

Demon in a Bottle, a Devil to Control:
Alcohol Regulations and Illicit Consumption in New France

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A Thesis
in
The Department
Of
History

Presented in Partial Fulfillment of the Requirements
for the Degree of Master of Arts (History) at
Concordia University
Montreal, Quebec, Canada

April 2018
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CONCORDIA UNIVERSITY
School of Graduate Studies

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Abstract

Demon in a Bottle, a Devil to Control: Alcohol Regulations and Illicit Consumption in New France

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This thesis explores the subject of contraband alcohol and governmental control in eighteenth-century New France. As the colony developed, so did the alcohol regulations and French judicial system. Priority in enforcing the laws shifted from religious influence to the necessity of asserting authority in the colonial setting. Over the years, concessions were made to meet the growing demand of alcohol among the Aboriginal population but consumption of brandy remained prohibited. As this work will show, regular citizens actively defied the alcohol laws and provided First Nations people with brandy and were subsequently brought to court.

The growing concern of excessive drinking in the colony and rise of illicit sale and trade of alcohol to First Nations people led to a shift in focus for the governing body to prosecute and make an example of those found guilty. Select case studies not only paint a picture of those accused but also highlight the uneven application of the law during this period, and of the agency of Indigenous people in criminal proceedings.

Acknowledgments

I would like to thank the people who encouraged me throughout my studies and research of this work. To my supervisor, Dr. Gavin Taylor, for his continuous support and guidance from the early stages of research to the final revisions of this thesis. My thanks to Dr. Barbara Lorezkowski and Dr. Eric Reiter for their invaluable feedback and advice that helped shape my thesis.

I cannot stress enough how thankful I am for my family, especially my parents for their endless support, encouragement and understanding, even when they kept asking about the deadline, I knew they meant well. To my partner, thank you for your patience and always believing in me, and I'm sorry for keeping you up at night with the light from my desk lamp. To my friends for their optimism, wisdom, and assistance in proofreading, I cannot thank them enough. Lastly, I dedicate this work to my dog Nemo who isn't here anymore but stubbornly kept me company for countless late nights and through impending deadlines. I still miss you dearly.

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Introduction

In 1719, four Algonquins attested to having exchanged three shirts and a red cover to a local Trois-Rivières tailor for brandy. The Algonquins, two men and two women, resided in the woods by the river near Trois-Rivières and each were questioned about what items they traded, the form of payment and the identity of the tailor. All four Algonquins were paid with brandy, usually stored in a vessel to consume elsewhere, and identified the individual as Paul Caty dit Laiguille. This was not Caty's first offence and has appeared in court records on two other occasions. After verifying with the Algonquin witnesses that they had truly traded with Paul Caty, including positive identification of the exchanged goods found within Caty's residence, the crown prosecutor interrogated the accused. Caty confessed to having purchased the shirts and cover but denied having paid the Algonquins with alcohol, insisting that he had given them food. The court officials were not convinced of Caty's innocence and even if he had not given the Algonquins alcohol, he still contravened a law that prohibited the trading of goods with Aboriginals. Due to Caty's previous convictions and the airtight testimonies from the Algonquins, the court found Paul Caty guilty of illicit trade of alcohol and was fined 100 *francs*.¹ This retelling is a sample of the numerous cases found in eighteenth-century New France court records. These cases were not uncommon and many people were accused of either illegally selling or trading alcohol to the Aboriginal population. The frequency of these accusations shows that the aforementioned illegal activities were recurring and colonial authorities needed to make examples of the citizens who undermined the alcohol regulations

¹ "Procédures criminelles contre Paul Caty dit Laiguille, tailleur d'habits des Trois-Rivières, âgé de 50 ans, accusé d'avoir donné de l'eau-de-vie (alcool) aux Sauvages (Amérindiens) algonquins en échange de diverses hardes (vêtements)," 6-11 août 1719, BANQ-M, TL5, D594.

and dissuade others from committing similar infractions. If these cases occurred frequently during this period on a local level, what can be gained from examining these sources? Why have they not been previously studied? This work seeks to expand on the subject of contraband alcohol in New France by using primary sources were untapped or scarcely explored.

Any mention of alcohol regulations in history tends to gravitate towards the discussion of the Temperance movement and Prohibition era. Thanks to Hollywood and television networks, there is an abundance of media portrayals of smuggling alcohol and shady dealings in remote areas, like by piers and waterways in the cover of night. As exciting and refreshing as it is to see more films and TV series set in historical periods, those that focus on smuggling and illegal dealings of alcohol rarely venture further into the past. Mobsters were not the first to subvert the laws that restricted and prohibited alcohol consumption.

Considering the number of recent publications that discuss the alcohol trade and subsequent smuggling, particularly in the colonial era, it is clear that the interest in the topic has not waned. Rather, it continues to inspire historians to explore the subject further, giving a clearer understanding of colonial society (among others), its people and the various functions of alcohol, be it for social, commercial, or religious purposes. Previous works have looked at how alcohol was used as a form of ritual such as the offering of drinks to complete a business or employment contract, or in the case of some First Nations groups, imbibing intoxicating drinks like brandy as a means of connecting with the spirit world.

The subject of alcohol and what it symbolized for different occasions and groups of people have been studied at length. However, discussion of its illicit sale and trade, particularly brandy (or *eau de vie* as it was referred to at the time) has only been mentioned briefly or in passing in various monographs about colonial North America. The scope of my research fixates on individuals who were accused of illegally selling and trading alcohol in the early to mid-eighteenth century New France, their motivations, social standings and other information that could be gathered from examining the court records. Were women as likely to commit these illegal activities as men? If so, was this a recurring or temporal trend? What about the role that First Nations people played in the court cases? These perspectives have only been acknowledged but not widely examined by previous researchers and historians. My research completes these gaps and offers a new perspective that has not been studied extensively. As supplement to the court cases, my work sheds light on how laws were adapted and implemented to suit the needs of colonial authorities. The state allowed a degree of leniency to a select few even though they prosecuted the majority of French subjects for breaking the same laws that the authorities themselves manipulated. Individuals who had connections benefitted from the monopolies and protection granted to them by the state. As such, there was a disparity in the application of the alcohol laws within the colony.

By examining the court records, ordinances and decrees relevant to the distribution and consumption of alcohol, the colonial authorities' objectives become clearer to understand; these goals were to maintain the control of alcohol trade, and a strong alliance with the First Nations people. To the colonial authorities, it was paramount to keep a stable trading relationship even if it meant contradicting alcohol laws by providing them with brandy, a commodity that was highly demanded. By studying the court cases, a deeper insight

on who subverted the alcohol laws in uncovered. Many individuals that were accused were regular citizens and proved that illicit activities were not solely committed by the *coureurs de bois*, soldiers or smugglers.

Apart from tapping into these unused records, the purpose of my thesis is to explore how alcohol regulations evolved from the seventeenth into the eighteenth century, and how they were applied in relation to the cases dating from the latter century. The later chapters will detail women's involvement in the cases as well as discuss the deeper engagement of the Indigenous population with court proceedings and their agency. My thesis argues that alcohol laws were enforced to serve the colony's interests by protecting the fur trade and maintaining social order. Colonial authorities enacted laws for the preservation of the colony and not for any moral justification or desire to shield the Aboriginal population from the devastating effects that alcohol had on its people and their way of life. Rather, colonial authorities were motivated by the need to regulate the distribution of alcohol since it negatively impacted the fur trade and led to the loss of much needed revenue that benefitted individuals who held trade licenses. Lastly, general alcohol consumption within the colony required moderation in order to prevent public disturbances and calamities like assault, property damage, and accidental deaths.

Law was an effective tool for imperial powers to claim distant lands as their own. To add, the presence of European subjects in a foreign land was perceived as an extension of the law.² Those with positions of power in the colonies acted as sovereign representatives and were charged with the task of further legitimizing imperial influence by enacting laws and

² Lauren Benton, *A Search for Sovereignty: Law and Geography in European Empires, 1400-1900* (Cambridge: Cambridge University Press, 2009), 30.

enforcing them on its subjects. In theory, colonial law mirrored its metropolitan brethren but in reality, there were anomalies. In the colonial setting, laws were not evenly applied. Lauren Benton noted how variations of legal zones did not infer that there was a lack of laws but rather that such areas were legally complex.³ The alcohol laws are an example of regulations that were adapted as a means of establishing authority on foreign soil. Furthermore, the inconsistent and circumstantial application of said laws shows that New France was not immune to legal complexities.

Historiography

An in-depth look at the court cases and ordinances illustrates the complex nature of laws and how they were applied. This was especially true with alcohol regulations and how the colonial administration addressed the issue of illegal selling and trading of alcohol while also meeting the growing demand of brandy by the Indigenous population. Brett Rushforth discussed this dilemma in his chapter, “Insinuating Empire: Indians, Smugglers, and the Imperial Geography of Eighteenth-Century Montreal”, emphasizing the importance of smugglers and how their roles facilitated imperial objectives which was also recognized by colonial authorities of New France. According to Rushforth, smugglers were instrumental in maintaining a good relationship by providing brandy to Aborigines.⁴

Initially, the laws prohibited the sale of alcohol to First Nations people. It was not until the eighteenth century that amendments were made to permit certain sanctioned taverns

³ Benton, 37-39.

⁴ Brett Rushforth, “Insinuating Empire: Indians, Smugglers, and the Imperial Geography of Eighteenth-Century Montreal,” in *Frontier Cities: Encounters at the Crossroads of Empire*, ed. Jay Gitlin, Barbara Berhind, and Adam Arenson (Philadelphia: University of Pennsylvania Press, 2013), 64. For more on the importance of sustaining a strong relationship with the First Nations people. See Jan Grabowski’s “French Criminal Justice and Indians in Montreal, 1670-1760”.

to sell to Aboriginals and at that, only beer and cider were permissible. Since the Aboriginals operated under their own judicial system and were not considered French subjects, they could not be indicted in French court. Unable to prosecute their First Nations neighbours for obtaining alcohol illegally, the colonial authorities focused instead on taking the French suppliers to court.⁵ Rushforth cited one particular smuggler due to his exceptional circumstance and connections within the colony. François Lamoureux dit Saint-Germain was a known liquor and arms smuggler even though his official trade was as a Montreal merchant and gunsmith. Despite the lengthy process of collecting testimonies, including from one of Lamoureux's Mohawk smuggling associates who had crucial insider information, no conclusion or pending verdict could be found. Rushforth noted that Lamoureux was fortunate to escape sentencing because of his connections with people in high places and this corroborates with my findings. Considering that Lamoureux was known as a smuggler, he only appeared twice in court records and on both occasions he successfully evaded the full-extent of the law.⁶

The Lamoureux case is an example of imperial objectives being accomplished via unorthodox measures. Smugglers, like Lamoureux, strengthened the alliance between the French and Indigenous population by providing contraband alcohol. Although smugglers operated beyond legal parameters and disregarded the regulations, they indirectly aided the same colonial authorities they challenged. The struggle with liquor smuggling was not a means of declaring independence from the empire but to further establish the empire in a

⁵ A seventeenth century law could only fine an Aboriginal found inebriated the price of one to two beaver pelts and sometimes they were detained until they sobered.

⁶ Rushforth stated that Lamoureux's connections in high places may have reached the Governor of the time, Philippe de Rigaud de Vaudreuil, who was also embroiled in liquor smuggling allegations of his own.

distant land.⁷ Given that Rushforth's focus was on the pivotal roles of smugglers, the same could not be said for other French subjects who ran unofficial taverns under their roofs or crossed into First Nations territory to exchange alcohol for furs. The citizens that sold and traded liquor and were subsequently brought to court were not acting on behalf of an imperialist agenda. Rather, they were compelled to break the alcohol laws for their own personal needs. He also states that frontier spaces like Montreal were "complex zones of cultural interaction and innovation rather than dividing lines separating colonizer and colonized".⁸ I agree with Rushforth's assertion that interactions between the Indigenous and French populations were more collaborative than divisive, since some of the cases showcased Aboriginals playing vital roles in court proceedings as witnesses and informers, thus assisting court officials.

One of the earlier works about the effects of alcohol on the First Nations people and the state's need for tighter regulations on the alcohol trade was an article written by George F.G. Stanley, in which he likened the devastation of alcohol to one of the horsemen of the apocalypse. According to Stanley, alcohol was one of the leading causes for the rise in death toll among the Indigenous population and stemmed from early contact with European explorers.⁹ The focus and colourful language Stanley employed throughout the article was influenced by the post-Prohibition era. He accented the ongoing rift between the Church and

⁷ Rushforth, "Insinuating Empire: Indians, Smugglers, and the Imperial Geography of Eighteenth-Century Montreal," 64.

⁸ Rushforth, 65.

⁹ George F.G. Stanley, "The Indians and the Brandy Trade During the Ancien Regime," *Revue d'histoire de l'Amérique française*, 6, no. 4 (March 1953), 489.

State who acknowledged the dangers of alcoholism among the Aboriginal population but had different opinions on how to enforce the regulations on the brandy trade.¹⁰

The colonial government was preoccupied with its need for commercial regulation, while the clergy demanded tighter laws on the brandy trade since the Aboriginals' consumption of alcohol made their conversion to Christianity onerous. Stanley's narrative about the struggle between the clergy and colonial administration on the regulation of alcohol is articulate, but it only offers a top-down perspective, relying heavily on letters and notes written by the clergy and government officials. Any mention of individuals subverting the alcohol laws and conducting illegal sales and trade were relegated to soldiers, smugglers, and the *coureurs de bois*.¹¹ Although these groups did in fact partake in such illicit activities, there is no mention of regular citizens, including tavernkeepers who also dabbled in said activities.¹² My work endeavours to include these unexplored narratives found from court records while also offering a perspective from the bottom-up that has been neglected. Moreover, my research includes a more specialized scope by not only dedicating a chapter to women's involvement but also emphasizing the agency of First Nations people in court proceedings.

Even though the main focus of my research is on the illegal sale of alcohol, it is still relevant to briefly discuss eighteenth century taverns, how they were perceived and regulated. My research even yielded cases where alcohol was illegally sold to First Nations people in a tavern. Thomas Brennan's monograph, *Public Drinking and Popular Culture in Eighteenth-*

¹⁰ Stanley, "The Indians and the Brandy Trade During the Ancien Regime," 491.

¹¹ Ibid, 495; 503.

¹² Catherine Ferland gave the example of a female tavernkeeper who broke the law in the seventeenth century and was described as a scandalous figure. My thoughts and criticisms about Ferland's mention will be discussed later in my thesis.

Century Paris, centers on taverns in France's capital and was considered an important work when it was initially published. During this time, Brennan's contemporaries wrote about taverns with a negative slant and this was as a result of the sources they used for their research. These sources came from eighteenth-century writers and critics who belonged in the upper class, and intellectuals who were out of touch with the lower class and what was deemed as popular culture. Because of the limited source material from those who frequented or ran such establishments, there was no consideration to include a counter-narrative. After all, if the majority of primary sources echoed similar sentiments, there had to be valid reasoning behind the negative writings. At the time, Brennan stated that academic research on taverns had become "a cliché in descriptions of the old régime, a symbol of misery and debauchery" and this belief continued to be held by many of his contemporaries.¹³ Brennan's work inspired an entirely new literature on taverns and alehouses, prompting historians to consider unexplored perspectives about these public establishments and of the people who ran or frequented them.

In recent years, a number of publications have presented complex, multifaceted aspects of taverns that welcomed patrons from various ethnic, social, and political backgrounds and of the many functions that these public spaces served. The works of David W. Conroy, Peter Thompson, J. Roberts, and Mary Anne Poutanen among others expanded on the existing scholarship of tavern culture in Europe and shed light on the drinking customs, regulations, and patrons in North America. These publications highlighted the differences and similarities between the Old and New Worlds, especially as new ideas, values and identities emerged through colonization. Although Brennan's work is strictly focused on

¹³ Thomas Brennan, *Public Drinking and Popular Culture in Eighteenth-Century Paris* (Princeton, NJ: Princeton University Press, 1988), 5.

drinking establishments and popular culture in Paris, it is still a viable source to reference and illustrate the differences between the metropolitan and colonial taverns. Brennan's monograph is a well-rounded body of work considering the impressive depth of his research, not solely relying on critics but also including testimonial sources and other documents found in fiscal, notarial and judicial archives.

Aside from Brennan's scope on the social classes of the patrons who frequented taverns, the most intriguing section was on Parisian women in tavern spaces and their general avoidance. According to Brennan, women felt discomfort in such establishments, lacked an active role, and were only seen as "dependents, in a society of honor".¹⁴ It is important to note here that Brennan was *not* being dismissive of women, stating that they did not appear in judicial records as much as their male counterparts, meaning there was not as much evidence that connected women to taverns. Moreover, their presence in Parisian taverns was limited and only increased from the early to mid-eighteenth century.¹⁵ In the cases that implicated women, they were described as wives reluctantly entering the tavern space to find their spouses.¹⁶ The women who did frequent taverns rarely went unescorted and the men accompanying them acted as sponsors and protectors, "providing women with an entrée into a male world".¹⁷

Based on my findings, the women of New France differed from Parisian women and did not hesitate to enter and engage in the tavern spaces, nor were they exempt from being

¹⁴ Brennan, *Public Drinking and Popular Culture in Eighteenth-Century Paris*, 38.

¹⁵ At the start of the eighteenth century, female patrons figured 7% and by 1751 this percentage doubled. Brennan, 147.

¹⁶ According to Brennan, some patrons and tavern owners at times expressed resentment when they saw a woman enter the establishment.

¹⁷ Brennan, 148. The women who drank in taverns were not disturbed yet cases of assault, particularly those of sexual nature, unfortunately did occur.

accused or suspected of illegally trading or selling alcohol to Aboriginals. Some women were even found guilty of running a tavern out of their homes without a license.¹⁸ Similar to widows in British colonial America, the Intendant gave permission for widows to run taverns or sell alcohol on the side in order to earn money and support themselves and any children living with them.¹⁹ The dichotomy between women in the colony and those in eighteenth-century Paris is interesting since it is indicative of a change of values and of types of opportunities that became more accessible for women in New France.²⁰ Further discussion of women in the colony and their lifestyle will be dealt with in the second chapter.

Scholars have discussed the devastating effects of alcohol and its impact on various groups. Peter Moogk briefly mentioned the consequence of alcohol related crimes and it exemplified the concern that colonial authorities had about alcohol regulation. In 1720 a First Nation resident from the village of Kahnawaké murdered a French farmer's wife and servant while intoxicated. This case was significant since typically First Nations people were not prosecuted under French law without the consent of the chiefs. Yet due to the severity of the crime, the Christian Iroquois chiefs gave their approval that a French trial be held. Along with their sanction, the verdict of guilty was rendered and the offender was "publicly hanged before an audience of his own people".²¹ Moogk added that the chiefs allowed the execution

¹⁸ The cases where women were accused of illegally selling alcohol will be discussed in greater detail in the subsequent chapters, particularly chapter two.

¹⁹ American officials allowed women to run taverns or at least sell alcohol in retail as a way to earn income. For more information, refer to David W. Conroy, *In Public Houses: Drink & the Revolution of Authority in Colonial Massachusetts* (Chapel Hill: University of North Carolina Press, 1995), 103-104.

²⁰ Jan Noel elaborated on the various works and duties performed by women living along the St. Lawrence settlement and were not constrained due to their gender.

²¹ Peter Moogk, *La Nouvelle France: The Making of a French Canada—A Cultural History* (Lansing, Michigan: Michigan State University Press, 2000), 44.

to occur since it served as a message to their “restless youths” to curb themselves and reflect on the consequences of their actions.²²

Although this particular case demonstrated how French court worked alongside the Iroquois chiefs, it is also noteworthy since cases in which an Aboriginal committed a crime while inebriated would have usually been dismissed since they were not held liable for their actions if intoxicated; in most cases where alcohol was a factor, the drink was always blamed, never the person committing the wrongdoing. Unfortunately, Moogk did not refer to additional cases of similar nature, including those where colonial authorities pursued settlers for disregarding laws that prohibited the sale and or trade of alcohol with First Nations people. He mentioned that colonial authorities did tolerate some of the illicit trade of fur and other goods by First Nations people despite its negative impact on the fur trade monopoly. Other researchers and historians have supported this assessment, and our research echoes similarly that in order for the state to maintain good relations with the First Nations people and control economic profits, concessions were seen as necessary. The alcohol regulations were useful for the state and contributed to serve certain commercial interests. The state bent and amended these laws in order to maintain political order within the colony. Elite members reaped benefits through monopolies while lower class citizens did not receive these opportunities or leniency when accused of illegal activities.

A crucial work that explored the rich history of alcohol is Catherine Ferland’s *Bacchus en Canada: Boissons, Buveurs et ivresses en Nouvelle-France*. Ferland’s monograph extensively detailed about alcohol in the colony from its production, importation,

²² Moogk, 44.

procurement and circulation, including the social profiles of its consumers.²³ What makes Ferland's work stand apart from previously mentioned research is her inclusion of the issue of consumption of alcohol by First Nations people and the consequences that impacted the Aboriginal population. Ferland's work encompassed not only the social and cultural functions that alcohol played in seventeenth- and eighteenth-century New France, it also expanded on the impact that wartime and financial instability on the colony affected the availability and pricing of alcohol.²⁴

The final section of Ferland's book that was of particular interest addressed the consumption of alcohol by the Indigenous population. Ferland stated that the introduction of alcohol along with European cuisine disturbed the First Nations' active lifestyle and clean diet, thus contributing to the deterioration of their health and dwindling population.²⁵ This is not to say that Ferland dismissed the devastating impact that epidemics had on the high death toll among Aboriginal populations. Alcohol contributed to the weakening of First Nations people's immune system, rendering them more susceptible to diseases.²⁶ In addition to epidemics like smallpox, alcohol related deaths were also on the rise.²⁷ This assessment corresponds with Gilles Havard and George F.G. Stanley's statements and how these

²³ Ferland dedicates separate chapters for each profile from the lower class to the élite, as well as soldiers, mariners, and First Nations people.

²⁴ Catherine Ferland, *Bacchus en Canada: Boissons, buveurs et ivresses en Nouvelle-France* (Quebec: Septentrion, 2010), 88.

²⁵ Ferland, *Bacchus en Canada*, 273.

²⁶ Ibid, 275.

²⁷ Examples of First Nations alcohol related deaths included drowning, exposure, and killing family members while intoxicated.

phenomena might have fed one another, thus contributing to the declining population of First Nations people.²⁸

When discussing the issue of illegal sale and trade of alcohol within the colony, Ferland's work is among the few to flesh it out more than simply mentioning it in passing. Furthermore, she discussed the hypocrisy of colonial authorities, and I am also in agreement with her observations. Measures were adopted to counter the illegal maneuvers of traders and regular citizens from making such transactions with First Nations, however, these prohibitions were not applied thoroughly. The colonial authorities continued to publish legislations but with no significant results or signs of law-breaking abating.²⁹ This is a valid argument considering how these ordinances continued to be published throughout the eighteenth century and surviving cases of illegal selling and trading alcohol continued into the 1750s.³⁰ The state's efforts in containing the recurring issue show the disparity between the theory and practice of alcohol regulations. Despite the extensive research on alcohol during this time period, however, Ferland's observations fell either in the late seventeenth century or picked up from the 1730s onwards. As a result, there is a thirty-year gap in her research that lacks the same depth of analysis as the other decades. Though frustrating, I have faced similar issues, especially when looking at the cases of illegal trade of alcohol that showed a disparity when compared to illegal sale cases.

²⁸ Gilles Havard, *The Great Peace of Montreal of 1701: French-Native Diplomacy in the Seventeenth Century*, translated by Phyllis Aronoff and Howard Scott, (Montreal: McGill-Queen's University Press, 2001), 65.

²⁹ Ferland, 260.

³⁰ Based on my own findings, the last record found for illegal trading of alcohol was December 1750 though it is highly plausible that this illegal activity persisted after this date.

Recent publications have broadened the scholarship on women and their agency during the colonial era. Jan Noel has written extensively about the lifestyles and roles performed by various groups of women in New France, compared with those from the Dutch and American colonies. Her discussion of women defying authorities is a fascinating addition to the scholarship of women in the colonial era, using multiple sources that emphasized how women were active and contributing members within their communities. Additionally, they demonstrated prowess in establishing businesses and smuggling goods across borders and territories. Noel's work is not solely fixated on European women, but included records of Aboriginal women's own accomplishments and acts of defiance.³¹ Noel also referenced married couples and mothers with children that were "involved in illegal activities", not only with exchanging goods but alcohol as well. Although Noel did discuss at length the smuggling of furs by women, she might have expanded on the illegal activities involving alcohol rather than alluding to them. The example she used was a case dating from 1735. The couple was found guilty of having sold alcohol to Aboriginals and as part of their penance they had to stand in the marketplace with a sign that detailed their crime. Noel could have strengthened her point with any of the earlier cases and especially those strictly involving women.

Another element to consider are the legal means that alcohol was dispensed throughout the colony. Marie-Claude Poliquin's Master's thesis titled "Les aubergistes et les cabaretiers montréalais entre 1700 et 1755" filled a gap in the social history of Montreal in the colonial era, focusing on the tavern- and innkeeping trade in the first half of the eighteenth century. Older works on Montreal during this era were primarily geared towards

³¹ Jan Noel, *Along a River: The First French-Canadian Women* (Toronto: University of Toronto Press, 2013), 97-103.

the colonial politics with little emphasis on the local administrations, arguing that these large sweeping scopes were not effective sources for research on a smaller and more precise scale.³² Poliquin's work influenced my focus of interest on the regulation of the alcohol trade, and in the process, piqued my curiosity about the individuals who purposely contravened these laws. A weak point in Poliquin's work regarded her assessment of tavern- and innkeepers, stating that they remained observant and refused to cater to First Nations people for fear of losing their license.³³ Although logically sound, the reality was that there have been a number of individuals who risked voiding their permits by disregarding the laws and served Aboriginals in their establishments. To add, many of these business owners were ultimately found guilty and in certain situations, even lost their livelihood.

The purpose of Poliquin's work was to shed light on the profession of tavern- and innkeeping, the social profile of these business owners and the institution during this period.³⁴ Poliquin remarked that regulations were not evenly applied throughout the colony; this observation is uncontested by other researchers and historians who have explored this topic, including myself. Even my own research points to numerous ordinances and edicts that reminded citizens of the active alcohol laws and prohibited the trespassing of borders and territories beyond the colonial settlements. The volume of these published decrees is indicative of the difficulties that the authorities faced with enforcing the law and went so far as to attempt controlling the movement of its people while also ensuring that they adhered to

³² Marie-Claude Poliquin, "Les aubergistes et les cabaretiers montréalais entre 1700 et 1755," (Masters Thesis, McGill University, 1996), 5-6.

³³ Poliquin, 37.

³⁴ Poliquin, 8.

the regulations.³⁵ Since Poliquin wrote extensively about the regulations of taverns, the consumption and distribution of alcohol, and how they changed over time, the focus of this work will be on actual court cases in which regulations were enforced.

Notes on Archival Research

The research process, particularly when looking at archival records, can be a daunting experience; it is easy to fall further down the rabbit hole and become overwhelmed by the multitude of cases or lose track after reading a series of documents that are linked to an individual. At times, the resolution of a case remained a mystery and supporting records that had a definitive conclusion could not be found. Fortunately, more than half of the cases on either illegal sale or trade of alcohol were completed with a final verdict.³⁶ It is also worth mentioning that the majority of these completed cases ended with a guilty verdict. The basis of my research came from the Bibliothèque et Archives Nationales du Québec's (henceforth referred to as *BAnQ*) online judicial archival database, specifically from the fonds *Pouvoir Exécutif*, the judicial courts (*tribunaux judiciaires*), and the genealogical dictionary of Canadian families by Cyprien Tanguay.³⁷

Research of archival records is not without flaws and some of the issues encountered include the conditions and legibility of the handwritten court records and other official documents. There is also no warning about how archival research can be frustrating if the records themselves are not labelled appropriately or correctly. Aside from online research, I

³⁵ Additional discussion on the subject of crossing borders in order to conduct illegal trading and selling of alcohol will be found in chapter one.

³⁶ 66% of total cases are reported as complete with final sentencing.

³⁷ From the judicial courts, the Fonds Prévôté de Québec, Fonds Juridiction royale de Montréal, and Fonds Juridiction royale des Trois-Rivières.

have personally gone to the BAnQ's Vieux-Montréal archive center to request documents that were only available onsite and found one promising folder had the wrong document inside.³⁸ Another issue I encountered were inconsistencies of primary source records and the occasional erroneous transcription or typed description of a case.³⁹ In certain cases there was confusion over the exact fine issued. A modernized transcription stated the sum was 300 *livres* when in fact, according to the digitized copy of the primary source, the guilty individual was charged 500 *livres*.⁴⁰ A significant difference, indeed! The discovery of this particular error may seem trivial, yet the difference of the sum remains significant since this type of oversight could cause confusion, miscalculation in statistics, and further misinterpretation of a case, especially if certain individuals listed in court records were misidentified.⁴¹

Regarding the legibility and conditions of the primary sources, if there was no physical damage to the documents, then reading a double-sided document was challenging to read because the ink bled through. Still, it remains the task of the historian to decipher the document and interpret it as faithfully as one can and provide additional context in order to

³⁸ I should mention that the files requested were photocopied versions of the primary sources and that this was a clerical error. The remaining files I requisitioned were accurate.

³⁹ The BAnQ noted the similarities between two cases such as the date, profession of the accused and crime, however, the name of the accused for case TL4, S1, 414A is Jean Cuillerier, a tavernkeeper at fort Rollard of Lachine, while TL4, S1, 414B lists François Lenoir dit Rolland (also known as Noir Rolland), tavernkeeper at fort Rolland as the accused. In addition, the fines for both cases vary between 200 to 500 *livres*.

⁴⁰ "Procès contre Françoise de Vanchy, accuse d'avoir vendu de l'eau de vie aux sauvages," 31 mai-3 juin 1702, BAnQ-M, TL4, S1, D582.

⁴¹ Refer to case "Procès entre Catherine Lucos, femme de Marin Moreau dit Laporte, demanderesse, et Françoise de Vanchy, femme de Laurent Glory dit Labière, défenderesse, pour dette," 14-29 octobre 1701, BAnQ-M, TL4, S1, D526. The summary mentions that the defendant must give her accounts over to her sister Madeleine. However, Madeleine was her eldest daughter and in all likelihood, the archival researcher meant to write her sister, Marie, who was cited in other cases attached to the defendant.

better understand the developments unfolding in each case.⁴² A few cases had a complete modernized transcription attached. Although helpful, such transcriptions were not always available it was preferable to refer to the sources themselves for maximum reliability as well as avoiding the risk of any possible bias from the modernized transcription. Despite these challenges, archival research was a rewarding experience that I am glad to have undertaken and reading the cases inspired me to pursue this topic further.

It is worth mentioning the vocabulary that was used in court records, specifically when referring to the First Nations people. At the time, Aboriginals were identified in records by their name (if they were apprehended and interrogated by officers and court officials), their tribe and residence, yet they were also referred to as “sauvages”.⁴³ I only intend to use the term in the context of the cases themselves, otherwise when referring to the non-European population the term will alternate between First Nations people, Aboriginal or the respective nation to which the individual belonged to.

The following chapters are separated thematically, with the first chapter looking at the introduction of alcohol regulation in the seventeenth century and into the following century, which is the main focus of my work. Colonial authorities would always struggle with controlling how alcohol was distributed and consumed in the colony yet motivations for why they were implemented changed over time. The judicial system had evolved from its original

⁴² Credit goes to Dr. Lorenzkowski for the reminder that navigating through complex and challenging primary source records is a part of the historian’s craft.

⁴³ Although the term “sauvages” in our modern understanding of the French language suggests a negative connotation, we must consider the manner in which the term was employed in the seventeenth and eighteenth centuries. In the context of people or group, it meant, “de certains Peuples qui vivent ordinairement dans les bois, sans religion, sans loix, sans habitation fixe, & plustost en bestes qu’en homes.”

“Sauvages” *Le Dictionnaire de l’Académie Française 1694, t. 2* [1694] first edition, The ARTFL Project, <<https://artfl-project.uchicago.edu/content/dictionnaires-dautrefois>>.

structure that gave the Governor the most power including presiding over all sentencing. The system was revised with the introduction of a series of laws and served as a blueprint for officials to further establish authority within the colony. Following these changes, the administration branched out into three jurisdictions and established local court officials; the division of the legal system enabled these newly instated legal agents to become self-sufficient and allowed them to conduct investigations on the local level without relying on high-placed officials.

The scope of this thesis spans from 1700 to 1756 and consists of one hundred cases of illegal selling and trading of alcohol, which will be fleshed out with select cases, analysis and use of visuals in the following two chapters.⁴⁴ The second and final chapter has a narrower focus and will examine cases of illegal sales that implicated women, regardless of whether they worked alongside their husbands or acted independently. The fact that women were complicit in these illegal activities has not been appropriately addressed, and requires a closer examination. Another perspective that has not been widely analyzed in relation to these cases is that of the Aboriginal population. Over the course of my research, multiple cases contained testimonies from First Nations people and considering that they actively participated in court proceedings shows that colonial law was a complex field full of contradictions and exceptions.

Even though colonial powers attempted to implement their values and beliefs on foreign soil through enforcement of laws, factors such as the geography and the Indigenous population that preceded the explorers and colonists rendered it a daunting task. Lauren Benton talked about the legal negotiation between colonial authorities and native inhabitants

⁴⁴ The last case found in archival records dated in 1756 and a few years before British takeover.

and how the latter operated through the system to assert their influence.⁴⁵ In spite of original intent, law in the colonial setting was hardly straightforward or consistently practiced. New France's legal system was altered to suit the needs of the state and in turn, enabled First Nations people to play a larger role within the system.⁴⁶ Collaboration from the Indigenous population meant that they saw worth to take part in legal proceedings that were not designed with foreign groups or cultures in mind, and the authorities valued their contribution.

Conclusion

The purpose of this work is to explore the problem of the illegal sale of alcohol that persisted in New France despite the efforts of the colonial authorities to enforce control and bringing the offenders to justice. Previous academic research on the subject matter are limited or briefly discuss the problem of regulating the alcohol trade in the seventeenth and eighteenth centuries. Many of the sources used in these other works came from the perspective of authority figureheads such as the Intendant and Governor among other administrative officials and members of the clergy. These sources remain valid, yet the perspective from French citizens, First Nations people, and other non-administrative positions is lacking and is in dire need of further treatment by other historians. This thesis argues that in light of the measures taken by colonial and court officials, alcohol laws were not enforced out of moral duty or in favour of the First Nations people; rather they were implemented to bolster the role of the state in regulating economic and social relations.

According to the State, alcohol was perceived as a threat to the colony's economic stability

⁴⁵ Lauren Benton, *Law and Colonial Cultures: Legal Regimes in World History, 1400-1900* (Cambridge: Cambridge University Press, 2004), 258.

⁴⁶ It should be noted that the Aboriginals practiced their own separate legal system and hardly had reason to rely on the French system, yet they still participated when called for testimonies. Refer to Jan Grabowski's work, "French Criminal Justice and Indians in Montreal, 1670-1760."

and overall wellbeing. In addition, these laws were not always thoroughly applied and in certain cases, concessions were made to appease the demands of the First Nations people and allowed some provision of alcohol if it meant securing their alliance.

Chapter 1: Alcohol Regulations and Cases

Alcohol regulations in New France date as far back as the early seventeenth century when the colony was initially founded. One of the earliest laws was in 1644 and prohibited the trading of firearms, powder, brandy and other goods with First Nations people. From 1644 and onwards, over twenty regulations directly linked with alcohol were implemented as a means of establishing ground rules. What was the purpose of these laws? They were chiefly meant to constrain the flow of alcohol in the colony *to a degree*, and limited its transportation and consumption. Aside from enforcing control on French subjects, they also served to restrict the Aboriginals from consuming alcohol in order to facilitate their conversion to Christianity and integrate them into “civilized” society. This also reflected a commonly-held racial stereotype that Indigenous people were incapable of consuming alcohol in moderation. Missionaries expressed concern and frustration over how alcohol was negatively impacting the Aboriginals, citing it as the cause for violent outburst, chaos and the obstacle that prevented many from converting.⁴⁷ The missionaries’ primary goal was to spread Christianity in the New World by saving the souls of the Aboriginal population. The lack of effective

⁴⁷ Aboriginals imbibed alcohol for various reasons including for rituals, a means of communicating with spirits, in celebration and mourning but it was also a form of defiance against the clergy. Since the missionaries preached sobriety, some Aboriginals consumed alcohol in contempt of the Church and even influenced those living in missions to drink to thwart their conversion to Christianity. For more information on the various reasons for alcohol consumption by First Nations people, refer to André Vachon’s “L’eau de vie dans la société indienne”, Maia Conrad’s “Disorderly Drinking: Reconsidering Seventeenth-Century Iroquois Alcohol Use”, and Peter Mancall’s *Deadly Medicine: Indians and Alcohol in Early America*.

alcohol regulations and enforcement made their goal, in their view, a challenging endeavor. This priority of prosecuting those accused of illegally selling and trading alcohol because they were interfering in the Church's mission shifted when the laws became less about fulfilling France's religious mission in the New World and focused on enforcing control over its subjects and punishing those that challenged the King and colonial administration's authorities. Alcohol regulation within the colony was an ongoing struggle that continued into the eighteenth century and an issue that colonial authorities tried to tackle but with limited success.

My focus for this research is strictly anchored in the court records dating from 1700 to 1756, which was the last date for any mention of illegal sale of alcohol in New France. Analyzing the number of cases found within this timeframe (a total of 78), it was discovered that the majority of court prosecutions occurred within the first three decades, followed by a slow trickle from 1731 until the end of the French regime. So who were these individuals that breached the alcohol regulations? My initial assumption was that the culprits would be bachelors who, like the *coureurs de bois*, were independent and not constrained by familial obligations. After assessing the court records, I discovered that the majority of the perpetrators were in fact married and a surprising number of them were married women who either worked alongside their husbands as accomplices or acted independently. Moreover, some of the women who illegally sold alcohol without their husband's assistance teamed up with other married or widowed women. A closer examination showed that married couples accused of illegally selling alcohol had large families, and having so many dependents to support with only one breadwinner, it posed a financial burden. The frequent number of married couples and married women mentioned in court records selling alcohol illegally

gives a clearer picture of their motivations for breaking the law. It is less profit for the sake of greed, but a need to make ends meet compelled them to breaking the law.

In addition to the large number of cases related to the illegal sale of alcohol in eighteenth-century New France, and the richness of the court records, there are cases of illegal trade of alcohol that can be examined. Compared to illegal sales, cases of illegal trade of alcohol are fewer (22 total) and nearly a third of them are incomplete and have no satisfying conclusions.⁴⁸ What is the difference between illegal sale and trade of alcohol? Both functioned similarly but the transaction itself was distinct; while illegal selling of alcohol was paid with currency, illegal trading involved the exchange of one good for another. For instance, a man was prosecuted for having given alcohol along with 30 *sols* to an Algonquin in exchange for a hood.⁴⁹ There were cases of illegal sales where goods like beaver fur were used as de facto currency, and court records defined the act as a sale rather than a trade. It was not unusual to utilize fur as a method of payment, especially when the availability of currency within the colony was low. The use of beaver pelts as currency was effective due to its value but discouraged by colonial authorities since it undermined the established fur trade.⁵⁰ As alcohol regulations frequently addressed both illegal sale and trade of alcohol within the same ordinance and were undeniably connected. Regardless of the means of transaction the authorities of New France saw the necessity for control of *boissons enivrantes* a top priority.

⁴⁸ These cases date from 1700 to 1750. Four additional cases were found prior to 1700 but are too interspersed with one being incomplete to make a detailed assessment.

⁴⁹ . For this illicit trade, Adam was fined 25 *livres* with an additional 26 *sols* for judicial fees. "Comparution de Joseph Adam," 26 février 1720, BANQ-TR, TL3, S11, P3233.

⁵⁰ The beaver pelts had to be of good quality in order to ensure good value. In his testimony, a merchant mentioned that he had refused a beaver pelt that was offered to him as payment due to its lackluster quality, stating that it had little worth. Refer to case against Charles Leduc, his wife, and Joseph Desroches, BANQ-TR, TL4, S1, D2789.

Before examining the cases and the scope of the regulations that were implemented, it is vital to understand New France's legal system and its development. The overall structure was borrowed from France and adapted to the colonial setting. Prior to the legal reforms of 1663, the Governor of New France oversaw all legal matters and settled disputes. Evidently this method was imperfect as final decisions were made arbitrarily since the Governor was not encumbered by written legislation.⁵¹ By the mid-1600s, new judicial and administrative positions were created including the Great Seneschal and Seneschal (*Grand Sénéchal, Sénéchal*), judge and deputies like the civil and criminal lieutenant general (*lieutenant general civil et criminel*) as well as fiscal and special lieutenants (*lieutenant fiscal, lieutenant particulier*).⁵² The civil and criminal lieutenant general presided as judge over the trials while the Governor arbitrated the appeals since he acted on behalf of the King and to an extent, as his representative, exercised a form of sovereign right.⁵³ The creation of these positions was a means of reducing the power that the Governor held over the colony and even the Grand Seneschal's rights to declare war and singularly manage the finances was removed.⁵⁴

As of October 1663, when the legal reforms were in effect, the royal court replaced the *sénéchaussée* and the colony operated under three districts for better cohesion. The districts of Quebec, Montreal, and Trois-Rivières had their own jurisdiction with an appointed judge. Along with these judges, each district had its own court clerk who transcribed all court proceedings and any additional relevant documents tied to civil and criminal cases. Other crucial court officials included the crown's prosecutor (*procureur du*

⁵¹ Edmond Lareau, *Histoire du droit canadien depuis les origines de la colonie jusqu'à nos jours*, vol 1: Domination française, (Montréal: A. Périard, 1888), 244.

⁵² Lareau, 245.

⁵³ Ibid, 244-245.

⁵⁴ Ibid, 246.

roi) who prepared the case against the accused, made inquiries and conducted interrogations while the special lieutenants replaced royal judges in the event of absence or illness.⁵⁵ All these figures played important roles but the overall structure of court proceedings was not the only thing that received a large overhaul. Several years later New France received two significant legal codes that helped further develop their legal system.

L'Esprit des Ordonnances de Louis XVI was a compilation of ordinances that reformed the judicial system and legislation in France and was later implemented in the colony. This reform contained the *Ordonnance Criminelle* of 1670⁵⁶ and *Ordonnance du Commerce* of 1673, and along with subsequent amendments penned by intendants, the laws outlined the selling and consumption of alcohol in the colony and was adapted to meet the state's demand for tighter regulations and social order. The laws not only indicated who was eligible to sell, but also included the amount, pricing, type of clientele, business hours and the minimum requirement for room and board, among other specifications. Despite the number of regulations that existed and ongoing amendments, they were not always consistently applied. Moreover, while some laws affected the entire colony, others were strictly designated for one particular area or community.

Further amendments to the criminal code were required, granting the prosecution of First Nations people for serious offences such as murder, rape, theft, and drunkenness. These inclusions meant that the Indigenous people were as culpable of their actions as French citizens. Yet the reality was that such laws were rarely enforced and colonial authorities and

⁵⁵ Lareau 247; 249.

⁵⁶ The original title is *La Grande Ordonnance criminelle du mois d'août 1670* and it was created by Colbert, resulting from his extensive research for the reform of the justice system in France. For more information, refer to Marc Boulanger's "Justice et absolutisme: La Grande Ordonnance criminelle d'août 1670,"; André Lachance, *La Justice Criminelle du Roi au Canada au XVIIIe Siècle*; 13.

Aboriginals “found ways to circumvent the law [and] [n]umerous exemptions were created and tacit agreements reached that created a common ground for the two societies”.⁵⁷ The flexibility extended to colonial authorities adopting conflict resolutions that were practiced by First Nations people. This resulted in the bridging between French criminal proceedings with native practices.⁵⁸

Prior to the enactment of the *Ordonnance Criminelle*, the acting Governor of Montreal’s seigneurie, Paul de Chomedey de Maisonneuve wrote an ordinance in 1659 in response to the desertion of three soldiers.⁵⁹ The ordinance addressed the debit of alcohol in small quantities and outlined additional restrictions, chiefly being the ban on gambling in taverns and inns, prohibition of patrons from excessively drinking brandy or wine, and made it necessary for alcohol vendors to have either written or verbal consent from the governing body in order to legally sell liquor.⁶⁰ Permission was required regardless of the individual’s position or social standing within the colony, which emphasized that no one was above the law.⁶¹

Chomedey de Maisonneuve espoused the same values and sentiments of the missionaries regarding the initial purpose of Montreal’s religious founding. In his ordinance,

⁵⁷ Jan Grabowski, “French Criminal Justice and Indians in Montreal, 1670-1760,” *Ethnohistory* 43, no.3 (Summer 1996): 405-429; 408-409.

⁵⁸ *Ibid*, 409.

⁵⁹ Paul de Chomedey de Maisonneuve, *Dictionary of Canadian Biography*, http://www.biographi.ca/en/bio/chomedey_de_maisonneuve_paul_de_1E.html.

⁶⁰ *Ordonnance de Maisonneuve*, 18 janvier, 1659, cited in Étienne Faillon, *Histoire de la colonie française en Canada*, tome 2 (Ville Marie: Bibliothèque Paroissiale, 1865), 521-522.

⁶¹ It should be noted that there was a preference as to who could obtain these permits, specifically applicants who were either part of the militia and the occasional prominent figure in the colony. Certain cases show that even these influential individuals were accused of selling or trading alcohol with First Nations people. See “Procès contre René Godefroy, sieur de Linctot, commandant du fort Saint-Louis, François Lamoureux dit Saint-Germain, arquebusier, et Charles Lemaire dit Saint-Germain dit Lirlande, accusés de faire de la traite avec les sauvages,” 15-25 juillet, 1716, BANQ-M, TL4, S1, D1960.

he stated how since the establishment of the colony that the governing body strived with all their power and with pious purpose “à y établir les bonnes moeurs, en prévenant toute sorte de scandale & d’excès, tant par nos soins que par nos ordonnances, & cela en nous servant des voies les plus douces & les plus favorables aux intérêts des particuliers.”⁶² Put simply, the duty of the governing body was to establish law and maintain order while reinforcing good morals in its citizens and punishing those whose actions led to scandals, vices and excess. In the eyes of the colonial authorities, failure to curb these undesired habits would undoubtedly lead to the utter ruin of the colony. In the case of the three soldiers that inspired the creation of the ordinance, after falling into debt from spending their earnings in drink and gambling, and unable to pay back their creditors, they devised a plan to leave their post and flee from the colony. The would-be deserters were unsuccessful in this endeavor since word reached authorities and they were apprehended. It is worth highlighting how the governor stipulated the “voies les plus douce & les plus favorables aux intérêts des particuliers”, suggesting that the law’s approach be more lenient and in the interest of those involved. Evidently this soft take in the law underwent changes in subsequent decades, particularly in cases of illegal sale and trade of alcohol, but this would be a slow development that would begin to shift towards harsher penalties from the 1730s and onwards. There were still instances where the court officials altered sentences and sympathetic to some of the accused’s plights, would reduce the severity of the fines. Although not something that was widely exercised, officials would at times consider lessening the charge if the accused was already struggling financially and had multiple dependents.

⁶² Faillon, *Histoire de la Colonie française en Canada*, 520-521.

Alcohol Regulation Before 1700

Due to Montreal's religious founding, many of the laws functioned as a means of maintaining good moral character and absolute obedience to the King, Church and colonial administration. Even though it was in the interest of the clergy and colonial authorities to work together to maintain peace and order within the colony, the reality was that the administration struggled with both colonists and the clergy. George F.G. Stanley discussed the clash between civil authorities and the Church and the accusation of the clergy and Bishop of overstepping "in matters outside their spiritual jurisdiction ... [and] unjustly troubling the consciences of the people and even of endangering the economy of the country".⁶³ Stanley was referring to the necessity of the French to maintain their trading relationship with First Nations and despite the negative ramifications; they had no choice but to concede to trading alcohol. If the French continued to refuse the First nations' demand for brandy, they would have risked losing the prized beaver pelts to their competitors in the south. Moreover, not only would the French lose their main revenue but there was also the potential that the aboriginals would also be lured by the "heretical doctrine" of the English and Dutch, thus losing their souls in the process.⁶⁴ Although earlier regulations were influenced by the Church, the religious agenda became less prominent over the years and the tone shifted from perpetrators being punished for hindering the clergy's mission by corrupting lost souls to simply breaking the law and challenging the governing authorities.

Colonial authorities became increasingly concerned with regulating how alcohol was dispensed within the colony and how it was easy to transport it beyond the confines of

⁶³ George F.G. Stanley, "The Indians and the Brandy Trade During the Ancien Régime," *revue de l'histoire de l'Amérique française* 6, no. 4 (March 1953): 495.

⁶⁴ Stanley, 493.

settlements and into First Nations territories. Most of the ordinances published throughout the seventeenth century addressed the ongoing problem of people crossing borders and trading illegally with the Indigenous population. An ordinance dating from 1667 was published again the following year to remind the population to not trade alcohol with aboriginals; the updated decree mentioned that numerous individuals hailing from Trois-Rivières, Champlain, and Cap-de-la-Madeleine were bold to continue trading despite the ban.⁶⁵ Brandy was typically exchanged for coveted fur pelts like beaver and moose. This was of great concern to colonial authorities that saw these illegal traders as bypassing the established fur trade company and cutting their profits, which threatened to further destabilize the colony's economy.⁶⁶ Another issue was the limited resources that the authorities had in preventing French subjects from crossing borders and out of jurisdiction; policing beyond the colony's borders was not possible and the only means of addressing this shortcoming was by prohibiting its subjects from crossing with the intent of trading or selling goods with the First Nations people.

Although colonial authorities were limited by their means of dissuading the population from contravening the law, there was semblance of them possessing knowledge of those contravening by publishing orders that targeted specific individuals from selling and trading alcohol with aboriginals. Intendant Bégon ordered that a habitant from Charlesbourg named Charles Boemier refrain from selling alcohol to aboriginals or else have the liquor confiscated and penalized with a twenty *livres* fine.⁶⁷ While some ordinances targeted

⁶⁵ Ordonnance contre ceux qui traitent des boissons aux sauvages (...) 29 février 1668, BANQ-QC, TP1, S28, P566.

⁶⁶ The smuggling of alcohol into Aboriginal territory had two direct consequences: first that Aboriginals set to hunt for furs would be too intoxicated to catch a decent amount of furs to bring to the trading company and second, inhabitants that had lent supplies to Aboriginals would take the hard-earned pelts from them as payment, thus reducing the total number of pelts produced.

⁶⁷ Intendant Bégon ordinance, 30 mars 1724, BANQ-QC, E1, S1, P1623.

particular individuals, others were applied to a settlement or area; this indicates that even if they did not know the identity of the culprits that the authorities were aware of these illegal activities occurring within the area and once discovered, they would be able to prosecute the offender. Additionally, there was also the restriction of where trading transactions could take place. With the construction of Montreal's marketplace, the authorities legitimized certain types of trading and selling, and vendors and traders were encouraged to conduct their businesses in a controlled public space.

Additional ordinances named the towns of Quebec, Montreal and Trois-Rivières as acceptable places where business transactions could occur. This allowed authorities tighter control on where these exchanges took place and made them visible. Even though this was the law, the reality was that people *still* conducted their transactions outside of these settlements and in remote locations away from the governing body's scrutiny. In response, authority figures such as the Intendant often published reminders to the public that exchanges taking place in remote areas beyond settlements, whether in First Nations territory, or the *pays d'en haut* were strictly prohibited. Intendant Dupuy admonished anyone from conducting trade businesses near Lake Ontario, Lake Erie and the surrounding areas, thus targeting the *coureurs de bois* and anyone aiding them. Dupuy's ordinance outlined a severe punishment on those found guilty, not only confiscating canoes, pelts and merchandise but also imposing a fifteen hundred *livres* fine. The ordinance's steep penalty signaled that these illicit transactions were considered serious offences and by imposing a hefty fine, the goal would be to dissuade the public from attempting or assisting the *coureurs de bois*, while also putting the rogue fur traders conducting their business outside legal parameters to heel.⁶⁸

⁶⁸ Intendant Dupuy ordinance, 14 septembre 1726, BANQ-QC, E1, S1, P1764.

Published ordinances showed that the authorities were aware of exchanges happening in remote areas where the law's influence and presence was stretched thin. As such, measures were implemented to prevent the escalation but with mixed results; while there were recorded cases of people being accused and suspected of illegally trading alcohol, the number is smaller compared to cases of illegal sales and due to the limited number of completed cases and sporadic frequency within this period, it is difficult to draw substantial conclusions. Moreover, it is plausible that more of these cases existed but were ultimately lost in the records or the culprits were never apprehended.

An additional priority for the authorities was regulating the taverns that had sprung up throughout the colony. Even though these public spaces were considered problematic, authorities conceded the necessity for these establishments that served as a social and entertaining outlet.⁶⁹ New laws enforced the requirement that legitimate taverns have permits to dispense alcohol, promoted moderate consumption, prohibited the use of credit, and the type of clientele.⁷⁰ Although taverns were permitted in certain cities like Montreal and Quebec, other areas were less fortunate and were banned from having drinking establishments. These tavern bans were implemented as a preventative measure to curb the possibility of debauchery and illegal organization from happening.

⁶⁹ Taverns during this period were considered hotbeds for criminal activity. French upper class and authorities frowned upon them but they were proven to be popular establishments for the middle and lower classes. According to Brennan's research, the majority of the patrons frequenting taverns were from the artisan and merchant class. For more information on Parisian taverns, refer to Thomas Brennan's *Public Drinking and Popular Culture in Eighteenth-Century Paris*. American taverns also faced similar scrutiny and authorities tried to control these public spaces to prevent social disorder and political organization from occurring. Refer to David W. Conroy's *In Public Houses: Drink and the Revolution of Authority in Colonial Massachusetts*, and Peter Thompson's *Rum Punch and Revolution: Taverngoing and Public Life in Eighteenth-Century Philadelphia*.

⁷⁰ Seventeenth century taverns were restricted from serving First Nations people, however due to the ongoing demand, the existing law was later amended to allow certain appointed taverns to cater to First Nations clientele.

Officials reasoned that banning taverns in remote areas like La Prairie de la Madeleine were beneficial for its residents and prevented incidents with intoxicated First Nations people who were inclined to drink excessively. It was argued that without taverns there would be no cause for them to drink.⁷¹ It should be noted, however, that there is no indication of whether this ordinance was effective since having no legal means to obtain alcohol for the Indigenous people would only encourage them to look for alternative means of getting liquor, thus making this law counterproductive.⁷² The tavern ban was not just designed to deter First Nations people from excessive drinking; it also targeted vagrants who used these establishments as lodgings and organizing politically.

The year 1683 was marked with many desertions and disobedience to the King's orders, including the growing number of illegal taverns outside the major cities. Vagabonds used these taverns as shelter during the harsh winter season as well as holding assembly to plot against their King and homeland. Political organizations and other forms of assembly were considered dangerous to the monarchy and therefore made illegal and so having a group organize and share political rhetoric was of great concern to colonial authorities.⁷³ In order to prevent the insurgence from spreading, authorities banned taverns and the local seigneur had

⁷¹ "*Ordonnance de M. Duchesneau qui défend à tous habitants de La Prairie-De-La-Madeleine de tenir cabaret ni vendre des boissons enivrantes*" 22 septembre 1678, BANQ-QC, E21, S64, SS5, SSS15, D10, P16.

⁷² More reason to consider this law as ineffective is the fact that multiple decrees were published prohibiting any selling of alcohol in such remote areas after reports reached authorities that particular citizens contravened and served alcoholic drinks to Aborigines.

⁷³ The formation of unions or committees was forbidden since any form of organization was regarded as a potential threat against state authorities. A group of tavernkeepers wished to form a group of trustees and proposed their ideas to protect their businesses, while also on the lookout for unlicensed taverns, perhaps in the hopes of reporting the offenders to the authorities. Ultimately, the proposal was discouraged by the *procureur du roi* and there is no indication of what came from this development.

to grant permission for people to take in lodgers.⁷⁴ These measures ensured that local authorities had knowledge of its residents, and if there were any suspicious activities on the rise. In seventeenth-century New France, the priority was fixed on regulating where alcohol was dispensed and ensuring that it remained within the colony's borders. Another matter of importance was the control and legitimization of drinking establishments, dictating the type of clientele, pricing, and limitation on the number of taverns in an area or banning entirely from problematic and more remote settlements that were challenging to monitor. Surveillance of these public spaces was also a key element and local authorities were encouraged to monitor them for signs of excessive drinking, disturbances and political insurgences from brewing.

Although the seventeenth century alcohol regulations served to establish ground rules in the colony, those published from 1700 and onwards amended the existing laws and additional regulations were published in order to address issues that were not previously considered. Prior to 1700 there is no ordinance that mentions the necessity of special permits in order to serve First Nations people. However, with the abundance of seventeenth-century laws that prohibited any trading or selling of alcohol with the Indigenous people there was no tolerance for French subjects to serve them alcohol under any circumstance.

⁷⁴ “*Ordonnance de M. De La Barre qui porte défense aux habitants de La Prairie de tenir cabaret et de retirer les vagabonds*”, 1er juillet, 1683. Recorded in Pierre-Georges Roy's *Ordonnances, Commissions, Etc, Etc, des Gouverneurs et Intendants de la Nouvelle-France, 1639-1706 v.2*, (Beauceville: L'Éclaireur Limitée Editeur, 1924): 35. Available online through *Patrimoine Québec*: <http://www.patrimoinequebec.ca/Archive/BIBLIOTHEQUE/17-ordonnances-commissions2.pdf>

Alcohol Regulation from 1700 Onwards

Compared to ordinances from the previous century, those in the eighteenth century were implemented more as reminders or amendments of existing alcohol laws. The right to dispensing alcohol and running an establishment where intoxicating drinks were available was a privilege given to a select few. Obtaining permission to sell alcohol began initially as a verbal agreement between the Governor and license owner in the seventeenth century and with it came stipulations that the recipient of the permit had to adhere to or risk losing the privilege altogether. In later decades, written permits became obligatory, along similar conditions for the license recipient to be of good moral character with references to prove their character and have no criminal record. It was in the interest of these license holders, including tavern and innkeepers, that they maintained an unblemished record and that no scandal occurred under their roofs. With the rise of incidents and crimes linked with alcohol and impaired inhibitions around the middle of the seventeenth century, the number of regulations aimed at curbing alcohol consumption by First Nations people as well as controlling the distribution, sale and trade of alcohol throughout the colony grew; the publications of these laws were a means of addressing the ongoing concern that alcohol played in the colony. In spite of these administrative efforts, these problems continued into the following century with no signs of abating.

Although these establishments were expected to adhere to regulations, not all tavern and innkeepers abided accordingly. In fact, some of them tried to profit by using the regulations more as guidelines than following to the letter. In her Master's thesis on eighteenth-century Montreal tavern- and innkeepers, Marie-Claude Poliquin talked at length

of the regulations and expectations of those in the business but did not include cases where they contravened.⁷⁵ My research yielded several cases where tavern- and innkeepers had bent the rules and gave concessions where the law did not permit. In June 1700, there were three cases of individuals accused of serving alcohol to First Nations people, one was a tavernkeeper the other two had no permits and therefore ran illegal taverns. All three were found guilty but there was a large disparity in the fines; the tavernkeeper was fined 500 *livres* for accepting pelts as payment, while the unlicensed men were fined 100 and 10 *livres* respectively. While it is obvious that the steeper fine was in proportion to the severity of the tavernkeeper's actions for not only serving alcohol to Indigenous people, he had also done an illicit trade by exchanging liquor for pelts which was strictly forbidden.⁷⁶ Analyzing the two unlicensed men's cases, while one was accused of selling alcohol, the other was caught with an intoxicated *sauvage* in his residence, which was enough evidence to affirm him being guilty of breaking the law.⁷⁷ One would think that having this type of damning evidence would guarantee the maximum penalty for the crime. Yet, due to the fact that the accused was a resident of Trois-Rivières, the fine was significantly lower than his Montreal counterpart.

There were additional instances where people found guilty of the same crime received a more lenient punishment if they resided in Trois-Rivières. These cases are interesting since following their conclusions a publication had been made to the cities of Quebec, Montreal and Trois-Rivières that addressed the issue of First Nations people being found intoxicated in

⁷⁵ Marie-Claude Poliquin, "Les aubergistes et les cabaretiens montréalais entre 1700 et 1755," (Master's thesis, McGill University, 1996).

⁷⁶ François Lenoir dit Rolland, 13-14 mai 1700, BANQ-M, TL4, S1, D414B.

⁷⁷ See cases François Brissonnet, 3-4 juin 1700, BANQ-M, TL4, S1, D418.1 and Manseau, 19 juin 1700, BANQ-TR TL3, S11, P2579.

the streets, crossroads and even along the perimeter of cities on a daily basis. The *Conseil Souverain* had received the new alcohol trafficking regulations from the King in January but had only put it in effect six months later in light of the growing number of incidents and French subjects refuted playing any part in the widespread report of public drunkenness. Even though the previously mentioned cases did not lead to the publication of this new amendment, they were still indicative of the growing problem of alcohol being easily accessible for First Nations people. Moreover, it necessitated for tighter restrictions to be imposed throughout the colony and reducing the number of unfortunate and preventable calamities. Despite their efforts, the number of illegal selling of alcohol done by legitimate and unlicensed tavernkeepers continued to grow.

Licensed tavernkeepers were charged with a variety of offences. A case dating from 1727 involved a Quebec tavernkeeper named Chamard who was found guilty of running his tavern during the Sunday service and had a sergeant within smoking from his pipe.⁷⁸ The issue here is not only the fact that Chamard's establishment was open during Mass on a Sunday, which was prohibited, but that he had also served a soldier who was smoking, which was a safety violation. Matters also did not improve for Chamard when insults were thrown at the law enforcement officer that then resulted in a fistfight. Surprisingly, Chamard was lucky to not have lost his permit that day but nevertheless was fined 10 *livres* and warned to not reoffend. Although he was open during a holy service and served a soldier, in the eyes of the authorities this was still not as severe if certain circumstances were different, such as Chamard being guilty of serving aboriginals in his establishment. Evidently there were

⁷⁸ Intendant Dupuy, 28 janvier 1727 ordinance, BANQ-QC, E1, S1, P1793.

degrees of severity and even though the discovery led to a brawl and insults hurled at an authority figure, it still did not warrant the termination of Chamard's tavern license.

This is not to say that all license owners received similar leniency. In fact, there were cases where tavern and innkeepers did lose their permits for breaking the law, and for worse reasons than serving a soldier and risking a fire hazard. The predominant reason why most license holders lost their permits was for selling alcohol, particularly brandy to First Nations people, which was strictly prohibited. There were ordinances that allowed the selling of beer and cider to First Nations clientele since those drinks were not as potent as brandy. Even though colonial officials gave allowances, there was zero tolerance for when a merchant or tavernkeeper gave strong liquor to aboriginals, and those found guilty paid a steep price. The Desnoyers case is an example of how a tavernkeeper's complete disregard of the alcohol laws cost them dearly.

Pierre Marcheteau dit Desnoyers was an archer in the militia and ran a tavern, which was not unusual as other tavernkeepers during this time period were also military men that were granted the favour of owning a drinking establishment.⁷⁹ In June 1711, Desnoyers was accused of having First Nations patrons within his establishment and even worse, the bailiffs had found them intoxicated. According to his neighbours, Desnoyers was known for his scandalous character and being "*remplie de méchant volonté*" who had also received a warning earlier that month. Whether this was a warning to not cater to First Nations people or for another reason, remains unclear. It should also be stated that by this period, there were taverns that could cater to First Nations, however Desnoyers did not have a specialized

⁷⁹ For more information on militiamen as tavern- and innkeepers, refer to Marie-Claude Poliquin's Master's thesis "Les aubergistes et les cabaretiers montréalais entre 1700 et 1755".

license. As such, Desnoyers was operating beyond the rights his permit granted and essentially stole First Nations patrons from his peers who had special permission to serve alcohol to aboriginal customers.

After reports were relayed to officials, two bailiffs went to investigate Desnoyers' establishment. Bailiffs Jean Petit, sieur de Boismorel, and Jean Meschin arrived and discovered four aboriginal patrons from both Iroquoian and Algonquian tribes, describing them in their reports as drunk and "*hors de raisons*". The bailiffs also observed Desnoyers' wife serving them beer with a bucket, thus making her an accomplice. The fact that there were inebriated First Nations members from opposing tribes in his establishment and that Desnoyers had been previously reprimanded, the court saw his refusal to obey both local authorities and the alcohol regulations, and finding no suitable alternative decided to revoke his license, effectively terminating his right to run a tavern. The court records also mention that in light of Desnoyers' actions, the infamy he brought to the trade and complete disregard of the law that it may have also cost his position in the militia. Despite having already been given a second chance, Desnoyers' colourful character and ill repute led to officials questioning his capabilities as a bowman. Although numerous works have cited that the largest group responsible for criminal activities in New France were in fact soldiers, and that the militia was small in number, it appears that the scandal surrounding Desnoyers was too costly for colonial authorities to ignore, resulting in his expulsion from the military.

The previously mentioned cases demonstrate how differently these tavernkeepers were treated for their transgressions. Even though Chamard committed a series of offences which included being open during Sunday Mass, serving a soldier alcohol, and permitting the

soldier to smoke within his establishment, leading to the assault of an officer of the law, he was able to keep his license. Additionally, Chamard was fined a small sum in light of the string of violations he was found guilty. In comparison, Desnoyers' case was treated severely due to his notorious character and continuous law breaking. Despite being warned multiple times, Desnoyers lost his license after the discovery of a group of aboriginals from rival tribes were seen drinking under his roof. The fact that he was part of the militia may have aided him in obtaining a license but he was not certified to cater to First Nations clientele and this, along with his scandalous character, did not help his case. Although the total fine is unknown, Desnoyers paid a hefty price for failing to reform and upholding the moral values that licensed tavernkeepers were expected to espouse. Desnoyers' transgressions not only cost him his license but he also lost his post as archer in the militia, thus sending a message to others that the cost for their mistakes could be more than just a financial reprimand.

Court Case Analysis

The following section focuses on the broader aspects of the cases such as trends and conviction rates. Additional analysis such as the gender, marital status, age and occupation of the accused and discussion of recidivism and a select profile of some of the individuals who frequently appeared in the court records will be explored in the final chapter of this work.

As previously mentioned, a total of one hundred cases of the illegal sale and trade of alcohol with aboriginals in New France between the years 1700 and 1756 were analyzed. Out of the total number, seventy-eight were for illegal sale while the remaining twenty-two were of illegal trade of alcohol. A total of one hundred and twenty-one individuals were accused of suspected of the said illicit activities. Overall, 65.4% of illegal sale cases had reached a final

verdict while 68.2% of illegal trade cases were completed; however, due to the small sample of trade cases found within the near sixty year period and large gaps between certain decades, it is challenging to come to a sound conclusion for these particular cases.

Moreover, the abundance of published decrees prohibiting illegal trade suggests that this activity was recurring and therefore, the number of recorded illegal trade cases found is not representative of the scope of illicit trade that was happening in New France during this period. The same could be said of illegal sale cases and that neither encompass the real number of people breaking the law by providing strong alcohol to the aboriginal population and that it is not possible to know the true extent and a factor to consider when doing archival research. Given that there are four times more cases of illegal sale compared to illegal trade, it represents a more significant and potentially reliable sample.

Breakdown of Cases by Jurisdictions

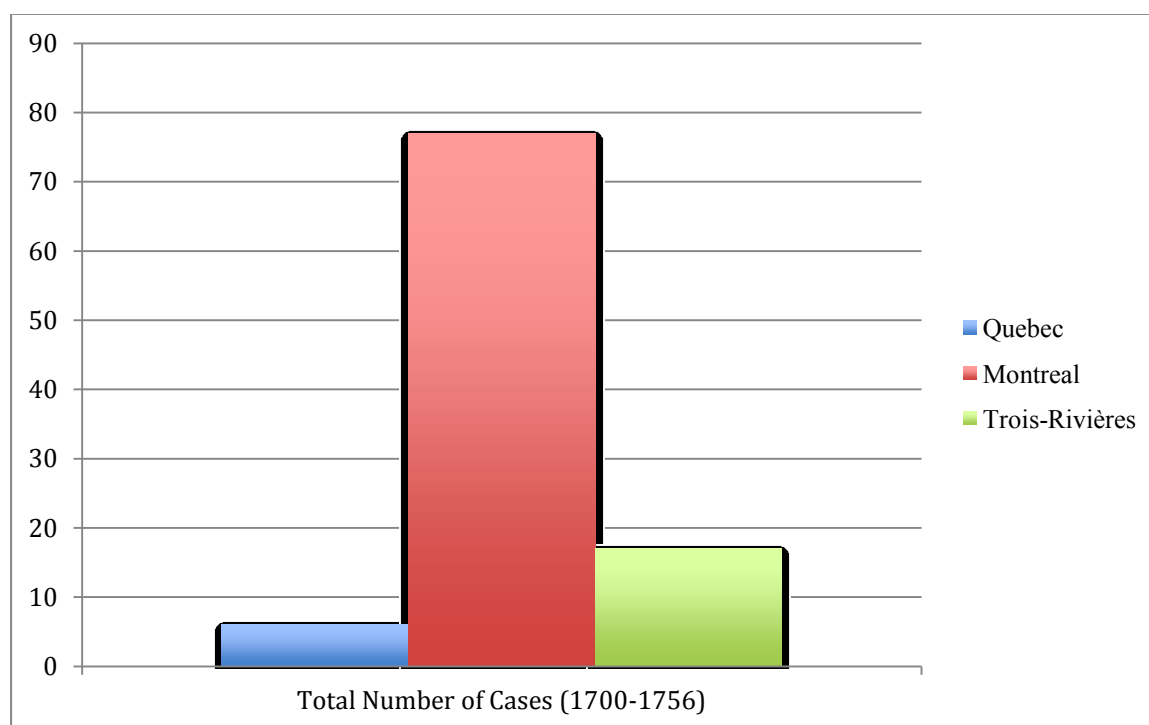


Figure 1: Breakdown of cases per jurisdiction in 18th century New France

The majority of cases occurred within the surrounding area that made up Montreal's jurisdiction (77%) and there were significantly fewer in Trois-Rivières (17%) and Quebec (6%) jurisdictions. This is not surprising since Montreal was considered a town that was a hub for the contraband trade, particularly the illegal trade in furs carried on with the English settlement in Albany. Due to the breadth of land that made up Montreal's jurisdiction, it was difficult to monitor the movements of residents and travelers alike with a small militia charged with protecting and maintaining order. When observing the frequency of cases per decade, one can see the first three decades of the eighteenth century contained the bulk of reported cases for both illegal sale and trade of alcohol.

Cases of Illegal Sale and Trade in New France per Decade

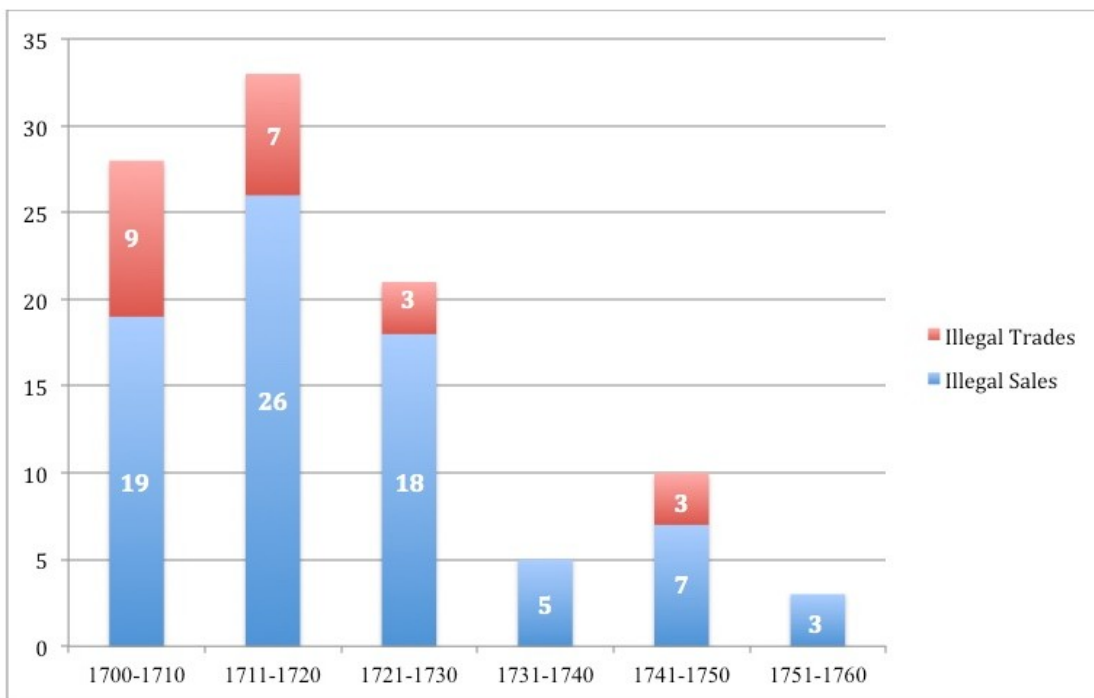


Figure 2: Breakdown of cases per decade

Within this thirty-year period there was a spike between 1713 and 1723 before dropping significantly in the following decade (1731-1740). This period coincided with the

same decades that the colony struggled to diversify its market and when the economy and number of jobs available were on the decline. When analyzing the cases of illegal trade, there is a slow drop between the first two decades and only three reported cases for the bracket 1721-1730 and 1741-1750 and there is no existing data for the decade 1731-1740 and 1751-1760. As it was earlier stated, the lack of cases recorded did not indicate that no illegal trade took place, only that no court cases were recorded during those bracket years. This leads us to question whether there was a pattern or period of the year that these crimes were more likely to occur.

André Lachance's Seasons of Criminality

André Lachance has discussed how criminality followed a seasonal or temporal trend within the colony and examined the various types of crime such as murder, theft, assault, and arson to name a few. Lachance had placed these various crimes under thematic categories: all crimes of religion were considered *crimes de lèse-majesté divine*, crimes against public order and undermined the authority of the King and his officers were *lèse majesté humaine*, crimes against a person or their honour, crimes against goods and property and lastly, crimes against morality.⁸⁰ The crime of illegally selling and trading of alcohol could be perceived as a *lèse majesté humaine* offense since it was not only a defiant act against authority but also for disrupting public order. In another sense, this offense could be categorized, especially from a religious context, as a crime against morality.⁸¹ Lachance's idea that crime could be

⁸⁰ These categories were based on a combination of the works of eighteenth-century criminalists Daniel Jousse and Muyart de Vouglans and twentieth-century criminologists Denis Szabo and Gresham M. Sykes. For additional information about the categories of crime, refer to André Lachance's *Crimes et Criminels en Nouvelle-France* (Montréal : Boréal Express, 1984):, 13.

⁸¹ For more on alcohol and the religious standpoint of how it was seen as a corrupting substance, refer to François Vachon de Belmont's *Histoire de l'eau-de-vie en Canada* (Quebec: Quebec Library and Historical Society, 1840).

influenced by seasons and specific periods of time is intriguing and raises the question of whether this can be applied to those accused of illegally selling and trading alcohol to aboriginals, and what can be gained from this study. As previously noted, the first three decades of the eighteenth century contained most of the reported cases and this corresponded with the colony's own financial struggles that had a negative ripple effect on its residents.

Based on Lachance's findings, there was an increased chance of crimes against persons between the months of July to October and crimes against property and goods in the months of December, February, and August. In addition, crimes against morality typically occurred during hot weather and crimes considered "lèse-majesté" fluctuated greatly but were at its highest in the month of June when ships came to the colony, as well as between November and December when money was scarce.⁸² Looking at the collected data, cases of illegal sales of alcohol frequently occurred between the months June through September, thus corroborating with Lachance's statement that crimes against morality were usually committed during warmer seasons. When examining cases for illegal trade of alcohol, there were just as many occurring in the months of May (27%) and August (18.2%) with January as third most (13.6%). Due to the small sample found, however, it is not sufficient nor a solid indicator and additional research is needed in order to better understand the pattern for this particular type of crime.

⁸² Lachance, *Crimes et Criminels en Nouvelle France*, 74.

Reported Cases by the Decade

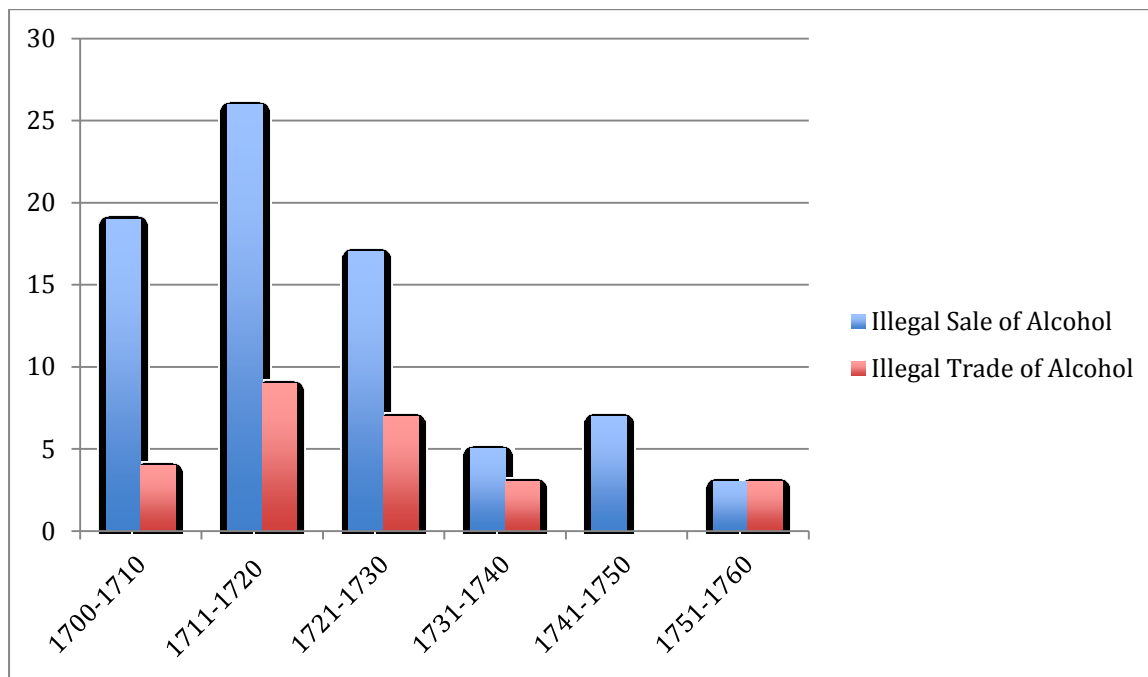


Figure 3: Breakdown of cases of illegal sale and trade of alcohol in New France between 1700 and 1756

This figure demonstrates the trends of criminality per decade, particularly the spike in cases of illegal sale of alcohol within the second decade (1711-1720). A second but smaller surge occurred in the 1741-1750 bracket before dropping again and matching to the number of illegal trade cases in the final decade. It is also interesting to note how after 1730 the number of illegal sale cases reported fell below double digits.

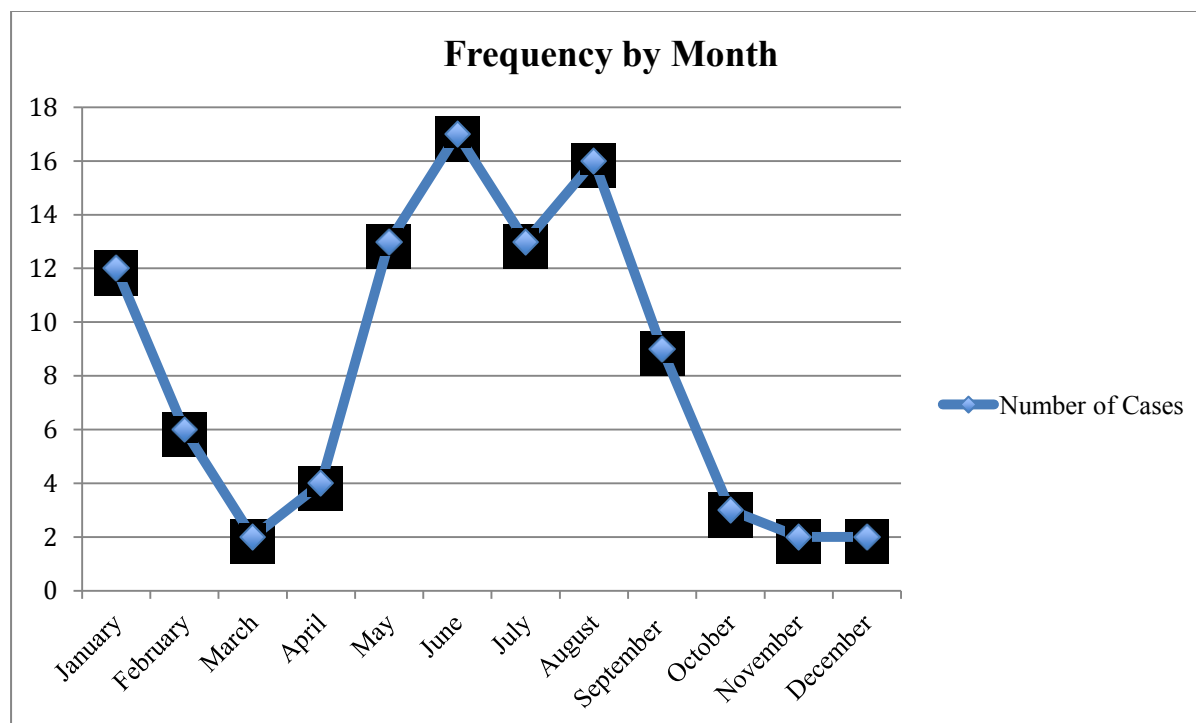


Figure 4: Number of reported cases according to months of the year

Borrowing Lachance's seasons of criminality, this chart illustrates the peak periods of when illicit trading and selling of alcohol to aboriginals was conducted. The month with the highest value was June followed by August while the lowest and few reported cases were in the months of March, November, and December. None of the months had the value of 0, which suggests that these illegal transactions occurred year round but some months experienced higher activities than others.

Case study: An Accidental Death

On June 22, 1716, an Iroquoian woman approached local authorities to report the death of her brother in Montreal. Anastasie recounted how her brother, Tegagettorens, was led out of a merchant's residence and had fallen, injuring himself in the stomach and torso. Grievously wounded, Tegagettorens had not moved until the following day when his sister

discovered him; realizing that her brother had not returned home, Anastasie went out looking for him and was able to bring him back to the Sault for medical attention. Sadly, Tegagettorens did not recover from his injuries and was given last rites by the priest at the mission he lived in. He confessed to the priest that he had drunk various kinds of alcohol including brandy and also provided the names of those who had sold him alcohol. Tegagettorens added that he gave a fine shirt in exchange for brandy. It should be noted that the earliest alcohol regulations prohibited tavernkeepers and habitants from accepting goods as currency or offering credit, and so anyone taking the fine shirt as payment were breaching the law. Armed with this information and undoubtedly looking for justice, Anastasie gave a statement and included the names of those responsible for her brother's death. Had these individuals respected the law and refused to sell any alcohol, Tegagettorens would have been alive.

Interestingly, some of the names given were individuals registered as tavernkeepers in Montreal and among those listed were Jacques Cardinal, Marie Denoyon, and Pierre Marcheteau dit Desnoyer. Through investigation, the court narrowed their list of suspects and interrogated Marie Pilet, the wife of Pierre Marcheteau, Louise Arrivé, Jacques Cardinal's wife, and two widows, Marguerite Dumet and Marie Denoyon. The court first interrogated Marie Pilet since she was a person of interest. Pilet and her husband had a prior conviction five years ago when Marcheteau was discovered to have sold alcohol to First Nations people in 1711 and led to voiding his tavern license. Pilet admitted that they used to sell cider and beer to aboriginals but only to be consumed in their house, never as take away.

Pilet's response is interesting since there were some contradictions in her statements. She mentioned previously selling alcohol but when asked if she had given any cider or beer more recently, she denied. Pilet was asked if she knew the deceased, Tegagettorens, and said yes and that he had been a client but that she did not buy his fine shirt. According to Pilet, she had the right to run a tavern through an old permit granted by Intendant Raudot but then stated that she did not sell much alcohol and that she mainly earned by renting rooms to lodgers.

When pressed about Tegagettorens, Pilet claimed that he came with another companion and asked for a drink but noticing that he was already inebriated, she refused. In her statement she said that Tegagettorens replied that he had not drunk that much. Pilet was then asked if she had permission to give alcohol to the Indigenous people from Sault St. Louis, the same Sault that Tegagettorens lived on. She replied that she was allowed to serve those from the Sault des Recollets but added that it did happen that the Indigenous groups from both Saults were confused for the other and that these sorts of mistakes were not uncommon. The court was unconvinced that Pilet was blameless and some of her contradictory statements along with the history of having catered to aboriginals may have caused the prosecution to be suspicious of her as a witness. With insufficient evidence to indict Pilet for Tegagettorens' death, the court settled on fining her for running a tavern without a valid permit and selling alcohol to First Nations people.⁸³

Louise Arrivé was another person of interest for having a history of being accused of illegally selling alcohol. Although she stated that she refused serving any alcohol to the

⁸³ The exact fine for Marie Pilet is unclear with one page citing 150 *livres* while further in the case it is noted that Pilet and her husband were fined 50 *livres* each.

deceased, it was discovered that she was also running a tavern without proper documentation. Even though she argued that she had been granted permission to run a tavern, they were found to be outdated and no longer valid. Arrivé interpreted the law regarding permits to her own advantage and believed that the antiquated permit would still be serviceable. Although the issue date of this alleged permit is unclear, it was sufficiently old enough to not be considered a permissible document. Tavernkeepers needed to renew their license frequently in order to continue running their business. When Intendant Champigny canceled all existing permits in 1701, effectively wiping the slate clean, the tavernkeepers who wished to maintain the privilege had to reapply within a few days following the decree. Tavernkeepers then had to renew permits again in six months.⁸⁴ Proper registration not only provided colonial authorities with updated vital information like who ran what kind of business but also protected business owners from incurring fines and distinguished them from less legitimate retailers. Lawful tavern- and innkeepers needed to keep their documentation up to date in order to remain in business.

The other two suspects, Marguerite Dumet and Marie Denoyon, were both widows and had official documentation working as *aubergiste* and retailer, respectively. Even though Dumet could serve alcohol due to her occupation, there were more restraints in the quantity that could be sold compared to a tavernkeeper. Dumet denied giving any alcohol to the deceased, Tegagettorens, or any other aboriginal from the same Sault. She did, however, admit to giving five *pots* of beer to a *sauvagesse* that she was acquainted with and had lodged at her residence for several days. Dumet was asked if she had a permit to sell drink retail,

⁸⁴ “*Ordonnance de M. Bochart Champigny qui révoque et annule toutes les permissions données pour tenir cabaret dans la ville de Montréal*”, 22 août, 1701. Found in Pierre-Georges Roy’s *Ordonnances, Commissions, Etc, Etc, des Gouverneurs et Intendants de la Nouvelle-France, 1639-1706*, v2; 296.

which she conceded not owning but thought it was not necessary to obtain due to a publication made by the *Conseil Souverain*. The issue with the *Conseil*'s rule that Dumet was referring to is that it was a publication meant for the inhabitants of Boucherville and therefore not applicable elsewhere, including Montreal where Tegagettorens' death occurred. In Denoyon's case, despite having a valid permit to sell alcohol in retail, she admitted to catering to both French and First Nations people for a few years. Although Denoyon knew that it was prohibited to sell any intoxicating drinks to First Nations people she argued that others still gave the Indigenous people drinks as long as they were not inebriated.⁸⁵ Ultimately, both widows were fined with a large disparity due to the severity of their actions; Dumet was to pay five *sols* for selling alcohol without permission and Denoyon was charged for catering to First Nations people, which was strictly prohibited at the time, and fined 150 *livres*.

Dumet and Denoyon's interrogations yield an interesting perspective on how they interpreted the laws to support their rationale. Dumet rationalized that because a particular set of regulations were enforced in one area then they were also applicable for neighbouring settlements, including where she lived. An explanation for why Dumet's fine was significantly lower was because her offence was more forgiving compared to Denoyon's transgressions. Denoyon expressed her knowledge of the law and aware that First Nations people were prohibited from consuming any intoxicating drinks but saw how others openly disregarded the law and saw fit to do the same. If people were so flippant about these regulations and confident enough to bend the rules in their favour, it meant that the

⁸⁵ The following excerpt was recorded: "mais quelle voy que lon leur en donne partout et quelle a cru le pouvoir faire lors quil nestois pas yvre".

enforcement of these laws was practically nonexistent and people were emboldened to take such risks.

The case of Tegagettorens' accidental death is interesting in that could have been prevented had local authorities exercised a tighter control and having a larger presence in the community. Had Anastasie not approached the authorities to inform them of what transpired it is entirely possible that a case would not have been opened. Considering the lack of law enforcement initiative, Tegagettorens' death was an unfortunate and devastating reality of excessive drinking but would tighter alcohol regulations have prevented cases such as this one from reoccurring? A change in tactics was needed since the regulations were not the solution. It is unclear what Anastasie's thoughts were on the final verdict or whether she believed that the judgments were fair. Moreover, there is no mention of any form of compensation for the deceased's family or what was done to his body. Even more questionable was the rationale for each fine that was allotted to the accused; when looking at the regulations in effect during this period, none of the fines listed were in *sols* and those in *livres* were still way below the amount stipulated.⁸⁶ The arbitrary fines given also demonstrate how court proceedings were more complex in reality compared to the clear-cut rules and regulations.

The case is not as extensive as one would have hoped since it only contained the officer's report, Anastasie's statement and separate interrogations of the named individuals. In between these documents notes between officials were written in the margins and bottom of the pages; some of these remarks include the necessity of certain individuals to come

⁸⁶ A reasonable assumption for the lowered fines was because they were widows and having to support themselves, the court gave them some leniency.

forward to give testimony, the requirement of an interpreter or that the deceased's sister be present for the court proceedings. Following each interrogation, the accused were individually condemned for contravening the laws active during the time and depending on the severity of their actions, the fines were adjusted accordingly. Yet, there is a large disparity in the said fines that ranged from as little as 5 *sols* to as much as 150 *livres*. A missed opportunity on the part of the court was to have a confrontation between Anastasie and each of the suspects and had it occurred and been documented, the data collected would have been tremendous and given greater insight about the whole case and those involved.

The overall conclusion of the case is underwhelming since there is no mention of any measures that officials wished to take, and there is little sense of justice that was done for Tegagettorens. Even though the case came to a close, there are still many questions left unanswered and whatever punishment was rendered only appeared to have been conducted because the accused were either serving alcohol without permits or had catered to First Nations clientele which was prohibited. Tegagettorens' fine shirt was never recovered and no one confessed or came forward to claim responsibility for Tegagettorens' untimely demise.

Case Study: A Wrongful Death

Tegagettorens' death is an example of a consequence of the uncontrolled regulation of alcohol with First Nations people and how some of the deaths that were accidental in nature resulted from excessive drinking. Another issue that stemmed from the lack of proper enforcement of the laws was that the actions of those intoxicated could potentially endanger the relationship between the French and Indigenous people and turmoil within the colony.

The second case study occurred six years after Tegagettorens' case concluded and proved that alcohol regulations were still not properly enforced. On the evening of August 14, 1722, a French local from Cote St. Pierre was struck and killed by an intoxicated Indigenous person. What makes this case striking is the fact that the deceased, Honoré Danis, was not the intended victim and that the group of First Nations people who did pass by his residence only took that route as a detour. It began with a captain noticing the group of aboriginals, numbering between five or six, coming from Montreal and stopping by a house which was identified as the deceased's residence. According to Danis' widow, Catherine Brunet, she was approached by the group and was asked about the identities of the two men who were there the day before. They said that those two men had hurled insults at them for having thrown rocks at Danis' dog. However, before she could reply, the group noticed Charles Raymond, Danis' son-in-law, and tried to enter the house to confront him. Raymond escaped through the back room's window and was armed with a stick to defend himself. Three from the group attacked Raymond and at this point, Honoré Danis had come to investigate the commotion. At the time, Danis was around the corner of the house, working on wooden strips to make wheels. One of the "sauvage" broke from the group after spotting Danis coming over and took one of the wooden strips and had struck Danis on the head. As Danis ducked to avoid the blow, he was grievously struck and had fallen to the ground. Realizing what transpired, the group tried to kill Raymond as well but was forced to flee when they saw neighbours approaching the scene.

The two witnesses who saw the entire conflict unfold were Raymond and Brunet and they attested that the group of Indigenous people were not intoxicated but appeared to have drunk a little beforehand. When the authorities examined the body, they remarked how it had

been moved into the house and was covered by a bloody cloth. Once they removed the cloth from the head, they found “*une playe sur le Derriere de la tête de Laquelle il a sorty un peu de sang depuis la Mort*”. According to the surgeon’s observations, the mortal wound appeared to have been caused by a blunt instrument, which confirmed Raymond and Brunet’s statements.

This case was a top priority for the *procureur du roi* since he needed to identify who these aboriginals were and more importantly, who was responsible in providing them alcohol. The investigation was extensive and contained over twenty separate witness testimonies from neighbours and locals of the area and from these testimonies, the prosecution was able to piece together the timeline of the night of the murder and the persons of interest. Despite the fact that many of the witnesses stated having no knowledge of who was responsible in providing alcohol to the Indigenous group, there were some telltale signs that there was more to the story; even though the witnesses had no concrete facts, many of them mentioned the rumor that widow Pincourt and her children were selling alcohol in order to earn money and others identified at least two of her children making the trip to the city to acquire alcohol from a retailer.

The frequent mention of widow Pincourt as a suspect in these testimonies was peculiar, especially since many of the witnesses confessed to not actually knowing much about her but had heard the same rumor and where apparently First Nations people frequented her house and left intoxicated. Again, no one attested to have personally seen this occurring and when asked from whom they heard this rumor about widow Pincourt, they stated it was Charles Leduc. This revelation is key for two reasons; first, the author of this

rumor and widow Pincourt were related and in fact, siblings, and second, additional witnesses attested to having seen First Nations people in Charles Leduc's residence on several occasions and drinking alcohol in his presence.

From the development of this case we can surmise that Charles Leduc had in some way known he was responsible for the wrongful death of Honoré Danis and tried to shift the blame to his sister, Suzanne Leduc, the widow Pincourt. The story of a widow with many children to support turning to selling alcohol in secret in order to make ends meet was not a stretch of the imagination and plausible but there was insufficient evidence to substantiate this claim. The prosecution needed concrete proof of widow Pincourt's involvement that went beyond the same rumor being repeated by several witnesses. In the end, Charles Leduc and his wife were found guilty following the testimony of captain Caron who placed the same group of First Nations people who attacked Raymond and Danis at Leduc's residence earlier that day. Caron stated that when the group left Leduc's that they seemed to have drunk alcohol and even smelled of brandy. Moreover, he had asked one of them who had sold them the brandy and they replied that it was Charles Leduc. Even more damning was the admission by this same aboriginal man who said that other First Nations people frequented Leduc's residence and that he had conducted this commerce for a long time. Charles Leduc and his wife were found guilty and fined 500 *livres* for selling alcohol to First Nations people and running an illegal tavern without a license. They were prohibited from entertaining any patrons, both First Nations and French in the future and to never sell any alcohol for any reason whatsoever.

Typically the case would have concluded at this point. However, this case stands apart from others due to the Governor's intervention. In the record, the prosecution went to the Governor to inform him of the developments and found many aboriginals with an interpreter present. The Iroquoian group were concerned that there would be reprisals as the deceased was killed by an Aboriginal and the Governor granted forgiveness. The Indigenous representatives were thankful and gave a necklace to the Governor, promising to satisfy the deceased's family to the best of their abilities.⁸⁷ The Governor saw the importance of diplomacy and sought the quickest solution that could appease both parties without the risk of escalating the situation. Days later, deputies from Sault St. Louis appeared with one of the five responsible for Danis' death and rather than imprisoning the culprit, the court officials took the opportunity to interrogate the aboriginal in order to gain information on who was selling brandy and as a possible witness for the confrontation phase of the trial. Undoubtedly, the aboriginal's testimony along with Caron's were instrumental in uncovering who was truly responsible for intoxicating the local Iroquois group and in consequence, caused the wrongful death of Honoré Danis.

The deaths of Tegagettorens and Honoré Danis are a perfect study of contradictions and illustrate differences in how the court conducted the investigations for each. The first distinction is that Anastasie, the sister of the deceased and an Iroquois, came forward and reported her brother's death; the reporting is not unusual since authorities relied on the vigilance of inhabitants to provide any information they have that would be of interest. What is significant is that an aboriginal woman sought justice and entrusted the French judicial system to make it possible. The question of whether Anastasie obtained justice and

⁸⁷ Although the records stated that the gift was a necklace, it was most likely a wampum belt.

reparations is uncertain since none of the suspects were condemned for causing Tegagettorens' death even though the law dictated that in the event that a death or serious injury occurred due to intoxication, that the fault would lie on the individual who dispensed the alcohol.⁸⁸ All the suspects were fined according to the severity of their transgressions and only punished for contravening alcohol regulations rather than being held culpable for contributing to Tegagettorens' fatal fall. Looking at the Honoré Danis case, a story was told by witnesses that were present and meticulously recorded followed by an autopsy report. For Tegagettorens there was no description of what occurred that night other than he fell, was found by his sister and brought back to the Sault where he confessed his sins to a priest before expiring. Another notable difference was the extent of the investigation for both cases; the interrogations of the suspects and proceedings were brief with no call for additional witnesses while Danis' case had an overwhelming number of witness testimonies ranging from family and neighbours to strangers who had limited knowledge of what transpired and repeated rumors. There were also exceptional maneuvers that occurred in the Danis case such as the involvement of the Governor himself to quickly conclude the case and assistance from the Iroquois who provided one of the culprits to be tried. The *procureur du roi* was then able to interrogate the culprit in order to obtain information about who sold the alcohol and thus responsible for Danis' demise.

⁸⁸ First Nations people believed inebriated people could not be held responsible for their actions since it was the spirit that inhabited the person that was responsible. Colonial authorities could not prosecute Aboriginals because they were not considered French subjects and putting them on trial would risk straining their relationship with the Aboriginal community. Instead, they opted to punish citizens that were responsible for providing alcohol in the first place.

Concluding Notes

This chapter explored the development of New France's judicial system and alcohol regulations from the seventeenth to the eighteenth century. Montreal's religious origins had set the tone for the expectations that the colonial administration had for its inhabitants. Aside from religious piety, the importance was placed on good morals and obedience to God, the King, colonial authorities and the laws. The clergy's mission in the New World was to save the souls of the Indigenous population and alcohol impeded their conversion to Christianity. As such, the seventeenth century laws that sought to control the distribution of alcohol were influenced by religious motives and those found guilty of subverting these laws were prosecuted for hindering the clergy's endeavours. Alcohol regulations continued to be adapted and implemented throughout the eighteenth century, however they were no longer enforced for religious purposes but rather as a form of commercial regulation. Colonial authorities received reports of people crossing jurisdiction lines and entering First Nations territory in order to sell and trade alcohol with aboriginals and in response, they created additional laws to control the citizens' movements within the colony and where they could legally conduct their businesses.

Alcohol regulation was of great importance to colonial authorities since it impacted the output of furs that were supplied by the Aboriginals. French subjects that sold and traded alcohol or even lent goods to aboriginal hunters would demand payment in furs. Alcohol abuse by hunters drastically cut their earnings and their means of affording supplies needed for themselves and their families. Even more troubling were hunters that were dependent on alcohol and spent their hard-earned income on liquor with little left to purchase necessary items like food and clothing. In the eyes of the State, tighter alcohol control was crucial in

order to curb public disorder and violent episodes that threatened the entire population. Local authorities struggled to maintain order in the vast colony with their small force and limited resources in surveillance.

Despite the authorities' limitations on ground surveillance, they obtained vital information from informers and members of the public about illegal or suspicious activities that transpired. People reported crimes and suspicious activities in order to bring the authorities' attention to what was happening in their neighborhoods. There was no police force during this period and the militia was a small group of volunteer soldiers that were not enthusiastic about their jobs. There was even some distrust in the militia since soldiers were often the ones committing crimes. People wanted to be safe and live their lives peacefully and those that broke the law threatened this safety and peace.⁸⁹ Gathering this kind of information was instrumental since it aided in prioritizing which areas or individuals were problematic and needed to be addressed, as well as compiling evidence against those accused of illegally selling or trading alcohol to First Nations people. Lastly, the various cases that were detailed in this chapter showed the complexity of the laws being put into practice. Despite the meticulous nature of French laws, they did not always faithfully translate from the metropolitan to the colonial setting nor were they actively enforced.

⁸⁹ Many testimonies found in court records detailed incidents of a break-in occurring, or witnesses coming across intoxicated Aboriginals while traveling. The case of Honoré Danis contains numerous witness accounts of people being attacked in their own home.

Chapter 2: French Women and First Nations Voices in Court Records

This chapter will explore the women and First Nations people who appeared in New France's court records between 1700 and 1756. The previous chapter already touched on cases that implicated both groups such as Tegagettorens whose sister, Anastasie, approached colonial authorities with information that resulted in the prosecution of four French women, two of whom were widows. Also discussed was the active role that First Nations people played in the Honoré Danis case when a group of Iroquois went to the Governor's home and appealed for a speedy but fair resolution. Their plea for the Governor to intercede was striking since the reforms of 1663 ensured that he could only arbitrate for cases of appeal; this also showed the Iroquois' concern for reprisals towards their community for what transpired. It has also been discussed that financial motivations were possible reasons for why people broke the law and illegally sold and traded alcohol. In certain cases, French citizens were compelled to contravene because they had no other means of earning income. This final chapter focuses on a select number of individuals who have frequently appeared in court records. Who were these individuals, what were they accused of and what were the reasons for their actions? In cases where First Nations people were recorded, what do we know about them and what was the significance of their roles?

The anticipated role of women at this time was to have large families and manage the household. Women were expected to be affectionate mothers to their children and docile towards their husbands. Men were the primary breadwinners and supported the family financially. Women were meant to adhere to societal norms and not living scandalously or committing crimes. The most heinous crime that a woman could commit, barring infanticide,

was prostitution since this went against societal expectations and was considered an affront to both the Church and the traditional family structure. Emphasis was placed on women's virtue⁹⁰ while for men their strongest asset was their honour.⁹¹ Once sullied, it was impossible for their reputation to recover.

Following the *Coutume de Paris*, a married woman became a minor and was under the charge of her husband. A direct consequence of this custom was that married women were perceived as judicially incapable and rarely pursued justice under their own name.⁹² Despite this notion of women being deemed "judicially incapable", archive records attest to their involvement in court proceedings, either as witnesses or suspects of an alleged crime. John A. Dickinson reported that "criminal behaviour was overwhelmingly a male trait" and that "[o]nly 20% of all accused people in the eighteenth century were women, mainly for prostitution, simple assault, and theft".⁹³ Yet, women were just as capable as their male counterparts in conducting illicit sale and trade of alcohol. In fact, a number of women acted independently of their spouses. The following narrative is an example of one of the many women who defied the established laws on alcohol control.

Debt Becomes Her: The Story of Françoise de Vanchy

Françoise de Vanchy was born on the twelfth of May 1672, the third eldest of six children, one of whom died at barely two weeks old. Françoise's parents were Pierre de

⁹⁰ André Lachance, *Crimes et Criminels en Nouvelle France*, (Montreal : Boréal Express, 1984), 29.

⁹¹ Ibid, 30. In addition, the worst insults for men were accusations of being a scoundrel, thief and dishonest.

⁹² Julie Marleau, "La Juridiction Royale des Trois-Rivières en Nouvelle-France- la ville, les officiers et les habitants (1663-1760)," (Master's thesis, Université de Sherbrooke, 2014), 79.

⁹³ John A. Dickinson, "New France: Laws, Courts, and the Coutume de Paris, 1608-1760," *Manitoba Law Journal* 23, (1995): 52.

Vanchy and Geneviève Laisné, and both were Montreal locals.⁹⁴ At the age of seventeen, Françoise married Laurent Glory⁹⁵ on the seventeenth of October 1689, and though their union was shortly lived, they had a son named Pierre⁹⁶ who took his mother's maiden name.⁹⁷ After five years of marriage Glory left to go live among "les sauvages de Michillimakinac", thus leaving his wife to support herself and their son, Pierre, without his assistance.

Archival records indicate a number of debts and obligations tied to Françoise Vanchy who, after received a portion of her absent husband's inheritance, was confronted by creditors clamoring to get the dues they were owed.⁹⁸ Vanchy pursued her rights, as dictated in the *Coutume de Paris*, and appealed to the court of justice to have her goods separated from her estranged husband's possessions, as well as protecting her property from his creditors. The court requested that she present two witnesses that could vouch for her character and attest to her dire situation. Within their testimonies, the two witnesses⁹⁹ detailed Vanchy's misfortune and also testified to seeing Glory at Michillimakinac, describing him as being "habillé et déguisé comme un sauvage". One of the witnesses reported that Glory had married "une femme de La Nation" and had children with his First Nation wife, thus abandoning his first wife. The other witness corroborated the previous statement and appeared to have

⁹⁴ "VAL-VAN", *Dictionnaire généalogique des familles canadiennes*, Volume 1, 1608-1700.

<<http://bibnum2.banq.qc.ca/bna/dicoGenealogie/>>. 580. BANQ.

⁹⁵ In BANQ archives, his full name is Laurent Glory dit Labière. For simplicity of the narrative, he will either be referred to as Laurent Glory or Glory.

⁹⁶ In records his name is Pierre Vanchy.

⁹⁷ "Curatelle de Pierre Vanchy, fils mineur de Glory dit Labière et de Françoise de Vanchy," 7 novembre 1701, BANQ-M, TL4,S1,D535.

⁹⁸ "Procès entre Charles de Couagne, demandeur, et Françoise de Vanchy et son mari Laurent Glory dit Labière, défendeur, pour le paiement d'une obligation - 16 janvier 1698 - 29 janvier 1698"; "Billet de redevance dû par Françoise de Vanchy à M. Séguenot . - 20 juillet 1701"; "Procès entre Nicolas Janvrin dit Dufresne, marchand, demandeur, et Laurent Glory dit Labière et sa femme Françoise de Vanchy, défendeurs, pour dettes . - 30 septembre 1701"; "Procès entre Catherine Lucos, femme de Marin Moreau dit Laporte, demanderesse, et Françoise de Vanchy, femme de Laurent Glory dit Labière, défenderesse, pour dette . - 14 octobre 1701 - 29 octobre 1701," BANQ-M.

⁹⁹ The witnesses were Jean-Baptiste Beauvais and Sr. Louis Cavalier Deslaurier.

embellished it further, stating that Glory had *two* wives from “La Nation des Sioux” and had multiple children with them. These statements vilified Glory, depicting him as a man who had deserted his first and lawful wife, broke his marriage vows and had turned his back on the “civilized” and Christian society to live among the “Savages”.

The veracity of these statements is questionable and if false or exaggerated, could have been dispelled with Glory’s testimony. Consideration should be made that not all testimonies contain absolute truths and that those testifying could possibly be presenting their own biases or have ulterior motives in evading or obfuscating the truth. We will never know if the statements given by Vanchy’s witnesses contained truth and if Laurent Glory ever made an appearance in person; as such, we cannot ascertain what was truth and what was fiction. The witness depositions were damning and provided sufficient proof of the “mauvais ménage, méchante conduite” done by Glory who abandoned his wife for many years without providing any means of assistance. Glory’s absence from court proceedings was noted and this only further confirmed what the testimonies attested about his character and dishonorable repute. As a result, Vanchy’s request of a separation from her husband, including the protection of her belongings from his creditors, was granted.¹⁰⁰ The judge condemned the absent Glory to pay for damages, including interest, as punishment; even though the punitive addition was welcomed, it is unlikely that Vanchy received any money from Glory. This punishment served more as a point to make to the public about the consequences of one’s inaction and refusal to behave according to societal norms and expectations (in this case, being an honorable man and supportive husband). Despite this breakthrough for Vanchy, the separation did not resolve all of her financial issues.

¹⁰⁰ “Procès entre Françoise de Vanchy, demanderesse, et Lauren Glory dit Labière, défendeur, pour separation des biens,” 2 avril 1701 – 8 avril 1701, BANQ-M, TL4, S1, D484.

According to the records found attached to her name, Vanchy's financial difficulties began around the time that her husband left her. Vanchy's situation was so dire that she seemed willing to commit felony if it meant clearing her of debts. In 1694, Françoise convinced her sister, Marie Vanchy, to steal money and lace from les filles de la Providence. Marie was successful and took forty-five *livres* worth in money and lace. Even though Marie was being prosecuted, Françoise was still embroiled in the court proceedings and was even accused of having incited her sister to steal the items. Although the records of this case end before Marie could be interrogated, some information can still be gleaned from the list of questions in the dossier; including what purpose would Marie have with the money and lace, if it was meant to be given to someone else, and if so, to whom, and whether she was given information or advice on how to steal the items, or if she acted of her own accord. Prosecution suspected that Françoise played a vital role but never had sufficient proof to support this theory. Given the fact that this occurred around the time that Glory left her and Françoise was believed to be involved in the robbery, potentially encouraging her younger sister into committing the crime, it is not a stretch of the imagination to see a correlation between these two occurrences.¹⁰¹ The theft would not be the last time that Françoise Vanchy would make an appearance in criminal court.

In the following years, Françoise Vanchy was accused on two separate occasions of having sold alcohol to First Nations. Even though a single accusation was insufficient to prove that a person resorted to crime, suspicions were raised when she was accused of selling alcohol to First Nations people years later. Witnesses described how they had seen inebriated

¹⁰¹ "Procès contre Françoise de Vanchy, femme de Laurent Glory dit La Bière, accusée d'avoir incité sa soeur Marie à faire un vol d'argent et de dentelle, chez les filles de la Providence," 5 mars 1694 - 14 mars 1694, BANQ-M, TL4, S1, D32.

Aboriginals exiting the accused's residence. One witness was certain that Vanchy was selling *l'eau de vie* to multiple First Nations patrons, adding that they saw one of Vanchy's alleged patrons stumbling in front of their door. Despite the urging of the missionary priest, Guay, for authorities to intercede, and the witness testimonies that supported his claim, the results of the case are unknown and it is unclear if Vanchy was ultimately found culpable of the offence.¹⁰² A couple of years later in 1702, Vanchy was accused by an aboriginal named Teonaïouagué who testified that she had given him bottle of brandy. During the interrogation, Vanchy denied selling the bottle and in the middle of court proceedings, refused to appear ("ladite DeVanchy n'a daigne comparaitre") despite being summoned. As a result of her failure to comply and Teonaïouagué's statement, Vanchy was found guilty and fined five hundred *livres*, half of which was to be donated to the poor of l'Hôtel Dieu, and the other half was rewarded to the informer (*dénonciateur*). In addition to the hefty fine, Vanchy was restricted from all future trade with First Nations.¹⁰³ One can surmise that her motivations were anchored in financial difficulties given the fact that she was accused twice for similar felonies while struggling to pay off her husband's debts. Evidently, Vanchy was not the first woman or colonist to have turned to law breaking as an alternative means of earning money.

Although Vanchy's presence in archive records was rife with cases of debt settlements, borrowing money, or trying to recover her seized goods, there were also instances where people owed her money, either because she had loaned them the funds

¹⁰² "Procès contre dame Labière à la suite de la dénonciation de l'abbé Guay, missionnaire de Lorette, qui a constaté l'état d'ébriété de savages sortant de sa maison," – 20 octobre 1700 – 21 octobre 1700, BANQ-M, TL4, S1, D453.

¹⁰³ "Procès contre Françoise de Vanchy, accusé d'avoir vendu de l'eau de vie aux sauvages," – 31 mai 1702 – 3 juin 1702, BANQ-M, TL4, S1, D582.

during their time of need or was collecting rent from tenants.¹⁰⁴ Little is known of what de Vanchy did as an occupation, and the same can be said of the other women found in the archival records who were also accused of selling alcohol to First Nations people. Françoise Vanchy was not a *cabaretière* or an *aubergiste* and did not possess a license that would have allowed her to sell alcohol as a merchant. It is likely that a portion of her capital came from property she owned and renting out rooms, and despite all these efforts, was unsuccessful in earning enough to pay off her debts.¹⁰⁵ Due to her financial situation and limited income, it is highly plausible that she turned to illegal activities like running a tavern sans license to earn a profitable sum and resolve her situation sooner.

The illegal sale of alcohol without a permit and catering to First Nations people were serious offences that were frequently denounced through a series of publications; with each penned decree, the *Conseil Souverain* and its residing Intendant would order the laws to be published and displayed in various public spaces throughout the colony to ensure that French subjects were aware of the laws and of the consequences if found guilty. With this in mind, Françoise Vanchy would have been aware of the laws regarding the controlled dispensing of

¹⁰⁴ “Procès entre Catherine Lucos, femme de Marin Moreau dit Laporte, demanderesse, et Françoise de Vanchy, femme de Laurent Glory dit Labière, défenderesse, pour dette,” 14 octobre - 29 octobre 1701, BANQ-M, TL4, S1, D526; “Billet de redevance dû par Françoise de Vanchy à M. Séguenot,” 20 juillet 1701, BANQ-M, TL4, S1, D506; “Billet de Françoise de Vanchy en faveur de Madame Duvernay,” 15 mars 1702, BANQ-M, TL4, S1, D563; “Procès entre Anne Lemire, femme de Marc Antoine Desjardins, sieur Rupallais, demanderesse, et Françoise de Vanchy, femme de Laurent Glory dit Labière, défenderesse, pour une saisie de meubles suite à une dette et procès contre Jean Milot, dépositaire desdits meubles, accusé de voies de fait et rébellion contre la justice,” 22 mars - 10 avril 1698, BANQ-M, TL4, S1, D276; “Procès entre Françoise de Vanchy, femme de Laurent Glory dit Labière, et Madeleine Chrétien, veuve de Pierre Chicoine, concernant un billet touchant le loyer d'une maison,” 23 septembre 1695 - 17 novembre 1695, BANQ-M, TL4, S1, D138; “Transcription d'un bail pour une " chambre à feu " entre François Bleau, maître boulanger, et Françoise de Vanchy,” 24 décembre 1703 – 31 décembre 1704, BANQ-M.

¹⁰⁵ “Procès entre Jean Soumande et Nicolas Janvrin dit Dufresne, demandeurs, et les héritiers de défunte Françoise de Vanchy, défendeurs, pour la saisie d'une terre située au quartier Sainte-Marie, pour dettes,” 5 mars 1704, BANQ-M.

alcohol and known the risks of discovery. Nevertheless, her situation was dire enough to take such risks if it meant making a fortune large enough to erase her debts and promise a comfortable life. Unfortunately for Vanchy, debts would sadly follow to her deathbed and all settlements fell onto her sister, Marie Vanchy.¹⁰⁶ Françoise spent her last days in a hospital and died from smallpox on March 6th 1703 at the age of thirty-one.¹⁰⁷

The study of Françoise de Vanchy's life is an example of what could motivate someone in her situation to resort to illegally selling alcohol. The reason for breaking or disregarding these laws were often due to financial difficulties, and was especially common among women accused of said crimes. Despite understanding an individual's plight, such as that of Françoise de Vanchy, and why they violated these laws, their actions were seen as acts of defiance and the authorities responded by implementing stricter laws as a means of deterring others from committing similar offences. Failure to keep the citizens in check spelled disaster that could escalate, causing economic and social disorder within the colony.

A Closer Look on the Gender Dynamics in Court Records

Aside from ordinances, colonial authorities attempted to assert their control on the population by punishing those committing crimes including those who openly disregarded the alcohol regulations. Most court cases found had a formulaic structure with the name of the accused or person of interest, the nature of the crime, and purpose of the document (be it a

¹⁰⁶ "Reconnaissance de dette de Marie de Vanchy, femme de Kadeviel, au nom de Françoise de Vanchy, femme de Labière, sa défunte soeur, à l'égard du sieur Joseph Aubuchon," 8 septembre 1703, BANQ-M.

¹⁰⁷ "Genealogy Françoise Vanchy" *Nos Origines – Genealogy of Canada*, <http://www.nosorigines.qc.ca/GenealogieQuebec.aspx?genealogy=Francoise_Vanchy&pid=60134&lng=en>; "Procès entre Elisabeth de Vanchy et Jean-Baptiste Beaumont, habitants de la Côte St-Martin, demandeurs, et Jean-Baptiste Ménard, économe des pauvres de l'Hôpital de l'Hôtel-Dieu, exécutateur testamentaire de Françoise de Vanchy, défendeur, pour récupérer des avantages successoraux," 3 avril 1703 - 22 janvier 1704, BANQ-M.

summons, call for interrogation, a request for additional information, a confrontation between a witness and the accused or final sentencing). For trials, the documents were labelled as “Procès contre [individual’s name] accusé d’avoir [nature of the crime]” along with the date of the trial and location of the jurisdiction. This is a simple example but can be adapted if multiple people were involved, or if it was the confrontation between the accused and the witness’ testimonies. Due to the formulaic nature of court records, it was not always evident to uncover the accused’s motive. Aside from the lack of or refusal to confess, the testimonies showed evidence of the accused dodging questions, omitting or stating inconsistent facts in their testimonies.¹⁰⁸

A close examination of the collected cases revealed an unexpected discovery, chiefly that the number of married people accused of illegally selling or trading alcohol far outnumbered single individuals. Out of 121 individuals listed in the court records spanning the years 1700-1756, seventy-eight (64.4%) married men and women were accused of illegally selling and trading alcohol. Considering how taxing some of the punishments were for those found guilty, one would think that an individual who was not married and had no attachments or financial and familial obligations would be more likely to commit said felonies, yet this was untrue.

¹⁰⁸ “Procès contre Ignace Gaientarongouian, de la nation de la montagne, résidant de la mission de Nouvelle Lorette au Sault-au-Récollet, accusé de désordre et voies de fait, et contre Jacques Héry dit Duplanty, tonnelier, Marie-Cunégonde Masta, veuve de Jean-Baptiste Demers, et Marie-Josèphe Dambournay, épouse de Pierre Arnould dit Lorain, sergent, accusés de vente d'alcool aux amérindiens,” 8-30 juin 1720, BANQ-M, TL4, S1, D2485. Cunégonde Masta lied by omission while her daughter’s testimony contained more truth and confirmed the key witness’ own statement.

Marital Status	Men	Women
Single	14 (16.6%)	0
Married	51 (60.7%)	27 (73%)
Widow(er)	1 (1.3%)	10 (27%)
N/A	18 (21.4%)	0
<i>Total</i>	<i>84</i> <i>(100%)</i>	<i>37</i> <i>(100%)</i>

Figure 5: Breakdown of marital status of accused found in BANQ court records

As expressed in the table above, the marital status of the majority of the accused was married, followed by widows (27%) and unknown for men (21.4%). It is also interesting to note that while there were no unmarried women that were prosecuted, almost seventeen percent of male bachelors were accused. In addition, only one man was recorded as a widower, meaning that if some were other widowers (which occurred) then they had remarried before being prosecuted.

Although the majority of the women accused of selling or trading alcohol were married, it did not necessarily mean that they acted as passive participants. In fact, there were instances where the husband stated that they had no part in the felony and that their wives were solely responsible; this may have been either a ruse for the husband to lessen the severity of the crime by shifting the responsibility to the spouse in the belief that by convicting a woman, judges would hesitate to punish them to the full extent of the law. Although it is plausible that some couples and married men tried to manipulate the law with

said tactics, there were also several cases where wives acted independently of their spouses and suffered strict sentences such as heavy fines and loss of permits.¹⁰⁹

There was also the question of the conviction rate for both men and women and whether one gender received preferential treatment over another. The following graph displays the breakdown of the sentencing for each gender.

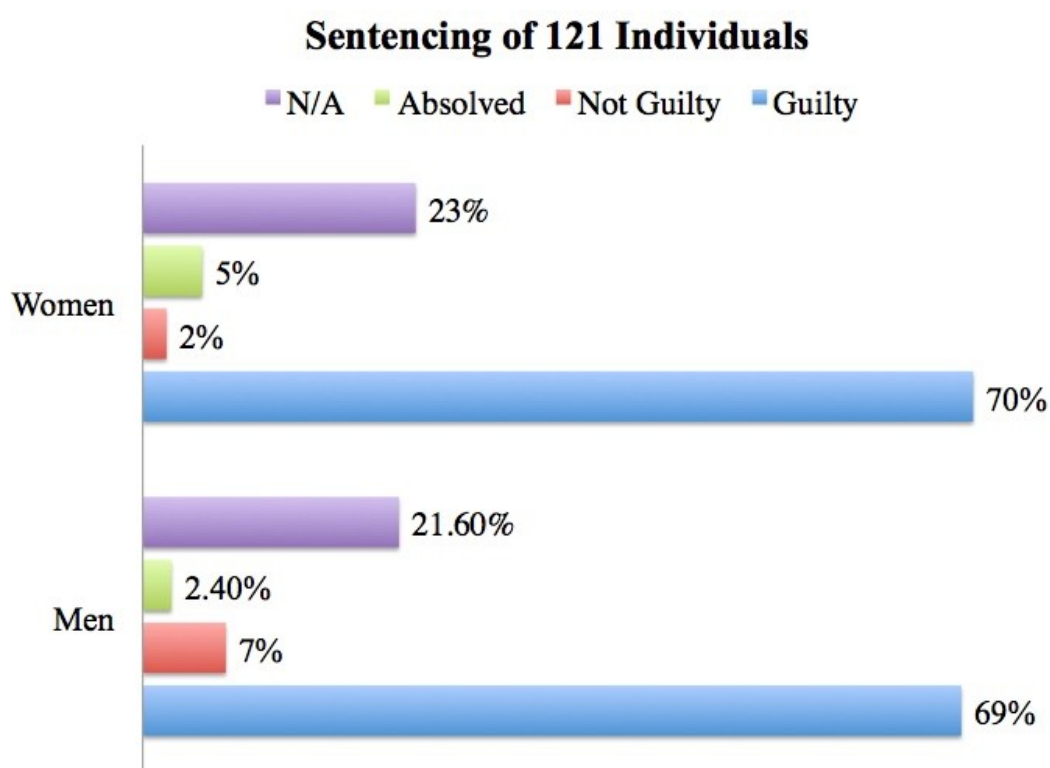


Figure 6: Breakdown of convictions for men and women.

¹⁰⁹ Although Mme de Selle was a widow who had permission to run a tavern to support herself, she lost the right after multiple infractions where she served alcohol to First Nations people. She was first accused of selling alcohol to Aboriginals in 1733, however the verdict for that case is unknown and it was only in 1736 when authorities decided to rescind her license.

It should be mentioned however that the figures for each gender was put in percentages since it is difficult to parse the information numerically when a select number of individuals (men and women) appeared in court records multiple times for similar felonies through the years. Moreover, in cases where multiple individuals were prosecuted, not all were necessarily sentenced or received the same conviction; while one accused could be found guilty, the other might be dismissed or found not guilty. In a case where the wife was discovered serving First Nations people without her husband's knowledge, the court officials found the husband guilty with no mention of any reprisals for the spouse.¹¹⁰

At a glance, we see that the conviction rate leaned more frequently towards a guilty verdict. Even though the N/A category encompassed a third of all cases, they represented cases that were ongoing, required additional information or were inconclusive; as it was stated in the previous chapter, court case proceedings required that the crown prosecution conduct a thorough investigation with sufficient evidence of the accused's culpability. At times the accused confessed, yet this was not always the case and as such, the prosecution needed to gather enough evidence to ascertain culpability. From this chart we also see that there was apparently no preferential treatment and that both genders were equally held liable for their actions. Yet, it should be mentioned that the penalties were not necessarily proportionate and certain groups received leniency over others; one group that benefitted from the court's mercy was widows. In addition, there have been numerous cases where a married couple was equally responsible of perpetrating illegal activities.

¹¹⁰ Manseau stated that his wife was selling alcohol without his knowledge and told court officials that his wife ought to be held culpable. Unimpressed, the judge held him liable for his wife's actions and fined Manseau.

The following is a brief overview of the cases committed by a married couple, and will be followed by a brief overview of the number of felonies committed by all couples found in the total number of cases. From this assessment, we can see how many married individuals were accused of a crime as partners or if they acted independently.

Case Study: Martin Ondoyer and Marie Enard

Martin Ondoyer was born in France around 1648 before traveling to New France where he married Marie Enard Loubier¹¹¹ (born in the city of Québec on October 5 1675). There was no information of Ondoyer's parentage but Enard's parents were Simeon Enard and Marie Loubier who, like Ondoyer, left France for the New World to start afresh and raise a family. Marie Enard was the youngest of three daughters and was only two years old when her father suddenly passed. The age gap between Ondoyer and Enard was significant though it was not unusual for young women to marry older men; when they married in 1694, Ondoyer was forty-six while Enard was only nineteen. A year later, their son Jacques was born and seven other siblings quickly followed him. Nearly every two years between 1695 and 1711 the household grew with an extra mouth to feed and with it undoubtedly brought financial strain.¹¹² This context is crucial in order to better understand the possible motivations behind Ondoyer and Enard's recurring court appearances over the years. Ondoyer was cited in four cases while Enard was in two and from these cases one can see

¹¹¹ In all found records, Marie Enard Loubier is listed as Marie Enard and variations of her family name include Énard, Léonard, or Esnard. For the sake of simplicity, she will be referred to as Marie Enard or Enard.

¹¹² Genealogy information found from "O" Volume 1, 1608-1700, *Dictionnaire généalogique*, BANQ; 455 and "Généalogie Martin-Antoine Ondoyer," from *Nos Origines*, <http://www.nosorigines.qc.ca/GenealogieQuebec.aspx?genealogie=Martin-Antoine_Ondoyer&pid=97547&lng=fr>.

that Enard never acted independently and was most likely encouraged by her husband to participate.

Martin Ondoyer had a history of law breaking and acted separately from his spouse in 1706, 1709 and 1714.¹¹³ In the first two cases, Ondoyer was accused of entertaining First Nations patrons in his residence while in 1714 he was accused of exchanging alcohol for a blanket. In 1706, he was found guilty and sentenced to pay the sum of five hundred *livres*, which was in accordance to the regulations of the time. However, due to his poverty, it was reduced to thirty *livres* with an additional thirty-three sols for court expenses.¹¹⁴ Ondoyer, like many other accused found guilty, was warned that if caught reoffending, the punishment would have been increasingly severe. In cases where individuals reoffended, the fine was typically doubled and at times included a form of corporal punishment such as the stocks. A few years later, Ondoyer was accused once again of having sold and dispensed alcohol to First Nations people to the point of intoxication and despite his insistence that he had not given any brandy but only beer, he was found guilty. Even so, the punishment for his second offense was lighter. The fine was significantly reduced to six *livres* and Ondoyer was reminded to serve First Nations moderately so as to avoid any excess and disorder.¹¹⁵ During this time it was acceptable for aboriginals to consume beer since it was not strong compared

¹¹³ This case is about a trade that Ondoyer and Paul Caty did with a “Sauvage” algonquien and they insist that they exchanged money for a blanket and no alcohol was involved. For additional information, refer to case found in Fonds Juridiction royale des Trois-Rivières, BANQ-TR.

¹¹⁴ “Requête sur le rapport du procureur du Roi comme quoi Martin Andayer (Ondoyer) de Trois-Rivières avait donné de l’eau-de-vie et enivré chez lui trois Sauvages (Amérindiens) de la mission du Révérend Père Bigot même que le Père en était venu faire ses plaintes et pour qu’il soit condamné en l’amende de 500 livres comme il est porté par les ordonnances(…)” 12 janvier 1706, BANQ-TR

¹¹⁵ “Requête de Jean-Baptiste Courval, substitut pour l’absence du procureur du Roi, demandeur, contre Martin Andayer (Ondoyer), demeurant à Trois-Rivières, défendeur,(…)” 12 août 1709, BANQ-TR.

to brandy; as long as their consumption was moderated then the regulations were being respected.

When Ondoyer and Enard were accused of selling alcohol to aboriginals in 1713, a witness reported seeing Enard and one of her daughters searching for brandy from neighbouring cabarets and witnessed “des Sauvages yvres” exiting Ondoyer’s house.¹¹⁶ In spite of this crucial testimony, the conclusion of this case is unknown and is therefore difficult to ascertain whether they were found guilty and if they were, what sentence was pronounced.

Ondoyer and Enard made another appearance together in court in 1717 when they were accused of having sold and delivered alcohol to First Nations people. The prosecution found the couple guilty and fined them three hundred *livres* with conditional release from prison partially due to their history of offences and the severity of the crime involving brandy. This sentencing may have been influenced by their history of offences and their continuous disregard for the alcohol laws. In addition, Ondoyer and Enard’s personal situation was taken into consideration. Due to their financial situation and familial obligations, the original fine of five hundred *livres* for their actions was reduced to three hundred *livres*. This was also not the first time that the court exercised leniency on the couple out of consideration for their dire situation; the fine was reduced but they also took additional precaution by detaining Enard in order to ensure that Ondoyer took the verdict seriously and prioritize the payment of the fine. This measure was also a warning for Ondoyer to desist any

¹¹⁶ “Information faite à la Juridiction royale des Trois-Rivières, par René de Godefroy, écuyer, seigneur de Tonnancour, à l'encontre de Martin Ondoyer (Ondayer) et sa femme, Marie Leonard(...)” 11-15 septembre 1713, *Collection Pièces judiciaires et notariales*, BANQ-TR.

law breaking in the future.¹¹⁷ It is unclear if this method of deterrence was effective since Ondoyer died the following year. Enard remarried a few years following her husband's passing with the last record of being 1718 where she was accused of exchanging a pot of brandy for a quilt.¹¹⁸

Life Partners and Partners in Crime

Ondoyer and Enard were an exceptional example of a married couple that broke the law together more often than others found in the early eighteenth century. The motivation behind their felonies was linked to their financial difficulties and the necessity of earning money to support a large family and as a means of living, especially since Ondoyer was the household's primary breadwinner. Ondoyer and Enard were not the only married couple accused and found guilty of illegally selling alcohol. The following chart illustrates the number of couples that were accused of selling alcohol between the years 1700 and 1756; although married men and women were also accused of illegally trading alcohol, there were no cases found of a married couple that were collectively accused of trading alcohol illegally.

¹¹⁷ "Instance d'une requête en forme de plainte présentée par le procureur du Roi, demandeur et accusateur, à l'encontre de Martin Ondoyer et Marie Énard(...)" 29 mai 1717, BANQ-TR.

¹¹⁸ Enard was still found guilty for this transaction and had to pay twenty-five livres to the parish in Trois-Rivières. See "Comparution de Marie Énard, épouse de feu Martin Ondayer (Ondoyer), défenderesse, à la requête du procureur du Roi, demandeur, pour qu'elle soit condamnée à l'amende conformément aux ordres de Sa Majesté et des intendants de ce pays, pour avoir payé avec un pot d'eau-de-vie(...)" 21 août 1718, BANQ-TR.

Name	Year	Final Verdict
Léonard Lalue dit Lamontagne	1701	Guilty
Marie Françoise Petit	1701	Guilty
Jean Bizet	1701	Guilty
Catherine Quenneville	1701	Guilty
Jacques Cardinal	1710	Guilty
Louise Arrivé	1710	Guilty
Martin Ondoyer	1713	N/A
Marie Léonard (Enard)	1713	N/A
Alexandre Celle dit Duclos	1713	N/A
Marguerite Perreault	1713	N/A
Pierre Marcheteau dit Desnoyers	1716	Guilty
Marie Pilet	1716	Guilty
Martin Ondoyer	1717	Guilty
Marie Enard	1717	Guilty
Jean-Baptiste Bertrand	1719	N/A
Marie-Anne Aumier	1719	N/A
Jean Desforges dit Saint-Maurice	1723	Guilty
Marguerite Verdon	1723	N/A
Joseph Croizau dit Larose	1756	N/A
Louise Gouriou dit Guignolet	1756	N/A

Figure 7: Couples accused of illegally selling alcohol.

The majority of the cases found both husbands and wives equally culpable with the exception of Jean Desforges dit Saint-Maurice and Marguerite Verdon. It was not uncommon that one partner be held more culpable than the other, as this also occurred when multiple individuals were accused. In the case of Desforges dit Saint-Maurice and Verdon, the verdict was likely rendered against the husband since the court believed that he had played a larger role in the crime.

There have also been examples of a spouse operating independently and without their partner's knowledge. At times it was difficult to assess whether the partner knew or feigned ignorance. Yet, even if a husband denied committing any wrongdoing, they could still be held liable for their wife's actions. In the proceedings against Manseau, dating from June 1700, he had been summoned to court for the repeated offence of having inebriated First Nations

people in his residence. Manseau had no permit to dispense alcohol. Having discovered that Aboriginals were being served under Manseau's roof by his wife, the prosecutor reprimanded the woman and brought the issue to court. It was said that Manseau's wife was accustomed to receiving pledges and various items of clothing in exchange for alcohol. Manseau himself denied being present, stating that if there were First Nations people being served at his residence that his wife did it in his absence. He added that he should not be held culpable for the actions of his wife and that any punishment should be given to her. The court was unsatisfied with Manseau's logic and instead condemned him to a fine of 10 *livres* in light of his limited means, and the remainder of the payment be doled out corporally. Manseau was also warned to never give nor sell any drink, wine or brandy, to both First Nations people and Frenchmen.¹¹⁹ It is unknown if Manseau's wife refrained from committing future offences since neither were mentioned in court records again.

Ondoyer and Enard were not the only ones to cite financial difficulties as motivation in the court records. Marguerite Verdon stated during her interrogation that she had sold alcohol in order to feed her family since her husband was unable to provide ("étant hors d'état de pourvoir").¹²⁰ In the cases involving married couples, with the exception of one, all

¹¹⁹ "Requête du procureur du Roi, demandeur d'une part, à l'encontre de Manseau, demeurant à la basse ville. Le procureur a dit que faisant la police, il a trouvé chez ledit Manseau, plusieurs Sauvages saouls et même que ci-devant, il a encore trouvé chez lui des Sauvages ivres et qu'il a averti la femme dudit Manseau qu'elle contrevenait aux ordonnances, ladite femme étant coutumière de prendre des gages et des hardes desdits sauvages pour de l'eau-de-vie qu'elle leur donne à boire (...)" 19 juin 1700, BANQ-M, TL3, S11, P2579.

¹²⁰ "Procès contre Marguerite Verdon, épouse de Jean Desforges, accusée de vente de boisson aux sauvages," 13 juillet 1721 – 10 juin 1722, BANQ-M, TL4, S1, D2644.

had large families, averaging 8.4 children.¹²¹ Most of these children grew into adulthood and were raised and supported until they came of age at twenty-five.

As previously stated, of the thirty-seven known women found in the court records twenty-seven (73%) were married and from that group, twenty-one (57%) of those women acted of their own volition. The average age of female offenders between the years 1700 and 1756 was 39 years old, the youngest being 19 while the oldest was reported to be 64; this is not a comprehensive tally but based on the information found from the court cases.¹²² The examination of the fines allotted to the accused men and women is worth highlighting. In cases of illegal sales, fines for women were markedly higher, averaging 241.53 *livres* compared to 80.96 *livres* for men.¹²³

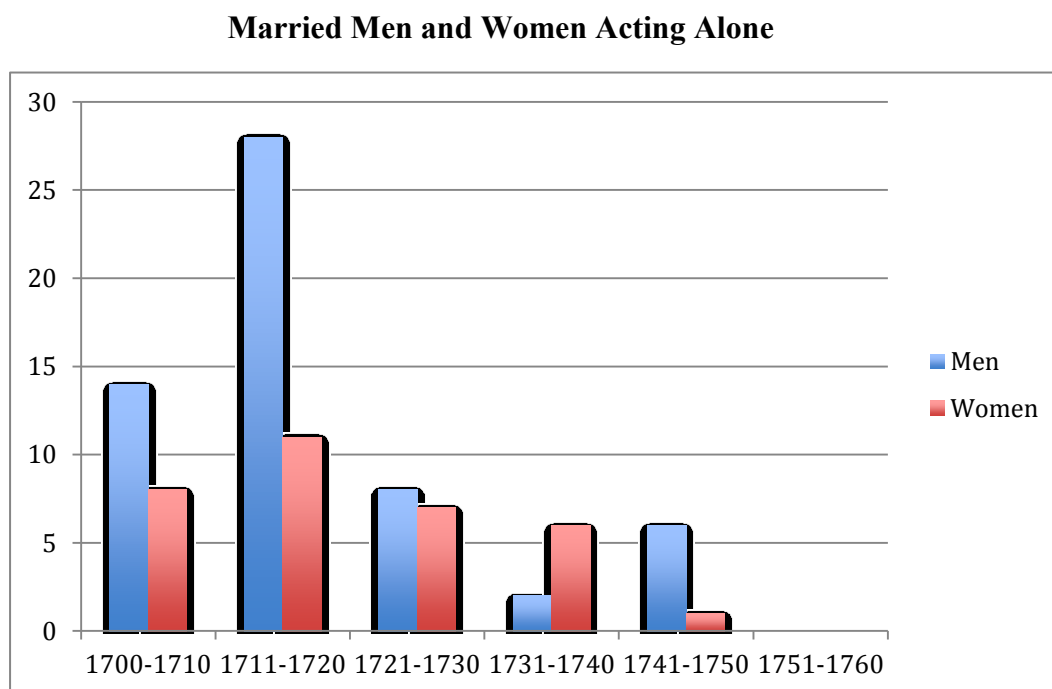


Figure 8: Breakdown of married individuals acting separate of their spouses

¹²¹ Alexandre Celle dit Duclos and Marguerite Perrault only had one child (Marguerite-Suzanne Celle) who was not born for another eight years following their court case.

¹²² Calculations based on the data compiled for spreadsheet.

¹²³ Based on my own findings.

From this graph we can see the spike of married men and women being accused of selling and trading alcohol illegally in the second decade (1711-1720) and the sharp decline in the subsequent decades. Married men tended to be accused more often than married women until the period of 1721-1730. Then, between 1731-1740 there was a switch to more married women being brought to court until the final recorded data (1741-1750) where, once again, there was an uptake in the number of married men accused compared to women. It should be stated that this data is based on the cases found in the BANQ online archive database and not completely representative of eighteenth century records and actuality; it is difficult to gauge how many other cases were lost over the years and how many other individuals had taken part in illegally selling and trading alcohol but were never apprehended or suspected.

For the most part, there were more cases of married women who acted independently of their husbands and attempted to earn money through illegal transactions like selling alcohol to First Nations or running a tavern from their home without a license. In one particular case, Françoise Achin and Jeanne Hébert were accused of selling alcohol to First Nations and selling alcohol without a permit, respectively. They were both found guilty yet their punishments differed according to the severity of their actions; Achin was fined five hundred *livres* for selling alcohol to First Nations people and warned from serving “ny aux Français ny aux Sauvages” in the future, while Hébert was sentenced with a fifty *livres* fine

as her offence was not considered as serious since she had only sold alcohol to French patrons without a license.¹²⁴

Even though selling alcohol without permission or a license was also considered a felony, colonial authorities were far more concerned with individuals selling and trading alcohol with aboriginals for profit, which was a conflict of interest for them and their associates in the fur trade business. Moreover, the image of inebriated aboriginals roaming and potentially causing disorder and violence was disturbing for colonists and, unfortunately, with existing witness accounts detailing such instances, likely with embellishments, it transformed into an ugly stereotype that persists to this day.¹²⁵ This is not to say that all accounts of intoxicated First Nations were false or inaccurate. In fact, some of the cases found for this research described brutal consequences as a result of drunkenness, including death.¹²⁶

Based on these findings, women were just as likely as their male counterparts to commit and be found guilty of illegally selling alcohol. By breaking down the timeline of

¹²⁴ “Procès contre Françoise Achin, épouse de Pierre Bardet dit Lapierre, et Jeanne Hébert, épouse de Nicolas Collet dit Malouin, sieur de Cargray, respectivement accusées de vente de boisson aux sauvages et vente de boisson sans permis,” 23 juillet - 6 août 1718, BANQ-M, TL4, S1, D2260.

¹²⁵ Daniel N. Paul, *First Nations History: We Were Not the Savages – Collision between European and Native American Civilizations*, 3rd edition (Halifax, NS : Fernwood, 2006), 46.

¹²⁶ See the following cases, “Procès contre Jacques Destailis [Detailly], de La Prairie de La Madeleine, accusé d'avoir illégalement vendu de l'eau de vie à des sauvages, ce qui provoqua le meurtre de Pierre Gagné, deux ans, par deux sauvages non identifiés,” 22-25 février 1719, BANQ-M, TL4, S1, D2325; “Procès contre Pierre Marcheteau dit Desnoyers, sa femme Marie Pilet et Marie Denoyon, veuve de Jean Barbot dit Boisdoré, accusés vente d'alcool aux sauvages, et contre Louise Arrivé [Larivé], femme de Jacques Cardinal, et Marguerite Demers [Dumet], épouse de Jean Prévost, accusé de tenu de cabaret sans permis,” 22 juin – 10 juillet 1716, BANQ-M, TL4, S1, D1940; “Procès contre Claude Dudevoir, aubergiste, le nommé Bineau et Jacques Milot, accusés d'avoir vendu de l'eau de vie aux sauvages et provoquer ainsi le meurtre de l'un des sauvages,” 13-14 juin 1713, BANQ-M, TL4, S1, D1457; The case of Honoré Danis' wrongful death that was covered in the previous chapter had numerous witness testimonies detailing their traumatic encounters with intoxicated First Nations people. One woman described an incident where an Aboriginal entered her home and threatened her with a knife.

these one hundred cases into brackets per decade, we can see how many cases fell into these ten year brackets as well as how many men and women were involved. In the first bracket, 1700-1710, there were twenty-eight cases, illustrating the necessity for tighter control of alcohol regulation within the colony, and the need of a crackdown on these individuals who disregarded the law and colonial authorities. The number of cases increased in the following decade (1711-1720) with thirty-three cases and in the following years there was a steady decline in the number of court cases recorded that targeted individuals suspected of illegally trading or selling alcohol. As of 1721, the number of cases dropped down to twenty-one and the following decade (1731-1740) only had five cases. There was a brief spike in the period 1741-1750 where the number of cases doubled to ten before dropping once more in the final decade (1751-1760) with only three cases cited.

Multiple factors may have influenced the significant drop in the number of cases. First, there was the diversification of New France's market that from 1727 onwards saw increased trade and additional wealth pour into the colony.¹²⁷ Second, the advent of more sophisticated and strongly enforced laws (the modified use of punishments from the 1720s onwards were more effective than inconsistent fines), warnings meant to deter felons from reoffending, and the confiscation of alcohol worked to concerning alcohol consumption, and modified use of punishments from the 1720s onwards that worked to discourage these types of crimes. From the mid 1730s, the courts decreased the punitive fines, dropping from five hundred *livres* to trois *livres*, and ordered harsher punishments such as “aux galères, à

¹²⁷ Dale Miquelon, *New France 1701-1744: A Supplement to Europe*, The Canadian Centenary Series, (Canada: McClelland & Stewart, 1987), 3.

perpétuité”¹²⁸, standing in the market square for five hours with a sign detailing her crime and then banished from the city for six years¹²⁹, banned from the city for nine years¹³⁰, another put in the stocks with a sign stating “vendeur d'eau-de-vie aux sauvages”¹³¹, banned for life from entering the city¹³², and other variations.

A Final Note about French Women

This chapter has covered the part that French women played in the illegal sale and trade of alcohol in New France. My findings uncovered how these women's involvement was not always passive but that they often acted independently and at times, without their husbands' knowledge. The fact that more married women were brought to court compared to cases involving a married couple is significant and illustrates their character and resourcefulness. Moreover, some of these women appeared frequently through the years and demonstrated that their actions were not coincidental and that their motives were more than just to make profit for the sake of it. Previous scholarly works have examined women in

¹²⁸ “Procès contre Marguerite Lemoine, épouse de Niort dit Jolicoeur, et Pierre Liégeois, ancien soldat déserteur, originaire de Paris, accusés d'avoir vendu de l'alcool aux sauvages,” 1 juin – 23 juillet 1735, BANQ-M, TL4, S1, D4247.

¹²⁹ “Procès contre Louise Deniort, épouse de Charles Laigu dit Lanoue, et Joseph Gouriou dit Guignolet, accusé de vente de boisson aux sauvages,” 13 janvier – 18 février 1747, BANQ-M, TL4, S1, D5279.

¹³⁰ Ibid.

¹³¹ “Procès de Thomas Belon dit LaColombe, défendeur, accusé d'avoir vendu de l'eau-de-vie (alcool) aux sauvages (amérindiens) ; informations, communication et interrogatoire, dépositions des témoins, récolements et confrontations, et interrogatoire de l'accusé sur la sellette ; l'accusé est trouvé coupable et il est condamné à être appliqué au carcan pendant trois heures, avec un écriteau pourtant les mots «vendeur d'eau-de-vie aux sauvages», il est de plus condamné à trois livres d'amende envers le Roi, avec défense de récidiver,” 20 juillet 1747, BANQ-QC, TL1, S11, SS1, D86, P35.

¹³² “Procès des nommés Jean Fougeur dit Laurent et François Cluzeau (Cluseau) dit l'Oranger (Loranger), accusés d'avoir vendu de l'eau-de-vie (alcool) aux sauvages (amérindiens) ; informations, arrestations, interrogatoires, mention du nommé LaNoue, mention des nommés Tranchemontagne, Saint-Hubert, Cardinal, Marchand, Petitpas, Papillon, et de l'épouse du nommé Badeau, mention des dépositions de neuf témoins, récolements et confrontations ; lesdits accusés sont reconnus coupables d'avoir traité en la ville de Québec de l'eau-de-vie aux sauvages, ils seront bannis à perpétuité de la ville de Québec, ils sont condamnés à trois livres d'amende envers le Roi,” 27 juillet 1748, BANQ-QC, TL1, S11, SS1, D86, P54.

colonial settings, particularly when they acted against societal norms and expectations, and opted to live scandalously.¹³³ In my research I have encountered scholarly works that focus on a singular woman who rebelled and challenged the norms and though it is a fascinating aspect of history, we should refrain from considering a particular individual as being exceptional.

There is the issue of minimizing or emphasizing the exceptionality of women to a select few. In her work *Bacchus en Canada*, Catherine Ferland discussed Marie-Anne Vandezzeque, a notorious *cabaretière* condemned in 1689 for scandal, frequently intoxicating Aboriginals excessively and in large numbers within her establishment. Her business was infamous for the number of “querelles très sanglantes” and murders that took place.¹³⁴ Although Ferland briefly mentioned Vandezzeque, she did not shed light on other women in New France who acted similarly and had total disregard for the established alcohol laws and regulations. There is a significant gap in Ferland’s research that glosses over a thirty-year period in New France that coincides with the large number of cases of illegal sale and trade of alcohol between 1700 and 1729; the number of found court records within this bracket not only represents a large number of women involved in said illegal activity, but also comprises roughly eighty-two percent of the total of cases uncovered during my research.

Ferland suggested that Vandezzeque was a scandalous *cabaretière* who broke with gender conventions when in fact she was not the last to challenge colonial authorities. Other

¹³³ In *Along a River*, Jan Noel wrote extensive profiles on some of the women, both French and Indigenous, who acted against orders and continued to conduct their businesses such as smuggling furs across borders or trading goods in First Nations territory.

¹³⁴ Catherine Ferland, *Bacchus en Canada*, 264.

women in subsequent decades continued to break the law and in some cases, even persisted despite previous convictions.¹³⁵ Women did not resort to illegal activities because of limitations to the type of work available to them during this time. Multiple factors like the economic crisis that persisted until the late 1720s and long periods of crop failures within the colony affected men and women who had to look for alternative means of earning money and surviving. For many years the colony struggled with limited resources, jobs, money and shortages of crops; all these factors were further exacerbated by the colony being cut off from contact with the Old World for five months of the year due to harsh winters.

First Nations People's Voices in French Court

Another interesting discovery over the course of my research was the presence and participation of First Nations people within the court records. Multiple First Nations individuals came forward and had their words recorded; in most cases, these individuals were implicated in illegal transactions of alcohol and despite their culpability, they were still considered instrumental witnesses since they had firsthand knowledge and the ability to identify or name the felon who gave them the alcohol. The First Nations people could not be prosecuted since they were not French subjects but this did not exclude them as viable witnesses and informers.

Court records and notes attested that certain cases began when colonists came forward and gave their eyewitness testimony of having seen something suspicious like an aboriginal

¹³⁵ Jan Noel discusses the agency of women and how they navigated within and outside the parameters of the law in chapters two and three of her book, *Along a River*. For information about Montreal women, particularly those that ran taverns in the nineteenth century, consult Mary Anne Poutanen's "'Due Attention Has Been Paid To All Dues': Women, Tavern Licenses, and Social Regulation in Montreal, 1840-1860," *Histoire sociale/Social history* 50, no. 101 (May 2017): 43-68.

leaving a residence and acting strange, as though intoxicated. In other instances, local authorities personally encountered suspicious activities. Such a case occurred when an officer apprehended Ouabiquéké, an aboriginal from the Nipissing Nation, for carrying a bottle and a barrel containing brandy. When asked about how he obtained the alcohol, Ouabiquéké stated he had received it for trading beaver pelts in Paul Bouchard's domicile. After further investigation, Ouabiquéké identified Bouchard's wife, Louise Leblanc, as the person who had sold him the alcohol. The case did not end with Ouabiquéké's statement and identification of the culprit however, and despite having gone through various stages of testimonies and additional gathering of information, the charges were ultimately dismissed due to insufficient evidence. Leblanc was released three months later.¹³⁶

There have also been instances where First Nations people were more directly involved in the illegal trade and selling of alcohol that plagued the colony. A case that Brett Rushforth highlighted was François Lamoureux dit Saint-Germain who had a Mohawk accomplice named Oronhoua.¹³⁷ Oronhoua provided incriminating evidence despite existing French laws that prohibited an aboriginal from testifying against a French subject.¹³⁸ Unfortunately, the trial's conclusion is unknown with no additional information.¹³⁹ What is important here is that court officials were willing to allow Oronhoua to give a statement and were even hopeful that with this information that they could convict Lamoureux dit Saint-

¹³⁶ "Procès contre Louise Leblanc, épouse de Paul Bouchard, accusée d'avoir vendu de l'eau de vie à un sauvage," 7 août 1710 – 2 avril 1711, BANQ-M, TL4, S1, D1248.

¹³⁷ François Lamoureux dit Saint-Germain appeared twice in our findings and on both occasions, there was no final verdict. Rushforth discussed how due to Lamoureux's influence and powerful connections, that he was able to benefit and avoid conviction.

¹³⁸ Rushforth, "Insinuating Empire: Indians, Smugglers, and the Imperial Geography of Eighteenth-Century Montreal," 62.

¹³⁹ "Procès contre François Lamoureux dit Saint-Germain, armurier, accusé de vente d'eau de vie à des sauvages," 7 septembre – 6 octobre 1713, BANQ-M, TL4, S1, D1483.

Germain. This also makes us consider the interaction between aboriginals and colonists and how it was more complex than previously imagined. Moreover, the fact that court officials were willing to wave certain laws like the one that restricted aboriginals from bearing witness against a French subject in order to gather all necessary evidence against the accused.

Although the previous two cases mentioned did not have satisfying conclusions, there were cases that came to a verdict and thanks to testimonies by Aboriginals. Two First Nations men were apprehended for transporting three barrels of brandy by canoe and authorities seized the alcohol. The two “sauvages” were identified as Satkoué and Kaganouache and they explained how they received the barrels in exchange for two moose skins. The accused, Jean Pothier dit Laverdure, denied the transaction ever took place but the two men had identified him as the one who initiated the trade, meaning that Pothier dit Laverdure had actively pursued aboriginals in order to trade goods with them which was against the law. The court was satisfied with Satkoué and Kaganouache’s testimonies and how the confrontation against Laverdure proceeded that they reached a final verdict. Ultimately, Jean Pothier dit Laverdure was found guilty and fined one hundred and fifty *livres*.¹⁴⁰

As Marleau stated in her thesis on alcohol related crimes in the Juridiction de Trois-Rivières, First Nations were often the only direct witnesses to the offenses committed and considered to possess incriminating evidence.¹⁴¹ However, the First Nations witnesses feared reprisals from those who catered alcohol to them, and have tried to escape the process of justice. Yet, there were also instances where an Aboriginal’s testimony was unreliable or

¹⁴⁰ “Procès contre Jean Pothier dit Laverdure, accusé d’avoir vendu de l’eau de vie aux sauvages,” 26-28 septembre 1708, BANQ-M, TL4, S1, D1121.

¹⁴¹ Julie Marleau, “La Juridiction royale de Trois-Rivières en Nouvelle-France: la ville, les officiers et les habitants (1663-1760)”, (Master’s Thesis, Université de Sherbrooke, 2014).

biased.¹⁴² Based on Marleau's assessment and how it interconnected with my findings, the statement holds true for illegal alcohol crimes outside of Trois-Rivières' jurisdiction. At least one case in my research had the Aboriginal confess to having fabricated his complaint against two brothers.¹⁴³

One should also note that their voices were adapted since they answered in their own language and an interpreter repeated their response in French for the benefit of the court's understanding and those interpreted words were recorded. At best, these transcriptions are one degree separated from the original version. Moreover, there is no indication of the accuracy of the interpreted record compared to what was initially said, and we need to take that into consideration when consulting these sources. The fact that many of these documents exist is significant, however, because these First Nations people were called as witnesses, any additional information we had hoped to find about these individuals was minimal. The paper trail for these individuals were not as extensive compared to French subjects and would be extremely difficult to find sufficient records to narrate their life story similar to what was accomplished with Françoise Vanchy's tale. However, we can still glean additional information such as the dynamic of relationships among aboriginals, their character and impressions of others, including those suspected of illegal activities.

Case Study: Ignace Gaientarongouian

¹⁴² Marleau, 84-85.

¹⁴³ After confessing that the accusations were fabricated, the Dumouchel brothers were found not guilty.

In spring 1720, Ignace Gaientarongouian roamed the streets of Montreal with a group of Aborigines from La Nation de la Montagne, including his two nephews, Grégoire and Thomas. They were residents of the missionary Nouvelle Lorette at Sault-au-Récollet and they had spent the evening drinking at Cunégonde Masta's residence and shared a pot of brandy before heading to Jacques Héry dit Duplanty's for a change of venue. Duplanty and Masta were not strangers to court officials and had previously been accused of serving alcohol to aborigines without special permits, which was required by law.

Ignace and his group were a party of eight who had gone to Duplanty's and had drunk in total three pints of wine. Unsatisfied with the wine, which Duplanty later testified had been watered down, the group had returned to Masta's where they met with another Aboriginal from Sault-Saint-Louis and continued drinking. At one point, Grégoire and Thomas left and had not returned, at which point Ignace decided to go out and look for them. He had eventually found his nephews and was angered when he discovered that they were beaten up by a group of Abenakis. His nephews asked their uncle to join them to even the numbers and seek out the group for revenge, which Ignace gladly accepted. At this point, it is unknown how much more alcohol had been consumed before Ignace left Masta's but it is evident that alcohol played a role in Ignace's decision-making.

They came upon a group and without a word Ignace struck the first Abenaki while the elder nephew attacked another with a rock, severely wounding the man. The situation nearly escalated when one of the nephews suggested while laughing that they should kill the man along with the woman and child. Fortunately, Ignace refused, perhaps at this point realizing the severity of their assault when he noticed how the first fallen Abenaki was bleeding

profusely and prevented his nephew from injuring the woman. He reasoned that what they had done was enough and the woman did not deserve the abuse nor was she in any way implicated in the quarrel. As they retreated, an officer arrested them. The fact that Ignace and his nephews assaulted a group of Abenaki without confirming whether they were the same ones that the nephews had encountered earlier is unclear. The group they attacked consisted of a man, woman and child Abenaki which leads us to believe that under the influence of alcohol, Ignace and his nephews did not consider the consequences of starting a fight out in public while intoxicated and also whether they attacked the same group that had assault Ignace's nephews earlier. This entire narrative detailing the night's events was made possible thanks to Ignace's testimony. Even though he knew that it was against the law, Ignace had no qualms in confessing that he had drunk above the limit but had also consumed strong alcohol, the brandy and wine, which were prohibited for First Nations people to imbibe during this period.

Strangely, although Ignace mentioned that his nephews were implicated in the assault, that they had also drunk prohibited alcohol and also previously brawled with other Abenakis, only the uncle was on trial for disorder and assault. As for Masta, her daughter, Marie-Josèphe Dambournay, and Duplanty, they were accused of selling alcohol to Ignace and his group, which was strictly prohibited. In the eyes of the French court, these citizens were responsible for what transpired that night. Masta, Dambournay, and Duplanty were questioned about what they remembered, whether Ignace and his companions were present in their homes and if any alcohol was given or sold to them.

Dambournay's testimony correlated with Ignace's story including the fact that while Masta was cutting off the First Nations patrons from drinking further, that she kept supplying them with a bottle of alcohol. When asked what kind of alcohol she had given, Dambournay confirmed giving them a bottle of cider. She was also asked how the First Nations customers paid, to which she replied that the nephews had paid one or two beavers for food among other items; this is an interesting response considering that she admitted to receiving beaver as payment for foodstuffs but omitted how the alcohol was paid. In addition, Dambournay stated that they had no brandy in the house when in fact Ignace mentioned that he had drunk some when he was initially there. While Dambournay's testimony confirmed many of the points that Ignace's statement highlighted, Masta's own was damning since it contained many omissions and inconsistencies. It vastly differed from her daughter's to the point that she denied ever serving Ignace or any other aboriginals under her roof and went so far as to say that she had not seen any aboriginals that particular day. If there were any that set foot at her doorstep, Masta said it must have been while she was absent for a few hours washing her clothes by the river.

Based on the court case summaries and contents themselves such as witness testimonies and confrontations between the accused and witness, First Nations were not always the sole witnesses to come forward. In fact, other people who knew the accused or could speak of their character were encouraged to offer their own depositions. It should be emphasized that the request for other witnesses to come forward did not mean that the court officials and presiding judge mistrusted the First Nations witnesses.¹⁴⁴ New France's judicial

¹⁴⁴ This is not to say that First Nations witnesses were always truthful, either. For unreliable witness testimonies, see "Comparution de Marie Jutras, veuve du feu sieur Poulin, à la requête du procureur du Roi, laquelle aurait vendu du vin à trois Sauvages (Amérindiens) abénaquis nommés Stanislas,

system, as remarked in the previous chapter, was designed to be efficient, swift and thorough in all of its stages: from gathering preliminary information to recording witness testimonies, interrogation and closing remarks, there were no shortcuts. If there was a call for additional witnesses to come forth, it was a testament of the system's meticulousness and need for all of the information available before reading a final verdict.

Closing Thoughts

The purpose of this work was to add to the Canadian colonial narrative in respect to the issue of illicit selling and trading of alcohol which had only been briefly explored in earlier works, and typically committed by those with licenses or known lawbreakers. As it has been argued, regular citizens without licenses partook in these illegal activities, especially married French women. After careful analysis of the cases involving women, there is no indication that they received preferential treatment or leniency when convicted of the crime. The only instances where the judge lowered the fine were when the defendants cited financial issues and being unable to provide for their families through legitimate means. When looking at the penalties, the fines from the Trois-Rivières jurisdiction greatly differed from those in Montréal and Québec's jurisdictions. Most offenses related to alcohol began at fifty *livres* in the larger cities whereas a fine in the smaller city ranged between four to six *livres*.¹⁴⁵ Barring

Michel et Augustin du village de Bécancour, lesquels ont été arrêtés et conduits au corps de garde par ordre du gouverneur de Trois-Rivières. Lesdits Sauvages ont déclaré que ladite veuve Poulin leur a vendu deux pintes de vin alors que l'accusée se défend formellement de leur avoir vendu de l'alcool et du vin, affirmant qu'il ne faut prêter aucun égard à leurs déclarations puisqu'il est notoire que ces sortes de nations accusent des personnes innocentes pour favoriser les personnes qui ont coutume de leur en donner; la Cour permet au procureur du Roi de faire preuve de ce qu'il allègue, dépens reserves," 29 décembre 1721, BANQ-TR, TL3, S11, P3088 and "Procès contre Paul Dumouchel, cordonnier, et Bernard Dumouchel, accusés de vente de boisson aux sauvages," 2 - 9 août 1718, BANQ-M, TL4, S1, D2268.

¹⁴⁵ It should be noted that the year for this range in fines was from 1709 and onwards, and thus cannot be concluded as regulation enacted prior to the 1700s; Marleau, 76.

the cases that were inconclusive, most women were found guilty with the exception of two cases; one woman was dismissed and the other was deemed not guilty.¹⁴⁶

Unlike their counterparts in New England, the Aboriginal population in New France was able to negotiate with colonial authorities and obtain a form of immunity from being prosecuted. Even though French laws outlined means of bringing First Nations culprits to court, for the French colonial authorities it was a conflict of interest to indict these valuable allies. As a result, these laws were rarely practiced. Jan Grabowski stated that, “Natives never used the judicial system to settle their own differences. From their point of view, the French courts had nothing to do with them. They testified or informed when called to do so by the French, but they never initiated judicial procedure on their own”.¹⁴⁷ Although it was true that they did not require the French judicial system to resolve issues within their own community, this was not the case for Anastasie who reached out to local French authorities to pursue the French inhabitants that were responsible for her brother’s death. The roles that First Nations people played as witnesses and informers were deemed instrumental by court officials. Their testimonies were considered viable and they took part in the proceedings by swearing an oath to tell the truth, answering questions during the interrogation phase and even in the confrontation phase when facing the accused. The inclusion of First Nations as legal agents that could provide much needed information, especially first-hand accounts, was a remarkable approach to the French colonial judicial system.

¹⁴⁶ The dismissed case was, “Procès contre Marie-Marthe Daragon, épouse de Delière dit Bonvouloir, accusée de vente de boisson aux sauvages,” 14 juillet 1735, BANQ-M, TL4, S1, D4258. For the not guilty verdict, refer to: “Procès contre Jean Desforges dit Saint-Maurice, qui travaille la terre, âgé de 54 ans, et Anne-Céleste Desforges, épouse de Pierre Lefoureur, accusés de vente de boisson aux sauvages et d’avoir causé des désordres,” 8 août 1719, BANQ-M, TL4, S1, D2411.

¹⁴⁷ Jan Grabowski, “French Criminal Justice and Indians in Montreal, 1670-1760,” *Ethnohistory* 43, no.3 (Summer 1996): 422.

Conclusion

The purpose of this thesis was to expand on the subject of contraband alcohol in New France from a scope that has not been closely examined before which is the bottom-up perspective. This work has also chronicled the establishment and development of alcohol regulation from the seventeenth- and into eighteenth-century New France. At first, these laws reflected the religious values espoused by the clergy and early settlers that founded the Montreal settlement. Over the years, the laws shifted priorities from saving Aboriginal souls to enforcing imperial authority in the colony and punishing the culprits with increasingly tougher sentences. Aside from implementing these regulations, colonial authorities exerted control on the movements of its people and the manner in which they conducted their business through a series of ordinances. The regulation of alcohol was important to the state because it negatively impacted the fur trade's supply of pelts and created public unrest within the colony.

The eighteenth-century court records yielded a significant number of cases in which French subjects were accused or suspected of breaking the law by either selling or trading alcohol with the Indigenous population. These illegal activities were not always committed by the usual suspects (*coureurs de bois*, smugglers, and soldiers) but in fact, regular citizens participated in these illicit enterprises and it was a recurring trend. Another surprising discovery was that the majority of individuals accused were married and either worked independently or together. The case studies used throughout the thesis illustrate the complexities of certain cases and how the law was not always meticulously applied; depending on some of the accused's circumstances, sentences were reviewed with lighter

finer. These case studies also showed First Nations people participating in the French judicial system as witnesses and petitioners for justice or the Governor's intervention on a delicate case.

Scholars such as Lauren Benton have previously iterated how colonial law was a complex field, and of the various elements that complicate the application of law from its metropolitan roots. As a result of extensive negotiations with foreign cultural and ethnic groups, geography, and other facets, laws were not always consistently enforced. At times, colonial authorities manipulated the regulations to cater political, economic and social relations. In New France, the same authorities that enforced alcohol regulations and punished lawbreakers were also guilty of not putting the outlined laws into practice. Concessions were made to satisfy the Indigenous people's demands for brandy and this was justified by the state as a necessity in order to maintain good relations with them. Such exemptions extended to the prosecution of First Nations people under French law, which rarely occurred, and for the most part, Aboriginals assisted by giving testimonies or valuable evidence as informers.

Initial research began out of curiosity of why the illegal trade and sale of alcohol were seen as a public threat, how it became a growing concern for colonial authorities to curtail, and of the negative impact that intoxicating drinks had on various groups, their families and communities. In the larger scope of criminality in the colonial era, these types of crime were only briefly mentioned in articles and monographs but never went beyond the transaction itself. From this research, a number of noteworthy aspects were brought to light: first, the prominence of illicit selling and trading of alcohol in the first half of the eighteenth century; second, the demographic of the offenders were predominantly married, and women were

more likely to reoffend compared to their male counterparts; third, the role that First Nations people played in court proceedings were valuable as evidenced by their continued presence in the court records. These discoveries are significant and add to the existing scholarship on alcohol and illicit activities in the colonial era. Moreover, this work also contributes to the subject of French colonial women, their agency, and the growing evidence of women subverting societal expectations.¹⁴⁸

I hope that my work has piqued the curiosity of researchers and historians and that they expand on this era by considering the perspective from the ground-up in their future endeavors. It would be interesting to see future works taking the subject further and including records that date from the British Conquest onwards. Were the illegal selling and trading of alcohol limited to the *ancien régime* or did they persist beyond 1763? How did the alcohol regulations fare under British colonial rule? The exploration of court records is not new but a deeper analysis of the lives lived by regular citizens who subverted alcohol regulations holds much promise.

Appendix

¹⁴⁸ The subject of rebellious women is not a novel concept but recent publications continue to expand on it, particularly those written by Jan Noel and Mary Anne Poutanen.

Breakdown of Accused by Gender and Marital Status

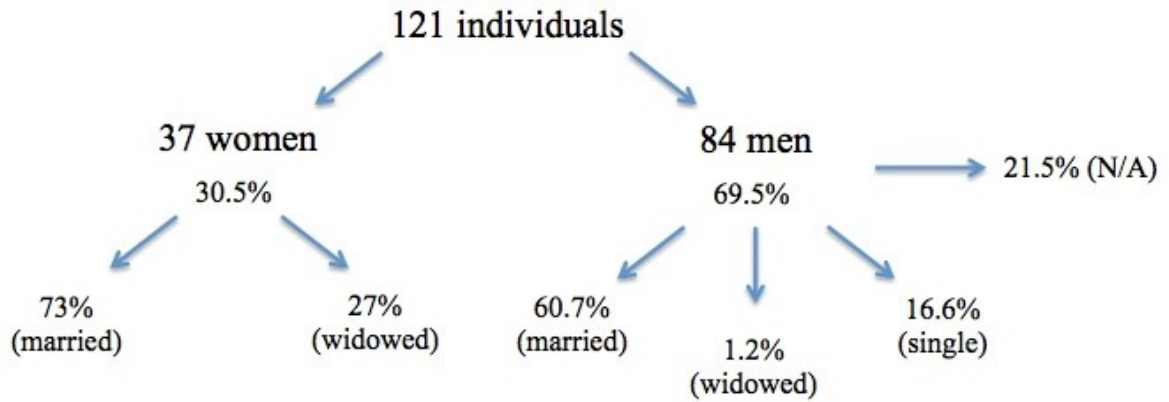


Figure 9: A detailed breakdown of the individuals listed in court records (1700-1756) according to their gender and marital status.

Conviction Rates

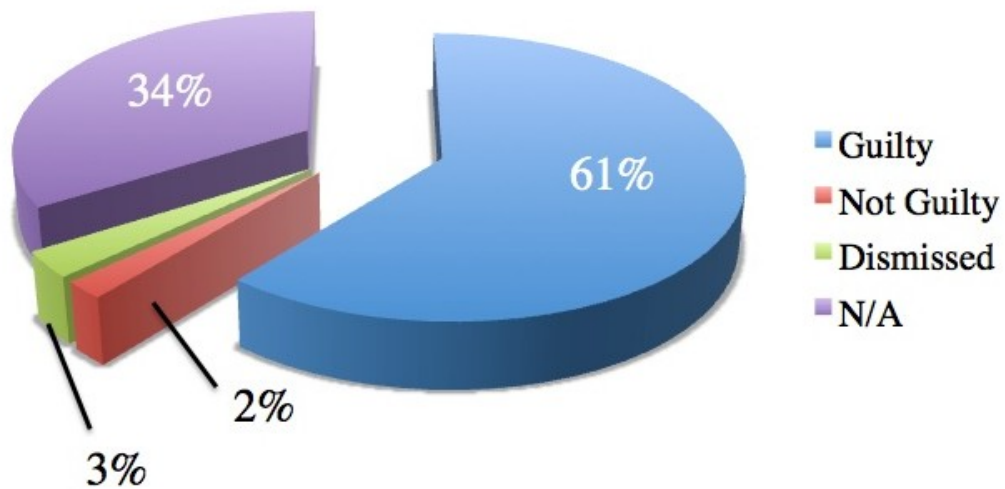


Figure 10: Compilation of conviction rates for illegal sale and trade of alcohol found in court records.

Illegal Sale Stats – Frequency of Cases

Month	1700-1710	1711-1720	1721-1730	1731-1740	1741-1750	1751-1760
January	5		2	1*	1	
February		3				1
March		1				
April		2	2			
May	2	1	2		2	
June	4	7	3	1	1	1
July		5	3	1	2	
August	4	2	4		1	1
September	1	5		2		
October	2		1			
November			1			
December						

1* = Case labeled only with the year 1736, specific date unknown

Illegal Trade Stats – Frequency of Cases

Month	1700-1710	1711-1720	1721-1730	1731-1740	1741-1750	1751-1760
January	3					
February	1	1				
March			1			
April						
May	3	2	1			
June						
July		1	1			
August	2	2				
September					1	
October						
November					1	
December		1			1	

Figures 11: These two tables show the trend of criminality according by decade and month.

Repeat Offenders

Name	Year	Accused of	Final Verdict
François Brissonnet	1700	Selling alcohol without permit to Aboriginals	Guilty
	1704	Selling alcohol to Aboriginals	Guilty
Françoise de Vanchy	1700	Having inebriated Aboriginals leaving her domicile	N/A
	1702	Selling alcohol to Aboriginals	Guilty
Louis Mallet	1700	Trading alcohol with Aboriginals	Guilty
	1715	Trading alcohol with Aboriginals	N/A
Catherine Lucos	1702	Selling alcohol to Aboriginals	Guilty
	1703	Selling alcohol to Aboriginals	Guilty
Jacques Héry dit Duplanty	1702	Illegally trading furs and selling alcohol to Aboriginals	N/A
	1719	Selling alcohol to Aboriginals	Guilty
	1719	Selling alcohol to Aboriginals and importing English fabric	Guilty
	1720	Selling alcohol to Aboriginals	N/A
	1723	Selling alcohol to Aboriginals	Guilty
	1725	Selling alcohol to Aboriginals	N/A
	1733	Selling alcohol to Aboriginals	N/A
Pierre Mériaault dit LaPrairie	1705	Giving brandy to Aboriginals	Guilty
	1705	Selling alcohol to Aboriginals	Guilty
Martin Ondoyer	1706	Giving alcohol to Aboriginals in his domicile	Guilty
	1709	Having sold and dispensed alcohol for Aboriginals and getting them drunk multiple times	Guilty
	1713	Selling alcohol to Aboriginals	N/A
	1714	Trading alcohol for merchandise	Guilty
	1717	Selling and delivering alcohol to Aboriginals	Guilty

Name	Year	Accused of	Final Verdict
Louise Leblanc	1710-1711	Selling alcohol and accepting pelt	Dismissed
	1710	Treating alcohol to Aborigines	N/A
Louise Arrivé	1710	Selling alcohol to Aborigines	N/A
	1716	Running a tavern without a permit	Guilty
Pierre Marcheteau dit Desnoyers	1711	Selling alcohol to Aborigines	Guilty
	1716	Selling alcohol to Aborigines	Guilty
Pierre Hunault dit Deschamps	1713	Treating alcohol to Aborigines	Guilty
	1719	Selling alcohol to Aborigines	N/A
Paul Caty	1714	Trading alcohol for merchandise	Guilty
	1717	Giving alcohol and intoxicating habitants and soldiers during holy service on Good Friday	Guilty
	1719	Giving alcohol for merchandise	Guilty
Marie Énard	1713	Selling alcohol to Aborigines	Guilty
	1717	Selling and delivering alcohol to Aborigines	Guilty
François Lamoureux dit Saint-Germain	1713	Selling alcohol to Aborigines	N/A
	1726	Selling alcohol to Aborigines	Suspended
Cunégonde Masta	1719	Selling alcohol to Aborigines	N/A
	1720	Selling alcohol to Aborigines	N/A
Jean Desforges dit Saint-Maurice	1719	Selling alcohol to Aborigines and causing disorder	Not Guilty
	1723	Selling alcohol to Aborigines	Guilty
Marguerite Verdon	1721-22	Selling alcohol to Aborigines	Guilty
	1723	Selling alcohol to Aborigines	N/A
Marie Desmarais	1728	Selling alcohol to Aborigines	N/A
	1729	Treated alcohol with Aborigines	N/A
	1730	Trading alcohol with Aborigines	N/A
Darle	1729	Treated alcohol with Aborigines	N/A
	1733	Selling alcohol to Aborigines	N/A

Name	Year	Accused of	Final Verdict
Marguerite Lemoine	1731	Selling alcohol to Aboriginals	N/A
	1731-35	Selling alcohol to Aboriginals	N/A
	1735	Selling alcohol to Aboriginals	N/A
Liégeois	1731-35	Selling alcohol to Aboriginals	N/A
	1735	Selling alcohol to Aboriginals	Guilty
Sulpice Blanchetière dit Saint-Georges	1748	Selling alcohol to Aboriginals	Guilty
	1748	Selling alcohol to Aboriginals	Guilty

Figure 12: List of repeated offenders found through court records, including the years, what they were accused of, and the final verdict.

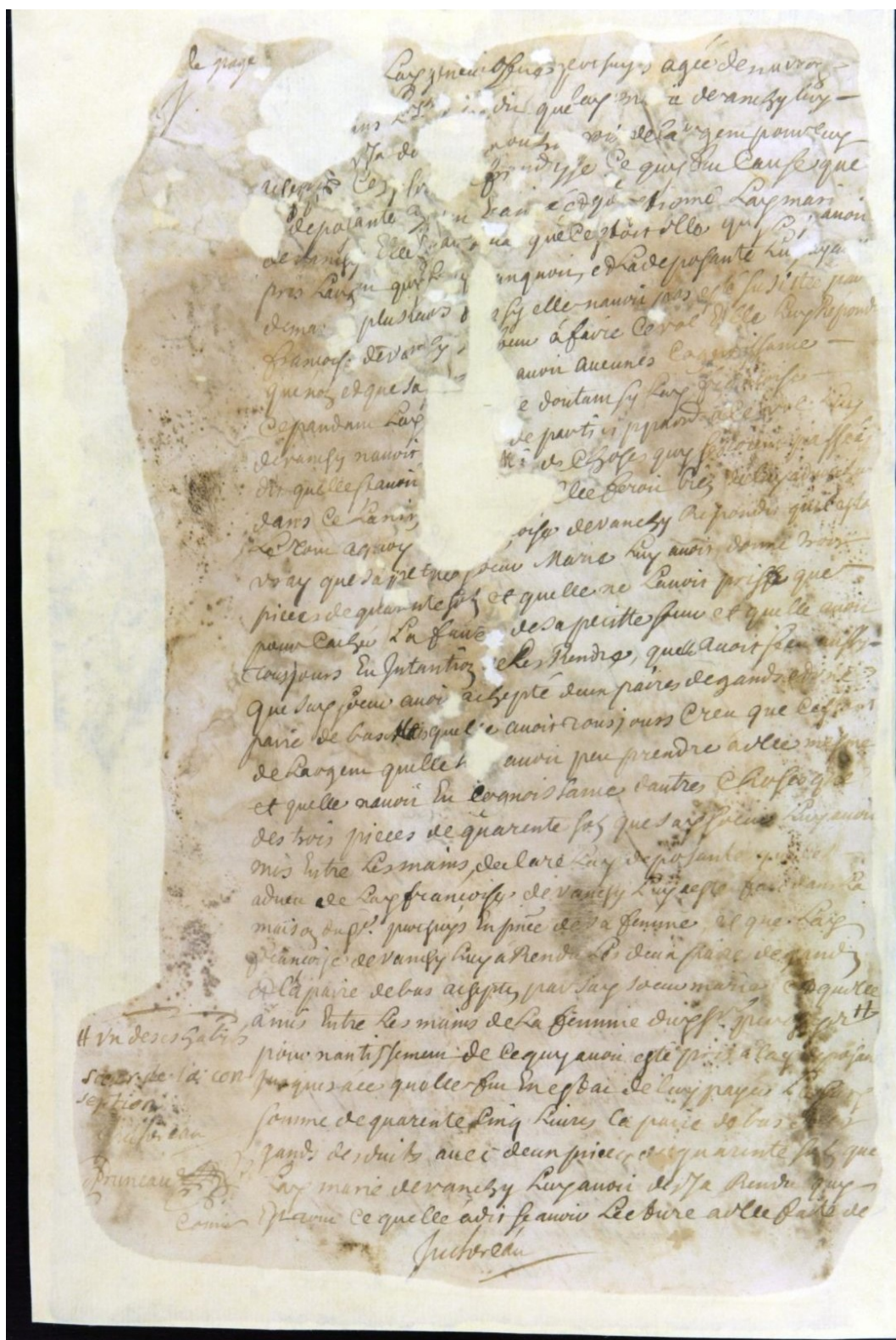


Figure 13: Example of a digitized court record that is difficult to read due to the poor condition of the document. Document belonged to case TL4, S1, D32 from BAnQ-M.

The following spreadsheets are a compilation of the data found in the court records dating from 1700 to 1756. Due to the size of the original spreadsheets, this condensed version was made in order to be included in this work. A note for the abbreviation “FN”, it is shorthand for First Nations people.

Name	Gender	Age	Marital Status	Occupation	Accused of	Verdict	Jurisdiction	Fine £	Extra Punishment	Year
François Brissonnet	M	35-40	Bachelor	perruquier	selling alcohol to FN w/out permit	Guilty	Mtl	100		June 1700
Manseau	M	-	Married		having no permit and drunk FN in domicile	Guilty	T-R	10		June 1700
Françoise de Vanchy	F	26	Married		serving alcohol to FN, neighbours complaining	ongoing	Mtl			October 1700
Claude Lemoine	M	35	Bachelor		selling alcohol to FN	ongoing	Mtl			January 1701
Madeleine Varennes	F	64	Married		selling alcohol to FN	ongoing	Mtl			January 1701
Pierre Moreau	M	38	Bachelor		selling alcohol to FN	ongoing	Mtl			January 1701
Léonard Lalue	M	-32	Married	cooper	selling alcohol to FN	Guilty	Mtl	50 sols	banishment	October 1701
Marie Françoise Petit	F	24-25	Married		selling alcohol to FN	Guilty	Mtl	unknown	banishment	October 1701
Jean Bizet	M	-36	Married	taillandier	selling alcohol to FN	Guilty	Mtl	unknown	banishment	October 1701
Catherine Quenneville	F	-22	Married		selling alcohol to FN	Guilty	Mtl	unknown	banishment	October 1701
Françoise de Vanchy	F	28	Married		selling alcohol to FN	Guilty	Mtl	500	future trading prohibited	June 1702
Catherine Lucos	F	46	Married		selling alcohol to FN	Guilty	Mtl	500	goods and money owed seized	June 1702
Catherine Lucos	F	47	Married		illegally selling alcohol	Guilty	Mtl		sentence unknown	January 1703
Marie Lemaitre	F	44	Married		selling alcohol to 80 yo FN woman	Guilty	Mtl	60	warned from selling brandy	January 1703
François Brissonnet	M	39-44	Bachelor	wigmaker	selling alcohol to FN	Guilty	Mtl	500		June 1704
Pierre Meriault	M	45	Married	sergeant	selling brandy to FN Iroquois from Sault-aux-Récollets	Guilty	Mtl	66 livres 7 sols 8 deniers		Jan - March 1705
Martin Andayer (Ondoyer)	M	-	Married		giving alcohol to FN from his residence	Guilty	T-R	30	prohibited from selling	January 1706
Jean Petit	M	-	Married	sieur de Boismorel, huissier	selling alcohol to FN	ongoing	Mtl			August 1708
Jean Pothier	M	-30	N/A		selling alcohol to FN	Guilty	Mtl	150		September 1708
Jacques Julien	M	30	Married	soldier and gardener	selling a barrel of brandy to FN	Not Guilty	Mtl	--		August 1709
François Delpé Saint-Cerny	M	62	Married		giving alcohol to FN and getting them intoxicated	Guilty	T-R	4	prohibited from selling	August 1709
Martin Ondoyer	M	-	Married		having sold alcohol to FN and intoxicating them	Guilty	T-R	6	ordered to give in moderation	August 1709
Jacques Cardinal	M	-	Married	habitant	for illegally selling alcohol to FN	Guilty	Mtl	unknown	alcohol seized and warned	May - June 1710
Louise Arrivé	F	-	Married	habitant	for illegally selling alcohol to FN	N/A	Mtl			May - June 1710
Pierre Marcheteau	M	-	Married	archer et cabaretier	going against Raudot's ordinance: selling alcohol to FN	Guilty	Mtl		loss of license and job	June - July 1711
Louise Leblanc	F	-	Married		having sold alcohol to FN & accepting beaver pelt	Dismissed	Mtl		brandy seized and jailed (3 months)	Aug 1710 - April 1711
Pierre Crépeau	M	35	Married	beer brewer	selling alcohol to FN	Guilty	Mtl	50	warned	Sept 1713
Marguerite Thunay	F	33-34	Married	cabaretière	selling alcohol to FN	N/A	Mtl	unknown	penalty unknown	Sept 1713
Martin Ondoyer	M	-	Married		selling alcohol to Abénaquis	N/A	T-R			Sept 1713
Marie Léonard (Énard)	F	-	Married		selling alcohol to Abénaquis	N/A	T-R			Sept 1713
Alexandre Celle	M	-	Married		selling alcohol to FN	Inconclusive	Mtl			Sept 1713
Marguerite Perreault	F	-	Married		selling alcohol to FN	Inconclusive	Mtl			Sept 1713
Claude Dudevoir	M	x	Married	aubergiste	having sold alcohol to FN & provoking murder of a FN	N/A	Mtl			June 1713
Bineau	M	-	Married	soldier	having sold alcohol to FN & provoking murder of a FN	N/A	Mtl			June 1713
Jacques Milot	M	41	Married	merchant	having sold alcohol to FN & provoking murder of a FN	N/A	Mtl			June 1713
François Lamoureux	M	32	Married	gunsmith	selling alcohol to FN	N/A	Mtl			Sept - Oct 1713
Angélique Coucq (Couc)	F	-	Married		having treated brandy with FN	Guilty	T-R	100		February 1716
Louis Grenier	M	-	N/A		defends accusation of giving alcohol to FN	Absolved	T-R			February 1716
Pierre Marcheteau	M	-	Married		selling alcohol to FN	Guilty	Mtl	50	cannot run tavern, warned	June - July 1716
Marie Pilet	F	32	Married		selling alcohol to FN	Guilty	Mtl	50-150?	cannot run tavern, warned	June - July 1716
Marie Denoyon	F	45	Widow		selling alcohol to FN	Guilty	Mtl	150	cannot run tavern, warned	June - July 1716
Louise Arrivé [Larivé]	F	-	Married		running a tavern without permit	Guilty	Mtl	5	cannot run tavern, warned	June - July 1716
Marguerite Demers [Dumet]	F	25	Married		running a tavern without permit	Guilty	Mtl	5	cannot run tavern, warned	June - July 1716
Françoise Petit	F	31	Married		selling alcohol to FN	ongoing	Mtl	unknown		July 1716
Paul Caty	M	48	Married	cabaretier	giving alcohol to habitants and soldiers during holy service	Guilty	T-R	10	judicial fees 7 livres and 10 sols	April 1717
Martin Ondoyer	M	-	Married		selling and delivering alcohol to FN	Guilty	T-R	300	released from prison to pay fine	May 1717
Marie Énard	F	-	Married		selling and delivering alcohol to FN	Guilty	T-R		imprisoned until payment paid	May 1717
Alexis Buet	M	75	Married	laboureur	selling alcohol without permit	Guilty	Mtl	50	additional fees	June 1718
Paul Dumouchel	M	33	Married	shoemaker	selling alcohol to FN	Not Guilty	Mtl			Aug 1718
Bernard Dumouchel	M	30	Married		selling alcohol to FN	Not Guilty	Mtl			Aug 1718
Françoise Achin	F	-	Married		selling alcohol to FN	Guilty	Mtl	500	warned from serving any alcohol	July - Aug 1718
Jeanne Hébert	F	29	Married		selling alcohol without permit	Guilty	Mtl	50		July - Aug 1718
Jacques Deniau	M	59	Married		selling alcohol to FN and provoking death of 2yo infant	ongoing	Mtl			Feb 1719
Pierre Hunault	M	31	Married	millier and farmer	selling alcohol to FN	ongoing	Mtl			Feb - March 1719
Cunégonde Masta	F	52	Widow	cabaretière	selling alcohol to FN	ongoing	Mtl			March 1719
Jeanne Brunet	F	-	Widow		selling alcohol to FN	Guilty	Mtl	unknown		June 1719
Jean Bertrand	M	-	N/A		selling alcohol to FN	Guilty	Mtl	unknown		July 1719
Jacques Héry	M	-	Married	cooper	selling alcohol to FN	Guilty	Mtl	50	warned	July 1719
Jean Desforges	M	54	Married	"qui travaille la terre"	selling alcohol to FN and causing disorder	Not Guilty	Mtl			Aug 1719
Anne-Céleste Desforges	F	-	Married		selling alcohol to FN and causing disorder	Not Guilty	Mtl			Aug 1719
Jean-Baptiste Bertrand	M	27	Married	"qui travaille la journée"	selling alcohol to FN	ongoing	Mtl	?	"réquisitoire pour l'écrou"	Sept 1719
Marie-Anne Amurier	F	19	Married		selling alcohol to FN	ongoing	Mtl			Sept 1719
Jacques Héry	M	54	Married	cooper	selling alcohol to FN and importing English fabric	Guilty	Mtl	unknown	'fine unknown, English fabric burned	April - June 1719
multiple unidentified individuals	?	-	N/A		selling alcohol to FN	ongoing	Mtl			June 1720
Jacques Héry	M	55-	Married	cooper	selling alcohol to FN	ongoing	Mtl			June 1720
Marie-Cunégonde Masta	F	53	Widow		selling alcohol to FN	ongoing	Mtl			June 1720
Marie-Josèphe Dambournay	F	23	Married		selling alcohol to FN	ongoing	Mtl			June 1720
Guillaume Hérou	M	49	Married	gunner and cabaretier	selling alcohol to FN	Guilty	Mtl		cannot run tavern, warned	July 1720
Sylvain Miquet	M	56	Married	sergeant and cabaretier	selling alcohol to FN	Guilty	Mtl		cannot run tavern, warned	July 1720
Claude Desforges	M	-	N/A		selling alcohol without permit on a Sunday	Guilty	Mtl	50		Jan 1721-June 1722
Louis Poitras	M	38	Married	master carpenter	selling alcohol to FN	Guilty	Mtl	50	released from prison	April 1721

Marie Trépagny	F	-	Widow	aubergiste	giving alcohol during holy service	Guilty	Québec	3	additional fee for judicial expense	May 1721
Mathurin Parent	M	-	Married	habitant	selling alcohol to FN	Guilty	Mtl	50	warned	June - July 1721
Jean Deslandes	M	23	Married	mason	selling alcohol to FN	ongoing	Mtl			June - July 1721
Marguerite Verdon	F	46	Married		selling alcohol to FN	Guilty	Mtl	50		July 1721 - June 1722
Marie-Agathe Buteau	F	-	Married		selling alcohol to FN	Guilty	Mtl	500	warned	Oct 1721
Charles Leduc	M	52	Married		having sold alcohol to FN who then killed Honoré Danis	Guilty	Mtl	500	Leduc and his wife are fined	Aug - Sept 1722
Joseph Desroches	M	14	Bachelor		having sold alcohol to FN who then killed Honoré Danis	Dismissed	Mtl		release from prison due to illness	Aug - Sept 1722
Marie Beauvais	F	-	Widow		selling alcohol to FN in contempt with the King's laws	ongoing	T-R			Jan 1723
Pierre Ozanne	M	40	Bachelor		selling and treating alcohol to FN	Guilty	Mtl	100	released from prison	April - Sept 1723
Simon Valois	M	25	Bachelor		selling alcohol to FN		Mtl	100		April - Sept 1723
Jacques Héry	M	-	Married	cooper	selling alcohol to FN	Guilty	Mtl	50	warned and released from prison	May 1723
André de Lamarre	M	-	Married	soldat	selling alcohol to FN	Guilty	Mtl	50		July 1723
Jean Desforges	M	53	Married		selling alcohol to FN	Guilty	Mtl	100	warned	Aug 1723
Marguerite Verdon	F	49	Married		selling alcohol to FN	N/A	Mtl			Aug 1723
Louise Arrivé	F	60	Married		selling alcohol to FN	Guilty	Mtl	50	fined and release from prison	Nov 1723
Joseph Buisson (Bisson)	M	22	Bachelor	odd jobs	having treated alcohol with a FN	Guilty	T-R	20		Aug 1725
Jacques Héry	M	60	Married	maître tonnelier	selling alcohol to FN	inconclusive	Mtl			Aug- Sept 1725
François Lamoureux	M	47	Married	arquebusier et marchand	selling alcohol to FN	Suspension	Mtl			July 1726
Marie Desmarais	F	43	Married	cabaretière	selling alcohol to FN	N/A	Mtl			June 1728
Marguerite Lemoine	F	40	Married		selling alcohol to FN	ongoing	Mtl			Sept - Oct 1731
Bonvouloir	M	46	Married	cabaretier	selling alcohol to FN	ongoing	Mtl			Sept 1733
Madeleine César	F	-	Widow; Remarried		selling alcohol to FN	ongoing	Mtl			Sept 1733
Liégeois	M	-	Bachelor		selling alcohol to FN	ongoing	Mtl			Sept 1733
Darle	M	-	N/A		selling alcohol to FN	ongoing	Mtl			Sept 1733
Héry	M	-	Married		selling alcohol to FN	ongoing	Mtl			Sept 1733
Mlle de Selle	F	-	Widow		selling alcohol to FN	ongoing	Mtl			Sept 1733
Pierre Liégeois (Liégeois)	M	45-49	Bachelor	guard	selling alcohol to FN	unknown	Mtl			Sept 1731 - July 1735
Marguerite Lemoine (Lemoine)	F	40-44	Married		selling alcohol to FN	unknown	Mtl			Sept 1731 - July 1735
Pierre Liégeois	M	52	Bachelor	deserter	selling alcohol to FN	Guilty	Mtl		aux galères, à perpétuité	June - July 1735
Marguerite Lemoine	F	42	Married		selling alcohol to FN	Guilty	Mtl	500		June - July 1735
Marie-Marthe Daragon	F	-	Married		selling alcohol to FN	Dismissed	Mtl			July 1735 - Aug 1737
[Coton?] Cotton?	?	-	N/A		selling alcohol to FN	ongoing	Mtl			circa 1736
Mathieu Balet	M	36	N/A		having sold alcohol to FN	ongoing	Quebec			Aug 1745
Louise Deniort	F	25	Married		selling alcohol to FN	Guilty	Mtl		stocks and 6-yr ban from city	Jan - Feb 1747
Joseph Gouriou	M	41	Married		selling alcohol to FN	Guilty	Mtl		9-yr ban from city	Jan - Feb 1747
Thomas Belon	M	-	Bachelor		selling a bottle of brandy to a FN	Guilty	Quebec	3	stocks and warned	July - Aug 1747
Sulpice Blanchetière	M	50?	Married	journalier	selling alcohol to female FN	Guilty	Mtl		stocks and 5-yr ban from city	May 1748
Sulpice Blanchetière	M	52	Married	journalier	selling alcohol to FN	Guilty	Mtl		stocks for two days	May 1748 - June 1748
Pierre Descot dit Montauban	M	35	Married	couvreur	having sold alcohol to FN	N/A	Quebec			June 1748
Jean Fougere dit Laurent	M	64	Married		having sold alcohol to FN	Guilty	Quebec	3	perpetual ban from Quebec	July 1748
François Cluzeau	M	52	Married		having sold alcohol to FN	Guilty	Quebec	3	perpetual ban from Quebec	July 1748
Jean Baret	M	-	N/A	farmer	selling alcohol to FN	Guilty	Mtl	150		Aug 1754
Louise Gouriou	F	-	Married		selling alcohol to FN	N/A	Mtl			Feb - April 1756
Joseph Croizau	M	-	Married	journalier	selling alcohol to FN	N/A	Mtl			Feb - April 1756
Geneviève Loiseau	F	-	Widow		selling alcohol to FN	Absolved	Mtl			Feb - April 1756
Jacques Adam	M	40	Bachelor	journalier, habitant	selling alcohol to FN	Guilty	Mtl		stocks and perpetual ban from Mtl	June - July 1756

Figure 14: The spreadsheet above is a list of all found cases of illegal selling of alcohol. The colour coding indicates that multiple individuals were accused within the same case, and two colours were used to distinguish separate cases to avoid confusion.

Name	Gender	Age	Status	Occupation	Accused of	Verdict	Jurisdiction	Fine £	Extra Punishment	Year
nommé Rolland	M	-	N/A		trading alcohol with FN		Mtl			May 1700
François Lenoir	M	-	Bachelor	cabaretier	serving alcohol to FN & accepting pelts	Guilty	Mtl	500		May 1700
Louis Mallet	M	27	Married	engagé ouest	trading alcohol with FN	Guilty	Mtl	500	imprisoned	Aug 1700
Sieur Augé (Auger)	M	-	N/A		giving FN alcohol, leading to intoxication	Guilty	T-R	20	6 livres (judicial fees)	Jan 1701
Louis Badaillac	M	20	Bachelor	blacksmith	trading brandy with FN	Guilty	Mtl	200	6 month ban from Mtl	Jan - Feb 1701
Adrien Bétourné	M	58	Married	cabaretier	treating brandy with FN	Guilty	Mtl	500		Feb - March 1701
Jacques Foucher	M	30	Married	brasseur de bière	treating brandy with FN	Guilty	Mtl	unknown		Feb - March 1701
Louise Bouchard	F	54	Widow		treating brandy with FN	Guilty	Mtl	50		Feb - March 1701
René Cuillierier	M	-	Bachelor		trading furs and selling alcohol to FN	ongoing	Mtl			May 1702
Jean Cuillierier	M	-	Married		trading furs and selling alcohol to FN	ongoing	Mtl			May 1702
Joseph Gauthier	M	-	Bachelor	laboureur	trading furs and selling alcohol to FN	ongoing	Mtl			May 1702
Jacques Héry	M	34	Married	master cooper, merchant	trading furs and selling alcohol to FN	ongoing	Mtl		barrel of brandy seized	May 1702
Pierre Lamoureux	M	53	Married	engagé ouest	trading furs and selling alcohol to FN	ongoing	Mtl			May 1702
Louis d'Ailleboust	M	46	Married	fur merchant	trading furs and selling alcohol to FN	ongoing	Mtl			May 1702
sieur Barrois	M	-	N/A		trading furs and selling alcohol to FN	ongoing	Mtl		three packets of beaver seized	May 1702
sieur Quenet	M	-	N/A		trading furs and selling alcohol to FN	ongoing	Mtl			May 1702
Pierre Mériault	M	45	Married	sergeant	giving brandy to FN	Guilty	Mtl	500		Jan - June 1705
Joseph Sarrazin	M	-	N/A		trading illegal merchandise & alcohol with FN	unknown	Mtl			May - June 1706
Pierre Sarrazin	M	-	N/A		trading illegal merchandise & alcohol with FN	unknown	Mtl			May - June 1706
Louise Leblanc	F	-	Married		treating or selling alcohol to a FN	unknown	Mtl			Aug - Sept 1710
Pierre Hunault	M	52	Married	engagé ouest	treating brandy with FN from Rivière Assomption	Guilty	Mtl	500		May - Sept 1713
Martin Ondaier (Ondoyer)	M	66	Married	beadle	trading alcohol for merchandise (blanket)	Guilty	T-R	50	prohibited from trading	Dec 1714
Paul Casty (Caty)	M	45	Married	soldier	trading alcohol for merchandise (blanket)	Guilty	T-R	50	prohibited from trading	Dec 1714
René Couillard	M	48	Married	habitant	illegal trading with FN	Guilty	Mtl	10		May 1715
Pierre Couillard	M	42	Married		illegal trading with FN	Guilty	Mtl	10		May 1715
Joseph Cuillierier Ribercour	M	37	Married	sieur de Ribercour	illegal trading with FN	Guilty	Mtl	10		May 1715
Godefroy de Linctot	M	37	Married	commander of fort Saint-Louis	illegal trading with FN	Guilty	Mtl	10		May 1715
Marguerite Choresl	F	45	Widow		illegal trading with FN	Guilty	Mtl	10		May 1715
Louis Mallet	M	42	Married	engagé ouest	illegal trading with FN	Ongoing	Mtl			May 1715
René Godefroy	M	38	Married	commander of fort Saint-Louis	treating with FN	ongoing	Mtl			July 1716
François Lamoureux	M	38	Married	arquebusier	treating with FN	ongoing	Mtl			July 1716
Charles Lemaire	M	39	Married		treating with FN	ongoing	Mtl			July 1716
Marie Énard	F	-	Widow		exchanging a pot of brandy for duvet	Guilty	T-R	25		Aug 1718
Paul Caty	M	50	Married	tailor	exchanging alcohol to FN "diverses hardes" (clothes)	Guilty	T-R	100 francs		Aug 1719
Joseph Adam	M	-	N/A		exchanging alcohol and 30 sols in cash to FN for hood	Guilty	T-R	25	judicial fees 26 sols	Feb 1720
Coderre	?	-	N/A		illegal trading with FN au Haut de l'île	inconclusive	Mtl			March - April 1722
sieur Darle	M	-	N/A		treating alcohol with FN	ongoing	Mtl			July 1729
Marie Desmarais	F	44	Married		treating alcohol with FN	ongoing	Mtl			July 1729
Marie Desmarais	F	45	Married	cabaretière	trading alcohol with FN	Guilty	Mtl	500	fine split with accomplice	May 1730
Jean Lissieux (Licieux)	M	-	N/A	locksmith	dispensing alcohol without permission	Guilty	T-R	15		Nov 1747
Jean-François Cluseau	M	54	Married	carpenter, calker	treating alcohol with FN	Guilty	Quebec		banished from the colony	Sept 1748
Jean Songeur	M	-	N/A	laboureur	treating alcohol with FN	Guilty	Quebec		banished from the colony	Sept 1748
Charles Laigu	M	65	Widower	soldier, shoemaker	treating alcohol with FN	Absolved	Quebec			Sept 1748
Julien Thomas	M	45	N/A	journalier	treating alcohol with FN	Guilty	T-R		publicly beaten and censured while naked	Dec 1750

Figure 15: The spreadsheet above lists all cases of illegal trading of alcohol. The cases date from 1700 to 1750, which was the last recorded case found in the online database.

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