

Année 1902

54 - 02.3

POLICE, Commission

Rapports

POLICE, Enquête sur accusations
portées contre la Police

1902
1904

Témoignages de personnes de langue
anglaise.

*Archives Municipales
de Montréal*

Si vous vous dépos-
sez de ce document
veuillez en prévenir
sans retard.

L'ARCHIVISTE

If you give away this
document, please ad-
vise, without delay
the

ARCHIVIST

Province of Quebec

District of Montreal SUPERIOR COURT

PRESENT Hon Mr Justice Curran

In the matter of

The City of Montreal

Petitioner

vs

D. Legault et al

Defendants

seventh

On this twenty ~~sixth~~ day of March in the year of Our Lord, Nineteen hundred and three, personally came and appeared

WILLIAM LEGGATT

of the city of Montreal, Inspector of Police, aged forty six years, a witness produced on the part of the Defendants, who being duly sworn doth depose and say as follows:-

I am not related, allied, or of kin to any of the parties in this cause.

I am not interested in the event of this suit

EXAMINED BY MR St JULIEN

OF COUNSEL FOR DEFENDANTS

Q Before your appointment as Inspector of police, you were captain of Station Number 4, were you not ?

A I was for some time

Q How long ?

A Somewhere about fifteen years

Q Fifteen years ?

A Somewhere thereabouts

Q During the fifteen years you have been Captain, did you make any seizures of liquor ?

A I did, a few.

Q What were you in the habit of doing with those liquors so seized ?

A Well, during the time I was captain there, we mostly seized on what we call small shebeens, and the amount of liquor seized in those places was very small -- small quantity.

BY THE COURT:

Q What did you do with it, you were asked ?

A It was generally destroyed; sometimes, maybe half a pint in a small bottle or glass, or ginger-ale bottle, or such as that, and it was generally destroyed.

BY THE COURT:

Q You do not remember ever having made a large seizure of any kind during those fifteen years ?

A I remember having made two large seizures, your Lordship.

BY THE COURT

Q What did you do in that case when they were large ?

A They were both returned to the parties where they were seized.

BY THE COURT:-

Q That is to say, they had not been confiscated by the Court ?

A That I could not say whether they were confiscated by the court or not, but I was given orders by the authorities to send it back -- by my superiors.

BY DEFENDANT'S COUNSEL:-

Q Were the parties where they were seized, condemned by the court ?

A That I could not say.

Q Do you remember the names of the parties where those two large seizures were made ?

A Yes, there was one seizure made I think in Lucy Johnston's house on St Dominique street.

BY PLAINTIFF'S COUNSEL:-

Q In Lucy Johnston's house ?

A Either Lucy Johnston or Hattie Patterson's, I am not sure which.

BY DEFENDANT'S COUNSEL CONTINUING:

Q When ?

A That is a number of years ago.

Q You do not remember if those parties were condemned and the liquor seized, confiscated ?

A I could not swear to that.

BY THE COURT:

Q All you know is, you seized the liquor.....

A Yes, I know I seized the liquor, and I got orders from my superiors to send it back in both cases.

BY DEFENDANTS COUNSEL:

Q Do you call your superiors, the chief of Police at the time ?

A Well, I think I received orders from the late clerk Forget in one case.

Q Do you remember Mr Leggett in March Nineteen hundred and two (1902) being with the chief of Police in his office, and having met with Captain Millette and the chief, and do you remember having been asked by the chief of Police Mr Legault, what was the practice or custom in the department about the seizure of these liquors ?

A That I do not remember; I remember Captain Millette asking the chief of Police about a certain amount of liquor he had seized, how would he dispose of it, or what he would do with it, and the chief answered him that the

liquor belonged to the seizer or the party who made the seizure.

Q Were you asked then by the chief of police about the custom of the department, or the custom followed by the previous chief to chief Legault ?

A I do not remember.

Q Were you brought before the committee of police on the same question ?

A I was

Q Did not you say then Mr Leggett, that on the question with the Chief as about the custom, you told him it was generally destroyed or sent to the hospitals ?

A I do not remember, but I remember now, and I might mention your Lordship, that in the year Nineteen hundred and one (1901) just before I left that station, there was quite a collection of small amounts of liquor that I had seized, and I took it on myself to send it to the hospital; it was collected at different times in small amounts, and just before I left the charge of that station as Captain, I sent it all down to the hospital and got a receipt for it

Q In fact, you never returned any liquors so seized to the collector of revenue ?

A I do not remember of sending him any .

CROSS EXAMINED BY MR ARCHAMBAULT K.C.

OF COUNSEL FOR PETITIONER

Q Mr Leggett, if I understand you well, it was an ordinary conversation which had passed between Millette and the Chief of Police ?

A I remember sitting in the office.

Q You happened to be there at that moment ?

A Yes, I happened to be sitting there at that moment, and I remember being in the office and Captain Millette came in and asked the Chief that question.

Q You did not take special notice of what was passing at the time ?

A Certainly not; we do not take note of conversations such as that; it was an occurrence that happened daily.

Q So that you cannot exactly remember what passed at that time ?

A Word for word certainly not, but I remember.....

Q You did not consider at the time that these were special instructions passing between the Chief of Police and Mr Millette -- only the manner of asking the questions, as what to do with those liquors ?

A Well, I know it is the custom for the Captains to submit questions to the Chief, or ask him for advice; I know that is the custom.

Q You were not called upon to remain or go away at the time ?

A No.

Q You took part in the conversation as in a general way ?

A Certainly.

Q You say that it was a custom since a long while, that when goods of that kind were seized in houses of ill-fame, to have them confiscated, or not to be returned ?

A I do not say it is the custom; I told you what I did

myself; I do not know what the other captains did at the time I was captain, I am merely mentioning what I did myself.

Q But you know of no parties whereon the order or instructions of the court, the goods were returned to the hands of the parties upon whom they were seized? Do you know of any cases of where they were returned to the inspector of licenses or distributed amongst the hospitals?

A To swear positively I could not; I am under the impression that some number of years ago, that there were some cases where the liquor was sent back, and something tells me I sent some back myself a number of years ago -- sent some to the Collector of revenue, but to swear positively I cannot do it.

Q I will come back to the conversation; if you did not take special notice of that conversation between Captain Millette and the Chief of Police, you cannot say exactly whether the version given by Captain Millette is the correct one, or the one given by the Chief of Police is the correct one?

A Well, it is somewhere about a year now and it is hard to remember word for word what was said

Q You heard the evidence of those two gentlemen yesterday?

A Yes

Q And you do not remember exactly the facts?

A Word for word I cannot. Certainly if I had taken my note book and noted everything down, I could swear what passed.

Q You do not suspect Captain Millette did not swear

the truth ?

MR MORRISON OF COUNSEL FOR DEFENDANT OBJECTED TO THIS QUESTION, IT BEING A QUESTION OF RECEIVING AN OPINION FROM THE WITNESS.

QUESTION WITHDRAWN.

BY THE COURT:-

Q Captain Leggett, do you mean to say that some years ago that the authorities gave you instructions to send back liquor that had been seized to the houses of ill-fame ?

A Yes, in one case.

By the Court:-

Q You got instructions to send it back to the house of ill fame where the liquor had been seized ?

A Yes, that is a number of years ago.

BY THE COURT:-

Q Still it happened ?

A Yes, and I think your Lordship I hold the receipt to-day in my receipt book, and I am sure I can produce it.

BY THE COURT:-

Q You had all along for years back, that little book of instructions to officers, that is fyled here as Exhibit R-12 ?

A Yes, I think we have had it since One thousand eight hundred and ninety four (1894).

BY THE COURT:-

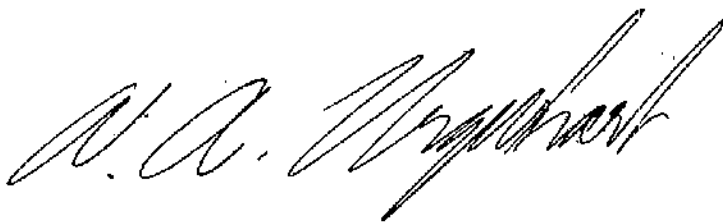
Q Well, you were aware I suppose of the rule that those liquors should be turned into the Collector of Inland revenue when confiscated ?

A Well, it says so in the book.

BY THE COURT:-

Q Well, at the time this conversation took place between

I, the undersigned, of the city of Montreal, sworn stenographer in this cause, hereby certify under the oath already taken by me, that the foregoing sheets numbered from one to seven inclusive, and being in all seven pages are, and contain a true and faithful transcript in typewriting of the evidence of the above named witness, as by me taken by means of stenography, the whole in manner and form as required by and according to law.

A handwritten signature in cursive script, appearing to read "N.A. Dymally". The signature is written in dark ink and is positioned centrally below the main body of text.

Official Stenographer.

Canada

Province of Quebec

District of Montreal SUPERIOR COURT

PRESENT Hon Mr Justice Curran

In the Matter of:--

The City of Montreal

Petitioner

vs

Kehoe et al

Defendants

On this thirtieth day of March in the year of
Our Lord, Nineteen hundred and three, personally came
and appeared

JAMES KEHOE

of the city of Montreal, Quartermaster of the Police
force, and one of the defendants in this cause, aged
sixty four years, a witness produced on the part of the
DEFENDANTS, who being duly sworn doth depose and say as
follows:

EXAMINED BY MR MORRISON

OF COUNSEL, FOR DEFENDANT

Q How long have you been on the police force in the
city of Montreal, Mr Kehoe ?

A Thirty four years last December .

Q You joined as constable I suppose ?

A Yes

Q What position did you take after that ?

A Acting sergeant.

Q For how many years were you acting sergeant ?

A About twelve years.

Q Then what position did you take after that ?

A Sergeant.

Q How long were you sergeant ?

A About four years.

Q And after that ?

A I was appointed sub-chief four years after that.

Q And in one thousand eight hundred and ninety one (1891) you were appointed quartermaster ?

A Yes

Q Now, during the time that you have been on the force, were you aware that a custom existed by which the men whose old uniforms would be in a good state of preservation, would instead of taking new uniforms at the time the contract would be given out by the city for uniforms, take civilian clothes in the place and stead of new uniforms ?

A It was the custom since I joined the force.

Q It was the custom since you joined the force ?

A Yes

EXAMINED BY MR BRASSARD

OF COUNSELL FOR MESSRS DROLET,

DUFORT AND COMPANY.

Q Mr Kehoe, the contract passed between the City of Montreal and Charlebois was in October last Nineteen hundred and two (1902) ?

A No sir.

Q What date ?

A There was no contract passed then; the clothing came in then, that is the time of delivery.

Q Mr Charlebois had the contract with the city last year ?

A They had on some clothing.

Q The mens winter overcoats ?

A Yes

Q Did you notice in the delivery of the clothes that some changes on the civilian clothing had been made ?

A No, there were none; I did not receive that.

BY THE COURT:-

Q Who received that ?

A I did not perceive that there was an ~~exhcn~~ exchange made; there was no change on the last issue of the winter clothing for the men.

CROSS EXAMINED BY MR ATWATER K.C.

OF COUNSEL FOR PETITIONER

Q How long has this custom that you allege existed?

A Since I joined the force, thirty four years ago last December.

Q Are you prepared to swear personally, that custom was known to the members of the Police Committee ?

A I do not say that.

Q Did you ever yourself call the attention of any member of the Police Committee to the fact that that custom existed ?

A I do not remember.

Q You never did ?

A I do not remember

Q In your capacity of Quartermaster of the police force, has it been to your knowledge that accounts have

been rendered to the police committee or to the city through the police committee for uniforms where uniforms were not furnished, but private clothes were furnished ?

A The account was rendered as such for uniforms.

Q Has it been to your knowledge since you speak of custom existing, has it been to your knowledge that those accounts were rendered for uniforms, whereas in reality civilian clothes have been furnished ?

A Yes

Q And knowing that, you have not spoken to any member of the police committee at any time about it ?

A No

Q Are you aware that in this particular case that an account was rendered for some thirteen overcoats where civilian clothes were furnished, or were to be furnished instead. ?

A The clothes came in from Messrs Drolet, Dufour and Company; the forty winter overcoats of the officers.....

Q Was it not forty four ?

A Well, there were three delivered previous, but I got an account for forty.

Q You saw them come in ?

A I saw the parcels; they were all done up in parcels.

Q Did you open the parcels ?

A No, I did not.

Q Now, are you aware Mr Kehoe as quartermaster, that the City of Montreal in advertising tenders for the uniforms for the police, advertises uniformly for the same number of uniforms every year ?

A Well, more or less.

Q How do you come to more or less ?

A There may be some more, or there may be some less.

Q Do you mean to say that it is the custom of the city to advertise for new uniforms every year for every member of the force ?

A Not every year

Q Then they do not advertise every year for the full number of uniforms necessary for all the force ?

A No

Q How did they come to the process of leaving out some ?

A The coats and tunics are every third year, and officers dress coats; then the pants, blouse and boots is every year.

Q Take the overcoats ?

A That is every third year for the overcoats.

Q Well, how do they arrive at the number of coats that are needed for the men when they are fixing the number that they advertise for ?

A The strength of the force.

Q Dont they make any inspection as to how the uniforms and in what condition they are, whether it is necessary to renew them or not ?

A Sometimes.

Q How often ? Every year or month, or how often ?

A They have not been inspected for the last couple of years.

Q They have not been inspected for the last couple of years ?

get what you like ", and I did, and I got civilian clothing that time, and ever since if the tailor looked over the clothes and he thought that they were all right, I got what I liked.

Q Was there any change made in the uniform at Messrs Drolet, Dufour and Company's ?

A Any change ?

Q A ny alteration in your clothes ?

A No sir, he never put a hand to my uniform at all; it did not need it .

Q Did he take the label off ?

A I could not say; I did not take notice to the label until I was called up by the Police Committee to answer the charge of defrauding the city.

Q You brought it back to the city when the trouble commenced ?

A Yes, I was ordered to do that.

Q By whom ?

A By my captain.

Q Did you get it back since ?

A Decidedly I did; it is my own coat.

Your Lordship, what makes me believe that those clothes are my own clothes and I can do what I like with them, is this; about seventeen or eighteen years ago I was on Notre Dame street opposite Carsley's, and between two and three in the morning there was a man under the influence of liquor, who stood about six feet four, and he came along the street shouting, and he hauled off and broke a pane of glass in Mr Lane's store, and I said, I am in for it now, I will have a big job of it with this big fellow, as your Lordship can see I am a small man

I went over and spoke to him quietly, but in place of that he knocked me down. We grappled and I finally arrested him, brought him to the station, and he tore the blouse clean off me, and into pieces. I brought a charge of destroying property. The next morning he pleaded guilty, but Mr Lane would not prosecute him; the recorder asked me what was the value of my blouse, I said I did not know, he said, "Will you find out from your chief", and I said yes. I went in and found it was six or seven dollars, I do not know which, and I went back and told the late Recorder DeMontigny, he condemned the man to pay, I went back and told the deputy chief, and he said, "Go into the recorder's court and get the money, the prisoner has paid, and he said, "Put it in your pocket, it is your own, as the old clothes were yours". After that the same thing happened again, the money was paid over to me.

CROSS EXAMINED BY MR MORRISON

OF COUNSEL FOR DEFENDANT

Q You said a moment ago you paid for those clothes you got from Drolet, Dufour and Company ?

A Yes

Q Why ?

A I saw the city wrangling and ~~haggling~~ haggling over them, and I said, what do I care about eight or ten dollars, I will pay it myself, although the city owed me more than that at the time.

Q You paid for them rather than have any trouble ?

A Yes, and I was entitled to two pair of boots and two suits of clothing as per my agreement when I first joined,

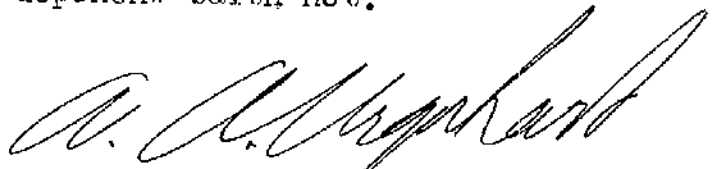
but latterly I never got any, that is when I worked for eight dollars per week I was promised this. I would not have joined at all if I thought the clothes were not my personal property.

Q The Chief told you you would get your clothes ?

A Yes, two pairs of boots and two suits of clothing, one for Summer and Winter, and we got it for nine or ten years, but the last few years it has been dwindling off and we would only get this and that.

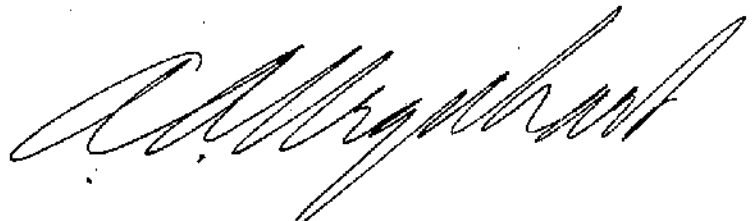
THE PARTIES ADMIT THAT THE OTHER DEFENDANTS, LIEUTENANTS O'DONNELL, AND OTHERS WILL GIVE TESTIMONY TO THE SAME EFFECT.

And further deponent saith not.



Official Stenographer.

I, the undersigned, of the city and district of Montreal, sworn stenographer in this cause, hereby certify under the oath already taken by me, that the foregoing sheets numbered from one to five inclusive and being in all five pages are and contain a true and faithful transcript in typewriting of the evidence of the above named witness, as by me taken by means of stenography, the whole in manner and form as required by and according to law.



Official Stenographer.

Province of Quebec

District of Montrwal.

Superior Court.

Present: Honorable Mr Justice Curran.

In the matter of:

The City of Montreal

Petitioner

vs

John Fox et al

Defendants

On this twenty seventh day of March in the year of our Lord nineteen hundred and three personally came and appeared

JOHN FOX

of the City of Montreal, Lieutenant of Police, aged thirty eight years, a witness produced on the part of the PETITIONER, who, being duly sworn doth depose and say as follows:-

EXAMINED BY MR ARCHAMBAULT K.C.

OF COUNSEL FOR THE PETITIONER.

Q Your name is also connected with the matter of Overcoats Mr Fox?

A Yes

Q Will you please state to the court what you have done, that is to say, you have sent your uniform to Messrs Drolet Dufour and Company I understand in October last?

A Yes

Q Was it in October or sometime before?

A I do not know the date

Q You do not know the date?

A No sir

Q Well, what is the reason you sent your uniform there?

A I sent it from No.10 Police Station, St.Catherine Street West

Q What is the reason you sent it to Messrs Drolet Dufour and Comany I ask you?

A Why I sent it there?

Q Yes

A Because I had a uniform quite sufficiently good to pass an inspection, and on previ us occasions I exchanged clothing in the same way with other tailors.

Q I want to know whether it was a new uniform or was it an old one?

A It was perfectly new, not worn, but about two years old or perhaps more

BY THE COURT:

Q You say you had not worn it during two years?

A No I had not

BY MR ARCHAMBAULT K.C.

Q Did you get a civilian dress also?

A I got a civilian suit

Q Through Messrs Drolet Dufour and Company?

Q Yes

Q When did you receive it?

A Sometime after

Q Did you receive it through Quartermaster Kehoe?

A My civilian suit?

Q Yes

A No sir, I did not

Q It was not one of the packages?

A I received it personally from the tailor; I went to the store and got it from him, to the best of my knowledge

Q Did you go to the tailor with your uniform and instruct him to give you civilian dress upon the instructions of your superior officer, or from your own motion?

A No, I went there on my own initiative; I did not have instructions to go there from my superior officers, I went there knowing it to be the custom, having done it on several occasions previously and nobody ever questioned my right to do so; having a uniform that I knew would pass an inspection, I thought that was all that was ever demanded of me

Q How much did you pay Messrs Drolet Dufour and Company for that?

A In fact, I have not the bill paid yet; I paid twenty two dollars (\$22) but I have not got any receipt yet

Q Well, did you ask for the receipt?

A I asked him in the court house one day and he promised to send it to me, but he has not sent it yet

Q You paid in solid cash?

A Yes

Q What was the value put on the new coat by Messrs Drolet Dufour and Company, do you know?

A No I do not

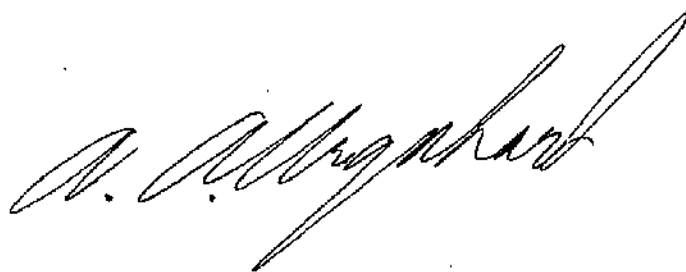
Q You did not pay any difference at all upon the new civilian dress?

BY THE COURT:

Q What did he allow you for the uniform coat?

A The bargain I made with him was, I was to get an equivalent to the price of the uniform coat.

I, the undersigned of the city of Montreal, sworn stenographer in this cause hereby certify under the oath already taken by me that the foregoing sheets numbered from one to seven inclusive and being in all seven pages are and contain a true and faithful transcript in typewriting of the evidence of above named witness as by me taken by means of stenography the whole in manner and form as required by and according to law

A handwritten signature in cursive script, appearing to read "A. A. Stenographer".

Official Stenographer

Canada

Province of Quebec

District of Montreal SUPERIOR COURT

PRESENT:- Hon Mr Justice Curran

In the matter of

The City of Montreal

Petitioner

vs

Kehoe, Fox et al

Defendants

On this thirtieth day of March in the year of
Our Lord, Nineteen hundred and three, personally came
and appeared

ANDREW CULLEN

of the city of Montreal, Ex-Chief Detective of the Po-
lice Force of the City of Montreal, aged seventy years,
a witness produced on the part of the DEFENDANTS, who be-
ing duly sworn doth depose and say as follows:

I am not related, allied, or of kin to, or in
the employ of any of the parties in this cause

I am not interested in the event of this suit

EXAMINED BY MR MORRISON

OF COUNSEL FOR DEFENDANTS

Q You were on the City Police force for a number of
years Mr Cullen ?

A Yes

Q When did you join ?

A In September Eighteen hundred and fifty six (1856).

Q And when did you leave ?

A On the thirty first of December One thousand eight
hundred and ninety six.

Q During that time what positions did you occupy on the force ?

A I was a constable and detective, and chief detective.

Q For how long were you constable and then detective?

A I was constable for about nine years.

Q And how long were you a detective ?

A A little over sixteen years.

Q And then how long were you chief detective ?

A For the balance; I was thirty one years a detective altogether.

Q When you were on the force as detective, were you aware that a custom existed of which the members of the force and officers especially, at the time when they would be entitled to new uniforms, and ^{contracts} asked for new uniforms would be given out by the city, if those officers had old uniforms in a good state of preservation, instead of taking new uniforms would take civilian clothes from the tailor ?

A Yes, it was the common custom, and in fact I was surprised when I heard the fuss kicked up latterly at their doing so.

Q That was done all the time you were on the force ?

A Yes

Q That was generally known amongst the police department ?

A Yes, amongst all the officers, and wellknown.

CROSS EXAMINED BY MR A. W. ATWATER K.C.

OF COUNSEL FOR PETITIONER

Q You say it was wellknown ?

A Yes

Q Did you ever speak to any of the members of the police committee about this custom ?

A No, I always avoided the police committee when I possibly could; I had no private chats with that crowd.

Q What do you mean ?

A I mean to say, I am not a telltale or story teller.

Q I understand that, but how do you know? When you say it was wellknown to the committee of police, I suppose you mean to the members of the Council ? How do you know it ? To your personal knowledge ? Did you ever speak to the aldermen about it ?

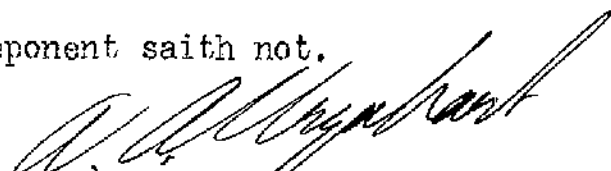
A I did not, but I think they knew so many trifling things that it was well they did not know. It was a wonder to me they did not know this.

BY THE COURT:-

Q Did you know or did you not know that they were aware of this thing ?

A No, I did not.

And further deponent saith not.


Official Stenographer.

I, the undersigned of the city of Montreal, sworn stenographer in this cause, hereby certify under the oath already taken by me, that the foregoing sheets numbered from one to three inclusive and being in all three pages are, and contain a true and faithful transcript in type-writing of the evidence of the above named witness as by me taken by means of stenography.


Archives de la Ville de Montréal

Canada

Province of Quebec

District of Montreal SUPERIOR COURT

PRESENT Hon Mr Justice Curran

In the matter of :--

The City of Montreal

Petitioner

vs

E.J. Kehoe et al.

Defendants

On this thirtieth day of March in the year of
Our Lord, Nineteen hundred and three, personally came and
appeared

FRANK RASMUSSEN

of the city of Montreal, Clerk, aged forty nine years,
a witness produced on the part of the PETITIONER, who
being duly sworn doth depose and say as follows

I am not related, allied, or of kin to, or in
the employ of any of the parties in this cause.

I am not interested in the event of this suit

EXAMINED BY MR ARCHAMBAULT K.C.

OF COUNSEL FOR PETITIONER

Q Mr Rasmussen, you are one of the experts which have
been appointed by the Police Committee to examine over-
coats ?

A Yes

Q Well, the overcoats in question in this case in con-
nection with the Police Investigation you examined ?

A Yes.

Q Will you please look at Exhibit R-16 and say whether
the report annexed to the two other reports is signed by
yourself ?

A Yes, that is signed by me.

Q Do you remember how many coats you examined at that time ?

A There were about a dozen, of mens and officers overcoats, and we examined two or three.

Q Do you swear to the correctness of this report ?

A Yes, I do.

CROSS EXAMINED BY MR MORRISON

OF COUNSEL FOR DEFENDANTS

Q You do not know whether those were really the coats in question in this matter or not ? You do not know whether the coats referred to in your report here, are the coats in question in this investigation ?

A I understand that the coats we examined, are the coats mentioned in this investigation here

Q As a matter of fact, you did not examine any of the coats in question in this investigation at all, and your report relates to the coats made by Dufour, Drolet and Company ?

A Yes

Q But not to the thirteen coats in question in this matter ? You did not examine those coats at all ?

A I do not know what thirteen coats you speak about.

RE EXAMINED BY MR ARCHAMBAULT K.C.

OF COUNSEL FOR PETITIONER

Q Do you know Mr Gravel, the tailor of the Police Department ?

but we did not consider the system satisfactory to ourselves.

BY THE COURT:-- You have explained that

Witness:-- Yes. I now produce the list showing the prices of each article, tunic, blouse, pants, cap, shoes collars and gloves; the price of each article is given, amounting to a total of thirty dollars and three cents (\$30.03), for which I receipted this list for.

BY THE COURT:--

Q You received that in cash instead of a uniform which was of no use to you ?

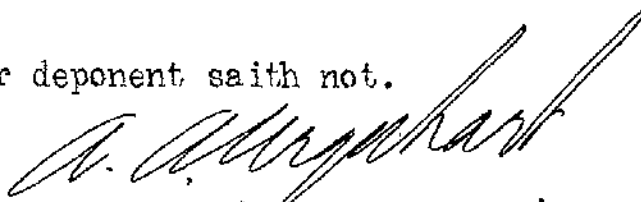
A Yes

BY THE COURT:--

Q That was done under orders of a Committee of the Council ?

A Yes; we had to have a uniform in our possession at the same time.

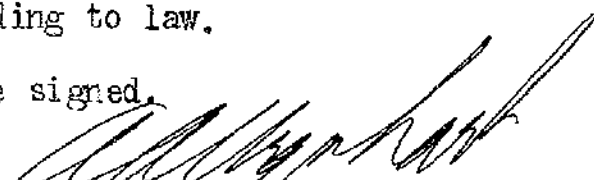
And further deponent saith not.



Official Stenographer.

I, the undersigned, of the city of Montreal, sworn stenographer in this cause, hereby certify under the oath already taken by me, that the foregoing sheets numbered from one to eleven, and being in all eleven pages are, and contain a true and faithful transcript in typewriting of the evidence of the above named witness, as by me taken by means of stenography, the whole in manner and form as required by and according to law.

And I have signed.



Official Stenographer.

By - or
Averyhart

Canada

Province of Quebec

District of Montreal IN THE SUPERIOR COURT

PRESENT:- Hon Mr Justice Curran

The City of Montreal

Petitioners

vs

D. Logault et al

Defendants

On this twenty seventh day of March in the year of Our Lord, Nineteen hundred and three, personally came and appeared

JOHN KRAUSMAN

of the city of Montreal, Restaurant keeper, aged about thirty five years, a witness produced on the part of the DEFENDANTS, who being duly sworn doth depose and say as follows:

I am not related, allied, or of kin to, or in the employ of any of the parties in this cause.

I am not interested in the event of this suit

EXAMINED BY MR St JULIEN K.C.

OF COUNSEL FOR THE DEFENDANTS

Q You were a restaurant keeper at Number 80 St James street in July last

A Yes.

Q 1902 ?

A Yes

Q Do you remember the night of the twenty fifth of July Nineteen hundred and two, (1902) ?

A The night of the fight between Jeffries and Fitzsimmons ?

Q Yes

A Yes sir, I remember it.

Q I suppose like others, you took an interest in that fight ?

A Yes

Q You wanted to know the result ?

A Yes

Q Had you many friends and customers at your restaurant that night ?

A Yes sir

Q When did the final result reach the city ?

A Pretty late at night, or early in the morning; I guess about one o'clock, or one thirty.

Q Where did you get the result ?

A I got the result from the newspaper offices.

Q Which newspaper ?

A From Le Journal

Q Right opposite your restaurant ?

A Yes, opposite my place.

Q The Journal and La Presse ?

A Yes

Q And I suppose those results were printed on the bulletin board ?

A Yes

Q The newspapers gave great publicity as to this fight ?

A Yes

Q Is that the reason why you kept inside your restaurant ?

A Yes

Q Was there any public at all outside in the street ?

A Yes, the street was crowded.

Q A large crowd ?

A A very large crowd.

Q Until the final result reached the place ?

A Yes

Q Did you receive any outsiders in your establishment ?

A Not after twelve o'clock, that is within a few minutes after twelve; I could not get the crowd out right at the minute.

Q But you endeavoured to put them out as soon as twelve o'clock came ?

A Yes

Q And you did not sell after ?

A Yes

Q But you were open for your friends and yourself ?

A Yes

Q You were not sued on that occasion ?

A No sir

Q You were not called upon for an explanation either ?

A No sir

Q You were never sued in your life for breaking the license law ?

A No sir

Q You always kept regular hours according to law ?

A Yes

CROSS EXAMINED BY MR ARCHAMBAULT K. C.

OF COUNSEL FOR PETITIONER

Q Are you sure you did not receive any complaints for keeping your restaurant open that night ?

A Well, a sergeant found the door open.

Q One of the sergeants ?

A I do not know who he is, but an officer came along and found the door open, in fact, he assisted me to close my place, and helped me.

Q You do not know his name ?

A No sir

Q What did you answer to that sergeant ?

A I will close as quickly as possible.

Q As quickly as possible ?

A Yes

Q What time was it when he called at your place ?

A I could not tell you, but it was after twelve o'clock some time.

Q When did you close ?

A As soon as possible after.....

Q What do you mean by, "as soon as possible" ? Two o'clock in the morning ?

A No sir, long before that.

BY THE COURT:-

Q At what hour did you close ?

A About one o'clock I should think, the time the officer came along.

Q Did that officer call once ?

A Yes

BY THE COURT:-

Q How many people were in your place when he called ?

A Probably eight or ten people.

BY THE COURT:-

Q When did you get the final result of the fight ?

A It was after one o'clock.

for each one, but I can give you the names of contractors as near as I can remember them; Charlebois, Brault, Boucher, Mercier and others.

BY THE COURT:-

Q This last contract we are investigating, is that the first that Drouet Dufour and Company had ?

A I think that is the first for the police department with them . They have had contracts ~~was~~ with other departments.

BY THE COURT:-

Q For the police department ?

A I think so, but I am not sure of that; I know they have had city contracts prior to this one .

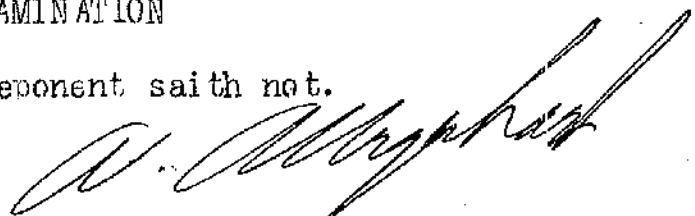
BY THE COURT:-

Q Charlebois had a contract with the police for overcoats ?

A Yes, Charlebois has had numerous contracts -- nearly every year.

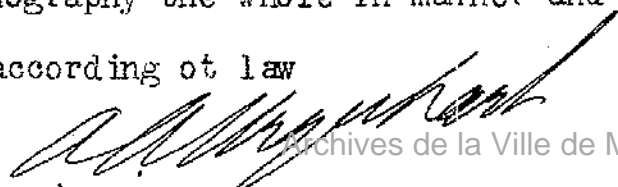
NO CROSS EXAMINATION

And further deponent saith not.



Official Stenographer

I, the undersigned of the city of Montreal sworn stenographer in this cause hereby certify under the oath already taken by me that the foregoing sheets numbered from one to three inclusive and being in all three pages are, and contain a true and faithful transcript in type-writing of the evidence of the above named witness as by me taken by means of stenography the whole in manner and form as required by and according to law



8/20
asphyxiated

Canada

Province of Quebec

District of Montreal SUPERIOR COURT

PRESENT Hon Mr Justice Curran.

In the matter of

The City of Montreal

Petitioner

vs

Kehoe et al

Defendants

On this thirty first day of March in the year of Our Lord, Nineteen hundred and three, personally came and appeared

JOHN BUMBRAY

of the city of Montreal, Alderman, aged about sixty years, a witness produced on the part of the PETITIONER IN REBUTTAL; who being duly sworn doth depose and say as follows:-

I am not related, allied, or of kin to, or in the employ of any of the parties in this cause.

I am not interested in the event of this suit

EXAMINED BY ATWATER K.C.

OF COUNSEL FOR PETITIONER

Q Mr Bumbray, how long have you been a member of the City Council of Montreal ?

A I am now going on four years for the last term, but I was there in the year One thousand eight hundred and ninety two (1892) and One thousand eight hundred and ninety three .

Q You are now a member of the police committee ?

A Yes

Q How long have you been a member of the police committee ?

A Since last February.

BY THE COURT:-

Q Is that the first time you were a member of the police committee ?

A Yes

BY PETITIONER'S COUNSEL:-

Q As a member of the City Council, did you ever hear of the custom in which civilian clothes were furnished to the police of the city instead of uniforms, or accounts being rendered for uniforms where civilian clothes were delivered ?

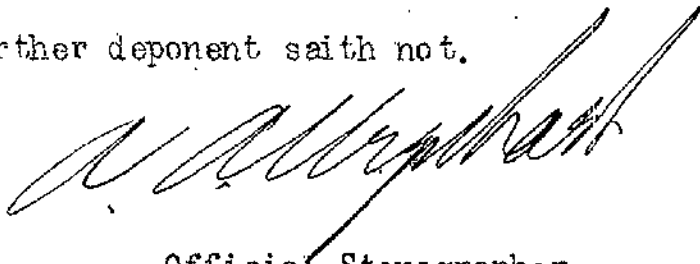
A No, I never heard of it before this case came up.

Q You never heard of it before the case of the account rendered by Messrs Drolet, Dufour and Company ?

A No; I never heard of it before this case in question.

NO CROSS EXAMINATION

And further deponent saith not.



Official Stenographer

I, the undersigned of the city of Montreal, sworn stenographer in this cause hereby certify under the oath already taken by me that the foregoing sheets numbered from one to two inclusive and being in all two pages are and contain a true and faithful transcript in typewriting of the evidence of the above named witness as by me taken by means of stenography the whole in manner and form as

Archives de la Ville de Montréal

required by and according to law

And I have signed.

nd have signed.

A. A. Wapshank

Official Stenographer.

the Chief and Captain Millette, when Captain Millette addressed the Chief, were you aware then that those liquors were to be handed over to the Collector of Inland revenue ?

A well your Lordship, the way it reads in that section there, some people might think it applied only to the Provincial Police and others.....

BY THE COURT:-

Q Did you understand it that way ?

A I am not sure whether I saw that article at the time in the book. In the police department, we generally in all those cases, go by the orders of our superiors, and at the time, our present Chief, I considered he was an authority on these cases, on account of being Chief of the Revenue police for a number of years, so I did not make any remarks.

BY THE COURT:-

Q The question of handing these liquors over to the Collector of Inland revenue, did not enter your mind at the time ?

A No your Lordship.

RE EXAMINED BY MR St JULIEN

OF COUNSEL FOR DEFENDANTS

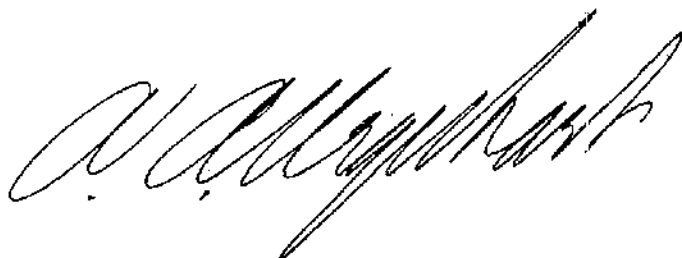
Q When you were acting as Captain, did you ever try to return to the Collector of Revenue, any liquors seized, and did not you receive an answer from the Collector of Revenue that he could not receive anything without a judgment ordering him to receive it ?

A That I cannot state.

And further deponent saith not.

9
-8-

I, the undersigned of the city of Montreal sworn stenographer in this cause, hereby certify under the oath already taken by me, that the foregoing sheets numbered from one to eight inclusive and being in all eight pages are, and contain a true and faithful transcript in typewriting of the evidence of the above named witness as by me taken by means of stenography the whole in manner and form as required by and according to law.



Official Stenographer.

\$390
W. Almy

Canada

Province of Quebec

District of Montreal SUPERIOR COURT

PRESENT:-- Hon Mr Justice Curran.

The City of Montreal

Patitioner

vs

James Kehoe et al

Defendants

On this twenty seventh day of March in the year of Our Lord, Nineteen hundred and three, personally came and appeared

JAMES KEHOE

of the city of Montreal, Quartermaster, of the Police force of the city of Montreal, aged sixty four years, a witness produced on the part of the PETITIONER, who being duly sworn doth depose and say as follows:

EXAMINED BY MR ARCHAMBAULT K.C.

OF COUNSEL FOR PETITIONER

Q Mr Kehoe, you have been appointed quartermaster of the police by resolution of the police committee, on the third of October Nineteen hundred and one (1901) ?

A I think it was the fourth of October.

Q And you received your appointment the next day, which would be the fourth ?

A Yes, on the third of October Nineteen hundred and one (1901) the resolution was passed.

Q What are your duties ? Are they different from the position you occupied before ?

A Much the same, but a little more to do.

Q Will you please state to the court what are your duties generally ?

A In general ?

Q Yes, do you receive verbal instructions or written instructions from your committee, or the chairman of the police committee ?

A I receive orders from the Chief verbally.

Q Verbally ?

A Yes

Q Now, I will come to the question. Your name is mentioned in connection with paragraph three of the petition in this case: will you please tell the court if you remember when you received some goods from Messrs Drollet, Dufour and Company ?

A I will. I received forty winter overcoats belonging to the officers.

BY DEFENDANT'S COUNSEL:-

Q Was it not forty four ?

A I only received forty that day, of coats done up in parcels, or supposed to be coats.

BY PETITIONER'S COUNSEL CONTINUING:-

Q Do you remember the date ?

A Yes, the first of October.

Q The first of October last ?

A Yes, Nineteen hundred and two .

Q You received two different packages -- how many packages did you receive ?

A I received several.

Q But at one time you received how many ?

A I received forty packages of overcoats for the officers; of course I received other packages.

BY THE COURT:-

Q You are talking now of the forty packages ?

A Yes

BY MR ARCHAMBAULT:-

Q They were handed to you by Captain Bellefleur ?

BY THE COURT:-

Q By whom were they handed to you ?

A They were delivered to the Central police station on the first of October Nineteen hundred and two. (1902)

Q Did you give a receipt for them ?

A I did not; I was upstairs at the time in the office, and I was called downstairs, they telling me that there was a lot of clothing from Drolet, Dufour and Company.

Q Who told you that ? Mr Bellefleur ?

A No, he was not in the station at all; I was telephoned for.

Q Did you open the packages yourself ?

A No sir, I did not.

Q Who opened the packages ?

A The officers to whom they were addressed.

BY THE COURT:-

Q How did they come into the hands of the officers ?

A I delivered them on the sixth of October Nineteen hundred and two (1902).

BY THE COURT:-

Q In the packages as they came ?

A Yes sir, as the packages as they came in.

BY MR ARCHAMBAULT:)

Q You did not deliver them at all ?

A No

Q Was the name of the officer on each package ?

A Yes

Q And you delivered them to each of the captains ?

A Yes, to the captains of the stations, at number one

Police station.

Q Did you initial the packages when you saw them in the station ?

A No, I did not initial them. I delivered them to the captains of the stations on the sixth of October only, the captains at the same time to make me a report about their coats ~~if~~ if they were all right.

Q Asking a report ?

A Yes

Q From each of them ?

A Yes

Q Did you get a report from each of them ?

A Yes, I did

Q In writing ?

A Yes; you will find it there I guess; I can point out the receipt I got from the captains.

Q Will you please look at Exhibit R-15 and get the Captains reports upon what you have stated ?

A At number one Police station it was Lieutenant Herbert gave me a report on this, as Captain Beriau had been sick; at number two station, it was Captain Bellefleur.

BY THE COURT:-

Q What did he report, that is the first Lieutenant ?
What report did he give you about the coats ?

A The officers of this station, that it was all right.

BY THE COURT:-

Q In each case you got a report that they were all right

A Yes

BY MR ARCHAMBAULT:-

Q Well, all those reports are correct, according to

you ?

A They were handed in to me. The captains are responsible for them.

CROSS EXAMINED BY MR MORRISON

OF COUNSEL FOR CONTESTANTS

Q Your duty Mr Kehoe was to receive the coats and hand them out to the officers, and get a report thereon from the officers ?

A Yes

BY THE COURT:-

Q You never had any instructions other than what you have mentioned, excepting what was given to you verbally by the chief ?

A I always went to my chief and told him what I am going to do, and he said all right.

BY THE COURT:-

Q Has there ever been any written instructions or documents defining your duties and their scope ? Is there anything in writing that would be for your general guidance ?

A No

Q And you have always faithfully carried out the instructions of your chief ?

A Yes

BY THE COURT:-

Q In this case would it have been possible for you to open all those things without mixing them up , or according to ~~the~~ rule, was it the Captains who were first to give you a statement upon those clothes ?

A Yes

BY THE COURT:-

Q When you signed those reports to which I see your name attached, what does that mean ? All those reports are signed by you ?

A Not those reports, but there are other documents that I have signed. This one here for instance. I made a report on the twenty eighth of October and I have signed that.

BY THE COURT:-

Q That was on the return ?

A No; ; this was on another subject .

BY THE COURT:-

Q Not connected with the forty coats ?

A In one sense it is; I certified to the Committee to Messrs Drolet and Dufour's bill, I certified that it was all right. From the Captains reports to me, I considered it was all correct. At a meeting afterwards of course I returned Messrs Drolet Dufour and Company's bill down to the committee, and a week or so afterwards I was told by one of the members of the police committee, asking if I examined the winter coats of the officers, I said no sir, as the officers coats are all done up in parcels and directed to each one of them I delivered them, well, he said, "I would advise you to look over them". The next day I orderdd all the coats back again to the Central police station, and they were examined by the Deputy chief Mr Campeau, Inspector Lamouche and Constable Gravel our ~~taxi~~ tailor, and those are the reports I have signed; we found in that, some thirteen coats different from the other thirty one.

Archives de la Ville de Montréal

BY THE COURT: o-

Q What was the condition of those thirteen coats ?

A Well, they were picked out as being up to the standard.

BY THE COURT

Q They were good coats ?

A Yes

BY THE COURT

Q And that report you made was correct, in so far as the quality of the coats was concerned ?

A Yes, and the report is signed by me, by the Deputy chief, Inspector Lamouche, and our tailor Gravel.

RE EXAMINED BY MR ARCHAMBAULT K.C.

OF COUNSEL FOR PETITIONER

Q When you sent the overcoats to the different captains, you received an answer from them that they were satisfied with them ?

A They are all signed.

Q Did you make a report afterwards to your committee ?

A Afterwards I made an inspection in ~~xxxxxx~~ company with the other officers.

Q Do you know that the inspection was ordered by the Chairman of the Police Committee ?

A I do not know who ordered it, but I got them back again, as Alderman Ames told me that there was something wrong with the coats, and wanted to know if I examined them, I said no, and he advised me to have them examined, and I did so, and that is the result.

And further deponent saith not.

Archives de la Ville de Montréal

A No

Q When did they advertise for tenders for the coats supplied by Messrs Drolet, Dufour and Company in October?

A The paper will tell you.

Q About ?

A Some time in the Summer or Spring.

Q When they advertised, they advertised for tenders for forty four coats ?

A Yes

Q Well now, how did they arrive at the number forty four ?

A There were forty four officers on the force

Q They asked for a new coat for every officer ?

A Yes

Q Did they make any inspection as to whether they needed forty four or not ?

A The time was up.

Q Did they make any inspection ?

A No sir

Q Is it not the custom of inspectors of police to make an inspection of uniforms of the men or officers so as to find out if they are good or not ?

A Not when their time is up for the coats; they are entitled then to a new issue.

Q So you advertise as a matter of fact, and your habit is to advertise for coats for the full strength of the force ?

A Yes

Q Is it the custom to give pay to any of the men in

place of uniforms ?

A It has been done .

Q What men have received that ?

A The detective staff.

Q Anyone else ?

A Well, the men with them.

Q They would receive what ? Money or money consideration ?

A They would receive money.

Q That of course would be with the authority of the police committee ?

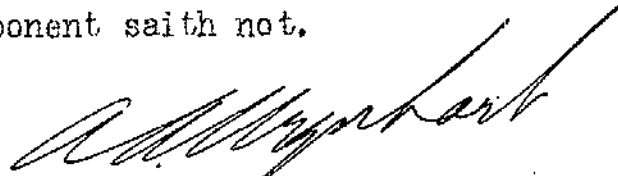
A They sanctioned that.

BY THE COURT:-

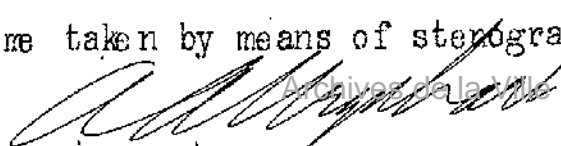
Q Ever since you have been in charge of this department, whether you were called quartermaster or inspector, was it the custom or was it your custom to do as you did on this occasion, just to hand the parcel without examining the interior ?

A Well, that was the first time they came in by parcels. They always came in open.

And further deponent saith not.


Official Stenographer

I, the undersigned of the city of Montreal sworn stenographer in this cause hereby certify that the foregoing sheets numbered from one to seven inclusive and being in all seven pages are, and contain a true and faithful transcript in typewriting of the evidence of above named witness as by me taken by means of stenography


Archives de la Ville de Montréal

Canada

Province of Quebec

District of Montreal SUPERIOR COURT

PRESENT Hon Mr Justice Curran.

The City of Montreal

Petitioners

vs

Messrs Kehoe, Fox et al

Contestants

On this twenty seventh day of March in the year of Our Lord, Nineteen hundred and three, personally came and appeared

LIEUTENANT COLONEL HUGHES

of the city of Montreal, Ex-chief of Police of the City of Montreal, aged about fifty five years, a witness produced on the part of CONTESTANTS, who being duly sworn doth depose and say as follows:

I am not related, allied, or of kin to, or in the employ of any of the parties in this cause.

I am not interested in the event of this suit

EXAMINED BY MR MORRISON

OF COUNSEL FOR CONTESTANTS

Q EXAMINED WITH THE PERMISSION OF THE COURT ON BEHALF OF THE CONTESTANTS, AS THIS WITNESS IS ABOUT TO LEAVE TOWN.

Q How long were you chief of the police in the city of Montreal, Colonel Hughes?

A Fourteen years and five months I think.

Q When did your term end?

A On the first of July Nineteen hundred and one (1901)

Q During the time you were chief of police in the city of Montreal, was it customary for the Police officers

to exchange old uniforms when they were in a good state of preservation for civilian clothes ?

A Not to exchange them, they were allowed.....

Q Was the custom, instead of taking new uniforms at the time that they were entitled to new uniforms, to take civilian clothes provided their old uniforms were in good condition ?

A Yes

Q That custom existed during all the time you were Chief of police ?

A Yes, and long before.

Q That was known was it not to the Police Committee of the City of Montreal ?

A Certainly.

Q It was a notorious fact in the Police department in the city of Montreal ?

A Yes

CROSS EXAMINED BY MR ARCHAMBAULT K.C.

OF COUNSEL FOR PETITIONERS

Q It was thus considered as part of their salary also, was it not ?

A I suppose so.

Q Well, when such things had been done during that time and before, do you know if the committee was informed of that fact ?

A Well, I do not know if the committee was informed as a committee, but I know every chairman I had knew about those things and approved of them, and I knew also that the majority of the committee knew of all those things.

Q Well, was there any mention made in any resolution of the committee at any time to that effect ?

A I cannot say, and I do not believe so.

Q You do not believe so ?

A No

Q Do you know if this happened every year, or from time to time ?

A Many times in a year; I might say, that sometimes officers or constables who desired to exchange their uniforms, that is to have civilian clothing instead of uniforms, were not allowed to have them when their uniforms were not kept in good order, and they were refused.

BY THE COURT:-

Q Who controlled that part of it ? Yourself as chief ?

A Yes sir.

Q Well, was it the habit during your time for a ~~con-~~ sultation to be had with you with reference to this ?

A It came about in this way; that whenever an officer or constable went to the tailor -- Mr Charlebois was the tailor of the police department when I was appointed, and remained so nearly the whole time or for twelve years he was the only contractor who got the order from the department, and whenever ten, fifteen or twenty officers applied to him to have civilian clothing, I would tell him to examine their old uniforms and if they were still in very good order, he could give them civilian clothing instead of uniforms.

BY THE COURT:-

Q So to that extent you controlled it ?

A Yes sir

BY CONTESTANT'S COUNSEL:-

Q Well, you communicated direct with the tailor ?
The officers did not come to you first ? It was not a rule which they were obliged to follow to go to you first and ask permission ?

A No; they went to the tailor and said, "Here is my overcoat, it is in perfectly good order, I desire to have civilian clothing instead".

Q And the order given you was given direct to the tailor and not to the policeman, and if the ~~police~~ tailor considered that those coats were good enough to last for the time during which the new coats would be required, he was free to give them civilian clothing ?

A Yes

Q And they were free to accept them ?

A Yes

BY THE COURT:-

Q And when the bills came in from the tailor, did he charge for uniforms the same as if they had been delivered ?

A Yes

BY THE COURT:-

Q You know that as a fact ?

A Yes

BY THE COURT:-

Q These coats that took the place of new coats, were they sent in for inspection ?

A No sir, because ~~very~~ very often they had to pay on

amount over and above.....

BY THE COURT:-

Q I am asking you, if the coats which were being used a second time, that is the uniforms which were to be used a second time, were they sent in for inspection along with the others ?

A I think you misunderstood me your Lordship: You mean if they were sent in from the tailor ?

BY THE COURT:-

Q Yes

A No sir, we took the word of the tailor and thought he was the best judge of the matter.

BY THE COURT:-

Q Then he merely returned the new coats, was paid his bill for the whole, because he was given in exchange other things ?

A Yes

BY THE COURT:-

Q There was an inspection of the thirteen coats that the trouble is about . They were all new coats , the only difference being that there was a different name put on them, but during your time when the exchange was authorized in that way.....

A The old uniforms were not sent in; they were just left in the hands of the officers.

BY THE COURT:-

Q And the city paid for them.....

A Yes, the same thing. I can explain how that would happen; for instance, the detectives wear no uniforms, but those are paid the same amount as officers,

and all who do special duty, caretakers etc, they do not get uniforms, but they get civilian clothing made by the tailor, and when the tailor sent in his bill for three hundred and twenty uniforms, because the force was for a long time at three hundred and twenty, sometimes there would be only two hundred and sixty uniforms delivered, and all the rest was civilian clothing.

BY CONTESTANT'S COUNSEL:-

Q These civilian clothes were looked upon as uniforms by the men taking them ?

A Yes, because thirty five of the reserve men did not wear uniforms. The bill was sent in as uniforms, but there were no uniforms delivered to about fifty of them.

BY THE COURT:-

Q That was to the perfect knowledge of the personnel of the committee ?

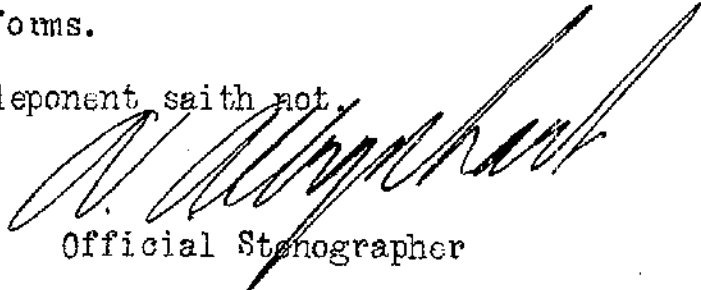
A Yes, of the whole committee. About five years ago, the committee agreed to give money to twenty four acting detectives.

BY THE COURT:-

Q In place of uniforms ?

A Yes, gave them money to get their own clothing instead of getting uniforms.

And further deponent saith not.


Official Stenographer

I, the undersigned of the city of Montreal sworn stenographer in this cause hereby certify under the oath already taken by me that the foregoing sheets numbered from 1 to 6 are and contain a correct transcript of the evidence of the above named witness as by me taken by means of stenography.


Archives de la Ville de Montréal

Canada

Province of Quebec

District of Montreal SUPERIOR COURT

In the matter of

The City of Montreal

Petitioner

vs

John Taylor et al

Defendants

On this thirtieth day of March in the year of
Our Lord, Nineteen hundred and three, personally came and
appeared

JOHN TAYLOR

of the City of Montreal, Lieutenant of Police, aged forty
six years, a witness produced on the part of the PETITION-
ER, who being duly sworn doth depose and say as follows

EXAMINED BY MR ARCHAMBAULT K.C.

OF COUNSEL FOR PETITIONER.

Q To which station do you belong ?

A Number nine, sir.

Q Well, you are one of those who are mentioned in par-
agraph three which you have read, I suppose ?

A Yes

Q Did you send your uniform to Messrs Drolet, Dufour
and Company ?

A No sir, I did not send it, I brought it myself.

Q Will you please tell the court in what month ?

A Your Lordship I have two coats, I have one good old
coat and a new coat I never wore. I have been wear-
ing my civilian clothes since I was promoted on outside
duty, that is since I got to be Lieutenant seven years and
nine months ago; well, I have been wearing my own civilian

clothing, and I thought, having the two coats I did not need them both. The last coat I got from Charlebois was a brand new coat, never worn, and Messrs Drolet, Dufour and Company would not make as good a coat; I said that I would keep that coat and get civilian clothes from Messrs Drolet, Dufour and Company as I have been wearing my own clothes; I brought the coat down to him, he said it was a good coat, that I did not require any more, and I said, "Make me civilian clothes then, " and I said, "Make me anything to knock around with to save my Sunday clothes; " well, he took the coat and made me a coat and vest instead of a uniform coat.

Q Did you pay anything to Messrs Drolet, Dufour and Company ?

A Yes, the value of the coat, but nothing extra.

Q How much ?

A I do not remember; I could not find the receipt owing to sickness in my house.

Q You paid for the clothes you got ?

A Yes

Q And he returned them to you ?

A I went for them myself.

Q When you called there to bring your uniform, did you ask your chief about it, or whether it was done in accordance with what you did previously ?

A I was never in the habit of asking the chief. I asked the chief only once in my life. I have been twenty four years on the force, and eighteen or twenty years ago I had clothes saved up and I spoke to Deputy chief Naigle, he said, "Taylor, if your clothes are good bring them to McIntyre and Company, and if they are good

CROSS-EXAMINED BY MR MORRISON

OF COUNSELF FOR THE DEFENDANTS

Q How long have you been on the Police Force of the City of Montreal?

A Thirteen years on the twentieth of next month

Q What positions have you occupied on the force during that time?

A I have occupied the position of constable and.....

Q How long were you a constable?

A Six years

Q After that what position did you hold?

A Lieutenant

Q And you have been seven years Lieutenant?

A About that

Q Do you consider, and have you always considered that your clothing formed part of your remuneration as police officer?

A I always understood it to

Q During the time that you have been on the force, to your knowledge has it been customary for police officers to exchange, or rather, to take from the tailor civilian clothes in lieu of new uniforms when the old uniforms were in a sufficiently good condition to be worn for the time during which the new uniforms would be required?

A As long as they were sufficiently in good condition to pass the inspection.

Q Has it been the custom to have those coats or uniforms inspected after having them delivered by the tailor?

A Yes sir

Q The old uniforms become your personal property do they not?

A Yes, I understood that; that was my right

Q Your right to keep them?

A Yes

Q Now, ~~xxxx~~ this custom has been generally known, that is, the existence of this custom has been generally known in the Police Department?

A Yes

Q To your superior officers and to the Police Committee as far as you know?

A Yes

Q During the time you have been in the Police Force?

A Yes

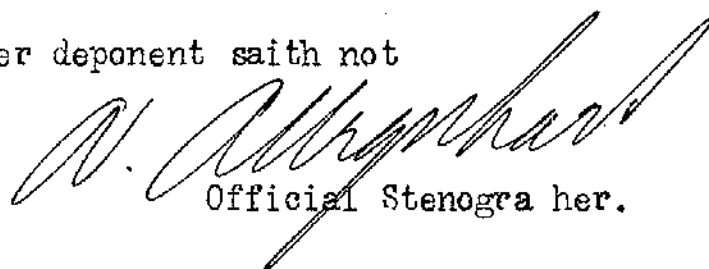
Q And you no doubt considered you had a right to do what you did do?

A Yes

Q And still think it?

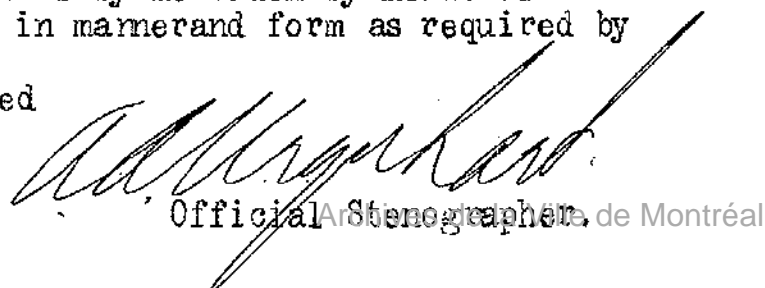
A Yes

And further deponent saith not


Official Stenographer.

I, the undersigned of the City and District of Montreal sworn stenographer in this cause hereby certify that the foregoing pages numbered from one to five inclusive and being five pages in all are and contain a true and faithful transcript of the evidence of the above named witness as by me taken by means of stenography, the whole in manner and form as required by law

And I have signed


Official Stenographer, City of Montreal

B2.25
encre

Canada

Province of Quebec

District of Montreal SUPERIOR COURT

In the matter of:-

The City of Montreal

Petitioner

vs

Coleman, Kehoe et al

Defendants

On this thirtieth day of March in the year of
Our Lord, Nineteen hundred and three, personally came
and appeared

CHARLES D. LANCEY

of the city of Montreal, retired Inspector of the Mon-
treal Police Force, aged sixty seven years, a witness
produced on the part of the DEFENDANTS, who being duly
sworn doth depose and say as follows

I am not related, allied, or of kin to, or in
the employ of any of the parties in this cause

I am not interested in the event of this suit

EXAMINED BY MR MORRISON

OF COUNSEL FOR DEFENDANTS

Q How long were you on the police force in the city of
Montreal, Mr Lancey ?

A Thirty eight years.

Q When did you cease to be a member ?

A It will be two years ago on the first of May next

Q You have then been thirty eight years in the service
of the city of Montreal ?

A Yes

Q What positions did you occupy during that time ?

A I was patrolman or constable for five years; I was

about eleven years acting sergeant, and twenty two years inspector or sub-chief; it was formerly called sub-chief, but the same rank was changed to inspector during the time of the late ex-chief Hughes.

Q During your term of service, were you aware that it was customary for the men at a time when they were entitled to new uniforms and when they had old uniforms in a good state of preservation, to take from the contracting tailor in lieu of new uniforms civilian clothes ?

A Yes, that was the custom during the whole time that I was on the force.

Q That was the custom during the whole time that you were on the force ?

A Yes, that was the custom when I joined it; I noticed it used to be done from the time I joined up to the time I left.

BY THE COURT:-

Q Was there any need of an order from the Chief of Police or from the Chairman of the Committee, or anything of that kind, to allow such a thing to be done ?

A No; it used to be usual to have an inspection by the Chairman of the Police Committee after the clothing had been served out, and if they all appeared to have on a good new uniform, that was all that was required of them.

BY THE COURT:-

Q The accounts, do you know how they went in ?

A Yes, I have seen them; they used to go in for the full number of uniforms, because as I understood it the appropriations were made out for uniforms, consequently

they could not put in account for civilian clothing, because there was no appropriation made to cover any such accounts, but it was quite well known to the members of the committee that the civilian clothing was got. Of course the officers and a number of them men used to be more than half their time in civilian clothing, and they certainly were not supposed to wear out their own clothing on duty in that way, and it was allowed for that purpose. To do the ~~dirty~~ duties of the police officers and men, it was absolutely necessary that they should wear plain clothing.

BY THE COURT:-

Q And this was tolerated all along ?

A Yes sir, this was tolerated all along.

BY THE COURT: -

Q And the accounts were sent in for uniforms ?

A Yes, although the clothes were served out in many cases, and that is the reason no appropriation was guaranteed for plain clothing.

CROSS EXAMINED BY MR A. W. ATWATER K.C.

OF COUNSEL FOR THE PETITIONER

Q Mr Lancy, did you ever see any of the accounts that were rendered by the tailors themselves ?

A Yes

Q You have seen some of them ?

A Yes; during the time I was inspector I saw some of them.

Q Are you prepared to swear that the accounts were

rendered for uniforms, in cases where the tailors had supplied civilian clothes ?

A Yes, but of course I am not prepared just to say what particular year, but while I was inspector.

Q While you were inspector accounts were rendered for uniforms in cases where the tailors had supplied civilian clothes ?

A Yes, while I was inspector; I used to be at the Central station and receive those accounts from the tailors.

Q And you verified them and looked at them ?

A Yes, when I was there and it was my duty to do so.

Q You stated about the duty of policemen in civilian clothes: is that the case with all the members of the force ? Do they have to do duty in civilian clothes ?

A All the officers, and they would select their own men to do duty with them in plain clothes.

Q Is not that particularly for the detectives ?

A Yes, but the officers from the different stations would select men from the stations; of course the detectives were attached permanently to the detective office, but if an officer wanted a man from the station he would take him with him in his civilian clothes.

Q Can you remember a chairman of police, while you were acting as inspector, that is during the latter years?

A Ex-Alderman Robert who has just been in the box, he was one, and ex-alderman Jeanotte was another.

Q Do you remember any others ?

A Ex Simard was one, whilst I was a constable, and Ex-Alderman Mr ~~Grenier~~ Grenier.

Q Who was your chief during the time you were inspec-

inspector ?

A I joined when Mr Lamothe was chief of police; I served under four different chiefs, Chief Lamothe, Chief Penton, Chief Paradis and Chief Hughes.

Q Are you prepared to swear that the Chairman of Police and the members of the ~~Exam~~ Police Committee were aware of this custom, of accounts being rendered by the contracting tailors for civilian uniforms, or rather for official uniforms where civilian clothes had been furnished ?

A Well of course I am not prepared to swear that they knew it, because I had no communications direct with the Committee; I communicated to my superior officer, the Chief, at the time being.

Q You are prepared to swear the Chief knew of it ?

A Yes, undoubtedly.

Q You have no knowledge personally of how far the custom you allege was known to the members of the Committee?

A No, I cannot say anything about that; of course the Chief is the only person who can tell that.

Q Did you ever know of a case where a contracting tailor who was contracting for the city for the supply of uniforms, had rendered an account for uniforms which had been made up by another tailor and which he had delivered to the city, charged as his own ?

A Of course I cannot say that from memory, because that would only occur when a change of contractor would take place. It would not be necessary at any other time.

Q You do not remember any such case ?

A No, I do not remember any such case to my notice.

Of course they were never examined as closely as that; this last case I have noticed in the papers, is the first.

Q How carefully were they examined ?

A To see that they were new uniforms that the men and officers had on at the time of the inspection.

Q Was that the time the tailor had delivered them ?

A Yes

Q Were they opened the first time in the presence of the men ?

A No, they would come in addressed to the mens number and to the officers by name. The clothing would be sent to the Central station, and formerly the men themselves used to be called to the Central station and thier numbers called out as their clothing came to hand, and each man was delivered his goods.

Q If I understand you rightly Mr Clancey, the system was this, that if an officer had a uniform sufficiently good so as he did not need to get a new one, he was allowed to get a suit of clothes ?

A Yes, a civilian suit.

Q That was the system ?

A Yes

Q So your superior officers or inspectors, or whoever it was, examined the men and uniform and came to the conclusion whether such and such a man needed a new uniform or not ?

A Occasionally it was done that way and sometimes it was not; it was such a general custom that the man or officer knowing he had a new coat or pants, he would go to the tailor and show him those, that he take the article

of uniform to the tailor and show it to him.

Q Would he show that to the Inspector ?

A I could not say always, but occasionally they did.

Q He ought to have done that ?

A When it was the general custom, I do not think he should.

Q Dont you know as a matter of fact, in your time that when the officers had got uniforms or anything of that sort, or an officer had an old uniform that he considered good that he or they would submit it to the inspectors or chief ?

A They would sometimes and sometimes not.

Q But as a part of the routine, if they did what was right, they should have shown that ?

A Possibly they should.

RE EXAMINED BY MR MORRISON

OF COUNSEL FOR DEFENDANTS

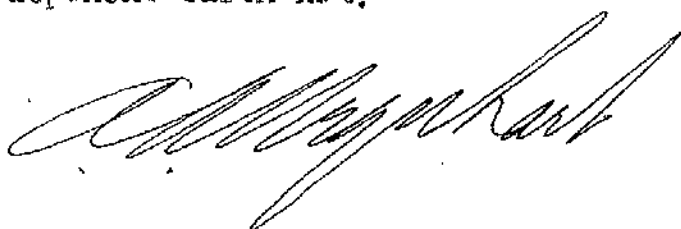
Q This inspection you spoke of, was an inspection made after the contractor tailor had sent in all the uniforms required under the contract ?

A Yes, the men were mustered with the clothing on

Q And what had gone on before that, was not counted at all ?

A No

And further deponent saith not.



Official Stenographer. Archives de la Ville de Montréal

A I do not.

Q Do you know Mr James Kehoe ?

A I do

BY DEFENDANT'S COUNSEL:-

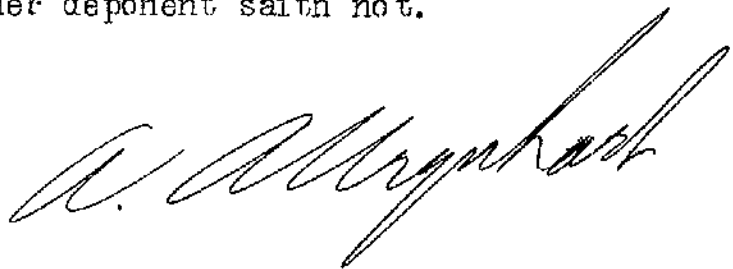
Q Then you do not know whether you examined the thirteen coats in question in this case ? You cannot say whether this report of yours, refers to the thirteen coats in question in this case ?

A I do not believe they do.

Q You do not believe they do ?

A No

And further deponent saith not.

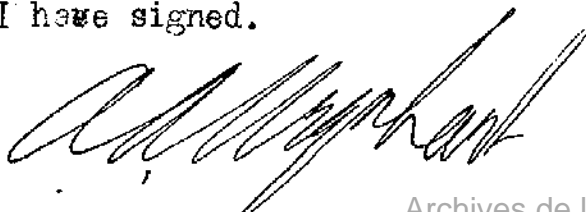


Official Stenographer.

I, the undersigned, of the city and district of Montreal, sworn stenographer in this cause, hereby certify under the oath already taken by me.

That the foregoing sheets numbered from one to three inclusive, and being in all three pages are, and contain a true and faithful transcript in typewriting of the evidence of the above named witness, as by me taken by means of stenography, the whole in manner and form as required by and according to law.

And I have signed.



Archives de la Ville de Montréal
Official Stenographer.

Canada

Province of Quebec

District of Montreal SUPERIOR COURT

PRESENT:- Hon Mr Justice Curran

The City of Montreal

Petitioners

vs

Coleman, Fox et al

Contestants

On this twenty sixth day of March in the year of Our Lord, Nineteen hundred and three, personally came and appeared

JAMES COLEMAN

of the city of Montreal, Captain of Police, aged thirty nine years, a witness produced on the part of the PETITIONER, who being duly sworn doth depose and say as follows:

EXAMINED BY MR ARCHAMBAULT K.C.

OF COUNSEL, FOR PETITIONER

Q Mr Coleman, in the course of October last, did you send your uniform to Messrs Drolet, Dufour and Company ?

A Yes sir

Q For how long had you that uniform ?

A I had it for about twelve months.

Q Twelve months ?

A Not twelve months at that time.

Q Do you know who made that uniform for you ?

A I believe it was Charlebois on Notre Dame street

Q Well, will you please state to the court what you did with that ?

A When the time came, we got orders to go and leave our measure for clothing, I had this coat which I received at the City of Montreal

in the month of November previous and had not worn it at all during last winter, as I was appointed patrol officer in the Central station, and did my duty in plain clothes, consequently the coat was perfectly new. I asked Mr Drolet if it was the same thing to him to let me have civilian clothing, and he replied yes; I did not send the coat to him to be sent into the city hall ~~was~~ here, because I had been for five years a constable doing special duty, and during all that time I was told to keep a good suit or uniform as I might go on my beat at any time, and during all that time I went to the different contractors who had the contracts and took civilian clothing in lieu of a uniform; I never sent my uniform to the contractors to be sent into the city, consequently I did not send my coat on this occasion to be sent into the city either, so my coat was not sent in to the city with the others, which was an exception. I told the contractors to mark it delivered, which he did on his list. When the coats were all delivered to the other officers, I received the coats for the two lieutenants in my station in parcels and handed them over to them. I received them from quartermaster Kehoe, Central station, the names of the lieutenants were on the parcels, and I ~~ah~~ handed them over to them and made a report accordingly to Mr Kehoe that they were all right. Some time afterwards we were ordered to take our coats back to the city hall for examination. We all came back with our coats and had them examined by the tailor of the corporation who was appointed for that work, quartermaster Kehoe, sub-chief Campeau and Inspector Lamouche; my coat passed as being up to the

standard in every respect.

BY THE COURT:-

Q One of the thirteen that passed ?

A Yes

BY MR ARCHAMBAULT:

Q How much did you pay for your civilian clothing ?

A I arranged to pay seven dollars extra for the civilian clothes, and I assumed the account is a private account of my own.

Q How much was the value of that coat ?

A Thirty dollars , the coat I received'

Q So you paid the difference at the time when the bill came in for that ?

A Yes

Q You have not been reimbursed for that amount ?

A No sir

Q Well, all those packages had passed through the hands of the quartermaster Kehoe ?

A Yes, I understand that.

CROSS EXAMINED FOR MR MORRISON

OF COUNSEL FOR CONTESTANTS

Q How long have you been on the police force, in the city of Montreal, captain ?

A Fourteen years, the first of next August.

Q Before that time had you been on any other police force ?

A Yes

Q What force were you on ?

A I served seven years on the Royal Irish Constabulary

in Ireland.

Q Now, what positions have you filled on the Montreal police force ?

A Constable, Assistant detective, Lieutenant, and I occupy the position of captain today.

Q How long have you been captain ?

A Eight months.

Q And how long were you lieutenant ?

A About six or eight months also .

Q And then previous to that ?

A Five years acting detective, that is, as a constable doing duty in the detective department

Q While you were a constable doing duty in the detective department, how did you arrange with the city for your clothing ?

A The first four years when I was there, when the contract would be for a uniform for the other constables, I would go to the tailor and take civilian clothes equivalent to the amount of a uniform, they would be generally more, and I would pay the difference to the contractor. the last year I was there, previous to my appointment to the rank of lieutenant, I received money in lieu of clothes, because we complained that we could make better use of our money than going to the contractors; we complained to the committee and explained to them that we had been doing this for years.

Q About what year was that you explained to the committee you were doing this, it was not satisfactory to you, and you would prefer having the money ?

A About the year Nineteen hundred; I went into the

Detectives office in February one thousand eight hundred and ninety seven (1897), and in one thousand eight hundred and ninety nine (1899) for a uniform, and during all that time I took them ^{from} four or five different contractors.

BY THE COURT:

Q Do you remember if there were any orders passed or resolutions adopted in the Police Committee of the City Council, to give you money instead of clothing?

A I do not remember, until this occasion.....

BY THE COURT:

Q Who paid you the money in place of clothing?

A When the account would be sent in for the price of the uniform, our account would be sent for the cash equal to the price of the uniform.

BY CONTESTANTS COUNSEL:

Q That is, in place of the full account being paid over to the tailor, a certain amount would be sent to the Detectives office to be handed over to you?

A Yes, during the last year

Q And that was on account of your complaint of the unsatisfactory way in which things had been done for you, by you being obliged to order it from the tailor and having the account paid by the City direct?

A Yes

Q You preferred to handle the money yourself?

A Yes

Q Was that money not paid by the City Treasurer to you?

A It must have been; it must have come from there

BY THE COURT:

Q Who gave it to you?

A I received it from the Deputy Chief Campeau, who was then Sergeant Detective; he would receive it and bring it for us, and gave it to us

BY THE COURT:

Q You signed a receipt?

A Yes

BY CONTESTANTS COUNSEL:

Q How many men were like you on that occasion?

A At the time I was there, there were sixteen acting detectives

BY THE COURT:

Q Can you get a copy of that list?

A I have no doubt I can get a copy of the list

BY CONTESTANTS COUNSEL:

Q I suppose you always considered your clothing formed part of your salary?

A Yes, ever since I have been on the force

Q Is it not a fact that during all that time that you have been on the Force, it has been customary for the Police Officers to take civilian clothes in lieu of uniforms, provided the old uniforms were in a fit condition for use during the time the new uniforms would be required?

A Yes sir, I am aware of the existence ever since I have been on the force, by all the officers and even the constables; of course the constables cannot save much uniform doing ^{beat} ~~his~~ duty, but the men selected to do any special class of work begin to save their uniform at the expense of their own civilian clothing, as they do their work in civilian clothing, and the uniform is left idle

Q That applies more especially to the Lieutenants and Captains?

A Yes

Q They are all obliged to do nearly as much work in plain clothes as they are in uniform?

A Yes; since I have been appointed to the rank of Captain, I have been more than one half of my time working in plain clothes, because we are responsible for the district we represent, such as disorderly houses, and houses where liquor is sold, and a man cannot do his duty as well in police uniform as in civilian clothing.

Q But as a matter of fact, your civilian clothes is really as much your uniform as the ordinary uniform of the department?

A Yes, just the same, and of more importance to the citizens

RE-EXAMINED BY MR ARCHAMBAULT

OF COUNSEL FOR THE PETITIONER.

Q You know Captain in this present case, the complaint has been that you had no authority to make that change or to send your uniform?

A I never had any more authority than I had on this occasion; I used to go myself to the contractor and ask him for civilian clothing, and he never objected as the matter seemed to be understood.

Q You know different instructions are given?

A Now I am aware of that, and we are quite willing to obey those instructions

BY CONTESTANTS COUNSEL:

Q Those same instructions prevail in the Irish Constabulary?

A Not quite the same; they get cloth given to them and

~~they~~ it is their property.

Q The old uniforms you consider your property?

A Yes

BY THE COURT:

Q Do you mean to say in the Irish Constabulary the rule is to hand out the cloth?

A Yes

BY THE COURT:

Q And you get the uniform made up?

A Yes

BY THE COURT:

Q You chose your own tailor?

A Yes

BY THE COURT:

Q And you are responsible for it being well made?

A Yes; there is a certain amount ~~made~~ allowed for the making of it up, and sometimes you would have to pay a little more to have it better made up, but that depends on the locality, and in some places a little less, but in other places you would have to pay more yourself

Q So when you have a good uniform that does not need replacing, you could get the cloth made up for yourself?

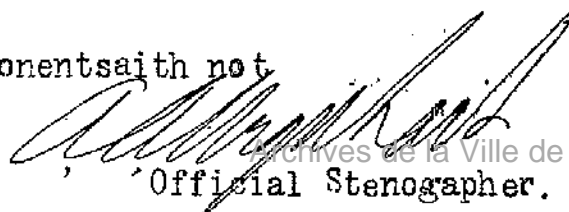
A No, the cloth is cut in sizes. If you had a good uniform, you could convert it to any other purpose, but it would not be of much use for anything else

BY CONTESTANTS COUNSEL:

Q If you could turn it to any other purpose, would you do so if you had a good uniform?

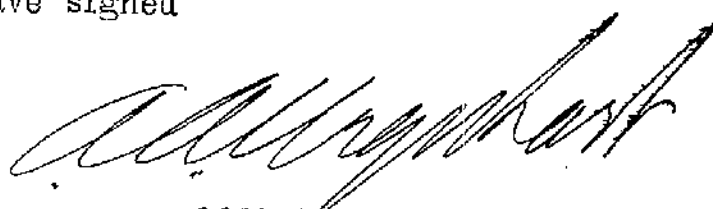
A Yes

And further deponentsaith not


Archives de la Ville de Montréal
Official Stenographer.

I, the undersigned of the City and District of Montreal sworn stenographer in this cause hereby certify that the foregoing pages numbered from one to nine and being nine pages in all are and contain a true and faithful transcript of the evidence of the above named witness as by me taken by means of stenograph the whole in manner and form as required by law

And I have signed



Official Stenographer.

And on this thirtieth day of March in the year of Our Lord, Nineteen hundred and three, personally came and reappeared

CAPTAIN COLEMAN (Recalled)

and his cross-examination was continued as follows:-

CROSS EXAMINED BY MR MORRISON

OF COUNSEL FOR DEFENDANTS

Q When examined on Friday captain, you stated that you were on the special service with a number of the other men for several years ?

A Yes

Q That you had received in lieu of uniforms money with which you were to purchase your clothing or not as you saw fit ?

A Yes; for the first three or four years when we were doing duty, we went to the contractors and took plain clothing equivalent to the amount voted for uniforms -- paid extra in several cases to the contractors,

BY THE COURT:-

Q After one o'clock ?

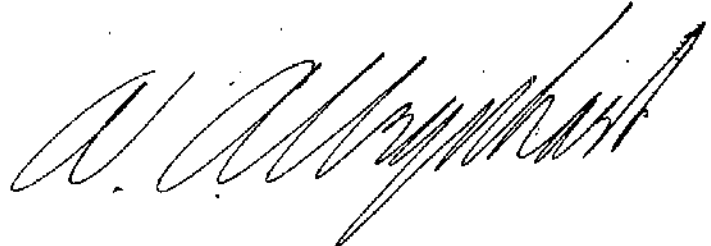
A Yes

BY THE COURT:-

Q So those people did not wait for the result ?

A A few of my friends waited with me to get the final result.

And further deponent saith not.

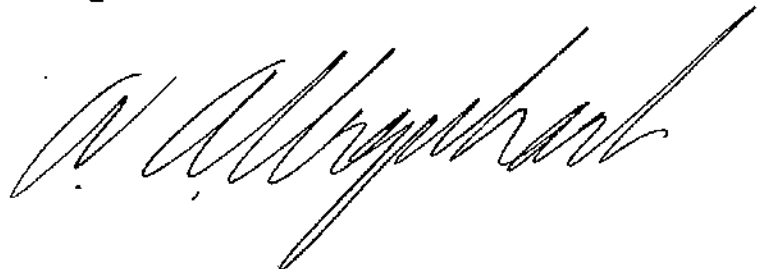


Official Stenographer.

I, the undersigned, of the city and district of Montreal, sworn stenographer in this cause, hereby certify under the oath already taken by me.

That the foregoing sheets numbered from one to five inclusive, and being in all five pages are, and contain a true and faithful transcript in typewriting of the evidence of the above named witness, as by me taken by means of stenograph, the whole in manner and form as required by and according to law.

And I have signed.



Official Stenographer.

Province of Quebec

District of Montreal. Superior Court.

Present: Honorable Mr Justice Curran.

In the matter of:-

The City of Montreal

Petitioner

vs

Thomas J. Holland et al

Contestants

On this twenty seventh day of March in the year of our Lord one thousand nine hundred and three personally came and appeared

THOMAS J. HOLLAND

of the City of Montreal, Lieutenant of Police, aged thirty four years, a witness produced on the part of the PETITIONER, who, being duly sworn, doth depose and say as follows:-

EXAMINED BY MR ARCHAMBAULT K.C.

OF COUNSEL FOR THE PETITIONER

Q Your name is mentioned in connection with that paragraph three which you know of?

A Yes

Q Will you please explain if you ever sent a uniform to Messrs Drolet, Dufour and Company, in October last?

A Yes

Q Will you please state what you did with it?

A I brought an overcoat there, I believe in the month of July, and it was handed back to me through Captain Bellefleur; I was attached to Number Two station at the time when I got it back

Q By whom did you send your uniform to Messrs Drolet, Dufour and Company?

A I took it personally to have him look it over and see if it was in a fit condition to last the issue

Q Was it an old one or a new one?

A It was perfectly new; it was a perfectly new one which had been hanging on a hook for the last three years

Q For the last three years?

A Yes

Q Did you wear it?

A I wore it once at an inspection

Q That is all?

A Yes

Q So that you considered it in a good condition?

A It was perfectly new

Q Was there any change made when it was returned to you?

A None that I perceived

Q Was the label changed?

A I do not know anything about the label -- I did not know anything about the label until after I heard them talking at the Police Committee in November. I did not know that there was a label went with those standard uniforms, as I never took that much notice; the only thing I noticed or was looking after, was the outside.

Q Did you get civilian clothing?

A No, I got nothing at all.

Q You were not one of the thirteen who received civilian clothes instead of a uniform?

A Well, I have not got anything yet

Q Your name is mentioned here?

A I have not got anything yet, but I suppose it will come

Q So you did not pay any thing at all to Messrs Drolet Dufour and Company?

A No.

In that case I have nothing to ask you.

CROSS-EXAMINED BY MR MORRISON

OF COUNSEL FOR THE CONTESTANTS

Q Lieutenant, you heard the evidence of Captain Coleman as to your right to get uniforms and money with your salary for work done for the City of Montreal?

A Yes; the uniform is contended to be a portion of the salary, because it was in the Charter in the year one thousand eight hundred and sixty five (1865) that the Police Force shall be paid a weekly salary and uniform

Q That is in the charter of one thousand eight hundred and sixty five (1865)?

A Yes; how that came around, it was through a discussion when we were short of boots, and Alderman Ames raised the point that boots did not constitute a portion of the uniform.

Q It was then you discovered it was in the charter of one thousand eight hundred and sixty five (1865)?

A Yes

Q How long have you been on the force?

A Fifteen years on the thirteenth of April

Q What positions have you occupied?

A Constable and Lieutenant.

Q During all that time, has this custom of taking civilian clothing in lieu of uniforms when the old uniform

would be in a good state of preservation, existed?

A Yes, and prior to that

Q Do you know anything about the way in which the ~~reser~~ reserve men have been dealt with in the past, as to their uniform?

A They have always been permitted to my knowledge to go and exchange, and get civilian dress instead of a uniform, that is, men doing special duty of any kind

Q Is this a fact that ~~it~~ was notorious in the Police department?

A It was a well known fact; there was nothing concealed about it

BY THE COURT:

Q How were they paid? Have you acted in this private capacity yourself?

A No Your Lordship, I never did

BY CONTESTANTS COUNSEL:

Q As reserve man?

A No, I have not become infirm yet

Q The reserve men are the old men?

A Yes

Q But there are men appointed for special duty who always wear civilian clothes, such as Captain Coleman?

A Yes; I have been constable and Lieutenant, but whilst I was attached to No.2 Station unde4 Inspector Lapointe, I received orders from Inspector Lapointe to have a civilian uniform there; after my appointment, I went in uniform, and he told me then to have civilian dress as it was necessary that I could not accomplish the ends that I was there for in uniform; and after seven years I came to the conclusion to agree with him that he was right.

Q Why?

A For the simple reason a man in uniform in the East end of the City could not do any work at all

Q As a matter of fact, did you wear your civilian clothes almost as much as your uniform doing your duty?

A I wore them all the time except the pants, and in the station I wore the uniform blouse

Q But apart from that you wore your civilian clothing?

A Yes

Q So your civilian clothes were as much your uniform as the ordinary ~~clothes~~ uniform?

A Yes, and more

CROSS-EXAMINED BY MR BROSSARD

OF COUNSEL FOR DROLET DUFOUR & CO

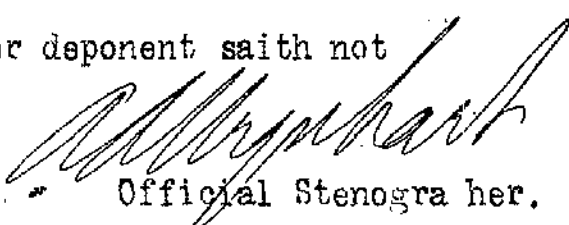
Q When you changed your uniform for civilian clothing, did you act according to the custom used for a long time?

A Yes

Q When you made the change, it was understood between you and Messrs Drolet Dufour and Company, that they should give you civilian clothing?

A Exactly

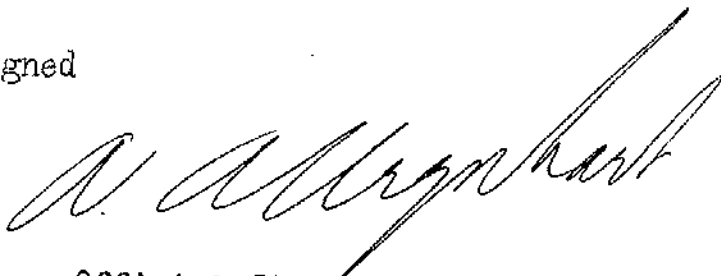
And further deponent saith not


Official Stenographer.

I, the undersigned of the City and District of Montreal sworn stenographer herein do hereby certify that the foregoing pages numbered from one to five inclusive and being five pages in all are and contain a

true and faithful transcript of the evidence of the
above named witness as by me taken by means of
stenography the whole in manner and form as required by
law

And I have signed



Official Stenographer.

\$2.50
a. Campbell

Canada

Province of Quebec

District of Montreal

SUPERIOR COURT

In the matter of:-

The City of Montreal

Petitioner

And

Kehoe et al

Defendants

On this thirty first day of March in the year of
Our Lord, Nineteen hundred and three, personally came and
appeared

HERBERT BROWN AMES

of the city of Montreal, Alderman, aged forty years,
a witness produced on the part of the PETITIONER ^{IN REBUTTAL} who
being duly sworn doth depose and say as follows

I am not related, allied, or of kin to, or in the
employ of any of the parties in this cause

I am not interested in the event of this suit

EXAMINED BY MR ARCHAMBAULT K.C.

OF COUNSEL FOR PETITIONER

Q Will you please tell the Court for how long you
have been an Alderman for the City of Montreal ?

A Since the first of February One thousand eight hun-
dred and ninety eight (1898).

Q And as a member of the Police Committee, for how
long ?

A Over five years now.

Q During all that time did you ever know that there
was such a custom in regard to the contract with the
tailors of Montreal, as to the furnishing of coats to

the Chief of Police, officers and men ?

A It has been customary to allow the Chief and to the sub-chiefs and inspectors an annual sum of money with which they purchase their own clothing, as they see fit; it also has been customary to allow the Assistant detectives to have either a sum of money in lieu of uniforms, or to secure plain clothes from the same contractor.

Outside of that I know of no custom existing

Q Well, evidence has been brought as to the sending of uniforms and getting civilian clothes after a certain time that they had been in use. Do you know of such a thing having been in existence during your term of office ?

A No, I have no knowledge of any such custom existing during the last five years.

Q Did you hear of it previous to being an alderman of the city of Montreal, that is of such a custom ?

A No

BY THE COURT:-

Q How many contractors have passed through your hands, since you have been there ?

A I should say probably ten different contractors from time to time.

BY THE COURT:-

are

Q What ~~is~~ there names ?

A

A Charlebois, Brault.....

BY THE COURT:-

Q For coats alone I mean ?

A I do not know that I can tell you just the garments