

C A N A D A

PROVINCE OF QUEBEC

DISTRICT OF MONTREAL

IN THE SUPERIOR COURT.

Before the Honourable Mr. Justice Caron.

No. 3000 Ex Parte:

RUBEN LEVESQUE et al.,

Petitioners,

- versus -

THE CITY OF MONTREAL,
et al.,

Respondents.

SESSION: FRIDAY, NOV. 14, 1952.

-Witness: RICHARD QUINN.

Examn. in chief ctd.: PP. 2 - 6; 18-128.

Dr. H. MITCHELL: PP. 6-9; 12-17.

Dr. N. FEENEY: " 9-11.

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Reporter.

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EVIDENCE AND PROCEEDINGS AT SESSIONS
OF THIS COURT HELD AT THE OLD COURT HOUSE,
IN THE CITY OF MONTREAL, BEFORE THE HON.
MR. JUSTICE FRANCOIS CARON, ON FRIDAY,
THE FOURTEENTH DAY OF NOVEMBER, 1952.

MORNING SESSION.

The proceedings were resumed at 10.30 o'clock
of the forenoon.

Appearances: Mr. Pacifique Plante and Mr. Jean
Drapeau, for petitioners; Mr. Joseph Cohen, Q.C., for
various respondents; Mr. Guy Desjardins, for Mr.

Asselin; Mr. Gaston Lacroix, Q.C., for Mr. Richard Quinn; Hon. Lucien Gendron, Q.C., for Captain Taché.

RICHARD QUINN

again took the witness-stand.

THE CLERK: Under the same oath.

EXAMINATION-IN-CHIEF resumed, by Mr. PLANTE:

Q Mr. Quinn, in your testimony yesterday you made several references to the Montreal Commission headed by Mr. Potvin with the delegate the Director of Services Honoré Parent, and you implied that the Executive Committee had no authority. Do you still maintain that statement, that the Executive Committee had no authority?

MR. LACROIX: The witness may have made some statement, but of course whether the Commission was in authority or the Executive Committee is a question of law. Even if my client went into this detail, I don't think we should take up the time of the Court on that. It is for the Court to decide.

MR. PLANTE: I am just referring to his testimony of yesterday.

HIS LORDSHIP: Continue for time being: if he goes too far--

Richard Quinn

MR. PLANTE: I won't discuss the legal aspects.

(To the witness):

Q Did it ever occur that the Municipal Commission delegate or the Chairman of the Montreal Commission interfered, or refused any suggestion made by members of the Executive Committee, and you in particular, regarding those conditions in Montreal? In other words, did you ever come up with a motion for the Executive Committee concerning vice conditions in Montreal and that you were over-ruled by Mr. Potvin or Mr. Parent?

A I think I answered that question yesterday: I said no.

Q No?

A That is right.

Q It never occurred?

A But I would like to say that my statement yesterday was to the effect that from 1940 to 1944 the Municipal Commission were running the City.

HIS LORDSHIP: That is a question of law.

BY MR. PLANTE:

Q Was the Executive Committee acting as it

Richard Quinn

ordinarily does, holding its regular sessions and in the ordinary manner, with members making different motions?

A Yes, I would say that they were -- if you want to use the expression -- going through the motions.

Q Yes?

A But the decisions were made regarding finance by the Municipal Commission.

Q Decisions regarding finances were made by the Municipal Commission?

A Yes. And I would also say ---

BY HIS LORDSHIP:

Q But they had to be in law?

A Yes, but most of the problems of the Administration are financial.

BY MR. PLANTE:

Q Problems of police, and problems of giving directions to the Director of Police, were they interfered with by the Municipal Commission?

A No. The heads of departments were sent a letter by Honore Parent at the time telling them --- I have a copy of it at my office if you would like to have one.

Q It is up to you.

Richard Quinn

BY HIS LORDSHIP:

Q In fact, Mr. Quinn, did not the Executive Committee summon the Chief of Police while the City was under the Municipal Commission to appear before the Committee and to answer questions and give explanations?

A That is quite correct, yes.

Q Do you know personally if it ever happened that the Chief of Police was summoned before the Municipal Commission?

A Oh, I would not know that.

Q Did the Executive Committee ask the permission of the Municipal Commission to summon the Director of the Police Force to appear before the Committee?

A No. It was a rather unusual set-up. The delegate of the Municipal Commission was also the Director of Services, and any time the Executive Committee had a meeting the charter provides that the Director of Services and the representative of the City Clerk has to be there at the time. But there was no refusal, or no lack of co-operation ---

Q My question is just this one: when the Executive Committee wanted to summon the

Richard Quinn

Director of Police to appear before him did it ever happen that the Committee asked the permission of the Municipal Commission?

A I doubt it.

Q For an order to obtain permission to order the Chief of Police to appear?

A No.

Q Never?

A No.

HIS LORDSHIP: I see that the three doctors are here. There are two English-speaking doctors.

-- Accordingly Mr. Quinn temporarily vacated the witness stand.

HOWARD MITCHELL,

aged 48 years, physician, residing in the Town of Mount Royal, and with an office at 1414 Drummond Street, in the city of Montreal, was then called, and having been duly sworn, testified as follows:

BY MR. PLANTE:

Q You have testified before this Court, I think, on the 12th of August, 1952.

Howard Mitchell

HIS LORDSHIP: In Chambers.

BY MR. PLANTE:

Q In Chambers both times, and some time at the end of September, concerning the health condition of Mr. J. O. Asselin, Chairman of the Executive Committee of the City of Montreal?

A Yes, sir.

Q You were directed by the Court and it was the understanding that you would make another examination of Mr. Asselin?

A Yes, sir.

Q Have you since you testified in this matter, the last time in September, examined Mr. Asselin several times?

A Yes, sir.

HIS LORDSHIP: The last time would be sufficient, I think, -- unless I am wrong.

BY MR. PLANTE:

Q On what date did you examine Mr. Asselin last?

A October 23.

Q Are you in a position to give the Court the report of your findings on Mr. Asselin's

Howard Mitchell

present condition?

MR. CLAUDE PREVOST, Q.C. (Appearing for Mr. Asselin): Do you think it is necessary, my Lord, to have the diagnosis?

HIS LORDSHIP: I don't think so, unless these gentlemen insist.

MR. PLANTE: No, not specifically.

HIS LORDSHIP: The next question is, is it possible for Mr. Asselin to come to court and appear as a witness to answer questions, for a period of a few days at least?

THE WITNESS: Sir, I have advised Mr. Asselin that it might be very injurious to his health and to his life if he were involved in any excitement.

HIS LORDSHIP: Now, do you want to cross-examine the doctor?

MR. PLANTE: No, my Lord.

BY HIS LORDSHIP:

Q Do you foresee in the near future when he could appear without any danger of any kind?

A No, sir.

HIS LORDSHIP: Any questions, gentlemen?

Howard Mutchell

MR. PLANTE: It is very hard to determine now what "the very near future" would mean.

HIS LORDSHIP: I mean, within two or three weeks.

(To the witness):

Q Could you be positive that Mr. Asselin could, within two or three weeks or maybe a month, come here without any danger?

A No, sir.

Q Did you have any consultation with a colleague, Dr. Lachaine?

A Yes, sir.

Q And Dr. Feeney?

A Yes, sir.

MR. PREVOST: Dr. Feeney is here, my Lord.

NEIL FEENEY,

aged 51 years, physician, residing at No. 27 Holton Avenue, in the city of Westmount, and having an office at 1414 Drummond Street, in the city of Montreal, was called, and having been duly sworn, testified as follows:

EXAMINATION IN CHIEF BY MR. PLANTE:

Q Dr. Feeney, were you called with Dr. Mitchell

Neil Feeney

in a consultation regarding the health condition of Mr. J. O. Asselin?

A Yes, I was.

Q Did you see Mr. Asselin several times?

A I would say I saw Mr. Asselin about three times altogether.

Q What was the last time?

A The last time was about approximately -- I cannot be exactly sure of the date -- I would say about the 10th of September.

Q Have you just heard the testimony given before this Court by Dr. Mitchell?

A Yes, I have.

Q Do you corroborate that testimony?

A Yes, I do.

Q Do you wish to add anything else to Dr. Mitchell's testimony?

A Well, if I can remember correctly, Dr. Mitchell stated, on a question from his Lordship, that it would be dangerous for Mr. Asselin to appear in court within the near future; and his Lordship said, I think, what did he mean by "in the near future" -- approximately a month, a month and a half? Dr. Mitchell felt that it would be dangerous. I agree to that.

Neil Feeney

BY HIS LORDSHIP:

Q Are you in a position to corroborate Dr. Mitchell even if you have examined Mr. Asselin about two months ago?

A Yes. As consultant, of course Dr. Mitchell has spoken about Mr. Asselin's condition. I have examined the electrocardiograms, even a recent one of about approximately two weeks ago, I would say, and from that I would be able to tell.

Q Now, I don't think anybody has declared in court what is Mr. Asselin's disease or ailment. Do you have any objection to stating it. Does Mr. Asselin know his ailment?

A Yes; and Mr. Asselin, to the best of my knowledge, has given his permission.

Q Then, can you tell me what is the nature of his illness?

A Yes: Coronary thrombosis.

HIS LORDSHIP: The name is sufficient.

Do you want to ask any questions?

MR. PLANTE: No, my Lord.

(Dr. Georges Lachaine was then called to the witness stand, and testified in the French language,

Dr. Howard Mitchell

his deposition being reported by Jean Mackay)

-- Thereafter,

DR. HOWARD MITCHELL

was recalled, and further examined as follows:

BY HIS LORDSHIP:

Q

Doctor, I have been told that there were rumours that Mr. Asselin was going to his office to fulfil his duties. I am asking you this, not for myself personally but just for the public in case they are interested: do you have anything to say about that?

A

Yes, my Lord. I would appreciate the opportunity of making a statement. Naturally some rumours have reached my ears, and certain comments. My relationship with Mr. Asselin is simply that of his private physician, and the only interest I have in Mr. Asselin is that of safeguarding his health. My advice to Mr. Asselin has been that, in view of the very serious illness which he has had, and the underlying condition, which makes a recurrence very possible, that he

Dr. Howard Mitchell

seriously restrict his activities. We have had some discussions on this matter, -- rather, not discussions, because I do not discuss his business, but we have had some interviews, when I repeated this advice. There, sir, my duty to Mr. Asselin ends. I give him my advice, but what he does with it, naturally, is his own privilege.

Q But as a matter of fact, not as a doctor, not as an expert, do you know personally if Mr. Asselin goes regularly to his office, or if he is confined to his home?

A To the best of my knowledge he does not go to his office. He has told me that he has been consulted on executive matters in his home on one or two occasions, and the impression he has created on me is that of a man with a profound sense of civic duty. He is very disturbed at the break in his public service which his illness has enforced, and that is his main consideration now, -- whether or not he embarrasses the public whom he has served for so long by his inability to carry out some duties which he had planned and had in process of elaboration.

Dr. Howard Mitchell

Yesterday I spoke to him on the telephone, and he called me from his private home near Sherbrooke, and to the best of my knowledge he has spent nearly all his time there since he was ill. He was in the city about a couple of weeks ago, and the reason he came then, to the best of my knowledge, was because of the illness of a child in his own family.

HIS LORDSHIP: Thank you, doctor.

MR. PREVOST: If your Lordship permits me, I would like to ask only two or three questions of the doctor.

(To the witness):

Q Dr. Mitchell, did you discuss with Mr. Asselin a question of his coming here to testify?

A I would rather put it, sir, that Mr. Asselin asked me if it was safe to come here and testify.

Q Did he give you the impression of being anxious to come here?

A Yes, sir.

Q He did; and what did you say to that?

A I said to that, sir, that that was something

Dr. Howard Mitchell

he had to balance with his own mind and conscience; he had to balance the safety of his health for the sake of himself and his family against his sense of public duty.

MR. PREVOST: Thank you, doctor.

BY HIS LORDSHIP:

Q Just one last question. A man suffering from that illness, after a certain time can do certain things, can fulfil certain physical duties? Would that be correct?

A Yes, sir.

Q But he has to be careful, if I understood your testimony very well, and not subject himself to a strain or a stress?

A Yes, sir.

Q And would testimony lasting at least three days, maybe ten days, be much different from a trip to Montreal?

A Yes, sir. At any rate I consider it would, sir.

Q Sometimes it is a strain on a very strong man.

MR. PLANTE: Can I submit an hypothesis?

(To the witness):

Q If Mr. Asselin's state of mind was such

Dr. Howard Mitchell

that he desired greatly to come before this Court, would there be less danger for his health, if he was very anxious, and he felt frustrated at not coming. As implied by your testimony, he was very anxious. Do you think it would still impair his health?

A

I would like to answer that question in as clear a way as possible, and I will say that certainly, if he were labouring under a prolonged sense of frustration it would not be good for him. My reason for advising him to avoid periods of excitement is that the periods of intense emotional excitement raise his blood pressure to a dangerous level and bring on his attacks of angina. His physician has to balance these two things each against the other: the period of chronic frustration and the period of acute disturbance. The critical danger for such a patient is the period of acute disturbance with a sudden severe elevation in blood pressure and the crisis of angina; and, sir, I have seen him through such an attack, and it is a very alarming

Dr. Howard Mitchell

situation for his companions at the time.

HIS LORDSHIP: I would not care to have this situation happen in court.

MR. PLANTE: No, my Lord, but we are trying to carry our responsibilities to the best of our ability.

HIS LORDSHIP: I don't think anybody could blame you now if Mr. Asselin did not appear, for failure to appear.

MR. PLANTE: I thank you very much, my Lord, for this statement.

The witness then vacated the stand.

(Here take in evidence of Witness Senecal, reported by Mr. Henry Mackay, in French.)

Richard Quinn

RICHARD QUINN (Recalled)

EXAMINATION IN CHIEF continued, BY MR. PLANTE:

- Q I asked you yesterday whether you followed in some way or other the Cannon inquiry. I think you said you did not?
- A That is right.
- Q Do you recall there was a Cannon inquiry on vice conditions in Montreal?
- A Yes.
- Q As far as the Provincial Police was concerned?
- A That is right.
- Q Do you recall if officers of the Montreal Police Force were ordered to testify?
- A No.
- Q You don't know that?
- A I did not read it at all.
- Q You did not read about that in the newspapers?
- A No.
- Q In 1949 the Executive Committee was on its own?
- A That is correct.
- Q No more tutelage. Do you recall whether the criticism, whether from fellow aldermen,

Richard Quinn

whether from public bodies, whether from newspapers, concerning betting and gambling continued to be directed against the police force, and sometimes against the Administration?

A Well, to tell you the truth, I don't remember.

Q You don't remember?

A No.

Q You don't remember one way or the other?

A I know there was an improvement. Whether it was in 1944 or 1945, I could not swear what year.

Q You say there was an improvement?

A Yes.

Q And according to you it was 1944 or 1945 that the improvement came?

A No, I said I am not sure.

Q Would you look at E-674, which is an article of the Gazette of the 21st of July 1945, signed by Jacques Francoeur: "\$75,000 an hour is played here during the rush hours at barbotte"?

A That was in 1945.

Q Do you recall such an article?

A Yes. Well, I don't know whether I read

Richard Quinn

it or not, but I saw it there.

Q Was it customary for you to read the Montreal Gazette?

A Yes.

Q If you do not recall these particulars -- you have not just read it? You have not read it now? You have not had time to read it?

A No.

Q Will you read it and see whether it might refresh your memory of this particular article? If it does not, it might refresh your memory of what was being said at that particular period, in July 1945: "Access to Gaming Tables is free and unquestioned." There is a particular reference here. "To accommodate them, there is in each house a restaurant, with four or five attendants giving sandwiches and soft drinks to the players so that they won't lose their place by the tables." Do you remember, did you know if there were restaurant licences given by the City to most of the gambling houses and betting houses in this city?

A It is very easy for anybody to get a

Richard Quinn

restaurant permit from the City without any member of the Executive Committee knowing anything about it. All they do is approach the Permit Department downstairs and put up their money, and if they comply with the regulations they get it. The applications are never sent upstairs for approval by the committee. So I would not know, neither would any other member of the committee know.

Q That is not my question. I asked you whether you knew restaurant licences were being granted.

A No. I was never in these places to find out if they had one.

Q Never read about it in the newspapers?

A I don't remember reading that article, as I mentioned before.

Q This article or other articles?

A I am not saying---

Q Would you like to go through these articles?

A I am not saying it didn't happen. I am just saying I didn't know.

Q Did you inquire about that?

A No.

Richard Quinn

Q Never inquired?

A No.

Q Does it refresh your memory about the criticisms that might have been directed against the Police or the Administration, to the effect that the gambling houses were operating wide open, "Access to Gaming Tables is Free and Unquestioned", and here, "Operating Twenty-four Hours a Day."-- operating like any large store. Do you recall such criticisms?

A Yes.

Q You do?

A Yes.

Q When that type of criticism came to your attention did you do anything about it?

A Me personally?

Q Yes, as a member of the Executive Committee, as a representative of the people?

A Well, I think I was very clear on the same type of questions the other day, when I said that the Police Department Director was shown these articles.

BY HIS LORDSHIP:

Q Was shown these-what?

Richard Quinn

A The articles that appeared in the press, and asked to make an inquiry and check up whether the actual condition existed.

BY MR. PLANTE:

Q The same procedure which was followed since you were at the Executive Committee; and the Director of Police had the criticism; and then what did you do? Did you check the information or the report given by the Director of Police as to that criticism?

A How could I check it unless I went in there and tried to ---

Q Did you ask for a report from the Director, a report in writing to accusations of this type? Do you remember what was the gist of the usual reports of Mr. Dufresne? You said yesterday he informed the Executive Committee in writing that so many raids had been made. Is that right?

A That is right.

Q Was there anything else in his report than saying, "We made a raid and we arrested Joe Black yesterday and he paid \$50 and costs"? Was there anything else than that?

Richard Quinn

A No.

Q Was there an answer to this criticism, saying "No, it is not true, it is false, what the Gazette said yesterday. Entrance is not easy and unquestioned. There is no free access to gaming tables." Did you ever see the Director write such a report?

A No.

HIS LORDSHIP: What exhibit is that?

MR. PLANTE: E-674, my Lord.

(To the witness):

Q "In one of the largest of these places, 1222 University" -- that was in your ward, was it not?

A District 4, yes. But I want to say that these people that were in that line of business were not established in that business with my permission. They never asked me to get in that business.

Q Did you ever do anything, Mr. Quinn, to take them out of that business?

A A lot of these places I would say I didn't know they were operating.

Q You said you had reports from the Director of Police. He must have mentioned some

Richard Quinn

addresses in his reports.

A Certainly he did. I thought he had the matter in hand. That was his department, it was not mine.

Q How long would it take you to realize that he did not have the matter in hand? I have shown you criticism dating back to your entrance in City Hall, all over the papers, and now we are four years later, five years later. How long did you think it would take a Director of Police to do something about it?

A I don't know. I suppose probably the Director of Police had his troubles too. I don't know.

Q What kind of troubles a Director of Police might have had?

A He complained about not stiff enough sentences from the recorders, -- which is just one thing I remember; lack of personnel, another thing.

BY HIS LORDSHIP:

Q Not knowing the real owners?

A That I don't know.

Q But that would have been another thing, if

Richard Quinn

he could not have discovered the real owners.
He never complained of that?

A I did not complain, your Lordship.

Q No, but the Director of Police never
complained of that?

A No.

Q He never complained of the system they had
to bail the found-ins on the premises.
Do you understand the question?

A Yes, I understand the question.

Q But he never complained of that?

A No.

Q He never complained of the found-ins, or
even the keepers giving false names or
fake names, or being hired? He never
complained of that? Did you ever ask
him, "Since the same thing has been going
on for five years, six years, seven years,
why don't you change your system?" Was
he ever asked to change the system?

A I could not remember that, your Lordship.

Q By the members of the Executive Committee,
in your presence?

A No.

Q Did you or any other member of the Executive
Committee ever suggest to send Mr. Dufresne

Richard Quinn

or some other officer in other cities
to see if the same evil existed there?

A Well, he had been sent some place, I don't
know just where, whether it was for that
purpose or not. I think it was an
International Police Convention.

Q Well, police officers go to conventions:
not only them, but many other members of
professions.

A I know the Administration in 1947 got in
touch with Colonel Smith, I think the name
is, to ask him if he would come up and
make an inquiry in the department, to make
suggestions as to how it should be un.

Q Into what?

A Into the Police Department.

Q But in 1944 or 1945, after four or five
years, did any member of the Executive
Committee, and yourself in particular,
think of inquiring to find out if open
gambling houses existed in Toronto or in
Halifax or in Winnipeg; and if they did
not exist, how did those big cities succeed;
or if the evil existed, how did they try
to fight it?

A I don't remember.

Richard Quinn

MR. COHEN: My Lord, I am interested in this last remark about the possible employment of a Colonel Smith.

HIS LORDSHIP: Would you let me finish, please?

MR. COHEN: May I suggest ---

HIS LORDSHIP: Would you mind? You are interested in a remark made by Mr. Quinn. So when I am through you can ask him a question.
(To the witness):

Q The thought of an investigation conducted by somebody else in 1944 or 1945 in another Canadian city comparable to Montreal never came to you?

A Well, my Lord, I was only a member of the Commission. I was not dictating policy. And you are asking me. I would have to say, no.

Q Did Mr. Dufresne ever tell you -- when I say "you", I say you as a member of the Executive Committee, "The same thing exists in all the other large cities like Montreal, or all the other large ports, the same criticism exists in all the Press all over the country, and nobody can do

Richard Quinn

anything about it." Did he ever say something like that?

A I don't recall him saying that, sir.

Q Have you ever heard that in Halifax, which is a seaport too, the whole Press there of any political side was unanimous to criticize the administration of the Police for the toleration of gambling places or of organized vice?

A In Halifax?

Q Yes.

A No.

Q You don't know?

A No.

Q You never inquired? And Mr. Dufresne never mentioned anything about any other city? Was it not a fact, Mr. Quinn, that there was a kind of a consent given that "Those things are going, let them go."

A It was never given by the Executive Committee, my Lord.

Q No. Not in writing.

A It was never even discussed.

Q But as a matter of fact what was the result? In 1939 you were a member of the Council, 1939, 1940, 1942, 1945, 1946,

Richard Quinn

always the same thing, nobody doing anything about it. Very well, now Mr. Cohen.

MR. COHEN: I was just interested to know -- I thought your Lordship had been through with your line of questioning -- whether Mr. Quinn would remember whether this request to this Colonel Smith was made by way of writing or so on, so that we can find out what transpired.

(To the witness):

Q Would you remember, Mr. Quinn?

A It must have been by way of writing, because he appeared before the Executive Committee.

Q Colonel Smith did?

A I think the name is "Colonel Smith". He is quite internationally known.

Q Where is he from?

A From the United States.

Q And you state that was in 1947?

A 1947, I believe, 1948.

Q Would you know whether there is any minute of the Executive Committee with reference to this matter of Colonel Smith?

A Well, there must be some correspondence on file, because I know ---

Richard Quinn

Q It was an official matter?

A Oh, yes.

Q Not an informal matter?

A No. He appeared at a regular meeting of the Executive Committee; the Director of Services was there, and the City Clerk.

BY HIS LORDSHIP:

Q Would you remember from what city he was?

A I can't remember. I don't know whether it was -- no, I don't remember the city. I think the Chamber of Commerce was the one that ---

Q --- had recommended him?

A Had recommended him. Chambre de Commerce.

BY MR. COHEN:

Q The French section?

A I think it was Colonel Smith.

Do you know?

MR. PLANTE: Oh, yes, I will question you about it.

(To the witness):

Q You say that was in 1947?

A Well, I said I didn't know the year. I know it happened before I had the last

Richard Quinn

term of office, that was between 1947 to 1950, so it could have been 1947, it could have been 1948; but I know it did happen at that time.

Q Do you remember if there was any criticism directed against the Montreal Police Force in 1947 regarding vice conditions in the city of Montreal?

A Well, I would say that there seemed to be criticism against the Police Department in every year, about vice conditions. I don't know whether it was 1947 or 1948 or 1949.

MR. COHEN: Will my learned friend excuse me a moment if I just put another question in connection with this.

(To the witness):

Q Did anything ever happen as a result of this meeting with Colonel Smith? Did he make a survey, or if he did not, why did he not?

A No, he did not make one, because in the meantime there was a petition for an inquiry in the department, which he thought would not be advisable at that time.

Q He didn't think it would be advisable at

Richard Quinn

the time while ---

BY HIS LORDSHIP:

Q What would not be advisable? The inquiry?

A The survey.

BY MR. COHEN:

Q The survey would not be advisable if there was to be an inquiry -- which is quite logical. What kind of petition for an inquiry?

A Well, I think it was this inquiry.

Q The first petition for an inquiry was along in 1947.

MR. PLANTE: 1949.

BY MR. COHEN:

Q Well, what was the date of the Penverne application?

A 1945.

BY HIS LORDSHIP:

Q There was another petition between Justice Cannon's inquiry and this one?

A No, it had nothing to do with that one, my Lord.

Q With which one?

A The petition you mentioned regarding the

Richard Quinn

Cannon inquiry.

Q No, but between Mr. Justice Cannon's inquiry and the present one there was another petition for an inquiry?

MR. PLANTE: May I, to the best of my belief, tell you what happened?

HIS LORDSHIP: So the witness may be referring to a petition between the Cannon inquiry and this one?

MR. PLANTE: I don't think so, my Lord. This has not any reference to this petition.

THE WITNESS: I believe it is in reference to this petition, as I said.

HIS LORDSHIP: Then the witness is making a mistake about the year?

THE WITNESS: That is right.

MR. PLANTE: Even two years. But it would be just a mistake.

MR. COHEN: I shall see if I can find from the secretaries of the Executive Committee the evidence or any entry connected with Colonel Smith.

MR. PLANTE: If you want to see me

Richard Quinn

privately I will give you all the data. I am positive it is in this inquiry.

HIS LORDSHIP: Mr. Quinn said it is in this inquiry. He said it is the petition which originated this inquiry which he is referring to. (To the witness):

Q Is that correct?

A That is right.

BY MR. PLANTE:

Q Now, do you recall if there was any criticism against the Police Department or the Administration concerning -- if you remember, or if you do not remember -- if any criticism was directed by the newspapers against the Administration or the Police Force about these conditions in Montreal in 1947?

MR. LACROIX: He mentioned that every year there were complaints.

THE WITNESS: I said as long as I can recollect every year there has always been some criticism about vice and gambling in Montreal; and not only do I say it, but every Police Director will tell you that if they did not have to be bothered with a Morality Department the Police Department would

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be a fine department to operate.

BY MR. PLANTE:

Q Was the Morality Department or the vice question considered a crucial question of the department?

A It is one of them.

Q Do you know any more acute or difficult or thorny problem than morality, in the Police Force?

A Well, of course I have no experience in police work, but I suppose they all have their responsibilities. There is the hold-up squad and the ---

Q Did you ever hear of the Police being criticized by the newspapers for accepting graft?

A No.

Q Or protecting hold-up men? Did you ever read such criticism in the newspapers?

A No.

Q Did you ever receive such complaints from citizens or associations, saying "The Montreal Police Force is collecting graft to protect highwaymen or gunmen"?

A No.

Q Never did? Did you ever read such

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criticism against any other phase of police work, except in regard to morality?

A No.

Q I am showing you E-715 (8) a photostat of The Gazette of September 7, 1945. It says here "Ashamed at Barbotte Going On, Parent Seeks Police Clamp Down." Was not Mr. Parent a member of the City Council?

MR. COHEN: I think the first question should be, "Have you read this article?" before my learned friend accepts it as a basis for cross-examination.

MR. PLANTE: Very well.

(To the witness):

Q Have you read this article?

A Yes.

Q You read that article?

A Yes.

Q Do you remember this incident where Councillor Parent brought in a motion before the City Council in September 1945 asking a clamp-down on barbottes? Do you remember that?

A Yes.

Q Do you remember that he complained that he was ashamed to be an alderman to be accused

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the way the aldermen were being accused in the press?

A Yes.

HIS LORDSHIP: I see this is an article by Mr. Ludington.

(To the witness):

Q Do you know the gentleman?

A Yes.

Q Have you ever talked to him about those things he was writing?

A No, I did not discuss what he was writing about.

Q Did you see him often?

A No. He is a newspaper reporter. He used to be attached to the City Hall Press Gallery.

Q Was he attached to the City Hall Press Gallery then, in 1945?

A I don't believe so.

MR. PLANTE: Mr. Ludington said he was.

THE WITNESS: He did?

MR. PLANTE: Yes.

THE WITNESS: At that time?

HIS LORDSHIP: Did you see him present

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there at the Council?

MR. PLANTE: Mr. Ludington testified that he was representing The Gazette at the City Hall at that time.

(To the witness):

Q Most newspapers have press representatives at the City Hall, have they not?

A Yes.

Q Has it been customary for the Administration to vote a bonus, a yearly bonus to the representatives of the Press?

A That is a fact, yes.

Q What was the reason for the city taxpayers to have their Administration give a bonus to the Press representatives?

A Well, I imagine it is perhaps for public relations, the same as any other big industrial corporation would do. There were no strings attached to it, and not all reporters accepted it.

Q Not all reporters accepted it?

A No.

Q Do you know any who did not accept it?

A I have no personal knowledge than that I know that some refused to take it; but you

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can get that information, I suppose, from the Finance Department. It was included in the budget every year. It was not something that was not known.

Q It was something that was not known?

A It was not done in such a way that it was hidden. It was there in the budget. The credit was voted every year when the budget was adopted by the City Council. But it was not publicized. They did not publicize everything.

Q No, I understand. It is not criticism.

A My Lord, it is an insignificant amount. It is \$600.

MR. COHEN: If it is not significant, why is my learned friend asking?

MR. PLANTE: I have reasons of my own. I do not have to tell Mr. Cohen.

THE WITNESS: I will put it this way: it was not a very large amount, to make it of any interest to anybody, compared to the budget itself, a budget of probably \$80,000,000. That was a matter of \$6,000. (sic)

HIS LORDSHIP: Anyway it did not seem to

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have any effect on the newspapers, because they were strong in their criticism, just the same.

THE WITNESS: That is what I wanted to say, my Lord. There were no strings attached to it.

MR. PLANTE: I didn't say there were. But I want to point out that Francoeur was not a City Hall man. Those who have written the severest articles were not receiving the bonus of the City.

THE WITNESS: He is probably one covering the same beat.

MR. PLANTE: No. They were covering disorderly houses, barbottes; they were not covering City Hall.

THE WITNESS: But you have to be fair about that too.

BY MR. PLANTE:

Q What I want to come at is this. You agreed to this bonus being given to the Press as a member of the Executive; or did you object?

A That is a custom that has been going on I don't know how many years. It was going on before I went to the Executive Committee;

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and I certainly approved of it.

Q So can we infer that you were, I would say, interested in public relations as far as the Press covered it, as far as the Press covered the activities of the aldermen or of the members of the Executive Committee? Were you interested in what the Press may have said about you as a member of the Executive Committee?

A Well, it was not done to glorify any person individually; it was to give public relations for the City Hall, you might say ---

Q I am not asking you that. I am asking you whether you were concerned, whether you were interested about how the newspapers were presenting your actions at City Hall, whatever they were?

A Well, naturally I would be interested.

Q You would be more interested -- it may seem a stupid question -- in compliments, in appreciation, than in criticism and calling you accomplices of the underworld?

A Well, I am only human, after all. Everybody likes compliments. They do not like criticism.

Q Now, with all this criticism heaped upon you

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by the Press -- I will submit you as many articles as you want, and caricatures, several of them, dozens of them, directed at you, and with your agreeing to give a bonus to the Press for good public relations, why didn't you do something about it?

A About the Press criticism?

Q Yes, about finding out whether the accusations were true or false against the Department of Police, which came under you?

A Well, I think I said the other day that the Director of Police was responsible for running the Police Department.

Q Responsible to whom? To yourself?

A To the City Council.

Q What is the authority of the Executive Committee in practice? Not in law, in practice?

MR. COHEN: We have gone through that a dozen times -- the authority of the Executive Council.

BY MR. PLANTE:

Q In fact, what was the Executive Committee doing?

MR. COHEN: We have gone through in fact,

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we have gone through in theory. The only phase we didn't go through is in law, which is the main thing.

HIS LORDSHIP: We are supposed to know that.

MR. DESJARDINS: I raise the same objection on behalf of my client. . . .

BY MR. PLANTE:

Q I am showing to you another article, which was filed as E-675, The Gazette of the 30th of July 1945. Will you look at the article and say whether you ever read it? Do you remember this article?

A Yes.

Q "Barbotte Game Raided at 9.30 p.m.; Back In Full Swing At Midnight", by Jacques Francoeur.

BY HIS LORDSHIP:

Q Do you remember that article?

A Yes, I remember reading that article.

BY MR. PLANTE:

Q Did the Executive Committee at any time ask special investigation, outside the Police Department, to check on these

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accusations or assertions of the Press?

A They had no way of doing that.

Q What do you mean, "They had no way of doing that"?

A They would have to vote a credit for it, and I don't think it would be possible under the charter, unless they hired some private investigators.

Q What would prevent the City Hall --- my learned friend will say that is a question of law.

MR. COHEN: It certainly is.

MR. PLANTE: It was not done.

BY HIS LORDSHIP:

Q Would it have been necessary to have special credits to ask Mr. Francoeur to come to a meeting?

A No.

Q Was it ever done?

A Well, I understand the Chairman, Mr. Asselin, did it on several occasions. Who he contacted I do not know, but he had the matter in hand. He was very disturbed about it.

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Q Do you know that personally?

A Well, I know that from conversations I had with him.

BY MR. COHEN:

Q "Him"?

A Mr. Asselin.

BY MR. PLANTE:

Q What did Mr. Asselin tell you about that?

A Well, I am not referring to that particular ----

Q No, in general.

A I know he was a little bit disturbed about the reports he was getting from the Police Department, and he said he was making his own private inquiries. Now, who he had working for him I don't know, but I know he did tell me that.

BY HIS LORDSHIP:

Q But my question was, was any newspaper man ever invited to come before the Council, to your knowledge?

A No, your Lordship.

Q Like Mr. Francoeur, for instance. He was accusing the City Police, and indirectly the City Council and the Executive Committee,

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and maybe it would have been a way to find out if what he said was right, to invite him to come and give you his story. I don't know if it would have been the best way. But without spending any money.

A I would think, your Lordship, the Police Department should have done that, not the Executive Committee. It was the Police Department that was being criticized, and you would imagine that the Director and his assistants would be interested just the same as members of the Administration.

Q So that any criticism there was against any department, it is always the head of this department which should have looked after the criticism, not the Executive Committee?

A It would naturally interest the Executive too.

Q Suppose everybody would have said that the Director of the Finance Department was not doing his duty, or spending money foolishly, and all that, would that have interested the Executive Committee? Naturally this was never said.

A No. It could not happen either, my Lord, because of the controls. It is not the same. A Police Department is a little bit

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more unwieldy than a Finance Department.
Q Suppose they would have said, "Such a building -- Eaton's -- has burned down just because the Director of the Fire Department is absolutely incompetent. This happened this year. Last year the Windsor Hotel and the Queen's Hotel burned down completely, just on account of the incompetence of the Director of the Fire Department. The same thing has been taking place for years. Every year we lose about ten big public buildings, not counting the small ones." Would you have interfered then?

A I would say yes.

Q You would?

A Yes.

Q Well, there it was not a material loss, a palpable loss that the City of Montreal was suffering, it was a moral loss, but it was a loss just the same. It is more important to have a Police Force which is recognized as honest than --- perhaps I should not say "more important", but as important to have a Police Force which is recognized as honest as to have any other

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department recognized ~~recognized~~ to be so.

BY MR. PLANTE:

Q You have discussed the finances of the City several times during your career, I suppose?

A I have, yes.

Q With that experience, does criticism of the type I have shown you in the newspapers affect the credit of a city? Do you know if it affects the financial credit of a city to have newspapers say, for instance, "The Municipal Police Force is corrupt. It accepts bribes. It is being paid off"?

A Well, the only way you can establish ---

MR. COHEN: Is the witness competent, my Lord?

HIS LORDSHIP: We don't know. He can tell us if he is or not.

THE WITNESS: I say the only way you can establish whether the credit of the city is good is when you try to sell bonds, and then you find out from the rate of interest.

BY MR. PLANTE:

Q That is the only way?

A I don't know of any other way.

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BY HIS LORDSHIP:

Q If it is publicly recognized that the general administration is no good the credit would be affected -- if it is recognized?

A No doubt.

BY MR. PLANTE:

Q The articles I have just shown you, the last ones, 674 and 675, are just a few days before this excerpt of The Star which I showed you yesterday, following the death of Eddie Baker? It happened about the same time?

MR. LACROIX: I don't think he remembers the article. Will you show it to him?

BY MR. PLANTE:

Q I showed you the article in The Star yesterday saying you had attended at Baker's funeral -- 748 -- which was on the 31st of July 1945. So you were attending the funeral of one whose name you knew to be connected among gamblers at the time when such criticisms were appearing?

MR. LACROIX: I object to this. We went

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all over that yesterday. Mr. Quinn explained that he was looking after some insurance policy for Mr. Baker, and in a good many ways, and that he attended at the funeral; and now my confrere is putting the articles saying he was present at the funeral and he is asking him why he was there at the same time there was criticism in the newspapers about the condition of vice in Montreal. I do not think it is fair.

MR. PLANTE: The relation is this: the witness said he had read newspaper articles and he had read editorials which I showed the witness, giving the name of Baker as being a king-pin with Max Shapiro.

HIS LORDSHIP: You have two facts. Who is supposed to draw the conclusion from those two facts? The witness?

MR. PLANTE: I want to ask him whether he was concerned about going to the funeral of a known gambler right at the time when all this criticism was in the newspapers.

HIS LORDSHIP: Is not that an argument?

MR. PLANTE: Might be.

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MR. COHEN: Would it not also be an argument which is sort of double-edged, sir?

HIS LORDSHIP: I feel the objection is well founded.

BY MR. PLANTE:

Q Following these articles in The Gazette do you remember if there was move before the City Council to ask for a Police Commission, a move sponsored by Mr. Lyall, Councillor Lyall?

A Yes, there were several notices of motions. I do not think they ever got to be motions, but it was along that line.

Q There were motions?

A Yes.

Q Do you mean to say that they remained motions, they were never adopted?

A Well, that I would not know. You would have to find out from the City Clerk. But I know Lyall did suggest a Police Commission.

BY HIS LORDSHIP:

Q Do you mean that it was a suggestion made officially and that we can find it in the

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minutes? It is not a personal suggestion?

A No, I think he did it by motion.

Q We may find this as a motion or a notice of motion.

BY MR. PLANTE:

Q I don't know, but maybe you can answer this. Do you know if his move was caused or promoted by the vice condition?

A Oh, I wouldn't know.

Q You wouldn't know that?

A No.

Q Through conversation or otherwise with him, or what he would say before the Council.

MR. COHEN: Is there an approximate date to that?

MR. PLANTE: Yes. It is the middle of September 1945.

HIS LORDSHIP: The documents are filed?

MR. PLANTE: No, we did not file all this. We had Mr. Lyall testify that several times he asked for a Police Commission.

THE WITNESS: I might say that this Colonel Smith I mentioned before, he is not in favour

Richard Quinn

of Police Commission⁵, because he says you give the Police Director a chance to get out from assuming his responsibility and place it on the shoulders of the Commission. So there are two schools of thought as to whether a Commission is a good thing or not.

MR. PLANTE: That is another question.

THE WITNESS: That is right.

BY MR. PLANTE:

Q Would you look at this E-677, which is an article of September 6, 1945, of The Gazette, and say whether you recall either the article or most of the facts which are printed or reported in this article? (Presented to witness and read by him.) Do you recall this article?

A Yes. Well, I ---

Q Substantially?

A Yes.

Q "Move for Police Commission here is Defeated by City Council. Motion by Lyall is attacked by Asselin and Marler. Executive Chairman against idea. Says there is no proof of failure of present system."

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MR. DESJARDINS: Objected. . . .

HIS LORDSHIP: What is reported in the newspaper is not proof of the fact. (Fr.)

BY MR. PLANTE:

Q Did you ever hear Mr. Asselin say that there was no need for a Police Commission because the Executive Committee was the Police Commission, or acted as a Police Commission?

A I think he did make that statement in Council.

BY HIS LORDSHIP:

Q Are you fairly positive, or is it just an idea?

A Yes, but he did say it. He went on to explain that the functions of the Executive Committee were quite similar to any other committee or commission that would be appointed. I think that is the way he expressed it.

BY MR. DESJARDINS:

Q Beg pardon: allow me to put just one question on this subject.

(To the witness):

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Q The Executive Committee never secured an opinion from the Legal Department of the City on the question?

A Never, no.

BY MR. PLANTE:

Q You say you know personally that the City Executive never asked or never secured from the attorneys of the City an opinion on this question?

A Of the Police Commission?

Q Yes.

A I didn't know about it.

HIS LORDSHIP: Mr. Quinn answered "Yes" to the question, did the Executive Committee ever ask the legal officers of the Department of the City if the powers of the Executive Committee were similar to the powers of the Police Commission. It will come to that.

BY MR. PLANTE:

Q The reporter here in the article says "Executive Chairman against idea, says there is no proof of failure of present system." Did you hear Mr. Asselin say such a thing, that there was no proof of

Richard Quinn

the failure of the present police system?

A I can't say that. My goodness, that is in 1945.

Q Yes.

A I would not want to ---

Q Did you hear Mr. Asselin say he was satisfied with the situation as it was in the Police Force at that time?

A Well, I will put it to you this way, that I know he was not satisfied.

Q He was not satisfied?

A No.

Q Do you know what he was not satisfied with?

A He was not satisfied with the Director of Police's explanations in answer to these criticisms that were continually appearing in the Press.

Q Can you be more specific? Can you give more details? What are you referring to?

A private conversation with Mr. Asselin, or his utterances before the Executive Committee or the City Council?

A His utterances before the Executive Committee.

Q Can you recall what Chairman Asselin said to the Executive Committee regarding police matters?

Richard Quinn

A Well, I just said that I could recall that he was dissatisfied with the reports he was getting from the Director of Police on these articles that were being critical towards the Administration. How he said it or what were his words I do not know, but that was the general line of it.

Q But had not these criticisms many phases?

MR. DESJARDINS: What criticisms?

MR. PLANTE: Criticisms appearing in the Press, saying the houses were running wide open, that they raided at 9.30 and were then open at midnight again, that there were residences with City licences, that you could enter like you enter Eatons.

MR. DESJARDINS: Criticisms of the Press.

BY MR. PLANTE:

Q Can you be more specific and say whether Mr. Asselin was not satisfied with all the answers of the Director of Police to these criticisms, or if he was not satisfied with Mr. Dufresne's answer, for instance, to the criticism that the gaming houses were open like Eaton's?

A Well, I can't answer for Mr. Asselin, but

Richard Quinn

I would say this, that the question got so serious that they were looking up the record of the Police Director to see how many years he had to go before retirement. In 1945?

Q

A

Yes.

When did he go out? In 1946?

Q

He went out in January 1947. You said they were looking up --- ?

A

The committee. Well, I am referring to Mr. Asselin and Mr. Marler.

Q

Can you give any specific reasons why they were not satisfied?

MR. DESJARDINS: Oh, well, now, I object.

HIS LORDSHIP: Expressed?

MR. PLANTE. Yes, expressed.

MR. DESJARDINS: Yes. Put it in your question.

BY HIS LORDSHIP:

Q

Let me ask: did you ever hear Mr. Asselin say or Mr. So-and-So utter the reasons why he was not satisfied? If so, when? On what occasions?

Richard Quinn

MR. PLANTE: You heard the question?

THE WITNESS: Yes, I heard it. But ---

MR. PLANTE: The question was very well put, my Lord.

(By request, it was repeated by the reporter.)

THE WITNESS: Well, the reasons were, as I mentioned before, the continual attacks from the Press regarding the Police Department, and the reply given by the Police Director in answer to these criticisms.

BY MR. PLANTE:

Q Do you recall any particular criticism?

A Any one of these you showed me. You have a file of them there.

Q But the criticisms showed you?

A They were all around concerning these articles.

Q All around concerning these articles?

A Yes.

Q I refer to No. 677, September 6, 1945, from The Gazette: " 'Before I begin', continued Councillor Lyall, 'I would like to ask Mr. Asselin if he is in possession of a letter of resignation from Chief Dufresne,

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and if he is, when the resignation is to take place.'" Mr. Asselin declared that he was not in possession of any such letter, nor had he any knowledge of any intention of resignation on the part of the Director of the Police Department. Do you recall this question being put by Mr. Lyall to Mr. Asselin?

A No.

Q You don't recall that? But do you definitely recall that in 1945 -- we are at that period, September 1945 -- Mr. Asselin was dissatisfied with the Director of Police?

HIS LORDSHIP: That is what the witness said.

MR. PLANTE: I wanted to make it as clear as possible. . .

MR. LACROIX: He said they even looked at the files to see when he was going to retire.

BY MR. PLANTE:

Q Did you as an Executive Committee man ever hear Mr. Asselin or any other member of the Executive Committee ask Mr. Dufresne why he was not making cases against the owners of the buildings?

Richard Quinn

MR. LACROIX: The Judge asked that, and the witness answered "No".

HIS LORDSHIP: I thought he did, but since I am not sure ---

THE WITNESS: The answer is "No".

BY MR. PLANTE:

Q I am showing you E-715-11, an article of the 7th of November, 1945, in The Gazette, signed by Tracy Ludington. Would you read this article and say whether you have read it before? . . . Do you recall reading this article?

A No.

Q Do you recall most of the facts or substantially the facts that are outlined in this article. Do you remember, for instance, if Councillor Allan uttered the words that are printed here, "Use your hands or your fists if they are not tied".

A Well, I can't say whether I heard him say it, but, knowing the gentleman, I would say that would be the type of language he would use.

Q Would you recall that, speaking after Councillors Moran and Parent talked of the

Richard Quinn

police situation, and barbotte, Allan declared it was time "to stop the nonsense" about gambling in the city. "Gamblers could not operate the way they do here", he charged, "if there was no protection somewhere along the line." Do you recall Councillor Allan saying such a thing in the City Council?

A No.

Q You don't recall it?

A No. I don't say he didn't say it, though.

BY HIS LORDSHIP:

Q No. You don't know?

A No.

Q You knew that the Police Department had lawyers. Did it ever happen that the Executive Committee asked the Legal Department to know, if there were something wrong with the Police Department, if they could prosecute in a different way, or more effectively?

A I don't think they did, your Lordship. I cannot recall that having happened.

BY MR. PLANTE:

Q Just a residual question from yesterday. Did you know Hector Cadieux?

Richard Quinn

- A No.
- Q Have you heard of Hector Cadieux?
- A No.
- Q Never heard of Hector Cadieux in connection with gambling?
- A No.
- Q Have you ever heard that there was a service, a central service for dissemination of information, racing information, to bookies in the city?
- A Yes.
- Q You heard about it, have you?
- A Heard it not only in this city, heard that it has to exist.
- Q How long have you had that knowledge, that it has to exist in order that bookies may exist? Is that correct?
- A That is right.
- Q You have heard that bookies need a service to exist?
- A That is right.
- Q Did you ever check on that?
- A No.
- Q Never. Did you ever make an inquiry to know whether such a service was existing in the city?

Richard Quinn

A No.

Q Did you take it for granted there was such a service, there had to be such a service?

A I imagine there was.

Q Did you ever ask the Director of Police about the service?

A No. I figured that was his responsibility.

Q That was all his responsibility?

A Well, he was running the department, not me.

--At this point the proceedings were adjourned until 2.30 p.m.

AFTERNOON SESSION

At the opening of the session, Mr. Desjardins took exception to a report appearing in Le Devoir, and His Lordship pointed out that Dr. Mitchell, according to his evidence, had never suggested to Mr. Asselin that he should resign, but merely counselled that he seriously restrict his public activities.

RICHARD QUINN

further examined by Mr. Plante:

Richard Quinn

- Q I presume you know there is a padlocking by-law, Bylaw 921, which makes it mandatory for the Director of Police to inform the Recorder's Court when two convictions have been obtained against a disorderly house within twelve months?
- A Yes.
- Q You know about this by-law. Did you follow the application of that by-law in the City of Montreal as far as disorderly houses were concerned?
- A Do you mean myself personally?
- Q No, not personally, but as a member of the Executive Committee?
- A No, because the Executive Committee members were never furnished with reports from the Police Department.
- Q Did you rely solely on the reports of the Police Department, or if someone, some decent citizen would write you and tell you "The police are not doing their duty", would you just throw the letter in the waste basket, or would you go into the matter and inquire?
- A If it is brought to my attention, I certainly would.
- Q Would you look at E-715-27, which is an article of The Gazette of the 22nd September,

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1945, page 1, front page? Would you read the article and say if you remember reading this article? . . . Do you remember reading that article?

A Well, I probably read it. I don't say that I remember reading it, but I usually read the papers, and if it appeared in the papers I no doubt read it.

Q Do you recall if you made any inquiry about these accusations, the accusations voiced in this article or in similar articles? Do you remember reading several articles?

A Yes.

Q On this subject of the fake padlocking of disorderly houses?

A Well, I don't ---

Q What is your recollection as far as the padlocking question was concerned?

A All questions that were discussed in the Press relative to the Police Department were discussed by the Executive Committee, and the Director of Police was consulted on these affairs to find out the explanation of what was going on.

Q Do you know if anyone at the Executive Committee, whether a member of the committee or whether

Richard Quinn

a secretary of a member, had charge of drawing the attention of the committee to the articles which pertained to the Police Department?

A No.

Q Well, how do you know? How can you assert that these criticisms were discussed by the Executive Committee, -- these criticisms in the newspaper.

A Well, you are bringing out -- I don't know whether the word is correct -- isolated cases of newspaper clippings. I am talking generally, that any time criticisms from the Press were attacking the Police Department, they were certainly considered by the Administration.

Q By "the Administration" you mean the Executive Committee?

A I mean the Executive Committee, yes.

Q Did you ever bring any of these Press criticisms to the attention of the Executive Committee for discussion -- yourself?

A If I answered you "Yes" you are going to ask me, which one, and I will have no knowledge of it; but certainly certain articles that appeared in the Press I brought before the

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attention of the committee. Other members did likewise. But if you ask me which one, I don't know, because I have no record of it.

Q I won't ask you which one, I will ask you, at what period?

A Any time they appeared.

Q And on any particular subject?

A Particular subject referring to criticism of the Police Department, or I would say that ---

Q Maybe we could help you, my confrere and I. We have made an extensive research in that field. If you will help us and tell us approximately the date, or give us some kind of indication, I think we can help you. We will try and find the article.

A Well, I could not ---

Q Have you any recollection about when it was? Could you give us some kind of an indication?

A I am sorry I cannot help you at all.

Q Any time? You mean to say you cannot help us at all?

A Well, it happened so often.

Q You mean to say that you yourself personally so often brought articles to the attention to members of the committee? Talking about

Richard Quinn

your own action: did it happen to you very often, to bring articles to the attention of the committee?

A Well, you are embarrassing me, because I never kept any records. I know that these matters appearing in the Press were constantly brought before the Executive Committee. I will put it that way.

Q They were constantly brought?

A Yes. It was not only from me, but it was from the Director of Services, it was from the City Clerk, it was from other members of the committee. But to ask me if I brought a specific article, I cannot say yes, because I would not even recognize the ones that I did bring before the committee. But we all read the papers.

Q I am satisfied with that.

A And any time these articles appeared, it was a matter of concern to the Administration.

Q I am trying to help you.

A I am trying to help you too. But you are not helping me by asking questions that way. I would like to help you.

HIS LORDSHIP: Co-operation !

Richard Quinn

BY MR. PLANTE:

Q I think, for every article you mention, we could bring fifty others.

A You could probably bring more than that. But the only difference is, you have an advantage over me. You have them. I have not got them.

Q At any rate what is your ^{re}collection about this question of the padlocking of disorderly houses? I will show the witness another one. There is another one a few days after. This is E-676, The Gazette again, of September 24, 1945. Would you look at this article and say whether you recall this one or similar ones pertaining to the padlocking of disorderly houses? . . . Do you recall this article or similar articles?

A Oh, I recall the articles being written. I cannot say I read that particular one, but I know there were many written. But I will say this, that as far as the padlocking is concerned it was an order from the Court.

Q Yes. Did you ever inquire whether the Court was ordering really the padlocking of dummy doors, as is mentioned in this

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article 715-27?

A I never did.

Q Do you remember reading in the Press an accusation that the Police were padlocking dummy doors?

A Yes.

Q Did you ever inquire whether the Courts were ordering the padlocking of dummy doors, -- knowingly?

A The matter was discussed at the Executive Committee before Director Dufresne, if I can remember, and the explanation given was that the padlocking concerned where the actual case was made.

Q Did you go any further into your inquiry, or have you accepted the word of the Director of Police?

A I say, talking for myself, I would say the whole Executive Committee took the word of the Director of Police.

Q Against the Press?

A That is right.

Q In this article E-715 - 27, are there not specific addresses? For instance, you have here at the end of the article,

"The most amusing sight however was at

Richard Quinn

356 Mount Royal Avenue East, where the padlock enclosed by police sticker had been affixed on a four-by-six room which used to be the lavatory for the customers." In reading an accusation of that type what would you do? Take the word of the Director of Police, or sue the newspapers for ridiculing your Police Department? What would you do? You have the place there; you have the date; you have everything. "The Courts and the Police sometimes knowingly have been tricked by gambling operators setting up several doors within the same premises bearing fictitious apartment numbers." In this particular case, in reading that, what would you do?

A I would say this. You asked me the same question yesterday or the day before. Newspaper -- you might say -- not editorials but articles are not always factual as far as the Police Department is concerned. I read that, and it may be it is right, maybe it is wrong; and in many cases the Director of Police denied it.

Q You had here, had you not, specific cases?

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- A According to that article, yes, but not according to the Police Department records.
- Q After making an inquiry and getting a report from the Director of Police denying an accusation of the Press, did you ever ask the newspaper to retract? Can you show one single retraction in ten years?
- A Did I ever ask?
- Q Or the committee?
- A No.
- Q Can you show one single retraction of that type of accusation?
- A I don't think you will find any person in politics asking newspapers to retract. It is not good policy, in my opinion.
- Q Would you look at E-715-28, The Gazette of the 20th of October 1945, entitled "Mr. Asselin objects." A letter apparently from Mr. Asselin to The Gazette?
- A Well, I had nothing to do with ---
- Q Would you read it and say whether you recall it? It happens to be right there in my hand.

HIS LORDSHIP: You have another example today of a protest.

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MR. PLANTE. Yes, and we can find others.
From Mr. Asselin's own attorney.

HIS LORDSHIP: And rightly, too.

MR. PLANTE: Definitely.

THE WITNESS: My Lord, I was just expressing
an opinion on policy.

BY MR. PLANTE:

Q You remember reading this letter, apparently,
of Mr. Asselin to The Gazette? Do you
remember this letter?

A No.

Q Do you remember reading that?

A No.

Q You don't? Did Mr. Asselin ever show
you any letters of protest he might have
sent to the newspapers?

A No.

Q He never did. So you don't recall any
specific case where the Director made a
contrary report to what was published in
the papers and which was sent to the
newspapers for a correction? You don't
remember any specific case at any time?

A Well, I remember the Director appearing

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before the Executive Committee and pointing out the discrepancies in many articles that appeared in the papers. If you asked me what they were or when it happened I could not tell you, because I have forgotten about it, but I know it happened.

Q I suppose you still know enough of the organization of the Executive Committee to direct someone at City Hall in order to find those reports -- a few of them. Could you find a few of those reports of Mr. Dufresne to the Executive Committee denying what had appeared in the newspapers?

A I don't think there were --- those interviews that we had with him were never recorded.

Q You see no trace of them?

A Pardon?

Q No proces verbal of the Executive Committee meetings? There was no proces verbal?

A A regular meeting -- yes.

Q So would it appear on the proces verbal?

A Possibly.

Q Could you find a few of these proces verbal where there would be recorded such a proceeding?

A I think that the custom -- it is not a question

Richard Quinn

of "thinking", I know -- that the minutes of the meeting dealt with reports only, not in conversations and details. I mean it is not like in Ottawa, where you have ---

Q Hansard?

A Hansard.

Q Did you ever take the matter up with the Recorders of the City of Montreal to find out whether they were ordering the padlocking of dummy doors, as some newspapers contended?

A I understand the Chairman did.

Q You understand the Chairman did?

A Yes.

Q What do you know about this? Did the Chairman tell you?

A Well, the matter was discussed informally at an Executive Committee meeting, and my understanding is that he discussed it with the Chief Recorder.

Q The chief recorder, Mr. Thouin, at the time?

A Yes, it would be. It depends on the period you are referring to.

Q In 1945-46?

A Yes.

Q I do not think Mr. Thouin retired before 1948 or 1949. At least he was there in 1945 and

Richard Quinn

1946.

A

Yes.

Q

Did Mr. Asselin give you a report of his conversation or interview with Recorder Thouin?

A

I don't recollect that he gave me personally a report, but I know that it was disturbing as far as he was concerned.

Q

What was disturbing?

A

Well, it was disturbing to this effect, that the Director of Police was blaming the Recorders, and the Recorders were blaming the Police, and nobody seemed to know who was responsible.

Q

Did you ever try to find out, in one case at least, -- pick one, any one, and try and find the root of the trouble?

A

No.

MR. DESJARDINS: May I be permitted to interject two or three questions at this stage before my learned friend leaves this line of examination?

MR. PLANTE: I am not leaving it yet, by far.

MR. DESJARDINS: On the conference between

Mr. Asselin and the Recorders.

HIS LORDSHIP: Do you mind waiting a few minutes?

MR. DESJARDINS: No, I don't, my Lord.

BY MR. PLANTE:

Q Do you recall if at any time the question came up before the Executive Committee to amend the padlocking by-law in order that the Director of Police would apply the padlocking by-law on his own and have nothing to do with the Recorders, -- that the Director of Police would be empowered to apply the padlocking by-law? Do you remember any such procedure or such resolution or question being brought up before the Executive Committee?

A Well, my knowledge is that it is compulsory after two infractions are committed.

Q Yes, but do you recall if Mr. Dufresne asked the Executive Committee that the by-law be changed in order that it would not be the Recorders any more that would order the padlocking, but himself, the Director of Police?

A What year would that be?

Q 1945.

Richard Quinn

A No.

Q And at any other time which you may recall.

A I don't recall.

Q Do you recall that Dufresne asked to be empowered with the application of the by-law?

A I have a vague recollection that he did discuss that, but I also know that he was compelled to: under the charter, after two infractions he had no option.

BY HIS LORDSHIP:

Q That is not the question. According to what you say you are perfectly right: it was the recorders who were applying the padlocks after a repetition, or some procedure of that kind; but do you recall that Mr. Dufresne asked the committee to recommend an amendment so that the jurisdiction of applying the padlocks would be removed from the Recorders and invested in the person of the Director of Police. Do you recall something to that effect?

A No, I don't recall that.

BY MR. PLANTE:

Q I am showing you Exhibit 486, which is a

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report of the committee appointed to study the question of venereal disease, June 1945. Do you recall ever reading this report?

HIS LORDSHIP: Is that about the same subject?

MR. PLANTE: Yes, my Lord. It is on that report that the question comes up.

THE WITNESS: I do not think I ever read that.

HIS LORDSHIP: Can you show Mr. Quinn the passage?

MR. PLANTE: I will try, my Lord.

THE WITNESS: We got so many reports from the City Hall that you would be reading all day if you read everything you got from the different departments.

BY MR. PLANTE:

Q I have here the recommendations of the committee, paragraph 4: it is in 486, at page 45:

"Recommendations by way of conclusion. Your Committee respectfully

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"makes the following recommendations: . . .

(4) Paragraph 162 of Article 300 of the City Charter should be amended so as to give the Director of Police Department exclusively the power to order the closing by the Police by means of seals, padlocks or otherwise of immovables, houses or apartments in which, within the twelve previous months, two offences against --- " etc.

A You do not know who was on that committee -- the members?

Q Oh, yes. Mr. Houde, Mr. Asselin, Dr. Groulx, Mr. Parent, Mr. Dufresne, but no Recorders. Do you remember that the Recorders of the City of Montreal complained bitterly in writing for not being on that committee while the committee was sitting and criticizing their actions? Do you remember that?

A No.

Q You don't remember?

A No.

Q I will show you a specific letter which was filed here before this Court.

Richard Quinn

A What article were you referring to? Is it Article 4 here?

Q Yes.

A Well, 4 deals with the Alcoholic Liquor Act.

Q Or contraventions of City By-laws or infractions of Articles 228 and 229 of the Criminal Code; that is, disorderly houses.

A I know, but he had already the power over disorderly houses after two infractions, but he didn't have power under the Alcoholic Act.

HIS LORDSHIP: It was not the Director who had the jurisdiction to apply the padlock, but it was the Recorders. The Director could apply for a padlock, but he could not order it; and through this they were asking that the Director be authorized to affix the padlock himself without an order from the Recorder's Court.

THE WITNESS: Yes, but this article here says, two offences against the Alcoholic Liquor Act, -- which is the main, the principal force of the argument.... And the whole report is on V.D.; it is not on blind pigs. The article you showed me is the only one I am reading. I did not read the report. I will tell you right now I am not opposed to it, I am in favour

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of it.

HIS LORDSHIP: You see the main point on which Mr. Plante wants to direct your attention is this, that the power to affix a padlock be given to the Director of the Police Department exclusively, not by going through the Recorder's Court, whether it be for offences against the Alcoholic Act or against certain sections of the Criminal Code, notwithstanding the reason. Do you recall that there was a move made to transfer the jurisdiction from the Recorder's Court to the Director of Police exclusively? Just that question of a change? Do you remember that?

THE WITNESS: Well, there were so many discussions, my Lord, it is quite possible it happened, I don't want to say it didn't, but the fact it is there, I would have to say ---

HIS LORDSHIP: You don't recall?

THE WITNESS: I don't recall.

HIS LORDSHIP: That is perfectly all right.

BY MR. PLANTE:

Q Do you recall the formation of this committee to study the question of venereal disease?

A Yes, I do, and that was brought about after the Army made a representation to the City regarding the situation of venereal disease in Montreal; and at that time it was pointed out by Dr. Groulx, of the Health Department, that they were not empowered to keep statistics of venereal disease, it was purely a provincial matter, and he had no information to furnish whatsoever; and after that the Legislature in Quebec saw to it that doctors were forced to report cases of venereal disease in order to keep our Health Department au courant with the situation.

Q Au courant?

A Regarding statistics.

Q But this committee was not formed only to find out who was going to compile statistics; it would have had a higher aim than that, don't you think? Was it not, first, to curb venereal disease?

A That was the intention, yes. But I want to tell you something too. When you ask for the members, do not forget that in all committees that are formed in the City Hall, ex officio the Mayor and the

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Chairman are automatically put on. As a rule they very seldom attend, they leave it to the head of the department concerned. I would not want to say that Mr. Houde was the Mayor at that time. It was not Houde, was it?

Q Yes, I think so.

A Or that Mr. Asselin are responsible for it, because it is very doubtful if they had the time to attend these meetings. It is quite customary to leave those committees, the responsibility of functioning, in the heads of the departments concerned.

Q There is a letter of the 17th of September, 1945, which was filed as E-905, which is a letter signed by four Recorders of the City of Montreal, namely Mr. Plante, Mr. Thouin, Mr. Leblanc and Mr. McManamy, to Mr. Asselin, Chairman of the Executive Committee.

MR. COHEN: Was there not one Recorder who made some reservations?

MR. PLANTE: Yes, Mr. McManamy. It is in English. I will point it out to Mr. Quinn. Maybe I can spare you reading the full letter.

Richard Quinn

THE WITNESS: I understand the meaning of it. They are objecting to the fact that they were not included as members of the committee.

BY MR. PLANTE:

Q Of the committee appointed to study the question of venereal disease?

A Yes. But I don't think that was done intentionally either. I think perhaps it was an oversight.

Q You think it was an oversight?

A I would say that, a committee like that, the recommendations would naturally come from the Department of Health, which would be Dr. Groulx. We don't know who to put on those things; we naturally depend on advice from the Director of Health.

Q Yes, but it was not primarily a question of curing venereal disease, it was a question of closing disorderly houses, so as to curb venereal disease, was it not?

A Well, I don't know.

Q So was it not first a police problem?

A It does not say here. It says, Committee appointed to study the question of venereal disease. You say it was a question

Richard Quinn

of closing houses?

Q Yes, disorderly houses.

A Well, it does not say that here.

Q That was why I was asking you a moment ago, are you under the impression that such a committee was formed only to compile statistics? You said, no.

A No, I did not put it that way, please. I am here to co-operate. All I said was that the City of Montreal only found out when the Army and Navy and Air Force came down in 19-- I don't know what year it was --- complaining about the vice situation in Montreal, and then we found out that the Health Department had no statistics on venereal disease.

Q That is all you found out at the time?

A Yes.

Q That they had no statistics?

A No. It was Dr. Groulx that pointed out that it was a provincial matter. When we asked him for information he said "I have not got it." He said, "Venereal disease is a provincial matter."

Q Is it at that time, as you said yesterday, that you found out about the red light

Richard Quinn

district? Is that correct?

A I did not say that yesterday, about the red light district.

Q You said you did not know where the red light district was.

A I said I didn't know where the boundaries were. No, that is not -- don't try to ---

Q Did you think the whole city was --- ?

A My idea of the red light district was any place where a whore-house was, -- if you want me to use the expression.

Q According to you, where there was a whore-house, there you had a red light district?

A That is right. That was my interpretation. Perhaps I am wrong. But I don't know that somebody decided that there were definite boundaries. I think I explained that to the Judge.

HIS LORDSHIP: The boundaries I gave you were just approximate.

MR. LACROIX: And lots of people do not cross the boundaries.

HIS LORDSHIP: But some do.

Richard Quinn

THE WITNESS: I do not want to appear stupid, that I did not know that a ^{red} ~~night~~ light district existed in Montreal. If I gave that impression to the Court I want to correct it.

BY MR. PLANTE:

Q Therefore there was a red light district but you didn't know where it was?

A That is right. I did not know the boundaries.

Q Did you ever try to find out?

A I was not interested.

Q Do you remember if the Recorders protested not only against not being invited to sit on that committee, but also at the suggestion, the implication that they were not doing their duty as far as padlocking was concerned?

A Yes.

Q You remember that?

A Yes.

Q Do you remember that Recorder McManamy took special exception to that recommendation of that venereal disease committee as worded at the end of this letter, No. 905, which you may read?

A Well, he is a friend of mine.

Richard Quinn

Q Do you remember this special paragraph of Recorder McManamy?

A Yes.

Q You remember it?

A Yes.

Q Did you ever take the matter up with him?

A No, I did not. It was sent to the Chairman.

Q It was sent to the Chairman? In fact, when a letter is signed like this particular letter, by the four Recorders of the City of Montreal, and sent to Mr. Asselin, Chairman of the Executive Committee, would Mr. Asselin show the other members such a letter?

A Not necessarily.

Q So he could keep it away from you gentlemen?

A Yes, but in this particular case he did not.

BY HIS LORDSHIP:

Q He did not keep it away?

A No.

Q He showed it?

A Yes.

BY MR. PLANTE:

Q Did the committee or any member of the committee suggest that a conference be

Richard Quinn

held between the Executive Committee and the Recorders to thrash out the contents of this letter?

A Well, as a matter of fact, there was nothing done about the report.

Q About which report?

A This one recommending that the authorization be given to the Director of Police to padlock the houses. It meant a change, an amendment to the charter, which never came about, to my knowledge. The charter is still the same as it was before.

Q (Counsel read the concluding paragraph of the letter.) They were expressing a desire to meet you gentlemen. Did you ever meet the recorders?

BY HIS LORDSHIP:

Q Was the letter addressed to the Executive?

A The letter was addressed to the Chairman, and perhaps the Chairman met the Recorders. I do not know. I know I did not meet them.

BY MR. PLANTE:

Q You had no report on that?

A No. But I do not remember the recommendations of this report ever being followed.

Richard Quinn

BY MR. DESJARDINS:

Q Just one question. You would not know, Mr. Quinn, about the meeting which took place at the Montreal Club between Mr. Asselin and the Recorders?

A No. Well, I was not there.

Q You were not there, but do you know of it? Do you know if there was such a meeting? Around that period?

A Well, it is quite possible that he suggested that the meeting was going to take place. You are asking me whether I know about it. I have no recollection of it. At the same time he could have mentioned it.

MR. DESJARDINS: Thank you.

BY MR. PLANTE:

Q Following this criticism in the Press, do you recall of a motion being presented before the City Council by Jean Morin asking for an inquiry into the Police Force, in the middle of September, 1945?

A No.

Q I am showing you here E-715-9, an article of The Gazette of the 12th September, 1945. Would you glance through it, at least the

Richard Quinn

titles? It may refresh your memory on these facts. Or you may correct them?

A I don't recall that, but no doubt I must have been there when it happened.

Q You don't recall Councillor Morin introducing the motion, the notice of motion? You don't recall it?

A There were very many of them asked for it.

Q You recall that very many councillors asked for an inquiry on the Police Force?

A Not an inquiry on the Police Force, but they were complaining about the attitude of the Press regarding conditions and demanding that the Administration take some more effective means to find out if the accusations were true or not. There were many of them that did it.

Q Was there not at first an inquiry suggested or demanded by Council ^{for Morin} ~~men~~, an inquiry on the Police Force itself, especially the Morality Squad?

A Well, I don't remember.

Q You don't remember that?

A I am not saying it didn't happen. I am saying I don't remember.

Q Do you recall that later in 1945 there was

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a petition presented to Chief Justice Bond of the Superior Court asking for a formal probe of the Police Force, especially of the Morality Squad? Do you remember that?

A Is that the Penverne --- ?

Q Yes, the first Penverne petition.

A Yes, I remember that.

Q Do you remember some of the conclusions of Justice Bond at that time? Do you remember that he said that he could not grant the petition because the accusations were not precise enough?

A Something to that effect, yes.

Q Do you know if the Executive Committee took any steps to get a copy of this petition to Justice Bond and study the accusations?

A I would have no knowledge of that. When you say "the Executive Committee" don't forget that there were six members on there, and each one is more or less on his own, so when you say, did the Executive Committee do it, I don't think they did, officially. Perhaps the Chairman did, or the Vice-Chairman. But I didn't.

Q You didn't?

A No.

Richard Quinn

Q Did the Chairman inform you that he was getting or ordering a copy to be secured for study for the Executive Committee of the Penverne petition, the first one?

A I would say that he had one.

Q You would say he had one?

A I assume that he had one. But if you ask me whether the City paid for it, I don't know.

Q No, not paid for^{it}, but was it studied before the Executive Committee?

A No.

Q It was not? Do you know if Mr. Dufresne was called in on that petition to be questioned?

MR. LACROIX: He just mentioned that it was not brought up before the committee.

MR. PLANTE: Well, it might have been brought up some other way.

MR. LACROIX: My client said that the petition or recommendation of Justice Bond was never brought up before the committee while he was at the meetings. Now Mr. Plante is asking whether Dufresne was called to discuss this petition?

Richard Quinn

MR. PLANTE: It might have come incidentally, the Director coming for some other subject.

THE WITNESS: As a matter of fact I did not say it did not come up, I said I did not remember it coming up. It might have come up.

MR. PLANTE: I don't know whether my learned friend realizes it, but I am trying my best to bring in a fact which may refresh the memory of the witness. I do not think I am getting much co-operation. . .
(To the witness):

Q Do you remember any Council man, any particular Councillor -- (?) Lefebvre -- making representations before the City Council complaining about barbottes in his district?

A Yes.

Q You remember about that. Do you remember he said in Council he was even threatened for bringing the matter up before the City Council?

A Well, I discount that a lot. I mean, a lot of people say things to ---

Q Do you remember if he did?

A I remember he brought up the question, but I discount very much if anybody is

Richard Quinn

threatening anybody. The same as you read the article that you showed me a moment ago about Councillor Parent; he said he was threatened too. I was threatened yesterday at my house: my wife was.

Q Now, do you know if the Executive Committee took any steps to ask for an inquiry on the Police Department?

HIS LORDSHIP: Approximately when?

MR. PLANTE: At the end of 1945, beginning of 1946, following the dismissal of the first petition by Justice Bond, in particular?

THE WITNESS: I think there was a request made by the City Council. I think the Chairman of the Executive Committee was responsible for it to a certain extent. It was when they asked the Quebec Government for a Royal inquiry. But I do not know what year it was, whether it was 1945 or 1946. Is that what you are referring to?

MR. PLANTE: Yes. Well, is it to your recollection that several such petitions were made by the City Council to the Attorney-General, or if there was only one?

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THE WITNESS: Well, I don't know what the procedure was. I was out of town at the time, but I know when I came back I learned that a petition had been made by the City Council to Quebec for a Royal inquiry. Is that what they call it?

MR. PLANTE: Yes.

THE WITNESS: A Royal Commission.

BY MR. PLANTE:

Q And to what effect? Was it granted, according to you, or was it refused?

A Well, it never took place. It was not granted.

Q You say you were absent from City Hall?

A No, I was on my holidays at the time.

Q How long were you on your holidays?

A Oh, I guess about three weeks, a month maybe. I know I was not there at the time, and I found out afterwards, when I came back.

Q How long was it after you came back?
How long was it since the petition had been refused when you came back?

A Oh, that I would not remember.

Richard Quinn

Q It had been refused a month ago?

A Oh, no, no, it was a question ---

Q Did you come back at the same time it was refused, approximately?

A No, it had been. No, I think I was here when it was refused.

Q You were here?

A Yes. It is a matter of dates. You could find that out quite easily.

Q Well, I don't know when you were away.

A Well, it was in the summer.

Q You were away in the summer?

A Yes, on my holidays.

BY HIS LORDSHIP:

Q A long time?

A No, three weeks or a month.

BY MR. PLANTE:

Q Do you remember the murder of Harry Davis?

A I remember reading about it.

Q That happened in your ward?

A Well, it was not in "my" ward; it happened in District 4.

Q Do you remember the Executive Committee asking a special report of Director Dufresne on why was the Davis establishment

Richard Quinn

running so openly when the murder occurred?
Do you remember if any reports were asked
from Dufresne?

A I was away at the time that happened.

Q That was the time when you were away?

A That was the time, if I remember. It was
after that that the question came up of
the request for an inquiry?

Q But it had not long been in the air,
before the Executive Committee, before
the Davis murder?

A I don't remember.

HIS LORDSHIP: What had not been long
"in the air"?

MR. PLANTE: The question of asking for
a Royal inquiry.

THE WITNESS: I don't think so. I think
it was that that brought it up.

BY MR. PLANTE:

Q It was that that brought it up?

A I think so.

Q Do you know if the Executive Committee
asked the opinions of the attorneys of
the City as to the procedure that might

Richard Quinn

be followed to obtain an inquiry?

A I was not there.

Q You were not there?

A No.

Q Were you there in January 1946?

A Yes.

Q You were not on your holidays then?

A No. You are referring to the request that I was referring to, the Royal inquiry, which happened I understand either in August or September. Is that right?

Q The request was made around the 7th of August, 1946.

A Well, that is right, yes.

Q But the procedure was initiated, was it not, in January 1946, a long time before the Davis murder?

A I don't think so.

HIS LORDSHIP: What do you call 'the procedure'?

MR. PLANTE: Inquiries to the attorneys of the City, and to the counsel, Mr. Charles Laurendeau, the special counsel to the attorneys of the City, asking their opinions about the

Richard Quinn

procedure to be followed. I have several references here that it started in December 1945.

(To the witness):

Q Have you ever read any of these opinions of the attorneys on the procedure to be followed in order to obtain an inquiry?

A No.

Q Was there any member of the Executive Committee especially detailed for that work?

A It was the Chairman.

Q It was the Chairman?

A Yes. He was not detailed, but he was the one that was doing it.

Q Was he asked by the other members of the Executive, or if he did it on his own?

A He did it on his own, to my knowledge.

Q Were any other members of the Executive Committee taking any special interest in that particular question of an inquiry, or if it was only Mr. Asselin?

A No, I think Mr. Asselin had the support of the other members of the committee, that he was the one that initiated the movement. But with all the co-operation of the members.

Richard Quinn

Q And when it was refused, when the petition, which I understand was to the Attorney-General, Mr. Duplessis -- the petition of the City Council was to the Attorney-General, Mr. Duplessis -- do you recall that?

A Yes.

Q Do you remember if there was, not criticism, but suspicion was expressed in some of the papers of the sincerity of this petition to the Attorney-General on the part of the Executive Committee?

A I certainly don't.

Q You don't recall that?

A No.

Q Would you read this particular editorial of The Gazette of the 20th of August 1946? I will give you the number of the exhibit. It is entitled "City Executive's Bluff Called", No. 715-39. I think that if you read the first paragraph you will have the gist of the editorial. Do you recall such criticism being voiced in City Hall or in the newspapers of the sincerity of the move of the Executive Committee asking Mr. Duplessis for a Royal inquiry?

A No.

Richard Quinn

Q You don't recall that?

A No.

BY HIS LORDSHIP:

Q Is all important correspondence brought before the Executive Committee?

A Well, my Lord, it all depends who it is addressed to. If it is addressed to the committee it comes before the committee. If it is addressed to the Chairman he may consider it his own correspondence, and you never see it --- which has happened.

Q Have you seen that correspondence about a petition for a Royal Commission, yourself?

A No, I was out of town at the time.

Q No, but later?

A I don't know.

Q Maybe it was shown to you and you cannot recall it?

A Mind you, I know that it did happen, that they asked for it.

BY MR. PLANTE:

Q I will show you some correspondence which was filed, correspondence between Mr. Asselin, Chairman of the Executive Committee, and Mr. Duplessis. The first letter,

Richard Quinn

No. 460-8, a letter of the 10th of September, 1946.

HIS LORDSHIP: Maybe you were not up to that point.

MR. PLANTE: Yes, my Lord, I am. That is why I asked Mr. Quinn whether he had any knowledge that opinions were asked of the City attorneys, whether he had any knowledge of any correspondence of Mr. Asselin and Mr. Duplessis. This is the first letter, my Lord, the letter of 8th August, 1946, which was filed as E-460-7. It is a letter of Mr. Asselin, Chairman of the Executive Committee, to the Hon. Mr. Duplessis. (Counsel read the contents.) And he is transmitting E-460-6, which is the resolution of the City Council asking for an inquiry.

HIS LORDSHIP: Of the same date, approximately?

MR. PLANTE: Well, my Lord, yes, the 7th August, and the letter of Mr. Asselin is of the 8th, the next day. Now, the answer to that letter, from Mr. Duplessis, is dated the 10th of September, 1946; that is 460-8. And here is a letter; it is addressed to Mr. Asselin, Chairman of the Executive Committee of the City of Montreal. It states that such an inquiry cannot be granted because

Richard Quinn

Chapter 9 does not apply, etc.

(To the witness):

Q Do you remember reading this letter, the answer of Premier Duplessis to Mr. Asselin?

A Yes.

Q You read this letter?

A Yes.

Q Where Mr. Duplessis states that the request of the City Council is based on Chapter 9 of the Revised Statutes of the Province of Quebec, which evidently do not apply. Is that right?

A That is right.

MR. LACROIX: The letter mentioned that Mr. Desilets, I think, made a study of the statute.

MR. PLANTE: Anyway, that will be matter of argument. I do not think we have to go into this right now. The next letter is of the 4th of October, 1946, which is 460-9, if my learned confreres are interested in the sequence of these letters: a letter from Mr. Asselin to Mr. Duplessis.

(To the witness):

Q Would you look at this letter and say whether you read it at the time -- 460-9? You remember reading this letter?

Richard Quinn

A Yes, I remember.

Q Now I am referring to the next letter, my Lord, of the 7th of October 1946, a letter from Mr. Duplessis to Mr. Asselin, filed as E-460-10. Would you read this letter and say whether you have read it at the time? . . . It continues on this page. I would like you to read it. Do you remember reading this letter, 460-10, this letter of Mr. Duplessis to Mr. Asselin?

A I can't say that I remember reading the letter, but I do know that we were kept au courant with the negotiations that were going on between the Chairman and the Prime Minister. It is quite possible the letter was read. I cannot remember it at the moment.

Q Do you remember if Mr. Asselin told you what was the gist of the answer of Premier Duplessis in that particular letter of the 7th of October 1946?
(Counsel read from the letter.) In effect, the Prime Minister was saying to the Executive Committee or to Mr. Asselin, "You are trying to cast back on others responsibilities which are your own. You

Richard Quinn

are not serious in asking us for a probe based on Chapter 9, which does not apply. Evidently you are not in good faith." Do you remember?

MR. LACROIX: As far as I am concerned, your Lordship, I take exception to what the Prime Minister states. . .

HIS LORDSHIP: I think also that an interpretation might go far, and that it would be argument.

MR. PLANTE: I suggest to my friend that he read the very good advice which the Prime Minister gave to Mr. Asselin. . .

(To the witness):

Q And another letter of Premier Duplessis to Mr. Asselin of the 15th of October 1946, E-460-11. Would you read this letter and say whether you read it at the time? Did you read the letter at the time?

A I don't remember seeing that correspondence at all.

Q Do you remember if you were kept informed in so far as this correspondence between the Premier ---

Richard Quinn

- A Yes.
- Q --- and Mr. Asselin was concerned?
- A Yes.
- Q You were kept informed?
- A Yes.
- Q By Mr. Asselin?
- A Yes.
- Q Did you ever ask to see the letters themselves?
- A Well, I think the letters were there at the time.
- Q I am exhibiting to you an article of The Star of the 17th August 1946, E-915-25. Would you read it, please, and say whether you read it before, or if you are aware of what the article says?
- A Well, that is a Press release by the Chairman.
- Q It is a Press release by the Chairman. This Press release quotes Mr. Asselin as saying: "Frankly, I was surprised to hear of such a decision. It seems to me that it was understood that the City of Montreal would bear all inquiry costs." Regarding this inquiry, Royal inquiry, which was asked by the unanimous vote of the City Council, did the question of the

Richard Quinn

costs ever come before the Executive Committee, the question of who would pay for such an inquiry?

A No.

Q Never came up?

A No.

Q Was it implied that the City would pay the costs of such an inquiry?

A Well, that is a statement from the Chairman, that is not a statement from ---

Q Did you ever hear such a statement from the Chairman?

A No.

Q No?

A No.

Q The question of costs never came up?

A He made that from his Brompton home. It was not even made from the City Hall.

Q Did you read the statement at the time?

A I don't remember reading it. I will do it now. But he says it was made from his home in the country.

Q I said that.

A I said yesterday that a lot of these newspaper reports are not factual.

Q Beg pardon?

Richard Quinn

A I said a lot of these newspaper things sometimes are not factual. I said that yesterday. You are only agreeing with me today.

Q I am not agreeing with you, sir, but my confrere is just being humorous about it.

A But if you read it you will see it was released at Brompton.

BY HIS LORDSHIP:

Q At any rate, you are positive there was never a move made before the committee binding the City to pay all the costs of a Royal inquiry if it was granted?

A I think, my Lord, the question of costs never entered into it at all. It was the matter of whether they would have an inquiry or not. The costs would come afterwards.

Q But are you positive that the question was never discussed in such a way that the Council would bind itself to pay the costs of such an inquiry?

A I don't remember that question ever coming up, my Lord.

BY MR. PLANTE:

Q Was not the City always willing to pay for what

Richard Quinn

it had asked for? It was not taking Mr. Duplessis' charity to wash its dirty linen.

MR. COHEN: Well, that is so general ---

HIS LORDSHIP: It is argument, I suppose. It is not a question.

MR. PLANTE: Just to give an opportunity to my confreres.

MR. LACROIX: Thank you for the relaxation.

BY MR. PLANTE:

Q I am showing you E-915-35, which is an article of The Star, January 6th, 1947. Will you look at the pictures and would you look also at the captions and say whether you recall seeing these pictures and reading these captions?

A Which is you in this picture?

Q I don't know. The caption says so. If you want really to be funny you can ask what these are. Did you ever read these captions and did you ever see these pictures?

A Well, I might have seen them. I don't think you are in that picture, are you? You are down here.

Richard Quinn

Q That does not matter. Do you remember of a raid in your district at the central service of the bookies in the city of Montreal? Do you remember that?

A Beg pardon?

Q Do you remember of a raid of the Montreal City Police at the central service of the bookies in your district in 1947?

A You mean in District No. 4?

Q Yes.

A It is not my district.

Q Well, the district you represent with five others.

A Yes. I remember it taking place, yes.

Q Did you ask any report from the Director of Police on how the service had kept operating in the city?

A Well, I think I made it very clear in my previous statements that I thought that the Police Department Director was supposed to run his department; and that was the attitude I always took.

BY HIS LORDSHIP:

Q Without any interference from any member of the Executive Committee?

Richard Quinn

A Well, it would be unfortunate, my Lord,
if anybody tried to tell every head of
a department how to run his department.

Q Is that what you mean?

A That is what I mean.

Q That the Chief of Police should never be
interfered with by any member of the
Executive Committee?

A No; but Mr. Plante is continually asking
me if I asked for reports. I did not
ask for reports because I felt the man
was doing his duty and doing a good job.
I might be wrong.

BY MR. PLANTE:

Q What do you mean, doing his duty and doing
a good job, when the houses were "full-blown",
as the papers stated?

A We only found that out afterwards. We
did not know before.

Q You did not know that before?

A I did not know.

BY HIS LORDSHIP:

Q But when the Council was asking for a Royal
inquiry, nobody inquired at the City Hall
on what the inquiry would bear?

Richard Quinn

A The only man that you could discuss the matter with was the head of the department.

Q The Chief of Police?

A The Chief of Police.

Q And it was about him that you would inquire?

A Well, I don't know of anybody else of whom you could inquire.

BY MR. PLANTE:

Q Look at this article of The Star of January 9, 1947, E-915-37, report on the Ship trial. There are two articles. Do you remember reading these particular articles, especially this one, entitled "Establishment Had Three Tenants, Forty-three Permits." Do you remember reading this?

A I remember seeing it.

Q Did you have any reaction, or did you make any inquiries of the Police Department, of the Director of Police as to why the place had so many permits and yet was raided by the Police so often? Forty-three permits, seventy-three convictions?

A Well, did not that come out at the time of the trial?

Q Yes, it came out at the time of the trial.

Richard Quinn

A So by that time ---

Q That they were fictitious, the permits,
that they didn't exist at all?

A The situation had stopped then.

Q But did you ask a report from the Director
of Police why such a situation existed
and who was responsible for such a situation?

A Did I ask?

Q Yes.

A No.

BY HIS LORDSHIP:

Q When you came back from your holidays did
you learn where Davis had been killed?

A Yes.

Q Was that in District No. 4?

A Yes.

Q Did you go to the City Council afterwards,
while the Davis affair was still a recent
matter?

A Yes.

Q Was anything about the Davis murder
discussed at the City Council while you
were there, at any time?

A Well, it was discussed at the Executive
Committee.

Q It was discussed at the Executive Committee

Richard Quinn

while you were there?

A Yes.

Q Shortly after the murder?

A Yes.

Q Did you learn there that this place was operating openly in your district, -- not your district, in District No. 4?

A I did not learn that it was operating openly. I learned that it was operating.

Q Did you ask anybody there for how long this place had been operating?

A No.

Q Did you do anything about this particular place?

A I didn't do anything, my Lord. I felt that it was up to the Director of Police to do something.

Q It was up to him too. But did you not think it could have been up to a member, one of the members of the Executive Committee belonging to that district, or just to a citizen of the city of Montreal?

A Well, if you want my personal opinion, my Lord, it is not going to ~~account~~ for anything, but as I mentioned before I cannot get excited when somebody wants

Richard Quinn

to bet on a horse.

Q No, but as you said the other day, it is dangerous to be bumped off in these places, sometimes?

A Well, I was speaking with reference to the life hazard of a policy.

Q I am not talking of the business there, but did you not notice that in such joints, if we may call them such, there was danger of murder? You have noticed it. There was a murder in one of these places, apparently between parties interested to obtain a certain control of that special kind of business. You noticed that, I suppose, that there was a murder?

A Oh, yes.

Q In a gambling place or a betting place or a place where the two were combined? And you knew also, I suppose, or you learned that the one killed was a gambler and the one who had killed was one also. I suppose you learned that, did you?

A I learned that.

Q You did?

A Yes.

Q And you learned that this place was operating in your district, at least on

Richard Quinn

the night of the murder, the day of the murder?

A There could have been fifty of them operating in my district and I wouldn't know anything about it. The geographical set-up of the district is from Main Street to Atwater Avenue. Now if you can tell me how any councillor, unless he has complaints ---

Q It is a narrow strip or a circumference with a very short radius, compared to the city of Montreal? But then you did not ask anybody if this person had been opened for a long time? In other words, did you disinterest yourself completely in this particular place where the murder had been committed?

A I don't remember. When I came back the affair had occurred, and ---

Q Davis was dead?

A Davis was dead, apparently, but I mean I don't recall asking for a special report from the Police Department, if that is what your Lordship means.

Q Specific report from anybody, -- from the Police Department or from the Chairman of

Richard Quinn

your committee or from other persons?

A No, I didn't do it.

Q You did not do anything?

BY MR. PLANTE:

Q Here is the specific report E-669, dated July 30th, 1946, from the Bureau of the Director of Service Dufresne. (Part of which counsel read.) That is a request from the Executive Committee to Mr. Dufresne?

HIS LORDSHIP: What was the date?

MR. PLANTE: 13th of July. Davis had been killed on the 25th.

BY HIS LORDSHIP:

Q After coming back you did not ask to see what the Executive Committee had done about that place in your absence?

A Well, I don't recall, my Lord. I might have. You are asking me now: I don't remember.

Q Do you remember this specific document, E-669?

A No, my Lord. I was away then.

Q But you do not remember having seen it after your return?

Richard Quinn

A No.

Q Just one last question. After you came back did you learn one way or the other, that this place, 12¹/₄ Stanley Street, had been operating for years? Did you learn that?

A I did not know that it had been operating for years.

Q No? When you came back and you learned there had been a murder there, did you learn then that this place had been operating for years before?

A No.

Q You did not learn that?

A No.

Q You remained in perfect ignorance about the gambling in Montreal in which you were before? You did not learn then that these places were being operated as permanent businesses?

A That is right. I thought ----

Q You did not learn it even after the murder?

A No. I thought they moved around after they were raided.

Q What is surprising me is that a member of the Executive Committee, representing this district in which there was a murder, did

Richard Quinn

not learn anything after this murder about the way the gambling places were operating.

MR. COHEN: The report is 669.

MR. PLANTE: There are several reports.

Mr. Dufresne was on his vacation. The first report came from Belanger.

BY HIS LORDSHIP:

Q But did not that murder cause an awful commotion in Montreal, not like an ordinary murder, if we may say so?

A Well, I was not here, my Lord. I was away.

Q No, but you came back, after all.

A Yes.

Q And you know what went on in your office after you came back?

A Yes.

Q You know what went on in your family after you came back?

A That is right.

Q During your absence. Calls, or whatever took place while you were away, in District No. 4. Even if it was a murder caused by one gang against another gang of racketeers, that did not disturb you at all?

Richard Quinn

A Well, I would not say that, my Lord. I think the whole situation disturbed the Administration for some time.

Q But then you did not make any special inquiry of your own?

A No, I did not.

Q That is what surprises me. You may be perfectly right to remain serene under these conditions. I think it is the Chinese philosophy that teaches that system.

BY MR. PLANTE:

Q Do you remember the Taché dismissal following the murder of Harry Davis? Captain Arthur Taché?

A Well, all I remember is what happened afterwards. When I say I was away at the time ---

Q Where were you? In Australia?

A Old Orchard. I was on my holidays.

Q Do you remember if any charges were laid by the Director against Captain Taché?

BY HIS LORDSHIP:

Q Well, did you know then what were the functions of Captain Taché?

A No.

Richard Quinn

BY MR. PLANTE:

Q Did you not know that he was in charge of morality?

A No.

BY HIS LORDSHIP:

Q When you came back did you learn that he was in charge of the Morality Squad?

A Yes.

Q And after your return did you learn also that he was discharged from the Police Force?

A That is right.

Q Did you learn then that he had been discharged, presumably -- I say "presumably" according to the evidence we have heard here, not according to the case made then -- presumably for having notified certain book-makers of the dates on which raids would be made at their place? Did you learn that?

A I learned that afterwards.

Q When you came back?

A Yes.

Q And when you learned that did you learn that those booking establishments were and had been operating for a long time as open businesses?

Richard Quinn

A I don't say I learned that. I learned that bookies were operating.

Q But what I want to know is, at this time, after the Davis murder and after the Taché discharge, did you learn then that these booking establishments were operating and had been operating for years as regular businesses?

A The only time I learned that they were operating in the same fashion is when this inquiry started.

Q My question is very clear: then, at your return, after your return, after the Davis murder and the Taché discharge, did you learn then that the booking establishments had been operating for years as regular businesses and permanent businesses, -- then?

A No.

Q You didn't learn it?

A No. I knew it before.

Q You knew it before that they were permanent businesses.

A I don't say "permanent". But I know that bookies existed.

Q That is not my question. Then after the

Richard Quinn

Davis murder, after your return, did you learn through any medium that for years before bookies had been operating their businesses permanently at the same place and openly?

A No, not at the same place.

Q You did not learn that?

A No, I learned that here at this inquiry.

Q Not even through conversations or through investigations that you could have made?

A No. I knew that booking existed, but I didn't know that they were in the same places all the time.

Q And after these two incidents -- Taché being thrown out because he was notifying the bookies of the dates and hours of the raids, and the Davis murder -- you did not ask them, how is that these things are going on? How do they work? How do they proceed? What does the Police do? No special inquiry, either of Dufresne or of some of your colleagues?

A There is no doubt about it, the Director was over at the Executive Committee, and as I mentioned this morning, on many occasions discussing this problem, but not

Richard Quinn

in that specific case.

Q

You did not put any questions to anybody whose answers would have given you the knowledge then that the booking business in Montreal was an open business operating as well, as it was said in one of the papers, as Eaton's?

A

No.

HIS LORDSHIP: Very well.

MR. COHEN: May we, my Lord, at this stage know what our plans are for the week, so that if there is anything that we can do otherwise we will be able to prepare for it during the week-end? What are your Lordship's plans for the balance of the next week?

HIS LORDSHIP: To sit as much as possible. . .

-- After some further discussion, the proceedings were adjourned until the following Monday, November 17th.

1952-110
Enquête Caron

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