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REPORT
OF
PENAL AND CIVIL PROSECUTIONS
AND COMPLAINTS,

DISP. SED OF BIFORE THE

RECORDER'S COURT

FOR THE

YEAR 1866,

AS WELL AS

AMOUNT OF FINES, &c., RECEIVED THEREON.

MONTREAL:

M. LONGMOORE & CO., PRINTERS, 67 GREAT ST. JAMES STREET.

1867.

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The EDITH *and* LORNE PIERCE
COLLECTION *of* CANADIANA



Queen's University at Kingston

OFFICE OF THE CLERK OF THE RECORDER'S COURT,
26th January, 1867.

To WILLIAM RODDEN, Esquire,
Chairman of the Police Committee :

SIR,—I have compiled a Report of Prosecutions, before the Recorder's Court, for 1866, which I take leave to present to the Committee.

On comparing it with that of 1865, there will be found some matters worthy of notice, as regards the nature of the offences prosecuted for, the number thereof, and incidental convictions, committals and discharges. In 1865, 8,508 were prosecuted ; in 1866, 9,175 ; increase, 667. Out of 9,175 prosecutions 7,236 were convicted, being 290 over 1865.

Notwithstanding this increase of prosecutions and consequent convictions in 1866, there has been a decrease of committals to the extent of 287 as compared with 1865, a disproportion which can be accounted for only by a greater capacity in prisoners to pay their fines. Discharges were, in 1865, compared to the number prosecuted, as 1 to 6.50 ; in 1866, 1 to 5.513 ; all which can be verified by the following recapitulation :

	1865.		1866.
Prosecutions.	- - - - 8,508	Prosecutions,	- - - - 9,175
Convictions,	- - - - 6,946	Convictions,	- - - - 7,236
Committals,	- - - - 3,455	Committals,	- - - - 3,158
Discharges,	- - - - 1,307	Discharges,	- - - - 1,664

The revenue of this department for this year is \$13,503.50 to \$9,304.17 in 1865 ; increase, \$4,199.33. The above comparative recapitulation will not of itself account for this increase, and it can only be traced to the increase of convictions for offences carrying heavier fines in 1866, over those of 1865. These offences are chiefly selling spirituous liquor without license, of which there were 68 prosecutions in 1866 to 12 in 1865 ; taverns open on Sunday, for which prosecutions were 117 in 1866 to 76 in 1865 ; keeping houses of ill-fame, for which there were 42 prosecutions in 1866 to 22 in 1865. For the first offence the

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fine is \$50 fixed, so that 60 convictions, if the penalties were paid, and they usually are, would produce \$3,000. The fines for the second offence run from \$10 to \$20, always paid; and for the last offence the fines run according to circumstances of aggravation, from \$25 to \$50, generally paid. The convictions for the first offence are trifling to what could be obtained if a permanent staff of detectives could be had to watch and lodge complaints; and the whole expense of police could easily be defrayed by the fines arising from such convictions, which might be multiplied tenfold without any difficulty—convictions which would have the incalculable advantage of cutting at the root of intemperance and thus do away with the perpetual clipping of the offshoots—and which would, with propriety, fall upon a class who are the chief cause of the necessity of police, and who ought to contribute in this way in due proportion to the burden of its maintenance.

Prosecutions for nuisances, or permitting such, were 459 in 1866 to 305 in 1865; increase, 154, due to the cholera panic of last spring. I rely on the testimony of medical men for the belief that the public health has thus been materially subserved. I would respectfully suggest that as nearly an equal number will have to be commenced next spring, to secure the like advantage for the approaching summer, the same efficient means as last spring should be employed, and vigorously carried out hereafter, as a general rule, without regard to impending epidemics.

Respectfully submitted,

H. J. IBBOTSON,
Clerk of Recorder's Court.

REPORT.

PENAL PROSECUTIONS.

1.—Of persons arrested on view of the commission of offences by Constables and tried by Information or Complaint, the said offences consisting primarily of drunkenness, and secondarily of infraction of the public peace or public order, under Consolidated Statutes of Lower Canada, chapter 102, and of 23 Victoria, chapter 72, during the year 1866.....	6,897
Of whom were convicted.....	5,801
were discharged.....	1,084
Not proceeded against after complaint.....	12
	————— 6897
Of the foregoing were committed.....	2846

THE WHOLE IN THE FOLLOWING ORDER:

	CONVICTED.	COMMITTED.	DISCHARGED.
January.....	379	223	55
February.....	327	185	55
March.....	382	222	66
April.....	363	219	91
May.....	467	261	86
June.....	539	285	106
July.....	548	264	120
August.....	541	254	104
September.....	545	256	144
October.....	718	318	99
November.....	548	254	95
December.....	444	206	63
	—————	—————	—————
Total.....	5801	2846	1084
	—————	—————	—————

2.—Of persons tried by Summons or information, or arrested by warrant, for infraction of City By-Laws or Statutes, and for divers special offences.....2,278

BEING FOR THE MOST PART FOR THE FOLLOWING
OFFENCES, TO WIT :

Aggravated assault and battery.....	10
Carrying offensive weapons.....	3
Common assault and battery.....	398
Assaults on or resisting Police.....	129
Assaulting Bailiffs in the execution of their duty.....	2
Refusing to allow constables to enter taverns..	7
Taverns and dram-shops open on the Lord's Day, or after hours.....	117
Selling and purchasing liquor on Lord's Day..	18
Selling liquor without license.....	68
Keeping musical saloons.....	3
Keeping open fruit shops and groceries on Lord's Day	15
Carters, traders and others driving vehicles without license or numbers.....	281
Carters refusing employment.....	1
Carters absent from their vehicles, loitering about, or being off the stands unemployed	97
Carters and others driving faster than a moder- ate trot.....	85
Persons ill-using horses, cattle, &c.....	25
Persons refusing to pay carters their fares.....	16
Driving without bells.....	43
Allowing a horse to go without a driver.....	1
Carters placing a number wrongly on horses....	3

Carters employing drivers not licensed.....	20
Persons using wheeled carriages in winter....	4
Using trains contrary to Consolidated Statutes of Lower Canada, chapter 31.....	22
Carters carrying corpses in public vehicles....	1
Persons guilty of disorderly conduct on markets, or refusing to obey orders of Clerks thereof	25
Persons selling or exposing for sale fresh provi- sions, vegetables, &c., off public markets	43
Persons encumbering markets.....	2
Butchers having unclean stalls.....	1
Persons selling unwholesome fish on markets..	3
Hucksters buying on markets before 11 a. m..	1
Persons buying grain off markets.....	1
Buying fish off markets.....	1
Persons selling or purchasing cattle off markets	2
Persons encumbering streets.....	19
Sliding on streets.. ..	1
Excavating streets.....	5
Injuring sidewalks.....	2
Neglecting to enclose an excavation.....	1
Neglecting to fence vacant lots.....	4
Persons neglecting to cut down snow and ice on sidewalks	20
Neglecting to remove snow from the roofs of houses	10
Removing same after 9 a. m.....	1
Dirty premises.....	310
Committing nuisances or permitting such.....	136
Keeping slaughter-houses in an unclean state..	4
Using hand-hose without permission	4
Persons bathing opposite city limits.....	6
Persons erecting wooden buildings.....	1
Covering buildings with shingles.....	1

Erecting buildings without notice to City Surveyor	1
Neglecting to construct privies to houses.....	9
Discharging fire arms in City limits.....	3
Persons constructing hearths in houses not in accordance with By-Law.....	1
Wasting water of Montreal Water Works....	12
Tenants allowing water to be taken from their premises without permission of Water Works	1
Persons keeping houses of ill-fame.....	42
Inmates of same.....	73
Frequenters of same.....	12
Keeping disorderly houses.....	5
Persons gambling.....	14
Persons keeping wood-yards without having the same inspected by Inspector of Buildings	1
Persons cording wood without license.....	6
Using a powder magazine without license....	1
Persons carrying on business of horse dealer without license.....	1
Selling raw-hides without having the same inspected	3
Selling unwholesome bread.....	1
Sellers of hay using vehicles falsely stamped ..	1
Persons using threatening language and bound over to keep the Peace.....	2
Persons committed for contempt of Court.....	4
Of whom were convicted	1,435
Were committed.....	312
Were discharged.....	580
Complaints settled, discontinued or not proceeded with	263

THE WHOLE DISPOSED OF IN THE FOLLOWING ORDER :

	CONVICTED.	COMMITTED.	DISCHARGED.
January.....	141	30	51
February	125	44	46
March	57	20	14
April.....	121	27	31
May	186	8	40
June	132	33	50
July	156	36	50
August.....	146	23	67
September	105	27	17
October.....	108	19	36
November	75	20	32
December	83	25	46
	1435	312	580

Total of Prosecutions under 1st and 2nd heads	9,175
“ of Convictions.....	7,236
“ of Committals	3,158
“ of Discharges	1,664

CIVIL PROSECUTIONS.

Number of Warrants issued against persons for non-payment of assessments, duties, taxes, or water rates.....	3,507
Number of Actions issued for special City dues, wages of servants, &c.....	310
Total of Prosecutions, civil and penal.....	12,992
Total of Prosecutions, civil and penal, during 1855 (first Report compiled)	7,026

Amount of fines and costs received on convictions for offences.	\$12,465 89
Amount of Costs received by City Treasurer on Assessments, &c.....	658 61
Supplementary Return of Keeper of Common Gaol, being fines received by him on behalf of the Corporation for the quarter ending 31st Dec., 1866.....	\$379 00
Total income of Recorder's Court.....	\$13,503 50
Exclusive of fines and costs remitted.	
Total income 1865	\$ 9,304 17
Increase in 1866	4,199 33

(Certified,)

H. J. IBBOTSON,
Clerk of Recorder's Court.

MONTREAL, January, 1867.

