

Canada Temperance Advocate.

MONTREAL, FEBRUARY 2, 1852.

Licenses.

The present license law gives universal dissatisfaction, except to the lovers and vendors of grog, and those whose pecuniary interests are connected with the traffic. Its direct tendency is to increase the number of low taverns indefinitely, both in town and country. We have always maintained that the power of determining what number of taverns shall be opened, should be left wholly in the hands of the people, through their representatives in municipal and city corporations, and we see no reason to resile from this position, *if it could be faithfully carried out.* But we have lost all hope of ever seeing such a law carried out; we have lost all confidence in the present administrators of any license law that could be framed. Father Chiniqui's Act would have suppressed unlicensed groggeries effectually, and gradually restricted the whole trade, whether licensed or unlicensed, but it was never honestly put in force. Perhaps the authorities saw what it would certainly lead to; and this was the reason why violations of the law were winked at, and suffered to increase till the law itself was brought into discredit; and under the prejudice of that unjust odium, it was dexterously set aside, and a much worse act substituted in its place. According to this law, the people have nominally the power of granting or refusing licenses; for a certain number of signatures of freeholders is necessary to obtain a certificate; but when the keeper of a tavern cannot obtain these, in the locality where he resides, it is only necessary for him to make application, at the office of the Inspectors of the Revenue, for a *grocer's* license, which can be obtained independently of the people, and then practise his old trade under a different name. Moreover, a most reprehensible inducement is held out to the Revenue Inspectors to grant all these applications, in the shape of a fee of 7s 6d, which they obtain for every license, besides 10 per cent. of the amount of monies which pass through their hands. We hope the gentlemen occupying this responsible office will generally be found superior to this temptation, but we maintain that it is a most objectionable clause in the Act to place it, temptation, before them.

Looking at the manner in which Father Chiniqui's Act has been burked; looking at the spirit of the present Act, and the manner in which it is administered; and above all, the portentous fact that the Government is building a Court House in this City out of the revenue arising from tavern licenses, we feel less and less disposed to depend upon a license law as a remedy for intemperance, and we feel ourselves carried irresistibly towards the principle of the Maine Liquor Law, as the right way to deal with the evil.

We respectfully, but earnestly solicit the attention of the Temperance community throughout Canada to this all important subject; we think the time has arrived for assuming some common ground of action. It gives us unfeigned pleasure to know that Dr. Jewett is about to visit this city, from whom, as one of the earliest advocates of the Maine Law, we expect the most reliable information both respecting its nature and working. In connexion with his visit, and with this whole question, we respectfully throw out the following suggestions to all the Temperance organisations in the Province.

First. Might not some of the Societies in Upper Canada make arrangements to have a visit from Dr. Jewett.

Second. Is it not advisable to take steps for holding a Provincial convention, as soon as practicable, to consider whether the principle of the Maine Law can be adopted in Canada.

We invite the various Temperance Societies in the Province, Divisions of the Sons, Tents of Rechab, Knights, &c. &c. to take up this question at their respective meetings, and send us the result of their deliberations, which we shall be happy to publish.

The Maine Law, not in Canada.

PERSECUTION OF MR. DUCLOS.

We presume all our readers are aware of the fact intimated in the above designation to this article, but they will hardly be prepared to credit the facts we are compelled to lay before the public. And when we have stated the case, we are of opinion that while all will painfully feel the absence of a law similar to the one now existing in Maine, there will arise a strong conviction that nothing less than that law will be of any avail for the people of Canada, if we are to be rid of the cursed traffic in strong drink, and if we desire the protection of the honest man who *cachews* the traffic, and keeps a hotel on temperance principles.

It is well known that in May last, Mr. Francis Duclos opened the Eagle Hotel in Montreal as a temperance house, and of the thousands who have had occasion to visit that house since, there is not one who even suspected him of secretly selling intoxicating liquor. Even when Mr. Duclos sold strong drink, he was known to keep the quietest house in town, and never tolerated in any way, those practices which, though illegal, were connived at by the administrators of the law, when in multitudes of cases they well knew the law was violated. And yet on the 30th of December last, Mr. Francis Duclos was summoned before the Court of Special Sessions, to answer to a charge of violating the revenue laws, by selling strong drink without a license. He was prosecuted by the Inspector of Licenses, on the testimony of an individual named Murphy, who deposed that on the 23rd of December he went to Mr. Duclos Temperance Hotel—called for and got a glass of strong drink, for which he paid three pence. On being cross-examined, he said he asked for some thing to drink—for nothing in particular—asked for lemon syrup, there was a bottle set on the counter and he helped himself—believed from the effects there was strong drink in it. He did not say how much liquor he had drank before he went to Duclos. The counsel for the defence contended that from the contradictory deposition of Murphy the case ought to be dismissed. So every body present thought except the sitting magistrate, and he refused to dismiss the case. Mr. Duclos was then compelled to defend the suit. The person of whom the lemon-syrup was bought, swore to its purity. Several respectable witnesses, boarders and citizens, deposed that no strong drink could be had at Duclos since last May. Again the magistrate is urged to dismiss the case—again he refuses—and now the defendant is compelled to send for his son, who had charge of the bar. He arrives in Court, and on oath declares that there was not a drop of spirits in the bottle from which Murphy drank, and that the lemon-syrup was as pure as when it left New York. The case was then dismissed. We shall not venture to characterize these proceedings of the Inspector and the magistrate, the one for entertaining, and the other for first instituting such a groundless and vexatious prosecution. It must be very evident, however, that they set a very high value upon the testimony of this one witness, when it took six respectable and credible witnesses to set it aside.

We have known Mr. Duclos for many years, and he has always enjoyed a high reputation for honesty and uprightness, and we are