

23/6/54 ad

47 pp.

CANADA
PROVINCE OF QUEBEC
DISTRICT OF MONTREAL
NO. 3 000

SUPERIOR COURT

REUBEN LEVESQUE & AL,

Petitioners ex-parte

Déposition of: JOSEPH BERVIN,
the 8th day of March 1951.

AIME GRANDMAISON
Court Official Stenographer.

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SUPERIOR COURT

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REUBEN LEVESQUE & AL,

Petitioners ex-parte

UNDER THE PRESIDENCY OF THE HONOURABLE JUSTICE FRANCOIS
CARON.

Councils: Me.Plante,
Me.Drapeau for the petitioners,
Me.Ubald Boisvert, for the respondents.
Me.Cohen.

IN THE YEAR OF OUR LORD NINETEEN HUNDRED AND
FIFTY ONE (1951) on the eighth day of March.

PERSONALLY CAME AND APPEARED:

JOSEPH DERVIN, 42 years, manufacturer
of pants, 4590 Ponsard avenue,

BY THE COURT:

Q Do you consider yourself bound by that oath?

A Yes.

Bervin

Q You consider that it is sufficient ?

A A Yes, I refuse to answer if I am to be incriminated.

Q You are ordered to answer and you have all the protection that the law can afford you.

EXAMINED BY MR. PLANTE:

Q Were you ever interested in book-making before the first of January 1941 to the 31st of May 1950 ?

R Yes sir, I was.

Q How long have you been interested in book-making ?

R About seventeen, eighteen, twenty years.

Q May be twenty years ?

A Yes.

Q In the City of Montreal ?

A Yes.

Q Have you been the operator of a bookie ?

A Yes sir, I was.

Q Did you own a book under your own name ?

A Yes sir.

Q Did you have many bookies ?

A No, just one.

Q One bookie ?

Bervin

A Yes.

Q Were you always interested in the same bookie ?

A Over the past twenty years, I was interested in one at a time.

Q Let us follow the chronology. When were you first interested in a book ?

A I would say around 1930, 31, 32.

Q And when the war came ?

A I had a book on Guy street, in the neighborhood , not necessarily at the same address.

BY THE COURT:

Q When the war broke out, you were on Guy Street ?

A I don t think I was. It was on St.Catherine.

Q In 1949 ?

A St.Catherine near Guy street.

ME.PLANTE:

Q What was the address ?

A 1637.

Q These two addresses: 1637 St.Catherine street and 1440 Guy Street are mentioned in the petition.

Bervin

BY THE COURT:

Q How long have you been there in 1941 at 1637
St. Catherine street west ?

A I think I was there two or three years .

Q Altogether ?

A I used to move out. I used to have another place
on the corner of Peel street. I don't remember the
date.

Q How many years were you operating at 1637 St. Ca-
therine ?

A About three years, possibly four years.

Q Had that place been operated as a book before
you went there ?

A No .

Q It is the first book there ?

A Yes.

Q Was that your first book ?

A No.

Q You had a book before that ?

A Yes.

BY THE COURT:

Q You said that you had your own book after since
1930 ?

A Yes.

Mervin

ME. PLANTE:

Q Were you ever arrested yourself ?

A Many times.

Q Under your own name ?

A No, if I would help it.

Q What name did you use ?

A Jack Sarkin. That was a book-maker of mine .

Q Did you use other names ?

A Yes, I did.

Q Did you use the name of Jack Clark ? Jack Clarkin ?

A No, I don't think so.

Q Did you use the name of Clark ?

A I cannot possibly remember all the names I used.

Q Did the police accept any names you used ?

A Generally yes.

Q The same officer ?

A No, not necessarily so.

Q But did the same officer accept different names ?

A I don't remember who was the officer. They were changing all the time.

Q You say that they were changing all the time ?

A The man who took the names, the man who was in charge, may be.....

Bervin

Q When there was a raid, you were giving your name as Larkin ?

A Yes.

Q And they accepted it ?

A Yes.

Q Were you ever convicted to jail ?

A No.

Q Have you ever heard of an operator convicted to jail as being operator ?

A Yes, I think so.

Q Whom ?

A Harry Ship.

Q Is that the only one you recall for all those years ?

A There were a few, but I don't remember who they were.

Q Tell me just one.

A Coach me. You must know.

BY THE COURT:

Q Did you fear any danger that you would go to jail because you were operating a book ?

A No, I don't think there was any danger.

Bervin

MR. PLANTE:

Q Did the municipal police ever take you fingerprints and your picture ?

A Yes.

Q The municipal police ?

A Yes.

Q When was that ?

A I don't remember.

Q You don't remember ?

A No.

Q But you are positive ?

A Yes, I am quite positive.

BY THE COURT:

Q You know the difference between the provincial and the municipal police ?

A I think both had my fingerprints.

MR. PLANTE:

Q For book-making or anything else ?

A Nothing else.

Q Were you around as a book-maker since 1941 personally ?

A Yes.

Bervin

A yes.

Q You were ?

A Yes, I am quite sure I was.

Q And you were arrested personally ?

A I am quite sure I was.

Q By the municipal or the provincial police ?

A By the municipal police, I think so.

Q At 1637 did you have partners or were you the sole owner ?

A The sole owner.

Q Was that the ground place ?

A No, first floor up. I had two floors, the first and the second floor.

Q What was the idea of having two floors ?

A That is the way I had to rent the place.

Q Where did you operate ? on first floor ?

A On both. One at a time. Some time on the first and some time of the top floor.

Q Were you always the occupier of both floors ?
You paid the rent of both floors ?

A Yes.

Q How many rooms did you have on the first floor ?

A On the first floor, one, two, three rooms.

Q And on the second floor ?

A On the second floor I had two rooms.

Bervin

Q Five rooms altogether ?

A Yes.

BY THE COURT:

Q And a toilet ?

A No, I had demolished it to make a larger room.

Q Altogether there were two rooms on the second floor and three on the first floor ?

A Right.

Q Was there a toilet there ?

A Yes, there was, on each floor.

Q Were the toilets ever padlocked ?

A Never.

MR. PLANTE:

Q What was padlocked ?

A The room where I worked. I worked in them all.

Q Was your business ever interrupted by a padlock ?

A Yes.

Q Completely ?

A Yes.

Q Did you have five rooms, the five rooms, all of them padlocked ?

A The front door was padlocked. No, it was Guy

Bervin

street that was padlocked, not St. Catherine.

Q Will you look at this picture and say whether it represents the door at 1637 ?

A I think it is on 1440.

Q What does the picture say ?

A 1637, Pioneers Social and Bridge Club.

Q Was that your door ?

A Yes.

Q Was that a picture of your door at 1637 ?

A Yes, I think five years ago.

Q Were you there three years ?

A Yes.

Q Have you any doubt that it is the picture of your door ?

A No, I think it is.

Q You have a note: 1440 Guy street ?

Q Yes.

Q Do you know who put the letter sign there: 1440 ?

A I don't remember.

Q This letter sign: 1440, meant that you were, that you had moved ?

A May be, I don't remember that.

Q Why were you moving to 1440 Guy street ?

Bervin

A I bought the place on Guy street.

Q Was that the only reason ?

A I don't remember.

Q Was this your place ?

A Yes.

Q Was it padlocked ?

A Two times.

Q Yes ?

A May be.

Q I was asking you whether your premises, your business had been interrupted by a padlock and you said yes. The padlock was put on by the police. Right ?

A Yes. Do you mean by that, do you mean that I stopped working because of the padlock ?

Q Yes.

A I went to work somewhere else.

Q But at 1637 was the main door ever padlocked ?

A I don't remember if it was or not.

BY THE COURT:

Q Until what year were you in 1637 ?

A I think it was 1943, 1944.

Bervin

MR. PLANTE:

Q You don't remember ?

A No, I don't remember.

BY THE COURT:

Q I was going to ask you if your place of business had been completely closed for a certain period of time. Do you remember it ?

A No, may be, no because I did move in some other premises and carry the things somewhere else.

Q Did you move up to other premises quite often ?

A Yes.

MR. PLANTE:

Q You said you had two places, two premises: 1637 and 1440 ?

A For ten years. I had a place on St. Luke street.

Q What was the address ?

A I don't remember.

BY THE COURT:

Q When was it ?

A

MR. PLANTE:

Q Before the war ?

A After I was on St. Mathew.

Q At what time were you on St. Luke street ?

A I think it was between Guy street and St-Mathieu's .

Q How long were you there ?

A Not very long.

Q How long ?

A May be two or three months.

Q May be two or three months ?

A Yes.

Q Why were you moving there ? Was that a breach in your business ?

A Probably, because my place was padlocked.

Q What year would it be ?

A I don't remember.

BY THE COURT:

Q Which place was padlocked on Guy street or on St-Luke street ?

A I don't remember, because Guy street was also padlocked at one time ,the front door. I think it was in 1944 or 43.

MR. PLANTE:

Q Just one ?

A It was on Guy street.

Q When did you buy the property on Guy street ?

A I think it was in 1943.

Q And you started operating in 1943 ?

A No, I did not go in right away. I could not go in.

Q When did you start operating ?

A 1944, I think. I would not swear to that.

Q You have invited me to coach you ?

A Yes, you have the information.

Q Are you willing to accept the information filed
by the ledger of the police ?

A Yes.

Q The Court record ?

A Yes.

BY THE COURT:

Q You kept no records ?

A No.

MR. PLANTE:

Q At 1637 St. Catherine street West, it appears

Bervin

that the house started operating in 1938. Would that be correct ?

A Yes.

Q That would be about the time you opened ?

A I imagine so.

Q In exhibit E-16, there appears convictions against apartment one, two, four, five, six, seven, eight, nine, ten, eleven, twelve, thirteen, fourteen, fifteen, sixteen, eighteen, thirty. There were never so many apartments ?

A Five apartments.

Q There were only two cases made against the main door: 1637, according to the records.

A Two.

Q And in December 1940 by the Provincial Police where Charles Blake was arrested. Who was Charles Blake ?

A I don't remember. This is ten years ago.

BY THE COURT:

Q It could be your name ?

A Yes.

MR. PLANTE:

Q You used practically any name ?

A Yes.

Q Is this the only thing that the police would ask ?

A Yes.

Q The second conviction in 1946, on July 24th 1946 ?

A It is many years.

Q Do you remember that this is correct ?

A Probably, I don't remember.

Q You don't remember ?

BY THE COURT:

Q When this case was made against presumed apartment in your building, you were operating just the same ?

A Yes.

Q You were not operating only when cases were made against your main door ?

A Right.

Q And from 1940 to 1946 you never stopped operating on Guy street ?

A Yes.

MR. PLANTE:

Q In exhibit E-16 there appears not a single

Bervin

padlock against the main door. Does that refresh your memory to the effect that your main door 1637 St. Catherine was never padlocked ?

A I am not arguing with the records.

BY THE COURT:

Q So if you were not padlocked at 1637 did you have to move ?

A No, probably not.

Q During those years from 1940,41 to 1946 did you move to St-Luke street and St. Mathew or Guy street or could you not have moved ?

A I could have moved, but it is possible that I moved on St-Luke street after 1946.

Q On St. Mathew street would it be possible that it was after 1946 ?

A Yes.

BY THE COURT:

Q Did you operate the two places at the same time ?

A No.

Q And you have moved from St. Catherine street because you have had too much trouble ?

A For trouble only I would not have moved, but for anything else.

Bervin

Q There was a padlock ?

A No, as long as a room was open, I would have used it.

Q You had the main room which you were using more regularly ?

A I had two. One on the first floor and one on the second floor.

Q Equipped with blackboards ?

A Yes.

Q Th^ese blackboards were nailed ?

A Not essentially.

Q What else did you have ?

A Desks, pencils.

Q A phone ?

A Yes.

Q How many ?

A Two.

Q On each place or altogether ?

A Altogether.

Q Did you have this with

A Yes.

Q By the Bell company ?

A Yes .

Q Did you move your telephones ?

Bervin

A May be I had an extension.

Q When did you move the phone ?

A I probably moved it always I had an extension to the other room.

Q You say you were using another room on the same place ?

A No.

Q You never used more rooms on one floor ? except the one which was usually equipped ? Would that be your answer ?

A Yes.

Q Would you think.....would you like to correct your answer ?

Q I would like to answer to the best of my ability. It has been a long time. I think I had an extension downstairs, and if there was a padlock, I would move the telephone myself. It is a very simple operation.

Q What room did you use ?

A The back room.

Q You state that you never used but the fron room on the first floor and the front room on the second floor. What is your answer ?

A I would say that it is right.

Bervin

- Q Is it correct ?
- A I think so.
- Q Now, what about the back room ?
- A I think that about the back room, I don't remember when it was or why, the first floor I used the back room on the first floor.
- Q On the first floor ?
- A Yes.
- Q Often ?
- A I don't remember how often.
- Q And the third floor, did you use the backroom ?
- A I did not have one on the top.
- Q You had only one ?
- A Two rooms on the top, where was the big room.
- Q Did you use the same room ?
- A I think so.
- Q Did you move your phone there ?
- A I moved after.
- Q Did you call the Bell Company when you moved ?
- A I don't remember.
- Q Did you move the phone yourself or move the wire ?
- A I think it is very simple to move a telephone.
- Q When did you move the telephone.
- A Depending on how much time I had, if I had time, I would prefer to have the Bell Telephone move it.

Bervin

Q How much time ?

A I had the Bell Telephone if I had time.

Q Who asked the Bell Telephone to move immediately ?

A Depending ^{on} how that padlock was coming against.

Q Were you notified that the padlock was to be affixed ?

A Yes, I think I was notified.

Q So you had to move your telephone when you were told that the padlock would be put on a certain room ?

A Right.

Q Is that correct ?

A Yes.

Q And when you were told that the padlock would be put on a certain door, you just had to pick up the things you needed to operate to the other room ?

A Correct.

(P.M.)

Q Do you know why the officer that raided your premises took the numbers of the presumed apartments why they put a complaint against you ?

A Yes because as it stands now, there were at least fifteen apartments mentioned and, as you said before, there were only five.

Q How can you account for that ?

Bervin

A I cannot account for that.

Q How long have this system of identifying a betting house have been used by the police ? your civic number was really 1637 ?

A Right.

Q You were giving your address as 1637 ?

A Yes.

Q All your bills were being sent to this address : 1637 ?

A Yes.

Q You had a lease for 1637 ?

A Yes.

Q You paid city taxes for 1637 ?

A Yes.

Q Did you pay taxes under your own name ?

A I don't remember if it was my name or if it was The Pioneer Social Club. I don't remember that. Probably it was under my name.

Q At any rate, you paid that ?

A Yes.

Q What taxes did you pay ?

A Water taxes, that is all.

Q Did you pay any business taxes ?

A I don't know.

Bervin

Q To the best of your knowledge you paid only the water tax ?

A Yes.

BY THE COURT:

Q Did you pay by cheque ?

A I don't remember. It is paid.

Q Did you have a bank account ?

A Yes.

Q In the name of The Pioneer Social Club ?

A I don't think so, no.

Q

MR. PLANTE:

Q In water tax roll for the City of Montreal, in 1945, in 1946, 1637 is registered under the name of Pioneers Social and Bridge Club, second and third floor, Jos. Bervin president. Is that correct ?

A Probably.

Q All bills, all taxes were paid for 1637 and that was your address. What was the purpose of adding apartments like this they were not existing like that ?

A They were existing.

Bervin

Q You were the only tenant ?

A Yes.

Q Did the police knew that you were the tenant ?

A I never asked them.

Q Did you hide ?

A If you walk into my place and saw my apartment,
you would think there were many tenants. That was
the impression I wanted to give.

BY THE COURT: .

Q You were always there ?

A Yes.

Q You were the one who was paying the bound to the
officer in charge when there was a raid ?

A Generally yes.

Q Generally you were the one dealing with the officer ?

A Yes.

Q Appearing to be at least the manager of the place ?

A If you assume that.

Q You did not let your caretaker look at that money ?

A Yes, one of my staff would do that. Generally I
was the one.

Q You were running the whole thing.

A Yes.

Bervin

MR. PLANTE:

Q Is there any doubt about the owner of the place ?

A You have to ask them.

Q For you ?

A I never asked them, I never put anything forward as this: who is the boss. I did not know at that time what they were thinking. So I cannot say.

Q The numbers of apartments which appear are they numbers that you put on ?

A Yes.

Q And so you changed the numbers of the apartments ?

A Yes.

Q You were changing the numbers yourself ?

A Yes.

Q Why ?

A If I was arrested let say on apartment one, I knew that a padlock would be put on it if there was another arrest against it. So I changed the number of the apartment to number two.

BY THE COURT:

Q That was to fool the police ?

A Yes.

Q And you have.

A I don't know how the records go.

Q You had many padlocks ?

A I had enough.

Q And you had been operating for five years ?

A Yes.

Q Through the system of changing the numbers above
the same door ?

A Yes. That was what I was trying to do.

Q You found it very easy to fool the police ?

A I don't know. I was padlocked just the same.

Q The room was padlocked, but the whole place was
going on just the same ?

A Yes.

Q Your operations were never stopped by those
padlocks ?

A Except when the front door.....

MR. PLANTE:

Q Was it not a crude way

A I cannot answer that. What may be crude that way.
I don't know .

Q According to the police report E-16, the
front door was never padlocked.

Bervin

A You said it was padlocked.

Q Not at this time. A case was made against 1637 as exhibit E-16, a case was made in 1940 and in 1946 against 1637 St.Catherine.

A Not padlocked

Q Do you know how many convictions in a year ?

A Two.

Q There was only one in 1940.

A Yes.

Q So your place was never padlocked ?

THE WITNESS:

Was it the time it was on the front door ?

Q Yes

Q And referring to exhibit E-16 I see, for example, that in 1942 officer Clair made one, two, three, four raids in 1942; five raids , in June against Apartment 11, one on the fifth of June, one on the 21st of July against apartment six, one on the 26th of October against apartment twelve, one on the 12th of February against apartment seven and one on the 9th of December against apartment 16.

Bervin

The same officer pointing or swearing before the court cases against five different apartments of the premises.

ME. BOISVERT: Objection.

BY THE COURT: Objection over-ruled and the question is permitted.

MR. PLANTE:

Q Did anybody suggested to you to change the numbers of the apartments or if it was of your own thinking ?

A I don't remember how the thought ever came.

Q You swear to that ?

A Sure, positive.

Q Did you know other bookies in town ?

A Yes.

Q Did you know all other bookies all over town in years ?

A They all follow the same gesture.

Q You swear you cannot recall whether it was your own idea or if somebody suggested it to you ?

A No, I don't remember.

BY THE COURT:

Q DO you know if all bookies were following an identical system ?

A I think so.

MR. PLANTE:

Q Do you know if any of your friends, your other friends owing places like yours, if their main door was padlocked between 1941 and 1945 ?

A You would know better than I.

Q Did you ever hear of that ?

A I don't remember. Probably.

Q Probably ?

A I cannot say yes or no. I don't remember.

Q When you decided to open your bookie how did you choose the spot ? You are a businessman.

A Yes.

Q How did you choose your spot .

THE WITNESS

That particular location ?

Q Yes.

THE WITNESS:

The neighborhood ?

Q Yes.

Bervin

- A That is where I lived. I was there all the time.
- Q Is that the reason ?
- A Yes, that is where all the time.
- Q You were well-known ?
- A Yes. My father had a store on St.Catherine street and Guy street and we had a store, I was ten years, twelve years.
- Q That is the reason ?
- A Yes.
- Q Did you make a little survey as if there were any competitors around there ?
- A Yes.
- Q When ?
- A Years ago.
- Q When you opened ?
- A No.
- Q No competitors ?
- A Incidentally you asked me this morning when I first open up,when you asked me that, well, I was not the sole owner.
- Q Did you know that operating a bookie was against the Criminal Code of Canada ?
- A Yes.

Bervin

Q Were you not afraid to open your bookie ?

A Well....evidently I was open for twenty years,
I guess I was not.

Q Why were you not afraid ? There is a police force
in the City of Montreal ?

A Yes, there is a police.

Q There is an executive committee watching the
police law ?

A I did not know that.

Q You knew that there is a police force ?

A Yes.

Q You were not afraid ?

A Afraid.....I am afraid to cross the street.

BY THE COURT:

Q You were afraid to be put in jail ?

A Not either.

Q You would be afraid of stealing ?

A Yes.

Q Not because it is wrong in itself but also
because there would be a punishment ?

A Yes.

Q Did you know that there was no punishment against
bookie ?

A I never felt criminal.

Q According to this general thought, you knew that it was prohibited to operate a bookie by the Criminal Code ?

A Yes.

Q You knew it was possible for you to go to jail for operating a bookie ?

A That possibility always existed.

Q You were not afraid ?

A I had a charm.

Q You said a minute ago you were not afraid: I was open twenty years.

A I had fear, but even if you would fear, you would do just the same.

Q Have you ever heard of a book-maker being put to jail ?

A I think Jack Knish went to jail.

Q Was he a real book-maker himself or an employee ?

A That must be ten, twelve years.

Q Your colleagues, the owners, were they ever put to jail on account of book-makers ?

A Harry Ship is the only one I remember.

MR. PLANTE:

Q Once you decided to open you say that you had been working since 1920 or something like that ?

Bervin

- A Yes.
- Q You had been working for somebody else ?
- A For somebody else.
- Q For whom ?
- A Roofy.
- Q Where was he operating ?
- A He was operating on St. Catherine near Pierce street.
- Q That would be what number ?
- A The building was demolished.
- Q Do you remember the number ?
- A The numbers have been changed.
- Q You were there as a ticket man ?
- A Yes.
- Q How long ?
- A One year probably.
- Q Then did you go into business for yourself ?
- A Roofy gave up and he gave me the business.
- Q How long did you stay in business there on Pierce street ?
- A I worked for him there. He moved to Cypres street.
- Q What number ? 1105 ?
- A Approximate the Windsor station.
- Q The hotel ?
- A No. the street.

Bervin

Q Osborne street ?

A Yes.

Q You were operating on Osborne street ?

A I was operating for him until he gave up and he gave me the business.

Q On Osborne street ?

A Yes.

Q How long there ?

A Not long. We are going back quite a while. I moved from there to Bleury street.

Q What address ?

A Near Sherbrooke, on the hill.

Q What year approximately ?

A 1932, 1933.

Q Did you stay there long ?

A No, a year or so.

Q Why did you move from Osborne street ?

A I don't remember why.

Q You remember why you left.

A May be the landlord discovered me.

Q On Bleury street why did you move ?

A I think we were raided once, I don't remember.

We thought it wise to move. I don't remember the details.

Bervin

Q You were there on Bleury street how long ?

A A year.

Q And from there ?

A That is becoming life history. To Sherbrooke street, near St-Urbain.

Q Always on your own ?

A At that time I was with George Pearce.

Q You stayed there how long ?

A It is only a guess. A year possibly.

Q And then ?

A THE WITNESS:

How many years do I have to go back ?

Q I want to show the court how much experience you have.

A From there I went to Guy street.

Q What address ?

A 1440, upstairs.

Q 1440 upstairs ?

A Yes, which was subsequently burnt down.

Q That is prior to being to 1637 ?

A Yes.

Q And then later, around 1945, we went back to 1440, the new building ?

A The top floor burnt.

Q Was it the same routine in all those years, was it the same routine followed by the police being faked by the number of apartments ?

Bervin

A At that time I moved because the police stopped the business there and then I never went back there again.

BY THE COURT:

Q When was that ?

A In 1930.

Q From Osborne to Bleury and then to St-Urbain street ?

A Yes, Sherbrooke and St-Urbain.

MR. PLANTE:

Q They found out how the operation was going on and they put you out of business ?

A Not out of business, no, I moved somewhere else.

Q There was a particular reason. And at 1637 you were visited by the Montreal Police every month ?

A Yes.

Q That is because you moved ?

A Well it is a question of business. If it is profitable I stay, and if it is not, I move.

Q So I can say that at 1637 you could meet all expenses ?

A Yes.

Q Would you say that you were arrested under the name of Jack Larkin ?

Bervin

A Yes.

Q You say so ?

A Yes.

Q You swear to that ?

A Yes.

Q Several times ?

A I would say so, yes.

Q Did any body gave your name of Jack Larkin ?

A Possibly yes.

Q How many times were you arrested by the provincial police under the name of Jack Larkin ?

A I don't know.

BY THE COURT:

Q To your knowledge did you have your place of business, did you have into your place of business somebody by the name of Jack Larkin ?

A No.

Q Was it noticed that you were using the name of Jack Larkin ?

A It is possible.

Q Did your employees knew that you were using the name of Jack Larkin ?

Bervin

A Yes.

Q Yes ?

A Yes.

MR. PLANTE:

Q So if the business was good you could pay the fines and you were not padlocked ,you could stay there ?

A Yes.

Q And the police accepted your aliases and you were always paying the bills yourself,practically all the time ?

A Yes.

Q They were accepting your changing numbers ?

A I don't know if they noticed the change or not.

Q Could they be that stupid ?

THE WITNESS:

You ask me ?

Q Yes, could they be that stupid ? You lived in the premises ? Would you keep an employee who would be so stupid as to accept what the police accepted from you ?

A It is a question for the police.

Q I am asking you.You had employees ?

Bervin

A Yes.

BY THE COURT:

Q They would know the difference between one dollar and two dollars ?

A Yes.

Q If your employee would not know the difference, you would not have kept him as an employee ?

A No.

MR. PLANTE:

Q When the police raided your premises what would they seize ?

A They seized all my betting slips.

Q All your betting slips ?

A Yes.

Q Of the day ?

A of the day, yes.

Q Do you swear to that ?

A Oh yes.

Q What else would they seize ?

A My result sheet.

Q All your result sheets ?

A No, they took enough, I think. They would not take

Bervin

them all, I don't know, four or five.

Q If they seized betting slips how would you pay your customers ?

A I had a lot of trouble with that. A person would come for money. It was a problem to pay.

Q And the police was accepting that fake, they were accepting your real slips ?

A Yes.

Q Were they then granting you five greater privileges, not closing down your place. Why should they take the slips of the day ?

THE WITNESS:

Why should they come every month ?

Q May be you could tell us.

A May be you can.

Q What else would they seize ?

A They would seize what was necessary to make their cases.

Q Would they seize the telephone ?

A Not in the early years.

Q During 1941 up to 1945 ?

A Yes, I think they did.

BY THE COURT:

Q Were they not seizing only the ear phone ?

Bervin

- A The phone and the ear-phone too .
- Q Did you have a special phone for that ?
- A No, the phone I was using.
- Q Did you have the phone disconnected ?
- A Yes, I did.
- Q You had the phone disconnected ?
- A Yes, when they left, I had a phone and I would put it back on the wire.
- Q You had an extra phone ?
- A Yes, I had one in stock all the time.
- Q Would they seize the ear-phone quite often ?
- A I don't think so. They took the phone.
- Q Would they not seize only the slips on the sheets being on your blackboard ?
- A Two or three or generally five or six, I would presume, so they had enough to prove the case.
- Q You did not put your betting sheets on the board ?
- A No, it is renewed.
- Q Was it not what was they were seizing ?
- A Yes.
- Q Not your betting sheets ?
- A Yes, also.
- Q Where ?
- A On the desk. I had them in front of me all the time. They would seize them.

Bervin

Q Did you hear the police when they were coming for a raid ?

A Yes, very often.

Q Five or six ?

A Yes.

Q And making no noise ?

A Yes, one fellow broke his leg.

Q Did you have time to put your betting sheets or your betting slips or whatever you call in your pocket, when you heard the police coming ?

A Yes, once in a while we did.

Q You did not purposely give them something that would cause you a lot of trouble ?

A No.

Q Did you know on what day they were coming ?

A No.

MR. PLANTE:

Q After a raid how long was it till you could resume operation ? How long was it ?

A Not long.

Q What do you mean: not long ?

BY THE COURT:

Q Five minutes after the police had left ?

Bervin

A Yes, as far as I had my fine accepted.

Q Your customers were not leaving the place ?

A Sometimes they were all told to go out.

Q Sometimes ?

A Yes.

Q Sometimes they were all there ?

A Yes.

Q And the police was taking their names ?

A Yes.

Q And accept the money ?

A Yes.

Q And depart ?

A Yes.

Q And then you would go on with your business ?

A Yes.

MR. PLANTE :

Q Did the officer before taking your names, did he call or would he call the Bell Telephone to tell them that the police were seizing your telephone ?

A Not in those years .

BY THE COURT :

Q What year do you mean ?

Bervin

Q I think about the year 1940.

Q Before 1945 ?

A Yes.

MR. PLANTE:

Q They just took the phone ?

A They cut the wire

Q

BY THE COURT:

Q Could you get your phone back from the police ?

A No, they were not hard to get.

Q In 1942, 1941 it was easy to get one ?

A It was easy to have some in the apartment.

Q And they were.....

A They were telephones, they were not numbers.

Q So you could get a telephone, you could get them
so that you could replace them every month ?

A Yes.

Q For five years ?

A Yes.

Q During those years ?

A I used to keep two or three all the time.

Q And nobody could keep one at home ?

A They were dead phones.

Q Just instruments ?

Bervin

A Yes.

Q You could get the instrument ?

A Yes.

Q Yes.

A From the janitor.

Q From the janitor who could look them off ?

A People must have.....

Q And who was coming in ?

A The Bell Telephone had to replace.

MR.PLANTE:

Q And you say people were staying out of the apartment ?

A I assume that.

Q Could you give me the name of one janitor and tell me why he was the janitor and he was giving you the phone ?

A I don't remember.

Q I know. If you could phone like that...

MR.PLANTE:

Q According to police report E-16, the municipal police alone raided your places 31 times before the 23rd of January 1952.....that is what I want to say is between the 23rd of January 1941

to the 24th of July 1946; 31 times. Did the provincial police go always alternate with the Montreal Police in making the raids in your premises for 1941 to 1945 ?

A Well by that they mean....

Q Would they make cases, did the police, the provincial police made cases against you ?

A Yes.

Q With same frequency ?

A Yes.

Q And they would come one week ?

A They would come the same day.

Q You mean that from 1941 to 1946 the average was that raids were made forty-five, sixty times ?

THE WITNESS:

In four years ?

Q Yes, from 1941 to 1946 ?

A Yes.

Q So you were raided about sixty times in five years ?

A Yes.

Q About every month ?

A I don't remember but that would be possible.

Q And every time they would seize telephones ?

Bervin

A I don't remember. The Provincial police, it would
seize the telephone.

Q It is possible that the Provincial Police did not
seize the telephone ?

A Yes.

BY THE COURT:

Q Is it possible that the municipal police did not
seize the telephone ?

THE WITNESS:

Is it possible that.....

Q Do you think that the landlord would take that
very easily that his janitor would steal telephones
from his apartment ?

A

AND FURTHER DEPCNENT SAITH NOT.

I, the undersigned, AIME GRANDMAISON,
Court Official Stenographer, declare that the
foregoing pages are and contain a true transcript
of the deposition of the above named witness as
taken by me by means of stenography; the whole,
according to the law.

AND I HAVE SIGNED:

A. Grandmaison
AIME GRANDMAISON
Court Official Stenographer

1951-33

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