

Dresden Cafe Keeper Admits He Refused To Serve Colored Men

By RALPH HICKLIN

DRESDEN — Morley McKay, 57-year-old proprietor of Kay's Restaurant, testified here Monday that he knew about Ontario's Fair Accommodations Practices Act which required him to serve negroes, and that he knew he was breaking the law when he declined to do so, because he "didn't want to lose business."

This testimony was one of the highlights of a hearing of complaints against two Dresden restaurant keepers conducted by Judge William Schwenger of Hamilton as a one-man commission for the Ontario government. One complaint was against McKay and the other against Matthew Emerson. Both were accused of refusing to serve negroes. The judge reserved his decisions.

A packed court-room followed the proceedings which was in the nature of a test of a new law to be administered by the Department of Labor. The judge will make his report to Labor Minister Charles Daley, who will decide whether there will be court prosecutions.

Attending the hearing as observers, but who took no part in the proceedings were G. F. Nutland and A. E. Riebel of the Department of Labor.

Appearing on behalf of the complainant in both cases was David Lewis of Toronto. Counsel for both restaurant-keepers was R. A. Carscallen, Wallaceburg.

ARGUMENTS

Mr. Lewis argued that the proprietors of both restaurants should be prosecuted, declaring they have "No more intention of obeying the law today than they will have tomorrow." Defiance, he averred, should not be tolerated, and he suggested that their attitude be brought to the attention of the minister, that the judge's report be made public, and that the complaints be treated as a request for prosecutions.

Mr. Lewis stated "I wouldn't mention prosecution if McKay hadn't been so defiant about the law. If the report is made and nothing done for three or four months, the statute will become a farce."

Judge Schwenger did not intimate whether his report would be made public. He would report privately to the minister, he said.

GIVES WARNING

As the hearing got under way the judge warned that he did not want any interruptions in the proceedings, stating, "This is not a political meeting or a show."

First complaint arose from an incident in Kay's cafe on June 17, Philip Shadd, Raleigh township farmer, testified that he, his wife, brother and sister-in-law went into Kay's that evening for refreshment. A waitress behind the bar told them they would not be served, and advised them to cross the street to another restaurant. She would give no reason for refusing to serve them, Mr. Shadd said.

His party left restaurant, witness continued, and tried to contact the police, with no success. Then Mr. Shadd telephoned Hugh Burnette, who arrived at the restaurant with the police chief. After talking to the chief, Mr. Burnette accompanied Mr. Shadd and the other three into the restaurant. Mr. Burnette sat at the counter the other four at a table.

Mr. Shadd said that his party waited 25 minutes and got no service. Then, he continued, a man came from the kitchen, spoke to Mr. Burnette, and came to clear their table. When asked, he said they would not be served and gave no reason. On Mr. Burnette's advice, they all left the cafe.

SHOPPED IN CHATHAM

On cross-examination by Mr. Carscallen, Mr. Shadd testified that he lived nearer to Chatham than Dresden, and used Chatham as a shopping centre. He and his wife went to Dresden on June 17, he said, to visit a niece.

"When you went back to Kay's, were you more interested in getting a cup of coffee, or in being turned down a second time?" Mr. Carscallen asked. The former was the case, witness replied.

Mr. Shadd said, in answer to counsel's question, that he was vice-president of the National Unity Association. Mr. Burnette was secretary, he testified. Purpose of the association, he said, was "to promote better relations among the colored group." The group had, he said, made representations to the provincial gov-

ernment at the time the fair practices legislature was contemplated.

Mr. Burnette testified that when he went to the restaurant on the evening in question, he asked the police chief to accompany him inside, but the chief returned to his office instead. In the time he sat at the restaurant counter, no one served him, Mr. Burnette said. Finally Morley McKay, the proprietor approached, and said "You might as well get your boys out of here, we won't serve them." As a consequence the party left.

In answer to a question from Mr. Carscallen, Mr. Burnette said that his main interest was to get service for the Shadd party, thereby showing that the fair practices law was being observed.

Mr. McKay testified that he was not in the cafe when service was refused to Mr. Shadd. However, he had returned and talked to Mr. Burnette. "You know better than to bring people in here," Mr. McKay quoted himself as saying, and added that Mr. Burnette maintained he had not brought them.

When Mr. Burnette asked whether he would serve the Shadds, Mr. McKay said that he replied, "I pay the taxes on the place, and I'm going to run here."

On cross examination by Mr. Davis, Mr. McKay admitted knowledge of the Fair Accommodations Practices Act, which ordered restaurant keepers to refuse service. "Yet you refused?" asked Mr. Davis. "That's right." Reason for doing so, Mr. McKay said, was he "didn't want to lose business." "Is it right to break the law to protect your business?" counsel asked. "Yes," was the reply. On further questions, Mr. McKay said that he had consistently refused service to colored people and had done so as recently as last Saturday night.

On the request of both counsel, Judge Schwenger heard evidence in the second complaint before listening to final arguments of counsel.

SECOND COMPLAINT

Second complaint arose from an incident on June 20, when three colored men from Windsor were refused service in Emerson's restaurant.

One of the three, Lyle Talbot testified that on the evening in question he came to Dresden with a group of Windsor men to sing in the Baptist church. He and two companions decided to go for a walk after the service.

At 9:45 p.m. they started, and on the main street decided to have a soft drink. At Emerson's restaurant, Mr. Talbot said, the door was open and the light on. The time was before 10 p. m., he said. He and his companions entered and sat at the counter. The proprietor told them he would not serve any soft drinks, as he was closed. Mr. Talbot said that they would drink in a hurry and Mr. Emerson replied: "You're not getting any pop—get out."

ATTACK WITHBROOM

As the men prepared to leave witness went on, a woman who had been at the back of the cafe rushed at them and struck Frank Nutland with a broom; he deflected.

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GEORGE HARRISON

To Address Chatham Ad. Sales Club

Announcement was made today that George Harrison of Guert Products Ltd. will be guest speaker at the monthly dinner meeting of the Advertising and Sales Club of Chatham to be held at the William Pitt Hotel on Monday, October 4, commencing at 6.45 p. m. His topic will be "This business of selling".

Mr. Harrison has been in merchandising and selling field wholesale and manufacturing for the past 20 years, and he draws on his wide experience his topic.

DRAMATICS

A native of Brantford, Mr. Harrison is married and has three children. His hobbies are music and dramatics and he is interested in church and community affairs.

Officials of the Ad and Sales stated that Mr. Harrison is highly recommended as an after dinner speaker, and that he particularly enjoys talking about his life's work—that of selling. They are hopeful there will be a large turnout of members for this meeting, the second of the fall and winter season.

THE WEATHER

TORONTO (CP)—Official forecasts issued by the Dominion public weather office at 9:30 a. m.

Western Lake Erie, southern Lake Huron regions. Winds Sunny today, cloudy with scattered showers Wednesday, continued mild; winds light today, southerly 20 Wednesday. Low tonight 45 high Wednesday 55 and 75. Stormy for Wednesday. Showers.

TORONTO (CP)—Observed temperatures bulletin issued at the Toronto public weather office at 9 a. m.

	Min.	Max.
Chatham	54
Dawson	19
Victoria	49
Edmonton	37
Regina	43
Winnipeg	47
Port Arthur	35
White River	44
Kapuskasing	43
North Bay	48
Sudbury	46
Muskoka airport	52
Windsor	55
London	51
Toronto	56
Ottawa	54
Montreal	51
Saint John	37
Halifax	48