

BLUE RIBBON BEER.

An Important Case Tried at Goderich.

Mayor Horton presides at the Spitting Bee, with the Temperance Name Must Not be Sold in a Secret County.

This now famous case came up on Friday morning last before Mayor Horton.

The prosecutor, E. W. Ball, conducted his case, and C. R. W. Biggar, of Mount, McLennan & Biggar, appeared for the defence.

Mr. Davies, the manufacturer of the beverage, was present, and watched the case closely during the trial.

The information set forth that John McBride did on the 13th day of June, 1885, at his premises known as the "Albion Hotel," town of Goderich, sell intoxicating liquor in violation of the second part of the Canada Temperance Act of 1878 and amendments.

FOR THE PROSECUTION.

John McBride, sworn, said—I am tenant of the Albion hotel; Frederick Dale, bartender, is in my employ; I don't remember having any conversation with you at any time about Mr. Davies' Blue Ribbon Beer having 2 per cent of alcohol in it; I remember something about saying that Mr. Davies intended having an analysis of the Blue Ribbon Beer; I was surprised it had not been published by that date.

W. H. Ball, License Inspector, deposed—On Saturday the 13th of June last, accompanied by Dr. McKicking, I proceeded to the Albion Hotel, and called for two glasses of the new drink, having been served I put my glass in a bottle, and called for another, which I drank myself; I paid the bartender 15 cts. for the three glasses; accompanied by Dr. McKicking, I proceeded to Rhynas's drug store, having asked the doctor on the road if he could analyze that; he answered that he could not but that the drugist might, on asking Mr. Rhynas, he said he could not; I then had the bottle sealed in the presence of the three of us and sent it by express to London to the public analyst Mr. Saunders, from whom I received the analysis here handed in. Document received and filed. I afterwards proceeded to London and brought back the bottle and the box in which it had been enclosed; my reason for sending the liquor to London to be analysed was that it was a liquid somewhat similar to strong lager beer, highly impregnated with hops, as I thought to destroy the taste of the alcohol. [The bottle and the box were then put in, and also a copy of the seal.]

By Mr. Biggar—I brought the bottle with me to the hotel from my own house; it had contained before that time tomato catsup, and I washed it out with warm water myself and dried it; the bottle was about half full when I sent it away; I got the bottle back from Mr. Saunders himself on Saturday, the 27th of June; I brought the bottle to Rhynas's unopened, and got a cork there; I don't know whether it was a new cork or an old one. I took the bottle home, and kept it in my private room under lock and key, until two days afterwards, when I expressed it to London; I got it about noon on Saturday and sent Monday following, the 15th June; the box was not sealed, but simply tied, but the bottle was sealed; I told nobody what was in the box. It was too late on Saturday to send the bottle away to the analyst, hence the sending it away on Monday.

Dr. McKicking, sworn—I accompanied Mr. Ball to the Albion hotel, but don't remember the date, was present when he called for three glasses of "Blue Ribbon Beer," and paid for it; I drank one glass, and saw Ball bottle another; went to Rhynas's drug store and saw the bottle sealed; I thought the fluid resembled beer; don't know whether there was alcohol in it; did not think it was drinking ginger beer, it more resembled lager beer.

To Mr. Biggar—Didn't know the derivation of lager, this beer was a light beer—very light; ordinary beer, I understand contained from 4 to 6 per cent of alcohol; Brande is an authority on per centages in alcohol, in different grades of beer.

Mr. Biggar then read the following table of the amount of alcohol in ordinary ales, etc.—

	Per cent.
Boston ale from	8 to 9
Edinburgh	6 to 7
Brown Stout	6 to 7
London small beer	1 to 2
Porter (London)	4 to 5
Strong ale (average)	4 to 7
Whiskey	53 to 54

Do not know whether the quantity of alcohol in a quart bottle of this liquid (2903) would affect a man; I cannot say what amount of alcohol would intoxicate a man; I think it impossible to give any definite answer to that question; what I told didn't intoxicate me nor was Mr. Ball intoxicated by what he drank; I could not say it was an intoxicating liquor.

To Mr. Ball—Different quantities of liquor will intoxicate different men; one man can drink a gallon of strong beer and be fairly sober, and another might drink a quart and show symptoms of drunkenness; a great deal depends upon the constitution of the person; sometimes a very small quantity will intoxicate; I cannot say whether there was or was not alcohol in the beer I partook of that day.

Wm. Saunders, sworn—I reside in London; I received a letter and box from E. W. Ball by Tuesday morning, the 16th June; the bottle contained a liquid with the seal unbroken; I analysed the contents of the bottle; I sent the Inspector the following certificate of analysis—

LONDON, OCT. 22, 1885.
H. W. Ball, Esq.,
Dear Sir, I have completed the analysis of the liquid you sent me in a sealed bottle on the 15th June, the seal of which was unbroken when received by me, and beg to submit the following results. I find it to contain—

Alcohol by weight—3.51 p.c. or by volume 4.39 p.c. It yields solid extract 8.30 p.c., of which 2.75 p.c. is sugar; add

maltose 0.92, chlorine 0.58 p.c.; ash, 0.82 p.c. It also yields a bitter principle identical with that of the hop. The solid extract has all the characteristics of malt extract. These results show that the liquid is Beer.

Wm. Saunders,
Public Analyst.

The bottle was a little over half full containing about six or seven ounces. I felt warranted in assuming the liquid as "beer" and not as "tomato catsup." The liquid was more or less intoxicating; it contained alcohol, and alcohol is intoxicating; London porter contains about 6.9 p.c. and Barclay & Perkins porter 5.4 p.c.; I have analysed some beer five or six years ago, and it was between 3 and 4 p.c.; it was made 4 per cent; there was then a trial as to whether larger beer was intoxicating, and I was called to give evidence as to the proportion of alcohol in it; I have analysed what is called "Blue Ribbon Beer"; I did so yesterday for Mr. Davies; I have found alcohol in "Blue Ribbon Beer"; I made two separate analyses; the one contained 2.182 by weight, equal to 2.731 by volume; the other sample contained 2.402 by weight, equal to 3.006 by volume; I have not made any other analysis of Canadian beer or ales.

To Mr. Biggar—An ordinary quart beer bottle contains about 24 ounces; if filled with the liquid I examined yesterday it would contain about 7 drachms or 1 of an ounce of alcohol; whisky contains usually about equal parts of alcohol and water; sometimes there is more water when it is retailed (laughter); a bottle of this beer would hold about equal to a wine-glass full, or about the sixth of a tumbler full, or less than two table-spoonsful of alcohol; I don't think that amount of it would affect me; when strong liquor is taken the effect is more pronounced than when it is diluted, for the reason that the stomach may not be able to hold enough diluted; it has the same effect diluted or concentrated if the same quantity is in the stomach at the same time; I think it would be more rapid if administered nearly pure than when diluted; I don't know from any experience; I didn't know the effect of combining ginger ale or other effervescent drinks with strong liquors; alcohol is the only principle in the beer that would intoxicate; the other substances what would be termed nutritive; [The witness here described the manufacture of beer.]

Where a bottle is imperfectly corked, there would be a danger of second fermentation, and that would increase the quantity of alcohol at the expense of the saccharine matter; for the result of the fermentation is the elimination of alcohol; I don't think it would account for the entire difference between the samples which I analysed on June 22nd and July 2nd; it might account for a decimal, but not for one per cent; I estimated the alcohol on the 19th or 20th of June, in Mr. Ball's sample; I think I first opened it on the day I examined it for alcohol; I think the effect of an appreciable quantity of sour tomato catsup would be to sour the beer and hasten the formation of alcohol; if kept in a warm place the sourness of the beer would be hastened; I don't think the amount of alcohol increased; it would be the same if the bottle had been carried uncorked; the specimens of "Blue Ribbon Beer" I examined yesterday had rather less alcohol than later; perhaps one-fourth or one-fifth less; it is a very light beer. [Mr. Biggar here asked the witness to state his conclusions as follows:—] "Porter as drunk in the metropolis," Mr. Blyth says, "is a weak malt liquor;" Mr. Blyth also says: "that the amount taken by temperate people in the 24 hours, varies generally from one to two ounces; more than this in the great majority of people causes slight alcoholic symptoms; if the excess of this quantity is small the symptoms will be in no way evident to others. The couple of pints of beer, four or five glasses of wine or two ounces of brandy that men or women engaged in the ordinary business of life take daily have not been proved to exercise the slightest injury—in most people, indeed, digestion is aided and more work done by these moderate doses."

Mr. Saunders—I object to that going in as my evidence. I hold a different opinion. So far as Mr. Blyth is concerned I think he is the best authority we have on food and its adulterations; he is one of the best authorities. As compared with Scotch ale this beer would contain about one fourth as much alcohol.

To Mr. Ball—I do not agree with Blyth that ale or porter containing 5 or 6 per cent of alcohol is a "weak malt liquor;" the sample I examined contained less than one-half as strong as Edinburgh ale; it is 3.5 as against 8.5; and as compared with London porter it is about half the strength; is strong liquor if mixed with an equal bulk of water, I should expect it would intoxicate as quickly as if taken undiluted; I am a public analyst for this district, appointed by the Dominion Government.

FOR THE DEFENCE.

Thomas Heys was called and sworn—I am an analytical chemist; I am a professor of chemistry in the Toronto school of medicine; I have analysed the Blue Ribbon Beer; I did so in the latter part of last week and the early part of this week; I received the bottles from Mr. Davies—two specimens; the bottles were corked, wired and covered with a capsule of tinfoil; I found in this beer 1.73 per cent by weight of alcohol, equal to 2.18 per cent by volume; the amount of extracted matter is 2.39 of malt and hops, sugar, maltose, albuminoids; hop bitter and mucous ash; the ash was 0.11 per cent; this contains about one-fifth as much alcohol as Scotch ale; and rather more than one-fourth as much as London porter, which Blyth describes as a "weak malt liquor;" in a quart bottle of the liquid examined the alcohol would amount to something less than two table-spoonsful; I do not think Blyth's estimate is out of the way so far as a healthy person taking two ounces of alcohol in 24 hours, without producing any alcoholic symptoms; that is taken in small portions at a time. [The wit-

ness here went into an elaborate description of the effect of alcohol upon the stomach and other organs. The effect of pouring a glass of Blue Ribbon Beer into a tomato catsup bottle and carrying it about uncorked would be first, it would lose a portion of the carbonic acid; it would become more liable to fermentation, and this would increase the amount of alcohol; if put in a warm cupboard it would hasten the fermentation and increase the alcohol; a journey by rail would have a similar effect; I do not think liquid put into a bottle in the manner described by the prosecutor on the 13th of June would in my opinion be precisely the same as that on the 20th of June; there would be likely more alcohol, more ash, and more acid; in distilling when testing for alcohol these would not wholly separate.

To Mr. Ball—I sent a half-filled bottle would ferment if shipped by rail; but I could not say whether a full bottle shipped by rail from Toronto would ferment; that point is under investigation; I could not form any opinion as to the amount of the increase of alcohol in the journey of the bottle produced from Goderich to London, and its subsequent examination by Mr. Saunders; I could not say with age in a bottle unless fermentation has been arrested; I couldn't say that the beer I examined was the same as that analysed by Mr. Saunders; I cannot say if the previous brew was of the same strength as those I examined; I have seen their analysis; that analysis had been made by Prof. Ellis; he makes the amount of alcohol 1.8, or less than one half of ordinary lager; Mr. Ellis occupies a similar position to that of Mr. Saunders, for Toronto district; practically this beer is not intoxicating; medicinal tinctures are intoxicating; by rum and eau de cologne are also intoxicating; there is sometimes a slight fermentation in what are known as "root" beer, and the result of that fermentation is the generation of alcohol; some are intoxicating and some are practically not so; I think this "Blue Ribbon Beer" belongs to the latter; there is a process known as "pasteurization," which is designed to prevent any further fermentation after being bottled; after the bottles are filled corked and wired, they are placed in water and heated to 60 centigrade, or 140° Fahrenheit; the result is supposed to destroy the germs which produce fermentation; but that process is successful the beer will not ferment; we are now investigating that; I cannot say that bay rum and cologne are intoxicating; I found alcohol in the bottle I examined; alcohol is a spirit and is intoxicating.

E. G. Ogden, sworn—I am a brewer; I have been connected with brewing 21 years; I know how "Blue Ribbon Beer" is brewed; I take malt and grind it, then mash it in the mash tub and water it, then it runs from the mash tub into kettle where it is boiled; after it is boiled to a certain gravity to what we term "bloat mash," or clear, a "shadow" if hops are put in it, and boiling continued until it reaches a certain specific gravity, it is then allowed to cool down and run into a fermenting tub, where the yeast is added; then it goes into a fermentation until it is finished; we have the correct specific gravity; we test it often during all the stages; from the mash tub until it is finished; we can tell to a quarter per cent by it; we always determine the percentage of spirit this way; there is no other way out of the chemical analysis; I have analysed it; I finished we pump it into hogsheads until it is clarified; we bottle it and "pasteurize" it; we bottle, cork and wire by machinery; the process of distilling liquor is entirely different from brewing; one gives spirituous and the other fermented liquor; this is not spirituous liquor; Davies' Blue Ribbon Beer is not a spirituous liquor; there is nothing in our trade known as mixed liquors, but there is in the spirit trade; this beer is not a mixed liquor; our beer called Blue Ribbon Beer is not a mixed liquor; it is not spirituous liquor; it is not spirituous liquor; Davies' Blue Ribbon Beer is not a spirituous liquor; there is nothing in our trade known as mixed liquors, but there is in the spirit trade; this beer is not a mixed liquor; our beer called Blue Ribbon Beer is not a mixed liquor; it is not spirituous liquor; it is not spirituous liquor; Davies' Blue Ribbon Beer is not a spirituous liquor; there is nothing in our trade known as mixed liquors, but there is in the spirit trade; this beer is not a mixed liquor; our beer called Blue Ribbon Beer is not a mixed liquor; it is not spirituous liquor; it is not spirituous liquor; Davies' Blue Ribbon Beer is not a spirituous liquor; 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