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Robert Barnes  
(Feb. 21, 1951)

CANADA  
PROVINCE OF QUEBEC  
DISTRICT OF MONTREAL  
No. 3000

Superior Court

PRESENT: THE HON. MR. JUSTICE F. CARON

+ \_\_\_\_\_

R. LEVESQUE, et al,  
Petitioners.

vs

~~MONTREAL POLICE DEPARTMENT, et al,~~  
Respondents.

ARCHIVES MUNICIPALES  
MONTREAL  
MUNICIPAL ARCHIVES

\_\_\_\_\_  
EVIDENCE OF EX-INSPECTOR ROBERT BARNES,  
TAKEN ON FEBRUARY 21ST, 1951.  
\_\_\_\_\_

APPEARANCES:

Mr. Pacific Plante,  
Mr. Jean Drapeau,  
ATTORNEYS FOR PETITIONERS.

Mr. J.G. Ahern, QC.,  
Mr. M. Gross,  
Mr. E. Masson, QC.,  
Mr. U. Boisvert, et al.  
ATTORNEYS FOR RESPONDENTS.

Paul Eadie,  
Offic. Steno.

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Attorneys for Petitioner.

Mr. J.G. Ahern, QC.  
Mr. M. Gross,  
Mr. E. Masson, QC.  
Mr. U. Boisvert.  
et al:

Attorneys for Respondents.

P. Eadie,  
Offic. Steno.



Robert Barnes  
(February 21, 1951)

HIS LORDSHIP:

Up to now, I have taken under advisement the question whether witnesses heard are accused or involved in the Petition should be compelled to testify, and I have not yet reached a decision. I acknowledge that is the rule, only there would be a separate statute to the contrary. Any person who could be classified in the category of an accused person could not be compelled to testify; but this rule does not imply that an accused person is not a competent witness.

According to what I understand in English Common Law of Evidence, any person, accused or not, even when not compellable, is a competent witness if it is of his own free will if he decides to offer his testimony.

With these remarks as a preliminary, before even swearing Mr. Robert Barnes, I will tell him, that for the time being at least, he is perfectly free to withdraw from the box.

If he has received an invitation to come before the Court and testify, he will consider this invitation has no existence; and it is only of his own free will if he decides to give evidence.

BY THE COURT TO MR. R. BARNES:

Q Have you understood, Sir?

A Yes.

Q What is your remarks?

A I am willing to testify in this case.

Q Do you consider yourself free not to testify if you don't want to?

A Yes.

Q Under these circumstances, I will allow the evidence.

DEPOSITION OF ROBERT BARNES:

Mr. Ubald Boisvert,

Attorney for Respondents: Objects.

THE COURT:

The objection, made by Mr. Boisvert, on the ground that this witness could not be used against the other parties involved in this enquiry, is dismissed.

DEPOSITION OF ROBERT BARNES:

On this 21st day of February, in the year of Our Lord, nineteen hundred and fifty one, personally came and appeared

ROBERT BARNES,

Age 61 years, Occupation - Retired Police Inspector; residing at 6081 Sherbrooke Street West, in the City and District of Montreal, who, after being duly sworn in this case, deposes and says as follows -

EXAMINED BY MR. P. PLANTE,

ATTORNEY FOR PETITIONER:

Q Mr. Barnes, how long were you in the Montreal Police Force?



A Thirty-three years and four months.

Q Were you acting in different capacities - were you detailed especially in the West Division?

A Yes, from June 1944 to September, 1947.

Q But, previous to that were you usually stationed in the west end?

A Yes.

Q Always in the west end?

A Yes.

Q In January, 1941, where were you?

A I was Captain in number 23 Police Station in Notre Dame des Grace.

Q How long?

A I was there in 1940 as Captain.

Q How long did you remain there?

A Till 1944, when I went to No. 10 Station.

Q While you were Captain of the District #23, Notre Dame des grace, did you know of a betting house, which operated sometimes as a betting house and sometimes as a gaming house, at 5014 Decarie Boulevard?

A Yes, My Lord.

Q Do you know who was operating that place?

A It was a Mr. Cypiot - Armand Cypiot.

Q Did this man have a restaurant?

A Yes, a restaurant at the front and a bookie at the back.

Robert Barnes

Q Was the back operated in a former garage?

A No.

Q There was a small restaurant and cigar store?

A Yes.

Q And a garage at the rear?

A Yes, Snowdon Garage.

Q That is a large garage?

A Yes, a big garage.

Q Is that the only disorderly house you had in Notre Dame de Grace?

A Yes.

Q Are you aware there were hundreds in other districts?

A Absolutely.

Q Do you know any reason why Notre Dame de Grace was practically immune?

A That I could not say.

Q Did you have occasion to ask some of your plain-clothes men to make increased observation of that book?

A Yes, I certainly did.

Q Did you make reports?

A Yes, every month, to my Superior Officer.

Q What kind of report?

A On raiding.

Q What would you report?

A A book at 5014 Decarie Boulevard.

Q Did you ever mention how long it operated?

A Never in my report.

Q How long had that book been operated?

A He started around 1940 and kept on going till I left there.

Q Till when?

A 1940 to 1944. Till I was appointed Assistant-Inspector and went to No. 10, which is the headquarters for the Western Division.

HIS LORDSHIP:

Q Do you know if it kept on, after you left?

A Yes, it certainly did, My Lord.

MR. PLANTE,

ATTORNEY FOR PETITIONER:

Q As Inspector of the Western Division, you would know?

A Yes, I had to go back there later.

Q What year?

HIS LORDSHIP:

Q How long after?

A 1946 anyway.

MR. PLANTE:

ATTORNEY FOR PETITIONER:

Q Are you aware if the Morality Squad, or any other squad made a raid there?



A I never knew.

Q Was it not customary to send a copy of such report to the Captain or Inspector?

A I remember getting them from No.10, but not in #23. There were not enough customers.

Q But, were you aware there were raids made in that district?

A I heard of it from people around the district who seen the patrol.

Q And every month you made reports of this book?

A Yes.

Q It never closed?

A No.

Q Did this man Cypriot have a license to run the restaurant?

A No, it was in his sister's name.

Q What was the authority of a captain in regard to the restaurant or closing store premises. Had he any authority?

A He made a recommend every year on the restaurant which did not obey our order. We put it on the black - list.

Q What did you do with it?

A Used to send it down to No.1 Station.

Q Who got these reports?

A Captain Langlois.



Q So, you would send your blacklist to Captain Langlois?

A Yes.

Q And, if they over-ruled you?

A We would take action against them for running a restaurant without a license.

Q If they over-ruled you at the City Hall, what could you do?

A Nothing.

Q Did you send a report to Captain Langlois that this restaurant license should be cancelled?

A I don't remember for that one specially, but, in No. 10, we did always.

Q I draw your attention to Exhibit 426, which states that a restaurant permit was granted in 1942 and 1943 to one A. Cypiot, and for other years 1943, 1944 and 1945 it was to Miss Cypiot?

A That was Mr. Cypiot's sister.

Q But, in 1942, it was in the name of A. Cypiot?

A Yes.

Q In answer to His Lordship, you said that you were at No.10 Station and you sent black lists to Captain Langlois?

A Yes.

Q As Assistant-Inspector, did you have any authority, after you left #23?

A Only while Rawley was away.

Q Did you have authority to put him on the blacklist?

A Captain Minogue took over after me. - I don't recall that for Cypriot.

Q Well, you were Captain of Station 23. While there, did you receive from headquarters any padlocking order against 5014 Decarie Boulevard?

A I dure did.

Q Will you file this document as Exhibit 428?

A Yes.

Q This padlocking order number 282 for the year 1941. To padlock 5014 Decarie Boulevard for one month from the seventh of November, 1941 -is that right?

A Yes.

Q Would you file as Exhibit #429. padlocking order #283, to padlock No. 5014 Decarie Boulevard for a month from November 7,1941?

A Yes.

Q Will you file also, as Exhibit #430 a padlock order #592 for year 1942, against #5014 Decarie Boulevard for a month starting the 9th of October 1942?

A Yes.

Q Does this ordinance #282, which was filed under No.428, bear your signature 'R. Barnes.'?

A Yes sir.

Q Does also Exhibit #429 bear your signature?



A Yes, thats mine.

Q Does Exhibit #430, this last one, bear your signature?

A Yes. That is my signature.

Q These reports are to confirm compliance with the orders to put the padlocks on?

A Yes.

Q Would you read, with me, Mr. Barnes, what it says here?

A (Witness reads) "I have the honour to report -  
"it is directed to the Director of Police in 1942 -"  
" that order #592 was put on at 5014 Decarie Boulevard  
"at one-forty-one, for one month." "Respectfully yours,  
"Robert Barnes."

Q What does it mean? That you complied with the order?

A Yes.

COUNSEL FOR RESPONDENT: Objects.

HIS LORDSHIP:

It is not up to the witness to say what it means.

MR. PLANTE,

ATTORNEY FOR PETITIONER:

Q You have read a report that order 592 was put on at 5014 Decarie Boulevard, Apartment 1, for one month from the 9th of October?

A Yes.

HIS LORDSHIP:

I understood you were asking for some interpretation?

MR. PLANTE: Oh no, My Lord.

MR. PLANTE,

ATTORNEY FOR PETITIONER (Continues):

Q When you received order #283, what did Order 283 order you to do?

A To put a padlock on Apartment No.2, at 5014 Decarie.

Q What did you do?

A I went up with the officer from the Morality Squad and put a padlock on the door of the garage.

Q Did you make a report?

A Yes, they had a number over the door 'No.2' - leading into the garage.

Q Is this the report you made? - Was that the customary report you made, first, that you had executed the ordinance?

A Yes.

Q Can you find the report you made?

A I see here on March 1942 padlock was removed from the premises.

Q Was it customary to make another report that the padlock was put on?

A Yes.



Q Did you make a report that you took it off?

A No.

Q Did you make a report that there was no padlock put on?

A No.

Q You said you were accompanied by officers from the Morality Squad, was that every time?

A Always accompanied by officers of the Morality Squad.

Q Did you ever receive any written orders -not to padlock the place?

A Yes.

Q At that time, who was your Inspector?

A Inspector Lawton.

Q That was the order, not to put on any padlock without an officer from the Morality Squad being present to see it was put on the right place?

A Yes.

Q Do you remember who came with you?

A I think it was Lieutenant Lemay, but, he is out now.

Q Would you recall others? - Were you ever accompanied by St. Jean or Therrien?

A I remember St Jean, but not Therrien.

Q Do you remember Carpentier?

A No. Not going with him to Decarie Boulevard.

Q Now, Mr. Barnes, I see here by this Exhibit E-11 that at 5014 Decarie Boulevard, the officers have already sworn charges and have obtained convictions against different parties but never against Cypriot for No. 5014-Apartment one, Apartment two, Apartment 5, Apartment 16 and Apartment 9?

A Yes.

Q It seems to amuse you - is there anything queer about that?

A We only found one big room there, so there could not have been so many apartments.

Q There was no sense to that?

A No sense.

Q Nevertheless, the ordinances you complied with were two against Apartment No. 1, and one against Apartment No.2; they were both against the same apartment?

A Yes.

Q And you acted on orders from the Morality Squad?

A Yes.

Q You were a captain, and Lemay and St. Jean were lieutenants?

A Yes.

Q Was it not obvious to you there was something wrong?

A Yes.



Q Why did you take orders from a Lieutenant, when you were a Captain?

A That was the orders. We had to take the order from the Morality Squad.

HIS LORDSHIP: .

Q Did you complain to the Inspector that you were putting padlocks on apartments that had no such number?

A Yes.

Q What did he tell you?

A To just take my orders from the Morality Squad.

Q Who were you talking to?

A Inspector Lawton. He said we would not get into trouble by doing what the Morality Squad told us.

Q What did you tell the inspector?

A About the padlocking with the Morality Inspectors and he told me to take my orders from them and put your padlocks where they tell you. He said 'You didn't make the raid.'

Q Did you tell him there was something wrong there? There was no sense in putting padlocks on apartments which didn't exist?

A I told him that, My Lord.

Q Did you tell him once or twice?

A I told him once, and he said 'What can we do about it; we have to take our orders from the Morality Squad.'

Q Were you rather friendly with Inspector Lawton?

A I was friendly with them all, My Lord.

Q Did you have discussions about these betting places?

A No. That was the only one we had in Notre Dame de Grace during all these years, to 1944.

Q Did you apply only three padlocks to that place?

A Yes, I think there was only three at that time.

MR. PLANTE,

ATTORNEY FOR PETITIONER:

Q Who was the successor of Inspector Lawton?

A Inspector Rowley.

Q Did this change the operating conditions?

A No, but I went to No. 10 Station.

Q They were just the same?

A Yes.

Q No change?

A No.change.

HIS LORDSHIP:

Q When you told him you didn't know where raids were made, did you tell him something about what I suggested -that there was only one room there?

A Yes, I did. I told him offhand, and he said 'The Morality Squad is not in our hands.' I told him there was only one room there.

Q Did you mention about the apartments?



A No, just about the big gaming room.

Q Did you mention about the orders naming the apartments No. 2, No.3, etc?

A Yes, and he said -'Just take your orders from the Morality Squad, we have nothing to do with that.'

MR. PLANTÉ,

ATTORNEY FOR PETITIONER:

Q Then you were transferred to No.10 Station as Inspector?

A Yes, in June, 1944.

HIS LORDSHIP:

Q Before going to No.10 Station, would it have been possible for you to close that place at 5014 Decarie Boulevard?

A Absolutely, the Captain in his district had authority to close them up. It would not take long if we had been allowed.

Q With permanent results?

A Yes.

MR. PLANTE,

ATTORNEY FOR PETITIONER:

Q But, you were not allowed?

A No, not allowed to make a raid. ~~Did you~~

Q Did you consider it put the Captain in a very unfavorable light?

A Yes. Lots of people asked me -'What is the use

of having a Captain in the place if he cannot do anything.'

Q What did you tell them?

A 'I am very sorry, you will have to see the Inspector'. Some woman would call up and say her son lost all his wages in the book, and I would tell her - 'Good lady, get in touch with the Morality Squad.'

Q That was in Notre Dame de Grace?

A Yes.

THE COURT:

Q Were you interested in anyway in seeing to it that this book would keep on working?

A I was ~~not~~ interested in seeing if we could close it.

Q But you were not interested in seeing it kept on doing business?

A Absolutely not.

MR. PLANTE,

ATTORNEY FOR PETITIONER:

Q When you came to District No.10, as <sup>Assistant</sup>Inspector, were you acting only as Captain?

A I was taking the place of the Captain. It was a big station, and I took the place of Captain as Assistant Inspector.

Q Were there many gamblene houses and brothels in No.10 District?



A Gambling houses and bookies.

Q Do you make a distinction? Between houses and bookies?

A Yes, absolutely, between houses and bookies. To me a betting house and gambling house was the same thing.

Q They were the same thing?

A Yes.

Q Would you produce as Exhibit 431, Padlock Order #296 of 1944 against 1244 Stanley Street?

A Yes. That's right - Harry Davis' place.

Q That place you knew?

A Yes, Apartment 6, that was a garage, to be padlocked for a period of one month from the 28th December.

Q Right. Now will you produce as Exhibit 432, Order 69 for year 1945 - 'Padlock 1244 Stanley Street for a period of six months', correct?

A Right.

Q And produce as Exhibit 433, Order 95 for year 1945 against 1244 Stanley Street, Apartment 6, for a period of six months? Right?

A Yes.

Q And produce as Exhibit 434, Padlock Order 190 for year 1944 against 1244 Stanley Street for a month from the 24th of June, 1944?

A Right.

Q And produce as Exhibit 435, Padlock Order 295,

for the year 1944, against 1244 Stanley Street, Apartment 44, for period of one month from December 1944?

A Right/

Q Is this your signature which appears here on Exhibit 433, to the effect that the padlock was applied and removed?

A Yes. Sometimes he would make an appeal.

Q But, is this your signature -about padlock removed?

A That was when they took the appeal. It didn't take long and we had to repadlock it.

Q Did you ever hear of the Court of Appeals refusing a padlock order of the Recorder's Court?

A No, My Lord.

HIS LORDSHIP:

the  
If anyone says/Apartment does not exist,  
I may ignore them myself.

MR. PLANTE:

ATTORNEY FOR PETITIONER:

Q On this Exhibit 432, does your signature appear here on the report of Mr. Mercure, -'That the following padlock on 1244 Stanley Street has been fixed by myself eight times in the last month, and padlock was found in good order'. This report was made in January 1946?

A Yes.



Q Exhibit 434, does your signature appear here on the record dated June 2, 1944, that the padlock was removed by Assistant Inspector Barnes at 4 p.m. in the afternoon; if that correct?

A Correct.

Q Exhibit 435, is this a report under your signature, May 27, 1945, that padlock was removed this date by you?

A Yes, My Lord.

Q So, you visited these premises at 1244 Stanley Street several times?

A Several times during the month and it was operating.

Q When was it operating?

A In 1944, when I went there.

Q Do you know who was the real keeper there?

A Harry Davis. Everytime I went to put a padlock on, I saw Harry Davis.

Q Are you aware Harry Davis was murdered?

A Yes, that was in my district.

Q Was that in July, 1946?

A I remember it was in summer, but I don't know just what date.

Q But it was around that date?

A Yes.

Q Did you receive a report from your Special

constable that the place was still operating?

A Yes.

Q It was one of the places still operating?

A Yes, and I made a report to Inspector Rawley that they were still operating.

Q Do you know what he did about it?

A No, I do not.

Q You didn't report anything about the Morality Squad?

A I was not allowed to, Your Honor.

HIS LORDSHIP:

Q Was there a written order for the gambling ?

A Yes, every month.

Q But, the order prohibiting you?

A That was the rule in the Station. The Captain always made his report to the Inspector of the Division.

Q Was that rule in existence only where the Inspector and Assistant Inspector was in the same Station?

A I had an office downstairs. He was upstairs.

Q All the Stations in the west end?

A Yes. You had to send your reports to the Division Inspector - all the Captains had to make reports to the Division Inspector.

Q Was there another store around where Harry Davis was?

A There was a small store in front, on the left hand side as you went in the main door.

MR. PLANTE,

ATTORNEY FOR PETITIONER:



Q How many rooms did Harry Davis gambling place occupy?

A Two rooms, and another leading into the garage.

Q Did he use the garage also?

A I never saw them using it, but, there was a number over the door to the garage.

Q Were these rooms occupied the same way?

A Only one. In the back-room they did betting there; but, when they got a padlock, they would move to the front room.

Q There were only two rooms?

A Only two, to my knowledge.

Q Is it possible there were others?

A No, we would have seen them.

Q And when the officers reported, at the Recorder's Court, they had arrested several parties at rooms No.10, No.12 and No.17; does it make any sense?

A None whatever.

Q I see also by Police Reports - I will come back to that later.

Did you ever hear of Harry Davis being arrested as the keeper?

A I never saw him brought into the Station.

Q Do you know who his manager was? Do you know one Joseph Belanger, and Joe Usher?

A No Sir.

Q How many times would you say you met Harry Davis in his establishment?

A Oh, two or three times, when I was walking around there to see if the padlock was in place.

Q Did he seem to be jittery?

A No.

Q He was not scared?

A No.

Q Did he ever try to hide his business or occupation?

A No, never.

Q I see, by Exhibit No. E-16, that the name of H. Davis never appeared as the keeper arrested at that place, and you never heard of him being arrested?

A Never.

Q When there were arrests made, were the persons taken to your Station?

A Sometimes. but usually they would bail them out right at the desk. The Morality Officer would take the bail money right in the Gambling place.

Q Would you recall if personnel were taken to the Station, after or before the Davis murder?

A I think it was after, My Lord.

Q I see here again Exhibit E #16, Ordinance 190, that was just filled for 1944; from the 23rd of June to July, 1944. There was a raid there while the padlock was there?



A Not to my knowledge.

Q If only one room was padlocked, was it possible for the place to operate?

A Yes.

MR. PLANTE:

I draw the attention of the Court to this case.

In nineteen hundred and forty four, there was a padlock order which covered the 24th of June to the 23rd of July, 1944; and there was a raid on the 23rd of July.

Also, in 1945, while Padlock Order 95 is in effect, there was a raid on or about the thirteenth of December; and the padlock covered 26th November for six months to the 26th of March.

And in 1945, there were two padlock orders, - Ordinances 65 and 63, which covered till the 26th of March 1946. In spite of this, there was a raid on the 26th of September, 1945, maybe the day before. It was on the part covered by the padlock order?

HIS LORDSHIP:

Q Since you know the situation, could you explain how two padlocks could be on at the same time, and a raid could be made simultaneously?

A I would not know about the raid/

Q How could this be done?

A There was a room there with a padlock; and there was a padlock on the garage.

Q Did you ever see a padlock on the garage?

A Yes.

Q Did you ever see these two padlocks on at the same time?

A Yes, I remember one on the room; and I put one on the garage door in the lane so noone could come in there.

Q As you go into the place, there was a little store in front on Stanley Street?

A Yes.

Q Then you were following a little hall?

A Yes, which opened into one big room; and there was another big room at the back and the garage at the right hand side?

A Yes.

Q And that garage had a door?

A Yes, going into Stanley Street lane, and we put a padlock on the door to the lane.

Q Then you put another padlock on the door going from the gambling joint to the garage?

A Yes.

Q So the garage was closed both ways?

A Yes.

Q But, the whole gambling joint was not closed?

A No, sometimes the numbers were all loose, and they could take a number from one door and put it on another.

Q Whose car was in the garage?



A I don't know. I never enquired.

Q No one complained about it?

A No.

Q Did you talk about that with Inspector Rawley?

A He came down a couple of days after with me.

Q And he saw the two padlocks on both doors?

A Yes. As a rule the Inspector usually came to see if everything was in order, according to what the ordinance called for.

Q And it was the members of the Morality Squad who told you where to put on the padlocks?

A Yes, we always kept the padlocks in the Station to put on. The Morality Squad never brought them with them. We had them ourselves.

MR. PLANTE,

ATTORNEY FOR PETITIONER:

Q Would you recall who was in charge of the Morality Squad in nineteen hundred and forty four? According to Exhibit #102, filed by Mr. Choquette, Jerry O'Neil would be?

A I remember him, but don't know what dates.

Q Could you recall the name of any of the officers who accompanied him and you to Harry Davis' place to see the padlock?

A Harry Lemay and St. Jean.

BY THE COURT:

Q Together?

A Individually.

MR. PLANTE,

ATTORNEY FOR PETITIONER:

Q When Harry Davis was murdered, did you visit the place?

A No, I was away that afternoon.

Q Following the murder of Harry Davis, were you called on, as Assistant Inspector, to make a report by Director Dufresne or by anyone at headquarters to make a report on that particular place?

A No, I don't remember that.

Q Did you ever see a padlock on the toilet in Harry Davis' place?

A No.

HIS LORDSHIP:

Q Did you ever see a padlock on a toilet?

A Yes, I think it was at 5014 Decarie Boulevard; and the officer came and said 'You cannot keep them from going in there'. It was a big cupboard.

Q It was a toilet?

A No, a cupboard with a wash-bowl in it, and the Morality Officer said 'You cannot padlock there or they cannot go in.'

Q That padlock was put on that toilet room?

A Yes, and cloak room at the same time.

MR. PLANTE,

ATTORNEY FOR PETITIONER, (Continues):

Q Regarding 1244 Stanlet Street, I see by Exhibit E-16 there were convictions against this place not only for operating a book, but also for a gambling house; are you aware of that?

A No, I only knew it as a bookie, My Lord.

Q Did you ever hear of Barney Mickles?

A No.

HIS LORDSHIP:

Q You are going to another house?

A Yes.

Q When you applied this padlock on the garage doors with St.Jean and Lemay, did you make any remarks about the silly appearance of this gesture?

A I made remarks to the Inspector, and he came to see it next day. I said it was a funny place to gamble; and he said he saw them gambling there.

Q Did you ever see them gambling there?

A Yes, sometimes I used to go up in plain clothes and saw them.

Q Did you ever see them gambling in the garage?

A No.

Q So you made a remark to Lemay and Rawley?

A Yes.

Q In what way?



Robert Barnes

A I just told him the way the padlock was put on and he came down, and he would measure the size of the room with a tape measure and draw a little floor plan.

Q But, the padlocks remained where they were?

A Yes, and we put a seal on it at the same time.

MR. PLANTE,

ATTORNEY FOR PETITIONER (Continues):

Q Are you aware the Montreal 'Gazette' published the floor plan of 1244 Stanley Street, when Davis was killed?

A I don't remember seeing the 'Gazette' then. I remember reading about it in the 'Herald.'

Q Do you recall another betting house at 1212 Peel Street?

A Yes.

Q Do you know who was operating there?

A Yes, from plain clothes men. It was Sam Kleaver.

Q Do you know Sam Kleaver as the operator of the Esquire Cafe?

A Yes, I was told he was the owner by plain-clothes men.

Q Did you make a report to your inspector, showing the name of Sam Kleaver?

A No, he said - 'You don't know who owns them places, so, when you make a report, always put 'Kept by unknown.'

Q Do you know who occupied 1244 Stanley Street?

A I know from specials it was Harry Davis.

Q And you knew it was Harry Davis?

A Yes, he called on me one day and said - "When are you coming over to put on the padlock?". He knew before I did.

Q Did you ever hear he was overlord at that time?

A I heard it through the grape-vine there.

HIS LORDSHIP:

Q Did you tell Inspector Rawley that Harry Davis was the owner of 1244 Stanley Street?

A He knew it as well as I did. With most of the Gambling Joints in Number ten District, you usually knew who owned them.

Q And, can the same thing be said of Sam Kleaver's on Peel Street?

A Yes, the same thing applies.

Q Do you know if Inspector Rawley would know?

A I am pretty sure, although, as he says, we cannot prove it.

Q Would there be a way to prove it?

A Well, when you are in these gambling joints, you ask who owns it, and they say 'it is Harry or Joe.'

Q You find people who are hiding from the

police much more easily than these men?

A Yes.

Q And these people, like Davis, were not even trying to run from the police?

A No, they were always in the back corner.

Q But, with a couple of good men, you could find them?

A Yes, but, generally on the day the raid was made, they were not there. That was secret information, through the grape-vine. They were very seldom there the day the raid was made.

Q Are you sincerely convinced of what you say there?

A Absolutely.

Q Could you give us evidence on what you base that information?

A I gave you evidence. I knew pretty well who was running the places.

Q Would you say information was given them, before the raid?

A Yes, from what I heard some of the men from the betting room say, coming out, they were prevented from standing there that day as there would be a raid.

I saw a couple of men one day. This fellow was standing inside the door, and he said - 'Don't stand here today, we are having a pinch.' And I went back to



Number 10 Station; and, about five minutes past three, we got a call to send the patrol over there. I saw them coming out and followed them and they went to St. Catherine and Pierce Street - it was run by the same man.

Q Was that Kleaver?

A I could not say.

Q Where was the place?

A 1440 Guy Street.

Q Do you know Joe Purvin? Jack Shapiro?

A I heard the name Joe Purvin, but not Jack Shapiro. I heard the name mentioned, but would not swear to it.

Q If I recollect you correctly, you saw people coming out one gambling place, and they went to another place?

A Yes.

Q And these two places were run by the same owner whose name was?

A Joe Purvin.

Q And you presently saw the raid take place, at that first gambling place?

A No, I went to the police station. I saw them when they were brought in.

Q What did you think of the whole situation as it appealed to you in these circumstances?

A Not very much. There appeared to be something

wrong somewhere.

Q And you have been in the police force how long?

A Thirty-three years and some months.

MR. PLANTE,

ATTORNEY FOR PETITIONER, (Continues):

Q Inspector Barnes, would you file, as Exhibit D-436, padlock order #209 for year 1944, directed against 1212 Peel Street, from the 14th August, 1944 for the period of one month?

A Yes.

Q Is this your signature, appearing here on the report of August 14th, 1944, that padlock was removed?

A Thats right.

Q Would you file under Exhibit number 437, padlock order #237 for year 1944, against No.1212 <sup>Peel</sup>~~Stanley~~ Street for a period of one month, starting on the 15th of September, 1944?

A Yes.

Q Is that your signature, appearing on this report that the padlock was removed by you?

A Yes.

Q Will you file as Exhibit number 438 the padlock order #14 for Apartment 4 at 1212 Peel Street for the year 1945? - For one month from the 13th April, 1945?

A Yes.

Q Does your signature appear here - 'Robert Barnes' that the padlock was removed?

A Right.

Q Would you file, under Exhibit number 439, padlock order 103, for 1945, for 1212 Peel Street, Apartment No.5, for a period of 12 months from the 27th of November, 1945?

A Right.

Q Is this your signature to a report, made to Mr. Mercure of the Police department, that number 1212 Peel Street was visited during the padlocked period, under Ordinance 103; and that the padlock was removed when the period expired?

A Yes.

Q Will you file the padlock order #437 for 1212 Peel Street for six months from September, 1945.

A Right.

Q And this padlock order, balance of Exhibit 440, is there a report under your signature March 28, 1946, saying that Ordinance 467 for 1212 Peel, the place was closed and no attempt was made for gambling. The premises were visited twice a day, and padlocks were in good order; is that right?

A Yes.

Q Would you file as Exhibit 441 the padlock



order #294 for 1944 against 1212 Peel Street, Apartment No.5 for a period of one months from 28th December, 1944; correct?

A Right.

Q Is there a report, under your signature, that the padlock was removed at the expiration of the padlock order?

A Yes.

Q Are you in a position to swear that in all these cases where, under your signature, you informed the authorities that the padlock was removed, are you in a position to say if the padlock was ever applied?

A It was applied in all the cases as we put them on.

Q Will you file as Exhibit #442 the padlock order 293 for 1944, against 1212 Peel Street, Apartment 44 for a month from the 29th of December, 1944?

A Yes.

Q Do you recall where this gaming house was situated? Was it in the middle flat or in the top-flat?

A In the top-flat, over a barber shop.

Q Did you make the usual report every month?

A Yes, that we examined the padlock and every thing was in order. To Inspector Rowley.

Q To Inspector Rowley?

A Yes.

Q Do you remember how these premises were arranged?

A Yes, when you get to the top of the stairs there was a little hall with one big room on one side and a big room on the other side; and one at the back.

Q Three rooms?

A Yes, and, when the padlock came off at the end of the month, they would move into the other one.

HIS LORDSHIP:

Q The place was never closed?

A No.

Q Did you happen to go there to place the padlock, remove it or examine it?

A Yes.

Q And the gamblers could see you looking at it?

A Yes, sometimes I went in uniform. I might be out somewhere, in uniform, and would look at it.

MR. PLANTE,

ATTORNEY FOR PETITIONER:

Q It disturbed them?

A No, not at all.

HIS LORDSHIP:

Q Could you see them playing?

A I was stepping out my place there.

Q You could have arrested them on the spot?

A I was not allowed to do that.

Q Was there written orders?

A Yes, that everything of that type had to go through the Morality squad.

THE COURT:

Q Was it the only crime in which the police had to use toleration right in front of you?

A As far as I know.

Q On any other thing, you could use your authority?

A Yes, outside of morality.

Q Theft or anything like that, that would be a different story?

A Yes.

Q And a few boys playing crap on the sidewalk?

A Yes, naturally for playing crap in a lane you could arrest.

Q Do you know to-day if it is still the same thing?

A I could not say, My Lord, I am out of the police force since 1947.

Q And, was it the same thing up to the time you left the police force?

A Yes, up to the time I left the police force, yes.

MR. PLANTE,

ATTORNEY FOR PETITIONER:



Q When did you leave?

A In September, 1947.

Q Did Harry Davis's place operate, after his murder?

A I just forget on that.

Q Was there a period when the gaming and betting houses closed in Montreal?

A Not to my knowledge while I was in Number 10 Station.

Q The Morality Squad Exhibit No.370, which are the complaints, which were filed by the Morality Squad, concerning the whole district No.10; and we made copies of them.

A If I remember right, at that time, they were getting permits for Bridge Clubs and had the Charters hanging up there.

Q Which gaming houses?

A I saw one at 1212 Peel Street and another on Metcalfe Street.

Q Was not 1212 Peel Street always called - 'The Ace Bridge Club?'

A Yes.

Q Was that the state of affairs when you came in?

A No, it was a bookie in 1944.

Q But, did it not have the name 'Ace Bridge Club?

A Yes.

Q Why did you say that?

A At a certain time, they started putting in these Bridge Clubs, but, they were gambling just the same. I always knew it as 'Ace Bridge Club' at 1212 Peel Street.

Q Did you ever hear of such a club at 1244 Stanley?

A Myer Dick's.

Q Did you ever hear of one at Cyprus Street?

A I knew it as Sammy Feldman's.

Q Ever hear of him?

A I put a padlock on Cyprus Street.

Q Sam Feldman is the one who operates the News Stand there?

A Yes, right beside the United Cigar Store. At that time, he had it.

Q And, at the same time he was operating a bookie on Cyprus Street?

A Yes.

Q Do you know if Sam Feldman was operating phone service?

A Yes, it used to come through the Bell Telephone.

Q Do you know if it was ever interrupted, that service?

A I could not say.

Q Did you ever sit in on major staff meetings?

A At times, when Inspector Rawley was not there.

Q But, when he was there, you never sat in?

A No, unless they called me down specially.

Q Did you ever see me sitting on the Major Staff ?

A I don't remember seeing you there, Mr. Plante.

Q Did you know one Arthur Davidson?

A Yes, he was pretty well known at the station as he had the El. Morocco Cafe. I was in there and saw him.

Q Do you know anything more about him?

A He had a barbotte.

Q As Assistant Inspector, acting as Captain, were you in charge of taking a census of establishments?

A Yes.

Q And a book was kept?

A Yes, of stores and businesses in the District.

Q And El Morocco, he had a restaurant license?

A Yes.

Q Did you ever meet Davidson in that place?



A Yes.

Q Did you ever meet him in the gaming house on Cyprus street?

A No.

Q Have you ever been there?

A Half a dozen times.

Q Would you file as Exhibit No .....

HIS LORDSHIP:

The ones the clerk has in his hands have already been identified. It would be better to file them separately so the court will know them.

MR. PLANTE,

ATTORNEY FOR PETITIONER:

Q File as Exhibit No. 443, padlock order #212, for 1944, against 894 St. Catherine West, Apartment 3?

A Yes.

Q Will you file as Exhibit 444, padlock order 114 of 1944 against 5000 Decarie Boulevard, Apartment 1?

A Yes.

Q And Exhibit 445, padlock order 241 against 905 St. Catherine West, Apartment 6?

A Yes.

HIS LORDSHIP:

Q What year?

A 1944.

MR. PLANTE,

ATTORNEY FOR PETITIONER:

Robert Barnes

Q Will you file as Exhibit 446, Padlock order #240, for 1944, against 905 St. Catherine Street West, Apartment 5?

A Yes.

Q And produce as Exhibit 447, padlock order 193, for 1944, against 905 St. Catherine West, Apartment No.4?

A Yes.

(The Court here adjourns till 10-30 tomorrow,  
(February 2nd, 1951)

AND FURTHER FOR THE PRESENT DEPONENT SAITH NOT.

\* \* \* \* \*

I, the undersigned duly sworn Official Court Stenographer for the District of Montreal, hereby certify that the foregoing pages, numbered consecutively from one to forty ~~xxx~~ one inclusive, are and contain a true and faithful transcription of the evidence of the above named witness as taken by me.

The whole in manner and form and as by law required, and I have signed,

  
Paul Eadie,

Official Stenographer

1951-17

Inquie Caron

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