

It appears that the grievances set forth in the memorials had been too great to be longer patiently borne, for most of the public papers noticed the petitions favorably, and that of the Montreal Society was translated into French for the *Minerve*, and copied into the *Mélanges Religieux*. The magistrates thus supported by public opinion, acted with vigor, as will be seen by the following excellent report:—

} PROVINCE OF CANADA,
} DISTRICT OF MONTREAL.

The Justices of the Peace for the District of Montreal, in Special Session assembled, having named a committee "to enquire into the qualifications of the applicants for Tavern Licenses, with instructions to report such as have no accommodations for travellers to whom, as well as to grocers, it is inexpedient to grant licences," the undersigned, composing that committee, have the honor to report as follows:—

There were in all two hundred and seventy-nine applications, of which one hundred and twenty-four were granted, and one hundred and fifty-five rejected, upon what your committee deemed sufficient evidence.

Among the latter were fifty-four new applications.

The certificates granted appear in the Schedule marked A; those rejected appear in the Schedule marked B. submitted herewith.

The principal grounds of rejection were want of character and those specified in the order of reference.

It was, however, found impossible to avoid making exceptions in favour of two Grocers. Most applications are based upon the natural desire to earn a livelihood; but individual interests must yield to the public good; and the law in view of the abuses and evils incident to the consumption of intoxicating liquors, has wisely imposed restrictions upon their retail. Conformably, therefore, to your instructions, your Committee have diminished the temptation to indulge in the use of ardent spirits, by reducing the number of those who deal in that pernicious article of traffic. They have not perhaps gone to the desirable extent; but the reform of most abuses is a work of time, and a violent or sudden change might have excited opposition to the course which you have seen fit to pursue.

Your Committee would recommend the promulgation of an order making it imperative on all future applicants for licenses to specify in their petitions, the names and additions of their securities, and accurately to describe the house, stable and premises which they propose to occupy. By law it is competent to the Executive Government to revoke or recall any license. Without the recommendation of the Magistrates no man can be licensed, and this recommendation is avowedly based upon an implied, if not an express, agreement that the applicant will commit or suffer in his house no breach of morality and decency.

Hence on the occurrence of such breaches the agreement is violated, and the license may be recalled. It may be justly presumed too, that the power of revocation will be exercised on application from the body of Magistrates.

Your Committee therefore recommend individual supervision with a view to denounce, at least, such flagrant violations of propriety as concern the community at large.

The six petitions presented to the Magistrates on this subject, prove that some reform is necessary, and it may be inferred that the keepers of taverns not being sufficiently informed upon the state of the law, err from ignorance.—Possibly a personal appeal to all those whose certificates have been granted, and an explicit disclosure of your views and expectations, might be conducive to their individual interests as well as to good order.

In the present state of public opinion your committee may recommend the adoption of that measure as having at least a tendency to diminish the evils incident to the use of intoxicating drinks.

Lastly, on two previous occasions, at least, the claims of various unsuccessful applicants who had appealed, from the decision of all the Justices of the Peace assembled in Special Session to the Executive, were referred to the magistrates or superintendent of police. The judgements of the magistrates were thus on some occasions reversed. This course, it is to be presumed, was adopted upon ample testimony, but upon testimony which had not been adduced before this court.

It is also to be presumed that the adduction of that testimony would have been productive of the same results upon the minds of the members comprising the special sessions, and it may therefore

be suggested that future appeals to the Executive should be referred not to any single individual, but to the body of the Justices of the Peace charged by law with the performance of the important duty on which you are now assembled.

If such be your opinion, your Committee would recommend the transmission of a copy of the present report to His Excellency the Governor General as likely to attain the desired end.

The whole respectfully submitted.

(Signed.)

A. GUGY, J. P.
ALEXIS LAVRAMBOISE, J. P.
JOSEPH SHUFER, J. P.
J. G. LAVIOLETTE, J. P.
SAMUEL S. WARD J. P.

Montreal, January 30, 1844.

This Report was adopted, and it will be seen from it that the ground taken by the Magistrates was, that a person applying for a tavern license should be prepared to keep a tavern—that is, a house of accommodation for strangers and others—not a mere dram shop or tippling house; and no one will, we suppose, dispute that this is the intention of the present license law, which, if enforced, would, as in the present case, greatly diminish the number of licenses granted every where. This decision of the Magistrates however, gave, as was to be expected, great dissatisfaction to the disappointed applicants and their friends, who with extraordinary activity, and zeal worthy of a better cause, got up petitions to the Governor to reverse the decision of the Magistrates; and by dint of solicitation, obtained the names of many highly respectable individuals. Fearing that as on former occasions, some sinister influence might frustrate all that had been done, the following memorials to the Governor and Magistrates were signed by the Roman Catholic Bishop and 18 clergymen of different denominations, being the whole number in the city, with two or three exceptions, and by upwards of 800 merchants, traders, heads of families, and other citizens, constituting as respectably signed memorials as have ever been adopted in Montreal:—

To His Excellency the Right Honourable Sir CHARLES THEOPHILUS MERCALFE, Baronet, Knight Grand Cross of the Most Honorable Order of the Bath, one of Her Majesty's Most Honourable Privy Council, Governor General of British North America, and Captain General and Governor in Chief in and over the Provinces of Canada, Nova Scotia, New Brunswick, and the Island of Prince Edward, and Vice-Admiral of the same, &c., &c., &c.

The Memorial of the undersigned Clergy, Merchants, and other Citizens of Montreal,

RESPECTFULLY SHewETH:

That the Worshipful the Magistrates of the District of Montreal, assembled in Special Session on the 31th ultimo, in consideration of the public good, and for other reasons stated in the Report of the Committee then adopted, did considerably reduce the number of tavern licenses; a measure which the undersigned consider absolutely required, and view with great satisfaction, as tending to promote in a proportionate degree the prosperity of the city by diminishing a fruitful source of the misery and destitution that now prevails to such a fearful extent, and of the existing disease, immorality and crime.

That there is reason to fear that the efforts of the Magistrates to secure this desirable end may be frustrated, should the Executive be induced to grant Tavern Licenses which have been refused after careful examination by the Magistrates assembled in Special Session.

Wherefore your Memorialists earnestly pray that your Excellency will be pleased to refuse all future applications to reverse the decision of the Magistrates, or in any way to increase the number of tavern licenses.

Your Memorialists would further pray that your Excellency will be pleased to issue instructions to the authorities, to prevent to the fullest extent of their power, the existence of unlicensed places for the sale of intoxicating liquors.