

JUDGE CUSSON GAVE RULING ON IDLING

Those Working in Unprohibited
Occupations Not Idlers
Was Judgment

BARTENDERS USEFUL

Argument That Men Were
Needed To Maintain Legal
Trades Was Upheld
By Judge

Men who are working and drawing money in some occupation that is not prohibited by law are not to be classed as idlers, and subject to arrest, according to the ruling handed down yesterday by His Honor Judge Cusson, sitting in the Police Court, with 110 alleged idlers before him for trial.

This judgment followed after an argument dealing with the case of a man named Lapointe, who was engaged by an establishment as bartender for the past two years. The court room was filled to suffocation, and the normal unsanitary conditions of the place were greatly aggravated because of the warm weather and the crowd.

A number of police officers testified in the Lapointe case, declaring that the man did not work, and that he was parading about St. Catherine street in the afternoons. However, the evidence dealt only with afternoon strolls, and His Lordship ruled that he believed the man was working, as he said. The question, said the court, was to determine whether being a bartender meant being usefully employed, as the law provides for everyone being in a useful occupation.

On this point, Mr. Emile Depocas, advocate for the accused, argued as to the meaning of the Order-in-Council under which these cases are taken. The court contended that the Order-in-Council meant that people who were able to do useful work should not remain idle. Counsel contended that the occupation of bartender was useful. If bartenders were condemned because of their work, said Mr. Depocas, it would mean that proprietors of hotels who had paid heavily for licenses, could not operate what was a legal licensed business, and would have to stop engaging men to sell "comforts" to their clients. Hotels and restaurants existed by virtue of the laws of the province, and being legal institutions the men engaged therein for that work were engaged in a necessary occupation. They were servants who gave nourishment and comfort to the public, pleaded Mr. Depocas in conclusion.

His Lordship, after studying the Order-in-Council, came to the conclusion that the law did not affect people working in occupations not prohibited by law.

DEALT WITH 60 CASES.

Some 60 cases were disposed of by Judge Cusson yesterday. In most cases the accused were freed, though about 20 men were fined the usual \$10 and costs. The rest of the cases were postponed until the 22nd.

There was a group of five Austrians before the court who were discharged because they had permits in their pockets showing that they were interned aliens, and had been granted leave from the internment camp to come to Montreal for some of their holidays.

The police work was greatly hampered yesterday by the fact that many of those they had arrested, chiefly in the lower St. Lawrence street district, had friends who appeared to testify that they had employed the prisoners, and were eager to do so again. It was impossible for the constables to defeat this kind of evidence, as the witnesses had establishments of some kind where labor was or might be employed. Detectives Colangelo, Vinani and Labrie swore to a number of young men having been seen around St. Catherine street in the neighborhood of St. Lawrence street, for months at a time, and never working, but this evidence failed beside that of employers for the reason that cross-examination of the officers showed that it was quite possible that the men were working during the portions of the days that the police had not noticed them.

A paperhanger who makes \$24 per week, and has been working steadily since February 15th last was discharged. Judge Cusson stating that it was clear that the officers were mistaken.

Several of the accused pleaded guilty, and were sentenced, taking the 15 days' imprisonment in preference to paying the \$10 and costs. These were all men who had not been bailed.

DID NOT KNOW CLUB.

In regard to one case, Mr. Depocas and Detective Colangelo got into an

argument. The lawyer asked the detective whether he was not aware that the accused was employed at the Olympic Club, and when the answer was in the negative, and Colangelo said he did not know the club, counsel could hardly credit the fact, and argued the matter until his Lordship said that he, the judge, also had to plead ignorance.

"In addition to having seen this man in the afternoons when else did you see him?" asked Mr. Depocas.

"Often after midnight as well," answered Calongelo.

"That means nothing, you have often seen me after midnight," retorted the lawyer.

"Ah, you are a lawyer!"

The prisoner was discharged.