you would not get two or three dollars tips?

A It depends on the man, if he wants to give us a tip.

IZZIE LITWACK

Q Some are good tipplers, and others poor tipplers?

A It depends on the man.

Q Did it happen sometimes?

A It happened, yes.

Ø
MR. PACIFIQUE PLANTE, K.C.:

Q Were you ever taken in as a found in, besides being arrested as a keeper? Were you taken in by the police as a found in?

BY THE COURT:

Ø Before you go any further,

Q There is another question, I want to ask the witness. You said that you would get approximately from \$5. to \$8. a night?

A Yes.

Q Approximately, and this would be, this was the commission on the take, this was the percentage, you would get on the take?

A That's percentage.

Q What was the percentage?

A If I took in \$100., I would be getting 5%.

Q Five per cent?

A That's five dollars. If I take in more, I get more.

Q If you got \$200., then you would get \$10., it was 5% you were getting?

A Yes.

IZZIE LITWACK

Q How many tables similar to those would be going on at the same time?

A Well, two or three.

Q On your floor?

A One.

Q And on the top floor?

A I was on the top floor.

Q How many tables would go on?

A In my floor, one.

Q On the top floor?

A Maybe another one or two sometimes.

Q Is it on the top floor, sometimes, that there would be bets of \$500.?

A It is possible, I was upstairs, I did not see.

BY THE COURT:

But, I will take your word just the same, even if you did not see.

MR. PACIFIQUE PLANTE, K.C.:

Q Do you know who was there at the table where the wagering was higher?

A No, I don't know the names.

Q You don't know the names, besides those whose picture you identified?

A I don't know the names, besides those who worked there.

IZZIE LITWACK

- Q Did Shappie Shapiro, did he conduct a game himself, was he a dealer?
- A Sometimes, when we were short a dealer, he would go himself.
- Q He would go himself?
- A Yes.
- Q Would he go to the larger table?
- A Of course.
- Q Is that a fast game, barbotte?
- A Yes.
- Q What would be the average amount wagered on any average night?
- A It depends on the people who play.
- Q On the average, at your table, at your small table?
- A I beg your pardon.
- Q I mean during the night. You say it started around eight o'clock?
- A Yes.
- Q And sometimes went on until four o'clock. How much on the average, would you take at your table?
- A An hour?
- Q No, the whole evening?
- A ~~six~~ \$130., \$150., \$190.00 for my table.
- Q That was general for the house?
- A Yes.
- Q That would represent how much money wagered?

IZZIE LITWACK

A To me?

Q By the customer?

A Well, they were betting some fives, \$5.00, \$3.00, \$1.00, \$2.00, \$10. ~~\$12~~ \$12., small bets.

Q But you could not say that, let's say, \$10,000.00 would be bet in one night?

A No, it is impossible.

Q You could not figure it that way?

A No.

BY THE COURT:

Q How many people would you have around your ~~table~~ barbotte table?

A Twelve, I would say, thirteen, fourteen or fifteen.

Q How long would it take - you call that a throw, - between bets and the pay off? How long would it take?

A Well, it depends sometimes it takes longer, sometimes less.

Q How long approximately ?

A I would say three or four minutes.

Q A good man, actually, is much ~~faster~~ faster than one who has no experience?

A I suppose so.

Q You were considered fairly good?

A No.

IZZIE LITWACK

MR. PACIFIQUE PLANTE, K.C.:

Q That's not my information. Do you know if Shappie Shapiro is related to Max Shapiro?

A I don't know, I don't think so.

Q You don't think so? Are you still positive that you have not seen Max Shapiro at 1222 University?

A No, I can't say yes or no, because I never seen him.

Q You never seen him there?

A In the place?

Q Yes?

A Gambling?

Q Gambling or otherwise?

A He might have been there in the afternoon, but I was not there in the afternoon.

Q You never saw him there?

A Shappie Shapiro?

Q Max Shapiro?

A Max Shapiro, no.

Q I was asking you whether you recalled how many times you were arrested as a found in, not as a keeper, but as a found in. You know what a found in is?

A I might have been in raids.

Q You might have been, several times?

A I suppose so.

IZZIE LITWACK

Q How many times?

A I can't remember.

Q When you worked as a dealer in the barbotte, is it customary that all dealers are automatically taken in as found ins~~M~~

A Once you are in there, and the police come in, you are a found in.

Q Every one?

A Anybody.

Q Anybody, you are sure of that?

A I am sure of that, yes.

MR. MYER GROSS, K.C.,

COUNSEL FOR THE WITNESS:

I don't think he understands the question.

MR. PACIFIQUE PLANTE, K.C.:

No, I don't think he does.

BY THE COURT:

So try and explain.

MR. PACIFIQUE PLANTE, K.C.:

Yes.

A When a raid is made,....

IZZIE LITWACK

Q We will start at the beginning. Were you at any of the raids of the police, the municipal police?

A Of course.

Q How they proceeded, how did they proceed?

A They rush in, they grab the money on the table.

Q They grabbed the money on the table?

A And the dice, they take the table up, and they take everybody in, and they take everybody to the station.

Q They rushed in, took the money on the table? Did they ever take any money in front of you, on your table?

A Yes, they take the money, what's on the table and the dice.

Q They take the money that's on the table? Have you ever seen the police take large amounts of money?

A No, there was not large amounts of money.

Q How much?

A Six, seven or ten dollars.

Q Six, seven or ten dollars?

A On the table, I was, but the people themselves got the money, and put it in, their money.

Q But you say that the police rushed in?

A Just that's left on the table, nickels, dimes, quarters. They grab that as evidence.

Q They grabbed that as evidence?

A Yes.

Izzie Litwack

- Q Have you not ever seen the police pick up enough to grab more than six or seven dollars?
- A I was too excited.
- Q You were too excited?
- A They rush in, they grab the gentleman there, they take the table apart, they take everybody at the station.
- Q Did they do the same thing ~~the~~ at the table that was working?
- A I guess so.
- Q Did the officers take all the tables on both floors?
- A Yes.
- Q You're sure of that?
- A If there was a table there, sometimes, there were only two tables.
- Q When there were only two tables, would they take both tables?
- A Yes.
- Q You are positive?
- A I guess so.
- Q Would they take these tables immediately, or if they sent the truck afterwards?
- A Well, they took my part and sent a truck down.
- Q Would they break them apart?
- A Sometimes, they took them, broke them apart, and took them to the station.
- Q You were always a dealer there, you were never a manager or a boss?

IZZIE LITWACK

A No.

Q Why were you taken? Do you know why you were taken as a keeper, being charged as a keeper, while you were an employee?

A When I was working, they walk in, and they take the place over.

Q Did they ever take Arthur Davidson, your boss, as a keeper?

A No, I don't know.

BY THE COURT:

Q To your knowledge, in your presence, was Davidson ever arrested as the keeper of the place?

A I don't know.

Q Did you ever see him being arrested ?

A No.

Q Did you ever see Shapiro being arrested as a keeper?

A No.

MR. PACIFIQUE PLANTE, K.C.:

Q Would you look at this picture and say whether you recall this man? Would that be Shappie Shapiro you are talking about?

A No, that's not Shappie Shapiro.

Q Do you know this man? Is he another Shapiro?

A I know his face, I don't know his name.

IZZIE LITWACK

- Q Do you know one Monty Shapiro?
- A I must have seen him around, maybe playing in the game, I don't know if he is the same party. He plays, you know, some nights.
- Q Did you ever go to the bookie kept by Arthur Davidson at 1221 Philipps' Square?
- A 1221 Philips Square?
- Q Yes, 1221 Philips Square, Eddie Baker's bookie?
- A Eddie Baker's bookie?
- Q Yes?
- A That's a long time ago.
- Q Were you taken down, was everybody taken down to the station, after the raid or if you remained there?
- A No, they were all taken to the station.
- Q All?
- A Yes.
- Q In 1941?
- A I think so, yes.
- Q In 1942?
- A 1942 and 1941.
- Q I mean the keeper and the found ins? Was everybody taken down?
- A Yes, sometimes they were, I am not sure, they took me down, I know.
- Q Did they take you down?

BY THE COURT:

- Q Were all the found ins, all the customers, your clients, taken down to the station every time there was a raid?
- A And bailed out.
- Q Were they all taken down by the police, from your gambling place to the police station, or were they bailed out on your premises?
- A Well, I know that they must have been taken down to headquarters.
- Q I don't know, I am asking you. Are you positive that they were not set free immediately at your place, as soon as the manager would put up the bail money?
- A They might, I am not sure, because I know I was taken down. The keeper, the balance, I don't know.

MR. PACIFIQUE PLANTE, K.C.:

- Q In which way were you taken down?
- A With the constable.
- Q Not in the patrol? Did you ever see the big patrol wagon go there?
- A Yes, sometimes.
- Q Not every time?
- A Well, I was not pinched every day, every night. I was pinched, I was taken down.

IZZIE LITWACK

Q But you were there several years?

A Several years.

MR. MYER GROSS, K.C.:

COUNSEL FOR WITNESS:

We are going way off the beam.

MR. PACIFIQUE PLANTE, K.C.:

We are talking about the times he was arrested.

BY THE COURT:

Limit yourself to 1941 to 1946. The times he was arrested. You can't run any risk about those.

MR. MYER GROSS, K.C.:

COUNSEL FOR WITNESS:

The witness is being asked questions about the patrol, the usual customers, and so on, and there may only be one, two, three or four convictions insofar as this place is concerned.

BY THE COURT:

He said he travelled in that kind of vehicle.

Q When you were taken down in the patrol wagon, as you said, were you alone?

IZZIE LITMACK

- A No, there was some men.
Q I don't mean police officers?
A No, customers.
Q Other customers were with you?
A Yes.

MR. PACIFIQUE PLANTE, K.C.:

- Q When you were arrested as a keeper, would anyone bail you out or if you bailed yourself out?
A No, Davidson came out and bailed me out.
Q Davidson went and bailed out?
A Yes.
Q Did he come himself?
A Or he might send somebody.
Q Did he go himself?
A I can't say whether he come himself or send somebody I don't remember.
Q Where were you taken down when it was a municipal raid? Were you taken down here, in Champ de Mars station?
A Yes.
Q Someone would come to bail you out?
A Yes.
Q Would you not see that party? Would you not be anxious to be bailed out?
A I seen Shappie come down once or twice with money.
Q Did you ever see Davidson himself?
A I don't remember.

IZZIE LITWACK

Q But you never asked, you never had to put up any money yourself?

A No.

Q When you were arrested as a found in, did you bail yourself out or did Shapiro or Davidson bail you out?

A One of them bailed us out.

Q Do you know if the other found ins were bailed out by Shapiro or Davidson?

A By Davidson or Shapiro.

ME URBAIN SIMONEAU,

PROCUREUR DE CERTAINS INTIMES:

Est-ce qu'il me serait permis de passer une remarque. Si monsieur Plante voulait s'éloigner du témoin, pour lui permettre de dégager un peu sa réponse.

PAR LE PRESIDENT:

C'est tout à fait personnel, si Me Plante tient à se reprocher.

MR. PACIFIQUE PLANTE, K.C.:

Q Are you annoyed by my being close to you?

A No, you can talk.

Q When you were arrested by the municipal police, were you photographed and fingerprinted by the

IZZIE LITWACK

municipal police?

A Yes.

Q You are sure of that?

A They got my picture there.

Q You were arrested by the provincial police?

A By the provincial police, yes.

Q Were they not the ones who took your picture and fingerprints?

A And the city police.

Q Did the city police do that in 1941?

A I don't remember what year, but they took my picture.

Q But from 1941 to 1945, would you recall if they took your picture, the municipal police?

A I don't remember.

Q Did you have to stay in gaol a long time?

A Sometimes overnight.

Q Sometimes overnight?

A Yes.

Q What was wrong then? Was anything wrong?

A Maybe they were short in cash.

Q How many times did you stay in gaol like that, overnight?

A Twice, or once, or three times, I forget.

Q You mean for a conviction? Were you ever sent to gaol following a conviction, as a keeper of a gaming house? Were you ever condemned to gaol?

A There is no reason why.

IZZIE LITWACK

Q Did you ever notice any padlocking at 1222 University? Did you notice if there were any padlocks put by the police?

A Yes, there was.

Q Where did you see any padlock?

A On the outside door.

Q When?

A I don't remember the year, that's the reason they had to move.

Q Was that in the last year, at the end?

A I think so.

Q Would that be 1945 or 1946?

A 1943, ~~1944~~, 1945, I forget what years it was, but there was a padlock on the door.

Q On the main door?

A They could not get in, we had to find another place.

Q You could not get in at all?

A We could not operate for a year.

BY THE COURT:

Q Was any padlock ever placed on one room?

A There was a padlock on some rooms, I forget now.

Q On some rooms, you have seen padlocks?

A Yes.

Q More than once?

A I can't say yes or no.

IZZIE LITWACK

- Q Do you remember having seen padlocks on one room while you were operating in the other room?
- A I don't remember.
- Q But you remember having seen padlocks in one room?
- A Padlocks.

MR. PACIFIQUE PLANTE, K.C.:

- Q Which was that? The room on the upper floor or the middle floor?
- A I forget now, what door it was, but it was some door, I don't remember.
- Q Did it look peculiar to you that they padlocked only one room, and gambling would go on just the same?
- A No.
- Q But what happened?
- A They moved to another place.
- Q If there was only one room padlocked, would it interrupt the business in the whole game?
- A Of course.
- Q It would? How?
- A They moved to another place.
- Q Could they not have operated there just the same?
- A They could not, the door was closed.
- Q You say there was just one room, what could have prevented them from playing in one of the four rooms?
- A Because the room was padlocked.

IZZIE LITWACK

Q On the middle floor?

A On the first floor.

Q Was not there a big room upstairs?

A It was too small.

Q Did you not say there was two rooms upstairs?

A The large room was on the first floor, the small rooms upstairs.

Q What were the sized of the two top floor rooms?
What size ~~were~~ they?

A Very small.

Q How small?

A I would say about four feet.

Q Four feet?

A Three feet.

Q Do you call that a room, you say four feet by four feet or three feet by three feet?

A Small rooms, enough for a small table, not for a large table.

Q Those rooms ~~would~~ be large enough for a small tables?

A Very small tables.

Q They did not occupy the same area, it did not go as far back as the first floor, it was much smaller upstairs?

A Much smaller.

Q But they played sometimes, upstairs, you said?

A I don't remember that they were.

IZZIE LITWACK

Q You said so, you said they were games?

A No, the place was padlocked, it might have been opened, not to play, you know.

Q Anyway,.....

PAR LE PRESIDENT:

Vous en avez encore pour combien de temps.

ME PACIFIQUE PLANTE, C.R.:

J'en ai....Il a travaillé dans quatre ou cinq maisons.

PAR LE PRESIDENT:

Au-delà d'une heure?

ME PACIFIQUE PLANTE, C.R.:

Oh, oui.

PAR LE PRESIDENT:

Alors, nous allons ajourner.

AND FURTHERMORE WITNESS SAITH NOT.

LUCIEN GUERTIN,
COURT REPORTER.

AMEDEE DESROCHES

En l'an de Notre Seigneur, mil neuf cent cinquante,
le 10 octobre, a comparu:

AMEDEE DESROCHES,

Agé de 65 ans, industriel, demeurant au numéro 1334
de la rue St-Viateur, en la cité d'Outrement et province
de Québec, témoin entendu de la part des requérants.

Lequel, après avoir dûment prêté serment sur les
Saints Evangiles, dépose et dit:

INTERROGE PAR ME PACIFIQUE PLANTE, C.R.:

PROCUREUR DES REQUERANTS:

- D En 1941, étiez-vous propriétaire d'un immeuble
portant le numéro civique 6968 de la rue St-Denis,
en la cité de Montréal?
- R Je pense bien, oui, j'ai mes papiers ici.
- D Voulez-vous parler assez fort pour que Sa Seigneurie
puisse vous entendre? Etiez-vous propriétaire en
1941, d'une propriété ~~ici~~ portant
le numéro civique 6968 de la rue St-Denis, en la
cité de Montréal?
- R En 1941, d'après mes papiers, je n'étais pas proprié-
taire.
- D Vous n'étiez pas propriétaire?
- R D'après ma feuille ici....
- D Etes-vous devenu propriétaire par la suite?
- R Oui.

AMEDEE DESROCHES

- Q En quelle année?
- A 1942.
- D 1942?
- R Oui.
- D De qui avez-vous acheté cette propriété-là?
- R De Peter Zarbizias.
- D De Peter ou Petros?
- R Petros ou Peter.
- D Etes-vous encore propriétaire de cet immeuble?
- R Oui.
- D En 1942, quel était votre locataire à 6968 St-Denis?
- R Héellement, je ne peux pas le nommer.
- D Pardon?
- R Je ne peux pas le nommer.
- D Vous ne pouvez pas le nommer?
- R Non.
- D Pourquoi?
- R Parce que je sais pas son nom, c'était plutôt Zarbizias, j'avais loué toute la bâtisse à Zarbizias, alors, il s'en occupait.
- D Et ceci, depuis que vous avez acheté la propriété?
- R C'est ça.
- D Voulez-vous dire que vous n'aviez rien à faire avec la propriété?
- R Jusqu'à un certain point.
- D Jusqu'à un certain point? Jusqu'à quel point?
- R Je voyais pas aux locataires.

Je voyais à collecter ce que Zarbizias me devait pour la location de la propriété.

D Vous receviez votre dû de Zarbizias?

R C'est tout.

D Savez-vous quel emploi Zarbizias faisait de 6968 St-Denis?

R Réellement, je ne peux pas vous dire.

D Est-ce un plain-pied, ou si c'est un deux étages, trois étages, qu'est-ce que c'est?

R C'est trois étages.

D Est-ce que la porte qui porte le numéro civique 6968 donne sur les trois étages? Conduit aux trois étages?

R Je pense que oui.

D Vous pensez que oui?

R Oui, il n'y a rien qu'une porte, c'est vrai à part la porte du magasin.

D Est-ce que vous aviez loué tout l'édifice à Zarbizias?

R Tout l'édifice, oui, le restant, la balance de l'édifice.

D A quelles fins?

R J'avais loué pour son restaurant, et lui s'occupait de la balance, des autres locataires.

D Où était situé son restaurant?

R Dans le bas.

D Voulez-vous dire au rez-de-chaussée?

R Au rez-de-chaussée.

AMEDEE DESROCHES

- D Au deuxième et au troisième, savez-vous ce qu'il y avait?
- R Réellement je ne savais pas.
- D Etes-vous déjà allé?
- R Je suis monté une fois seulement.
- D En quelle année?
- R Réellement je le sais pas, je peux pas vous dire.
- D En 1942 ou 1943?
- R Réellement, je ne peux pas faire serment quelle année.
- D Est-ce la semaine dernière?
- R Non, je suis pas allé.
- D Est-ce en 1948?
- R Non.
- D 1947?
- R Peut-être en 1947, je sais pas, je peux pas vous dire, j'ai monté une fois.
- D Est-ce que ça pourrait être en 1945?
- R Je peux pas jurer.
- D Quand vous êtes allé, quelle était le locataire?
- R Je ne connais pas son nom, réellement.
- D Quel emploi faisait-on de votre édifice?
- R Moi, je retirais les loyers, j'avais loué ça, et je l'ai pris à la condition que...
- D Ce n'est pas ça qui m'intéresse..
- R J'ai acheté cette propriété-là...
- D Un instant, siil-vous-plaît. Savez-vous si

- Zabisias avait sous-loué à un nommé Ludger Audet?
- R Je ne sais pas.
- D Connaissez-vous un nommé Ludger Audet?
- R Je le connais pas.
- D Depuis que vous êtes propriétaire, avez-vous reçu des avis du service de la police, vous informant que quelqu'un avait été condamné comme tenancier de maison de jeux chez vous?
- R Oui.
- D En avez-vous reçu plusieurs de ces avis-là?
- R Je peux pas dire plusieurs, mais je sais que j'en ai reçu, et puis on les remettaient immédiatement....
- D Est-ce cinq, dix ou vingt-cinq?
- R Non, pas tant que ça.
- D Combien?
- R Peut-être trois, quatre, quatre ou cinq.
- D Qu'est-ce que vous faisiez de ces avis-là?
- R Je les renvoyais à mon homme.
- D A qui?
- R A Zarbizias.
- D En avez-vous déjà parlé avec Zarbizias? de ces avis-là?
- R Oui.
- D Quelle était sa réaction, à Zarbizias? Qu'est-ce qu'il disait?
- R Il disait qu'ils n'étaient pas arrêtés.
- D Il disait "qui ça"?
- R Son locataire.

AMEDEE DESROCHES

- D Est-ce que les deux étages supérieurs, au-dessus du restaurant de Zarbizias, est-ce que c'était des logements privés, une salle de danse, ou quoi?
- R C'était plutôt pour faire des logements privés.
- D C'était plutôt pour faire des logements privés?
- R D'après moi, d'après ma mémoire. Je ne pourrais pas jurer, réellement, j'ai vu ça une fois.
- D Est-ce que vous avez acheté une grange, une salle de danse, une ancienne maison, quoi?
- R Un magasin et deux logements.
- D Un magasin et deux logements? vous êtes positif de ça?
- R D'après ce que j'ai vu.
- D D'après ce que vous avez vu?
- R Oui.
- D Est-ce que les deux étages du haut étaient occupés par le même sous-locataire, ou seulement le bas par un seul?
- R Franchement parler, je peux pas vous dire. Je sais que le propriétaire du bas reste en haut, il yna un logement là. Dans le temps, je me rappelle pas, j'ai un magasin, j'ai pas le temps de m'occuper de toutes ces choses-là.
- D Vous occupiez-vous de recevoir votre loyer?
- R Oui, ça m'intéressait, c'est bien commode pour payer les taxes.
- D Savez-vous où demeure Zarbizias?
- R Il demeure dans la propriété.

AMEDEE DESROCHES

D Au deuxième étage?

R Je peux pas dire si c'est au deuxième ou au troisième.

D Mais il demeurerait dans la propriété?

R Oui, dans la propriété.

ET LE TEMOIN NE DIT PLUS RIEN.

LUCIEN GUERTIN,

Sténographe officiel.

ANGELO DIPESO

In the year of Our Lord, One thousand nine hundred and fifty, on the 10th of October, has appeared:

ANGELO DIPESO,

45 years of age, manager, residing at number 6526 Clarke Street, in the city of Montreal and Province of Quebec, witness head on behalf of the petitioners.

Who, after being duly sworn upon the Holy Evangelists, doth depose and say:

EXAMINED BY MR. PACIFIQUE PLANTE, K.C.

COUNSEL FOR PETITIONERS:

Q You are the same persone as Barney?

A That's right.

Q You are manager of what?

A A night club.

Q Which night club?

R Le Faisan Doré.

Q Who is the owner of the Faisan Doré?

R Vincent Cotroni.

Q Vincent Cotroni and who else?

A He has another partner, Edmond Martin.

Q Anybody else?

A No, not that I knowof.

Q Is there anyone of these associates your boss in particular, or if both of them are your employers?

A Those are the bosses.

ANGELO DIPESO

Q They are your bosses?

A That's right.

Q Do you know the whereabouts of Vincent Cotroni?

A Right now, he is on a hunting trip.

Q He is on a hunting trip?

A That's right.

Q Do you know when he left for the hunting trip?

A He left Friday night.

Q Friday night?

A Yes.

Q Which Friday night? Last Friday night?

A Last Friday.

Q Is this the first, the second, the third or fourth hunting trip this last year?

A The first one that I know of.

Q You say that it is the first hunting trip?

A That I know of.

Q Do you know, whether two weeks ago...

A Yes?

Q Did you tell anybody that your boss had been gone on a hunting trip for the last two weeks?

A No, Sir.

Q You did not?

A No.

Q You swear to that?

A I swear to that. I am talking about Cotroni, it is the first hunting trip.

- Q Starting this Friday?
- A Last Friday night.
- Q Where?
- A He is in the county of Labelle.
- Q Who manages the Faisan Doré when he is away?
- A I do.
- Q You do?
- A Yes, Sir.
- Q Do you know how to get in touch with Cotroni?
- A Absolutely.
- Q You know how to get in touch with him?
- A Yes, Sir.
- Q Could you give us his address; to which we may get
X in touch with him?
- A Sure.
- Q What is his address?
- A Right here.
- Q Would you read it for the Court?
- A Au Lac Chaud, La Macaza, County of Labelle.
- Q Is there a telephone number?
- A 608, ring 5.
- Q What particular hours?
- A From seven at night until seven in the morning.
- Q How long have you been working for Cotroni?
- A Five years.
- Q Have you ever been to 328 St. Catherine East?
- A That's right.

Q When did you go there?

A I don't remember which year.

Q Did you go there recently?

A Oh. no.

Q Last year?

A No.

Q The year before?

A Probably.

Q How many times have you been there, did you go there regularly?

A Yes, sometimes, when I was not...

Q Would you speak louder?

A I mean, I said not so regularly, once in a while.

Q What do you call once in a while? Every week?

A Probably once a week.

Q Why did you go there?

A Probably twice a week.

Q Pardon?

A Because I knew some friends there.

Q What was going on at 328 St.Catherine?

A Poker games.

Q Who was in charge of the poker games there?

A I don't know.

Q How did you go there? Was it a place open to everybody?

A No, you had to be a member.

Q You had to be a member of what?

A A member of the charter club.

Q Were you a member of the charter club?

A Yes, Sir.

Q Did you have a membership card?

A Yes, Sir.

Q What was the name of the club?

A I don't remember that.

Q You don't remember that?

BY THE COURT:

Q How did you call the place?

A What's that?

Q How did you call the place ?

A I don't remember the name, I know it was Sporting Club, but I don't remember the first name.

Q When you were to meet your friends there, what did you say? I will meet you where?

A At the club.

Q What Club?

A This club.

Q It had some name?

A I don't remember the name.
MR. PACIFIQUE PLANTE, K.C.:

Q Would you say the barbotte at 328?

A Would I say what?

Q Yes? Would you say I will meet you at the Barbotte at 328?

A No.

Q What would you say?

ANGELO DIPESO

A I will meet you at the club.

BY THE COURT:

Q Was there a barbotte there?

A Yes, Sir.

Q There was a barbotte?

A Yes, Sir.

Q It was not a private club? it was open to the public?

A It was not a barbotte when I went there, it was a poker club.

Q I asked you if there was a barbotte?

A Yes.

Q And you said there was?

A Yes, I am talking about a couple years ago; the barbotte was there a few years before.

Q When was there a barbotte there?

A In 1942.

Q In 1943, maybe?

A Around there.

MR. PACIFIQUE PLANTE, K.C.:

Q 1944, maybe?

BY THE COURT:

Q How did you call the place?

A At that time, there was no name to it.

MR. PACIFIQUE PLANTE, K.C.:

ANGELO DIPESO

Q You say you were a member of that club at 328
and you don't know the name?

A A poker club.

Q How did you become a member?

A Through a friend.

Q Through a friend, through which friend?

A I don't recall who presented me as a member there.

Q You don't recall who presented you as a member?

A No.

Q Did you get a membership card?

A Yes.

Q Have you got that card?

A No, because that's a couple of years ago.

Q That's a couple of years ago?

R Yes, a year or so or one and a half years.

Q Who was in charge of the Club?

A I don't know.

BY THE COURT:

Q Did you have to buy chips?

A That's right.

Q From whom did you buy them?

A Well, I imagine, the same man.

Q And when you were cashing, if you ever did, you
would cash from the man who had sold them to you,
Sir.

Q Changing every day, that man?

ANGELO DIPESO

A Sometimes, he used to ~~stay~~ a couple of days, sometimes, he used to change every day.

Q Was there a manager of the place?

A I don't ~~ask~~ know, I don't ask no questions. I go some place, I just sit down and play poker.

Q It was a private club of which you don't know the name, you were a member of it, you don't know even the manager or the president of the private club?

A I don't remember. There is a president.

BY THE COURT:

You knew very well who was running the place.

MR. PACIFIQUE PLANTE, K.C.:

Q Was it Big Vincent Cotroni, your boss, who was running that barbotte there?

A No, Sir.

Q You swear to that?

A Yes, Sir.

Q Can you name a few of your fellow members of that club?

A Fellow members in that club?

Q Yes, could you name a few? or one?

A Sure, I could name one.

Q Well, start?

A I don't know which member fellows, fellows that used to work there, or what?

ANGELO DIPESO

Q Yes, working fellows there?

A There was a man....

MR. URBAIN SIMONEAU,

COUNSEL FOR SOME OF THE ACCUSED:

In what year?

MR. PACIFIQUE PLANTE, K.C.:

Q Any time since 1941? to the 30th of May 1950? Did you receive any threat that if you talked before this Court, that something would happen to you?

A Never.

Q You never received any threat?

A Never, no threat whatsoever.

Q Cotroni of Martin did not tell you that they would fire you if you talked to this Court?

A Absolutely not.

Q Could you name an employee there, at your club, your private club?

A My private club?

Q Yes, at 328, you said it was yours, a private club, of which you were a member. Can you name one employee?

A Sure.

Q You say sure? What is his name?

A In what year?

Q In any year since the first of January 1941?

ANGELO DIPESO

BY THE COURT:

- Q Name somebody. If it was your club, you certainly know the names of a few persons who were there?
- A That's right, I am just thinking...
- Q This gentleman is asking you to name somebody?
- A We always had nicknames, the real name it is had.
- Q Was Cotroni there often?
- A Sometimes, he used to come.
- Q You could name Cotroni as somebody who has been there?
- A Yes.
- Q What was he going there?
- A Like myself.
- Q Yes. What was he doing there?
- A Playing poker.
- Q Barbotte?
- A No.
- Q Was Martin there?
- A Sometimes, he was.
- Q Why did you not mention him before?

MR. PACIFIQUE PLANTE, K.C.:

- Q Emile Caron, Bébé Caron?
- A That's right, he was there.
- Q Why did you not mention him? Is it not a fact that Bébé Caron was there practically every day?

ANGELO DIPESO

A That's right.

Q Why don't you say so?

A If you didn't ask me, I can't say it.

Q Armand Courville?

A Yes.

Q He was there often?

A I seen him a few times.

Q Why did you not know him?

BY THE COURT:

Q What was Courville doing there?

A Just like myself, I don't know.

Q Answer?

A He played poker.

Q And the other one, B  b   Caron, what was he doing there?

A He was playing poker there, too.

Q Nobody was working?

A They mentioned names, I saw them playing.

Q Was there anybody working there?

A Yes.

Q That club was not run by people who played poker?

A It was run by members.

Q Who was working there? Were you working there?

A Not at that time, not in the poker club.

Q Did you work there?

ANGELO DIPESO

A Yes, I worked there.

Q When?

A At the time of the barbotte.

Q When was that?

A In 1942, 1943.

Q How many years did the barbotte go on, three or four years, or one?

A A couple of years.

Q What were you doing there?

A I was a boxman.

Q A boxman, what is that?

A You are the one that runs the game.

Q One that runs the game, that pays the bets, or throws the dice or what? I don't know?

A You are the man in the middle of the table.

Q What do you do?

A You take care of the game.

Q You take care of the game?

A And he pays off the bets.

Q Is there anybody using dice?

A That's right.

Q Is it that man too or is it somebody else?

A That's right.

Q That man?

A Yes.

Q You were doing that?

A That's right.

ANGELO DIPE SO

Q How many hours were you working there, a day?

A Five or six hours.

Q Who was your boss?

A Cadieux.

BY THE COURT:

Q At that time, who was your boss?

A Hector Cadieux.

Q Now, will you try and make us believe that this was just a private club, and that you did not know who was the boss?

A Your Honour, this is a barbotte...

Q Don't explain. Answer the questions and be careful.

A Yes.

MR. PACIFIQUE PLANTE, K.C.:

Q Do you know René Dubois?

R Right.

Q Was he.... Had he anything to do with the administration of the Club?

A I don't know.

MR. PACIFIQUE PLANTE, K.C.:

I feel that I would like to ask him a few questions, because if I had been informed, a few minutes before coming to Court, about the atmosphere around, I would have brought

his record.

ME JOHN AHERN, C.R.,

PROCUREUR DE LA CITE :

Mon savant confrère n'a pas droit de parler
comme ça.

MR. PACIFIQUE PLANTE, K.C.:

Q Do you know one Matteo Palmiro?

A Yes, I know him.

Q Do you recall under what names you have been
convicted?

A I don't recall that, if you name a few names,
perhaps I will remember.

Q Hercule Montpetit?

A Never.

Q Doyou know Hercule Montpetit?

A I know a Montpetit, I don't know if his first
name is Hercule or what.

Q Doyy you know if Hercule Montpetit is a man that
you happened to meet there, or a man that worked
at 328?

A I don't know his first name.

BY THE COURT:

Q Was there a Montpetit working there?

A Working there, yes.

ANGELO DIPESO

Q How did you call him?

A Montpetit.

Q That's all?

A Yes.

Q How many years, approximately, did he work with you there?

A Maybe just as long as me, maybe.

Q How long were you there yourself?

A A couple of years.

Q He worked there a couple of years and you never ~~you~~ knew him except by the name of Montpetit?

A He has got one arm, he has no hand, if that's the same man, we called him "le petit-bras".

MR. PACIFIQUE PLANTE, K.C.:

Q You say that you worked there for Arthur Davidson?

A No, Sir, I never said that.

Q For whom?

A Hector Cadieux.

Q You said you worked there two years?

A That's right.

Q For Hector Cadieux? How did you come in contact, in your relations, with working at 328 St.Catherine ?

A Because I knew him for a long while before.

Q Did you go and see him, or if he came to see you?

A Yes, I went to see him.

Q Where?

ANGELO DIPESO

- A He lived down East, some place, that's where I seen him.
- Q Where down East, approximately? Pointe- aux-Trembles or what?
- A No, alentours de Papineau.
- Q Did you go to his private home?
- A No.
- Q Where did you meet him?
- A I met him...I called him and met him on the outside
- Q On the street?
- A Yes.
- Q What was the understanding with him?
- A The understanding, I asked him for a job.
- Q And?
- A He sent me over there, he says go there and report yourself at a certain time, and you will work.
- Q Did you ask him for a job?
- A He said go to 328, report yourself, and there you will work.
- Q What did you know about Hector Cadieux?
- A Not much.
- Q Why did you ask him for a job?
- A Because I knew him for a long time before, because I happened to be waiter in a club, I happened to serve him that time he was my customer, that's all, that's how I came to know him.

ANGELO DIPESO

Q Did you ever see Hector Cadieux at 328?

A Sure, I seen him.

Q During the whole time that you worked there?

A Well, that I used to see him once in a while, he used to come around some time, he used to go there when I was not working.

Q Did you ever receive any pay from Hector Cadieux?

A If I got any pay from Cadieux?

Q Yes?

A Sure.

Q What was your pay?

A I had a certain percentage.

Q You had a certain percentage on what?

A On the raking, the take off.

Q At first, how many tables were there at 328?

A Two tables, and then three tables.

BY THE COURT:

Q What kind of tables?

A Barbotte tables.

MR. PACIFIQUE PLANTE, K.C.:

Q Was anybody admitted there, at that time, when you worked in the barbotte?

A Yes, Sir.

Q Anybody?

ANGELO DIPESO

- A Yes, the door was open.
- Q Was it a full room, or several rooms, or how was it divided?
- A Just one room, besides the office.
- Q There was an office?
- A Yes.
- Q Did they play in the office?
- A No.
- Q They did not play in the office? When you were arrested there, as a keeper, do you know why you were arrested as the keeper?
- A No.
- Q Do you know if the owners of ~~the~~ barbottes, had the time, ~~were~~ arrested, the owners themselves?
- A I don't remember that, if they were arrested.
- Q As one of the owners of 276 St. Catherine East, you said you were not arrested?
- A No.
- Q You were not arrested?
- A Where? at 276?
- Q Yes? at 276?
- A I don't remember if it was there, or 328 that I was arrested. If I was sure, I would tell you, if I say I am arrested...
- Q At the barbotte table, you were working, what kind of a table was it? Was it a specially built table?
- A That's right, a square table.

ANGELO DIPESO

- Q Square tables, around?
- A It was not square ...
- Q It was a regular Barbotte table?
- A That's right.
- Q Was it a specially manufactured?
- A Probably it was, but somebody had to make the tables.
- Q Did the police seize those tables?
- A Yes.
- Q Three of them?
- A Ah. I don't know, I seen them take the other tables, I don't know if they took two or three.
- Q Who determined...While you were arrested, who determined who was going to be arrested as the keeper? Who determined that? the manager or who?
- A No, because I was working at that time at the table when the police came, they took me as the keeper, because I was in the middle of the table.
- Q What about the other boxman at the other tables?
- A They gave me the rap.
- Q Were there not other operators at the other tables?
- A At that time, there was only one table operating.
- Q What was the average attendance at that barbotte?
- A Usually, there is about twenty-five people around the table.
- Q Twenty-five people?
- A Around twenty-five or thirty.
- Q What were the peak hours?
- A I don't know.

ANGELO DIPESO

- Q The rush hours, when there was most people?
- A They used to open up another table.
- Q That would be around what time of the day?
- A Sometimes seven o'clock, eight o'clock.
- Q Seven o'clock, eight o'clock at night?
- A Yes.
- Q How long would it last?
- A It lasted two or three hours, five hours, it is hard to say.
- Q What was your average commission there?
- A 10%.
- Q 10% on the take?
- A Yes.
- Q What was the average take at your table?
- A It never was the same.
- Q It was never the same, but what was the average?
- A I used to take probably \$25. an hour, sometimes \$30.00 an hour.
- Q The take in the house was \$25. or \$30. an hour?
- A Sometimes, it used to be \$40. it all depends on the game.
- Q The betting or the wagering at your table, was it limited, or if there was no limit?
- A It was limited to a certain extent, sometimes, there was not enough money, so, there is no limit if it can be covered.
- Q But, there was no limit?

ANGELO DIPESO

- A If there is enough money to cover what you're asking for, you just bet that money to cover up the bets, they have to correspond, they have to be even.
- Q Would you say that if three tables were operating, at any of the tables, you could wager as much as you wanted?
- A If you can get action.
- Q Who is in charge of the money at each table?
- A The manager.
- Q The ~~manger~~ manager, not yourself?
- A Well, every hour we check in.
- Q You check in every hour?
- A Yes.
- Q When you were arrested, let us say the first time you were arrested, did the police seize any money?
- A Yes.
- Q How much approximately?
- A I can't know things like that, because when the police comes in, everybody is excited, you don't know how much is on the table, I don't know what they can seize, sometimes, they don't seize nothing, the players seize it before the police.
- Q Who seized the money that you had handed for the house? You kept the money every hour?
- A Yes.
- Q Was there any money there, when you were arrested?
- A Maybe I just got in there, maybe there is two or three dollars, maybe there is thirty dollars,

ANGELO DIPESO

that, I don't know.

Q While you working here, for two years, who else was working there at the other table?

A There was quiet a few.

Q Start naming one?

A Jack was working there.

Q Jack?

A Ja Cross.

Q Do you know where Jack Cross lives?

A I don't know where he lives, no.

Q You don't know where he lives?

A No.

Q Who else have you seen...Have you seen him recently?

A Yes.

Q How recently?

A Oh. this week.

Q What does he do, what is his employ?

A He works in a tavern.

Q He works in a tavern? Which tavern?

A I don't know which tavern, I know his father, his uncle has got a tavern, he works there.

Q Do you know if he goes under aliases, any other names?

A I don't know, because his real name is Jack Cross.

Q Do you know one Vincent Soccio?

A Vincent Soccie? I know a few Soccios?

Q Do you know Vincent?

ANGELO DIPESO

- A I don't know, which one is Vincent.
- Q Masterocchio? Did you work there on Burger Street?
- A Yes, I did.
- Q When did you work there?
- A I don't remember now, it might be in 1945 or 1946.
- Q What is the other name of Masterocchio? Is it Dulude, do you know him under the name of Dulude?
- A That's right.
- Q Do you know him as Masterson also?
- A I know him as Masterocchio.

BY THE COURT:

- Q Do you know him also as Masterson?
- A Masterson, no.
- Q You never ^{heard} / him going by the name of Masterson?
- A Dulude and Masterocchio, that's all.

MR. PACIFIQUE PLANTE, K.C.:

- Q You don't know the address?
- A The address on what?
- Q Burger Street?
- A I know it is twelve something.
- Q Did you ever work for Angelo Bizanti?
- A No, Sir, I never worked for Bizanti.
- Q Do you know if that place was owned by Bizanti?
- A I don't know that.
- Q Have you seen him there?

ANGELO DIPESO

A There, at that place?

Q Yes?

A I seen him gamble.

Q You saw him gamble there at Burger Street?

A Yes.

Q How long did you work there, on Burger Street?

A Maybe six months.

Q You said in 1945 or 1946?

A Around that time, I think, I am not so sure.

Q Who did you say your boss was, Croce,?

A No, his name was Croce, I did not say Croce was my boss.

Q Who was the boss there?

A At that time, Dulude was the boss, I knew him as the boss.

Q Did you know anybody else as the boss there?

A No, Sir.

Q Werey you ever arrested there?

A I don't think so.

Q You don't think so?

A No, I was never arrested there.

BY THE COURT:

Q What is the answer?

A I was never arrested there.

Q You were never arrested there?

A No.

ANGELO DIPESO

MR. PACIFIQUE PLANTE, K.C.:

Q Do you know if the boss was arrested there as a keeper...

ME URBAIN SIMONEAU,

PROCUREUR DE CERTAINS INTIMES:

J'aimerais savoir à quelle adresse on réfère, s'il en est fait mention dans la requête.

ME PACIFIQUE PLANTE, C.R.:

Le témoin ne le sait pas.

PAR LE PRESIDENT:

Le témoin ne le sait pas?

R J'ai dit c'est à peu près 1 douze cent quelque chose, je ne sais pas au juste.

ME PACIFIQUE PLANTE, C.R.:

D Ce n'est pas 1260?

R Ça se peut, je vous ai dit que je ne savais pas, c'était douze cent quelque chose.

Q Would you think well, think about it seriously, and say whether you were arrested and convicted as a keeper of a common gaming-house at 1260 Burger Street?

A No.

ANGELO DIPESO

Q You have never been convicted?

A No.

Q You are sure of that?

A Not 1260 Burger Street.

MR. MYER GROSS, K.C.,

COUNSEL FOR THE WITNESS:

If you have it...

MR. PACIFIQUE PLANTE, K.C.:

COUNSEL FOR PETITIONERS:

He says he is sure.

MR. MYER GROSS, K.C.,

COUNSEL FOR THE WITNESS:

Please tell him, be fair to the witness.

The witness is ready to admit the convictions,
but don't have him say....If you know, please
tell him that he was.

MR. PACIFIQUE PLANTE, K.C.,

COUNSEL FOR PETITIONERS:

I have reasons to believe that if I don't
corner the witness, he won't tell the truth.

ANGELO DIPESO

BY THE COURT:

Very well, go on.

MR. PACIFIQUE PLANTE, K.C.:

Q In 1940, were you not convicted on the 14th of January, 1940, under the name of Barney Dipeso, and condemned by Recorder Leblanc, for keeping a gaming-house at 1260 Burger Street?

A I told you I wasn't sure. It is possible, it is possible I did, it could have been there.

Q Do you know one Joseph Di Francesco?

A Yes, I know him.

Q Do you know where he lives?

A I know he lives in Parc Extension, I don't know, what street.

Q Did he work there at 1260?

A Yes.

Q What was his job there?

A Floorman.

BY THE COURT:

Q What is that?

A To see that there is no trouble.

Q Is there trouble sometimes in barbotte?

A Sometimes.

ANGELO DIPESO

MR. PACIFIQUE PLANTE, K.C.:

Q What do you do when there is trouble? Do you call the police?

A We just try to smooth it out.

Q Did you ever witness the police being called in barbottes to settle an argument or something else?

A No.

Q Never?

A Never seen it.

Q Did you know Guerino DeStephano?

A Yes.

Q Did he work there?

A Yes.

Q At 1260? What was his occupation?

A I don't know if he worked at 1260, I know him, I know he worked, but he was a boxman. If you would tell me about the address, I am not sure.

Q Joe Coccolichio?

A Yes.

Q What did he do? Do you know if he worked there at 1260 Burger?

A I don't know if he worked there or not, that I don't know.

Q You don't know?

A No.

Q Did you know Vincent Di Batista? Ever heard the name?

ANGELO DIPESO

A I never heard that name, probably I know him under a different name, another name.

Q Was that club patronized? Was that a private club or if it was an open barbotte, at 328, at the time you worked there?

A It was supposed to be a club.

BY THE COURT:

Q Was it open to the public?

A I think so.

Q Answer truthfully. Don't try and evade the answer.

A I am trying to remember, to the best of my recollection.

Q Don't argue, but when you say "it was supposed to be a club" then you don't answer truthfully, because, two minutes after you said it was open to the public, then it was not a private club.

MR. PACIFIQUE PLANTE, K.C.:

Q Do you know one Frank Dosti?

A That's right.

Q Do you know where he lives?

A No.

Q Do you know what his occupation was at 1260 Burger Street?

BY THE COURT:

Q Did he work there?

ANGELO DIPESO

A I know, yes, I seen him there, often, but when I worked there, he was not working there.

MR. PACIFIQUE PLANTE, K.C.:

Q What was it at 1260? Was it a restaurant, or a billiard hall, or a dance hall, or what was it?

A No, it was a private house.

Q It was like a private house?

A Yes, but all the walls were down.

Q All the walls were down?

A Yes, it was just one room, the back, you see, there was a back room on the corner.

Q On the Corner of Burger and St.Catherine?

A Yes.

Q And what else?

A There was a stock-room, there was a store.

Q There was a store? What kind of a store, a restaurant?

A No, haberdasher, and there was a barbershop between.

Q But at the time you were there, before the barbotte, what was it?

A What year?

Q You said you were there six months?

A Yes.

Q What year/^{was it}that you were there ...

A Around six months.

Q You say it was around 1945 or 1946, is that correct?

A I don't swear to that.

BY THE COURT:

Q About?

A Around, I can't....

MR. PACIFIQUE PLANTE, K.C.:

Q At the time, was the front there, a haberdashery store or a restaurant?

A The entrance was on Burger Street.

Q Was there any communication through the front store?

A No, not at that time.

Q Not at the time you worked there?

A No.

Q At other times, did you go to those barbottes to that barbotte, at other times, when you were not working there?

A In this barbotte?

Q Yes?

A Yes.

Q Where did you get in?

A Burger Street.

Q Could you get in by the store also?

A Not at one time.

ANGELO DIPESO

Q Why did you bring the store into this picture?

A At one time, this house used to be vacant, a stock-room for the store, and then they closed it, and made one room.

Q And then, there was one door?

A There was only one door.

Q So, there was only one room?

A That's right.

Q Did you ever hear anybody mention 1260 apartment 2, apartment 3, apartment 4, apartment 8, while you were there?

A No, Sir.

Q There was just one tenant there?

A Yes.

Q Just one tenant?

A That's all.

BY THE COURT:

Q How many floors did you use for the barbotte?

A How many what?

Q Floors?

A Just one.

Q Only one?

A Yes.

MR. PACIFIQUE PLANTE, K.C.:

Q Bid you ever witness any padlocking at 328 St-Catherine street East?

- A No.
- Q During those two years, you never witnessed any padlocking?
- A In which way do you mean, padlocking.
- Q The police, on an order of the Court, putting a padlock on the door?
- A Never witnessed.
- Q Never witnessed that?
- A Never paid any attention to it.
- Q Have you ever seen padlocks on any of the doors there, at 328?
- A No.
- Q Never in two years?
- A Not that I can remember of.
- Q Is it possible that a padlock would have been put by the police and you working there, to ignore it, wouldn't have heard about it, is it possible?
- A Yes, it is possible.
- Q Where would the padlock be put?
- A On the door downstairs.
- Q On the door downstairs?
- A I think so.
- Q You would have kept on working there?
- A No, that place was closed a few times.
- Q That place was closed a few times?
- A Yes.
- Q By what?

ANGELO DIPESO

A I don't know.

Q You don't know?

A No.

Q How do you know it was closed?

A Well, because we could not get in, the door was closed.

Q Which door?

A The ~~back~~ door downstairs.

Q Was there a padlock on the door?

A When it was closed, I did not go to see if there was a padlock or not, I did not go to see for that, it was not my business to go and see.

Q Would you speak louder?

A I did not go to see if there was a padlock or not, the only thing I heard, the place was closed, it is not my business to go and see if there was a padlock.

Q What year was that?

A I don't remember.

Q While you were working there, did the barbotte ever close for two years, for the two years that you were there?

A Not that I remember.

Q That's what I am asking you?

A Not that I remember, it goes from one year to another.

BY THE COURT:

Q While you were working there, was it ever closed?

ANGELO DIPESO

A Je me rappelle pas, Votre Honneur, de ça. I can't say otherwise.

MR. PACIFIQUE PLANTE, K.C.:

Q Did you ever see a padlock at 1260 Burger Street?

A I did not work long enough there.

Q Just six months?

A Just six months.

Q Was there ever a padlock at your place, at 276?

A No.

Q No padlock?

MR UBALD BOISVERT, K.C.,

COUNSEL FOR SOME OF THE ACCUSED:

276 what?

MR. PACIFIQUE PLANTE, K.C.:

St.Catherine Street East. Is that correct?

Q Would your memory be more accurate about your own place, do you think you would remember about your own place?

A Maybe.

Q Were you running that place by yourself or if you had associates?

A I told you I had associates.

- Q Who were the associates?
- A Jack Cross.
- Q Jack Cross and who else?
- A B  b   Caron. It was a poker game, that was not
~~it was a~~ a barbotte.
- Q Do you know if there was a barbotte operating
just a few doors from there, while you were
operating at 276, for instance at 204?
- A When we were operating the poker?
- Q Yes?
- A I don't know.
- Q You wouldn't know?
- A I don't know, I don't know that.
- Q From whom did you rent at 276 or were you the
owner of the building?
- A No.
- Q From whom did you rent?
- A I did not even know.
- Q What was your answer, speak louder?
- A I don't know, I did not rent the place myself.

MR. PACIFIQUE PLANTE, K.C.E

- Q Who rented it?
- A I did not even know which party rented it.
- Q How did you happen to get in there?
- A Because I was asked to be a partner, but I had

ANGELO DIPESO

nothing to do with the lease.

BY THE COURT:

Q By whom were you asked?

A By Jack Cross.

Q Was he actually there himself, was he already there?

A Yes.

MR. PACIFIQUE PLANTE, K.C.:

Q Do you know if he had been there for a long time before?

A No, we did not stay there long, because you came in, that's the time you took over the city, and we had to break up.

Q You had to break up? Was it the first time you were breaking up by then?

A We just stayed two months at the top, that's all, we operated two months, and it was poker.

Q What did you have to break up, when I came in, as you say?

A Because, we could not even play casino at that time.

Q Were there any apartments at 276? Were there different tenants or just one dwelling?

A It was separate.

Q Were there several tenants?

A No.

Q Just one tenant?

ANGELO DIPESO

A That's right.

Q Was there more than one door leading....

A No, just one door from the street and there was no back door.

Q Just one door, no back door?

A Yes.

Q When you say that I closed you up?

A I did not say you closed us up, I say we closed up by ourselves.

Q Why?

A We could not risk nothing, because we were not even playing poker, we were playing casino, still you were raiding up for Coca Cola.

Q Were you ever raided for Coca Cola?

A Not, not me, but I heard that some people were.

Q You heard that some people were convicted for playing casino for Coca Cola?

A For playing for pennies.

Q But you felt you could not risk anything at that time?

A No.

Q Why did you feel that you could risk more at other times?

A I did not feel nothing.

Q You did not feel nothing?

A No.

Q Did you fear anything?

- A I did not fear nothing, what could I fear, I had no business to fear nothing.
- Q Before I came in, did you fear anything from the law?
- A We always feared.
- Q What did you fear? Did anything happen to you?
- A A Not to me, no.
- Q Did anything serious happen to any other keeper?
- A I don't know.
- Q Did you ever hear of one owner being convicted ?
- A I don't know that.
- Q You don't know that, but did you ever hear of the owner being convicted before that?
- A I never heard, I don't know.
- Q Do you think you would have heard if some real owner would have been convicted? Do you think you have heard about it?
- A Maybe yes, maybe no.

ME UBALD BOISVERT, C.R.,

PROCUREUR DE CERTAINS INTIMES:

C'est une question illégale, s'il pense qu'il aurait pu l'entendre.

PAR LE PRESIDENT:

Je crois bien que la façon est irrégulière.

Q In other words, do you know if Masterocchio was ever convicted?

A I don't know, Your Honour.

Q You don't know?

A No.

Q Do you know if Dulude was ever convicted?

A I don't know.

MR. PACIFIQUE PLANTE, K.C.:

Q Bébé Caron?

BY THE COURT:

Q Hector Cadieux, was he ever convicted for gambling?

A I don't know.

Q You don't know?

A No, but sometimes we ^{don't} hear about that.

Q But you don't know?

A no. I don't know.

BY THE COURT:

Very well, that's what you say.

MR. PACIFIQUE PLANTE, K.C.:

Q Was Bébé Caron, ever convicted?

A I was not there all the time, I don't know.

Q If any of these men had been sent to jail, would you have heard about it?

A Absolutely, everybody would have heard about it.

ANGELO DIPESO

Q Why would everybody would have heard about it?

A It would have been in the newspapers.

Q Would it have been out of the ordinary?

A I don't know.

BY THE COURT

Q If your boss had been sent to jail, you would have know?

A Probably, I would have ~~know~~ known.

MR. PACIFIQUE PLANTE, M.C.;

Q Did you ever notice any padlocking at 276 St. Catherine?

A No.

Q No padlocking there?

A I'll tell you, we were not there long enough.

Q Do you recall now, other houses where you would have had gambling houses, where you would have worked, or where you would have had any interest or shares?

A No.

Q These are the only three?

A Yes.

Q You swear to that?

A I did not get your question.

Q Did you ever work or have any interest whatsoever at other gaming places, save 328 St. Catherine Street-

ANGELO DIPESO

East, 276 St.Catherine and 1260 Burger Street?

A If you tell me where I worked, I will tell you yes or no.

BY THE COURT:

Q The question is fair. Did you ever work in another barbotte or in another poker game, besides those three places that we mentioned there?

A I probably did.

Q Where did you work?

MR. PACIFIQUE PLANTE, K.C.:

Q What street? We will help you?

A I worked on St. Catherine, ~~From~~ St.Denis to St.Laurent, and the address, I don't recall, I worked at 276, I worked at 328, that's about a flat on St.Catherine Street.

Q On Burger Street, did you work there?

A Yes.

Q Any other place but this 1260?

A On Burger street, maybe I worked in another place, on Burger Street, when they closed 1260, probably I worked next door, probably 1258, that I don't remember, I don't remember the address.

Q Did you work at more than one house on Burger Street?

A Yes.

ANGELO DIPESO

Q And how many houses did you work?

A Maybe two.

Q Maybe two or is it four?

A At different times?

Q Yes?

A Only two places.

Q Who was the boss of the other house where you worked?

A The same boss as the other one.

Q The same Masterocchio?

A That's right.

Q Whatever his name is, Masterocchio or Dulude, it is the same thing? How far was the second house from 1260?

A Not far, maybe a door or two.

Q You must know if you worked there? Did you have to walk five minutes to get there?

A Well, no, not...maybe next door.

Q Well, was it next door?

MR. PACIFIQUE PLANTE, K.C.:

Q Was it before where you worked, at 1260 or after, the second house on Burger Street, would you recall?

A It was after, it was not Barbotte, it was poker.

Q Were you ever associated with John Delicato?

A Never.

Q Do you know John Delicato?

A Yes, I know him.

Q Do you know his sister, Mrs. Lucie Delicato Bizanti?

A I know her like that.

Q You know her? Do you know if a gambling place was operated at 1262 Burger Street, next door?

A I don't know that.

Q I beg your pardon?

A I don't recall.

Q Do you recall if it was a common bawdy house?

A No, Sir.

Q You don't recall that?

A No.

BY THE COURT:

Q Do you know what that is?

A A disorderly house.

MR. PACIFIQUE PLANTE, K.C.:

Q Not a common bawdy house, a brothel?

A Yes, Sir, it is a disorderly house.

BY THE COURT:

Q You mean it is kind of a disorderly house?

To MR. PACIFIQUE PLANTE, K.C.:

Is your question about 1260 or 1262?

MR. PACIFIQUE PLANTE, C.R.:

Il se rappelle 1260, je lui ai cité tous les noms. Il y avait 1264 également.

Q Do you know if a common bawdy house operated at 1262?

A I don't know that.

Q You don't know that? Are you familiar with that vicinity?

A Well, a little bit, around St. Catherine Street mostly.

Q Where do you live?

A Me? I live up North.

Q Where did you work before you worked for Catroni?

A Who? Me?

Q Yes?

A I worked at the same place I am working now, at the Old Val D'Or.

Q Did you work for Catroni when it was the old Val D'Or?

A Oh. yes, when he first took over the Val d'Or, I worked for six months as a waiter.

Q When did he take over?

A You are asking me?

Q What year?

A I don't remember the year.

Q Have you been going around in the vicinity of the Val D'Or or the Faisan Boré?

ANGELO DIPESO

- A The Val D'Or, yes.
- Q Do you know De Corso Pizzaria?
- A No, Sir.
- Q You never go there?
- A No.
- Q Did you ever go there when it was a barbotte?
- A No, Sir.
- Q Never been there?
- A No, Sir.
- Q Never heard about it?
- A Never heard about it.
- Q Do you know who owns the Corso Pizzaria?
- A I don't know who owns it.
- Q You don't know that?
- A It has changed partners so often....
- Q Did you ever go to 1256 Burger, when Joe Coccolichio, operated a gaming house there?
- A No.
- Q Did you know about the place?
- A Yes.
- Q You did?
- A Yes.
- Q You know one John Primachuk?
- A No.
- Q Did you know John Young?
- A I know him like that.
- Q Did you know John Young under some other name?

ANGELO DIPESO

A No.

BY THE COURT:

A He was not a friend of mine, I knew him, just by appearance.

BY THE COURT:

Don't make signs, answer.

MR. PACIFIQUE PLANTE, K.C.:

Q Did you know about a gaming house at 74 St. Catherine Street East?

A No.

Q At 76 St. Catherine Street East?

A No.

Q At 85 St. Catherine Street East?

A No, Sir.

Q At 94 St. Catherine Street East?

A No, Sir.

Q At 221 St. Catherine Street East?

A You are asking me numbers which I don't remember.

Q Do you know Leo Bercovitch?

A Yes.

Q How long have you known him?

A Not long, I know him like that.

Q Did you ever go to his place at 257 St. Catherine Street East?

A No.

ANGELO DIPESO

Q Do you play the horses?

A Yes, very, very seldom.

Q When you do play horses, do you go to a bookie?

A I go to the track, over there.

Q You only bet at the track?

A Yes, I am not a fiend on horses.

Q Did you ever go to 270 St. Catherine Street or worked there?

A 270?

Q 270? A gaming house, 276 St. Catherine St. East?

A Yes, I was there.

Q 279?

A No.

Q Being in business, being directly connected with a gaming house yourself, did you not enquire about the competition around you?

A No.

Q You did not enquire?

A No, Sir.

ME PACIFIQUE PLANTE, C.R.:

Je demanderais de suspendre le témoignage, on va prendre d'autres renseignements.

PAR LE PRESIDENT:

Voulez-vous le suspendre complètement pour

ANGELO DIPESO

la journée?

ME PACIFIQUE PLANTE, C.R.:

Oui.

PAR LE PRESIDENT:

Voulez-vous contre-interroger?

ME UBALD BOISVERT, C.R.,

ME URBAIN SIMONEAU,

PROCUREURS DE CERTAINS INTIMES:

Pas immédiatement.

The witness's testimony is suspended.

AND FURTHERMORE WITNESS SAITH NOT.

LUCIEN GUERTIN
COURT REPORTER.

RENE DUPONT

En l'an de Notre Seigneur, mil neuf cent cinquante,
le 10 octobre, a comparu:

RENE DUPONT,

Agé de 54 ans, propriétaire de salle de billard, demeurant
au numéro 4412 de la rue Fabre, en la cité de Montréal
et Province de Québec, témoin entendu de la part des
requérants.

Lequel, après avoir dûment prêté serment sur les
Saints Evangiles, dépose et dit:

INTERROGE PAR ME PACIFIQUE PLANTE, C.R.,

Procureur des requérants:

- Q Où avez-vous une salle de billard?
A à 2022 Mont Royal Est, au troisième étage.
Q Est-ce qu'il y a longtemps que vous êtes là?
A Oh, pratiquement 15 ans.
Q Qui est votre propriétaire?
R Caplan.
D Morris Caplan?
R Oui, exactement.
D Savez-vous quel est le locataire au plancher du
milieu?
R Le deuxième?
D Oui?
R Karis.
D Est-ce qu'il est encore locataire?

R Maintenant, j'en sais rien, parce que c'est fermé depuis longtemps.

D Est-ce que la maison est fermée complètement?

R Oui.

D Depuis quand?

R Cinq ans, au moins.

D Savez-vous si quelqu'un occupe les lieux?

R Absolument pas, pas à ma connaissance.

PAR LE PRESIDENT:

D Vous dites que c'est fermé depuis à peu près cinq ans?

R Cinq ans, à peu près, oui.

ME PACIFIQUE PLANTE, C.R.:

D Etes-vous là tous les jours?

R Tous les jours.

D Est-ce chauffé au deuxième?

R C'est chauffé.

D Qui chauffe?

R C'est le propriétaire.

D Savez-vous ce que Karis faisait là, au deuxième étage?

R C'est un bookie, je crois.

D Etes-vous déjà entré?

R Je suis entré quelques fois, certain.

D Est-ce que Karis se tenait là?

RENE DUPONT

- R Je l'ai vu quelques fois, seulement.
- D Savez-vous où il demeure?
- R Non, j'en sais rien du tout, de sa vie privée.
- D Quand l'avez-vous vu la dernière fois?
- R Il y a bien longtemps, je ne le vois pas souvent.
- D Vous ne le voyez pas souvent?
- R Bien non, c'est fermé.
- D Actuellement, vous ne voyez personne?
- R Non, au deuxième, non du tout.
- D Quand vous êtes allé chez Karis, le bookie, est-ce qu'il occupait tout l'étage du milieu?
- R Oui, absolument tout.
- D Il occupait absolument tout?
- R Oui, le deuxième étage.
- D Est-ce que vous avez une entrée commune avec lui?
- R Non, seulement une porte qui communique, une entrée qui communique.
- D Une entrée qui donne accès au deuxième et au troisième?
- R 2020, et le deuxième, 2022, j'ai le troisième.
- D Alors, votre entrée était commune avec celle du bookie?
- R Certainement.
- D Est-ce qu'il faisait de bonnes affaires?
- R Bien, moi, je suis au troisième, je ne suis pas au deuxième.
- D Est-ce que vous voyez entrer beaucoup de monde?

- R Ça circulait toujours, il en venait chez moi.
- D C'est-à-dire que vous aviez la clientèle en commun?
- R En commun.
- D Est-ce que chez Danny Karis... Est-ce qu'il était connu sous le nom de Danny le grecque, Danny the Greek, le connaissiez-vous?
- R Non, je peux pas le prononcer, mais je le connais, comme Karis, son vrai nom est Karis, n'est-ce pas.
- D Comment était-ce divisé l'escalier?
- R Ah, bien, ça, par exemple, c'est difficile, peut-être séparé en deux, je crois. J'y suis allé quelques fois.

PAR LE PRESIDENT:

- D Est-ce que cela aurait pu être séparé en quatorze ou quinze?
- R La grandeur, naturellement...
- D Quand vous êtes allé là, vous dites que vous croyez que c'était séparé en deux, et qu'à votre souvenir, il ne se pouvait pas que ce soit séparé en quatorze ou quinze?
- R En quatorze ou quinze, non, c'est impossible.
- D En deux ou trois?
- R Oui, deux ou trois, Votre Seigneurie.

ME PACIFIQUE PLANTE, C.R.:

- D Connaissez-vous ça, un bookie?

RENE DUPONT

R Certainement.

D Connaissez-vous les appareils ordinaires, une installation ordinaire?

R Les tableaux.

D Est-ce qu'il y en avait chez Danny Karis?

R J'ai vu un tableau.

D Un grand tableau?

R Petit ou grand, à ma connaissance, assez grand, un tableau.

D Avez-vous déjà été témoin de descentes de la police à cet endroit-là?

R Oui, quelques fois, c'est arrivé quelques fois.

D Est-ce que cela vous est arrivé d'être là sur place?

R Non, parce que moi, je gage pas les chevaux.

D Vous visitiez là?

R J'en ai eu connaissance, que ça montait en vitesse.

D Qui est-ce qui montait en vitesse? La police?

R J'en sais rien, j'étais au troisième étage, toujours à mon affaire.

D Est-ce que cela aurait pu être des gageures qui s'en allaient en vitesse, des clients?

R Ça, je peux pas vous dire.

D Entendiez-vous du bruit?

R Du bruit simplement.

D Quelles relations faisiez-vous entre le bruit que vous entendiez et la police?

- R La relation, c'est que la police y était, pour moi.
- D Avez-vous déjà parlé des visites de la police avec Karis?
- R Si j'en ai parlé?
- D Oui?
- R J'avais pas d'affaire du tout.
- D Savez-vous si Karis a déjà été arrêté?
- R Je sais pas.
- D Avez-vous déjà vu un cadenas?
- R Oui.
- D Où ça?
- R Il y en a encore un sur la porte depuis cinq ans.
- D Quelle sorte de cadenas? Est-ce un cadenas de la police?
- R Je sais pas.
- D A l'intérieur du bookie, pendant que vous y alliez, est-ce qu'il y avait un cadenas, des fois de la police?
- R A l'intérieur?
- B Oui?
- R Le seul cadenas que j'ai pu voir, c'est à l'entrée.
- D Depuis quand?
- R Depuis cinq ans qu'il est là.
- D Avant ça, en 1941, 1942 et 1943?
- R En 1941, 42 ou 43, il y en a eu un une fois.
- D A quelle porte?
- R A la même porte.

- D A la porte principale?
- R A la porte principale.
- D Rappelez-vous comme il faut?
- R Je ne suis pas certain de mon affaire.
- D Vous ne vous rappelez pas?
- R Non.
- D Avez-vous déjà vu des scellés sur la porte?
- R Oui.
- D Vous les avez déjà lus?
- R Oui.
- D Sur la porte extérieure?
- R Oui.
- D Recemment?
- R Il y a cinq ans que c'est fermé.
- D Entre 1941 et 1946, avez-vous vu des scellés sur la porte?
- R Je pense que j'en ai vu une fois. Je me rappelle en avoir vu, j'ai remarqué toujours. Je passe pas mon temps sur le deuxième étage.
- D C'était sur votre chemin?
- R Oui, mais je m'en occupais pas toujours, mon cher monsieur.

ME UBALD BOISVERT, C.R.,

PROCUREUR DE CERTAINS INTIMES:

- D Etes-vous locataire?

- R Oui, monsieur.
- D Qui est propriétaire?
- R Caplan.
- D Depuis quand êtes-vous locataire?
- R Que je suis locataire, moi?
- D Oui?
- R A peu près quinze ans, je l'ai dit tantôt, quinze ans au moins.
- D Vous êtes au deuxième étage?
- R Non, au troisième étage.
- D Au troisième étage?
- R Oui, bien.
- D Vous ne savez pas ce qui se passe au deuxième?
- R Absolument pas.
- D Tout ce que vous savez, c'est que le deuxième étage est vide, barré au cadenas?
- R Présentement?
- D Depuis cinq ans?
- R Depuis cinq ans, oui.

ME PACIFIQUE PLANTE, C.R.:

- D Vous ne savez pas si Karis continue de payer le loyer?
- R Ça, ça me regarde pas du tout, moi je paye le mien, et Karis paye le sien.
- ET LE TEMOIN NE DIT RIEN DE PLUS

LUCIEN GUERTIN
STENOGRAPHE OFFICIEL.

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