

**RECEIVES APPROVAL** — Plans for an airport and seaplane base a mile south of the St. Clair River Village of Corunna, have received tentative approval from the Federal Board of Transport Commissioners.

**BACK FROM CANADA TRIP** — The Duchess of Kent and her daughter, Princess Alexandra, returned home Tuesday from their visit to Canada and the United States.

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## ALLEGED RACIAL DISCRIMINATION INVESTIGATED IN DRESDEN

## **Cafe Owner Admits He Knowingly Broke The Law**

by THE EDITOR OF THE DRESDEN TIMES

Before an assembly of townspeople gathered in Dresden's fine new Arena to witness the public hearing of complaints that two Dresden restaurant proprietors had allegedly refused to serve people of colour, Morley McKay, owner of Kay's Restaurant, and Mathew Emmerson, owner of Emmerson's Restaurant, both admitted that they had refused service to customers because of their colour. The hearing was conducted by Judge William Schwenger of Hamilton acting as a one-man commission for the Ontario Government. The Judge made it clear that no one was on trial and that the hearing was only the occasion for the presentation of evidence and the argument of counsel so that he could report privately to Labor Minister Charles Daley, who will decide whether or not court proceedings will be instituted.

At the outset of the proceedings, Mr. David Lewis of Toronto, appearing for the plaintiffs, asked that witnesses be excluded from the courtroom. The Judge replied that under the circumstances he felt that everyone should be present. He said, "I can't see any necessity of excluding witnesses."

#### The McKay Case

The first case came before the Commissioner was that of Mr. Morley McKay who was alleged to have refused service to five coloured people on June 17th of this year.

Evidence was offered by Mr. and Mrs. Philip Shadd of Raleigh Township that they, in company with two relatives, had entered Kay's Cafe with the intention of having coffee, but, before they had a chance to sit down they were advised by a person they presumed to be a waitress that they should go to Martin's restaurant across the street where they could be served. When Mr. Shadd asked why they should go to Martin's there was no reply.

Mr. Shadd went on to say that he tried to phone the police about the matter but got no reply so he got into touch with Mr. Hugh Burnette, who later accompanied the party back into the restaurant where the original party of four went to a booth while Mr. Burnette sat at a stool by the counter. All five were ignored, it was stated by the witness, until a man, later identified as Mr. McKay, after speaking to Mr. Burnette, came to the table where the complainant and his party were seated and began to clear it. Then, said witnesses, one of the party said, "Are you going to serve us?" Mr. McKay is alleged to have said "No."

Mr. McKay, in evidence, all of which was taken on oath, was asked by his counsel, Mr. Carscallen:

"What was the reason for refusing to serve these people?"

He replied: "Our customers have told me that if I serve coloured people, they wouldn't come in."

Asked by Mr. Carscallen if he had any personal animosity to coloured people, Mr. McKay said that he had none and that he got on well with them.

Under cross-examination by Mr. David Lewis, representing the plaintiffs, Mr. McKay admitted that he knew of the law forbidding discrimination and that he knew he was breaking the law by refusing Mr. Shadd and his party service. When asked by counsel, "Don't you think it is your duty to obey the law at all times?" Mr. McKay replied, "Yes."

"You still refuse to serve coloured people?"

"Yes."

#### The Emmerson Case

The evidence against Mr. Emmerson, owner of Emmerson's Restaurant was also presented by Mr. David Lewis who first called to the witness stand Mr. Lyle Talbot, a laboratory technician from Wind-

sor who stated that he, on June 20th, had come to Dresden to sing with the Community Male Chorus at Queen Street Baptist Church. After the church service he, together with two companions, went for a walk, and, seeing a soda fountain (Emerson's) with the door open and the lights allegedly on, decided to have a bottle of "pop." He said that a man, later identified as Mr. Emmerson, replied to their request for "pop" with the words "we're closed" and that subsequently one of the party was attacked by a lady, later identified as Mrs. Emmerson, with a broom.

Mr. Emmerson, in evidence, stated that the three men arrived in the restaurant after his regular Sunday closing hour of 10 p.m., and that he was engaged in checking the cash register and that his wife and a girl employed there were sweeping up, preparatory to going home. Mr. Emmerson insisted that the men had asked for coffee, not "pop" at first, and that although he told them that they were closing they still asked for service. He also stated that one of the men had attacked his wife three times by seizing her arms and pushing her against a showcase, and that while this was going on he was trying to telephone the police. His evidence was largely substantiated by his wife, who was the next witness, while that of Mr. Talbot was confirmed by Mr. Louis Hall who was with Mr. Talbot during the incident. Mr. Nolan, the third person involved was not present at the inquiry.

Mr. Emmerson also admitted, in evidence, that he, too, had refused service to coloured persons because, "it was detrimental to business."

Evidence in Mr. Emmerson's behalf was also given by Mr. Cromwell Clark and Mr. Thos. McFadden.

Mr. Lewis, for the plaintiffs, in his argument said, "The citizens of Dresden no more than the citizens of any other town, cannot ignore or violate the law of this province whether or not it will hurt their pockets."

He expressed the thought that if citizens of this country are to obey merely the law that suits them, we would not have a land of peace and order, but one of anarchy. Mr. Lewis said, "I respectfully suggest to you (the Judge) that their (the defendants) attitude was that they had no intention of obeying the law today, or since June . . . this is the kind of attitude that perhaps must be punished."

Mr. Lewis offered three suggestions to the Commissioner:

That this defiance, referring to his view of the attitude of Mr. McKay, be underlined and brought to the Minister's attention. That "since this is the first case under this statute, that your report be made public" and that the Commissioner should recommend that the Minister treat this as a complaint to prosecute.

Mr. Lewis concluded with

these words, "This statute will become a farce before the eyes of the people, particularly the coloured people, if this goes un-prosecuted."

He also expressed the hope that "this hearing will be the last of its kind in this community."

Mr. Carscallen, for the defendants, stated that there was no proof whatever that Mr. Emmerson refused to serve Mr. Talbot and his friends because they were coloured.

Directly addressing Mr. Lewis Mr. Carscallen said "We have the same objective, to eliminate racial discrimination, only in a different manner." He referred to the referendum taken in 1949 and claimed that this showed the feelings of the community in this matter.

Mr. Carscallen also said: "Consider that you are dealing with a small community where white and coloured have lived together over 100 years . . . . a community unique in the Province of Ontario, where they have devised their own manner of living . . . . By making a martyr out of McKay you are not going to educate the community."

Mr. Lewis added, "We are not here to make or change the law . . . . my friend's clients are bound to obey the law . . . . They continue to say, as far as this is concerned we're going to do as we please . . . this law as any other law, must be obeyed."

Judge Schwenger closed the enquiry by saying that his report would be made privately to the Minister of Labour.