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HUMAN RIGHTS IN CANADA: A Historical Perspective

Racial discrimination: the Fred Christie case

Montreal, Québec July 11th, 1936

[1900-1924](#)

[1925-1949](#)

[1950-1974](#)

[1975-2000](#)

-  HUMAN RIGHTS SUFFER A SET-BACK
-  HUMAN RIGHTS ARE BALANCED
-  HUMAN RIGHTS MOVE FORWARD

Home of "Les Canadiens" and a shrine in the world of hockey, the Montreal forum has stood witness to many momentous events. If its hallowed halls could speak, they would tell stories of great victories, fierce pride, and blatant discrimination.

The story begins with Fred Christie. A *Canadiens* fan for years, Fred worked hard as a private chauffeur to be able to afford his season tickets. Like many fans, he liked to watch Maurice "The Rocket" Richard play and then go to a tavern with some friends to dissect the game.

On the evening of July 11th, 1936, Fred and some friends visited the Forum's tavern. Fred put 50 cents on the table and ordered 3 steins of beer. The barman refused to serve him. The barman and the assistant manager explained that the "house rules" prohibited serving a "negro" (Fred's preferred identifier).

Fred argued that the "house rules" were not fair and that he and his friends expected to be served like everyone else. His pleas fell on deaf ears and so Fred called the police - without avail. Humiliated and defeated, Fred and his friends went home.

Unable to stomach discrimination, Fred Christie sued the tavern for \$200 in damages for the pain and suffering of being humiliated in front of so many people.

Can you guess what happened next?

Fred won his case. The judge awarded him \$25 and ordered the tavern to pay his court costs. As part of his decision, the judge referred to s. 33 of the Québec Licence Act, which stipulates:

"No licensee for a restaurant may refuse without reasonable cause, to give food to travellers."

The judge deemed that the law had indeed been broken and gave Fred his due.

The tavern appealed, arguing that as a private business it could do what it pleased in order to protect its commercial interests. The Court of King's Bench agreed and dismissed Fred's action.

Undaunted, Fred took his case to the Supreme Court of Canada.

Supreme Court of Canada Building December 9, 1939

The Supreme Court ruled that the general principle of the law in Québec is complete freedom of business. As long as a merchant did not break the law, he or she was free to refuse any member of the public on any grounds. Only 1 judge out of the 5 dissented.

You may be asking: "What about S. 33 of the Québec Licence Act?"

The Supreme Court ruled that S. 33 did not apply because Fred, being from Montreal and looking only to have a beer, was neither "traveller" nor was he "seeking food".

The Court was unapologetic. Shockingly, it added that businesses could set rules unless they violated laws or ran "contrary to good morals or public order". Apparently, the Supreme Court of Canada - in 1940 - did not judge the "no service for coloreds" rule to be "contrary to good morals or public order".

It is interesting to note that the dissenting judge, Justice Davis, argued that the tavern has a public license to serve liquor therefore, it cannot refuse to serve a member of the public strictly because of the colour of his skin. Isn't it sad how the courts can focus on commerce and licensing technicalities but avoid questions of right or wrong?

In short, Fred Christie never got his beer and the Supreme Court of Canada made it clear that, in 1940, discrimination and racism were "good morals".

Quotable quote

"He is a coloured gentleman his own words are "a negro" - though counsel for the respondent, for what reason I do not know, told him during his examination for discovery that he wanted it on record that he is "not extraordinarily black."

From the case of [Christie v. York Co.](#)

Quotable quote

"It appears from the evidence that, in refusing to sell beer to the appellant, the respondent's employees did so quietly, politely and without causing any scene or commotion whatever. If any notice was attracted to the appellant on the occasion in question, it arose out of the fact that the appellant persisted in demanding beer after he had

been so refused and went to the length of calling the police, which was entirely unwarranted by the circumstances."-

Justice Rinfret Supreme Court of Canada

Did you know?

Season tickets for Les Canadiens were once so hard to come by that they were passed down from parent to child in wills for more than 60 years.