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# REPORT

OF

## THE SELECT COMMITTEE

OF

### THE LEGISLATIVE ASSEMBLY,

APPOINTED

TO INQUIRE WHETHER ANY, AND WHAT MEASURES CAN BE ADOPTED,

TO REPRESS

## THE EVILS OF INTEMPERANCE.

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Printed by order of the Legislative Assembly.



MONTREAL :

LOVELL AND GIBSON, SAINT NICHOLAS STREET.  
1849.



# R E P O R T .

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LEGISLATIVE ASSEMBLY,

COMMITTEE ROOM, *March*, 1849.

THE SELECT COMMITTEE appointed to inquire whether any, and what, Legislative measures can be adopted to repress the evils growing out of Intemperance, have agreed to make the following Report:—

Intemperance leads to crime, to insanity, to pauperism. One-half of the crime annually committed, two-thirds of the cases of insanity, three-fourths of the pauperism, are ascribable to intemperance. No other form of words would have been sufficiently comprehensive to express the deliberate convictions of Your Committee. Having thus in the outset tendered their own testimony, Your Committee would remark that, without incurring enormous expense, they could not have procured the attendance of witnesses from a distance. They have, consequently, examined none but persons residing or sojourning upon the spot. Your Committee will, therefore, present to Your Honourable House a picture—certainly not an over-charged picture—of the condition of the City of Montreal in relation to the subject of intemperance.—Every individual Member will have it in his power to compare the state of his own neighbourhood with that of this city, and to form his own conclusions. For the purpose of this reference, too, it may be justly assumed, that the parties, who have presented the several Petitions referred to Your Committee, are witnesses in every respect worthy of credit. They amount to several thousands from every section of United Canada, and it is to be presumed that they have been moved to appeal to Your Honourable House by evils affecting their own respective localities. While, therefore, the Petitioners will, no doubt, be able to make a beneficial application of the facts elicited and recorded by Your Committee, the latter are entitled to submit the contents of the Petitions as a

description of evidence,—as evidence at least of the actual extent of the mischief caused by intemperance. The subject is one beyond the reach of pecuniary interest, or of the influence of passion, fear, favour, or affection. Had every individual petitioner appeared in person before Your Committee as a witness, that act would have conferred no additional solemnity on the statements made in the several Petitions, nor would those statements have been more credible. Accordingly, Your Committee have deemed it expedient to submit not only an abstract of the evidence taken by themselves, but a digest of the said several Petitions.

*Evidence of Captain Wiley, Chief of Police.*

In Montreal, the total number of offences in 1847.....	4039
Cases arising from Intemperance.....	2234
Total in 1848.....	3524
From Intemperance.....	2001
Total for the last two years.....	7563
From Intemperance.....	4235

Upwards of four sevenths of the whole.

Last year, in St. Ann's Ward, there were fifty-four houses in which liquor was sold without license. There cannot be less than three hundred houses in this City in which liquor is so sold.

*Mr. McGinn, Gaoler.*

Total number of Prisoners committed to Gaol during the year 1848.....	1462
Arising from Intemperance.....	907

Making nine-fourteenths of the whole.

The witness adds, that this is strictly exact as regards both sexes.

*Benjamin Delisle, Esquire, High Constable.*

Number of unlicensed Taverns in Montreal, about.....	400
Houses of Ill-fame in which liquor is sold without license....	100
Licensed Taverns.....	314
Grocers licensed to sell by retail.....	69
Total.....	883

There is a general leaning, even in the breasts of magistrates in favour of persons accused of selling without license, they generally escape—to obtain convictions is next to impossible—witnesses are systematically intimidated, or bribed, threatened, and spirited away.

*Messrs. Stewart and Ryan, Revenue Inspectors.*

To feed these seminaries of vice and crime, there were distilled in the District of Montreal, of the most rectified spirit, in 1848, 608,450 gallons.

It is worthy of notice, that the Inspectors have no kind of check upon the distillers, and the quantity smuggled cannot be estimated. It seems to follow, that the consumption of ardent spirit exceeds that quantity, but by how much cannot be ascertained.

*The Collector of Customs, Montreal.*

The quantity of spirituous liquors entered at the Port at Montreal, for home consumption in the year 1848, is as follows:—

Brandy.....	66,101	gallons.
Geneva.....	46,502	“
Whiskey.....	514	“
Rum.....	24,944	“
Sweetened Liquors	266	“
<hr/>		
Total entered.....	138,247	gallons.
Total distilled (as above)...	608,450	“
<hr/>		
Grand Total.....	746,697	“

*The Collector of Customs at the Port of Quebec.*

The quantity of spirituous liquors imported, and duty paid, at this port during the last year, was 81,275 gallons.

*The Coroners for the District of Montreal.*

In 530 inquests, 53 of the deaths (one in every ten) were traced directly and immediately to intemperance. Many more are believed to have been ascribable to that cause; but jurors being reluctant to return verdicts of death by intemperance, the exact number cannot be accurately ascertained or positively stated.

*Dr. Campbell.*

The usual diseases directly induced by the protracted and excessive use of alcoholic drinks are irritation of stomach and bowels vomiting, diarrhoea, schirrhous of the stomach, jaundice, hardening and enlargement of the liver, disease of the kidney, dropsy, congestion of the brain, delirium tremens, and insanity.

According to the "British and Foreign Medical Review," four-fifths of the entire amount of crime is the very least proportion we can assign to those that are committed in Great Britain under the direct or indirect influence of intoxicating liquors.

In a communication to the Government, Mr. Sheriff Thomas expressed himself as follows: "I am warranted in laying it down as an incontrovertible fact, that crime is, in this portion of the globe almost entirely engendered by dissolute habits: four-fifths, I might perhaps correctly say, nine-tenths of the cases which call for the interference of our Criminal Courts, are connected directly or indirectly with drunken habits."

*Dr. Sewell.*

Nothing can be more fallacious or fatal than the common notion that spirits invigorate: "On the contrary, they render the body more susceptible of fatigue, less able to resist the effect of severe cold and intense heat, and more open to the invasion of contagion. Protracted and severe bodily exertion cannot be so well sustained with as without the use of ardent spirits." But that pernicious article of traffic is not merely sold, it is adulterated with divers ingredients, all more or less deleterious. Opium is occasionally employed for that purpose. Coculus indicus and oil of vitriol are also used.

Men in the vigour of life and health have thus been mysteriously, as it was thought, called to their account. They have been said to have committed no excess, they have merely indulged, and upon the instant they have dropped down dead. But most of those sudden deaths could be traced to the original adulteration of liquor. In a full cask, the poison, somewhat diluted, would not instantly destroy life; in its concentrated state, at the bottom of the nearly empty vessel, it must instantaneously prove fatal.

From mistaken motives, licenses are frequently granted to worthy members of society, who, having met with reverses, are unable to follow their usual pursuits. The objects of that sympathy, however, become but too frequently its victims; for inn-keepers, so far from enriching themselves, are too often contaminated by their calling, and they and their families, contracting habits of drink, are ruined by the practice to which they devote their houses.

From the multitude of subjects pressing upon the attention of Your Honourable House, and the vast mass of papers through which Members are daily called upon to wade, Your Committee felt that it was necessary to present this subject in the most condensed shape.

They have accordingly submitted, in the foregoing brief form, some of the most striking points elicited in evidence; but though it be comparatively easy to form a just estimate of the frightful effects of intemperance, it is difficult to determine upon the measures best calculated to repress the evil.

There was a time, indeed, when the Legislature was powerless; for what law could be enacted, what penalties enforced, in opposition to the irresistible current of an unanimous public opinion. That current is happily, however, setting the other way, and the great majority of all that is respectable and educated in the country, are now willing to co-operate in the repression of intemperance. Moral suasion, as now exerted by Temperance Societies and the Order of Rechabites, as well as by Apostles of Temperance, such as Mr. Chiniquy, Mr. Mailloux, two French Canadian Priests, and Mr. John Dougall—who is understood to have been the first to preach Temperance in Canada—is the most effectual mode of repression.

The influence exercised by those gentlemen is out of the province of the Legislature, yet it has acted so powerfully upon public opinion, as to afford a well-founded hope, that a very large and influential class will be ready, at all times, to give to Your Honourable House a steady and gratuitous support. In carrying out Legislative measures, then, the use of "informers," a class held in utter detestation, and therefore ineffective, may perhaps hereafter be dispensed with; and conspiracies to evade the law, and to defeat those who attempt to enforce it (once so common) will,



with general approbation, be put down. Indulging in this hope, Your Committee would now refer to the list of Statutes contained in the Appendix. They are somewhat numerous, and not quite clear or intelligible to a common capacity; they sometimes contain conflicting provisions, and are not as well adapted as they might be to promote good order, nor sufficiently stringent. At this time, Your Committee feel assured that regulations of a much more effective nature might be adopted; and, with this view, avoiding all details, Your Committee would submit some points which might, in their apprehension, be properly embraced in an Act for fusing and improving the discordant enactments now on the Statute Book.

As there undoubtedly are many worthy persons who keep houses of public entertainment, Your Committee feel it necessary to distinguish between them and the keepers of what, for the sake of distinction, are known by the significant and well known name of "Groggery." The subject is thus narrowed, because no Legislative enactment can reach or affect the habits of individuals in the privacy of their own houses. If men and women be so degraded, so besotted, as to indulge in the presence of their children, no human help can avail them; but, surely, the community has a right to expect from the Legislature that vice be not countenanced, much less encouraged by law. Yet, that is the effect of the present licensing system. It has multiplied occasions for tipping; it has surrounded the mechanic and the labourer with temptation. The practice of drinking is restricted to the precincts of the "groggery." Parents have still some shame; they seldom store up liquor for domestic use, they rarely exceed before their children, nor do the latter transgress under the parental eye. Now, so numerous, so universal indeed are the groggeries, that there is no direction in which the labourer seeking his home can turn, without coming in contact with one "groggery" or more. There a dram may be had for a penny, a man may be made drunk for fourpence, and into these dens the weary labourer is habitually lured to his ruin. Stripped of the proceeds of his industry, —stupified and demoralized—the victim issues a pauper, prepared for the commission of crime. His children necessarily neglected, infallibly become burthens on the community, first as beggars and vagrants, then by an easy transition, as thieves, as incendiaries,

and murderers. This is the invariable process—this the cause of the tax levied by street beggars, of the vast expenditure incident to the administration of Criminal Justice, and to the Police establishment.

To abolish, at least to diminish “groggeries,” then, would be to promote economy, as well as to contribute to individual happiness,—to advance the interests of the working classes,—to elevate them in the moral scale,—to enable them not merely to rear, but to educate their offspring. The time and money expended by witnesses, by jurors and constables, the salaries paid to the hosts of officers engaged in the Administration of Justice will thus be spared,—the cost of the Police will be reduced one half, and if the class of adult criminals be not extinct, the mendicant will disappear, and the nursery for juvenile offenders be closed.

Thus it is manifest, that by dispensing with the use of ardent spirits, a great saving would be effected. Indeed it is understood that the saving would be sufficient to defray the expense of educating the rising generation. Temperance, therefore, the parent of economy, is closely allied to knowledge. Labour, too, is the source of wealth,—it produces capital; but the capacity as well as the disposition for labour is greatly impaired by indulgence in ardent spirits. Riches, then, which are proverbially the reward of industry, are incompatible with intemperance.

Your Committee would therefore record their settled and unanimous opinion, that it were desirable altogether to prohibit, and effectually to prevent distilling, as well as the traffic in spirituous liquors, as also to enact and enforce the most effectual measures against the smuggling of ardent spirits. Of late, among the educated and elevated classes, intoxication has been so much discountenanced as to be very rare, and drunkenness is not now a gentlemanly vice. Hence, Your Committee feel assured that a day will come when the desired measure can be enforced, but even in the present state of the public mind, they fear that it would be inoperative. It is, then, only because such a project would at this time be impracticable, that Your Committee do not at present urge its adoption.

Here, however, to prevent any misconception of their views, Your Committee would submit a self-evident proposition, together with what appears to them to be its legitimate, though somewhat

startling, consequence :—Disorders and delinquencies of all kinds follow in the train of intemperance ; yet distilling, yet the traffic in the poisonous product of the distillery, are sanctioned, are licensed under legislative authority,—yet the taste for that poison is acquired, yet the habit is contracted in “groggeries” licensed by law. To license distilling and the sale of ardent spirits, then, on the part of those who cannot pretend to be ignorant of the inevitable effect, is to sanction that effect ; in other words, it is to license every crime incident to the use of ardent spirits. But what would be the surprise and indignation of every Honourable Member if a petition were presented to Your Honourable House, praying that a clause to that effect should be added to every license to be hereafter issued. Even now, in the absence of such a clause, the drunkard indicted for an offence committed under the influence of liquor distilled according to law, procured at a “grogger,” which but for the licensing system had not existed, may set up some claim to impunity. Holding up the license, he may not unreasonably allege that those who give the means intend the end, and that the Legislature, which sanctioned the cause, namely, the distilling and vending of spirits, should pardon every offence consequent upon their use.

In the meantime, the country is made to contribute by law to the cost of the police, as well as of the other officers engaged in the repression or punishment of vice and crime. It is made, also, to contribute to the expense of the establishment for the cure and care of the insane, and mendicants levy their own contributions. Thus is the community taxed for the benefit of distillers and vendors of spirituous liquors ; but why should they not themselves be assessed in a sum equal to the whole expenditure required to allay the treble evils consequent upon their calling? If the sale of alcohol could be prevented, crime, in this healthy new country, where labour is plentiful and remunerative, would be almost unknown. But, if men will distil and vend spirits, they should be made responsible for the consequences. Such is the common rule, and there is no reason why it should not be applied to this case. The well-disposed among them will assist in carrying that principle into effect, any addition to the cost of the licence will diminish the number of “groggeries.” If efficient means be seriously taken to put down the illicit retail of spirits, they will

feel that the law-giver, who grants the permission to sell, extends his protection to the licensed dealer, by excluding the competition, not only of the unlicensed, but of the lowest class of those who have, heretofore, been licensed. If the practice cannot be abolished, it should be regulated, and no regulation can be honest or efficacious, which does not extend that protection to the dealer with whom the Government has contracted.

Accordingly, Your Committee will recommend such amendments as appear to them to be worthy of the attention of the Administration, with whom, as the Government is now constituted, the ultimate decision must necessarily rest.

It is suggested, then—

1st. That the right to exclude the traffic in spirits in favour of what is called Temperance Houses, should, in every rural District, rest with the Municipality.

2nd. That some premium, such as exemptions from serving as constables, as militia men, as jurors and other gratuitous offices, be held out to the *bonâ fide* keepers of such houses.

3rd. That distilling should be heavily taxed, if not prohibited, and smuggling suppressed.

4th. That habitual drunkenness should be held to amount to insanity, and that a drunkard should be made incapable of contracting and of conducting his own affairs. What constitutes habitual drunkenness, to be defined and determined by reference to facts and to medical authority.

5th. That the adulteration of liquor should be made highly penal, and that means be taken to enable the authorities to detect and by summary process, to punish every offender.

6th. To diminish the number of dealers in ardent spirits, and to abate "groggeries," the license fee should be increased,—in many cases quadrupled, in some multiplied by ten, according to a scale to be laid down hereafter.

7th. That no more than one bar-room or place for dispensing liquor, should in any case be allowed in any one house, on any one licence.

8th. That every public house should be at all hours open to the inspection of the Magistracy and Police, as also every house in which it would be alleged by a credible person, or by affidavit, that spirits were sold.

9<sup>th</sup>. To discourage mere dram-shops or "grogeries": that the principal and primary object of all houses of public entertainment should be the accommodation of travellers, or of boarders and lodgers: that three or more spare rooms and beds in the rural parts; and six or more in town, with every necessary appliance for man and beast, should be made imperative; failing which, a license should be instantly void.

10<sup>th</sup>. That respectability of character, and propriety of demeanour in the keepers of public houses and their families, should be made indispensable.

11<sup>th</sup>. That every complaint should be tried in a summary way: that the head of the family, or keeper of the house, should be punished, as well as the individual of either sex, whether relative or servant, personally found guilty of selling without license, or of selling adulterated liquor.

12<sup>th</sup>. That on an affidavit of a design to abscond, or of want of means, a warrant should issue for the apprehension of the accused, who should be held to bail, or imprisoned pending the trial. This course, it is thought, would not only prevent parties from resorting to *chicane* to obtain delay, but would render the calling much less popular than it is now.

13<sup>th</sup>. That on a repetition of the offence, the fine should be doubled, and so in an increasing ratio of any future commission of the same offence.

14<sup>th</sup>. That the penalty should be enforced by imprisonment.

15<sup>th</sup>. That the present penalty should be increased, and that the whole should go to the "Informer," leaving it to him to avoid all odious imputations, by bestowing the amount, or any part of it, upon any one or more charitable institutions. Under such a system, and with this view, it is thought probable that the Temperance Society as a body, or the most enthusiastic among those benevolent men, would personally interfere.

16<sup>th</sup>. That the clause empowering the Governor, upon the refusal of the ordinary Tribunals, to grant licenses, be repealed.

17<sup>th</sup>. Inasmuch as responsibility, when diluted by numbers, is inefficient, Your Committee would recommend that the duty of selecting among the candidates for licenses, should be imposed upon one single public functionary. Such an officer would not only be quite unconnected with the sale of liquor, but be subject

to control; he might too be engaged in the preservation of order, as for instance, the Inspector of Police, and he might be expected not only to conform to instructions, but to convey valuable information in the shape of reports.

The views of Your Committee will, no doubt, be ridiculed as Utopian; they will be denounced as impracticable, if not as tyrannical. Those who are interested in perpetuating the abuse which Your Committee would suppress, will argue, firstly, that its suppression is impossible, and secondly, that if it were possible, men would resort for excitement to opium or to some other drug. This vague fear is not enough to overpower the faith of Your Committee.

It surely would not be impossible to detect the encroachments of a vice as yet almost unknown, nor would it be so difficult to contend successfully against it, as to eradicate the wide spread and detestable habit of drink, long since unhappily contracted. But between liquor and any other known stimulant, such as opium, there is a wide difference. The habit of drink has grown out of hospitable and of generous impulses—it has become a social usage—it is entwined with our every day manners and customs—it is a conspicuous ingredient in every entertainment—it is a graft upon the social tree, that produces poisonous fruit. For ages men have been in the habit of inviting each other to drink; to neglect an occasion for such an invitation has been, in some circles, still is, bad manners, nor is it thought polite to refuse to partake. But the use of opium is not yet acquired: if it ever should be acquired, it must always be a solitary vice. If man can triumph over a habit of long standing, which is general, and which has obtained the mastery over him, he can surely defy the seductions of a novel indulgence, unrecommended by general example, and by the mirth, wit and frolic for which, on festive occasions, men first resort to drink.

The use of drink has been recommended; it is popularly, though erroneously supposed, to possess medical virtues, and between the use and the abuse of drink, the partition is thin, undefinable, imperceptible; the one leads to the other. But except in cases of admitted disease, who has ever inculcated the use of opium? How could men pledge each other in opium? There is therefore little

danger that opium will supersede spirits; at least it never can become fashionable, as drink has been, nor will it be as cheap.

At the worst, to prevent the consumption of opium or of any other intoxicating drug, the exercise of the regenerative powers inherent in man never can be needed, until he will have triumphed over his love for ardent spirits; and it would be to insult your successors, to assume that they will be quite indifferent to your example, or entirely devoid of the sentiments by which you are animated.

A. GUGY, Chairman.

COMMITTEE ROOM,  
28th March, 1849.

# P E T I T I O N S .

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" 886.	Do Revd. C. L. Vinet <i>et al.</i> .....	136

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## *Synopsis.*

Eighteen Petitions presented to the House were referred to this Committee, who have made the following succinct recapitulation thereof:—

The Petition of James Dougall and a great many others, of the Western District, praying for the intervention of the Legislature to prevent the conversion of grain into liquor, inasmuch as the petitioners consider it as an abuse of the gifts of Providence; and that the sale of liquor be not encouraged by too lenient Legislative provisions, such as those now in force.



Of Thomas Boyle and about two hundred others, of the Township of Malden, complaining of the conversion of grain into liquor, and praying for Legislative enactments for the encouragement of temperance.

Of the Justices of the Peace for the Home District in Quarter Sessions, praying the Legislature to make certain changes in the distribution of licences, and asking for the passing of a stringent law against the sale of liquors, so soon as public opinion shall be prepared for such a law.

Of the Magistrates of the District of Wellington assembled in Quarter Sessions, stating that the houses in which beer is sold, are as great a source of harm as the taverns, and praying the Legislature to regulate the manner in which these houses should be kept.

Of P. Forgues and about one hundred others, of St. Michel, praying for the abolition of taverns, and the establishment of temperance houses for travellers.

Of the Rev. Mr. Mailloux and several hundred others, of the County of Bellechasse, praying that no licences be granted for taverns; that certificates be required to sell strong liquors in large quantities; that drunkenness be considered a misdemeanor, and that those who are the cause of drunkenness be punished.

Of the Rev. Mr. Asselin and several hundred others, of the County of Montmorency, pointing out to the Legislature the movement which now exists every where in favor of temperance, and praying the Legislature to second this effort by such laws as will have the effect of abolishing taverns.

Of M. Payment and about one hundred others, of the County of Quebec, praying that no more tavern licences be granted.

Of the Rev. M. Bernard and several hundred others, pointing out to the Legislature that as public opinion expresses itself in every way in favour of temperance, it becomes urgent to second this unanimous desire of the population, by such Legislative measures as are necessary to stop, or at least to diminish as much as possible, the terrible effects of drunkenness.

Of Joel Bigelow and Joseph Bigelow, for and in the name of a meeting of the Township of Oro, praying for amendments in the granting of licences, and especially that no license shall be of any value to any other than the person to whom it is granted;

that he may not be allowed to transfer it to or make use of it through others ; praying that licences be required for the sale of beer, and that no licences be granted except on published certificates.

- Of the Rev. M. Beaumont and the inhabitants of St. Jean Chrysostôme, pointing out the public opinion against taverns, and praying for their abolition, and to be replaced by temperance houses or licensed hotels.

Of Archibald Young, in the name of the Temperance Society of Port Sarnia, praying for amendments in the granting of licences, and the fee increased.

- Of the Municipal Council of the County of Rouville, praying that the licence fee be considerably increased, and to prevent by a strict watch the establishing of small taverns, which are the cause of the misery that afflicts society.

Of the Citizens of Quebec, praying the Legislature will be pleased by stringent laws to take all the means possible to prevent the importation, the manufacturing, and the sale of alcoholic liquor, and also to change the mode of granting licences.

Of the Citizens of the Midland District, complaining of the manner in which licences are indiscriminately granted, and praying the Legislature to be pleased to regulate this matter in such a manner, as to diminish the evils which are the inevitable cause of intemperance.

Of the Rev. M. Vinet and the inhabitants of the Parish of St. Constant, in the District of Montreal, pointing out the evils caused by intemperance ; recommending the establishment of temperance houses in place of taverns ; to increase considerably the licence fee, and to compel those who obtain licences to have certificates of good conduct, and to prevent by strong means the importation of alcoholic liquors.

# MINUTES OF EVIDENCE.

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LEGISLATIVE ASSEMBLY,  
COMMITTEE ROOM, 30th January, 1849.

In Committee on the adoption of measures for suppressing the evils arising out of Intemperance.

PRESENT :

Colonel GUGY,  
Messrs. DEWITT,  
" BROOKS,  
" FLINT,  
" TACHÉ,  
" BELL,  
" BROOKS.

Col. GUGY called to the Chair.

Read the Order of Reference.

*Ordered*, That the Reverend Mr. Chiniquy, Priest, and Messrs. John Dougall, B. Delisle and J. Court, be requested to appear before this Committee, and to impart to them any facts, observations or suggestions, which may, in their opinion, have a bearing upon the subject referred to this Committee.

Adjourned till to-morrow at 10 o'clock, A.M.

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WEDNESDAY, 31st January.

PRESENT :

Col. GUGY (in the Chair),  
Messrs. FLINT,  
" TACHÉ,  
" BROOKS,  
" DEWITT,  
" JOBIN.  
" BELL,

*Mr. Delisle*, High Constable, examined :—I am the High Constable of the District of Montreal. On me has hitherto devolved the duty of bringing to justice the illicit venders of spirituous

liquors. I have discharged it by means of persons of the lowest class, whom I have employed as witnesses. My first suggestion is, that the feelings of the Court, and of the community, are generally against the law. The attorneys retained by the parties complained of, invariably resort to every kind of quibble to defend their clients; and they too often succeed, for the leaning of the Court has invariably been towards the defendant. Then, among the lower classes, a system of terrorism prevails: my witnesses are always alarmed, and frequently beaten, sometimes threatened with death, and have been occasionally obliged to fly the country. These are the among the principal difficulties met with in the enforcement of the law; and it must be clear to the Committee that this law, like every other, must remain inoperative so long as public opinion and the public authorities are opposed to it. The keepers of public houses are a numerous and influential body, and have many friends in all classes, and they generally make common cause. It is thus exceedingly difficult to obtain convictions in the most flagrant cases.

Proprietors of houses have frequently escaped conviction by substituting other persons than themselves as vendors: for instance, a servant has sold, not only with the knowledge, but by the direction of the master, and the latter has escaped because he did not do it, and the servant has escaped because the house and liquor did not belong to him. I have also known of cases of fraudulent lease and fraudulent letting to hire, whereby the real owner of the house, when guilty of selling without licence, has escaped under the plea of being the agent of another. This class includes females, who are often, in such cases, very active instruments, both as agents and witnesses. In view of these facts, and of the excessive perjury to which they give rise, I would suggest the propriety of making every person responsible for his or her own acts. As a branch of this subject, I would state that a great abuse exists in the existence of several "bars," as they are called, being held in the same house under one and the same licence. I have known as many as three in one house,—I mean three different individuals, each of whom sold on his own account.

A very great evil arises out of the present mode of enforcing the law, as it cannot reach the poorest and very worst class of illicit vendors. As I have to prosecute at my own risk and expense,

it must be apparent to every thinking man that I cannot incur the risk of large disbursements, not to speak of the trouble, where there is no prospect of recovery.

To the best of my knowledge and belief, there are 400 houses in this city in which spirits are unlawfully sold. It is notorious that in all the brothels, spirituous liquors are constantly sold without licence; an evil which is productive of great disorders: I know several instances in which life has been lost in consequence. There are not less than 100 houses of ill fame, and many of them contain between eight and ten depraved women. Men are often robbed, when in a state of intoxication, in these houses.

As I have said, it is difficult in every case to procure evidence, and more difficult to convict; but those who are paupers are sure to escape, because they have nothing out of which the penalty can be raised. I suggest, then, that imprisonment should be a part of the penalty; but as the service of an information operates as a notice to quit, I think that the first process in all such cases should be arrest.

It behoves me to bring under the notice of the Committee, the Race Course, which is annually a scene of drunkenness, vice and crime. The tavern-keepers of the City annually resort thither, and erect booths in which they sell liquor without licence, under the impression that they have a right so to do. This is a very serious evil, more particularly in a community divided as this is by strong national, religious, and political prejudices, and prepossessions. It is well known that fights among bodies of men annually take place there, and I ascribe these contests to the cheapness of liquor and the facility with which men obtain the means of intoxication.

What precedes relates to persons who, residing in the town, have licence to sell there; but many erect booths and sell who have no licence at all.

A glass of highly rectified whiskey may be had at many of the taverns for three half pence, and at many for even one halfpenny, and consequently a man may get drunk for three or four pence.

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28th February, 1849.

*Capt. Wiley* called in, and examined:—

I am Chief of Police. Since this Committee was appointed, I have made inquiries into the statistics of intemperance. In St. Ann's Ward I have ascertained that there were last year 54 houses in which liquor was sold without licence. There are nine wards in the city; and, overlooking the three town wards, in which that evil does not prevail, I should say there cannot be less than 300 houses in this city, in which liquor is sold without licence. It is also sold without licence in every house of ill fame, and is a source of profit to the mistress; and prodigious disorder is the consequence. In the present state of the law and of public opinion, it is impossible to convict those who sell without licence. I have made the experiment, and the whole body of the parties interested making common cause, they terrified my witnesses, one of whom fled the country to preserve his life, and the guilty parties persisted in their evil courses. A radical change in the law is necessary, and the execution of it should be confined to a Court of summary jurisdiction, presided over by a man of determined character, and the first process should be arrest, nor should the defendant be enlarged until he pay the penalty convicted. The arrest of the accused, however, should not prevent the sale of his goods (if he has any) to satisfy the judgment. It is rare, however, that these persons have any property, for many are mere paupers. It is not unusual for one of that class to erect a shanty in any part of the City, and when convicted, to give place to another who pursues equally the same career. As the law now stands, however, such a conviction is a work of time, and entails great labour and expense on the prosecutor. The right of appeal is also exercised in a manner which, in my experience has always terminated in favour of the accused. The Quarter Sessions is the Court of Appeal. I am not acquainted with the grounds of their decisions, but I do know that in every appeal I have failed and been mulcted in costs. It is in such houses as these that gambling, raffles, and other immoral practices, are carried on; and, in one word, I am convinced that crime of all kinds is ascribable to the use of spirituous liquors. It follows that the expense of the Police force, and other modes of repressing crime, such as Courts of Justice with all their officers, and gaols with

their keepers, and the loss of time entailed upon juries and witnesses, can all be traced in a great measure to the use of ardent spirits. It is therefore my opinion, that the community at large is taxed to raise funds for defraying the expense of these establishments, which expense might be reduced two thirds if the use of ardent spirits were not so common. Drinking thus imposes upon society a serious pecuniary burthen.

**A TABULAR Statement of the number of Prisoners arrested by the Montreal City Police, during the year 1847, specifying the sex, age and calling, and showing the connexion between Intemperance and Crime.**

Prisoners.		Total Prisoners.	Total Offences.	Offences arising from Intemperance.
Male.	Female.			
2982	740	2840	4039	2234

#### AGES OF PRISONERS.

Under 10 years.	From 10 to 20 yrs.	From 20 to 30 yrs.	From 30 to 40 yrs.	From 40 to 50 yrs.	From 50 to 60 yrs.	From 60 to 70 yrs.	From 70 to 80 yrs.	80 and upw'ds	Unknown.
7	473	1035	691	339	167	78	29	3	18

**STATISTICS OF CRIME in the City of Montreal ; shewing th**

MONTHS.	Murder.			Infanticide.			Cutting and Maiming.			Highway Robbery.			Arson.			Passing Counterfeit Money.			Obtaining goods under false pretences.			Embezzlement.			Abandoning their Children.			Insane.			Larceny.		
	M.	M.	F.	M.	M.	F.	M.	M.	F.	M.	M.	F.	M.	M.	F.	M.	M.	F.	M.	M.	F.	M.	M.	F.	M.	M.	F.	M.	M.	F.			
	January .....						1																							12	4		
February .....						1	2	1	1		2		1															5	3				
March .....																												12	5				
April .....						1					2																	13	6				
May .....											1																	9	5				
June .....						1			1		5																1	1	3	3			
July .....	1															1												13	9				
August .....											2																1		11	5			
September .....			1	1							1																1	1	13	4			
October .....											1																1		10	1			
November .....								3	2	2	2	1																	8	8			
December .....						1					1																1	1	8	4			
<b>TOTAL</b> .....	1	1	1	5	5	4	16	4	4	3	1	1	1	1	6	7	117	57															
Decrease .....	1									6																14							
Increase .....		1	1	1	2	2	5	3		3	1	1	1													1		25	10				

Of the offences above

Of the Male Vagrants, com  
Of the Female Vagrants committed to Hou

MONTHS.	Irish.		Fre Canac
	M.	F.	M.
	October .....	131	38
November .....	83	56	41
December .....	80	39	38
<b>TOTAL</b> .....	294	133	109

Six hundred summonses have also bee

**COUNCILLOR BEAUDRY, Chairman Police Committ**







## CALLINGS OF PRISONERS.

Labourers .....	715	Tavern Keepers.....	8
Vagrants .....	177	Watch-Makers .....	8
Carters .....	171	Farmers .....	7
Cabinet Makers & Carpenters....	145	Coopers .....	6
Servants .....	124	School Masters,.....	7
Boatmen and Raftsmen .....	122	Grocers.....	5
Sailors .....	106	Coach-Makers .....	5
Stone Cutters and Masons.....	95	Officers.....	6
Farmers.....	91	Barbers.....	5
Shoemakers.....	87	Doctors.....	5
Pensioners & discharged soldiers	64	Millwrights .....	4
Soldiers.....	48	Merchants.....	4
Tailors.....	43	Saddlers,.....	4
Blacksmiths,.....	52	Millers.....	4
Clerks.....	56	Miners.....	3
Traders .....	34	Musicians .....	3
Pedlars.....	28	Furriers .....	3
Bakers .....	26	Plane-Makers.....	3
Moulders.....	18	Bailiffs.....	3
Printers.....	17	Hatters.....	2
Painters .....	17	Sawyers .....	2
Tinsmiths.....	15	Dyers .....	2
Gentlemen.....	11	Bookbinders.....	2
Rope Makers.....	12	Druggists.....	1
Lawyers .....	10	Brush-Makers.....	1
Butchers.....	10	Prostitutes .....	157
Gardeners.....	10	Callings unknown.....	268
Engineers.....	9		
		Total.....	2840

J. WILEY,  
Chief of Police.

Montreal, 31st July, 1848.

Mr. *Stuart*, one of the Reveue Inspectors, called in, and gave the following evidence :

I have already said, that the cost of licences is uniform throughout Lower Canada. A grocery, as well as a tavern licence, costs £4 7s. 6d., whether it be in town, or in the country. As Inspector, I have no magisterial capacity, nor have I at my disposal any means to enforce good order. I have already said that the District is divided into two divisions. In No. 1, which is confided to my superintendence, there were distilled in the year commencing 5th January, 1848, and ending 5th January, 1849, inclusive, 180,473 gallons Imperial, hydrometer proof, on which was levied a duty of £1503 19s. 10d. I hand in a return to that effect, signed by myself. The total amount of spirits distilled in this District annually, is 347,130 $\frac{1}{4}$  gallons, and the duty paid is £2892 19s. 10d. We have no check upon the distillers in making their returns; all that can be said is, that each of them makes his return upon oath.

RETURN of the Spirits Distilled in the District of Montreal and of the Duties received thereon, say from the 5th January, 1847, to 5th January, 1848.

Division.	Distillers' Names.	Residence.	Impl. Gal. Returned	Duty at		
				2d. per Gallon.		
				£	s.	d.
No.1	John Morris.....	St. Thérèse .....	30482	254	0	4
"	D. Buchanan.....	Do .....	19100	159	3	5
"	H. S. Colman.....	Mount Johnson... ..	578	4	16	2
"	Wm. Dow & Co.....	Montreal .....	182656	1522	2	8
"	Clayes & Roberts.....	Bedford.....	4625	38	10	11
"	J. S. Holt.....	St. Armands .....	3218	26	16	5
"	Wm. Bourne.....	Laprairie.....	1274	10	12	5
"	Messrs. A. & T. Sauvageau	Do .....	14996	124	19	4
Inspector's Commission, 5 per ct. £107 ls. 1d.			256929	2141	1	8
Do Travelling Allowance, £10 for each License.						
No.2	T. & W. Molson.....	Montreal.....	307169	2559	14	2
"	David Handyside .....	Do .....	30635 $\frac{1}{2}$	255	5	11
"	Stacey & McCoy.....	Hinchinbrooke....	741 $\frac{3}{4}$	6	3	8
"	H. S. Colman.....	Mount Johnson... ..	141	1	3	6
"	Clayes & Roberts.....	Bedford .....	4783	39	17	2
"	J. S. Holt.....	St. Armands .....	8057 $\frac{1}{2}$	67	3	0
			351527 $\frac{3}{4}$	2929	7	5
Less Inspector's Com. 5 per cent. £146 9s. 4d.						
Gross Amount .....			608456 $\frac{3}{4}$	£5070	9	1
Less Inspector's Com. at 5 per cent.....				253	10	5
Net Revenue.....			£	5816	18	8

D. S. STUART,  
*Inspector.*



Of the above, 1462 prisoners, committed during the past year, about nine fourteenths of the whole, or 907, were of intemperate habits, and this proportion is strikingly exact, as regards both sexes. And also the more juvenile offenders, who, though not addicted to intemperance, as regards the use of liquor in the same proportion or degree, are nevertheless brought to their present hopeless position, through the intemperance of their parents.

But the above table, which goes to show that intemperance is the proximate cause of nearly three fourths of all the crime committed in this District, is calculated to lead to very erroneous conclusions, as regards the ultimate cause of crime in general, and of the crime of female prostitution in particular. A careful inquiry into the causes which first induced the offender to diverge from the paths of morality and virtue, induces me to regard intemperance more as a consequence, than as the cause of crime; and while the prominent features of crime are nearly identical, the individual character of criminals, as well as their motives and incentives to crime, are almost as peculiar and distinct. But in all the grades and characteristics of crime, the absence of moral and religious instruction in early youth is a very prominent feature, and stands in the proportion of nine-tenths to the whole. But to this proportion, in the present case, female prostitution again forms an exception. But to whatever cause crime may be ultimately ascribed, whether in the case of the mere child, or the transgressor of maturer years, the low tipping house holds out inducements too obvious to be overlooked. In these decoy shops, kindred spirits meet, and the gaming table enables the tyro in crime to while away, in a very agreeable manner, time which, were it not for these demoralizing establishments that abound in the City and Suburbs, would lie heavily on his hands. Under such circumstances, or rather combination of circumstances, habits of intemperance are quickly formed. And the quality of the drink which is sold in these low drinking houses, while it incites the propensity to drink, must tend in the same degree to destroy the soundest constitution, and often results in insanity.

As regards female prostitution; but a small proportion of all who have come under my observation, have been addicted to

drink, before they fell the victim of the destroyer of their peace and virtue, and a far smaller proportion became prostitutes from choice, while many of them received an average education. By far the greater number of those wretched creatures, who seem so thoroughly lost and degraded, have been the victims or the dupes of the foulest treachery, or of flattery no less villainous and base. Emigrants arriving from Europe, and young women attracted from the rural districts in quest of service, are hired by the mistresses of brothels, and before their suspicions are awakened, their ruin is effected. Besides these, young females residing in the City are often inveigled into those dens of pollution, by the young men they have been induced to regard as their future husbands. Once within the walls of the brothel, their doom is sealed, powerful narcotics are administered, and even physical force is unscrupulously employed. Most of the unfortunate creatures, whose prospects both for time and eternity are thus cruelly blasted, being strangers and friendless in the City, know not where or how to apply for redress: and as a last resort, and as a means of escaping from the keen working of her conscience, and of enabling her to bear up, under the intolerable burden of her woe, she betakes herself to strong drink.

But these are not the only agencies at work, to swell the ranks of prostitution with recruits, who were not previously addicted to intemperance. A considerable proportion of the prostitutes who have been committed to my custody, were servants in respectable families, and were bribed and seduced by their own masters; or by persons on terms of intimacy with their masters' family.

Wives, deserted by their husbands, and widows, form the largest number of all who were addicted to drink, before they gave themselves up to a course of unchastity.

Having thus remarked upon the connection between intemperance and crime, I shall, in obedience of your directions, suggest such remedial measures as appear to me best calculated to remove or restrain the evils to which these remarks refer: and whether regarded as a remedy, restraint or preventive, education, that is, the inculcation of sound moral and religious principles, must stand pre-eminent; and except its influence govern and direct the majority of men, all other remedies or restraints will be found powerless, either to check or to punish crime.

The number of houses, both licensed and unlicensed, wherein spirituous liquors are retailed, are fearfully disproportioned to the wants of the community. Four-fifths of these houses have no accommodation for man or horse, and are little else than club-rooms, for criminals and gamblers of every grade. In these establishments, the unsuspecting *habitant* barter his money for adulterated drink, which may be properly called a poison, and not unfrequently he is cheated, and has his pockets picked into the bargain. The number of public houses should be greatly reduced, and none should be tolerated, that did not afford proper accommodation and security to the traveller. A heavy penalty should also attach to the adulteration of liquors, by deleterious drugs.

As the purity of the female character is of the highest importance to society, lying as it does at the very foundation of the moral and social system; so do I conceive our laws should guard with jealous care a treasure which, if lost, cannot be compensated, and may never be restored. Not only should the mistresses of brothels, who trade in female virtue, be punished with far greater severity than at present, but the man who, by falsehood and flattery, wins the consent of some unsuspecting creature, who is more of a child than a woman, and makes use of her confidence to accomplish her ruin,—he surely should not be punished less severely than the person who receives goods under false pretences.

It is respectfully suggested that the punishment now annexed to the conviction of "Loose, Idle, and Disorderly persons," before the Police Court, tends rather to increase than to diminish or even to check prostitution.

The females brought up before this Court, are almost exclusively prostitutes, very few of whom place themselves in the way of the Police till they require medical aid, which experience tells them they can obtain in the Common Gaol or House of Correction. And as the Magistrate cannot inflict a longer punishment than two months, no matter how often the party may have been convicted, the female department of the House of Correction, may rather be regarded as a "Lock Hospital," than a place of punishment or reformation. Several of these wretched creatures return to the jail four or five times in a year. One woman now in jail makes it her boast, that she has been in and out of



gaol for thirty years. And thus the expense of curing these creatures is thrown upon the Government, without the least moral benefit to themselves. It is considered that to increase the term of confinement every time the offence was repeated, the chances of producing moral impressions would be greatly increased. Imprisonment would at length become a punishment, and prostitution would at least be checked.

Finally, it is suggested that a wholesome system of Prison discipline, based upon a proper classification and separation of the prisoners, within a building properly adapted thereto, may do much toward the suppression of crime and reformation of criminals. But, without great improvements being made in our Common Gaols and Houses of Correction, and a consequent improvement in the classification and treatment of offenders, I am fully convinced our Prisons will continue to be what they now are, schools of vice and nurseries of crime, and the whole expense of the administration of criminal justice will continue to be a dead loss to the country.

It is respectfully submitted, on the other hand, that in Prisons properly constructed and under proper management, the same offender would seldom return back to crime; and that the punishment of criminals, under the direction of practical officers, might be made a source of revenue, or at least made to defray the expenses attending them.

The whole of which is most respectfully submitted, by

Your most obedient, and

Very humble servant,

THOMAS MCGINN,

Gaoler.

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COMMITTEE ROOM,

12th February 1849.

The Rev. Mr. *Chiniquy* called in, and examined.

*Ques.*—Have you had the means of obtaining any information on the subject submitted to the consideration of the Committee; and if so, will you be good enough to say where you acquired it, and make known to the Committee the result of your own experience, and give your views? *Ans.*—The law which authorizes

the granting of licences to sell strong liquor, such as it has been in operation in Canada since I have been able to experience its results, is one of the most immoral and the most inhuman laws that I can possibly conceive; and the proof of this assertion is written in letters of blood from one end of Canada to the other.

To undertake to expose to Your Committee the result of the liberty of selling strong liquors, such as is allowed to this day, is an impossible task; it would be necessary, for that purpose, to write you the history of nearly all the crimes which have disgraced our country for the last century.

It is only three or four months since, that a man was brought to the gallows at Queenston. In the midst of a tavern brawl, he had gone out to strangle a drunken woman.

It is only a few weeks ago that, in the District of Quebec, a young man, in a state of intoxication, thrust a knife into the heart of his father, and laid him dead at his feet.

All the world will remember the history of the young man, a short distance from Montreal, who, in a state of intoxication, killed his father, who was also intoxicated.

It is but a few weeks ago that a father of a family, in the District of Quebec, came out drunk from a tavern, lost his way during the night, and was found in a field the next morning, frozen to death.

About the same time, a drunken woman fell frozen to death on the road, by the side of her husband, who was too drunk to help her.

In the same week, a woman abandoned to drink, was murdered at a short distance from Montreal, by a drunken man, who is now, I believe, in the Gaol of this City.

In the same Parish, an old farmer, and the father of a large family, arrives in town, gets drunk in a tavern, wants to return home during the night, falls from his cart, and rolls into a ditch full of mud, from which he is only extracted to expire at a short distance, choked with liquor.

Scarcely a month ago, in two Parishes only a few leagues from Montreal, two *habitans* died of *delirium tremens*.

It is but fifteen days ago, that the mother of a tavern-keeper, addicted to drinking, took five glasses of whiskey in one after-

noon, and suddenly fell dead the next morning, burnt with liquor.

Permit me to observe, that I only cite recent events, and which have happened within the last few days. I have ascertained that for the last ten years, not less than four persons a week have died in Canada from the effects of liquor.

The fact is, you seldom open a paper without finding the account of some misfortune, of which liquor has been the first and often the only cause.

It is only yesterday that three newspapers in Canada contained the account of a new misfortune caused by liquor.

The first gave the name of a young man, who, in a state of intoxication, had fallen near a fire-place—his clothes had taken fire, and he had almost been consumed in that deplorable state.

The second had been found frozen to death near a barn, where he had fallen asleep drunk.

The third, too drunk to see the danger, had fallen into a puddle, where he had lost his life.

Nevertheless, the tenth part of the deaths and of the fatal accidents brought on by the use of strong liquor, is scarcely known to the public; each family is struck, blighted by liquor, using every endeavour to hide its shame and misfortunes.

Once more, in order to make known the result of granting licences to sell strong liquors, I would have to bring before you the bloody and mutilated corpses of incredible numbers of unfortunate persons, some of whom have fallen under the murderous weapons of enemies, and often of friends, whose minds have been disordered by drink; and others have been crushed under the wheels of vehicles, or found dead along the road-side, or on the beaches. Ah! if it were in my power to open to you the thousands and thousands of dwellings of our drunkards, you would soon understand why I dare to call immoral and inhuman, the law which permits the sale of strong liquor. Here you would see an unfortunate woman, whose tattered garments leave exposed a breast torn and bruised by a husband to whom drink has given all the ferocity of a wolf. There you would meet children whose cries would rend your heart; they ask for bread, and their mother has nothing but tears to give them, the father's labour being barely

sufficient to pay the tavern. In another place you would hear the groanings of a woman in despair; in the height of her pain she curses the day that she became a mother!—he to whom she has given life, in a fit of drunkenness has just struck her!!—And beside the misery these taverns are the cause of in this country, at every step we take, what good do they do us? The advantages that taverns procure us are only imaginary,—the wretchedness they bring on us are real, daily and universal.

Granting licences for the sale of ardent spirits, such as heretofore has been the practice, is getting paid to encourage crime of all descriptions; it smooths the road to every excess; it is a snare to catch the multitude; it is desiring the shame, the degradation, the ruin, the extinction of our population. And here let it not be said that there is exaggeration—I hold proofs which I am ready to shew to any one who might pretend to be incredulous. Here is a fact well known, and for the authenticity of which ten thousand witnesses could, if required, be produced.

In forty Parishes, in which within the last year I have preached the cause of temperance, 1415 families, worth £1,378,074, have been ruined, and are almost extinct, from the use of spirituous liquors. For the last twenty years, their children, to the number of 6229, are for the most part wanderers and vagabonds in our Towns and Villages, or have gone away and lost themselves in the United States.

It is painful to reveal these dreadful wounds, but I would rather expose the wounds of my country to those who have the power of healing them, than veil them from public view, certain as I am that, if some prompt and efficacious remedy be not soon applied, death will soon be the result.

Visit, as I have done, the richest and most beautiful of our country parts, inquire why the inhabitants, who had a thousand means, not only of preserving their property, but also of increasing it, have been forced to sell all and leave the country. Seven times out of ten, you will be told that liquor and the tavern were the first, and often sole cause of their ruin.

And if you should feel tempted to think that it is only in our country parts that the devastating scourge of spirituous liquor has committed its ravages, you will find that the towns and cities have in this respect been more ill-treated; and, indeed, it is a

rare thing to find families amongst us who have not been victims to drink, even within the last twenty years.

These detestable drinks have then wounded and injured us all, and what real benefit have they procured us, to compensate for the ruin they have heaped up everywhere, and the tears they have caused to flow? None!

It is said that licences to sell strong drinks are given to inn-keepers for the protection of the traveller. I own that travellers require, and have a right to public protection; but those thousands of women whose husbands have acquired through drink the ferocity of tigers, have they no right to your protection? But those thousands of children whom our three thousand licensed and unlicensed taverns daily deprive of their clothes, their bread and their schooling, that bread of knowledge,—have they no right to your protection? And those thousands of families whose resources are dried up, and whose future prosperity is destroyed by drink,—have they no right to your protection? And those thousands and thousands of Canadians, your brothers, your friends, your fellow citizens of all classes, of all origins, who will never walk in the path of honour and virtue, who will be the disgrace and shame not only of their friends and of their families, but of their country, as long as they are surrounded by taverns to nourish and foster their unfortunate passions,—have they not also a right to your protection?

With the present system of tavern licences, the traveller in Canada finds more than three thousand houses where he can drink bad whiskey; he can at each step enjoy the pleasure of a glass of adulterated wine. But is not this poor advantage outweighed by the hideous spectacle of drunken wretches vomited forth on every side, from the taverns of the towns and country, from morning till night. Oh! if this traveller but knew how many hearts this drink has broken, how many tears have been shed on every side, how bitter and detestable would he not find his draught?

Besides, what respectable traveller would incur the risk of taking spirituous liquors in nine tenths of the country taverns? Not one. And why so? Because it is a fact not only suspected, but known to any one who will take the trouble of inquiring, that in nine tenths of the taverns, liquors sold under the name of

wine, whiskey, brandy, &c., are nothing else but a compound of abominable chemical mixtures, in which vitriol, tobacco juice, soap and aquafortis play a prominent and fatal part.

If Your Honourable Committee wish to make any inquiries into this subject, nothing would be easier for them than to establish that multitudes of our worthy "*habitans*" have been poisoned, (such is the word,) that thousands of lives have been cut off by the drink sold in the greater part of the country taverns. If Your Honourable Committee will deign to make inquiries into this subject, they will perceive that in a multitude of circumstances, the licence given to sell strong liquors is nothing less than a licence to commit murder and assassination.

If Your Honourable Committee would know upon what grounds I also state that the law of licensing taverns is an inhuman and immoral law, let it call for the statistics of imprisonment for the last five years only, in Canada, and it will see that not less than 15,000 persons have been thrown into prison in this short space of time, from the use of spirituous liquors. They will be also convinced that the English, Irish and Scotch population are as much paralysed by the use of strong drink as the Canadians are, if not more so, in their desire to progress in the scale of civilization.

Listen! Honorable Gentlemen, and from every point of the horizon, from every degree of the social scale, voices will be heard denouncing taverns as the source of almost every crime and of nearly every misfortune. The Bishops from their thrones, the Priests in their Churches, thunder against them as the cause the most powerful and most general of the loss of the public and private morality. The Judges and the Magistrates declare that the taverns are the school, the source of nearly all the crimes they have to punish. Thousands of women, as mothers and as wives, cry out to you, that if the pure joys, the blessed happiness of the domestic hearth, have become changed to them for a life of desolation and indescribable anguish, it is to the taverns, (a thousand times cursed by them and their poor children,) that they are indebted for it. If an immense multitude of fathers of families see their white hairs dragged through the mire, if they feel themselves sinking under the weight of evils impossible to describe, if they see the patrimony of their ancestors, enriched by the sweat

of their own brows, pass into the hands of strangers; if shame, sorrow and want have dug their wretched graves for them before their time, ask them the cause, and they will tell you that it is to the tavern they owe all these misfortunes!

Listen! Honorable Gentlemen, and you will hear the Coroners, surrounded by dead bodies, the Doctors battling with all kinds of diseases, tell you that strong drinks, that the taverns are a second Pandora's box, from whence escape nearly all our evils. Listen! Honourable Gentlemen, and you will hear the Chiefs of the Police, the prisoners from the depth of their dungeons, and the criminals on the scaffold, tell you, that were it not for liquor and the taverns, a Police would scarcely be required, the dungeons would be empty, and the scaffold without a victim.

If I had wished, in order to obtain the repeal of the law granting tavern licences, I could have laid before you a petition signed by more than 15,000 Canadians, who have enrolled themselves under the holy banner of temperance, in the District of Montreal alone, in one single year. It is a fact as clear as the sun at noon. This grand and marvellous reform which has operated in the minds and in the habits of our "*habitans*," you can clearly perceive it—you all give it your applause. A number of you, Honourable Gentlemen, have yourselves taken the post of honour in this deadly war against the greatest enemy of our beloved country, by enrolling yourselves under the noble and glorious standard of the Temperance Society, with the people, whose friends, whose children, whose choice you are. You have not a little contributed in giving force and life to that work, so fertile in blessings of every description! You will not then betray the confidence which the whole country have placed in you! You will not allow Canada to be covered, and I will even say polluted, as heretofore, with infectious taverns! You will not allow a law to exist which has filled our country with crime, reduced to the most abject misery not less than eight thousand eight hundred and forty-three rich families, thrown upon the street thirty-eight thousand nine hundred and thirty-one children. A law which has deprived our poor and wretched fellow citizens of not less than eight millions of pounds in property, within twenty years alone. No! you will not allow a law to exist which is execrated by thousands of unhappy women and children; a law which

never rendered a service to a single being, not even to the tavern keeper himself; for it is notorious that out of ten tavern keepers, not less than seven have been overtaken and ruined by the hideous plague of drunkenness, either in their own persons or in that of their wives and children. You will destroy this fatal law, apparently destined to protect the traveller, but which in reality only serves to place a snare in his way at each step he takes, and into which, sooner or later, he will surely fall.

Let me be permitted here to repeat to Your Honorable Committee, some of the eloquent words of my honorable friend Mr. J. C. Taché, Member for the County of Rimouski, on the subject of spirituous liquors and taverns, such as I find them in *L'Ami de la Religion et de la Patrie*, of the 19th of January last:—"Intemperance is, without doubt, the greatest moral evil, and that one which has taken deepest root in the heart of our population, and indeed in every population. The ravages caused by this dreadful vice are incalculable.....The means in the hands of the Legislature to arrest this evil would seem to be the following: Place a heavy tax on the importation and distilling of liquors; and to avoid the fraud and falsification which the high price might give rise to, establish a surveillance over the sale of spirituous liquors, and let the expenses of that surveillance be paid for by the seller....How could these measures be found oppressive? When an epidemic shows itself, the flower of our population throw themselves before it, to arrest the scourge, and succour its unhappy victims: and to prevent the introduction of a poison more dangerous than any epidemic, should we fear to injure the interests of those who sell us this poison. What! a vendor of liquors, in the sole view of creating for himself a profit of a few pence, shall have the right of making us lose our reason—of casting beneath our feet our father, our brother, our friend—and shall we not have the liberty of flying to the rescue, to extricate his defenceless victim from his hands? Who has not heard of the dreadful scenes which take place in some of our taverns, where poor young men, unfortunate fathers of families, choke under the grasp of vice, whilst, at the door, a disconsolate mother and children demand, with loud cries, that their chief, their support be restored to them? In other houses, the more cruel landlord brutally conducts to the door the man whom he has made drunk, and



sends him from his house, to freeze on the highway, perish in the river, or ill-treat his family! No! severe laws, in such cases, cannot be an encroachment upon liberty. True liberty consists not in doing every possible harm with impunity. Shall the vice which is the source of most crimes be held sacred? and can it be supposed that the evil can be arrested without touching the cause?".....

If in your wisdom you think that the hour has arrived to prohibit throughout the country, the wholesale and retail traffic of strong liquors, I shall, with all my heart, applaud such a measure; if not, you will reduce as much as possible the number of licences. If you feel that you are not ready to strike a death-blow at the hydra of drink, you will at least fetter it in such a manner that it cannot with impunity, as in times past, bring desolation and death on all sides: and it is on this latter supposition that I have the honour to submit to Your Honourable Committee the following draught of a Bill:—

*1st.* It shall not be lawful for the Governor or his Council to grant tavern licences.

*2nd.* The different localities alone, should know whether they require taverns, and what people should be chosen, as sufficiently meriting the public confidence, to keep such houses.

*3rd.* The Curé, and the Ministers of the different persuasions, if residents, the Mayor, if there be one, the highest officer of militia, the Church Warden in office, all Judges and Magistrates, and the Physicians, shall form a Commission, who alone shall have the right of granting licences for the sale of spirituous liquors.

*4th.* No licence shall be granted unless the tavern-keeper can prove, by two witnesses, on oath, that he has ten beds always ready for travellers, besides those required for the people of the house, and ten stalls for horses in his stables.

*5th.* The tavern-keeper shall not sell or give strong drink in his house to any of the inhabitants of his locality, his licence being granted for travellers only.

*6th.* All tavern-keepers in whose house it shall be proved that a traveller has become intoxicated, shall pay a penalty of ten pounds, and shall lose his licence.

*7th.* Any tavern-keeper in whose house it shall be proved that any inhabitant of the place has drunk strong liquors, shall pay a penalty of ten pounds, and shall lose his licence.

8th. The children of the drinker and of the tavern-keeper, the wife of the drinker as well as that of the tavern-keeper, the servants and clerks of the tavern-keeper as well as those of the drinker—in a word, all persons who may be examined in a Court of Law, may be called as witnesses to prove that the tavern-keeper, or those acting for him, have allowed a traveller, or any person of the locality to become intoxicated.

9th. To furnish proof against the tavern-keeper, it shall not be necessary to have seen any one drink or pay for liquor;—it shall be sufficient to know that it has been delivered to a person who had no right to have it; and the drinker may be a witness himself.

10th. The taverns licensed for the sale of spirituous liquors shall pay ten pounds into the public chest.

11th. No merchants of the country or towns shall sell strong drink in less quantities than five gallons, and after making this sale he shall be bound to deliver and have the five gallons taken from the house on the same day by the buyer or his agent.

12th. The parties above authorized to grant licences to sell spirituous liquors, shall be alone competent to grant licences to keep temperance houses or hotels.

13th. The keepers of temperance houses or hotels must prove, by two witnesses, on oath, that they have two beds ready for travellers, in addition to those required for the people of the house, and two stalls in their stables for horses. These houses shall pay five pounds into the public treasury.

14th. That no prosecution shall be had in any tribunal to recover the amount of a debt incurred in purchasing any spirituous liquors.

15th. That no house, belonging to a person authorized by law to grant tavern licences, shall serve as a licensed tavern to sell spirituous liquors.

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*Memoranda of Laws regulating Inn Licences in force, &c.*

Duty of £1 16s. Stg. imposed upon every licence granted for keeping a house of public entertainment. 1794.  
14 Geo. III.  
Ch. 8, Sec. 5.

Penalty of £10 Stg. for selling without licence.

The above duty, with many others mentioned in that Act, was imposed for making a more adequate provision for defraying the charge of the Administration of Justice, and the support of the Civil Government, &c.

Additional duty of 40s. Cy. imposed on persons taking licences to keep houses of public entertainment, &c. 1795.  
35 Geo. III.  
Ch. 8, Sec. 1.

To renew them annually, &c. Sec. 2.

Persons keeping houses of public entertainment in the Cities of Quebec and Montreal and the Town of Three Rivers, must be approved by two or more Justices of the Peace in Quarter or Special Sessions of the Peace. Sec. 3.  
Amended by  
2 Vic. Ch. 14,  
Sec. 2.

In country parishes must produce a certificate of three respectable householders, one of whom must be a Church Warden, certifying that the party is fit and proper to keep a public house. Amended by  
2 Vic. Ch. 14.  
Sec. 1.

Must enter into bonds to keep an orderly house. Sec. 4.

Must take the oath of allegiance on receiving first licence, and not afterwards. Sec. 5.

Licences to be granted by the Governor, &c. Sec. 6.

Relates to hawkers and petty chapmen. Sec. 7.

Ditto ditto. Sec. 8.

Ditto ditto. Sec. 9.

Ditto ditto. Sec. 10.

Ditto ditto. Sec. 11.

Ditto ditto. Sec. 12.

Relates to Hawkers, &c. Sec. 13.

Penalty over £10 Cy. to be recovered by action of debt in any of Her Majesty's Courts of Record of this Province, by bill, plaint or information. Sec. 14.

Sec. 15. Ditto not exceeding £10 Cy., or, if imposed by the 14 Geo. III. ch. 88, of £10 Stg., may be recovered in Queen's Bench, or before two Justices of the Peace in Weekly Sessions.

Sec. 16. Limitation of actions for penalties under this Act to twelve months after the commission of offence.

Sec. 17. Appeal to Quarter Sessions.

Sec. 18. Penalty on witnesses of £10 Cy. for not appearing.

Sec. 19. Money payable to Receiver General, &c.

Sec. 20. Limitation of actions for any thing done in pursuance of this Act to six months.

3 Geo. IV.  
Ch. 12. Power given to any two Justices of the Peace, in Weekly Sessions, in the Cities of Quebec and Montreal, by the 15th Section 35 Geo. 3, Ch. 8, to have the above cases conferred on any two Justices of the Peace residing in the county where the offence was committed.

Sec. 1. the above cases conferred on any two Justices of the Peace residing in the county where the offence was committed.

Sec. 2. Justices of the Peace before whom the conviction shall be made, bound to take the evidence in writing, to the end that the party may manifestly appear in case of an appeal.

Sec. 3. Appeal given to Quarter Sessions.

2 Vic. Ch. 14. An Ordinance to amend a certain Act therein mentioned, and to make better regulations for taverns and tavern-keepers.

Sec. 1. 35 Geo. III. Ch. 8 amended in so far as relates to the granting of licences, &c.

NOTE.—This is unjust; for, as all three must sign, if one refuses, the minority controls the majority.

No licence to be granted for any county, parish or township without a certificate of the Senior Justice of the Peace, the Officer of Militia highest in grade, and the Church Warden in office; or, where there is not a Justice of the Peace, by the two Officers of Militia highest in grade and the Church Warden; or, where there is no Church Warden, by the Senior Justice of the Peace and Officer of Militia; and where there is no Justice of the Peace nor Church Warden, by the three Officers of Militia highest in grade. The certificate must state that the party is

fit and proper, &c., and has a house, stable, &c., according to law, and hath entered into bonds, &c.

No person being a trader in any kind of spirituous liquors to receive such certificate.

Justices of the Peace in Cities of Quebec and Montreal, and Three Rivers, &c, authorized to grant licences as before; providing such certificates shall be granted only in a Special Session to be held between the 20th and 30th January of every year, of which public notice is given by the Clerk of the Peace fifteen days before such Session. Where there are no persons authorized to grant certificates, the Governor may grant licences. Sec. 2.

Penalty for refusing to receive travellers, and not having beds, stables, hay and oats for accommodation of travellers. Sec. 3.

Must make affidavit, in form of Schedule A, that he is duly qualified. Sec. 4.

List of persons who have received certificates in parishes and townships must be transmitted to the Clerk of the Peace before the fifteen days of every year. Sec. 5.

Governor may cancel license in certain cases, and no licence shall be granted without the sanction of the Governor, &c. Sec. 6.

Bond or recognizance to be entered into. Sec. 7.

Fee to the Clerk of the Peace. Sec. 8.

Licence to expire between 1st and 20th May of every year. Sec. 9.

Licence must be published, and Notification affixed to the Church door. Sec. 10.

A notice that the party is a licenced tavern-keeper to be conspicuously affixed on the house. Sec. 11.

On conviction of keeping a disorderly house, or selling during Divine service on Sundays and holidays, or suffering any seaman, soldier, apprentice, servant or minor to remain tippling after 7 P.M. in winter and 9 P.M. in summer, or of having com- Sec. 12.

mitted felony, may forfeit licence, and the party may be declared incapable of holding a licence after.

Sec. 13. Act to extend to every Township, Seigniorly and extra parochial part of Townships and Seigniories, &c.

Sec. 14. Persons selling ale, cider, spruce or ginger beer without licence, subject to a penalty of £10 Cy.

Sec. 15. Licence to sell ale, cider and cakes may be granted by Church Warden or Senior Justice of the Peace; and any one selling without a licence, subject to a penalty of £10.

NOTE.—In practice this has been found very objectionable.

Sec. 16. Sergeants of Militia obliged, under a penalty of 40s., to prosecute those who commit any offence against this Act.

Sec. 17. Offences may be prosecuted before two Justices of the Peace, who may award fine and imprisonment, &c.

Sec. 18. No brewer, distiller or vendor of spirituous liquor to act as a Justice of the Peace, Church Warden or Officer of Militia under this Ordinance; and any one acting as such Justice of the Peace, Officer of Militia or Church Warden contrary to the Ordinance, liable to a penalty of £10.

Sec. 19. Licence cancelled on conviction.

Repealed by 3 and 4 Vic. Ch. 42.

Sec. 20.\* Expenditure of public moneys under this Act to be accounted for, supported by vouchers, &c., and closed on the 10th April and 10th October each year, and duly attested, &c.

Sec. 21. Application of penalties to be accounted for to Her Majesty.

3 and 4 Vic. Ch. 42.

Sec. 1.

Complaints made under 2 Vic. Ch. 14, may be prosecuted before any two Justices of the Peace residing in the county in which the offence was committed, and the party prosecuted shall not be enjoined to appear out of the parish or seigniorly where offences were committed.

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\* NOTE.—This section is pure nonsense; for not a word of the expenditure of moneys is mentioned in the Ordinance.

Grocers not allowed to retail spirituous liquors in Sec. 2. a less quantity than three half pints, under a penalty.

Section 19 of 2 Vic. Ch. 14 repealed. Sec. 3.

This Ordinance, as well as the 2 Vic. Ch. 14, Sec. 4. made permanent.

The Governor may grant licences to persons who 4 Vic. Ch. 28. have failed to obtain the certificates required, any- Sec. 1. thing in the 2 Vic. Ch. 14, to the contrary notwithstanding.

Same duty granted under this Act as under the Sec. 2. 2 Vic. Ch. 14.

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STATEMENT of the quantity of Spirituous Liquors entered for Home consumption at the Port of Montreal, in the year 1848

Brandy, ... ..	66,001	galls.
Geneva, ... ..	46,502	"
Whiskey, ... ..	514	"
Rum, ... ..	24,944	"
Sweetened Spirits,..	266	"

WM. HALL, Collector.

Custom House, Montreal,  
16th March, 1849.

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QUEBEC, 17th February, 1849.

SIR,—We beg leave to acknowledge the receipt of your letter of 13th inst., requesting us to state whether any, and what proportion of the cases of insanity which have come under our observation, are to be assigned to the use of ardent spirits.

We have the honour to state, for the information of the Committee, that, from the recent establishment of the Asylum, and from the fact that any history or account of the origin or cause of the disease, or of the previous habits of the patient can be rarely obtained; we are unable to state precisely what proportion of the cases are to be attributed to the use of ardent spirits.

We are, however, convinced that in a great proportion of the insane male patients, now in the Asylum under our management, the disease has been produced by an habitual use of intoxicating drinks.

We have the honour to be,

Sir,  
Your obt. servant,

S. DOUGLAS.  
JAS. MORRIN.  
C. FREMONT.

W. C. Burrage,  
C. C.

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CORONER'S OFFICE,  
MONTREAL, 20th February, 1849.

SIR,—We have the honour to acknowledge receipt of your communication of the 15th instant. In reply we state, that, after a careful investigation of our Coroner's Inquisitions, we are of opinion that the number of deaths which could be traced directly or immediately to the effects of intemperance, cannot be computed at less than 10 per cent. During 20 months, for the period ending 30th December, 1848, we have had 530 inquests, and we have every reason to believe that many more deaths were probably ascribable to intemperance, but juries are very reluctant to return a Verdict of Death by Intemperance, and in many more cases, the causes are so remote as to forbid that accurate information on which alone our testimony would be based.

We have the honour to be,

Sir,  
Your obt. servant,

JONES & COURSOL,  
Coroners.

To W. C. Burrage, Esq.,  
C. C.,  
Legislative Assembly.



45 GREAT ST. JAMES STREET, MONTREAL,  
17th February, 1849.

SIR,—In answer to the queries proposed by the Committee of the Legislative Assembly appointed to inquire whether and what Legislative measures can be adopted to prevent intemperance, I have the honour to state, that the experience of the result of intemperance in the production of disease is constantly brought under the notice of the medical practitioner; I believe from my own experience, and from all I have been able to learn by reading upon the subject, that the rate of mortality of most cities, will be found to be in an inverse ratio to their consumption of ardent spirits; that drunkards are not only more frequently attacked by severe diseases, such as fevers, and inflammatory affections, than others who are more temperate in their habits, but also that they are bad subjects for such attacks, and often fall victims to an amount of disease, which in more temperate constitutions would be easily overcome. The usual diseases directly induced by the protracted and excessive use of alcoholic drinks, are irritation of the stomach and bowels, vomiting, diarrhoea, scirrhus of the stomach, jaundice, hardening and enlargement of the liver, disease of the kidneys, dropsy, congestion of the brain, *delirium tremens* and insanity; with respect to the last mentioned disease, the published Returns of the Asylums for the Insane, declare intemperance to be its frequent cause.

That crime and pauperism are constant results of intemperance, we have the testimony of Judges, Magistrates, Gaolers, and other witnesses who have had the best means of gaining the fullest and most accurate information upon the subject. From the examination of a great number of published statements proceeding from such sources, the conclusion arrived at, as far as regards Great Britain and Ireland, by the Editor of the British and Foreign Medical Review, in the number for October 1847, is that four fifths of the entire amount of crimes is the very least proportion we can assign to those that are committed under the direct or indirect influence of intoxicating liquors!

I do not believe that protracted and severe bodily exertion can be so well sustained with as without the use of ardent spirits; I will not deny that a temporary amount of strength may be acquired by the use of a stimulant for making an extraordinary

muscular effort of brief duration ; but for keeping up the strength, and preserving the health under regular and severe bodily labour, I believe the tee-total principle to be the best.

As a general rule, I consider hot tea or coffee to be more useful than spirits for enabling a man to brave the elements in our cold winter weather ; but there are occasions during exposure to severe cold, when I have no doubt a glass of hot punch or negus, would be most useful in preventing serious injury to the constitution. I do not believe that cold spirits, in such circumstances, would have at all the same beneficial effect.

I am not much acquainted with the means employed in the adulteration of intoxicating drinks, but it is generally believed that such adulteration is extensively practised, and that many of the ingredients employed for this purpose are very injurious to health. Porter has been occasionally found to contain opium, and *cocculus indicus*, an active poison, has also been mixed with it, to give apparent strength, and confer stupifying qualities upon a poor and diluted liquor.

In conclusion, I may be allowed to state that, although wine and alcoholic stimulants are frequently of the most essential service in the treatment of many forms of disease, I believe that their habitual use, even in moderate quantities, is unnecessary to the enjoyment of the most perfect health.

I have the honour to be,

Sir,

Your obt. servant.

GEO. W. CAMPBELL, M. D.

W. C. Burrage, Esq.

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MONTEAL, 27th February, 1849.

SIR,—Absence from town has prevented my replying sooner to your letter of the 14th instant, written by direction of the Chairman of the Committee appointed to investigate the subject of Intemperance ; I shall answer as succinctly as possible the various questions.

1<sup>st</sup>. The majority of cases of insanity among males, are caused by the abuse of strong drinks.

2<sup>nd</sup>. In my opinion, the number of deaths among males, between the ages of sixteen and sixty, would be reduced to perhaps one half in this country, were the use of strong drinks totally abolished.

3<sup>rd</sup>. Delirium tremens, epilepsy, diseased brain, diseased liver, apoplexy and dropsy, are diseases directly produced by the use of strong drinks, moderately or immoderately.

4<sup>th</sup>. The graver crimes are usually committed under the stimulus of moderate quantities of drink.

5<sup>th</sup>. Indirectly, by reducing the means of families, the use of strong drink is a most fruitful cause of crime.

6<sup>th</sup>. Abolish the use of strong drink, and pauperism will be extinguished on this continent.

7<sup>th</sup>. The use of strong drink renders the body more susceptible of fatigue, less able to resist the effects of severe cold, or intense heat, and more open to the invasion of contagious, epidemic, or miasmatic disease.

8<sup>th</sup>. Ardent spirits are usually adulterated with reduced silent spirit, which does not, however, render them more injurious. But a common and very prejudicial addition is oil of vitriol, in order, in trade phraseology, "to make it carry a head," and to impart fire or pungency. The frauds practised in the adulteration of spirits, wines and beer, are innumerable, and most of them prejudicial to health.

I trust that the Committee will bear with me, while I state a few words as to the means that might be employed to diminish the evil of intemperance. All sumptuary laws, whenever, or by whomsoever tried, have failed in producing the desired result, and as laws, regulating the consumption of liquors, fall under the same head, they either fail in producing the desired result, or augment the evil. If the Legislature wish really to stop the progress of intemperance, attention to the following points, would probably ensure success :

1<sup>st</sup>. Government should derive no profit from the sale or use of liquors, the mass of mankind cannot distinguish between a crime and a sin ; drunkenness *per se* is no crime, but it is an awful sin, and if the Government receive the wages of iniquity, in the shape of duty on liquors, and dues on licenses to retail, how can the uneducated and unreasoning see wrong in that which is authorized by law ?

2<sup>nd</sup>. Drunkenness should be made just reason for depriving a man of a Government appointment; drunkenness should be made infamous. If a minister of the crown, a chancellor, a judge, a minister of religion, a lawyer, physician, a militia officer, a justice of the peace, or any other, holding an appointment under Government, should exhibit himself in public in a state of intoxication, he should be dismissed. It does not look well for Presidents of Temperance Societies, and Members of the Legislature at the same time, to call upon people at public entertainments, to fill their glasses, even to the toast of the Queen.

3<sup>rd</sup>. I am convinced that bar tipping is the most fruitful source of the manufacture of habitual drunkards, and that if "drinking on the premises" where the liquor is sold, with the exception of the case of *bonâ fide* travellers in inns, were abolished, intemperance would be much diminished.

4<sup>th</sup>. The system of paying "footing," current among operatives; on a new workman or apprentice entering a shop, is most pernicious, and if it could be stopped by Legislative enactment, without too much interference with the liberty of the subject, the cause of sobriety would be materially advanced.

Your letter warned me to be brief, and I shall now close my somewhat lengthy remarks.

I remain,

Your obedient servant,

S. C. SEWELL.

W. C. BURRAGE, Esq.,

C. C., Legislative Assembly.

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EXTRACT of an official letter of Mr. Sheriff Thomas, of the Gore District, dated Montreal, 9th March, 1849.

The labourer in this country readily obtains employment at a remuneration which makes him comparatively rich, and if he be of indolent habits he may support his family by the labour of a few days in each week. The facilities which are afforded him for a congregation with similar characters at the village tavern or city "grocery," soon transform the idler into the drunkard; his moral condition becomes deteriorated, and his follies soon de-

generate into vices; he becomes at length unfit and unwilling to labour, and theft or lawless violence soon bring him into contact with the Courts of Justice.

The Legislature has already provided many useful checks to the licensing of these houses, but in the hands of the Magistracy these checks are found to be wholly inoperative. Local interests, the disinclination to disoblige a neighbour, or less worthy causes, render the refusal of a licence under any circumstances, and in spite of a general absence of the requirements of the law, an almost unprecedented occurrence, and readily explains the cause of the number, and low character, of the miserable tippling-houses which abound throughout the country. To remedy this evil, it is desirable that the power of licensing should be transferred from the Magistracy, to such persons as may occupy a more responsible and independent position. They should, if possible, be functionary servants of the Crown, in order to secure their attention to the duties required of them, and because such persons could be readily controlled, if induced to practise partiality, or to be guilty of corruption. Perhaps, for this purpose, no better persons could be suggested than the Sheriff, the Judge of the District Court, (who is also Chairman of the Quarter Sessions,) and the Stipendiary Police Magistrate. The duty entrusted to them should be, not only that of licensing the house, but also to provide stringent regulations for its conduct; among which, the refusal on the part of the landlord to harbour the bar-room idler, would form a prominent feature, thus diminishing his opportunities of becoming tainted by the society of those who may be further advanced than himself in immoral pursuits.

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THREE RIVERS, *2nd March, 1849.*

SIR,—I have the honour to acknowledge the receipt of the letter which the Committee “appointed to inquire whether any Legislative measures can be adopted to repress the evils growing out of Intemperance,” were pleased to address me on the 28th February last, by which I am required to forward with as little delay as possible, to the said Committee, a statement specifying the quantity of spirituous liquors distilled in the District of Three Rivers, the quantity imported from Montreal, and the duty paid.

In reply, I have to inform you, that there is not, in the District, to my knowledge, a single distillery in operation, where strong liquors are distilled. That having no means of ascertaining the quantity of spirituous liquors imported into the District, it is impossible for me to give any information on this subject; and, finally, that I do not think that any duties are directly paid in this District by persons importing spirituous liquors therein.

I have the honour to be, Sir,

Your obedient servant,

L. B. GARCEAU,  
Inspector.

W. C. Burrage, Esq.

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REVENUE INSPECTOR'S OFFICE,  
QUEBEC, 2nd March, 1849.

SIR,—I beg to acknowledge the receipt of your letter of the 28th ult: requesting from me a “statement specifying the quantity of ardent spirits, distilled in the District of Quebec, the quantity imported, and the amount of duty paid.” I have to inform you in reply, that there are no ardent spirits distilled in the District of Quebec, and, consequently, that there is no duty paid; as to the quantity imported, and the duty payable on the same, I have nothing to state on this point: Revenue Inspectors not being intrusted with the collection of the Imperial duties, but merely with the receipt of the Provincial revenue.

I have the honour to be,

Sir,

&c. &c. &c.,

J. M. LEMOINE,  
R. I.

W. C. Burrage, Esq.,

C. C.,

Montreal.

*To the Chairman of the Committee of the Legislative Assembly, on Intemperance.*

MONTREAL, 3rd March, 1849.

SIR,—The following remarks have chiefly in view to furnish the testimony of public officers, and professional men in Montreal, to the evil effects of intoxicating liquors. Did time permit, a mass of information of the same purport might be extracted from the Reports of Temperance Societies, and communications contained in the Canada Temperance Advocate, during the fourteen years it has been published.

1<sup>st</sup>. *Crime*.—Judge Pyke stated in 1840, that of the adult offenders tried before him, nine out of ten, he might say nineteen out of twenty, were persons of intemperate habits; and that a great number of offences were committed by young persons who could not be called intemperate themselves, though they have been brought up in idleness and vice; and in almost every case, were the children of drunken parents;

Colonel Gagy, when presiding as Police Magistrate, said in my hearing, that nearly every case tried before him, was the result of intoxicating drinks.

Mr. Delisle, Clerk of the Peace, lately stated before the Grand Jury of the Quarter Sessions, that three fourths of the prisoners tried were of intemperate habits, and Mr. McGinn, the Gaoler, gave similar testimony. In 1835, I obtained from Capt. Holland, then keeper of the gaol of this City, a list of the persons who had suffered capital punishment, from 1824 till 1834. From this it appeared that, out of nine who had been executed, six at least, along with their unhappy victims, were brought to an untimely grave, through intoxicating liquors. The charges of Judge Mondelet to Jurors, and generally the presentment from these bodies, refer to the extent of crime, produced from this prolific source; the statistics furnished by Captain Wiley, of the Montreal Police, if there were no other evidence, are sufficient to establish the connection between intemperance and crime.

2<sup>nd</sup>. *Disease*.—The following testimonial from the physicians of Montreal, is so convincing, that to add to it, seems quite unnecessary.

*Testimony.*

We, the undersigned, are of opinion:—

1<sup>st</sup>. That a very large portion of human misery, including poverty and crime, is induced by the use of alcoholic or fermented liquors, as beverages.

2<sup>nd</sup>. That the most perfect health is compatible with total abstinence from all such intoxicating beverages, whether in the form of ardent spirits, or as wine, beer, ale, porter, cider, &c. &c.

3<sup>rd</sup>. That persons accustomed to such drinks, may, with perfect safety, discontinue them entirely, either at once, or gradually, after a short time.

4<sup>th</sup>. That total and universal abstinence, from alcoholic liquors, and intoxicating beverages of all sorts, would greatly contribute to the health, the prosperity, the morality, and the happiness of the human race.

(Signed)

GEO. M. CAMPBELL, M. D.

A. F. HOLMES, M. D.

M. McCULLOCH, M. D.

P. E. PICAUD, M. D.

FRANCIS BADGLEY, M. D.

WLD. NELSON, M. D.

A. HALL, M. D.,

And 36 other Physicians.

Similar views have been expressed by thousands of medical men in Great Britain and the United States.

3<sup>rd</sup>. *Sudden deaths.*—In 1836, Mr. Mondelet, coroner for the District of Montreal, stated that one half of the sudden or violent deaths, on which he was called upon to report officially, are caused by excessive drinking, and eight of every ten might be traced to the habit of drinking, although the individuals may not have died in a state of intoxication. He also added, that in this City, intemperance prevailed more among women than men, and he believed nine out of ten of the females, on whom inquests are held, die of intemperance, and concludes with the following melancholy, but just reflection; “The number launched into eternity by rum, is extraordinary.” In conversation with Mr. Jones, his colleague, he has repeatedly borne the same testimony to the



numerous cases, the result of drinking, upon which he has held inquests. It is estimated that the violent deaths from drinking in Montreal amount to 100 yearly.

4. *Prostitution.*—Mr. McGinn stated before the Grand Jury, on the occasion referred to, that he had asked one of these poor creatures why she was intemperate; she said in reply, “do you think the feelings of a woman could submit to the brutality and degradation of our condition without liquor?” It may be assumed that nearly every prostitute is a drunkard. And to a great extent, may we not attribute the seductions of young females, to the agency of intoxicating liquor, and the influence it has in preventing them from returning to the paths of virtue, by drowning those better feelings which might lead to repentance and reformation.

There are other evils caused by intoxicating liquors that might be illustrated at length, but to which I can only refer, viz:—

1st. The addition to our public expenditure for the trial and maintenance of criminal offenders, of whom at least three fourths are made so by liquor; the cost of keeping the public peace, which would scarcely be broken were drinking abolished.

2nd. The great addition to individual expenditure and that of benevolent societies by the poverty brought about by drinking habits.

3rd. The adding to private expenditure, by the increased rates of insurance on life, houses, and shipping; the loss by bad debts to tradesmen, physicians, and other professional men, to make up for which, the sober and industrious portion of the community must pay higher rates than it would, if these losses were not incurred.

4th. The great number of lives lost through drunken captains of vessels, engineers on steamboats and railways, and persons employed on public conveyances. The increased mortality by cholera, typhus, &c., which are fed through persons of intemperate habits, and the many valuable lives sacrificed by the spread of these diseases in the community.

5th. The increase of Sabbath breaking, irreligion, infidelity, and vice, among the lower classes in particular, and the hindrance to moral and religious improvement caused by drunken habits.

6th. But in conclusion, deplorable as are these results, they sink into insignificance when the influence of intoxicating drinks is viewed in relation to man's higher interests, and upon the spread of the Redeemer's Kingdom. In the holy Scriptures, the doom of the intemperate is pronounced in these fearful words, "No drunkard shall inherit the kingdom of God," and were men to give up the use of intoxicating drinks, a mighty obstacle to the reception of the Gospel, at least in christian lands, would be removed.

With the earnest hope that the benevolent labour of the Committee may be successful, I beg to submit the foregoing observations.

I have the honour to be,

Sir,

Your most obedient servant,

JAMES COURT.

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*Mr. John Dougall's Evidence.*

*Question.* What, in your opinion, are the chief causes of intemperance?

*Answer.* They are, I think, threefold;

1st. The usages of society rendering it all but imperative on every one to accustom himself to the use of intoxicating drinks, and thus placing him directly in the way of temptation, which all experience shows, invariably overcome a considerable portion of those who expose themselves to it.

2nd. The desire which vicious persons feel to escape from the consciousness of their own guilt and degradation; thus, while drinking leads to crime, crime, by a terrible retribution, leads to the suicidal practice of drinking.

3rd. The traffic in intoxicating drinks, which places the means of self-injury (too often of self-destruction) not only within the reach of every individual, but actually tempts, at every turning, all who have an appetite for these drinks to their ruin.

*Question.* What is the extent of the evil arising from these causes?

*Answer.* It is much greater than would appear to a superficial observer.

The quantity of intoxicating drinks imported and manufactured is so great that, when divided among the population that may reasonably be supposed to use them, the quantity for each individual will indicate a great amount of intemperance.

Again; the number of taverns and dram-shops is so great that if each sells enough to pay expenses merely, the quantity drunk in Montreal, for instance, must be enormous; and this conclusion is borne out, when the inhabitants of a given street in the districts of the city are reviewed. The number of intemperate persons in all such statistical examinations have been found appallingly great.

The confidential statements of physicians in extensive practice respecting the intemperance prevalent in many families where it is scarcely even suspected by the public, are not less alarming. The evil consequences of this extensive use of intoxicating drinks have been, however, so often and ably set forth, that I do not think it necessary to enter on the topic now in detail.

*Question.* What remedies would you suggest for this great evil?

*Answer.* The remedies are suggested by the causes. The drinking usages of society to which I adverted as the first, and, I may add, the greatest cause of intemperance, can only be suppressed by moral means, the chief of which are reasoning and example. And here I would respectfully suggest, that an example of abstinence from intoxicating drinks, dictated by philanthropic and patriotic motives, on the part of persons in influential stations, such as Judges, Legislators, Ministers of Religion, and Magistrates, would have a most beneficial effect.

The intemperance that grows out of vice and crime is equally beyond the reach of Legislation, except in so far as vice and crime may be restrained by wholesome laws.

The third great cause of intemperance, the traffic, is then the only one that can be reached directly by Legislation.

*Question.* In what way do you think the traffic may be advantageously limited or controuled by Legislation?

*Answer.* As the enactment and administration of laws is for the good of the community and not for their injury, it appears

to me a contradiction of the most glaring kind specially to license the sale of intoxicating drinks at all. But if licensed for the purpose of preventing indiscriminate traffic, the law should evidently be as precise and stringent as possible, so as to prevent violations, either on the part of the administrators of the law or the sellers of intoxicating drinks.

*Question.* What abuses have to your knowledge crept into the administration of the present law?

*Answer.* It is administered in the loosest possible manner generally, in so much that the traffic might, for any difficulties which it interposes, almost as well be altogether unrestricted. The magistracy, with whom the licensing of taverns rests, are irresponsible to the public, and even when public opinion, or their own convictions, have in any case induced them to make an effort to diminish the number of licenses, at the meeting annually appointed to consider this matter, two or three magistrates perhaps engaged in the traffic themselves, or having property rented for tavern stands, afterwards granted the rejected applications. In Lower Canada it is even worse; licenses refused and re-refused by magistrates after full investigation, on account of the bad character of the applicant, have been granted at once on application to the Provincial Secretary for the time being. Now, it must be evident that all stipulations as to character of the applicant, or the accommodations of his house, or the need for such a house in the locality, are quite useless in any legal enactment, so long as they are systematically disregarded. From what I have learned, I am convinced that any individual in Canada East, no matter who or where, could have (unless the custom has been recently altered) a licence if he had the sum required to pay for it.

I speak on this point very strongly, on account of the unquestionable testimony to the effect stated, of respectable parties in Quebec, Montreal, Hull, and other parts of the Province, communicated to a Temperance Convention held last year in this City, and other sources of information.

*Question.* What plan would you suggest to prevent these abuses?

*Answer.* I think the licensing power, if it exists at all, should be placed in the hands of parties amenable to public opinion, and who, if they abuse it, may be put out of office by a majority of the

people of any given District or City for which they act. The present Municipal Councils would present the necessary medium of exercising this power, were it not deemed better to elect officers expressly for this purpose, and with no other duties, in each County or District. This latter plan would, I think, be greatly preferable, as the administration of the license law would thus be separated from political, and all other considerations.

If the law be administered as at present by the magistrates, I think licences should only be granted once a year (if at all) and that, at a meeting expressly called for the purpose, and that no less number of magistrates, should have the power to grant a rejected application afterwards, and especially that it should be clearly understood that the Executive will not interfere in the decision of said magistrates so as to grant any application which they have rejected. It would also be most important to subject the applicant to advertise his application for a certain length of time, with the names of the magistrates recommending it, in the nearest paper or in some other public manner, in order that magistrates may be deterred from violating their oath of office by certifying to what they must often know to be untrue, and also in order that the inhabitants of the locality in question may have an opportunity to petition the Quarter Sessions against the application, if they desire to do so.

*Question.* You have suggested that the sale of intoxicating drinks should not be licensed at all. Do you think then that it could be suppressed?

*Answer.* I do not think that it could be wholly suppressed by coercive enactments, in the present state of public opinion on the subject, which, however, would effectually prevent such enactments from being obtained.

*Question.* Would it not be still more injurious to society, to leave the traffic in intoxicating drinks free, than it is at present, with all the abuses of the licence law?

*Answer.* It need not be left free. Legislation should from time to time be directed against it, as far as the advancing state of the public mind on the question will allow. All, who engage in this traffic, should be rendered amenable to actions of damages to be tried before juries of their neighbours for the injuries they are the means of inflicting upon families. And they should be

specially and heavily taxed for the support of the poor, as well as of prisons, asylums, and other remedial means rendered necessary chiefly through their traffic. The penalties for keeping late hours, for selling on the Sabbath, for permitting minors to drink, or for allowing drunkenness or disturbance on the premises should also be heavy and summarily enforced. In fact, the traffic should be regarded as a wild beast, which, if we cannot altogether destroy, should limit and hamper as much as possible, but in no case license. All history shews that the further legislation has been carried out against the baneful traffic, the better it has been for the people, and the more it has been relaxed, the worse.

It is the special licensing of what is evil that I decidedly deprecate; were the traffic unlicensed, it would doubtless soon be viewed as a kind of social piracy, and the person engaged in it would be looked upon as an Ishmael whose hand was against every other man. But the obloquy which would attach to it, if left to itself, to be judged by its fruits, is in a great measure taken away by the sanction and respectability thrown around it, by a legal licence to carry it on.

*Question.* You have said, the seller of intoxicating drinks should be liable to an action of damages for any injury which his business inflicted upon families, as also to heavy taxes for the support of the poor; will you explain your views on these points?

*Answer.* The common objection to legislation against the sale of intoxicating drinks, is, that if it produces evils, these evils are self-inflicted, and therefore not susceptible of legislative remedy or penalty. But this is a very superficial view of the case. Are the evils suffered by the drunkard's wife and children inflicted by themselves? Are the burdens entailed on the community to support paupers, orphans, &c., made by such by intemperance, voluntarily imposed? On the contrary, the small portion of the community who sell intoxicating drinks are instrumental in inflicting, and that for their own profit, many and grievous evils, on the public in general, and the drunkard's family in particular, against the will of the latter.

Besides the principle is already recognized that there are offences against morality and the public safety, which, though the actors and sufferers in them may be voluntary agents, are yet made obnoxious to severe legal punishment. Now, if any offence

is so treated, surely the offence of selling intoxicating drinks as a beverage—one which causes more wide spread crime and misery than all the others—should not be excepted.

Finally, I would repeat the substance of the conclusions at which I have arrived after long investigation and reflection on this subject. The traffic in intoxicating drinks, to be used as a beverage, is not one that should be licensed at all.

It is one which should be curtailed and hindered by law as far, and effectually as, public opinion will from time to time permit, until the community shall be sufficiently enlightened to authorize its entire suppression.

If licensed at all, in the meantime, the regulations should be precise and stringent, and the law strictly enforced. It is not mercy to the trafficker to relax the law in his favour. The greatest mercy to him and his family would be to drive him out of it into some more respectable and moral calling.

And such relaxation is great cruelty to the public.

JOHN DOUGALL.

Montreal, 5th March, 1849.