

FIRST CHARGES IN CANADA

Reserves Judgment In Dresden Trials



CHOIR-GIRLS REHEARSE

Burley Marketing Board Sets 30c Minimum Price

At a meeting of the directors of the Burley Tobacco Marketing Association, held here yesterday, the market appraisal committee agreed upon a minimum average price of 30 cents per pound for the 1954 burley crop.

The negotiated price is the same as last year's and is expected to bring about \$444.60 per acre.

YIELD

The 1954 burley acreage allotted to the Association members was 4,831.19 acres, however, many members did not plant and the harvested acreage was estimated to be 3,114.73 acres. Total estimate of usable pounds was 4,817,300 pounds which is an estimated yield of 1482 pounds per acre. Including nondescript or unclassified tobacco the yield per acre is said to be 1,507 pounds.

J. Fred Thomas of Malden township, chairman of the board, said the 1954 crop was of excellent quality and could be considered the best crop in the past 19 years with the exception of 1953, which was just slightly better.

Classification of the crop by estimated weights is as follows:

PRESENT

Buyer directors at yesterday's meeting were: E. D. Allen, vice-president of the British Leaf Tobacco Co., of Canada Ltd.; B. G. Field, president of the British Leaf Co., of Canada; R. A. Parham, vice-president of the Imperial Leaf Tobacco Co. of Canada.

Representing the producers were: J. Fred Thomas, chairman of the board; Eugene King, vice-president of the board; A. L. Bruner of Essex County.

Other directors present were: Gordon Pardo, Blenheim; G. H. Wilson, Charing Cross; James McKinlay, Morpeth; H. C. Wilkinson, Wheatley; Roy H. O'Neill, Roseland; Max Borkowitz of Import Leaf Tobacco Company, Montreal; and John H. Wilcox, chief classifier of Woodsidee.

Kent Finds Finances Satisfactory

The statement covering county finances for the 11-months period ending November 30, 1954, presented to the Kent county council at its Wednesday morning sitting by County Treasurer Fletcher, showed the county treasury to be in satisfactory shape.

On the expenditure side of the ledger, only three accounts, administration of justice, criminal justice and juvenile court, were shown to be over spent; and the excess over anticipated receipts more than overbalanced the over-spending. Practically all the other accounts showed fair credit balanced.

The legality of the provincial Fair Accommodation Practices Act was challenged yesterday in separate trials of two Dresden restaurant owners charged with refusing to serve customers because of their color.

In the first test cases—under the act, and the first such charges in Canada, Magistrate Ivan B. Craig reserved judgment on the charges against Morley McKay and Mrs. Anne Emerson.

Defense council W. A. Donahue of Sarnia charged that only the Federal parliament can set out penalties (under the criminal code) for disobedience of a law, and therefore the provincial legislature had illegally invaded the judicial territory of the federal parliament.

CRIMINAL LAW

Crown Attorney A. D. Bell, QC, asked if the provincial Highways Traffic Act constituted criminal law. "I do not believe this (the act) has anything to do with the dominion parliament's field. This is not a question of public morals, but one of ethics and civil rights. And there may be a penalty attached to any item set out in the provincial laws."

Mr. Donahue did not call witnesses in the defence of McKay and of Mrs. Emerson.

EXCLUDED

Crown witnesses were excluded from the McKay trial, at the request of the defence counsel, until each of the six were called to give testimony. They were OPP Robert Parker, who served both McKay and Mrs. Emerson with summonses; Bromley Armstrong, a member of United Auto Workers Union Local at Toronto, Massey Harris Ferguson who complained to the minister of labor against McKay; Miss Ruth Lor, associate secretary of the Students' Christian Movement of the University of Toronto; Sidney Blum of Toronto, executive chairman of the Joint Labor Committee for Human Rights; Hugh Burnette of Dresden, secretary of the National Unity Association; and Gordon Donaldson of the Toronto Evening Telegram.

THREE WITNESSES

Three witnesses were introduced in the Emerson trial: OPP Parker; Joseph Hanson, a farmer who lives near Dresden; and his sister, Mrs. Bernard Carter, who lives on a farm near Dresden, and who complained to the minister against Mrs. Emerson.

Mr. Donahue applied his same arguments for the defence of McKay, to the case of Mrs. Emerson. He said the onus was on the crown to prove that colored persons were refused service because of their race, creed or color; and that the act was unconstitutional, because the provincial government attempts to "set up

nishments for criminal offences". ARGUMENTS

In support of his defence arguments, Mr. Donahue volunteered to submit a written brief to the court. Magistrate Craig accepted the offer and instructed that Crown Attorney Bell also receive a copy of the brief.

In his summary, Mr Bell said the group that entered each restaurant waited from 20 to 30 minutes without receiving service and watched while other persons were served twice in the same period; there was no suggestion of misconduct on the part of either Armstrong's group in McKay's restaurant or Mrs. Carter's party at Emerson's and that evidence of what occurred was not contradicted by any witness.

"It is true," Mr Bell said, "the McKay nor any of his servant gave a reason to these people for refusing them service. The defence might say that it is circumstantial evidence, but there was no misconduct, the witnesses readily admit going there to see if the accused was complying with the law, but if no other logical conclusion can be drawn then submit it must be concluded that these people were refused service because of their color."

MUST PROVE

Mr. Donahue argued that the crown must prove definitely the color, and no other reason, was responsible for the accused refusing to serve the two groups.

"If ever an act bore the appearance of a criminal law," Mr Donahue said, "it is the Fair Accommodation Practices Act. It starts off with a high sounding preamble about the United Nations and the Rights of Man, and ends up by creating a punishable offence."

Mr Bell argued against the charge that the act constitutes criminal law legislated by a provincial government, and at the same time, maintained that the province can attach penalties to strengthen its laws.