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DOMINION OF CANADA  
PROVINCE OF QUEBEC  
DISTRICT OF MONTREAL

Feb. 22nd, 1951.

No. 5000

SUPERIOR COURT

PRESIDING: HONOURABLE MR. JUSTICE F. CARON

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REUBEN LEVESQUE ET AL.,

Petitioners.

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DEPOSITION OF R. BARNES

FEB - 22 - 1957

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JOHN D. NICHIPOROWICH  
OFFICIAL COURT REPORTER  
CRIMINAL COURTS, Montreal.

CANADA

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REUBEN LEVESQUE ET AL.,

Petitioners,

vs

MONTREAL POLICE DEPARTMENT ET AL.,

Respondents.

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APPEARANCES:

MR. PACIFIQUE PLANTE,  
MR. JEAN DRAPEAU,  
Attorney for Petitioners;

MR. U. BOISVERT,  
MR. EDOUARD MASSON, Q.C.,  
MR. JOHN AHERN, Q.C.,  
Attorneys for Respondents.

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Petitioners 's Proof

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DEPOSITION OF ROBERT BARNES

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Exam-in-chief

Barnes

On this twenty-second day of February, in the year of Our Lord one thousand nine hundred and fifty-one, personally came and reappeared,

ROBERT BARNES,

61 years of age, a retired police inspector, residing at No. 6081 Sherbrooke Street, West, in the City and District of Montreal, Province of Quebec, a witness recalled on behalf of the Petitioners, who, having been previously sworn and heard in this present cause, doth now continue to depose and say as follows:

EXAMINATION-IN-CHIEF OF WITNESS CONTINUED BY

Mr. PACIFIQUE PLANTE,

COUNSEL FOR PETITIONERS;

BY MR. PLANTE:

Q Under the same oath you took yesterday, Mr. Barnes.

A Yes, sir.

Q Mr. Barnes, would you file as Exhibit E-448, padlocking order No. 19 for 1945 against No. 1207 University street, Apartment 7, for the period of one month?

A Yes.

Q Would you file as Exhibit E-449, 1 and 2, two orders

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to be identified by their respective addresses and names, against 1222 University street?

A Yes.

Q Would you file as Exhibit E-450 four ordinances to be identified by their numbers against 1246 McGill College?

A Yes.

Q Would you file as Exhibit E-451 two ordinances against 1455 Metcalfe to be identified by their individual numbers?

A Yes.

Q And would you file as Exhibit E-452 three padlocking orders against 1018 Mount Royal Place?

A Yes.

Q And would you file as Exhibit E-453 one padlocking order bearing number 277 against 894 St. Catherine street, West, Apartment 3?

A Yes.

Q And as Exhibit E-454 one padlocking order, number 280, against 954 St. James, West, Apartment 4, Mr. Barnes?

A Yes.

Q One padlocking order, as Exhibit E-455, order number 98, against 1424 Guy street, Apartment 1?

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A Yes.

Q And would you file as Exhibit E-456 four padlocking orders against 1637 St. Catherine street, West?

A Yes.

Q To be identified by their individual numbers?

A Yes.

Q Would you file as Exhibit E-457 two padlocking orders against 1444 Mansfield, also to be identified by their individual numbers?

A Yes.

Q And as exhibit E-458 a padlocking order number 229 against 1107 Cypress, Apartment 3?

A Yes.

MR. PLANTE (To His Lordship): There's a correction to be made, My Lord, - there's a correction we want to make to the petition at some paragraphs.

(To the witness):

Q Mr. Barnes, if I recall well, you were always stationed in the west end?

A Yes.

Q You never had anything to do with the north end of the city?

A No.

Q Is there anybody else or was there anybody else in the

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police force bearing the same name as you?

A There were two other brothers.

Q One was Charles?

A Yes, and Reginald who was a Lieutenant.

Q And Charles Barnes...?

A Was an assistant director; and Reginald was at 21 station.

Q Charles Barnes was later Director before the present Director was appointed?

A Yes.

MR. PLANTE: At Paragraph 4300 we refer to a padlocking order bearing number 43 against 6552 St. Hubert street. We have reason to believe that it was the other Mr. Barnes, Mr. Reginald Barnes, who signed this order and, accordingly, it should not be credited to this witness.

THE COURT: And Paragraph 4300 concerns Robert Barnes while it should be....?

MR. PLANTE: Reginald Barnes. He is not named in the Petition and that is an error of transcription.

THE COURT: I see.

MR. PLANTE: The two were signed "R. Barnes".

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THE COURT: So Paragraph 4300 should disappear from the Petition?

MR. PLANTE: Yes, and also another paragraph, Paragraph 4337, which is the paragraph which concerns this other Barnes, Reginald Barnes, regarding Ordinance 42 against 6968 St. Denis.

THE COURT: Does anybody object to this request that two paragraphs be eliminated?

MR. MASSON, Q.C.: No, but there are more than that; there are over 50 that should be withdrawn.

(Laughter and merriment in the audience.)

MR. PLANTE:

(To the witness).

Q At 1222 University, do you recall who was the operator of that gaming house?

A I understand it was Mr. Arthur Davidson.

Q And did you see or meet him?

A Once.

Q At his establishment or where?

A At the El Morocco Café.

Q At the El Morocco Café?

A Yes.

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Q Do you recall complaints or one complaint reaching No. 10 Station in regard to some kind of a holdup, - not a holdup but a theft of monye, at 1222 University?

A I don't remember that off hand, My Lord.

Q You don't remember that?

A No.

THE COURT: If you have any particulars to refresh the witness's memory, you may put them in. It might be a good thing to do that.

MR. PLANTE: I guess I will bring another witness for this, My Lord.

Does the Court wish me to identify the signatures on each of these documents?

THE COURT: You may show them all to the witness. That's as good a way as any.

MR. PLANTE: Yes, My Lord.

( To the witness):

Q Would you look at these exhibits which have been files as E-448 to 458 and say whtther every one of them bears your signature?

A Yes.

Q On the proces-verbal of the execution?



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A (Witness examined the said exhibits): Yes, sir they are all signed by me.

BY THE CLERK OF THE COURT:

Q Have you seen them all? There are these here yet to look at.

A (After examining a few other exhibits, witness replied as follows): Yes, they are all my signatures.

BY MR. PLANTE:

Q Do you remember a disorderly house, to wit, a betting house, at 1246 McGill College?

A Yes, My Lord.

Q And Exhibit 450, the four exhibits are to the effect that four padlocking orders were signed by you against Apartments 4, 7 and 6.

A Yes.

Q Do you recall the premises?

A Yes, it was up on the second and third floors.

Q On the second and third floors?

A Yes.

Q It occupied two floors?

A Two flats.

Q Two flats?

A Yes, two rooms in the top and two rooms on the second

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floor and a small office on the second floor.

THE COURT:

Q On the second floor, it was in reality three separate rooms?

A Yes.

Q Two large ones and a small one?

A Yes, and two on the top floor.

MR. PLANTE:

Q "here did the operations take place? Were they operating on both floor?

A No, only on one floor when I was there.

Q On the upper floor they were operating?

A On the top flat.

Q Do you recall going to 1246 McGill College for padlocking orders?

A Yes, on one occasion.

Q And there were already several padlocks on?

A They were already padlocked.

Q How many rooms were padlocked?

A Four.

Q Four different padlocks were on them?

A Yes.

Q And you were given an irder to go and padlock a fifth, I suppose?

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A Yes, which we couldn't find.

Q So there were only four rooms and you found each of the rooms padlocked?

A Yes.

Q And you came with a fifth padlocking order and there was nothing left to padlock?

A No, there was nothing.

THE COURT:

Q Where were those four padlocks?

A Two on the top and two on the second floor, My Lord.

Q And you say you never saw any gambling or any betting on the second floor yourself?

A Not myself. I was very seldom in there except to put padlocks on those particular premises.

MR. PLANTE:

Q I see a padlocking order was executed in 1946 against 1246 McGill College?

A Yes.

Q Ordinance No. 45?

A Yes.

MR. PLANTE (To His Lordship): According to Exhibit E14, - I draw the attention of the Court to this case, - according to Exhibit E-14, which are one of the regis-

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Barnes.

kept by Mr. Choquette at Police Headquarters regarding convictions against gaming houses and padlocking orders, and also in Exhibit E-51 which is the register for the years 1945 and '46, there is a padlocking ordinance 45 for 1946 for six months and that there is a proces-verbal which says that there was a motion before the Recorder and that R. Barnes, Assistant Inspector, being duly sworn, testifies that he is familiar with the premises at 1246 McGill College and that the petitioners occupy a room on the second floor; and that by removing the padlocks on the said door and placing the padlocks in such a way that it would still leave access to the office of the petitioner. The petition was suspended in order that the lease be produced by the petitioner.

(To the witness):

Q Do you recall that this ordinance 45 was directed the rear door of 1246?

A The front door.

Q Yes?

A I remember the padlock on the front door, but I don't remember what date it was.

Q But you remember the padlock on the front door?

A Yes, after you came in as Assistant Director.

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Q What happened when I came in as Assistant Director regarding padlocks?

A When you came in, all the apartment numbers ceased. Padlocks were put on the front doors and we couldn't put them on apartments any more.

Q I see.

A So then we didn't have to take a morality officer with you because you locked the front door.

Q Is that what happened in regards to Ordinance 52 in '46, Padlocking order 42?

A I thought you said "52",

Q I'm sorry, - it's 52.

MR. BOISVERT: I don't represent the witness but this is a question of public order. The witness is an accused and he gives testimony as a witness for the prosecution. I wonder if we should not have given him a mis-en-garde so that his testimony be legal; because, he is a witness now for the prosecution who testifies in a case in which he is accused. He was not read a mis-en-garde and does the witness know that whatever he says may be used against him as well as against others? If he was in Defence, There would be no mis-en-garde to give him; but since he is testifying as a prosecution witness, he should be warned.

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THE COURT: I don't think that is essential, but in justice to the witness we might warn him that he is not protected by article 5 of the Canada Evidence Act.

(To the witness): My attention is brought to this point that you have not been told about the warning, - and I don't think it is essential, - but, as a matter of fact, I have been told about it now and I say to you that what you may say can be used against you. Maybe I should have said "Can be used, not necessarily against you, but can be used in any further proceedings if any are taken." Knowing that now, do you still desire to give evidence?

WITNESS: I think so, My Lord.

THE COURT: You think so?

WITNESS: Yes.

THE COURT: Very well.

MR. PLANTE: I think it should be mentioned that it should not be considered as a threat by the prosecution.

THE COURT: I said, "Can be used in any proceedings".

MR. PLANTE:

Q I see that padlocking order 18 for 1946, - I am

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always referring to E-21, - padlocking order 18 for 1946 was executed by you against the front door. Do you recall that at 1440 Guy?

A Yes, I remember that.

Q That was in 1946?

A Yes.

Q And the padlock was applied to the front door?

A The padlock was applied to the front door, yes.

Q Do you remember applying a padlock to the front door, in that year, against 905 St. Catherine?

A Yes, over the Northeastern Café, the Ontobec Bridge Club.

Q I see that while you were there in '43, you had padlocked apartment 4, 5 and 6 of 905 St. Catherine, and that in 1946 you padlocked the front door?

A Not in '43 because I wasn't there.

Q In 1944?

A Yes.

Q In 1944 you went to execute three padlocking orders against apartments?

A Yes.

Q And in 1946 you got an order to apply a padlock and you applied it to the front door?

A Yes.

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Barnes.

Q I see also that, referring to the same Exhibit E-21, you executed two padlocking orders against 1455 Metcalfe, Apartments 2 and 6, in 1944?

A Yes.

Q But in 1946 you executed order 43 against the main door at 1455 Metcalfe. Do you recall that?

A There were two doors, 1455 and 1455-a.

Q But had you, at any previous visit, before 1946, applied a padlock to the main door?

A Never before.

Q Never before?

A No.

Q Do you recall 1018 Mount Royal Place?

A Yes.

Q Just beside the Mount Royal Hotel?

A Yes, it's right in front of it.

Q I see by the ordinance in 1944, No. 189...

A Yes, Apartment 8.

Q And in 1945, ordinance 68 which was executed against Apartment 11?

A Yes.

Q And also ordinance 89 which you executed against Apartment 8?

A Yes.



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Q While in 1946 you executed ordinance 25 against the main door?

A Yes.

Q Of 1018?

A Yes, I recall that I was with Lieut. O'Neil at that time.

Q Was it the first time that the padlock was put on the front door?

A Yes.

Q In 1946, at the end of 1946 and up to the time you left, were the bookies operating wide open as they were previous to 1946?

A No, they didn't have any horse betting; they were playing cards.

Q Do you mean the bookies disappeared?

A The bookies disappeared at the time but I think I saw some of the people who ran them before playing cards or around card tables.

Q But no horse racing?

A No.

Q And as far as gaming houses, - if they were running, - how were they operating in 1946 and '47 when you left?

A If you went in to see them, they were all playing with chips on the table.

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Q But were they operating? Were the houses open to the public as in the past?

A Open just the same.

Q Did they have charters?

A A few of them had charters for bridge clubs.

Q Charters for bridge clubs?

A Yes. Some of them had restaurants in there so they had restaurant licences at the same time.

Q I see. I think that you said yesterday that the state of affairs, the wide open...

A (Interjecting): What I meant by "wide open" is the same state of affairs as before, only they were playing cards instead of having horse racing sheets up.

Q But there were no open bookies?

A No.

Q And was that a great change?

A Yes.

Q So it was not the same as before?

A Not exactly.

Q When you said it was the same as before, - do you wish to correct what you said yesterday?

A Yes, I'd like to correct it.

Q Were you happy about this new situation which was effected in closing the houses?

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A Yes, because you had no trouble to run back to look after the padlocks.

Q And, as an officer in the very important position of Assistant Inspector of the western division, did you feel proud, as a police officer?

A I certainly did.

MR. MASSON: Not only is that suggestive but it is also "proto moto".

MR. PLANTE: I submit yesterday the witness was asked how he felt and he was asked wheter or not he was ashamed of certain things.

THE COURT: Maybe you could ask him how he felt about the change, if there was a change.

MR. PLANTE:

Q So how did you feel about the change?

A I felt it did a lot of good, as far as I was concerned.

Q As far as you were concerned?

A Yes.

Q Did you ever hear of one Moe Detner or Louis Detner?

A I heard the name but I never saw the man.

Q In connection with what house?

A I just heard the boys talking about him about gamb-

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ling and they asked me if I knew Louis Detner and I said "no".

Q Did you ever hear of Eddie Baker?

A Yes, but I never met him.

Q In relation to what?

A A gambling house at Philip's Square, 1221 and 1221-a.

Q Do you know if he was interested also in 486 St. Catherine West?

A I heard of such a place because I saw the padlock there and I heard it belonged to Eddie Baker.

Q Are you referring to order 39 of 1946 which was applied, according to Exhibit E-21?

A Yes.

Q To the main door?

A In the basement, - the main door in the basement.

Q The main door in the basement?

A Yes.

Q Did you ever hear of a man by the name of Nudleman or Noodleman?

A Sam Moodleman?

Q Yes.

A Yes, - 1455 Metcalfe.

Q Did you ever meet the man?

A I met him a couple of times when I went there to put

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on padlocks.

Q Did you hear of Sam Noodleman being arrested at any time?

A Not while I was in No. 10.

Q From what you observed there at 1455, what did you think was Noodleman's business or interest there?

A From what I figured out, he must have been the owner of the place.

Q The owner of the place?

A Yes.

Q At 905 St. Catherine West, did you know who was operating the place?

A No, I didn't know. I know it was a bridge club.

Q Did you hear of A. Gittleson?

A I heard of the name from the plainclothesmen.

Q And you heard the name in the same way as you heard about the others?

A I never met the man.

Q Do you recall going to execute a padlocking order in 1946, order 52, against 1444 Mountain Street?

A 1444 Mountain street?

Q Yes.

A Yes, that place belonged to Harry Smith.

Q Did you ever know that place ot have operated as a

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brothel?

A Not at the time I was in No. 10.

Q But was it known as a former brothel?

A I heard from other people before that it was.

Q Do you know or did you hear whose brothel it was?

A No.

Q Did you ever hear of a Mrs Bisanti in the west end?

A No. I never met her either.

Q You never met her?

A No.

Q You have filed two padlocking orders from 1944  
against 1444 Mansfield?

A Yes, I remember that. That was a store.

Q You padlocked two apartments in 1944 there?

A Yes.

Q And in 1946 do you recall going there to padlock the  
front door?

A Yes, I sure do.

Q Was it according to Exhibit E-21 you executed  
ordinance 3 of 1946?

A Yes.

Q I don't suppose you recall the number of the ordi-  
nance?

A No, I don't.

(It then being 12:30 p.m., the hearing of this case was

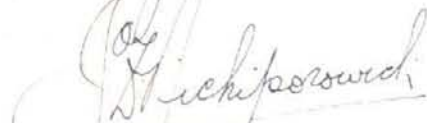
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Barnes.

adjourned for the lunch recess and was slated to reopen at 2:30 p.m.)

AND FURTHER FOR THE PRESENT DEPONENT SAITH NOT I, the undersigned Official Court Reporter, do hereby certify that the foregoing is a true and faithful transcription of the testimony of the above-named witness as by me taken by means of stenography, the whole in manner and form as required by and according to law.

And I have signed,

A handwritten signature in cursive script, appearing to read "John D. Nichiporowich". The signature is written in dark ink and is positioned above the printed name.

John D. Nichiporowich,  
Official Court Reporter.

1951-19  
Enquête Cason

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