

PETITION.

To the Honorable the Knights, Citizens and Burgesses of the Legislative Assembly, in Parliament assembled :

The undersigned Friends of Temperance, resident in the District of Montreal, have the honor to represent to your Honorable House,

That the Friends of Temperance have watched, with sentiments of gratitude, the efforts made by the Legislature to check the disorders arising from the immoderate use of intoxicating liquors, and to extend and encourage on all sides the labors of the Temperance Societies. The law passed during the last Session of the Legislature has largely contributed to the attainment of this object, and, thanks to the zeal of the Friends of Temperance, many Districts are found to have entirely proscribed within their bounds those haunts to which the members of the community, who are too feeble to resist their passion for indulgence, resort to drown their reason, cloud their faculties, and swallow up their fortune and the sustenance of their families. Yet, notwithstanding all the care bestowed in the construction of the law in question by the zealous and enlightened individuals who drew it up, Your Petitioners have thought that some amendments might be so made, as to prevent many infractions of its provisions which the law cannot at present reach. Thus no absolutely effective means can be found in it to prevent the sale of intoxicating liquors without a license, no punishment for the drunkard, no protection for his family. The enactments respecting the granting of licenses are evaded, while no provision is made for the punishment of the impositions used for the purpose of obtaining licenses. The public are quite unable to ascertain the regularity and the legality of the signatures affixed to the certificates given to tavern keepers, signatures almost universally unauthorized by law, and yet, on such certificates, licenses are granted, and cannot be withdrawn.

The security required to be given by the person applying for a license appears trifling in amount, and not sufficiently binding.

Your Petitioners humbly represent that, in these circumstances, until a law can be obtained for the purpose of completely abolishing the trade in spirituous liquors, which is the only certain means of repressing intemperance, it seems expedient to amend the Act in question by introducing therein provisions to the following effect :

That every application for a tavern license shall be backed by a certificate signed by a majority of the electors who are proprietors in the place, and that the application for a license to keep a Temperance Hotel shall be supported by at least fifty of the said electors, reserving always to the Council the right of refusing to confirm such certificate ;

That a like certificate, emanating from a majority of the electors, shall be required for a license to sell and retail intoxicating liquors in any quantity whatsoever ;

That such certificate shall be drawn up in triplicate, one copy whereof shall be deposited in the office of the Secretary-Treasurer of the Municipality, another shall be delivered to the Clerk of the Peace for the District, and the third to the Revenue Inspector, with the confirmation of the Municipal Council ; that it shall be the duty of these three officers to deliver a copy thereof on the payment of sixpence for every hundred words to every person requiring the same, under a penalty on refusal of two pounds ten shillings, currency ;

That if the certificate on which a license shall have been granted shall not be conformable to the requirements of the law, it may be so declared, on a complaint brought before a Justice of the Peace, who shall try the complaint in a summary manner, and cancel the license ; and such Justice of the Peace shall have authority to compel any of the parties, with whom the certificate is deposited, to produce the same ;

That, in any such trial, the party whose license is objected to, shall be bound to prove the correctness and legality of his certificate, and the fulfilment of all the requirements of the law ;

That the proceedings shall be summary, and take precedence of all other business in the Court, and that the costs shall be allowed and taxed against the losing party ;

That the security for retailing spirituous liquors shall be a hundred pounds currency, with proof of sufficiency from the person applying for a license, with two sureties of fifty pounds, currency, each, and that the sureties shall respectively hypothecate real estate worth at least seventy-five pounds, currency, after the payment of all debts and claims thereon, and that such security shall be registered, and a certificate of the registration produced, before the license can be granted ;

That the sureties shall be jointly and severally answerable for all penalties and damages to which the innkeeper or retailer of spirituous liquors shall become liable, during the period for which the license is granted, even if the license shall have been annulled for any breach of the law ;

That the security shall be taken by and before a Justice of the Peace, who is neither an innkeeper nor a seller of spirituous liquors ;

That upon the complaint of the wife, father, mother or child, (not less than seventeen years of age) of the person who shall have become intoxicated, the innkeeper or seller of spirituous liquors who shall have allowed him to become intoxicated in his house, or the person who being unlicensed shall have furnished or procured liquor for him, shall be prosecuted and convicted ; that the person bringing such complaint shall be a competent witness, and entitled to receive the whole of the penalty, if the complaint be proved by another witness ; and that such penalty shall belong to them, and payment thereof to them shall be valid on their simple receipt, without further authority being required, either for the wife or the minor child ;

That innkeepers or retailers of spirituous liquors shall not furnish, give, or sell such liquors to raftsmen, or to residents in the place, except on certificate of the Curé, Pastor or Minister, or of the Physician, under a penalty of not less than twenty-five shillings, or of fifty shillings, if the person to whom the liquor shall have been furnished is known to be addicted to the immoderate use of spirituous liquors ;

That except in the case herebefore mentioned, penalties shall belong to the Municipalities, which shall be bound to pay the costs of arrest, carriage and imprisonment of the delinquent, and the expense of detention, conviction and execution in the case of *nulla bona*, and that they shall be entitled to establish places for the imprisonment of delinquents ;

That the 12th, 13th and 14th Sections of the 13th and 14th Vic., cap. 27, shall be revived ;

That if a person, being in a state of intoxication, becomes wounded, fractures a limb, or becomes disabled in any manner, he may bring an action for damages before the ordinary Courts of law against any retailer of liquors who shall have furnished, given or sold him the same ; that his wife shall have the same right of action, and may prosecute the same, without the presence or the authority of her husband, or of the Court, and that she may recover and receive, in her own name, the amount of damages awarded ;

That every Magistrate shall be entitled to require the appearance before him of any person who shall have been found intoxicated, and to make him declare the name of the person who shall have sold, furnished or procured liquor for him, under a penalty of twenty-five shillings ; and that upon the declaration of such person, who shall not be liable to any prosecution for any act revealed by such declaration, it shall be the duty of the Justice of the Peace to summon before him the person charged with having so furnished, given, procured or sold the spirituous liquor, and to convict him in a penalty of twelve pounds ten shillings, currency ;

That for the second offence and on a second conviction, the license shall be *ipso facto* cancelled ;

That the penalty shall be doubled in the case of a person who, having a licence to keep a Temperance house, shall sell, retail, give or furnish spirituous liquors, as also in the case of every other person who shall sell, retail, give or furnish intoxicating drinks without being licensed so to do, and that in all cases in default of payment of the penalty, the party convicted shall be imprisoned during three months for the first offence, and double that time for every subsequent offence, besides the loss of his license, if he has one ;

That Inspectors of Taverns shall be appointed by each Municipality ;

That no Innkeeper or Trader, selling or retailing spirituous liquors, shall be a Magistrate or a Municipal Councillor ;

That no Innkeeper or Trader, selling or retailing such liquors, who is now a Municipal Councillor, shall be entitled to vote on any petition for a license, nor sign the requisite certificate under a penalty ;

That any person may prosecute for any breach of the law ;

That licenses for Temperance Houses shall be granted to none but members of some Temperance Society, and that they shall not be permitted to have and keep intoxicating liquors in their houses ;

That Municipal Councils shall not take into consideration applications for Tavern¹ or Temperance House licenses oftener than twice in the year, namely, at regular Sessions holden in the months of April and October ;

That every person applying for the confirmation of his certificate, in order to obtain a Tavern license, or a license to keep a Temperance House, shall be bound to deposit one of his certificates at the office of the Secretary-Treasurer of the Municipality, at least eight days before such Session, and shall cause the same to be read in a loud and distinct voice ; at the door of the Church, after Divine Service in the morning, on the Sunday next before such Session, together with the signatures appended thereto, and notice of the application intended to be made, and of the day when the same will be made ;

That the dealers and sellers of spirituous liquors shall have no right of action for such liquors by them furnished, sold and delivered ;

That traders and sellers of spirituous liquors and Tavernkeepers, shall be prohibited from selling or furnishing spirituous liquors during the holding of the Polls at Elections, either to residents in the place or to strangers.

In these circumstances, Your Petitioners pray Your Honorable House to take the above into your serious consideration, and adopt such measures as in your wisdom you may think expedient, to prevent the evils resulting from the trade in intoxicating liquors.

And Your Petitioners will ever pray.

(Signed,)

† IG., EV. DE MONTREAL.

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† J. O., EV. DE ST. HYACINTHE,

And over 5000 others.

1st Session, 4th Parliament, 16 Victoria, 1852.

PEITION

Of the Right Reverend the Roman Catholic Bishops of Montreal and St. Hyacinthe, and over 5,000 others, Inhabitants of the District of Montreal, on the subject of Temperance.

Printed by order of the Legislative Assembly.

QUEBEC :

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