

Université de Montréal

**"To Indulge Their Carnal Appetites":
Prostitution in Early Nineteenth-Century Montreal, 1810-1842**

par

Mary Anne Poutanen

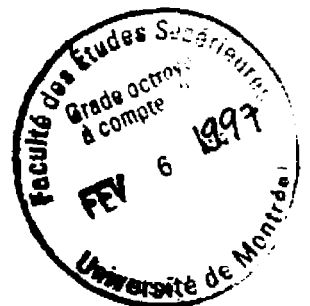
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**Université de Montréal
Faculté des études supérieures**

Cette thèse intitulée:

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présentée par:

Mary Anne Poutanen

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ABSTRACT

This study examines prostitution in Montreal between 1810 and 1842 and focuses upon the complex relationships between prostitutes, their family members, neighbours, and others who accused them of morality offences, and the criminal justice system which processed the complaints. Using judicial records and an array of other sources, it seeks to reconstruct these relationships, to explore how the women manoeuvred within the criminal justice system, and to reconstitute their lives. By exploring individual life histories we can discover the reasons women chose to work in the sex trade.

There was no single compelling reason why women entered prostitution. Their decision to work as prostitutes was influenced by their social class and ethnicity. Many chose prostitution as a temporary solution to pressing economic issues, some as a long-term solution to problems associated with chronic alcoholism and homelessness, for others, prostitution provided an opportunity for upward mobility.

Although women practiced prostitution throughout the urban landscape, certain areas of Montreal were identified as red-light districts characterized by clusters of brothels and streetwalkers who plied their trade in the public spaces. These red-light districts were integrated into the communities of all social classes. Elites living within the old city and the popular classes who inhabited the suburbs shared the streets, public spaces, even buildings with prostitutes who were tolerated until they breached some code of conduct.

City notables, critical of popular-class morality and fearful of what they perceived as a growing crime rate, viewed brothels as disordered establishments which stood in opposition to the tenets of bourgeois respectability, namely industry, sobriety, and discipline. At first they demanded the abolition of brothels and when that failed, their regulation. With the restructuring of the police force in 1838, constables made a concerted effort to roundup streetwalkers and vagrant women and to a lesser degree, the inhabitants of brothels.

Prostitutes had to orchestrate their work within a patriarchal system supported by a criminal justice system made up of male policemen, magistrates, court clerks, and gaolers. Yet, their experience with the criminal justice system was not always one-sided. Prostitutes established complex relationships with these officials. Some women initiated contact with the police and courts when they accused others of committing crimes against them. The criminal justice system provided them a forum for conflict resolution. Homeless streetwalkers turned to the criminal justice system when they needed medical care and shelter.

For most street prostitutes, contact with the police and courts usually led to arrest, summary conviction, and lengthy periods of imprisonment which shortened over the period. In contrast, brothel-keepers had their cases argued in a court with strict rules regarding evidence. Thus, they had more room to manoeuvre, and a guilty verdict was not assured. Those convicted of brothel-keeping faced public forms of castigation, the pillory and carting, which were replaced solely by incarceration and fines. The criminal justice system treated brothel-keeping and street prostitution differently even though the women did the same thing, sold sex for money.

RÉSUMÉ

Cette étude examine la prostitution à Montréal entre 1810 et 1842 et s'intéresse aux relations complexes existant entre les prostituées, les membres de leurs familles, leurs voisins, de même que ceux qui les accusaient de porter atteinte à la moralité, et enfin la juridiction criminelle qui traitait les plaintes. À partir d'actes judiciaires et d'un éventail d'autres sources, cette étude tente de reconstruire ces relations, d'explorer comment les femmes manœuvraient à l'intérieur du système de la juridiction criminelle, et de reconstruire leurs vies. En étudiant des histoires de vies individuelles, nous pouvons découvrir pour quelles raisons des femmes ont choisi de participer au marché de la prostitution de Montréal.

Cette thèse explore la prostitution montréalaise selon le point de vue que ces femmes ont pris en main leur destinée, qu'elles ont exprimé cette capacité d'agir en choisissant de travailler dans le domaine de la prostitution et en faisant valoir leurs droits légaux. Jusqu'à récemment, les historiens ont supposé qu'au cours de la période préindustrielle, les femmes occidentales n'avaient que peu de capacité d'agir dans les régions appliquant un système de droit coutumier, à cause de sa nature patriarcale. Cependant, des études plus récentes indiquent que les femmes démontraient une connaissance de la juridiction criminelle, qu'elles utilisaient pour répondre à certains de leurs besoins.

Les prostituées de Montréal affirmaient leur capacité d'agir en prenant la décision de participer au commerce des activités sexuelles. Cette décision était influencée par leur classe sociale et leur ethnie, et également nuancée par d'autres facteurs. Compte tenu de circonstances variées, certaines ont eu moins d'options que d'autres. Par exemple, pour des immigrantes fraîchement arrivées et sans famille, les possibilités d'emploi n'étaient que fort réduites. Cependant d'autres femmes, telles des veuves, même parmi les plus pauvres, faisaient plus souvent partie d'une communauté

apte à les soutenir et de ce fait avaient relativement plus de choix. De la même façon, les femmes mariées possédant leur propre ménage se trouvaient dans une position plus avantageuse. Elles disposaient déjà de certaines ressources comme un espace physique, des meubles et des articles qu'elles pouvaient utiliser pour ouvrir un bordel. Un petit nombre de femmes venant de familles d'artisans célèbres et auxquelles étaient offertes davantage de possibilités ont fait le choix encore plus révélateur de travailler dans la prostitution. Beaucoup ont choisi la prostitution comme une solution temporaire à de pressants besoins d'argent, d'autres comme une solution à long terme à des problèmes relatifs à l'alcoolisme et à l'absence de domicile fixe, et pour d'autres enfin, le marché de la prostitution a offert des possibilités d'ascension sociale. Tandis que des facteurs économiques ont joué divers rôles, aucune raison particulière obligatoire n'a été identifiée pour que des femmes travaillent en tant que prostituées ou tenancières de bordel.

Les prostituées exerçaient leur métier partout dans le paysage urbain. Toutefois, certaines parties de la ville étaient identifiées comme des quartiers réservés où des groupes de bordels étaient établis et où des filles des rues travaillaient dans les espaces publics. Ces quartiers réservés ne constituaient pas des zones isolées mais plutôt intégrées à des communautés de toutes les classes sociales, des élites vivant à l'intérieur des fortifications de la vieille ville, jusqu'aux classes populaires habitant en banlieue. Les prostituées et leurs voisins partageaient des rues, des espaces publics et même des bâtiments.

Ce mélange à même l'espace urbain, de la présence de bordels dans des secteurs résidentiels jusqu'à la nature très publique de la prostitution dans ces rues, avait d'importantes répercussions sur les relations au sein des communautés. Les communautés locales étaient formées par des gens en conflit, et par ce que des personnes avaient en commun, et conséquemment chaque quartier avait des

caractéristiques spécifiques. L'espace domestique des femmes des classes populaires débordait des limites de leurs logements pour s'étendre aux rues avoisinantes où elles vquaient à des activités domestiques cruciales. Certaines utilisaient les rues pour mieux gagner leur vie, en revendant ou en colportant des marchandises, et entres autres en se livrant à la prostitution. Une telle familiarité entre voisines signifiait qu'elles partageaient des expériences et des réseaux sociaux avec des prostituées et des tenancières de bordel qui habitaient près de chez elles, ce qui avait des conséquences pour le commerce des activités sexuelles. Les voisins ou bien les toléraient ou bien les punissaient suivant certains facteurs très importants, comme lorsque les filles des rues et les bordels devenaient trop tumultueux ou menaçaient la sécurité du quartier. Les limites perméables entre le ménage et la rue et la nature publique de la vie quotidienne permettaient aux voisins d'agir ainsi.

L'élite de la ville, tels les propriétaires fonciers, les hommes d'affaires, les médecins, les avocats et les philanthropes, critiquant la nature publique de la vie et de la moralité des classes populaires et craignant ce qu'ils percevaient être un taux de criminalité croissant, voyaient les bordels comme des établissements désordonnés qui s'élevaient contre les principes de la respectabilité bourgeoise, c'est-à-dire l'application, la sobriété et la discipline. Ils ont commencé par demander l'abolition des bordels puis devant cet échec, leur réglementation. Les notables de Montréal, critiquaient également la prostitution dans les rues. La très visible fille des rues qui représentait la femme seule incontrôlée allait à l'encontre du décorum ordonné que souhaitait voir observer l'élite dans les rues de la ville. Au moment de la restructuration des forces de l'ordre en 1838, un effectif élargi d'agents de police fit un effort concerté de ramasser les filles des rues et les vagabondes, de même qu'à un moindre degré les habitantes des bordels. Comme les prostituées des rues et les clochardes étaient vues comme faisant partie d'un public

indésirable et non réglementé, elles constituaient une menace quant à la tentative des autorités de contrôler une ville en proie à une révolte armée.

Les femmes qui étaient accusées de délits relatifs à la prostitution devaient orchestrer leur travail à l'intérieur d'un système patriarcal soutenu par un système de juridiction criminelle constitué d'agents de police, de juges de paix, de clercs de tribunaux et de geôliers, tous des hommes. Néanmoins, leur expérience avec la juridiction criminelle n'était pas partielle, mais variait. Les prostituées établissaient des relations complexes avec ces officiels. Certaines des femmes entraient en rapport avec la police et les tribunaux lorsqu'elles accusaient d'autres personnes de participer à des activités criminelles telles que des vols, des coups et blessures, des émeutes ou des agressions sexuelles à leur endroit. Pour ces femmes, le système de la juridiction criminelle servait de forum où régler des conflits. Des filles des rues sans abri s'en remettaient au système de la juridiction criminelle pour obtenir des soins médicaux et un toit, surtout durant les rudes mois de l'hiver. Elles demandaient l'incarcération et si cela échouait, faisaient des menaces ou se livraient à des écarts de conduite. Les agents de police et les magistrats étaient conscients des motifs de leurs appels, menaces et petits méfaits et agissaient de connivence avec les femmes. Les gardiens et les agents de police de la ville arrêtaient les filles des rues sans abri qu'ils croyaient susceptibles de souffrir de la faim et du froid, les juges de paix prolongeaient leurs sentences d'emprisonnement jusqu'après les mois d'hiver, et les geôliers recommandaient des périodes d'emprisonnement plus longues pour certaines détenues suivant des traitements médicaux. Cependant, les agents de police ne fournissaient pas inmanquablement à quiconque dans le besoin ce que les historiens de la police ont nommé la sécurité sociale. Plusieurs incidents eurent lieu au cours de cette période où des prostituées sans abri sont mortes après avoir été relâchées de prison.

Pour beaucoup de filles des rues, les rapports avec la police et les tribunaux menaient habituellement à une arrestation, à une condamnation sommaire et à la sujétion à un emprisonnement de moins en moins long au cours de la période étudiée. D'autre part, les tenancières de bordel voyaient leurs causes débattues devant une cour où l'on enregistrait les actes et suivant des règles strictes quant à la preuve et aux procédures. Elles disposaient ainsi d'une plus grande marge de manœuvre, et le verdict de culpabilité n'était pas assuré. Celles qui étaient trouvées coupables de tenir un bordel faisaient face à des formes de châtement et d'humiliation plus publiques, le pilori et l'exposition dans un chariot, qui furent éventuellement remplacées par des peines d'incarcération et des amendes. Le système de la juridiction criminelle a traité de façons différentes les maisons de prostitution et la prostitution dans les rues, même si les femmes faisaient la même chose, soit vendre des activités sexuelles pour de l'argent.

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ABBREVIATIONS

QSD: all documents pertaining to the court of Quarter Sessions of the Peace

QSR: registers of the court of Quarter Sessions of the Peace

SSD: documents pertaining to the court of Special Sessions

KBD: documents pertaining to the court of Kings Bench

ANQM: Archives nationales du Québec à Montréal

NA: National Archives of Canada

PRDH: Programme de recherche en démographie historique

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CHAPTER I

THE CITY, THE PROSTITUTES, AND THE SEARCH FOR THEIR STORIES: AN INTRODUCTION

In February of 1840, John King and Mary Blay complained to a justice of the peace that women and men congregated at Fanny O'Brian's bawdy house on St. Ignace Street, "for the indulgence of their carnal appetite". Moreover, this wanton crowd routinely disturbed the public peace at night. Five women were arrested as a consequence of this complaint: Fanny O'Brian, her two daughters, Euphrosine and Emelia Haines, Jane Bells and widow Elizabeth Montgomery.¹ At court all of the women pleaded not guilty and were eventually acquitted.

What is striking about the affidavit was the view of the two prosecutors, King and Blay, that the women who worked in the bawdy house had a proclivity for sex. Two important ideas spring from their observation and are crucial to this study. Firstly, by infusing prostitutes with a sexuality, historians recognize their agency, or the ability to make their own histories by effecting changes in their lives and their community.² A common belief that western women in the pre-industrial period in regions that utilized a common law system had little agency because of the patriarchal

¹QSD, 7-2-1840.

²Kathryn Kish Sklar & Thomas Dublin, *Women and Power in American History: A Reader Vol. 1 to 1880* (Englewood Cliffs, NJ, 1991): 4.

nature of this legal structure has only recently been challenged. Current studies show that within this male world of law, women demonstrated a remarkable knowledge of the criminal justice system, utilizing it to meet some of their own needs.³ Consequently, we need more flexible concepts of male domination, as Linda Gordon asserts, that pay attention to the power that women exercised and the concessions that some men have made out of regard for the women in their lives.⁴ The affidavit is also an acknowledgement that women, at least certain women, might seek sex and pleasure.

Secondly, moral discourse involving female sexuality did not usually correspond to the realities of everyday life or dictate behaviour across the spectrum of social classes. In this instance, dominant discourses reflected how certain segments of the community viewed the society in which they lived. Through discourse the elites were furnished with both the structure and the tools they required to analyze, rationalize and judge the behaviour of others. In other words, discourse provided a language in which to express anxieties through the medium of social commentary. While most of the discourse was directed upon the "other" it could also target their own class, in particular women. Taking into consideration how the Victorians are said to have viewed female sexuality, bourgeois women were seen as uninterested in

³Garthine Walker & Jennifer Kermode, "Introduction" Garthine Walker & Jennifer Kermode (eds) *Women, crime and the courts in early modern England* (Chapel Hill, 1994): 6-8. Other studies include Lucia Zedner, *Women, Crime, and Custody in Victorian England* (New York, 1991); Judith Fingard, *The Dark Side of Life in Victorian Halifax* (Porters Lake, NS, 1989); and Jane B. Price, "'Raised in Rockhead. Died in the Poor House': Female Petty Criminals in Halifax, 1864-1890" in Philip Girard & Jim Phillips (eds) *Essays in the History of Canadian Law* Vol. #3, Nova Scotia (Toronto, 1990).

⁴Linda Gordon rejects the ahistorical use of the term patriarchy because it implies a universal and unyielding power and denies female agency. She contends that without new ways to understand male dominance, feminist theory is vulnerable to an attack that sexism does not exist and that injustices toward women is diminished because of their ability to wield power through agency. (See her book, *Heroes of Their Own Lives; The Politics and History of Family Violence: Boston 1880-1960* (New York, 1988): vi-vii)

sex,⁵ being morally pure and asexual. However, many features of sexual attitudes and practices show a widespread belief among Victorians, males and females alike, that women had to achieve orgasm in order to conceive and that female eroticism was centered in her uterus and ovaries.⁶ Françoise Barret-Ducrocq contends that British women of the labouring classes were perceived as being far too interested in sex.⁷ The fallen "Eve-like" woman, was contagious to all who came near her, and therefore had to be contained.⁸ While this discourse served, as Leonore Davidoff has argued, to shape and direct women, it bore little relationship to the lives of ordinary women.⁹ Their lives were filled with what Barret-Ducrocq calls "a history made up of contrasts: of impudence and morality, cynicism and tenderness, and cruelty and generosity."¹⁰ Popular-class women like Mary Blay policed their own neighbourhoods, disciplining women who did not conform. Thus, offended by the

⁵Michael Mason contends that most studies of Victorian sexuality have been based on an analysis of moralistic discourse, ignoring both the demographic and anecdotal evidence of actual behaviour as well as competing attitudes. While it is difficult to determine sexual practices from demographic patterns and personal experiences, it must be considered along with sexual attitudes. Moreover, although the belief in the uterine theory (the health of a woman's ovaries and uterus determined her overall physical and psychological well-being) seemed to be widely held amongst physicians, it was also challenged within medical academia. (*The Making of Victorian Sexuality* (New York, 1995): 6, 195-201)

⁶*Ibid.*: 200.

⁷Françoise Barret-Ducrocq argues that the Victorians were particularly preoccupied with what they considered the immorality of the majority of Londoners which posed a threat to the moral and political order. Respectability was determined by modesty, sobriety, industry, church attendance, and a restrained sexuality. To the bourgeoisie, the labouring classes defied the moral order, harbouring a set of counter-values. See her book, *Love in the Time of Victoria: Sexuality and Desire Among Working-Class Men and Women in Nineteenth-Century London* (Toronto, 1991): 2-9.

⁸Zedner. *Women, Crime, and Custody*: 3.

⁹*Ibid.*: 12-16.

¹⁰Barret-Ducrocq, *Love in the Time*: 183.

behaviour of the men and women who frequented Fanny O'Brian's disorderly house, she with John King, complained to the authorities.

This dissertation is a study of prostitution in early nineteenth-century Montreal. By examining the relationship between a woman's entry into prostitution and her life cycle, it is clear that a woman's agency was initially exhibited in her decision to enter prostitution. For many Montreal prostitutes, the sex trade served as a temporary solution to pressing economic problems; for others, it was a permanent source of revenue. For a small number of women, their lives were so precarious that they periodically worked in prostitution throughout the period under study. Those women who viewed prostitution as a short-term economic strategy, left as soon as new choices emerged. These women made the choice to enter prostitution from a contrasting range of options. Since circumstances varied, some had fewer choices than others. For instance, newly arrived immigrant women without families had significantly limited opportunities for employment. So too, did women addicted to alcohol. Others, such as widows, even those who were destitute, were more likely part of a community which provided a system of support and hence had more choices available to them by comparison. Similarly married women with their own households were in a more advantageous position. They already had certain resources such as the physical space, furniture, and goods which they could utilize to set up a brothel. There were a small number of women who came from well-known artisanal families whose options were greater and their choice to work in prostitution even more revealing.

Agency was also effected in the prostitutes' assertion of their legal rights to pursue Montrealers who stole from them, rioted in their establishments, and assaulted, threatened, or raped them. Prostitutes used the criminal justice system to lodge complaints against others, to call upon the police to intervene in disputes, and to seek out the local prison for refuge. The justices of the peace, the police, and even the jail-keepers were complicit in the manner in which they employed the criminal justice system.

This study examines the relationship of prostitutes and brothel-keepers with

their families, men, and the community. It shows how neighbours, family members, clients, and other men utilized the criminal justice system to discipline prostitutes. Prosecutors interrupted the process at any number of points, be it immediately before or after the defendants were indicted, or during the court session most likely when they felt that their complaints had served its purpose: to force some change in the behaviour of the offending women. Consequently, many of the complaints involving brothel-keeping were abandoned, no verdict was rendered, or the defendants were acquitted. Moreover, in the case of brothel-keeping, the prevailing discourse condemning the sex trade did not prevent prostitutes from receiving a fair trial often to their advantage.

The relationship between neighbours and prostitutes was indeed complex. Although neighbours denounced the inhabitants of noisy brothels, they also tolerated their presence, sometimes for years at a time. Occasionally, neighbours prosecuted men who attacked prostitutes, husbands who assaulted their brothel-keeping spouses, and even served as witnesses for the defense in court cases involving prostitution. In contrast, streetwalkers were usually found guilty and sentenced to terms of imprisonment at their summary trials. Their confinement in the local prison could be extended for homeless women, by sympathetic magistrates, during the winter months. In addition, policemen and watchmen apprehended some of these women to prevent their demise on the city streets.

Included in this investigation are all women who were identified as prostitutes and brothel-keepers and the men who were accused of being accomplices to the sex trade by someone in their community in a complaint made before a justice of the peace in the years 1810 to 1842. These grievances, which were recorded in a deposition or affidavit, were acted upon in any number of interventions that began with the justice of the peace, involved the policing agency, and ended with the justice of the peace in a court of law. While the complaints did not always lead to a conviction for prostitution, all of the men and women who were caught in the net of the criminal justice system, whose records survived and I could locate, are part of the study.

This thesis is framed by the decade when the War of 1812 raged in British North America and ends in the decade following the Rebellions of 1837-1838. In the first instance, the war drew greater numbers of men to the Montreal barracks, surely an important variable to consider when examining prostitution. The great influx of potential clients, therefore, opens the study. In the 1820s, the development of a transportation system, dependent upon large numbers of male workers especially to build the Lachine Canal and improve the city's port facilities, in addition to growing levels of trans-Atlantic immigration, provided Montreal prostitutes with a sizeable proportion of men in the population from which to draw clients. In the second instance, the decade of the Rebellions and the one that followed saw another period of major military activity. More soldiers crowded the barracks at the same time that the city police force was re-organized. Policemen increasingly regulated the public space in and around the city through augmentation of its numbers and changes in patrolling.¹¹ These revisions in policing had important consequences for prostitution. Before we can begin to understand how prostitution was carried out, policed, and fit into a woman's life cycle, we need to know something about the economic, social, and demographic features of the society in which she lived and worked.

THE CITY:

The first half of the nineteenth-century was a period of significant transformation and turmoil for the city of Montreal. When British North America went to war with the United States in 1812, Montreal was an important garrison for soldiers fighting the war. Later, the Rebellions of 1837-1838 rocked the city and surrounding countryside. The 1820s and 1830s were difficult decades for Montrealers due to social dislocation in the countryside, the decline of the fur trade, epidemics of cholera, and immigration of growing numbers of Irish, Scottish and

¹¹Since I did not find any surviving depositions for vagrancy, streetwalking, and being loose, idle, and disorderly, amongst the 1843 court documents, the study was terminated at the end of 1842.

English people.¹² Many of these immigrants arrived in the city impoverished and desperate for work that was difficult to find. These features had significant repercussions for many popular-class Montrealers and new immigrants. Every day life was fraught with seasonal unemployment or under-employment, inadequate wages, competition for the few remaining jobs, and the constant struggle to provide food and shelter at ever rising costs. In all likelihood, labourers would have found it impossible to save money when employed to provide for their families when out of work in the winter.¹³ According to Peter Gossage, this chronic distress led to frequent, desperate appeals to charity.¹⁴

Notwithstanding these socio-economic problems, Montreal continued to flourish as a prominent commercial, manufacturing and administrative center, which also served those who lived outside the city, in its region.¹⁵ Rural inhabitants provisioned Montreal with a number of goods such as firewood, timber, grains, fruit and vegetables, meat, and dairy products.¹⁶ In turn, Montreal provided the territory with an important market and services for those who visited. For instance, farmers

¹²Fernand Ouellet refers to these socio-economic changes as "adverse economic conjunctures" in his book, *Economic and Social History of Quebec, 1760-1850: Structures and Conjunctures* (Ottawa, 1980): 280.

¹³Judith Fingard, "The Winter's Tale: The Seasonal Contours of Pre-industrial Poverty in British North America, 1815-1860" *Historical Papers* (1974): 68.

¹⁴Peter Gossage, *Abandoned Children in Nineteenth-Century Montreal* M.A. Thesis (McGill University): 59.

¹⁵Jean-Claude Robert, *Atlas Historique de Montréal* (Montreal, 1994): 78.

¹⁶Joanne Burgess' analysis of the 1831 census which detailed the agricultural activities of households shows that Montrealers involved in the leather trades were less likely to own animals regardless of craft than their counterparts in neighbouring villages. However, animal husbandry and gardening contributed to the family subsistence, and any surplus provided an added source of revenue to the family economy. (*Work, Family and Community: Montreal Leather Craftsmen, 1790-1831*. Ph.D. Thesis (Université du Québec à Montréal, 1986): 238-246)

who came to the market places to sell their products found lodging, food, and drink in the taverns and inns located nearby.¹⁷

Major public works projects such as the development of port facilities and the building of the Lachine Canal greatly impacted on the city attracting large groups of men to labour on these ventures. With the completion of the canal in 1825, the city was well served with a transportation system which could ship to and from markets further west.¹⁸ These developments in the city's infrastructure would make Montreal "the largest, wealthiest, most vibrant city of British North America" by mid-century.¹⁹

Changes in the economic and social fabric of the city and surrounding countryside were an integral part of emerging demographic changes as Montreal underwent a transformation²⁰ in the decades leading up to the industrial revolution. In this period, Montreal almost doubled in population, from 22,540 in 1825 to 44,591 in 1844. A third of its inhabitants in 1825 was comprised of immigrants from Britain, the United States, and elsewhere. By 1832, anglophones made up the majority in the city.²¹ The ethnic division of Montreal established in this period,

¹⁷Alan Stewart, "Settlement, Commerce, and the Local Economy" in Phyllis Lambert and Alan Stewart (eds) *Opening the Gates of Eighteenth-Century Montréal* (Montreal, 1992): 62.

¹⁸Phyllis Lambert, "Removing the Fortifications: toward a New Urban Form" in Lambert and Stewart, *Opening the Gates*: 85.

¹⁹Bettina Bradbury, *Working Families: Age, Gender, and Daily Survival in Industrializing Montreal* (Toronto, 1993): 22.

²⁰Brian Young refers to this as the transition from a precapitalist to capitalist society. A new mode of production, accompanied by changes in work and technology, the expansion of a market economy in other sectors of the economy besides furs and the development of new forms of capital, emerged. (*In Its Corporate Capacity: The Seminary of Montreal as a Business Institution* (Montreal, 1986): xiii)

²¹Robert, *Atlas Historique*: 79.

represented by the French in the east and the English in the west, still exists today.²² The city's geography reflected this metamorphosis: Montreal spread out past the demolished city walls into the fastest growing suburbs.²³ By the early-nineteenth century, two-thirds of the inhabitants lived outside the old city fortifications in the suburbs.²⁴ The high cost of housing in the old city was formidable for the popular classes who resorted to the suburbs where low-cost wood houses could be procured.²⁵

Jean-Marie Fecteau argues that as aspects of feudal relations, in this instance as a mode of regulation, were destroyed, reformers or local notables such as physicians, lawyers, philanthropists, businessmen, and landowners condemned the inefficiencies of the old institutions and the lack of morality of the popular classes.²⁶ The very public nature of everyday life in Montreal served as fodder for their discourse. Reformers proposed the establishment of a variety of new institutions to treat and discipline wayward members of Montreal society. This discourse gains new impetus in the early decades of the nineteenth-century:

Au Bas-Canada, cette remise en question fondamentale des modalités de contrôle social prend son essor dans la décennie 1810. Elle est d'abord notable par la perception nouvelle des institutions traditionnelles de régulation sociale qui se développe à l'époque: la politique envers les aliénés et les enfants trouvés, la gestion du réseau

²²J-P Bernard, P.A. Linteau & J-C Robert, "La croissance démographique et spatiale de Montréal dans le premier quart du 19^e siècle" in GRSM, *Rapports & travaux 1973-1975* (Montreal, 1975): 17-19.

²³According to W.H. Parker, Montreal had developed beyond the old city into seven suburbs located to the west, north and south. See his article, "The Towns of Lower Canada in the 1830's" in R.P. Beckinsale & J.N. Houston (eds) *Urbanization and Its Problems* (Oxford, 1970): 398.

²⁴Stewart, "Settlement, Commerce": 45-46.

²⁵John A. Dickinson & Brian Young, *A Short History of Quebec* (Toronto, 1993): 90-91.

²⁶Jean-Marie Fecteau, *Un nouvel ordre des choses: La pauvreté, le crime, l'Etat au Québec, de la fin du XVIII^e siècle à 1840* (Outremont, 1989): 141.

hospitalier, les pratiques charitables fondées sur l'aumône, l'organisation de la police, le système criminel anglais, les pratiques d'emprisonnement font tous l'objet d'une critique radical.²⁷

One strategy was to develop new levels of classification which served to separate the morally contagious from the pure. Certain groups were targeted,²⁸ in particular destitute people, who were divided into the deserving or undeserving poor.²⁹ To prevent disorder, the errant were isolated from the rest of society in charitable institutions such as hospitals and refuges, and in penal organizations such as the House of Correction and the Common Gaol. Thus, in 1817 at the re-opening of the

²⁷Jean-Marie Fecteau, "Transition au capitalisme et régulation de la déviance quelques réflexions à partir du cas bas-canadien" *Déviance et Société* 8:4 (1984): 350.

²⁸Reformers also extended their discourse to criminals demanding that they be separated according to type of crime and history of criminal activity. In other words, neophytes needed to be isolated from hardened convicts. This sentiment was directed at women criminals, particularly recidivist prostitutes and vagrants. Prominent men who made up the judicial grand juries expressed consternation about the influence of female convicts on their incarcerated younger counterparts.

In their visit & examination of the common gaol of the district, they found as has been frequently represented by grand jurors upon former occasions the want of a proper system of classification among the prisoners & more particularly the female portion of them. A part of the gaol having been diverted for its original purpose in order to admit of a temporary asylum for lunatics, the prison, & house of correction are consequently crowded into too few apartments, there is at present but one ward adapted for untried females where women of every description of crime are placed & allowed to remain in close & demoralizing proximity with those for the first time, & it may be, erroneously committed. (QS, Presentment of the Grand Jury, 19-1-1842)

Not only should female prisoners be separated and categorized, but also they should be made to work and be taught lessons in virtue by a female superintendant who would act as a role model. Those incarcerated for vagrancy and other minor offenses would through work, replace their custom of idleness with newly acquired habits of industry. At the very least they would pay the expense of confinement through labour. (QS, Presentment of the Grand Jury, 19-7-1838)

Despite their persistent call for segregation of prisoners, it never occurred at any point in the period under study. Women, men, and children shared the same prison space with the indigent, the insane, convicted criminals, and the accused.

²⁹The Montreal Ladies Benevolent Society utilized this categorization with all applicants to their charity. They made home visits to "weed out" the imposters from those warranting their assistance. The deserving poor were given employment, food, clothing, fuel and occasionally rent money. Those deemed unworthy were apparently exposed to prevent their subsistence upon mendicity, forcing them either to work or to leave the city. (*Gazette*, 5-10-1833).

House of Correction, an editorialist for the *Gazette* commented:

This House will serve as an abode for those who beg without permission, for the incorrigible, for the vagabonds and others; and soon the libertine to avoid being placed there will either leave off his disorderly courses or go to a distance to commit his crimes.³⁰

City notables condemned the use of the streets as a receptacle of the idle, the drunk and disorderly, and the indecent. When, in November of 1832, the body of streetwalker Ellen McGuire was discovered in an unoccupied government building across from the Quebec Barracks, an editor at the *Gazette* had much to say about her colleagues. He demanded the establishment of a penitentiary to remove prostitutes from the city streets, employ them at some useful activity, and prevent the debacle that occurred in the public areas of the city in full view of its inhabitants.³¹

Fearful of moral contagion, reformers also reproached certain establishments which attracted great numbers of people, such as brothels, tippling houses, and taverns, and demanded that they either be regulated or closed down.³² Houses of prostitution were compared to factories where "idleness, evil example, and dissipation" reigned, the source of juvenile delinquency and crime.³³ Thus, the long arm of vice which emanated from these establishments reached out and tainted the family and the very welfare of society.³⁴

Reformers believed that the state had a crucial role to play in maintaining order. Fueled by an anxiety about the morals of the popular classes, the city's

³⁰*Gazette*, 6-8-1817.

³¹*Gazette*, 27-11-1832.

³²Jean-Marie Fecteau, "La pauvreté, le crime, l'état: essai sur l'économie politique du contrôle social au Québec, 1791-1840" Thèse du doctorat (U. de Paris VII, 1983): 302-305.

³³*Gazette*, 22-11-1820.

³⁴*Montreal Herald*, 13-11-1819.

policing agencies came under a barrage of criticism³⁵ even though Montreal in the 1820s, already had in place what Donald Fyson refers to as "a state sponsored criminal justice system".³⁶ Despite its weaknesses, the system nevertheless impacted heavily on those who were touched by it. His study shows that the criminal justice system had already developed many of the traits associated with the modern state. Moreover, the Rebellions did not symbolize a rupture in the way that the criminal justice system functioned or affected Montrealers as historians have argued.³⁷ However, the crisis of the Rebellions gave the Special Council, made of Montreal's most loyal citizens, unfettered control as well as a rationale to make laws and to replace the police structure with one that reformers had been demanding before the armed conflict.

A direct consequence of an expansion in the policing of public space, was a growing regulation of female vagrants and streetwalkers' access to the public. Moreover, periodic raids on known disorderly houses occurred with more frequency over the period, at least until 1841. When the complement of constables was reduced in 1842 the arrest levels of brothel-keepers, streetwalkers, and loose, idle and disorderly women began to decline. While this apparent crackdown upon female vagrancy, street prostitution, and disorderly houses may be associated with an increased regulation of public space, it was also related to the growing acceptance of certain bourgeois ideas about respectability.

What is so striking about this discourse, according to Jean-Marie Fecteau, is

³⁵City notables demanded that more police be hired, the method of patrolling be modified, and a system similar to the new London police be established.

³⁶Donald Fyson, *Criminal Justice, Civil Society and the Local State: The Justices of the Peace in the District of Montreal, 1764-1830* Ph.D. Thesis (Université de Montréal, 1995): 408.

³⁷*Ibid.*

that it was extended to all members of the population,³⁸ men and women alike. Unfortunately, Fecteau does not examine what sorts of prevailing notions about women were imbedded in this discourse, how it was similar to or different from that directed at men, how gender specific reforms affected women and how women responded to them; ultimately, gender as a category of analysis is absent in his study. The expression by city notables of their views on gender reflected a growing preoccupation they had with the role of women and with female sexuality. Understanding these ideas helps us to grasp the complexities of women's experiences. In this period, reformers directed their most critical commentaries at specific women, namely, prostitutes, vagrants, and the drunk and disorderly. By essentially attacking popular-class intemperance and immorality, they attracted the support of respectable women. How discourse was shaped into social policy is much harder to ascertain. Lykke de la Cour, Cecilia Morgan, and Mariana Valverde, who have written on the subject of gender regulation and state formation, argue that gender regulation in nineteenth-century Canada occurred indirectly: state intervention in areas related to race, class, the economy, and morality affected the situation of women to greater or lesser degrees, depending on social class, and encouraged divisions between women.³⁹

Montreal newspapers carried only the occasional editorial condemning the destructiveness of unrestrained female sexuality represented in this case by prostitution. Similarly, in Upper Canada, Jane Errington's perusal of local newspapers shows no explicit reference to female sexuality although "the passionate temptress was a familiar image".⁴⁰ Montreal newspapers regularly published articles

³⁸Fecteau, *La pauvreté, le crime*: 351.

³⁹Lykke de la Cour, Cecilia Morgan, and Mariana Valverde, "Gender Regulation and State Formation in Nineteenth-Century Canada" in Allan Greer and Ian Radforth (eds) *Colonial Leviathan: State formation in Mid-Nineteenth-Century Canada* (Toronto, 1992): 164.

⁴⁰Elizabeth Jane Errington, *Wives and Mothers School Mistresses and Scullery Maids: Working Women in Upper Canada 1790-1840* (Montreal, 1995): 35.

describing appropriate female comportment,⁴¹ being critical of certain bourgeois behaviours such as tight lacing⁴² and feminine preoccupation with fashion,⁴³ and of popular-class conduct like its affinity for alcohol.⁴⁴ These commentaries took a variety of forms: from columns directed specifically at married women emphasizing what was their proper role vis-à-vis their husbands,⁴⁵ to foreign accounts about female

Women in Upper Canada 1790-1840 (Montreal, 1995): 35.

⁴¹See for example, two articles published by the *Gazette* in 1820: Women were not made for public life, to "ride upon this whirlwind, and direct the storm" but for domesticity. She could only be happy attending to her household and family, hovering around the death bed, nursing the ill, and rearing her children. (*Gazette*, 5-1-1820) Woman is the center of her home where her virtue, manners, kindness, and fortitude reigns. (*Gazette*, 5-6-1820)

⁴²*Montreal Transcript*, 19-10-1841.

⁴³*Montreal Transcript*, 30-3-1841.

⁴⁴Local newspapers published articles describing the circumstances of women who were discovered drunk or dead in the streets from the effects of alcohol poisoning. Editors of one newspaper condemned a woman who was found "in a disgusting state of intoxication" surrounded by her two children aged three and seven. Her inebriated husband was located nearby "whose disgraceful state, like that of the mother, told at once the cause of their misery". (*Montreal Transcript*, 3-11-1840) When Elizabeth Thomson, the wife of a soldier by the name of Hibberts, died "in a boat from exposure and intoxication" she lay at the site for a day and a half, refused a Christian burial. She was eventually interred in a nearby field by three Montrealers who took it upon themselves to bury her. (*Montreal Herald*, 2-11-1816) Even in death one was subject to criticism. These examples contrast sharply with the situation of Peter Le Rivier. An unemployed tailor, his wife died giving birth to triplets, leaving him the sole support and care giver of eight children, two of them the only surviving babies of the triplets. His eldest child, a girl of fourteen years had been blind since age two. The *Montreal Herald* had no difficulty recommending the family as "proper objects for commiseration". (25-4-1812)

⁴⁵The *Gazette* published an article extolling the virtues of French women because they not only employed themselves in domestic chores but also assisted their husbands in their trade or business. (9-8-1820) Similarly, the *Montreal Transcript* ran a column entitled, "Qualifications for a Wife". A woman was not fit to marry unless she had learned to keep house, meaning to clean, cook, sew "her husband's shirts, and mend his clothes", and effectively handle servants. She must also have good sense and intelligence. (18-5-1839)

criminals⁴⁶ and fallen women who had been led astray by wicked men, as in the case of young women from the Boston countryside who were enticed to a house of ill fame through the assistance of "intelligence offices".⁴⁷ Perhaps one of the most ardent publications involved the 1841 fictional narrative, entitled "The Milliner's Apprentice" which appeared in five sequels in the *Montreal Transcript*. A beautiful, young seventeen year old woman named Caroline Archer who had been apprenticed to a dressmaker following the death of her father, sold her four perfect front teeth in order to support her infirmed mother. For this pious act, Caroline was eventually rewarded with marriage to the rich, handsome, young, bourgeois man whom she secretly loved.⁴⁸ Against the public image of the inadequately remunerated dressmaker apprentice forced to turn to casual prostitution, this young woman exhibiting such grace, humility, and above all sacrifice, could marry for love above her station without resorting to prostitution.

For those women who had already "fallen", an attempt to curb sexual immorality came in the form of the Repentant Female Society⁴⁹ otherwise known as the Magdalen Asylum⁵⁰ or the Penitent Females' Refuge⁵¹. Established in 1831 at the entrance to the St. Antoine suburb by Agathe Henriette Latour (the widow McDonell)

⁴⁶The *Gazette* published an article from the *Manchester Gazette* which described a number of highway women who attacked a male traveller, taking £100. Apparently the women "pinioned him against the wall, tore open his waistcoat, and after a rude search into the secret recesses of his wardrobe, succeeded in pillaging him of bills and cash". (15-1-1825).

⁴⁷*Montreal Transcript*, 23-1-1838.

⁴⁸*Montreal Transcript*, 6-5-1841, 8-5-1841, 11-5-1841, 12-5-1841, 15-5-1841.

⁴⁹*Journal of the Lower Canada House of Assembly*, Vol. #41, 22-12-1831.

⁵⁰*Gazette*, 21-7-1836.

⁵¹*Gazette*, 29-3-1836.

it treated the sexual behaviour of prostitutes by rehabilitating both their morals and that of society.⁵² In New York City, the first public attack on sexual vice came two decades earlier with the creation of the same sort of institution called the Magdalen Society.⁵³ For indigent women and small children, the Montreal Ladies Female Benevolent Society opened its doors in 1816 to help them to improve their morality, to educate the children, and to reinforce and to teach them the dominant social values of the period: temperance, cleanliness, and work.⁵⁴ These and similar institutions such as the Montreal House of Industry served to reinforce women's traditional work roles employing women and girls in spinning, knitting, and needlework⁵⁵ and in the case of inmates of the Magdalen Asylum at employment which prepared them for service.

Although reformers called upon politicians to actively fund charitable organizations, few actually received financial assistance. The Magdalen Asylum is a case in point. This institution was forced to close five years after it opened because the House of Assembly which initially funded it, refused thereafter to aid such charities.⁵⁶ The Magdalen Asylum functioned for another two years with private donations before folding. Such institutions depended upon private philanthropy. While the creed of moral reform aimed explicitly at reforming the inmates, these organizations in actual fact did offer real help that impoverished women and children and occasionally even

⁵²*Journal of Lower Canada House of Assembly*, Vol. #41, (December, 1831): 202-203.

⁵³Mary P. Ryan, *Women in Public: Between Banners and Ballots, 1825-1880* (Baltimore, 1990): 98.

⁵⁴*Gazette*, 14-2-1821.

⁵⁵*Gazette*, 27-10-1828.

⁵⁶*Gazette*, 21-7-1836.

prostitutes could take advantage of.⁵⁷ A gap between the reformers' discourse and the reality of everyday life has been noted in Montreal as well. This point has been made very clear by Jean-Marie Fecteau:

Nous devons insister sur le fait que cette unanimité touche le diagnostic qui est fait des problèmes sociaux et se brisera très vite quand il s'agira d'appliquer des solutions concrètes.⁵⁸

Similarly, the emerging gender ideology did not conform to the daily lives of women. Jane Errington argues that surviving letters and diaries written by middle-class women from Upper Canada in the same period demonstrate that although their lives did not correspond to this rhetoric, women were being increasingly judged "on their ability to meet the new standards".⁵⁹ In Montreal, for instance, the Magdalen Asylum's inability to raise sufficient funds suggests that this type of reform was not supported by the public. Nonetheless, reformers' discourse served to redefine the tenets of respectability based on sobriety, discipline, and industry.

WOMEN, WORK, AND FAMILY:

In Quebec historiography great opportunity exists to study women's work before the mid-nineteenth-century when the work place was undergoing crucial changes which would set the conditions for the industrial revolution later in the

⁵⁷Both Françoise Barret-Ducrocq and Linda Gordon argue that in spite of the moral discourse and social control, poor women and children were helped by the charities to which they appealed. Although Linda Gordon's study involves a later period than this one, many of the Boston caseworkers were better than the policies of the agencies that they represented; they brought "flexibility, creativity, and empathy" to their work, impacting greatly on victims of family violence. (*Heroes of Their Own Lives*: 298) Similarly, Françoise Barret-Ducrocq's examination of Victorian working-class sexuality shows that a gap existed between moral discourse and reality:

...time, space and practical necessity at certain moments sharpen the contradictions between the moral aspirations of a particular group and a larger socio-economic logic. (*Love in the Time*: 184)

⁵⁸Fecteau, *Un nouvel ordre de choses*: 152.

⁵⁹Errington, *Wives and Mothers*: 124.

century. Although these changes had significant importance for women, much research has yet to be done.⁶⁰ Historians have encountered numerous problems trying to comprehend or grasp women's role in production, due in part to sources which leave female labour invisible. Another serious problem concerns labour historians who have defined work only in a formal sense, and consequently ignored family members whose labour was not waged, in particular the work performed by a large number of women associated with reproduction and with the informal economy. It was the research undertaken by family historians that eventually illuminated the importance of women's work in the family economy.⁶¹

⁶⁰The first published study about the changes affecting women's work was made by Susanne Cross in 1974. While she shows the importance of female labour in the Montreal economy, she does not analyze the relationship between women's work and the household and the changing economic structure of nineteenth century Montreal. She places far greater emphasis on female wage labour which distorts the reality of women's work experiences during the nineteenth century. ("The Neglected Majority: The Changing Role of Women in Nineteenth Century Montreal" *HS/SH*, 6:12 (November 1974)) Claudette Lacelle, who makes a comparative investigation of domestics in several Canadian cities, assumes that economic development was the same throughout the regions of British North America. Thus, she does not explain how change occurred in her period. ("Les domestiques dans les villes canadiennes au XIXe siècle: affectifs & conditions de vie" *HS/SH* 15:29 (May 1982) There is my own unpublished study of the Montreal clothing trades. (*For the Benefit of the Master: The Montreal Needle Trades during the Transition, 1820-1842 M.A. Thesis* (McGill University, 1985) In her 1986 examination of the Montreal leather trades, Joanne Burgess explores the role of married women in the households of these tradesmen, showing the complexities of their work. She argues that in general, the leather trades did not undergo fundamental alterations in both craft production and society. Rather, that these trades were characterized by continuity. The role of wife to her leather trade husband was quite similar to her pre-industrial European and American counterparts. (*Work, Family and Community*: 260 and 442)

Although Bettina Bradbury focuses upon a later period, her work challenges many of the stereotypes and misconceptions concerning women's participation in waged work. She argues that married women's work was crucial to the family economy, especially in a period of economic change distinguished by inadequate wages which the family had increasingly come to depend upon. Her labour helped to shape the standard of living and overall comfort of the family. To make ends meet, women earned income through a variety of means, not always waged and often related to her domestic responsibilities in the house. Bettina Bradbury shows the link between the household and changing economic forces which required family members to reformulate how they would contribute to the household economy. (*Working Families*: 47, 153)

⁶¹Family history developed out of the new social history of the 1960s and was influenced by the feminist movement's critique of the family, marriage, and child-rearing practices. There were three major developments in the history of the family beginning with Peter Laslett and Richard Wall's study of the character of household structure to determine whether it was stem or nuclear in makeup. While

The most useful concept family historians have developed to understand how men, women, and children ensured their daily survival is the idea of the family economy.⁶²

The family economy concerns the manner in which a family met its subsistence needs and allocated its resources, which varied according to the larger society and to the complex nature of relationships within the family. Since the family economy is intimately linked to both production and reproduction, the relationship between economic transformation and changes in the organization of the family can be discerned.⁶³ Consequently, this relationship forces us to consider how the local

their work focused primarily upon who lived in households, it did not address what they did. When researchers, like Michael Anderson did examine the activities of the house-hold, it tended to be superficial, thus, rendering women's role obscure. (See Peter Laslett & Richard Wall, *Household & Family in Past Time* (Cambridge, 1972); and Michael Anderson, *Family Structure in Nineteenth Century Lancashire* (Cambridge, 1971))

The second advancement shifted research away from the classification of household structure to an analysis from a developmental perspective. In other words, there was no type of family structure, rather, as Lutz Berkner argues, phases in the life cycle of the family. In other words, the structure of the family changed in accordance to its life cycle. ("The Stem Family & the Developmental Cycle of the Peasant Household" *American Historical Review* 77:2 (1972)) This life cycle approach had certain shortcomings as Tamara Hareven suggests. The stages of the family were designed from the model of contemporary middle-class American families, which was not always useful to study families of the past. Moreover, the family life cycle was based on stages of parenthood, not on individual transitions. ("The History of the Family and the Complexity of Social Change" *American Historical Review* 96:1 (February, 1991): 106)

Alan MacFarlane pushed the historiography further by suggesting that researchers had to look beyond the physical units of particular households and study kinship networks in order to reconstruct communities. (*Reconstructing. Reconstructing Historical Communities*, (1977)) His proposal proved to be a difficult challenge given the number of people and the period of time such studies would entail. Even when made, community studies did not necessarily lead to a reconstruction of the lives of women who lived in them as Laurel Thatcher Ulrich has observed. Although the histories of colonial United States were usually of communities, they were understood in male terms, rendering women invisible. ("A Friendly Neighbor": Social Dimensions of Daily Work in Northern Colonial New England" in Sklar and Dublin, *Women and Power*: 38) Moreover, those who studied communities and kinship networks were not very successful in linking them to economic transformations. These weaknesses led to a third development, that of the family wage economy.

⁶²Bradbury, *Working Families*: 15-16.

⁶³In his study of the relationship between the household economy and the rise of capitalism in Connecticut, Christopher Clark found that the household economy was under pressure to change as the flow of foreign manufactures into the valley towns and the inequality of property distribution grew. Some families began to use the market to obtain subsistence by seeking new outlets for their produce

economy interacted with the household. Family members instituted a number of decision-making and survival strategies to meet their subsistence needs which sometimes resulted in conflict involving gender relations. Gender made a great difference to women's lives and work history.⁶⁴

Women, work, and family must be viewed as inextricably linked;⁶⁵ their labour was intimately tied to the family life cycle. By her revenue-generating and revenue-saving activities in the household, a woman's toil was crucial to its integrity.⁶⁶ The family could also maintain its self-sufficiency and independence through her labour, as in the case of married women in eighteenth-century England, who kept gardens and sold their surplus at market.⁶⁷ Her importance to the family economy gave her some degree of power and independence over decisions "regarding the family budget, the allocation of household space, and family consumption"⁶⁸. By integrating reproduction with production we move away from portraying the

and by growing new crops for market sale. Outwork, which was reshaping the local economy permitted rural families to survive during periods of fluctuating farm prices and extended market relations. ("The Household Economy, Market Exchange and the Rise of Capitalism in the Connecticut Valley, 1800-1860" *Journal of Social History* 13:2 (Winter, 1979): 169-183)

⁶⁴In her study of late nineteenth-century family economies in Montreal, Bettina Bradbury found very different levels of involvement between boys and girls in wage labour in the family economy. Boys became accustomed to wage labour; girls moved between wage labour, homework, and housework. It made economic sense, since girls' wages were lower than boys. Moreover, parents were probably reluctant to expose their daughters to certain dangers inherent to factory work of the period: long hours of arduous work, high rates of accidents, and numerous forms of harassment. (See her chapter, "Age, Gender, and the Role of Women" in *Working Families*: 118-151)

⁶⁵Errington, *Wives and Mothers*: XV.

⁶⁶Bradbury, *Working Families*: 14.

⁶⁷Bridget Hill, *Women, work and sexual politics in eighteenth-century England* (Montreal, 1994): 33.

⁶⁸Hareven, "The History of the Family": 116.

household and work as separate entities,⁶⁹ and toward making women's work visible. There was no clear line demarcating the formal and informal economies. Rather, work took place in the home, streets, markets, shops, and other people's homes.⁷⁰ When it was necessary to the household economy, women combined their family responsibilities with outside remunerated labour. For example, women who took in washing, easily merged this work with their domestic duties, as Patricia Malcolmson's study of laundry work in Victorian England demonstrates.⁷¹ A formidable task without the benefit of running water, great numbers of married and widowed women took in washing or were hired to assist servants in large households and even in those without domestic help.⁷²

Two problems have plagued the research of those who study the family economy. Some historians have made ready equations between shifts in behaviour and changing structural circumstances, both ignoring the complex nature of the household and its relationship to the community. The household economy, by virtue of its constantly changing environment, has tended toward pragmatism and flexibility. Families, according to Tamara Hareven, were active agents which "planned, initiated,

⁶⁹It is now widely accepted that separation between the public and private had little bearing on popular-class women in the nineteenth-century as it did for their bourgeois counterparts. By the late 1970s, researchers of women argued that not only was the street the extension of the parlour, but women combined other forms of work with their domestic responsibilities. For instance, Leonore Davidoff found in her study of boarding that women who needed to earn an income accepted outwork, cleaning, babysitting, washing, and boarders, which permitted them to carry out their domestic responsibilities. There was no natural or fixed separation between public and private spheres; the family unit acted functionally with the economy. ("The Separation of Home & Work? Landladies and Lodgers in Nineteenth & Twentieth-Century England", in Sandra Burman (ed) *Fit Work for Women*, (Canberra, 1979): 64-93.

⁷⁰Bradbury, *Working Families*,: 153.

⁷¹Patricia E. Malcolmson, "Laundresses and the Laundry Trade in Victorian England" *Victorian Studies* 24:4 (Summer, 1981): 446.

⁷²Hill, *Women, work and sexual politics*: 155-157.

or resisted change".⁷³ Others have disregarded tensions and resistance within households and thus over-romanticized the family economy model, by exaggerating continuity and cohesion.⁷⁴ More recent studies show that this milieu could and did harbour violence.⁷⁵ Sometimes friction between men and women erupted into physical violence due to the tensions and strains of daily life. Kathryn Harvey's examination of wife-battering in Montreal after mid-nineteenth century reveals that conflicts involving "drink, struggles over money, jealousy, and authority over children" precipitated the assaults.⁷⁶ Women's work in the home also included, as Bettina Bradbury argues, tension management associated with difficult life situations.⁷⁷ When her interventions failed, some women turned to the criminal justice system to seek protection from the violence.⁷⁸ By recognizing the vital role women played in their

⁷³Hareven, "The History of the Family": 111.

⁷⁴For instance, Jane Humphries contends that the family was the only forum historically where a standard of living could be maintained, class cohesion promoted, and class struggle could be based. ("Class Struggle & the Persistence of the Working-Class Family" *Cambridge Journal of Economics* 1:3 (1977)) Similarly, Gita Sen argues that women along with men benefited from resource pooling, and from the support and solidarity that households could offer. ("The Sexual Division of Labour & the Working-Class Family: Towards a Conceptual Synthesis of Class Relations and the Subordination of Women" *RRPE* 12:2 (Summer, 1980))

⁷⁵See for example the studies by Linda Gordon, *Heroes of Their Own Lives*; and closer to home, Kathryn Harvey, "'To Love, Honour and Obey': Wife-battering in Working-Class Montreal, 1869-1879" *Urban History Review* 10:2 (October, 1990).

⁷⁶Harvey, "To Love, Honour and Obey": 129.

⁷⁷Bradbury, *Working Families*: 178-180.

⁷⁸Between 1800 and 1830, Donald Fyson uncovered court records which documented the cases of at least 300 women who prosecuted their abusive husbands. By formally complaining to a Montreal justice of the peace, they compelled the police to take the male batterers into custody, to enter into a recognizance to keep the peace under threat of imprisonment. Wives seldom pursued their complaints as far as trial at Quarter Sessions. While the police took these cases seriously, not all justices were willing to pursue prosecutions, nor could the police and courts provide the protection that the women needed. (Fyson, *Criminal Justice, Civil Society*: 392-396)

households both in and outside the formal economy of wage labour at the same time examining family tensions and conflicts that existed within them, the family economy model can also help us elucidate altering gender relations. Thus, a link between women's history and family history can be forged.

It was a woman's domestic responsibility which determined her labour force participation; marriage itself was less of a deterrent. Married female boarders, in a study by Karen Oppenheim, Maris Vinovskis and Tamara Hareven, had a high rate of employment.⁷⁹ Urban women⁸⁰ sought work as day servants, wet nurses, babysitters and seamstresses, took in laundry, ironing, and boarders, they hired themselves out as char women, or they sold foodstuffs as pedlars and basket women.⁸¹ Strategies to earn cash combined long standing rural and urban traditions, according to Bettina Bradbury, with the realities of nineteenth-century urban life.⁸² Animal husbandry, gardening, and domestic production were just a few of the ways that women used their knowledge to generate money. In Upper Canada in the same period, Jane Errington found that urban women's labour was crucial to the family's

⁷⁹Karen Oppenheim, Maris Vinovskis & Tamara Hareven, "Women's Work and the Life Course in Essex County, Mass., 1880" in T.K. Hareven (ed) *Transitions: The Family and the Life Course in Historical Perspectives* (New York, 1978): 89.

⁸⁰In the rural economy, Joan Jensen's study of rural United States shows that work done at home in addition to producing goods and services for family use included clothmaking, butter making and taking in boarders. Women also sold herbs, berries, nuts, vegetables, pottery, baskets, weaving, and bead work. (*With These Hands: Women Working on the Land* (New York, 1981): 34-37) Farm women in Upper Canada became more involved in market-gardening, fruit-growing, poultry-raising and dairying, traditionally their responsibility, in response to a developing market economy. (Marjorie Cohen, *Women's Work, Markets, and Economic Development in Nineteenth-Century Ontario* (Toronto, 1988): 89-90)

⁸¹Bridget Hill's study of eighteenth-century women's work shows that most married or widowed women sought work in the service sector as washer women, chars, and manglers. Usually the poorest women sold goods, like flowers, vegetables, fish, and milk. While wives of tradesmen and day labourers were also attracted to hawk homemade produce, milk, and fish, it was usually to regular customers who lived in a circumscribed area. (Hill, *Women, work and sexual politics*: 160-170)

⁸²Bradbury, *Working Families*: 166.

survival. When extra wages were required, especially during periods of unemployment and under-employment, "married women often sewed, took in washing, became a char, took in a few lodgers, or marketed other "homemaking" skills on a part-time basis".⁸³ Many women whose need for cash was pressing and time was less structured, played a vital role in the informal economy⁸⁴ selling goods they produced for household use as well as those not linked to their wifely roles. When they needed cash for food, they pawned clothing and household goods.

The situation for single women migrants and immigrants could be quite different. Many did not have their own households but might become part of another through employment in domestic service or as governesses, apprenticeship to a mistress in the needletrades, and as newspaper advertisements suggest, through a variety of other jobs such as dairy maids, bar maids, and wet nurses. Single women could also work independently as dressmakers, milliners, seamstresses, launderers and/or boardinghouse-keepers. Some educated women established their own schools where they taught. For the vast majority of single women who no longer lived with their families of origin, domestic service was their major source of employment.

Women also turned to prostitution. Single, married, and widowed women set up brothels in their homes, thus making use of the space and goods available to them. Usually unmarried women worked in these establishments as prostitutes or resorted to a more casual form of prostitution, streetwalking. This study of the Montreal sex trade will shed light on the city's informal economy and illustrate another strategy Montreal women instituted to support themselves and their families. We will examine why women turned to this type of work and why some left and others stayed.

⁸³Errington, *Wives and Mothers*: 187.

⁸⁴Bettina Bradbury, "Women's History and Working-Class History" *L/I* #19 (Spring 1987): 38.

SEARCHING FOR THEIR STORIES: SOURCES AND METHODS

Prostitution before the mid-nineteenth century in British North America has not been the focus of historical investigations. The sex trade is highlighted in Judith Fingard's study of the underclass in Victorian Halifax, after mid-century. From court and jail records, she has reconstructed the lives of some of the most infamous of Halifax's prostitutes.⁸⁵ Her categorization of these women as members of an underclass,⁸⁶ marginalizes them. Moreover, she chose to study only a percentage of those imprisoned, the most notorious of the repeat offenders. Not unlike historians who study only waged work in the formal economy, thus ignoring those who laboured outside of it, by relegating prostitutes to the underclass, Judith Fingard overlooks an occupation that included great numbers of women and which served as an important source of female remuneration.

Most Canadian studies cover a much later period.⁸⁷ Perhaps the best known work on Quebec prostitution is that by Andrée Lévesque. While her studies have been directed to the early twentieth century,⁸⁸ one of her publications begins in the

⁸⁵See the chapter, "Women without Choices: Public Prostitutes in a Garrison-Port" in her book, *The Dark Side of Life in Victorian Halifax* (Porter's Lake, NS, 1989).

⁸⁶She defines the underclass as "residents of specific, rough and disreputable streets of the city, limited in their lifetime opportunities because of racial prejudice, gender inequalities, educational deprivation, chronic poverty, pathological disorders, or, by association with those so limited". (*Ibid.*: 10)

⁸⁷See for example, J. Cooper, "Red Lights of Winnipeg", Historical & Scientific Society of Manitoba *Transactions* #27 (1970-1971); James H. Gray, *Red Lights on the Prairies* (Toronto, 1971); D. Nilson, "The 'Social Evil': Prostitution in Vancouver 1900-1920" in B. Latham & C. Less (ed) *In Her Own Right* (Victoria, 1980); Lori Rotenberg, "Toronto's Prostitutes at the Turn of the Century" in *Women at Work, Ontario, 1850-1930* (Toronto, 1974).

⁸⁸See her article, "Le bordel: Milieu de Travail Contrôlé" *L'It* #20 (Fall 1987), and her book, *La norme et les déviates. Les Femmes au Québec pendant l'entre-deux-guerres* (Montreal, 1989).

decade of the 1860s.⁸⁹ Similarly, Danielle Lacasse's monograph about the more contemporary twentieth-century sex trade in Montreal⁹⁰ and a recently completed doctoral thesis by Tamara Myers which deals with late nineteenth and early twentieth-century Montreal prostitution through her examination of the regulation and punishment of so-called criminal women and "bad girls"⁹¹ continues this trend. By focusing on the prostitutes and their experiences, these studies by Lévesque, Lacasse, and Myers illuminate the complexities of sex trade workers' lives.

Legal historian, Constance Backhouse explores Canadian prostitution in a book which looks broadly at legal issues concerning women in nineteenth-century Canada. Her study focuses almost exclusively on English Canada after the mid-century. Prostitution in Quebec receives only cursory coverage. Moreover, her discussion is based largely on secondary source material such as case reports, and statutes concerning prostitution and vagrancy and to a much smaller extent on the incarceration records of the Toronto City Jail.⁹²

Until recently, the vast majority of contemporary published European and American research about prostitution tended to focus more upon middle-class reformers and their campaigns concerning female sexuality, prostitution, and venereal diseases, the debates associated with regulating or abolishing prostitution, or shifting social attitudes toward prostitution, than upon the prostitutes themselves.⁹³

⁸⁹Andrée Lévesque, "Eteindre le Red Light: les réformateurs et la prostitution à Montréal entre 1865 et 1925" *UHR/Rhu* 17:3 (Feb. 1989).

⁹⁰Danielle Lacasse, *La prostitution féminine à Montréal, 1945-1970* (Montreal, 1994).

⁹¹Tamara Myers, *Criminal Women and Bad Girls: Regulation and Punishment in Montreal, 1890-1930* Ph.D. thesis (McGill University 1995).

⁹²Constance Backhouse, "Prostitution" in her book *Petticoats & Prejudice: Women and Law in Nineteenth-Century Canada* (Toronto, 1991): 228-259.

⁹³See for example, the works of Robert E. Riegel, "Changing American Attitudes towards

One reason for this focus has been the difficulty of reconstructing the lives of women who seldom left written records. Sources such as newspapers, commission reports, institutional records, and diaries of reformers are more accessible to the historian. These sources tend to tell us more about the attitude of the people recording the information and less about the actual experiences of their subjects. Some researchers have used a more integrated approach, combining similar themes with data about the prostitutes who were subjected to a reformers' discourse or police intervention.⁹⁴ Others have examined the lives of those prostitutes, who were literate and kept diaries, or achieved a certain degree of notoriety and thus their life stories were a matter of public record. Marilynn Wood Hill recounts the history of one New York City prostitute, Helen Jewitt who was murdered by her lover client.⁹⁵

Prostitution (1800-1920)" *Journal of the History of Ideas* #29 (1968); Kay Ann Holmes, "Reflections by Gaslight: Prostitution in Another Age", *Issues in Criminology* 7:1 (Winter 1972); Claudia D. Johnson, "That Guilty Third Tier: Prostitution in Nineteenth-Century American Theaters" *American Quarterly* #27 (1975); Richard F. Evans, "Prostitution, State and Society in Imperial Germany" *Past & Present* #70 (1976); Robert D. Storch, "Police Control of Street Prostitution in Victorian London: A Study in the Context of Police Action" in David H. Bayley (ed) *Police & Society* (Beverly Hills, 1977); Colin Jones, "Prostitution & the Ruling Class in Eighteenth-Century Montpellier" *History Workshop* #16 (Autumn, 1978); Mary E. Perry, "'Lost Women' in Early Modern Seville: The Politics of Prostitution" *Feminist Studies* 4:1 (1978); Arthur J. Engel, "'Immoral Intentions': The University of Oxford & the Problem of Prostitution, 1827-1914" *Victorian Studies* #23 (1979); Mark Thomas Connelly, *The Response to Prostitution in the Progressive Era* (Chapel Hill, 1980); Ruth Mazo Karras, "The Regulation of Brothels in Later Medieval England" *Signs* 14:2 (1989); and Mary P. Ryan, "Political Space: Of Prostitutes and Politicians" in her book *Women in Public: Between Banners and Ballots, 1825-1880* (Baltimore, 1990).

⁹⁴See for example the works of Judith R. Walkowitz, *Prostitution and Victorian Society: Women, class, and the state* (London, 1980); Alain Corbin, *Les filles de noce: misère sexuelle et prostitution (19e siècle)* (Paris, 1982); Ruth Rosen, *The Lost Sisterhood: Prostitution in America, 1900-1918* (Baltimore, 1982); Marion S. Goldman, *Gold Diggers & Silver Miners: Prostitution & Social Life on the Comstock Lode* (Ann Arbor, 1981); and, Joel Best, "Careers in Brothel Prostitution: St. Paul, 1865-1883" *JIH* (XII:4, Spring, 1982); Marcia Carlisle, "Disorderly City, Disorderly Women" (October, 1986); Barbara Meil Hobson, *Uneasy Virtue: The Politics of Prostitution and the American Reform Tradition* (New York, 1987); and Jeffrey S. Adler, "Streetwalkers, Degraded Outcasts, and Good-for-Nothing Huzzies: Women and the Dangerous Class in Antebellum St. Louis" *Journal of Social History* 25:4 (1992).

⁹⁵Marilynn Wood Hill, *Their Sisters' Keepers: Prostitution in New York City, 1830-1870* (London, 1993): 9-16.

The particularly rich sources available in Quebec allow me to examine aspects of prostitution that have only recently been treated by international scholars. While some studies have touched upon the lives of the prostitutes, either in an earlier or in a later period than my study, historians generally agree that not enough has been done to reconstitute the lives of the prostitutes they investigate. This thesis will try to centre upon the prostitutes. By reconstituting their families, we can try to see how prostitution fit into the family life cycle and the individual work cycle of some of these women. This focus should assist us in understanding how some women came to prostitution as a survival strategy and will address the larger theme concerning the causes of prostitution.

Historians, social observers, and reformers have grappled with this question since the earliest studies on prostitution. Nineteenth-century French medical researcher Alexandre Parent-Duchâtelet viewed prostitution primarily as an economic issue: "*C'est une industrie et une ressource contre la faim*".⁹⁶ He identified four general causes of prostitution: laziness, misery, vanity, and the abandonment of women by their lovers. Economic factors in his interpretation were intertwined with inherent personal weaknesses such as vanity and laziness. Prostitutes were often portrayed as poor and subnormal in morals and/or intelligence. Parent-Duchâtelet's British contemporary, venereologist William Acton stressed similar causes of prostitution, ranging from those of a local nature (areas where large numbers of unmarried women collected, low wages, and temptation) to those of a more general nature such as demand and the depravity of women. These vices included desire, the natural sinfulness of women, avoidance of traditional forms of work, vicious inclination, and necessity.⁹⁷ American physician William Sanger, who collected information on two thousand prostitutes in mid-nineteenth-century New York City, viewed prostitutes as victims. From the information that they gave him, he concluded that many were

⁹⁶Alexandre Parent-Duchâtelet, *La prostitution à Paris au XIXe siècle* (Paris, (1836) 1981): 88.

⁹⁷William Acton, *Prostitution* (London, (1857) 1968): 114-129.

casualties of male deceit, of abusive parental authority, of recruitment by prostitutes, and of an inadequate wage system for female labour.⁹⁸ Although equal numbers of women told Sanger and his interviewers that they had turned to prostitution because of destitution and inclination, he rejected inclination and thus denied their agency.⁹⁹ A quarter claimed that they were attracted to the sex trade "to gratify the sexual passions". Sanger repudiated this response which implied an innate depravity believing that "in the bosoms of most females that force exists in a slumbering state until aroused by some outside influences".¹⁰⁰ These researchers were trying to understand and explain why it was that some women turned to prostitution while others facing similar economic problems did not.

More recent studies suggest that women chose to enter prostitution, and that this decision was made within the context of a limited range of options.¹⁰¹ Research has shown that widows and single women often resorted to prostitution. Some of these women were more vulnerable to misery, had dependants to support, or were simply making use of their households to bring in much needed revenue. Phillipa Levine warns about the danger inherent in focusing on the reasons women turned to prostitution, that is of pathologizing their motives. She argues that with other female

⁹⁸William W. Sanger, *The History of Prostitution: Its Extent, Causes and Effects throughout the World* (New York, 1898): 32-33.

⁹⁹Christine Stansell, "Women on the Town: Sexual Exchange and Prostitution" in her book *City of Women: Sex and Class in New York, 1789-1860* (New York, 1987): 177.

¹⁰⁰Sanger, *The History of Prostitution*: 488-522.

¹⁰¹See for example, the work of Judith Walkowitz, "The Making of An Outcast Group: Prostitutes & Working Women in Nineteenth-Century Plymouth & Southampton" in M. Vicinus (ed) *A Widening Sphere: Changing Roles of Victorian Women* (1977) and *Prostitution & Victorian Society. Women, Class, & the State* (Cambridge, 1980); Ruth Rosen, *The Lost Sisterhood: Prostitution in America, 1900-1918* (Baltimore, 1982); Joel Best, "Careers in Brothel Prostitution: St. Paul, 1865-1883" *Journal of Interdisciplinary History* XII:4 (Spring 1982); Stansell, *City of Women*; and Wood Hill, *Their Sisters' Keepers*.

workers we accept that economic coercion is self evident.¹⁰² However, not all women chose to work in prostitution, just as not all women laboured in jobs such as needlework. We want to know under what circumstances a woman might chose one form of labour over another. Prostitution cannot be treated outside of the social, economic, ideological, and geographical conditions of a particular region in a particular period. How then do we study prostitution in Montreal?

The identification of Montreal prostitutes is crucial to this study. Fortunately, Quebec in the nineteenth century was a society which defined and recorded most legal and familial relationships on paper: from the notaries who documented individual judicial activities within the framework of the civil code, to the Catholic church which traditionally chronicled detailed information about its parishioners in registers. Moreover, the practice of conserving rather than purging documents has provided historians with data from a massive and rich source of historical documents. Court records, along with the calendars of the Common Gaol and the House of Correction, registers of the prison, police records, and newspapers, provide the names of those associated with the Montreal sex trade. These documents show that between 1810 and 1842 at least 4530 accusations and/or charges were laid against Montrealers for morality offences. Of these, 1995 involved keeping disorderly houses, another 2528 street prostitution, vagrancy, and loose, idle, and disorderly conduct.

Sources which provide information on prostitution both directly or indirectly include the institutional records of hospitals, religious, and charitable organizations, the presentments or reports of the grand juries, local newspapers, and legislation. Certain sources such as parish records and the censuses allow for reconstitution of the families of some of the prostitutes. This research shows that to comprehend the complexities of prostitution, one cannot depend upon a single source but must integrate a number of complementary ones. Obviously, not all research documents are equal in the information that they can provide. Court depositions are a case in

¹⁰²Philippa Levine, "Women and Prostitution: Metaphor, Reality, History" *Canadian Journal of History/Annales canadiennes d'histoire* #28 (December 1993): 482.

point; they provide far more detail about the relationships prostitutes established with their communities than other sources and provide a window into aspects of their lives that are hidden in other documents.

Judicial documents constitute the most important source for the names of women accused, arrested, and convicted of prostitution. Morality offences were heard in the lower courts which were presided over by one or more justices of the peace, depending on the type of court. These courts heard cases which did not involve capital offences or those involving the loss of life or limb, such as misdemeanors and petty larceny.¹⁰³ Court dossiers have survived relatively intact despite the ravages of time: from abysmal neglect to the occasional flood, fire, and even the foraging and eating habits of rodents. These documents are pivotal. First, women are highly visible in the documents. Second, these lower courts served as important arenas for members of the popular classes of both sexes to settle disputes. Third, since petty criminal charges or misdemeanours did not always result in incarceration, we have a much fuller picture of prostitution than that provided by prison records alone. Court records permit a glimpse into the lives of the women and men touched by the criminal justice system. They show us how women utilized this system to serve their needs, either to charge others who had committed a wrong against them or to use incarceration as a survival strategy during winter months when street prostitutes might be most vulnerable. Thus, judicial documents give voice to conflicts between parties.

In the depositions, prosecutors described their complaint, its relationship to the laws and statutes, and who was responsible in the depositions. At the very least, these records provide an impression of the complainant's perception of what constituted unacceptable behaviour. Although the formal presentation of the conflict was tempered by the court clerk recording the complaint and structured by the law and the use of certain legal terms, many were not formulaic in structure. Rather, the

¹⁰³Donald Fyson, *The Court Structure of Quebec and Lower Canada 1764 to 1860* (Montreal, 1994): 41.

language, symbolism, and texture of the documents reflected an individual's view of the problem.¹⁰⁴ Judicial dossiers "often give us the very words of people who wrote no memoirs".¹⁰⁵ For this reason alone, court records provide a reservoir of information by popular class women who did not leave much in the way of a body of textual material as Mariana Valverde points out.¹⁰⁶

Court records comprise the dossiers of the courts of the Sessions of the Peace, specifically, the Quarter Sessions, Petty Sessions, Special Sessions, and the Police Court. Judicial documents which described the events were made up of registers and records such as recognizances, depositions or affidavits, and indictments. A deposition was a statement made by a witness that described the events of a crime. An indictment was "an accusation made by twelve or more laymen sworn to inquire in the King's behalf and recorded before a court of record".¹⁰⁷ The prostitution-related offences of keeping a disorderly house and streetwalking were treated differently in the criminal justice system even though both involved selling sex for money. Those women and men who were accused of brothel-keeping had their cases heard in Quarter Sessions, where strict rules of evidence were observed. Street prostitutes faced summary conviction in Petty Sessions or Police Court. Since rules

¹⁰⁴Natalie Zemon Davis' analysis of sixteenth-century french pardon tales show that the "language, detail, and order", were deliberate choices made by the story teller which reflected a moral truth. Moreover, these narratives, as letters of remission, speak to what people thought made a good story and how they accounted for motive. (*Fiction in the Archives: Pardon Tales and Their Tellers in Sixteenth-Century France* (Stanford Cal., 1987): 3-4)

¹⁰⁵Malcolm Greenshields, "Women, Violence, and Criminal Justice Records in Early Modern Haute Auvergne (1687-1664) *Canadian Journal of History/Annales canadiennes historiques* #22 (August 1987): 180.

¹⁰⁶Mariana Valverde, "Poststructuralist Gender Historians: Are We Those Names?" *Labour/Le travail* #25 (Spring, 1990): 231-232.

¹⁰⁷J.H. Baker, "Criminal Courts and Procedure at Common Law 1550-1800" in J.S. Cockburn (ed) *Crime in England 1550-1800* (Princeton, NJ, 1977): 18.

of evidence did not apply to the courts, these women could be found guilty on the opinion of the magistrate or the police constable. Consequently, their legal constructs have shaped and constrained my vision of them. Since these misdemeanors were classified as different offences, I have had to treat them separately in this study.

The court records were more than an account of the cases heard and a list of charges, convictions and punishments. Judicial documents identify women and men who were accused, arrested and convicted of prostitution-related offences as well as the names of those prosecutors who had the depositions written up. It is from these records that we can sketch a picture of the prostitutes' relationships with each other, with men, with the community, and with their families.

Judicial records permit us to see that some Montreal prostitutes understood the criminal justice system and used it in a number of different ways. They challenged the evidence presented at court, the decisions rendered by petite juries and justices of the peace, and they sought imprisonment during the winter months either by requesting detention themselves or by committing petty crimes. Prostitutes also employed the lower court to resolve conflicts. They had depositions drawn up accusing men and women of assault and battery, larceny, disturbing the peace, operating brothels, rioting, and sexual assault. Occasionally, Montreal prostitutes accused the police of frequenting brothels or cavorting with known streetwalkers.

While court records offer us a view of the various relationships prostitutes established in Montreal, these documents are especially valuable in providing a different perspective on the question of prostitution from other sources. Military records are a case in point. It is apparent from the judicial documents that very close links were forged between the soldiers stationed in Montreal and local prostitutes. Firstly, many of the brothels were located near the barracks, military installations, and other establishments which were frequented by both soldiers and their officers. Secondly, streetwalkers consorted with soldiers in the common fields around the city, in the streets, in the barracks, and even in sentry boxes.

Montreal newspapers of the period were also somewhat subdued in their commentaries about prostitution. While court procedures and sentences, along with

Grand Jury presentments were often published, there were only occasional editorials, reports, and letters to the editor condemning the city's sex trade, usually directed at the most obvious form of prostitution, streetwalking. Judith Fingard notes the same minimal discourse on prostitution and its reform in Halifax.¹⁰⁸

The Grand Jury of the Quarter Sessions made regular reports or presentments, which were part of the court records and, as I have already noted, often published in the local newspapers. These presentments furnish crucial qualitative data on prostitution. While it is important to keep in mind that the grand jury did not necessarily reflect popular values and beliefs¹⁰⁹ one can still reap valuable information from their reports.

The court records' potency also rests in their complementarity with other sources. Institutional records of hospitals and religious and charitable organizations provide additional information about these women and their households. By comparing the names of women arrested for prostitution with those who were treated in urban institutions or assisted by local charities, we can see how these women were viewed by the administrators of the various organizations. For instance, did some women receive treatment for venereal diseases at the Montreal General Hospital; were others given assistance by the Grey Nuns, the Sisters of Providence, or the Montreal Ladies Benevolent Society and Protestant Orphan Asylum?

Some government records listed the names of women arrested for prostitution or hospitalized for illnesses. For instance, the names of female admissions to the Montreal General Hospital of the Grey Nuns were recorded in the *Journal of the Lower Canada House of Assembly*. Similarly, the names of women prisoners were inscribed in the *Journal of the Legislative Assembly*. These sources also provide qualitative information concerning what legislators said about certain social issues like

¹⁰⁸Fingard, *The Dark Side*: 96-97.

¹⁰⁹John Weaver, "Crime, Public Order, & Repression: The Gore District in Upheaval, 1832-1851" *Ontario History* 78:3, (September, 1986): 198.

prostitution, vagrancy, and female crime and comportment in general.

Since men and women who were involved in prostitution during the period gave their real names when arrested, or were usually known to those who had the depositions made out, family reconstitution of some of the prostitutes can be done through parish records. Censuses of the period are also valuable. The Viger census-takers in 1825 included the aggregate numbers of women they distinguished as sex trade workers in each suburb.¹¹⁰ Subsequent censuses do not. The censuses provide data concerning the occupational and marital status of the heads of households as well as the size and composition of households of individuals identified as prostitutes in other sources. Thus, the censuses assist in determining their socio-economic status. Taken together, parish records, censuses, institutional records, and court dossiers help in the time-consuming task of reconstituting prostitutes' families. From these sources along with the database of the *Programme de recherche en démographie historique* (PRDH) at the Université de Montréal, a compilation of marriages published by Bergeron Press, *Mariages de la paroisse Notre-Dame de Montréal*, the various databases of the Montreal History Group, and the institutional records of the Grey Nuns and Sisters of Providence, I constructed my own database. Unless otherwise noted, all personal information referring to prostitutes where family reconstitution was done originates from my own database.

Certain aspects of the judicial documents are troublesome. At least four problems concern us: missing documents, the representativity of the records, the broad category of loose, idle and disorderly as a nuisance offence, and the role of men in prostitution.

Since the judicial documents that I examined at the time were located at the

¹¹⁰The *livre de dépouillement* shows that census-takers identified at least 8 brothel-keepers and 16 prostitutes in the Faubourg Québec; 1 madam and 3 prostitutes in the Faubourg St. Louis; and 10 brothel-keepers and 52 prostitutes in the Faubourg St. Laurent. They counted a minimum of 10 prostitutes in the Faubourg St. Antoine; 16 prostitutes in the Faubourg St. Joseph; 1 madam and 1 prostitute in the Faubourg Ste. Anne; and 2 prostitutes at the Pointe à Callière. (Archives du Séminaire de Québec, Font Viger-Verreau, 015A, *Livre de dépouillement de recensement fait de la cité en 1825*)

Ministry of Justice's *Centre des Pré-Archivages*,¹¹¹ and hence not sorted or classified, it was customary for many of the records of the various Montreal courts, as well as the years to be mixed together. Although I did manage to sift through all of these records, separating out those that belonged to the lower courts from the criminal and civil divisions of the higher courts, namely King's Bench, it was impossible to search the boxes of those years outside of this study for misplaced documents because of the unwieldy numbers. There were too many of them. Consequently, I was unable to locate all of the court documents for the Sessions of the Peace. Moreover, while most of the court records were separated and secured in bundles according to session and year, the bundles for the years 1837 and 1838 had been taken apart to accommodate a researcher working on the Rebellions.

It is impossible to know if all of the cases for each court session were included in the bundles; documents for entire sessions were not located. However, by comparing the depositions and indictments concerning brothel-keeping with the Registers of the Quarter Sessions of the Peace, one can approximate to what degree these particular documents are missing. The total number of indictments for operating disorderly houses or brothels identified in the registers was 314. Of those, 242 or 77% were linked to the court records through a deposition, an indictment, or both. Therefore, 23% of the cases which made it to bills of indictments are missing for the period under study. A number of depositions which yield valuable information, never made it to bills of indictments. For those depositions pertaining to women charged with being loose, idle, and disorderly, it is difficult to know how many of them are missing.¹¹² Moreover, it is clear that the number of women

¹¹¹They have since been transferred to the Archives nationales du Québec à Montréal. See E17 Québec (province) ministère de la justice (fonds).

¹¹²The Receiver General's accounts show that between the years 1811 and 1815, 61 women were incarcerated in the House of Corrections for vagrancy and prostitution. In the same period I found only six depositions. (NA, RG1 E15A, Vol. #29, *Tableau representatif des prisonniers reçus dans la maison de corrections de la ville de Montréal de la dépence pour l'entretiens ainsi que les achats des differents ateliers & leur recette depuis le 9 avril 1811 au 31 décembre 1815*)

arrested for vagrancy or street prostitution before the 1820s is under-represented in the court records.

Other sources provide the names of women arrested for prostitution-related offences. For instance, the calendars of the Common Gaol and House of Correction furnish the names of individuals arrested and confined for prostitution either before their court appearance or following sentencing. Sometimes, the length of the sentence, the dates when the sentence commenced and terminated, and very occasionally the place of birth and the number of known arrests were included.

It is impossible to ascertain what percentage of court records have been misplaced, lost, or destroyed. As it now stands, I did not find any documents for 1811 and most for 1813 and 1814.¹¹³ However, even if all of the court records had been examined, would they represent prostitution in Montreal?

Malcolm Greenshields, an historian familiar with court records, argues that it is difficult to assess the representivity of court records. The "dark figure" of unreported crime is central to prostitution.¹¹⁴ Clandestine, part-time, and amateur prostitutes along with most of the higher status prostitutes are often poorly represented in the court records because of the invisible nature of their work. Nor

¹¹³Missing Sessions:

1810.....	July
1811.....	All
1812.....	April, July
1813.....	January, April, July
1814.....	January, April, July
1817.....	July
1822.....	April
1823.....	January
1825.....	January
1826.....	October
1827.....	January, October
1829.....	October
1834.....	January

¹¹⁴Greenshields, "Women, Violence, and Criminal Justice": 175.

do we know the number of women who avoided detection and arrest nor how they succeeded in doing so. Judith Fingard writes:

We cannot assume that the information gleaned from court cases alone reflects an accurate picture of prostitution in Halifax. We do not know how many prostitutes may have escaped prosecution. In Montreal during this period brothel-keepers kept the police at bay by means of bribery. Halifax too may have had privileged brothel-keepers and protected courtesans.¹¹⁵

Court documents tend to concentrate on low status prostitutes and fluctuate according to the views of individual magistrates or in response to public opinion, and change from one region to another because of differing attitudes.¹¹⁶ In Montreal, although many affidavits were sworn out against brothels, the police seemed to focus its labour on the most visible form of prostitution, streetwalking.

One way around this problem, according to Malcolm Greenshields, is to investigate a type of crime and to use a range of sources to produce an integrated study.¹¹⁷ Following this, an investigation of Montreal prostitution must include a number of sources and not rely solely on a single one of them. However, the lower court records can certainly serve a crucial and central role around which other sources can be utilized.

The third problem is associated with the broad category of loose, idle, and disorderly. By 1837 affidavits involving streetwalkers became standardized; all women who would have been previously arrested for offences such as disturbing the peace, vagrancy, or common prostitution were now being detained under a single offence called 'loose, idle, and disorderly'. The documents were usually printed and spaces left for the name of the arresting officer or the individual making out the

¹¹⁵Fingard, *The Dark Side*: 105.

¹¹⁶Vern L. Bullough, "Problems & Methods for Research in Prostitution & the Behavioral Sciences" *Journal of the History of the Behavioral Sciences* #1 (1965): 244.

¹¹⁷Greenshields, "Women, Violence": 175.

affidavit, the name of the justice of the peace, and the name of the woman being arrested for this infraction. Consequently, information about the location of the arrest and with whom the prostitute was arrested is lost.¹¹⁸

Fortunately, the daybooks of the Montreal police, contain some of the missing data. Generally the police registers list the name of the person charged, the offence, where the crime occurred, the time of the arrest, and often denote those who are arrested together, along with the outcome.

While men were arrested for prostitution-related offences, none were identified as prostitutes. A third of the people named in depositions and indictments involving brothels, were men. The role that these men played in prostitution other than as clients or found-ins, is obscure. A number of men were directly engaged in the operation of brothels, being charged, arrested, and imprisoned as brothel-keepers. Most of these men co-managed brothels with women. Some men operated houses of prostitution with their wives and other family members such as sisters, and occasionally their children. Others worked with women with whom they were not wedded, some being their lovers. Occasionally men kept brothels without any apparent female assistance within management. For the vast number of men, it is unclear whether they were clients, provided security, or were friends or lovers of women who kept brothels or worked in them.

That judicial documents have some weaknesses is clear. Not all prostitutes were caught in the net of the criminal justice system. Therefore, those who were able to allude capture are not represented. Many clients were not arrested. For those men who were apprehended, it is not always clear what role they played in the

¹¹⁸An example of the printed form:

The deposition of _____ of the city of Montreal, taken at the said
city of Montreal this _____ day of _____ 183____, before me the undersigned, one of his Majesty's
Justices of the Peace for the District of Montreal which said
being duly sworn, maketh oath & saith, that at the city of Montreal, one
the prisoner here present, is, to the best of the knowledge & belief of this deponent, & for a long
space of time last past, hath been commonly reputed to be, an idle & disorderly person, not having
any honest means of earning a livelihood nor fixed place of residence, against the peace.

brothels. Moreover, some of the records for the period under study are missing.

Outside of the Grand Jury presentments, there were no formal commissions established to examine prostitution. Therefore, information concerning payment for services, or casual and clandestine prostitution remains elusive. We know little about other forms of dispute settlement of a less formal nature. For instance, what happened to those depositions which never reached bills of indictment or those true bills that never went to trial?

Notwithstanding these weaknesses, the lower court records are extremely valuable to researchers. Despite the ravages of time, the neglect, water and fire damage, mold, and the occasional rodent for which parts of documents served as lunch, a significant number of these legal documents have survived relatively intact. Rich in description, they provide information not accessible in other sources. They show us the various ways that the authorities on one hand and the popular classes on the other, utilized the criminal justice system. Since these interactions did not always lead to incarceration, court records offer a more complete picture than prison registers, for instance. These documents are important for other reasons. In the first place, women are very visible in these documents equally as defendants and as prosecutors or deponents. Secondly, the Court of Quarter Sessions of the Peace and the Petty Sessions seemed to act as an important arena which was employed by members of the popular classes to solve conflicts. These two factors lend themselves well to studying prostitution, since women were arrested as prostitutes and their arrest depended upon the complaints of those who lived near them. Thus, judicial documents provide not only the names of women and men involved in prostitution but also important data which illuminate the relationship of the prostitutes with their families, their community, with each other, and with men. Court records allow us to see how some neighbours and family members viewed prostitution, and how some prostitutes utilized the courts to assert their rights against harassment as well as to utilize it to solve problems associated with their daily survival.

This study has been organized into two sections. The first part deals specifically with the actors and the geography of the Montreal sex trade. In chapter

two, I explore who were the women who worked as brothel-keepers, as prostitutes in the city's houses of prostitution, and as streetwalkers. The role of men in the city's sex trade, as keepers of houses of ill repute, as service workers in these institutions, as clients, and as husbands and lovers, is also explored. This chapter focuses specifically upon the demographic features of the women and men who were accused of morality offences. A comparison will be made between the brothel-keepers and brothel prostitutes, the clients, and the streetwalkers in order to elucidate changes between these various groups and within the groups over time. The points of intersection between them will also be discussed. Rates of recidivism will be investigated to determine the demographic differences between repeat and single time offenders. Finally, by reconstituting some of the women and men and their families, we can see how prostitution fit into their work and life cycles.

Chapter three places prostitution into a spatial context by examining the urban geography of this trade. As the city grew, so too did the dispersion of city brothels. At first located primarily within the fortifications of the old city, bawdy houses pushed out to the St. Laurent and St. Marie suburbs. Towards the end of the period, brothels mingled with the residences of all social classes and were located throughout Montreal, within the old fortifications and in all of the suburbs. Streetwalking followed similar trends.

The second part of this thesis focuses upon the interaction of the sex trade workers with the criminal justice system. It is here that the legal structures involved in regulating prostitution are explored. Chapter four studies the laws pertaining to prostitution-related offences such as keeping a disorderly house, streetwalking, and being loose, idle and disorderly, the courts which judged the defendants, and the police who enforced the laws will be discussed. An exploration of the laws is crucial to the subsequent chapters since the legal construction of brothel-keeping and street prostitution were treated as different offences even though the work the women did was identical, selling sex for money. This chapter will examine the procedure involved in initiating a complaint, who prosecuted the women and men, and the role of the police in apprehending the accused.

In the fifth chapter the ambiguous relationship between prostitutes and the police will be explored. The lives of the prostitutes and city watchmen and constables converged in numerous ways, arrest and incarceration being only two of them. Although their relationship was complex and unequal, prostitutes and policemen had certain features in common: they often came from the same social class, lived in the same neighbourhoods, even the same streets. Sometimes they formed friendships; and, at other times policemen were directly involved in the sex trade as clients, brothel-keepers, and associates. Occasionally they extorted food, drink, money, and goods from some of the women who operated city brothels.

How the women and men who were charged with prostitution-related offences were dealt with in court is the subject of chapter six. The relationship between the actors accused of morality offences and the courts was complex. Prostitutes pursued women and men whom they accused of committing acts of violence and larceny upon them in the same courts that heard cases of prostitution against them. The discussion will include what they could expect, what was the likelihood of escaping conviction, and for those found guilty, what sorts of punishments were utilized by the justices of the peace. Since types of punishment and length of incarceration altered over the period, it is important to examine these changes. Differences in the manner in which streetwalkers and brothel-keepers were treated by the courts will be explored. To conclude the study, I will discuss the links between prostitution then and now.

PART 1: WOMEN, MEN, AND THE GEOGRAPHY OF PROSTITUTION

CHAPTER II

WORKING WOMEN AND MEN IN PROSTITUTION: DEMOGRAPHIC FEATURES OF BROTHEL KEEPERS, BROTHEL PROSTITUTES, STREETWALKERS, AND CLIENTS

Between 1810 and 1842, at least 2238 women¹ and 747 men were accused and/or charged with prostitution-related offences² in Montreal. Both sexes kept disorderly houses or brothels in which men and women worked, females as prostitutes and males as assistants. Men, of course, solicited prostitutes or were sought out as clients by women. Women also toiled in public spaces as streetwalkers. Thus, women might be madams or keepers of disorderly houses, brothel prostitutes, or street prostitutes. Some women moved between these different occupations and between the various sites of prostitution. The forms that the sex trade took were therefore complex: brothel and street prostitution were not always separate but were part of intersecting worlds. Some prostitutes went to the street to entice or to conduct men to brothels where they worked or to houses of assignation. Street prostitutes and soldiers, in contrast, sought out abandoned houses where they

¹One thousand two hundred and forty-five of these women were arrested in brothels and 993 were arrested in public areas in and around the city.

²This term refers only to offences which are directly related to prostitution such as keeping a disorderly house (including found-in a disorderly house, aiding and assisting in a disorderly house), and being a common prostitute. I am not using this term to describe a plethora of misdemeanours that include vagrancy as does Judith Fingard in her book, *The Dark Side of Life*: 106.

lingered until compelled to leave by the authorities.

Who were these women and men? How did they get involved in prostitution? How were they recruited? To answer these questions, this chapter will explore the demographic characteristics of the different players who worked in neighbourhood brothels and on the city streets. We want to know which marital, ethnic, and socio-economic features they held in common, which ones differed, and how these features changed over the period. In addition, we will compare the disparate groups: the madams and prostitutes who worked in brothels with their counterparts who worked in the public spaces in and around the city, and those who entered the trade on a short-term basis with those who stayed.

The data on demographic characteristics of those associated with the sex trade was compiled from a number of different sources. Women and men were first identified in court records and police and prison registers, then their names were matched with those in other documents such as parish records, censuses, newspapers, and registers of charitable organizations. A time consuming but rewarding task, the information I gleaned from this multi-source approach permitted me to reconstitute elements of the lives of these women and men.³ This reconstitution casts light on some of the reasons why they turned to prostitution as a form of remuneration and at what juncture in the family life cycle this was more apt to happen. In addition, it can help us to speculate about why women chose the brothel over the street and vice versa and what prompted some of them to move between the brothel and the street. How did this mobility reflect upon the choices they made? This research will demonstrate the multifaceted nature of the sex trade. For instance, exploring the type of work that people did and the relationships that people had established in the brothels helps us to see that men were more than just clients. While none were

³From these sources I built a data base and unless other references are given the data refers to my own compilation.

charged with prostitution,⁴ they could be arrested for keeping disorderly houses, being found-in disorderly houses, and aiding in the activities of disorderly houses. Largely ignored by historians, the role of men could be quite complex though indeed elusive.⁵ What we must try to ascertain is what influence their involvement had in the brothel. Therefore, the challenge for historians is to tease out the complexities of the relationships between women and men as they were played out in prostitution.

For the majority of the brothel-keeping women and streetwalkers, prostitution served them as a temporary occupation. Only a small number of women were active in the sex trade throughout the entire period under study. The issues of transiency or recidivism tie into one of the central questions in this chapter - Why did Montreal women go into prostitution?

Historians have struggled with this question since the earliest studies. In most of these a single reason was given for a woman's foray into prostitution. Some argued that it had to do with a particular individual's innate weakness; others suggested that prostitutes were victims of an emerging industrial capitalism which left them economically vulnerable, seamstresses being the best example. Some researchers posited that prostitutes were victims of men and the "double standard".⁶ Judith Walkowitz challenged these monocausal arguments, demonstrating that prostitutes, confronted with a narrow range of options, made the choice to enter the

⁴It was not until 1983 that men were legally considered prostitutes.

⁵I am not arguing that men were essential to the operation of brothels (other than as clients) although one can make a compelling argument that they were needed to ensure the security of the brothel. Nor do I wish to inflate the role that men performed in the brothel. Many women in fact kept brothels on their own without any apparent assistance from men. But we simply cannot ignore those men who ran brothels with their wives, on their own, or with female partners.

⁶Barbara Hobson argues that nineteenth-century American female reformers believed that prostitution embodied both class and gender politics. Thus, their fight against the sex trade and the sexual double standard, served to redress the imbalance in power between men and women. (*Uneasy Virtue*: 49).

trade.⁷ Thus, she moved away from the notion of prostitutes as victims, infusing them with agency, and moved toward illuminating the complexities of their lives. Since her study, other historians including Christine Stansell have enlarged upon this notion of choice, showing that many factors influenced a woman's decision to enter the sex trade.

It was both an economic and a social option, a means of self support and a way to bargain with men in a situation where a living wage was hard to come by, and holding one's own in heterosexual relations was difficult.⁸

More recently, Marilyn Wood Hill has suggested that prostitution represented an opportunity for upward mobility, usually denied to most women.⁹

This notion of a multicausal nature of prostitution is crucial to the discussion that will follow. It identifies some of the conditions under which women made the decision to include brothel-keeping or street prostitution in their repertory. However, before we consider this question, we must determine who the women and men who worked in the Montreal sex trade were. Which characteristics did they share? Which differed? What was the nature of the relationship between the men and women who occupied the brothels? What do we know about the clients who frequented the brothels or public spaces looking for prostitutes?

⁷Walkowitz, *Prostitution and Victorian Society*: 9.

⁸Stansell, *City of Women*: 172.

⁹Wood Hill, *Their Sisters' Keepers*: 91.

THE MONTREAL BROTHEL: DEMOGRAPHIC FEATURES OF THE WOMEN AND MEN WHO INHABITED IT

Before discussing the results of the data, it is important to consider some of the weaknesses of the court records in determining the demographic characteristics of the women and men accused of prostitution-related offences and address ways around these limitations. Court clerks did not often differentiate between the actors accused of/or arrested following a complaint of keeping a disorderly house. Nor did they consistently transcribe such crucial information as marital and occupational status, ethnicity, and age. Age was rarely recorded, other than the occasional reference to a woman as "*fille mineure*" or "*fille majeure*" or "*fille usant ses droits*". For instance, Lucie Beaune who ran away from home to work as a prostitute in Lucie Rolland's brothel was described by her father André as a "*fille mineure*".¹⁰

Even when occupations were included in court records, certain standard categories were utilized in specific legal documents that tell us little about the work that the individuals actually did. For instance, indictments contained two broad occupations for men, labourer and gentleman; women's occupations centred upon their marital status. To address this problem, I matched the names of individuals identified as committing a prostitution-related offence, with other court documents such as recognizances, and other sources such as parish records and censuses. I was most successful in identifying individuals who were married or widowed since spouses' names were usually recorded, and children because the parents were identified. If a prostitute had a less common name, then it was easier to distinguish her in the parish records. Single Irish women and francophones with common names were far more difficult to discern.

Another problem with depositions involved ethnicity; these documents rarely included information respecting an individual's origin or place of birth. Consequently, it was difficult to accurately determine the ethnicity of many of the defendants. In order to get around this weakness, I categorized men and women as

¹⁰QSD, 12-4-1837.

either francophone or non-francophone. The broad non-francophone classification included a small number of people of African origin, numerous Irish women and men, and other Europeans such as Germans, Maltese, and Italians.

Most of the men and women arrested in a brothel raid were charged under the umbrella offence of keeping a disorderly house. Court records usually did not differentiate between them, so it is difficult to determine who were the brothel prostitutes and who was the madam, and what was the relationship of the men to the women who lived in the establishment. Occasionally, some women were identified as prostitutes or assistants in the activities of the house, rather than as keepers. Although brothel prostitutes were jointly charged with madams for keeping a disorderly house, they were usually exonerated of the charge. Sometimes they were summarily convicted for other offences such as being found-ins, common prostitutes, or vagrants. Since other factors may have influenced an acquittal, I cannot assume that all women found not guilty of keeping a disorderly house were brothel prostitutes. Consequently, in the following analysis of brothel prostitution, I have examined madams and prostitutes together.

Like their female counterparts, men were often charged with keeping a brothel even though they may have been assisting in the operation of a brothel. The only concession I have made involves those men whose names appeared on the depositions or in police registers but not on the indictments. I assumed that they were clients. Once again other factors may have resulted in their names being dropped from the indictment, but evidence suggests that they were, in all probability, clients of the brothel in question. Take for example Willard Snow Waters and Edward Northrop Fairfield. They both lived in Vermont but were apprehended together in a raid on Ellen Ross' brothel which was located on Lagauchetière Street.¹¹ Their names never appeared in any other judicial document related to prostitution throughout the entire period. Let us now turn to the results of the research concerning the demographic

¹¹QSD, 27-12-1841.

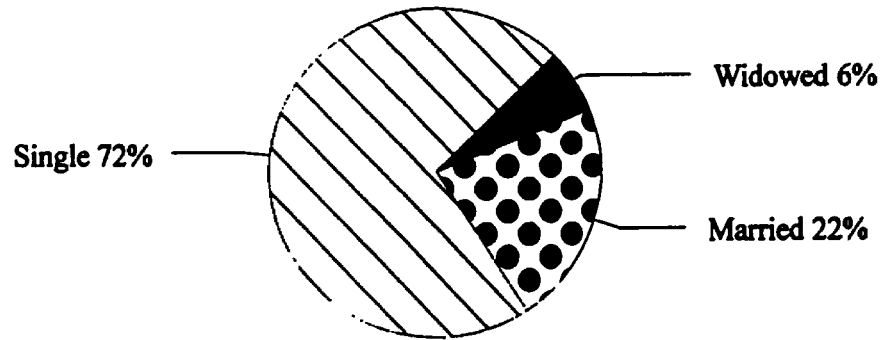
features of female brothel-keepers and prostitutes. A consideration about brothel men will follow.

Nearly three-quarters of the brothel-keepers were single women (894 or 72%). Married women represented the next largest group at 21% (265), followed by widows at 8% (92). Figure 2.1 shows that these proportions for single and married women remained fairly stable over the entire period under study. The percentage of women accused of brothel-keeping who were widows fluctuated at 5 to 6% until the rebellions when they represented 10%.

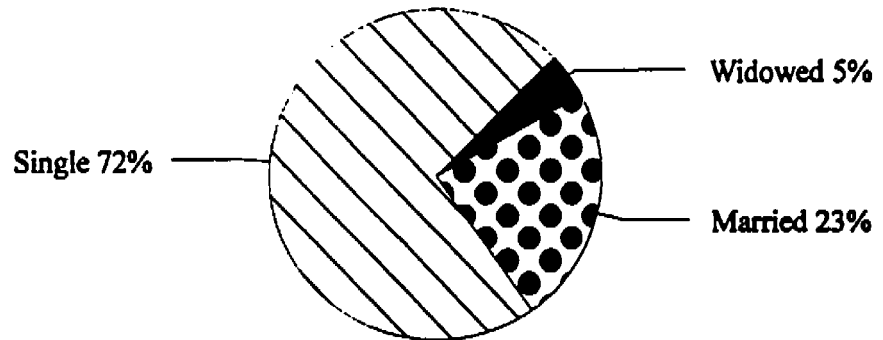
The majority of brothel-keepers were francophone. However, over the three periods the number of francophones fell as the percentages between non-francophone and francophones shifted. Figure 2.2 shows that francophone brothel-keepers diminished from 73% in the first period to 44% in the last period. Non-francophone brothel-keepers increased from 26% to 55%. This shift probably reflected the changing composition of the Montreal population as immigration from the British Isles grew. By 1832 anglophones were in the majority in the city.¹² Thus we must be careful not to exaggerate the significance of these changing figures. What is important here is the composition of the brothels: francophone women had a significant presence in this milieu.

¹²Robert, *Atlas historique de Montréal*: 79.

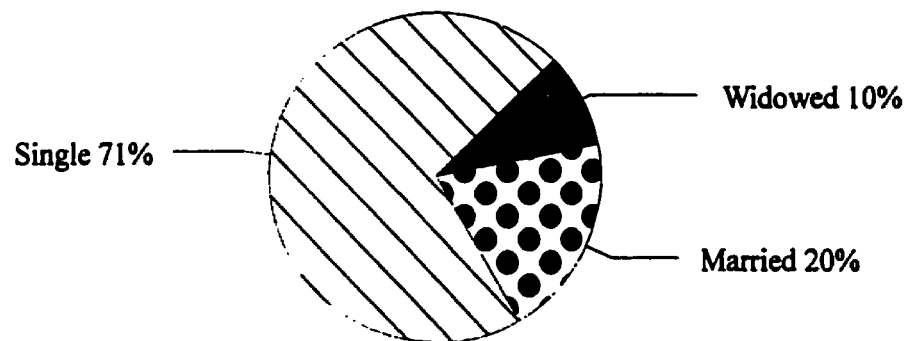
FIGURE 2.1
MARITAL STATUS OF BROTHEL-KEEPERS AND PROSTITUTES



1810-1829 (n=285)

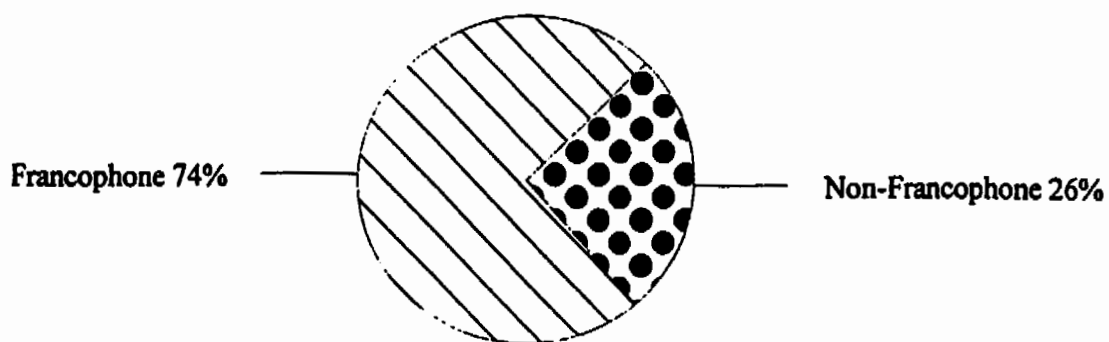


1830-1837 (n=355)

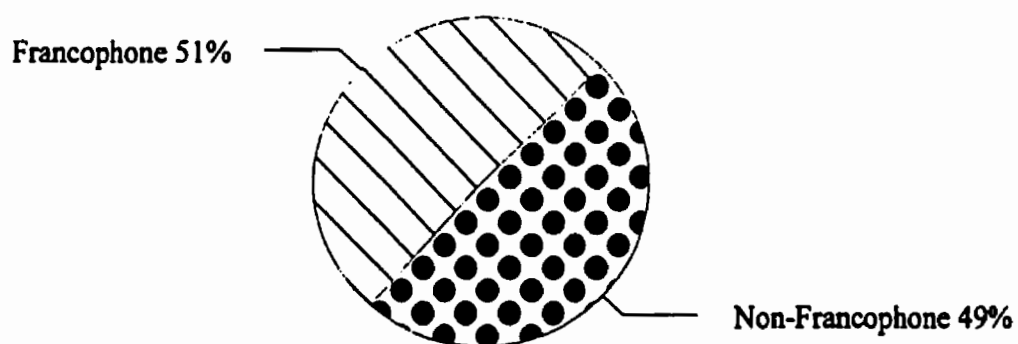


1838-1842 (n=608)

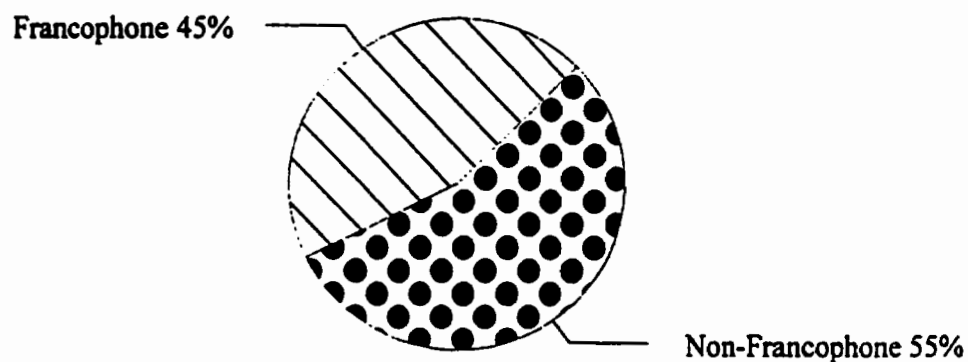
FIGURE 2.2
ETHNICITY OF BROTHEL-KEEPERS AND PROSTITUTES



1810-1829 (n=283)



1830-1837 (n=352)



1838-1842 (n=605)

American studies show that brothel prostitutes tended to be young and native born. In early nineteenth-century Philadelphia, for instance, brothel prostitutes were usually young and city-born. Almost 80% of them were between 15 and 25 years of age. Half of the women grew up in Philadelphia; the rest came from the countryside, New York City, and overseas.¹³ Similarly, New York brothel prostitutes were more likely to be young and native-born. Madams tended to be the oldest women in the brothels, usually over the age of 33.¹⁴ The problem with relying on overall numbers is that nuances are ignored. In other words, although the majority of brothel-keepers may have been older, those who were younger risk being overlooked.

In Montreal, many of the brothel-keepers were probably the oldest members of their establishments. When Mary Brennan was 37 years of age, she and her husband Patrick McGloan were apprehended in a brothel raid on their home.¹⁵ Possibly one of the oldest brothel-keepers was Marie Cardinal who was 58 years old when she was first arrested for keeping a disorderly house; two years later, at the age of 60, she was re-arrested for the same offence.¹⁶

Some brothel-keepers worked with their teenaged daughters. Marie Kensbury and Louis Morand for instance, were arrested with one of their daughters, Esther for keeping "*une maison déreglée et de mauvaises moeurs*" in Côte à Barron.¹⁷ The reverse was also true. Marguerite Minville, the daughter of Eugenie Brisbois and Hyacinthe Minville, kept a bawdy house on St. Alexandre Street where her mother

¹³Carlisle, "Disorderly City, Disorderly Women": 557.

¹⁴Gilfoyle, *City of Eros*: 62.

¹⁵QSD, 11-1-1841.

¹⁶QSD, 1-10-1832; 10-1-1834.

¹⁷QSD, 17-9-1832.

also lived.¹⁸ Minville was eventually found guilty of the charge; her mother was acquitted.¹⁹ Widows were usually older still. Widow Josephite Chevalier was already 51 years of age when she was apprehended for the second time, accused of keeping a brothel with her daughter Emelie Laurin in Cadieux Village.²⁰

Most brothel-keepers and prostitutes were young and single and while madams tended to be older and married or widowed, some were young women. Lucie Rolland, for instance, was 19 when she was first arrested for brothel-keeping. Hélène Fortier was only 21 years of age when she was denounced as the madam of a bordello somewhere in the St. Lawrence suburb.²¹ Under what circumstances could a young, single woman establish a house of prostitution? Lucie Rolland's father and brothers were tradesmen with extensive connections in the shoemaking trades and may have provided some capital. Moreover, since Germain, possibly her father and Georges her brother had garnered numerous arrests in the city's sex trade as found-ins, and keepers of houses of ill fame they may have been instrumental in helping her run her operation. In September of 1830 they were arrested together in a brothel situated on the corner of St. Louis and Lacroix streets.²² Similarly, Françoise Ouimet, at the age of 24 established a brothel on Campeau street, close to her own parent's bawdy house.²³ In both cases, other family members were involved in the sex trade and could offer capital, expertise, supervision, and protection.

¹⁸QSD, 24-6-1826.

¹⁹QSD, 10-1-1826.

²⁰QSD, 5-4-1836.

²¹QSD, 18-2-1818.

²²QSD, 7-9-1830.

²³QSD, 10-7-1823.

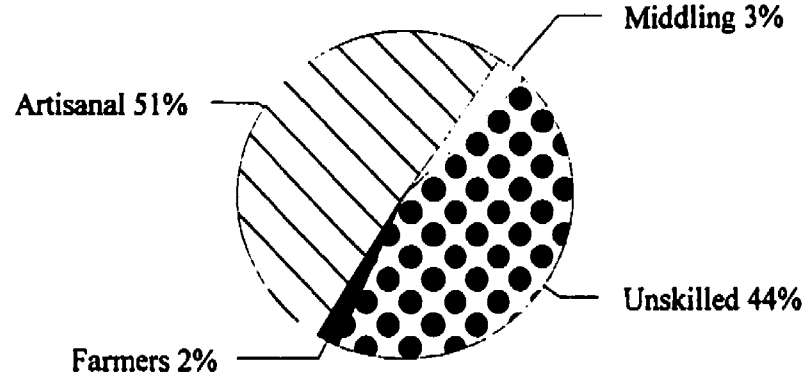
In order to determine the social class of the brothel-keepers, I have utilized a framework developed by Donald Fyson who examined the social class of defendants and their accusers who between 1780 and 1830 came face to face with the justices of the peace in a variety of courts where they presided. While it is extremely difficult to fit certain occupations in this period into particular categories, I have nonetheless attempted to do so. Prosecutors were situated in one of six groups: the elite, a middling group, artisans and tradesmen and women, farmers, the unskilled, and lastly, marginals.²⁴ Where occupations²⁵ are known, Figure 2.3 demonstrates that the majority of the fathers or husbands of the women brothel-keepers came from the artisanal trades. The unskilled, usually labourers followed, becoming increasingly representative over time. The middling group, made up of traders and boardinghouse-keepers dropped after the first period from 6.5 % to 3 % and stabilized. Marginalized individuals, usually soldiers, were practically non-existent until the last period. The remaining groups, elites and farmers accounted for less than 5%. The high proportion of artisans, followed by the unskilled, more than likely reflected the occupational structure of the city. Jean-Paul Bernard, Paul-André Linteau, and Jean-Claude Robert's analysis of the Viger census show that artisans represented 21.5 per

²⁴The elite group consisted of individuals whom Donald Fyson viewed as merchants, members of the liberal professions, and those distinguished by the title gentleman or esquire. The middling group, perhaps the most controversial of the lot, consisted of those who were not part of the elite nor of the popular classes. Fyson considered "clerks, mid-level government bureaucrats, and small shopkeepers" as members of this group. Men and women who were identified as having a skilled trade were included in this category along with low level officials such as constables, policemen, and watchmen. (Fyson, *Criminal Justice, Civil Society*: 374-375). The unskilled group consisted of labourers, servants, voyageurs, and milkmen. Despite my personal dislike of the categorization "marginal", I have included prostitutes and soldiers, borrowing from Jean Marie Fecteau's use of soldiers as marginal to society. (*Un nouvel ordre des choses*: 128)

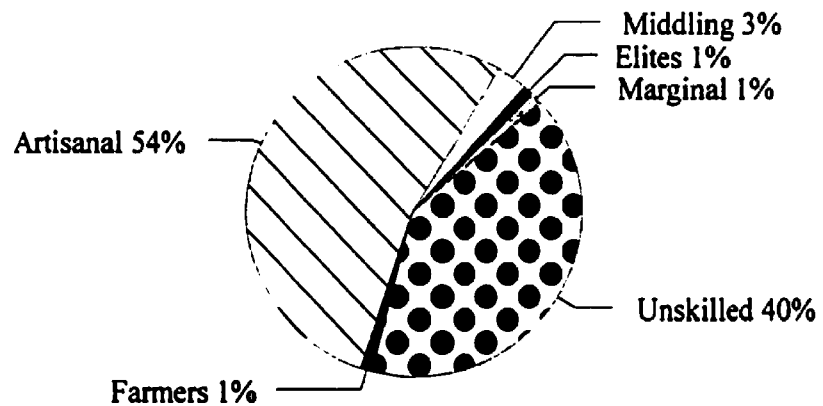
²⁵The census of 1831 show that some of the women who were active in the sex trade at the time the census-taker knocked at their doors, gave their occupation as dressmaker. See for example Denise Brunelle who had been found guilty in 1823 of keeping a disorderly house, described herself as a *couturière*. Lucie Monk, who was living on Vitre Street in 1831, is also listed as a *couturière* in the census just a few months before she was accused of keeping a brothel. Similarly Marie Louise Benêche dite Lavictoire claimed to be a dressmaker. Notorious brothel-keeper Angélique Leclair who was very active throughout 1831 in prostitution told the census-taker that she was a dressmaker.

FIGURE 2.3 OCCUPATIONAL STATUS OF BROTHEL-KEEPERS AND PROSTITUTES

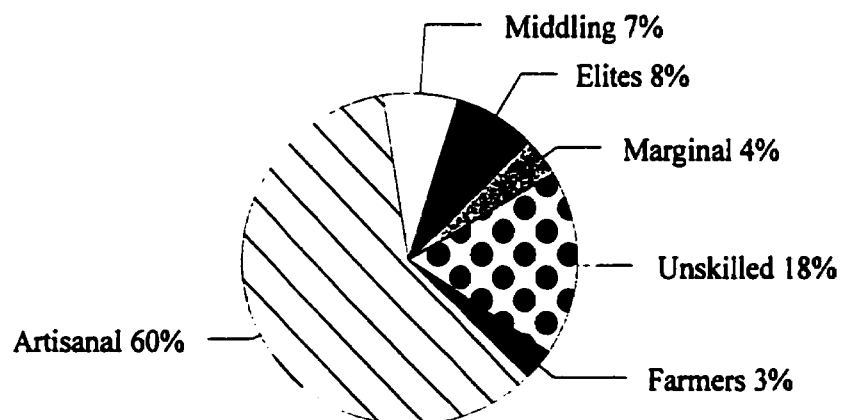
Occupational status of women based on that of their husbands or fathers



1810-1829 (n=72)



1830-1837 (n=77)



1838-1842 (n=93)

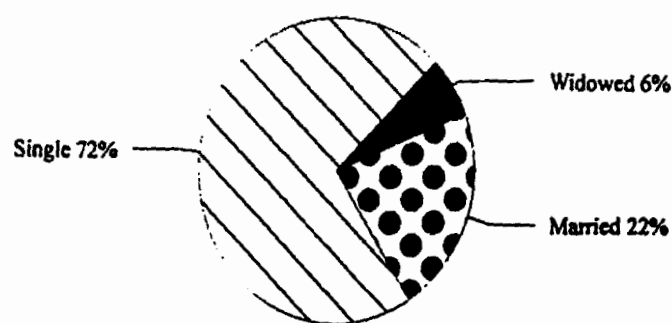
cent of the population (this does not include the construction trades which was another 10.3 per cent) and labourers 18.2 per cent.²⁶ These findings reinforce the idea that setting up a brothel entailed some cost. One required resources to rent suitable quarters and furnish and supply the enterprise. While it was not out of reach for the dependents of some unskilled workers, for the majority it probably was. Those who already had access to housing, would have found it easier to establish a brothel. This is not to suggest that brothels were homogeneous. We know from the urban geography of the city that many different types of brothels dotted the cityscape, from the cellars below Ste. Anne's Market, to the stone buildings of Notre Dame Street.

When a comparison is made between those women arrested only once or twice with repeat offenders, the differences between the two groups are not striking. A majority (72%) of the brothel-keepers accounted for less than half (42%) of the occurrences of accusations and arrests; a little over a quarter (28%) of them made up the bulk (58%). When you contrast the demographic characteristics of the recidivist group, defined as those having three or more arrests for brothel-keeping, with the overall group, little difference appears with respect to marital status. (See Figure 2.4) Figure 2.5 shows that francophone madams had a much greater presence among recidivists in the first two periods, but by the last period their numbers were very similar to the overall group of accused women. Artisans continued to dominate, as husbands and fathers of this recidivist group, representing slightly more than half of the group. Labourers followed at about one-third. (See Figure 2.6) Perhaps their tenacity in this trade reflected the fragility and dependence of the household economy on other forms of revenue. Agathe Florentin, the daughter of a labourer married Guillaume Laverdure also a labourer in November of 1826. By the time that they were arrested for brothel-keeping six years later, they already had two young daughters; two more children were born by the time of their second arrest in 1838.

²⁶"La Structure professionnelle de Montréal en 1825" *RHAF* 30:3 (décembre 1976): 389.

FIGURE 2.4
MARITAL STATUS OF RECIDIVIST BROTHEL-KEEPERS AND PROSTITUTES

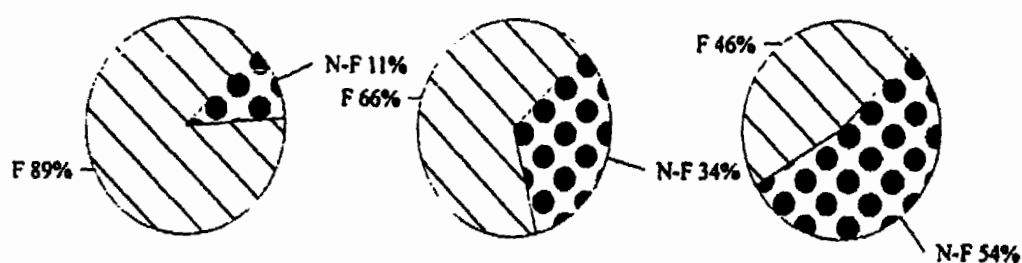
57



1810-1842 (n=355)

FIGURE 2.5
ETHNICITY OF RECIDIVIST BROTHEL-KEEPERS AND PROSTITUTES

F=francophone N-F=non-francophone

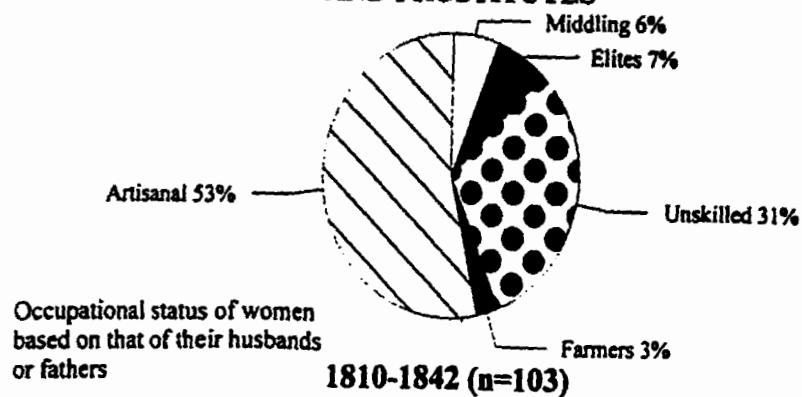


1810-1829 (n=44)

1830-1837 (n=107)

1838-1842 (n=204)

FIGURE 2.6
OCCUPATIONAL STATUS OF RECIDIVIST BROTHEL-KEEPERS AND PROSTITUTES



1810-1842 (n=103)

Only two of the children survived. A son and a daughter were born after their last arrest, however, neither made it past their first birthdays. An incident in 1830 between the Laverdures and brothel-keeper Henry Thain suggests that they were already entrenched in prostitution at that time. Apparently Thain, angry at Agathe for secreting Julia Donahugh in her house, employed three men to break into Laverdure's house.²⁷

Women who were accused of keeping disorderly houses or brothels, managed them on their own, or in partnership with other women and men. Only eighty-five women (10%) operated disorderly houses alone. One such brothel-keeper, widow Marie Danis was arrested at the end of November in 1809.²⁸ Two years later she was re-arrested for the same offence.²⁹ Julie Tremblay rented a substantial house belonging to merchants John and Joseph Donegani on St. Radegonde Street where she kept Margaret Molloy, Marie Cabana, Catherine Gosselin, and Louise Vizé as "*filles publiques*".³⁰ Much smaller was the enterprise of Catherine Raigan, widow of Daniel Burke. She rented only a room from Thomas Earl and Mary Fraser where she entertained soldiers from the nearby Quebec Barracks.³¹

Other women formed partnerships together. Marguerite Lecuyer and Marguerite Jolicoeur were charged with operating a house of ill-fame on College Street where among other activities they "*le reçoivent des jeunes enfants and lui verse*

²⁷QSD, 24-4-1830.

²⁸QSD, 29-11-1809.

²⁹QSD, 12-4-1812.

³⁰QSD, 6-5-1831.

³¹QSD, 11-3-1841.

de la boisson".³² "*Filles de débauche*" Angélique Mason and Marie Tessier established a brothel in a house which they rented from widow Marie Anne Sanscartier. Instead of keeping prostitutes in their premises, they were said to encourage young men to congregate in their rooms and "*filles de mauvaise vie*" to visit.³³

Almost half of the women kept brothels with men. Of those depositions that went on to indictment, men and women formed partnerships in 147 out of 314 cases. The vast majority of the time it was wives and husbands who operated houses of prostitution together.

A third of all those accused or arrested for brothel-keeping and assisting in the operations of the house³⁴ in Montreal were men. Recently, historians have started to explore the relationship of men and women who operated or worked in brothels together.³⁵ For instance, Judith Fingard shows that married couples in Victorian Halifax jointly kept bordellos. Similarly, throughout most of the nineteenth-century in New York City, women and men, as husbands, lovers, or friends, shared the responsibilities of operating brothels.³⁶ In the majority of studies, the assorted roles played by men in brothels, have been overlooked, downplayed, or were simply invisible to historians. Part of the problem may lie with the type of sources researchers have used to study prostitution. Those historians dependent upon police records such as arrest registers, institutional records of the Magdalene Societies, tracts by reformers, or documents of local commissions established to investigate

³²QSD, 15-3-1824.

³³QSD, 28-11-1814.

³⁴Eighteen of the 624 men were identified as aiding and assisting in the operations of the brothel.

³⁵See for example the work of Judith Fingard, *The Dark Side of Life*; Timothy Gilfoyle, *City of Eros*; and Marilyn Wood Hill, *Their Sisters' Keepers*.

³⁶Wood Hill, *Their Sisters' Keepers*: 291.

prostitution are burdened by the gender bias of these sources. Prostitution was usually viewed as a female problem. Researchers may have assumed that the men who appeared in these sources were clients.

Court documents on the other hand, especially depositions and indictments contained the names of men and women who were accused and/or arrested for prostitution-related violations. Sometimes the names of men who were picked up at the time of a brothel raid were recorded in the prison registers. Such men were held until they arranged bail or discharged by a justice of the peace without ever going to court. Taken together, these court documents and prison registers provide valuable information for anyone studying prostitution.

Another reason for the "invisibility" of male brothel-keepers may be political. Acknowledging the participation of some men in key positions in the organization of prostitution breaks with the traditional view that the trade before the advent of pimps, was female-controlled. This early male presence destroys the paradigm. Ironically, to present prostitution as an occupation organized and operated solely by women suggests that in certain ways prostitutes lived outside patriarchy. This approach or interpretation also ignores the importance of the household economy in the lives of men and women and the responsibilities that they shared and divided.

Like their female counterparts, men kept brothels on their own, or in partnership with other men and women. Unlike female brothel-keepers, most managed these establishments with other women, within or outside the bonds of matrimony. More often than not, men worked with their wives. Only twenty-one men were indicted for keeping disorderly houses on their own; a much lower number formed partnerships with other men.

In January of 1810, Jean Aymond and Marie Pineau dite Lapierre were indicted³⁷ for operating a "*maison de désordre*" where they kept prostitutes, encouraged men and women to congregate, and scandalized the neighbourhood in

³⁷QSD, 10-1-1810.

Côte Ste. Catherine.³⁸ In 1842, Marie Josephthe Desautels and Alexandre Vallée were indicted for operating a brothel on St. Charles Barium Street. Between these two dates, at least eighty-three other married couples were accused of keeping disorderly houses around the city. In 1829 Josephthe Barrette and Joseph Danis were arrested along with Magdeleine Barrette, probably Josephthe's sister, for keeping a disorderly house. Perhaps Josephthe's brother, Michel was uncomfortable with their foray into prostitution, for he apparently forced his way into the house and threatened to hit both Barrette and Danis.³⁹

Sometimes entire families were involved in a type of "family enterprise" brothel. Widower and blacksmith Joseph Mongeon was charged along with his daughters, Julie and Dorothée with keeping "*un lieu de prostitution*" in the last house on Ste. Catherine Street.⁴⁰ The Breton family's flirtation with prostitution launched one daughter's long career in the sex trade.

Amable Breton first appears in the court records in 1822, when she was indicted for keeping a disorderly house along with her parents, Henry Breton and Marie Duclos, and siblings Henry Jr. and Emelie. While most of the defendants were found guilty of the charge and sentenced to the House of Correction at either hard labour or the pillory, her name was eventually dropped from the indictment.⁴¹ Less than four years later on the 24th of June 1826, Amable was arrested again as a prostitute in a brothel operated by Louise Lajeunesse and Joseph Lamarche.⁴²

³⁸QSD, 31-10-1809.

³⁹QSD, 6-8-1832.

⁴⁰QSD, 16-2-1832.

⁴¹QSR, 16-7-1822, 18-7-1822, 19-7-1822.

⁴²QSD, 24-06-1826.

Lajeunesse and Lamarche were found guilty of keeping a disorderly house; Breton was never convicted.⁴³ Three days later she was arrested in another brothel.⁴⁴ This time she was confined in the House of Correction and released July 19th.⁴⁵ Between 1826 and 1838, Amable Breton was apprehended at least seven times on the charge of keeping a disorderly house which usually meant that she was working in the brothel as a prostitute, not as a madam. By 1839 however, she had been arrested at least eight times on the street for being either a prostitute or a disorderly person. Amable Breton had moved from the brothel to the street over a period of twenty years.

Some members of prominent artisanal families were also involved in prostitution. Take for example a well-known building trades family, Benêche dit Lavictoire. Marguerite Benêche dite Lavictoire, known to the police as "*Madame Lavictoire*", daughter of carpenter Jean-Baptiste Benêche Lavictoire and Marie Josette Périier, and sister of Eloi, Eustache, and Etienne had been married twice before her first arrest for operating a brothel. Both husbands had been involved in the construction trades. Her first husband François Proulx, a joiner, died in 1832 at the age of 41; they had been living in separate households since she left him in November 1829.⁴⁶ Following his death, she married plasterer Charles Bonnier four years later. Three months after the wedding, she was accused of operating a brothel on St. Dominique Street.⁴⁷ Her brother Eloi, no stranger to the Montreal sex trade,

⁴³QSR, 12-7-1826, 13-7-1826, 14-7-1826, 19-7-1826.

⁴⁴QSD, 27-06-1826.

⁴⁵QSR, 19-7-1826.

⁴⁶*La Minerve*, 30-11-1829.

⁴⁷QSD, 17-2-1837.

had himself been arrested for operating disorderly houses in 1831⁴⁸ and again in 1837.⁴⁹ He eventually married brothel-keeper, Rosalie Paquette.

Another important Montreal artisanal family, Lenoir dit Rolland of the city's shoemaking trades contributed the infamous madam, Lucie Lenoir dite Rolland to the sex trade. Her father was shoemaker Germain Lenoir dit Rolland, her mother, Catherine Lepage. Brothers Georges and Germain were accused by Alexander McIntosh, John Delisle, and Peter Grant of keeping a house of ill fame in Côte à Barron. Apparently they had taken possession of a house belonging to the estate of John Brown.⁵⁰ It is not clear what role these brothers played in the establishment. One can conclude that at the very least they were privy to aspects of the city's prostitution trade not familiar to all Montreal residents. Lucie was firmly entrenched in Montreal prostitution. She was accused of at least five prostitution-related offences over a twelve year period.⁵¹ For such women prostitution was a vocation, not a temporary solution to financial woes.

Women and men also operated brothels together as unmarried couples. Pierre Forgette and Joseph Auger were indicted for keeping a house of prostitution in Lagauchetière Street along with Mary Ann Kennedy and Amable Breton.⁵² Some of these couples eventually married, which suggests that they were either lovers at the time of their arrest or they met in these brothels, became lovers, and later married. Rosalie Paquette and Eloi Benêche dit Lavictoire, whom we have already met, had

⁴⁸QSD, 13-12-1831.

⁴⁹QSD, 16-11-1837.

⁵⁰QSD, 12-5-1831.

⁵¹QSD, 21-10-1828; 7-9-1830; 12-4-1837; 27-4-1840; 21-10-1840.

⁵²QSD, 13-2-1838.

a twelve year history of inhabiting the same brothels before marrying. In December 1831, they were arrested together and indicted for the first time for keeping a disorderly house in St. Constant Street.⁵³ Six years later, they were re-arrested for the same offence on the same street.⁵⁴ While Eloi was never again charged with keeping a disorderly house, Rosalie was arrested three more times.⁵⁵ Widow Euphrosine Lapointe and Antoine Vaillancour were officially married in 1845. During the early 1830s, both were accused of keeping brothels.⁵⁶ In 1831 he kept one himself in the St. Antoine suburb, while in 1834 they operated the other together on Visitation Street. Angélique Fournelle whose first husband, Etienne Crête, was reputed to be absent at the time of her arrests with Jean-Baptiste Julien for brothel-keeping in 1812 and in 1815, were wed in January of 1819.⁵⁷

Some couples married soon after an arrest for brothel-keeping. Marie Venerance Imbeau dite Matha and Narcisse Lecuyer were united in matrimony less than a month after her arrest for keeping a disorderly house in 1832. It was not until 1840 that they were accused of keeping a brothel together. Similarly, Marie Louise Gravelle and widower Pierre Desjardins were married just days after they were first accused of operating a brothel. In both instances, the marriage bans would have been proclaimed in advance of these arrests. Thus, an arrest did not seem to alter wedding plans for any of the parties, which reinforces the observation that they were living together common-law.

⁵³QSD, 13-12-1831.

⁵⁴QSD, 16-11-1837.

⁵⁵QSD, 17-2-1837; 27-4-1840; 21-10-1840.

⁵⁶QSD, 6-9-1831; 19-7-1834.

⁵⁷QSD, 18-8-1812; 21-10-1815.

A much smaller number of men apparently kept brothels on their own or with other men. Pierre Fontaine was indicted for keeping a disorderly house in the Quebec Suburb.⁵⁸ There were men who operated brothels without any apparent female assistance in the management of the operation. André Boileau, Joseph Simpson, and François Laurent dit Larose operated such a house of prostitution in St. Paul Street.⁵⁹ James Dogherty and Francis Timmens employed Louise Corbeille, Sophie St. Amour, and Marie Lussier in a brothel on College Street. At the time of the raid, four other men were also arrested: Pierre Delisle, Peter Dempsey, Antoine Petit, and Francis Timmens Senior.⁶⁰ Men, then, were clearly engaged in operating brothels. They were charged, arrested, or imprisoned as brothel-keepers or keepers of disorderly houses. Sometimes they appear to have operated alone, or with other men. More often they worked with their legal or common-law wives, with children, or future spouses. Figure 2.7 shows that where marital status is known, the vast majority of male brothel-keepers were married, usually to other brothel-keepers.

While the artisanal group dominated the first and third period (See Figure 2.9) a larger proportion of males had occupations that fell into the unskilled group than did the male relations of their female counterparts. These calculations support the view that brothel-keeping was vital to their household economy since a greater number of men were married labourers in comparison to women brothel-keepers who were more likely to be single, in partnership with other women, and whose family background tended to be in the artisanal trades.

⁵⁸QSD, 5-8-1814.

⁵⁹QSD, 30-7-1821.

⁶⁰QSD, 9-12-1835.

FIGURE 2.7
MARITAL STATUS OF MALE BROTHEL-KEEPERS

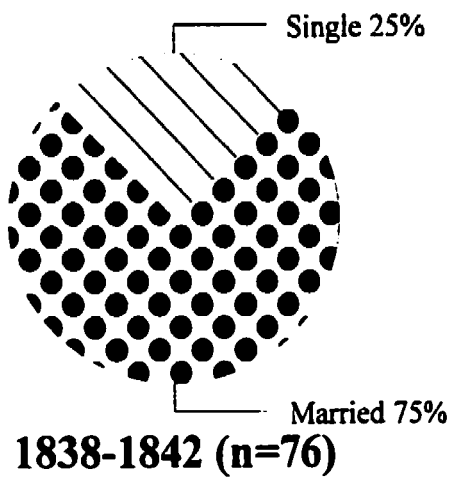
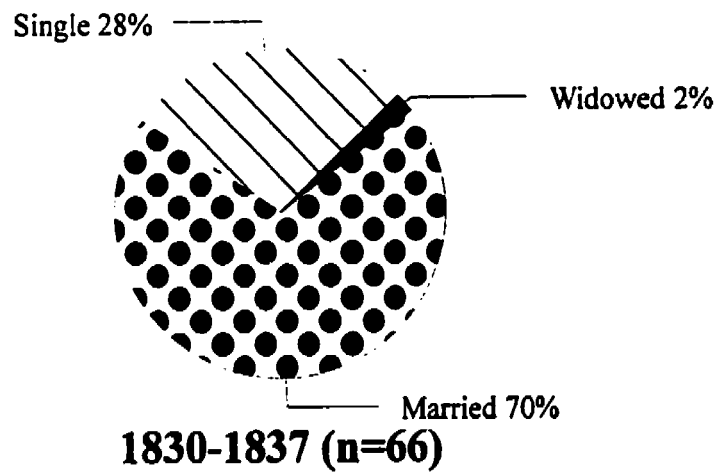
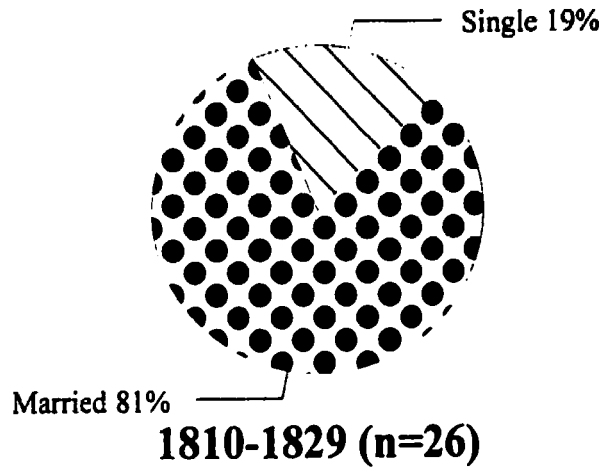
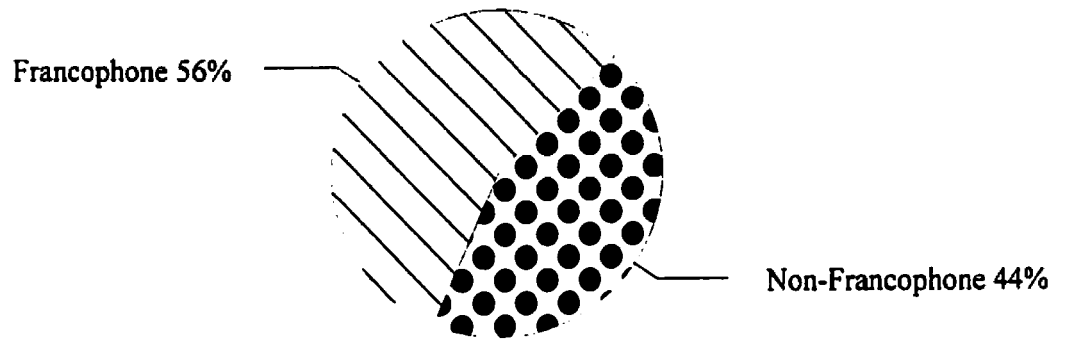
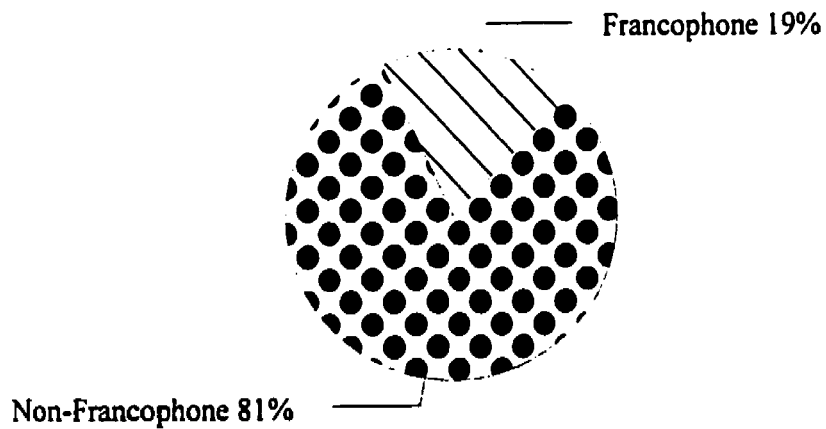


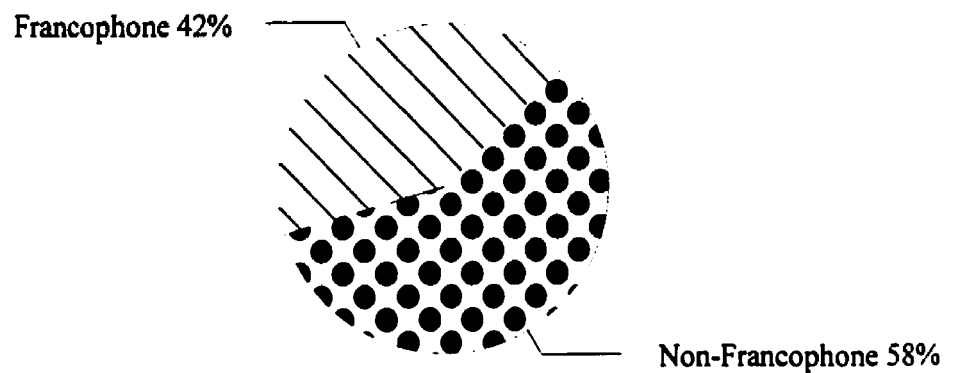
FIGURE 2.8
ETHNICITY OF MALE BROTHEL-KEEPERS



1810-1829 (n=75)



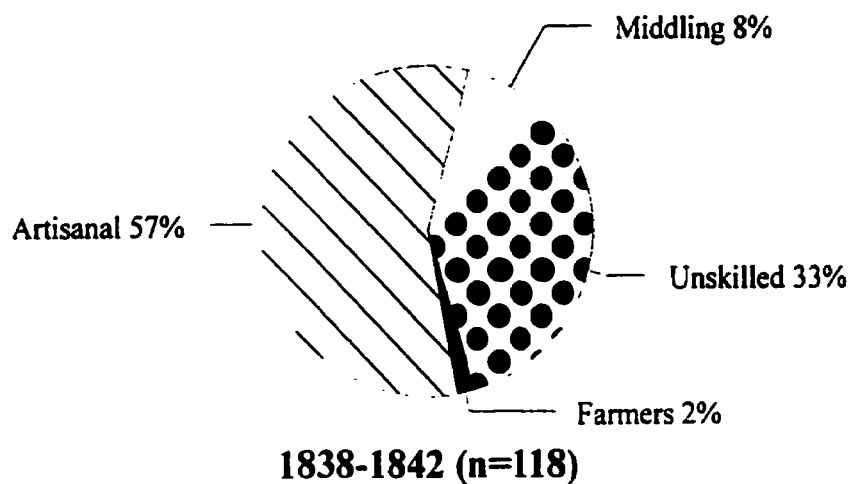
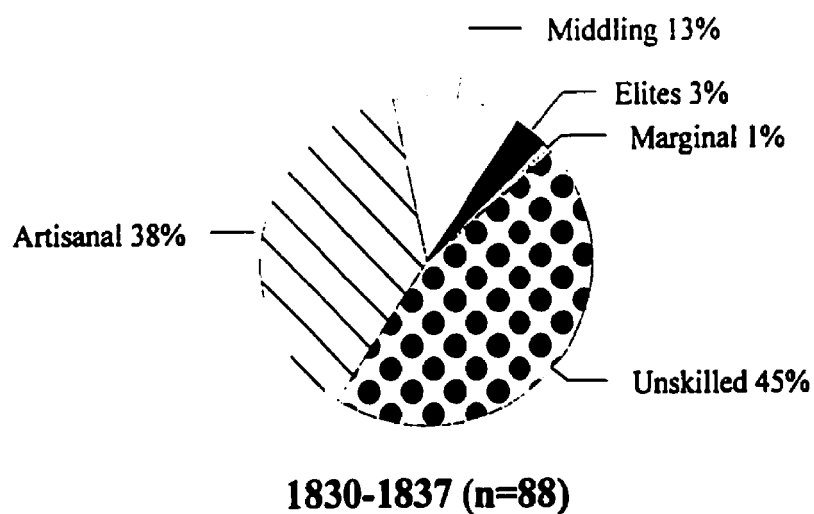
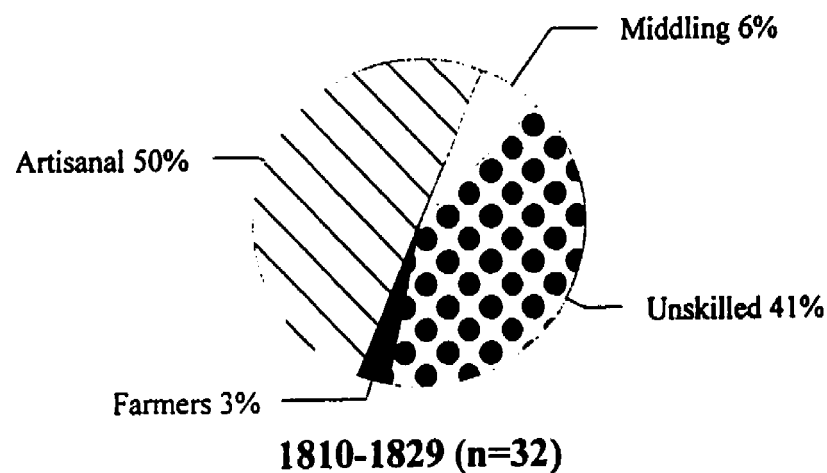
1830-1837 (n=236)



1838-1842 (n=198)

68

FIGURE 2.9
OCCUPATIONAL STATUS OF MALE BROTHEL-KEEPERS



Overall figures show that the majority of these men were non-francophone but like their female counterparts, francophones dominated in the first period. By the second period non-francophones made up the largest group, and they continued to be in the majority in the last period although the difference between the two groups began to narrow. (See Figure 2.8)

It was not always apparent what role men who were arrested during brothel raids played in these establishments. Eighteen men were accused of aiding and assisting in the operations of a disorderly house. Joseph Domersch junior, Joseph Flamant, and Antoine Mainville were arrested with prostitutes Amable Breton and Charlotte Fortin, accused of aiding and assisting in keeping a disorderly house.⁶¹ Similarly, François Payette, Alexander McKenville, Denis Larivière, and Léphire Laneville were arrested in a brothel operated by William Miller.

Adelpe Delisle dépose comme suit: Hier soir, servi d'un warrant contre William H. Miller, accusé de tenir une maison appartenant à George Wurtele, marchand. Je me suis transporté à la maison vers 10 heure du soir, & là j'ai trouvé les personnes suivantes: Charlotte Fortin, Angélique Fortin, Françoise Ouimet, Emelie Charbonneau & Joseph Fournier, François Payette, Alexander McKenville, Denis Larivière & Léphire Laneville qui aidaient & assistaient aux débauches & contribuaient aux désordres de la dite maison. Je les ai en conséquence arrêtées & les ai conduit à la maison du guêt.⁶²

It is not known if all or some of these men were actually clients of Miller's brothel. In other cases a clearer link can be made between male workers and brothels. Adélaïde Bebelles claimed that her husband Charles Cousineau had been "*engagé*" by Pierre Quenneville who operated a brothel on Campeau Street.⁶³ What Cousineau actually did in his brothel is not specified in the court records. Similarly, a "*lieu de*

⁶¹QSD, 27-6-1826.

⁶²QSD, 17-12-1829.

⁶³QSD, 21-10-1839.

débauche" in a house was reported in *La Minerve* to be "*sous la protection de James Lang*". Apparently his job description included breaking the leg of a woman by the name of Cooney who attempted to shut a door to this brothel.⁶⁴ In New York City, following attacks on brothels in the 1830s, men, whom Timothy Gilfoyle refers to as pimps,⁶⁵ were hired to provide protection. Men were also expected to purchase food, make building repairs, and serve clients.⁶⁶ In Montreal, we know from police reports and court depositions that brothel riots occurred with some regularity. This may account for some of the men who lived in the brothels who were not clients. When a Monsieur Valiquette was unable to gain admittance to a house of "bad fame" except by force, a man brandishing a fowling piece blasted him in his abdomen and thighs with pigeon shot.⁶⁷ In other cases, male brothel-keepers provided security. For instance, Guillaume Laverdure who kept a house of prostitution with his wife, Agathe Florentin, fired a pistol to scare off three men who demanded entrance to their house on College Street. When they were refused, the men tried to force their way in.

The presence of men living in brothels provided protection to the inmates and let clients know that a certain level of decorum was expected. Rowdy behaviour which could lead to the destruction of property or injury to the person would not be tolerated. However, this male presence also imposed a form of discipline inside the brothel, usually directed at the women who worked there. A number of prostitutes

⁶⁴*La Minerve*, 1-6-1829.

⁶⁵Gilfoyle never defines the term "pimp" but refers to men as "pimps" who were apparently hired to protect brothels from rioters in the 1830s or who supposedly managed many of New York streetwalkers. His use of the term certainly flies in the face of the historiography whereby "pimp" has been referred to as a modern phenomenon, generated by a crackdown on red-light districts at the end of the nineteenth-century. (*City of Eros*: 90-91).

⁶⁶*Ibid.*: 88.

⁶⁷*Montreal Herald*, 20-9-1826.

accused both madams and other men separately or together of threatening to or actually assaulting them. For instance, Christine Rodier prosecuted brothel-keeper H       Fortier and two men, David Smith and Nathaniel Prowley, for an assault on her in Fortier's house where Rodier worked as a prostitute: they having "cruelly beaten, scratched, bruised and ill treated her without any provocation".⁶⁸ When constables James Millard and Charles Colombe went to investigate a complaint against Helen Ross and her brothel inmates for disturbing the peace, they met a woman who had cried out murder. She informed them that she "had been most unmercifully beaten and illtreated" by Helen Ross, "mistress of the house".⁶⁹ In Halifax, brothel-keepers who threatened, assaulted or evicted prostitutes from their establishments risked, according to Judith Fingard, revenge from women who turned police informers.⁷⁰

Other depositions shine some light on a side of brothel life not described elsewhere. William Castle accused his brother-in-law of counselling him on how to live in Montreal without having to work. Joseph Spraker suggested that if Castle accompanied him to Montreal he would teach him the practical way to dwell comfortably out of bawdy houses. He was familiar with Lucie Rolland's brothel where he had lived last fall. If he could succeed in getting hold of her money, they could go on a spending spree. He also knew how to rob customers at the Duclos' house; all they had to do was enter their rooms at night, rob them of a few hundred dollars, and then rise early and act as if nothing had happened.⁷¹ Spraker's advice was costly, he was sentenced to two months in the Common Gaol.

⁶⁸QSD, 18-8-1820.

⁶⁹QSD, 18-2-1840.

⁷⁰Fingard, *The Dark Side of Life*: 103.

⁷¹QSD, 10-2-1841.

At least 36 men were labelled "found-ins" in depositions and prison registers; another 87 men were determined to be clients, making a total of 140 men or 19% of the total number of men. It is a difficult task to know exactly who the clients of prostitutes were as Michael Mason points out in his inquiry into Victorian sexuality in England. While studies tend to show that the largest portion of clients were working-class men, men of all classes visited prostitutes, in the author's own words, "to much the same extent".⁷² Arrest records of New York City clients show that most of them were young, single, married and widowed "clerks and apprentices, immigrants and native-born, tourists and residents".⁷³ In other words, men came from all social groups. Figures 2.10 and 2.11 show that in Montreal, apprehended clients tended to be non-francophone, and where occupations are known usually artisans followed by unskilled labourers. Soldiers were never arrested as clients; they were escorted back to barracks. Elites and men from the middling occupational group were rarely arrested.

Certain depositions describe the men who frequented some Montreal houses of prostitution. Men of different ages, social class, and marital status were known to patronize local brothels. There were the sons of tradesmen, as in the case of silversmith William Delisle who accused Marguerite Lecuyer of keeping a brothel on College Street which his fourteen year old son frequented.⁷⁴ Similarly, when Amable Gaudry found his minor son aged 17, Jean-Baptiste in Elizabeth Gibson's house of prostitution, he made a deposition against her.⁷⁵ There were also married men. Julie Bertrand accused Louise Vizé of keeping a brothel on the corner of St. Constant and

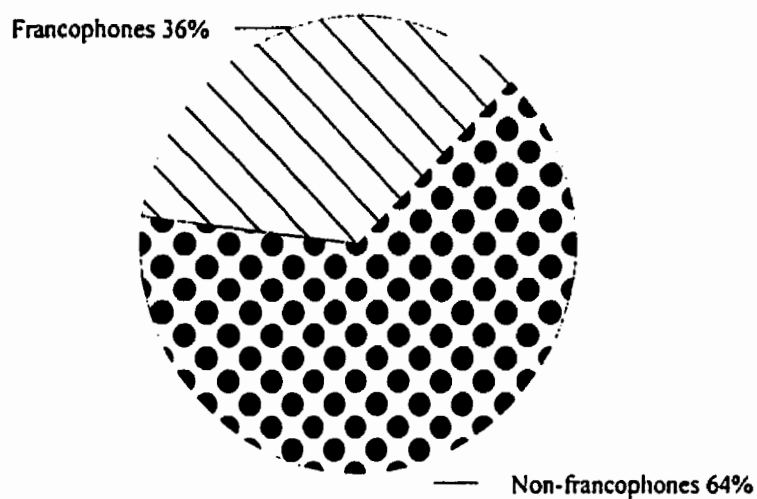
⁷²Mason, *The Making of Victorian Sexuality*: 101-103.

⁷³Gilfoyle, *City of Eros*: 102.

⁷⁴QSD, 15-3-1824.

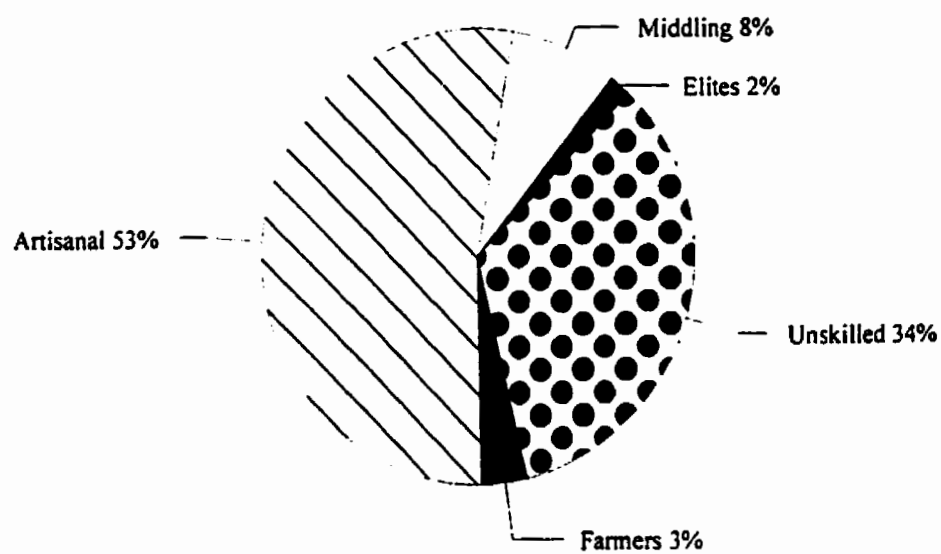
⁷⁵QSD, 1-12-1825.

FIGURE 2.10
ETHNICITY OF CLIENTS



1810-1842 (n=138)

FIGURE 2.11
OCCUPATIONAL STATUS OF CLIENTS



1810-1842 (n=62)

Lagauchetière streets where from time to time she would find her husband lying in bed with Emelie Duval.⁷⁶ All ranks of soldiers patronised brothels. Four or five officers, "of different regiments now stationed in Montreal", were observed by Constables James Smith and Theophile Foisey knocking at the door of Josephine Raymond's brothel on the corner of St. Elizabeth and Lagauchetière demanding to be let in. When widow Raymond refused and called the police, the officers "ordered the police to report Mrs. Raymond for keeping a common bawdy house" and threatened to report them to their superiors if they refused to do their duty.⁷⁷ One wonders if Josephine Raymond understood the price she would have to pay for refusing to admit some of the city's elites. Sometimes men "on the lam" frequented brothels. What a surprise High Constable Adelphe Delisle got when he raided Sophie Morrison and Monique Penneton's brothel on Papineau Road. He discovered accused burglar François Charbonneau in bed with Morrison.⁷⁸

As we have already seen, some of the male inmates were lovers of madams and prostitutes. William Collins, a labourer who had been "cohabitating" with Mary Woolscamp, a known madam,⁷⁹ complained that when he went to her house and "laid himself upon a sofa" he was attacked by four men.⁸⁰ William Delisle, son of the High Constable Jean Delisle, was accused of setting up Jane Higgs, a known "lewd woman" in two rooms that he hired from Ann Griffith in a house on Craig Street. She complained that Delisle frequently visited Higgs where they "carry on the most

⁷⁶QSD, 20-8-1839.

⁷⁷QSD, 6-6-1839.

⁷⁸QSD, 10-6-1824.

⁷⁹QSR, 19-7-1834; QSD, 22-3-1839.

⁸⁰QSD, 7-5-1836.

lewd and abandoned life".⁸¹ One enraged father accused Alexis Dumond of debauching his daughter and then accompanying her around the city.⁸²

Sometimes brothel prostitutes worked the streets. Approximately a quarter (335 occurrences or 27%) of brothel prostitutes were also detained for streetwalking. Eliza Martin was arrested 13 times for streetwalking, 21 times for vagrancy and 5 times for keeping a disorderly house over a nineteen year period. Between 1823 and 1839, Martin had been apprehended in city brothels, the last one occurring in March. While arrests for street prostitution and vagrancy interspersed these years, from May of 1839 until October of 1842, she was imprisoned at least ten times for being loose, idle, and disorderly, three times for streetwalking, but never again for brothel prostitution. Similarly, Magdeleine Couture and her mother Magdeleine McDonald were caught half the time in brothels, the other half on the streets. Vagrant Dometilde Filiatreault was apprehended for being in the habit of enticing persons to frequent houses of ill fame.⁸³ The figures remained fairly constant over the three periods; the percentage of women working in both sites fluctuated between 23% and 30%.

Some of the women who moved between these two sites, began working in the brothel and eventually ended up in street prostitution. In the past I have claimed that a hierarchy existed in prostitution, beginning with the madam who held the highest position, followed by the brothel prostitute. The streetwalker was at the lowest rung. I have also suggested that moving from the brothel to the street represented a downward progression. However, in light of certain arguments made

⁸¹QSD, 10-12-1822.

⁸²QSD, 26-7-1825.

⁸³QSD, 27-11-1841.

by Luise White in a 1985 publication⁸⁴ I have revised my earlier conclusions. White contends that the view that prostitution was hierarchical has dominated feminist scholarship and is erroneous. The problem with this picture is that it serves as a powerful way to remove labour from the actual discussion of prostitution; prostitution was a rational economic choice. Each labour form represents a specific organization of work and a specific rate of accumulation. Moreover, forms do not delineate stages in a prostitute's life cycle, nor a hierarchy of respectability or status. She also disagrees with the popular idea that women entered prostitution when family ties were weak. White argues that prostitution permitted families to stay together. While I accept most of her arguments, some of them are problematic. The Montreal sex trade shows that not all prostitutes chose the streets for the same reasons, had the same marital status or the same needs. For some women, especially those that were alcoholic, ill, destitute, and/or new to the country, they probably found it easier to be a street prostitute on a casual basis than to find work in a brothel. Josephte Cuillerier, Eliza Cunningham, and Margaret McGinnis all began their long careers in the brothel but quickly moved to the streets. Any number of reasons could explain their change of venue. In the brothel, they were subject to the direction of the madam; on the streets they were independent. Since none of these women were ever described as homeless, they probably had adequate housing so did not need the shelter a brothel offered. For older prostitutes, the move to the streets could be more symptomatic of aging, illness, or alcoholism. Brothel prostitute Emelie Blanchard was evicted from Lucie Rolland's brothel being according to Rolland, insane. She ended up in the streets, eventually apprehended for vagrancy and insanity.⁸⁵

⁸⁴"Prostitutes, Reformers, and Historians" *Criminal Justice History* #6 (1985): 206-211.

⁸⁵QSD, 26-3-1830.

THE STREETS: DEMOGRAPHIC FEATURES OF THE WOMEN WHO WORKED THERE

Trying to determine the demographic characteristics of streetwalkers proved to be an exercise fraught with enormous difficulties. As in other judicial records concerning brothel-keeping, court clerks did not systematically record marital status, occupation, and parents' names in the case of minors on depositions, especially after 1836 when these documents were standardized and the barest of information was recorded. Moreover, since streetwalkers were by and large single women, often of Irish descent, they were harder to trace in other sources such as parish records. Streetwalkers could also be arrested as loose, idle, and disorderly, an easier offence to prove and one that city police relied upon after 1836. In 1842, the police once again started to differentiate prostitutes from disorderly and vagrant women. Thus, for the years 1837 to 1841 I have determined the number of women arrested for street prostitution based on an average of the number who were referred to as prostitutes for the years 1830-1836 and 1842. While I have based all of my analysis on 993 occurrences of streetwalking, the projected figures which increased the number of incidents to 1668, provide a more realistic picture of prostitution.

Most of the women arrested for street prostitution were non-francophone, arrested only once, and it appears, single. Figure 2.12 shows that only 10% of the women were identified as married or widowed. This percentage remained stable over the three periods. It was rare for a father or husband's occupation to be recorded in depositions: occupations were identified in only 52 incidents. Where the information is available, most streetwalkers came from families where the father or husband could equally be from the artisanal (35 or 42%) or unskilled (36 or 43%) groups. Nine fathers or husbands (11%) represented middling occupations, the third largest group.

Non-francophone women constituted nearly two-thirds (63%) of this group; francophone women made up the remaining third (36%).⁸⁶ (See Figure 4.13) Many

⁸⁶The remaining 0.7% comprised a minuscule group who could not be categorized as francophone or non-francophone.

FIGURE 2.12
MARITAL STATUS OF STREETWALKERS

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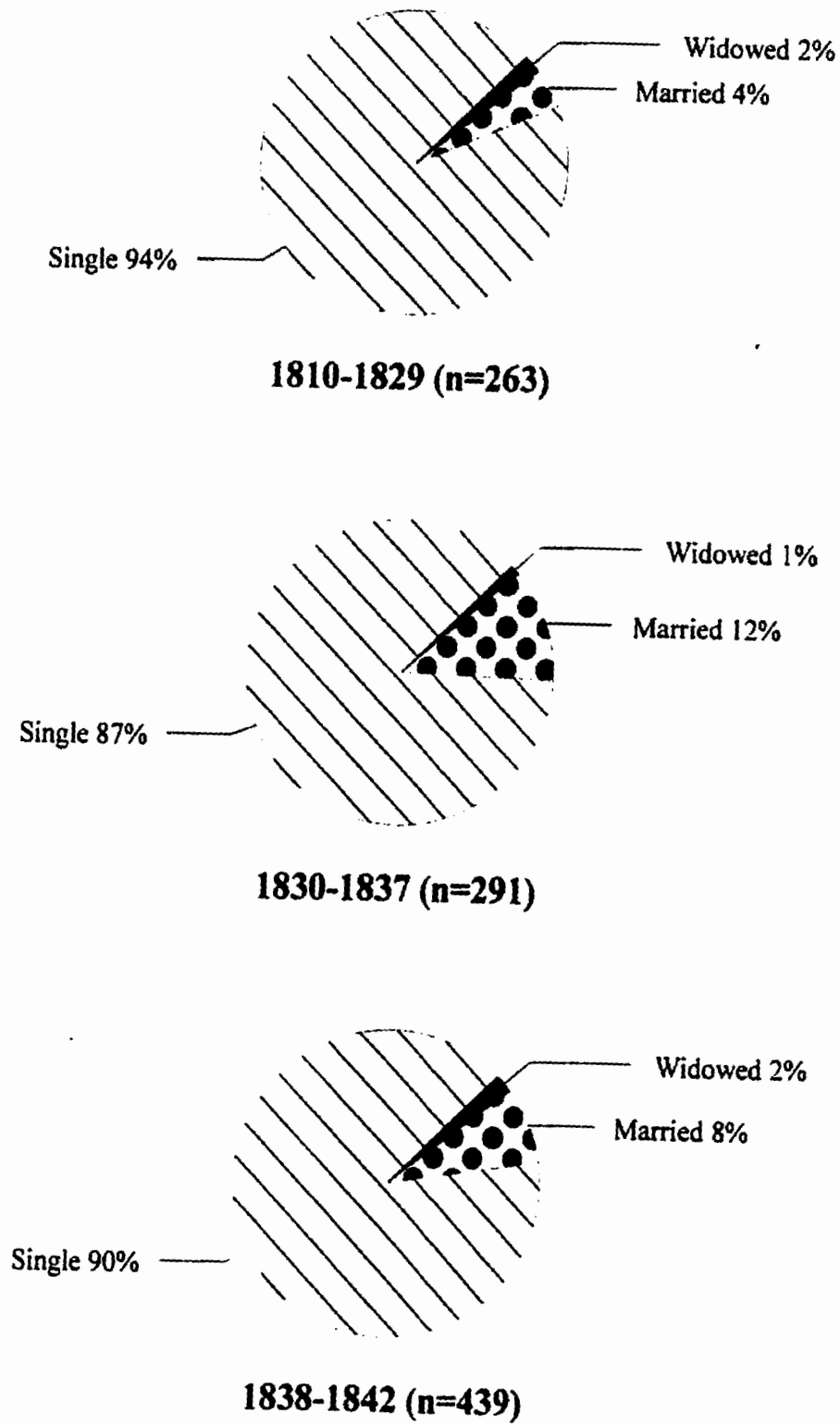
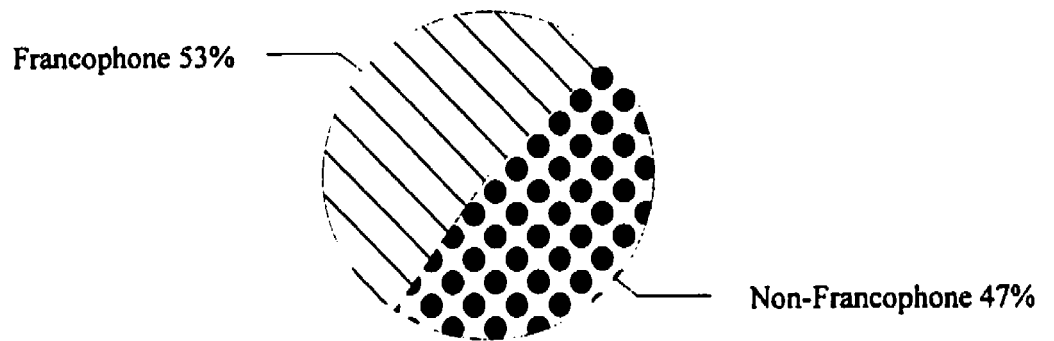
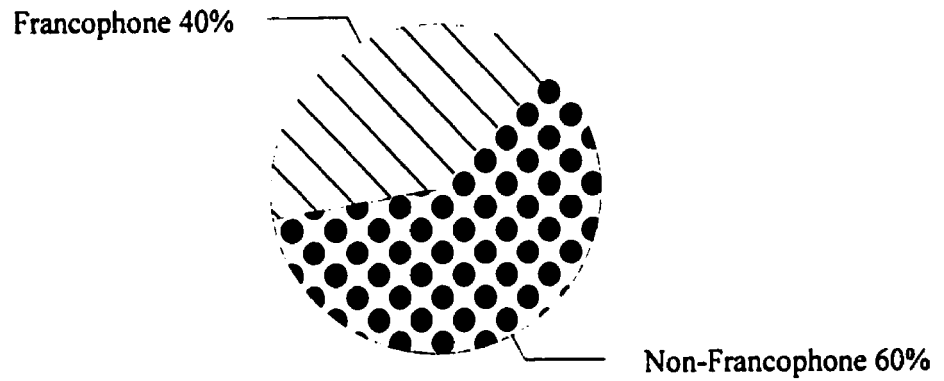


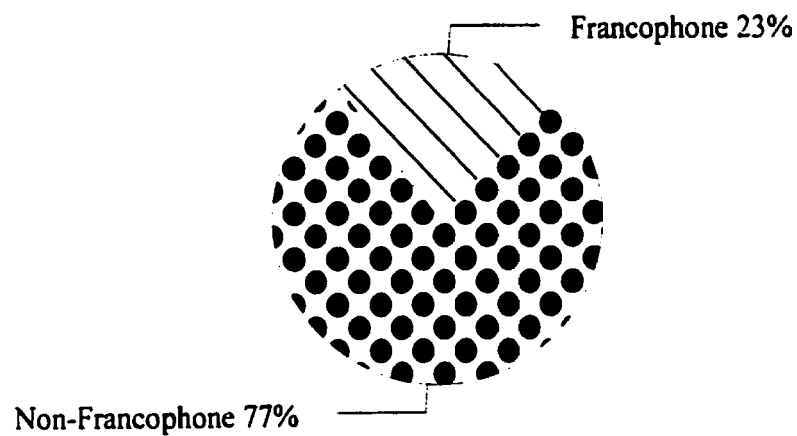
FIGURE 2.13
ETHNICITY OF STREETWALKERS



1810-1829 (n=263)



1830-1837 (n=291)



1838-1842 (n=428)

in the non-francophone group were actually Irish women, a much smaller number were black (19). While the overall figures show that non-francophone women were more likely to choose the street and not the brothel as a site of prostitution, when the numbers are examined over the three periods, it is apparent that francophones dominated the first period. Other studies show that immigrant women preferred the street as a site of prostitution to that of the brothel where native-born women dominated.⁸⁷

While it is extremely difficult to determine the ages of streetwalkers, most were probably young. Ages can be gleaned from other sources such as the Montreal General Hospital admission registers, parish records, and very occasionally from the depositions themselves. The *Registres de Prison* included a list of women arrested in the late 1830s who were classified as above or below the age of 18. Sometimes prosecutors in depositions made reference to a defendant's age. For instance, eighteen year old Margaret Grossman was incarcerated after her brother, Francis accused her of leaving the service of a Monsieur Tetu to live in Marie Anne Paquette's brothel, and of leading a life "*déreglée et y est prostituée et a des connections charnel avec des personnes à l'autre sexe*".⁸⁸ Lydia Corneille was referred to as a "minor" while she accumulated at least eleven arrests for vagrancy and prostitution between 1839 and 1842. Similarly, both Eliza Kennedy and Sophie Beauchamps were described as "minors" when they were first arrested for prostitution.

Like their brothel counterparts, ages of streetwalkers could and did vary. The admission records of the Montreal General Hospital show that most of the streetwalkers who sought treatment for venereal diseases were in their teens or early twenties. For instance, Canadian-born M. L. was only 18 years of age when she

⁸⁷See for example the work of Gilfoyle, *City of Eros*: 62.

⁸⁸QSD, 16-1-1841.

required admission to the hospital the first time for syphilis.⁸⁹ S. B. was hospitalized at 16 for the treatment of syphilis and apprehended at 17 for brothel prostitution.⁹⁰ Nineteen year old L. C. was arrested six times in eight years for prostitution, her first arrest occurring one year prior to hospitalization.⁹¹ Older women also worked the city streets. Marie Tremoulie was already 27 in 1813 when she first appeared in the court records as a common prostitute; she accumulated at least 10 charges for streetwalking over the next 16 years. She was quite familiar with the prison system, having been confined in the Common Gaol and House of Correction for other offences such as vagrancy and petty larceny. While I could not identify Magdeleine McDonald in the parish records and hence have no idea what her age might have been, she was the mother of Magdeleine Couture, "a minor", both of whom worked together as prostitutes. Scottish born A. T. was already 42 when she made a brief foray into prostitution.⁹²

Many women were born outside of Montreal: in the United States, overseas in Ireland, Scotland, and England, in Upper Canada, and in other parts of Lower Canada. Some streetwalkers migrated to Montreal from the countryside. Angélique Laselle who was arrested with Marie Laramée, came from Chambly where her family farmed. Véronique Fleury, the youngest daughter of François Fleury and Marguerite Forgue, came from St. Vallier. In the few instances where place of birth was recorded in the prison calendars, they show that the majority of women charged with

⁸⁹McGill Archives, RG 96, Montreal General Hospital Casebook, Vol. #84, 4-6-1829.

⁹⁰*Ibid.*, 3-8-1830.

⁹¹*Ibid.*, 23-2-1832.

⁹²McGill Archives, RG 96, Montreal General Hospital Casebook, Vol. #85, 2-7-1835.

being common prostitutes were born outside of Montreal.⁹³ Mary Ann Thompson of Philadelphia and Ann Taylor of New York City were arrested in Montreal the same year.⁹⁴ Jane Graham was born in Upper Canada. Many women came from Ireland. Irish born Mary Wilson was arrested for the first time in 1826. Some originated from Montreal. By 1826, Montreal born Betsey Durand and Marie Tremoulie, had accumulated 19 incarcerations each in the city prison.⁹⁵

Between 1810 and 1842, court records reveal that while the majority (65%) of these women were arrested only one to two times, they account for less than a quarter of the total arrests (22%). The transient nature of prostitution has been noted elsewhere. Judith Walkowitz found it a common characteristic of the sex trade in Victorian England.⁹⁶ A much smaller number, a third (35%), were arrested more often, and made up the remaining three-quarters (78%). A small number of women who seem to have been targeted by the police were arrested repeatedly. The most extreme example is Mary Ann Green who had the highest number of arrests for a cluster of offences such as prostitution, vagrancy, and being loose, idle, disorderly usually associated with the street life of prostitution. Between 1836 and 1842 she

⁹³In the lower court records, I discovered three calendars of the House of Correction where the place of birth and the number of accumulated arrests had been recorded. The following chart shows that of those women who were confined for street prostitution, the majority were born outside of Montreal.

YEAR	BORN IN MONTREAL	BORN OUTSIDE MONTREAL
1819	3	8
1821	2	4
1825	4	8
1826*	2	3

*two other women did not have place of birth recorded

⁹⁴QSD, Calendar of the House of Correction, 21-10-1819.

⁹⁵*Ibid.*, 21-1-1826.

⁹⁶*Prostitution and Victorian Society*: 15.

was apprehended at least 35 times, thirteen of those times for streetwalking. In 1841 and 1842 alone, she was incarcerated at least 18 times, with sentences ranging from three days to two months. Similarly in Halifax, Judith Fingard found that a group of 'notorious' women were by their high visibility in the public streets, subjected to repeated police harassment.⁹⁷ Disorderly behaviour perhaps overlooked in other women, resulted in prosecution, according to Constance Backhouse, when committed by a prostitute.⁹⁸ Jeffrey Adler suggests that while police raids on brothels served to establish a certain standard of behaviour, streetwalkers seemed uncontrollable. Madams oversaw women who worked for them, husbands and fathers restrained family members, but nobody could control the woman alone.⁹⁹

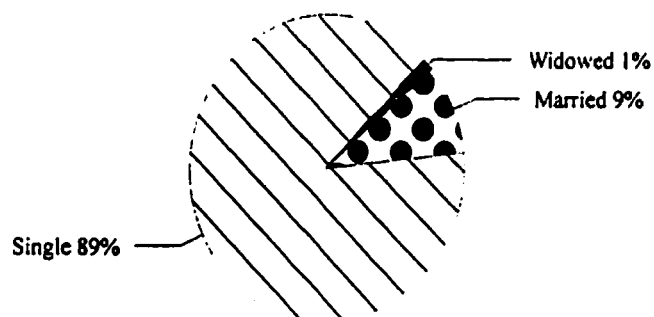
Recidivist and non recidivist streetwalkers had similar features. Figures 2.14 and 2.16 show that they were overwhelmingly single, from families whose fathers were almost equally divided between the unskilled and artisanal groups. Where the two groups of streetwalkers differed most significantly was in ethnicity. Figure 4.15 demonstrates that although francophones dominated in the early years, from 1832 onward, non-francophones came to outnumber them dramatically. These findings suggest that the larger non-francophone group of transient streetwalkers, made up of trans-Atlantic immigrants, entered the sex trade briefly to cope with the immediacy of purchasing food and shelter and making ends meet.

⁹⁷Fingard, *The Dark Side of Life*: 106.

⁹⁸Backhouse, *Petticoats & Prejudice*: 230.

⁹⁹Adler, "Streetwalkers, Degraded Outcasts", : 74-745.

FIGURE 2.14
MARITAL STATUS OF RECIDIVIST STREETWALKERS



1810-1842 (n=673)

FIGURE 2.15
ETHNICITY OF RECIDIVIST STREETWALKERS

F=francophone N-F=non-francophone

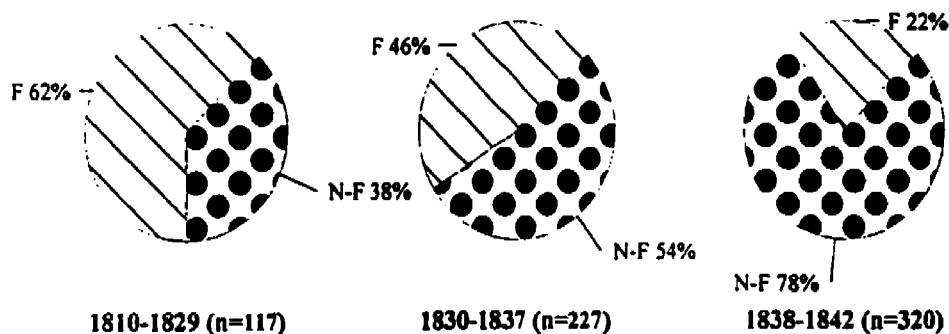
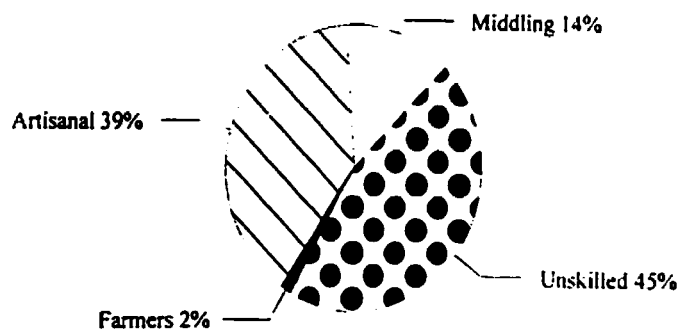


FIGURE 2.16
OCCUPATIONAL STATUS OF FATHERS AND HUSBANDS OF RECIDIVIST STREETWALKERS



1810-1842 (n=75)

A large transient male population provided the clientele. Migrant workers came to the city to labour on the Lachine canal and to restore the harbour. Since Montreal was both a port and garrison town, great numbers of soldiers were stationed at the Quebec Barracks and sailors arrived with the ships. The growing number of immigrants disembarking in Montreal began earlier than the period under study but increased steadily between 1810 and 1842, culminating in a flood of Irish escaping the potato famines in the late 1840s, after the period studied here. Although all of the men who were arrested for prostitution-related offences were connected to brothels, some of the clients of streetwalkers were apprehended but charged with a different offence. Consequently, we know less about these men¹⁰⁰ than those caught in brothel raids. If streetwalkers were charged with being common prostitutes, then clients were not arraigned. When watchman Antoine Gospel discovered François Neau and Betsey Dunn "*en flagrant delit*" he arrested Dunn and not Neau.¹⁰¹ Similarly, when Peggy Dollar, Mary Rice, Catherine Corker and Eliza Harvey followed Francis Grant, Pierre Lemoine, and Jean-Baptiste Laviolette along Papineau Road, only the women were arrested.¹⁰² But if streetwalkers were charged with vagrancy or being loose, idle, and disorderly, clients were usually arraigned on the same charge. For instance, when prostitutes Sarah Mitchell, Appoline St. Germain, Mary Ann Smith, and Mary Milligan were arrested with the men who accompanied them, they were all charged with being disorderly.¹⁰³ Ironically, it was Michael Wood's parents, Anne Keenan and John Wood, who prosecuted him for a misdemeanour after he apparently assaulted his mother when she demanded that the

¹⁰⁰The task of matching the names of clients with the names of men charged with other public order offences is for very practical reasons beyond the scope of this study.

¹⁰¹QSD, 30-11-1829.

¹⁰²QSD, 13-6-1835.

¹⁰³QSD, 21-6-1838.

"girl of ill fame" that he kept overnight in their home, be sent away.¹⁰⁴

Brothel prostitutes and streetwalkers held certain demographic features in common: most of the women were single, from artisanal or labourers' families, and they were increasingly not French Canadian. Other characteristics differed. Brothel prostitution was more common among francophones, the streets among non-francophones, usually Irish women. These findings support the view that the streets served a more immediate need, and for this reason greater numbers of non-francophones worked there. The higher level of transiency among street prostitutes over their brothel counterparts supports this interpretation. Francophones on the other hand had the resources to establish brothels in their homes or to lease more appropriate dwellings. The significance of these observations is crucial to understanding why women chose to work in prostitution.

CHOOSING PROSTITUTION:

Why then did at least 2238 Montreal women between 1810 and 1842 choose to work in prostitution? This simple question steers us into a complex web of possibilities with little certainty that any single answer accurately reflects the choices that these women made so long ago. There were many reasons to work in prostitution. For some women, it was a strategy to deal with grinding poverty, a prompt way to meet one's daily needs of survival. This was especially true for immigrant women as is seen in the high transiency figures associated with street prostitution. Widows, wives with ill and unemployed husbands, deserted women, and those who left home to get away from abusive husbands also showed another side of the sex trade. Some of them integrated prostitution into the household economy to make ends meet. Entering into prostitution was not simply an act of desperation. For some, it may have been an act of shrewdness, as Christine Stansell so wisely points out. She argues that young women encountered men every day in a sexual

¹⁰⁴QSD, 4-1-1841.

system in which men could, did, or tried to take what they wanted. Some of the young women learned quickly how to manoeuvre, selling sexual favours for money.¹⁰⁵ Some women were channelled into the sex trade through recruitment by friends, relatives, and occasionally strangers. For intemperate, usually homeless women, prostitution served to provide food and shelter, and in certain ways more importantly in their world, alcoholic libation. These women were well represented in the rate of recidivism for streetwalkers. For others, prostitution permitted a means of upward mobility as well as a mode of earning higher income.

Certainly a compelling argument has been made by historians that poverty, limited employment opportunities,¹⁰⁶ and the lack of adequately remunerated female work opportunities induced some women to chose prostitution. Timothy Gilfoyle argues that the major factors persuading young female New Yorkers to embrace prostitution were low wages resulting from a large pool of cheap female wage labour, seasonal outwork, and consequently, under-employment.¹⁰⁷ Researchers have argued that it was often the most vulnerable who became prostitutes, the poor seamstress, the widow with a young family, the immigrant Irish woman, and the naive country girl who left home to move to the city. In Montreal, one man argued that without charity, prostitutes were "victims to seduction" without any opportunity "to abandon their disordered life". They were forced to a life of "lewdness" because of "poverty

¹⁰⁵Stansell, *City of Women*: 189.

¹⁰⁶Nicholas Rogers argues that out of town girls could rely on domestic service; urban women found seasonal, casual, poorly paid work in gardening, dairying, needlework, and marketing. ("Policing the Poor in Eighteenth-Century London: The Vagrancy Laws and Their Administration" *HS/SH* 24:47 (May 1991): 133-134) Similarly, Barbara Hobson maintains that in the first half of the nineteenth century, women gained access to new occupations at the same time as they were being shut out of trades that they had dominated. Moreover, they found themselves excluded from other jurisdictions of informal work such as the tavern, street-stall peddling, and home industries. (*Uneasy Virtue*: 94-99)

¹⁰⁷Gilfoyle, *City of Eros*: 59.

and extreme indigence".¹⁰⁸ While all of these models fit, there were other actors in the sex trade who did not have the same driving economic need to choose prostitution, although fiscal considerations were still important. Men and women who kept brothels together as couples or as family enterprises, members of prominent artisanal families, and the involvement of employed individuals such as policemen provide another face to the Montreal sex trade. For many of them, prostitution was an important part of the household economy.¹⁰⁹ The situation for single women migrants and immigrants could be quite different. Some without households of their own turned to street prostitution.

The decision to work as a prostitute or brothel-keeper was based upon a complex and variable range of options¹¹⁰ which differed according to a woman's social class, ethnicity, and marital status. A penniless, single Irish woman disembarking after a long and treacherous journey across the ocean did not have the same alternatives as a francophone woman with an extended family and links to the community. Thus, a recent immigrant may have turned to the immediacy of the streets to eke out a living to solve fundamental issues related to daily survival. So too did some young women who had migrated to Montreal from the countryside. For

¹⁰⁸ *Journal of Lower Canada House of Assembly* Vol. #41 (December, 1831): 202-3.

¹⁰⁹ Gilfoyle, *City of Eros*: 66.

¹¹⁰ As I have already discussed in Chapter I, impoverished women were also affected by the increasingly popular notion amongst Montreal notables of categorizing the city's indigent population as either deserving or undeserving. This yardstick to measure the poor determined who could have access to charity in Montreal, essentially limiting some of the options available to poor women. With few exceptions, Montreal institutions appear to have refused assistance to prostitutes, women considered by their directors to be undeserving. One exception was the Asylum for Female Penitents, an institution specifically designed to reform prostitutes who wanted to leave the sex trade. For many female vagrants and street prostitutes, the local jail was their first line of defense. Thus, the utilization or under-utilization of certain establishments sheds some light on external factors that have influenced women's decisions to enter in, stay, or leave prostitution. For homeless women, the harsh Montreal winters presented another constraint.

many of these women, prostitution was a temporary solution to pressing problems.¹¹¹ A woman with some access to capital would have had the time and resources to organize a brothel, by hiring prostitutes, purchasing goods, and, if necessary, leasing suitable shelter in a particular neighbourhood. A married woman's outlay would not have been as great since she already had space, furniture, and other goods at her disposal.

The sex trade provided income for Montreal women who worked in the public spaces of the city as streetwalkers or for single or married women and widows who incorporated brothel-keeping into their household economy. Studies show that some women could earn more in prostitution than in other forms of women's work. Although payment could take different forms, such as payment in kind or cash, it was immediate and therefore attractive to those in need of speedy remuneration. Moreover, brothel-keepers could augment revenue by selling liquor in their establishments. In Philadelphia, some houses charged \$2.00 per visit but some prostitutes would have earned more. While Marcia Carlisle recognizes that it was difficult to ascertain how much prostitutes earned, she argues that even the lowest paid women would have received more than the majority of wage earning women.¹¹² Similarly, Judith Fingard posits that prostitution in Halifax offered women some chance at economic betterment.¹¹³ Timothy Gilfoyle contends that prostitutes were "the best

¹¹¹Some historians have shown a relationship between economic down swings and increased rates of prosecution for certain offences. Larceny is one such crime which has often been utilized as an indicator to test this relationship. Donald Fyson could not find a similar relationship between larceny and economic down swings in Montreal in the 1820s. He suggests that while vagrancy and prostitution may have reacted more closely to broader economic conditions, he could not make any sure conclusions. (*Criminal Justice, Civil Society*: 325-326) Marcia Carlisle on the other hand, contends that work by Philadelphian prostitutes varied with economic cycles. ("Disorderly City, Disorderly Women": 558)

¹¹²Carlisle, "Disorderly City, Disorderly Women": 558.

¹¹³Fingard, *The Dark Side of Life*: 105.

paid women workers in nineteenth-century America"¹¹⁴. For some New York women, prostitution gave them not only wealth without marriage but fame as well.¹¹⁵

In Montreal we know very little about how much prostitutes charged for their work. Nor do we know how many clients a prostitute would have serviced in a day. Marilyn Wood Hill could not find any evidence to support an assembly line form of prostitution characteristic of a later period; she argues that this approach did not exist in the early half of the nineteenth-century regardless of the type of brothel.¹¹⁶ In Montreal, the occasional deposition hints that customers stayed for some time when they visited brothels. When Joseph Spraker counselled William Castle how to steal from brothel customers by entering their rooms at night, robbing them, then rising early to act as if nothing had happened,¹¹⁷ he implied that customers stayed the night. Similarly, those men and women who utilized Marie Solomon's house of reception, expected to stay the night. We do know, from the few examples that exist in the court records that not all levied the same fee. For instance, Marie Solomon received \$2.00 for the overnight rental of a bedroom in her house of reception. The occasional larceny depositions show that prostitutes were accused of stealing money from men who seemed to have been in a compromised position. Perhaps the money was actually a fee for services rendered. Private James Brown accused Mary MacDonald of taking a half dollar out of his pocket "whilst he was sitting conversing with her in a tavern in the Ste. Anne's suburb". She retorted that it had been given

¹¹⁴Gilfoyle, *City of Eros*: 84.

¹¹⁵*Ibid.*: 70-73.

¹¹⁶Wood Hill, *Their Sisters' Keeper*: 226.

¹¹⁷QSD, 10-2-1841.

to her by Brown.¹¹⁸ When watchman Antoine Gospel apprehended Elisabeth Dayly, who was reputed to seek out soldiers, one man claimed that she had taken 1 écu (the equivalent of 1 crown or 5 shillings 5 pence¹¹⁹) from him.¹²⁰

Some Montreal prostitutes maintained that they received goods in lieu of their sexual services. Julie Deschamps declared when she was interrogated for stealing an axe, appraised at 2 shillings 6 pence, that she had willingly accepted it "*en payment d'un maçon pour avoir couché avec lui*".¹²¹ Apparently, pedlar Abraham Davies thought that he could purchase sex by offering the daughter of brothel-keeper Sarah Murphy "some earrings for illicit purposes", according to a deposition made out by Murphy.¹²²

Street prostitution could be casually practiced by what Christine Stansell refers to as "a street trade of independent workers"¹²³ and required little to no capital investment, unlike brothel prostitution or other forms of female labour such as laundering. Even domestic servants and wet nurses required something - a letter of reference, an intact reputation, a milk supply. In early nineteenth-century Montreal until at least the 1840s, the city was still small enough that many individual reputations were public knowledge.

A number of brothel-keepers were widows, and many streetwalkers were

¹¹⁸QSD, 17-11-1838.

¹¹⁹17 Geo. III c.9.

¹²⁰QSD, 2-1-1829.

¹²¹QSD, 21-10-1839.

¹²²QSD, 26-5-1841.

¹²³Stansell, *City of Women*: 174.

single women of Irish background.¹²⁴ For some Irish women, prostitution was a viable option in the face of bleak employment opportunities which they encountered upon their arrival in British North America. As early as 1818, concern for the poor emigrants "who are wandering about our streets, sunk in the lowest state of misery and want" was expressed in the *Montreal Herald*. The public was encouraged to employ those who were able-bodied. For those too ill to work, charity was in order.¹²⁵ If emigrants arrived in late autumn, their situation became desperate without savings. Employment opportunities plummeted by the winter season, and without access to charity, most found themselves in dire straits.¹²⁶ Nine years later in a letter to the editor of the *Montreal Transcript*, one Montrealer expressed concern about the lack of employment opportunities available in Montreal for emigrants and about the exhaustion of funds used by the Emigrant Society to relocate new arrivals.¹²⁷ Perhaps Margaret Hazette exemplified the situation that many faced. This Irish woman confessed on her first arrest that she was unable to maintain herself, being unemployed and "in danger of getting into improper courses".¹²⁸ Helen Cowan argues that Emigration Commissioners, benevolent societies and Poor Law unions made a concerted effort to both promote and effect the immigration of poor, single Irish women to British North America. Women would supply a market demand for brides, domestic servants, and other female labourers, at the same time

¹²⁴In Halifax in the 1860s it was black women who were the most impoverished group of women in the city; they represented 40% of prostitutes who were apprehended that decade. (Fingard, *The Dark Side of Life*: 104)

¹²⁵*Montreal Herald*, 19-12-1818.

¹²⁶*Gazette*, 5-1-1820.

¹²⁷*Montreal Transcript*, 20-6-1837.

¹²⁸QSD, Calendar of the House of Correction, 21-1-1826.

it would provide some relief for counties burdened with excessive pauperism.¹²⁹ Many of these female immigrants were already disadvantaged in that they were unskilled and entering a precarious labour market on disembarkation.

What options were available to widowed women trying to support themselves and their children in a period of transformation? Bettina Bradbury found in her study of mid-nineteenth-century Montreal that widows remarried less frequently than their male counterparts. To survive as widows, women instituted a number of strategies: they sent their children to work or sought work themselves; they operated small businesses, some which may have been inherited from their husbands; they reorganized their living arrangements to reduce rent or to ensure help with childcare; they sold produce that they had grown or purchased at the market; they produced goods that they could sell; they took in boarders; and, they turned to charitable institutions.¹³⁰ 'Respectable' and 'deserving' widows were a favourite target of a vast array of charitable organizations "appealing because their poverty was quite clearly not their fault, unless they drank or indulged in vulgar behaviour".¹³¹

Since idleness and tippling were associated with prostitutes and their work sites, streetwalkers and brothel-keepers were cast into the undeserving camp. In order to determine if any of the women in this study received assistance from charitable organizations, I compared the names of women who appeared in the registers of certain religious and charitable organizations such as those run by the Grey Nuns, the Sisters of Providence, and the Montreal Ladies Benevolent Society. My investigation shows that only a few names matched, usually to the institution operated by the Sisters of Providence who were perhaps less preoccupied with

¹²⁹Helen I. Cowan, *British Emigration to British North America: The First Hundred Years* (Toronto, 1961): 223.

¹³⁰Bettina Bradbury, "Surviving as a Widow in 19th-Century Montreal". *UHR/RHU* 17:3 (February, 1989): 151-155.

¹³¹Bradbury, *Working Families*: 211.

respectability than the other charities. It is impossible to know about specific women who might have approached these institutions but were refused, or women who might have received help without being admitted to a particular institution, since the records of the catholic institutions show only those women who were admitted to their refuges. None of these women appeared in the records of institutions such as the Grey Nuns and the Montreal Ladies Benevolent Society, before entering prostitution or during their active period in the trade. Since the records of the Sisters of Providence commenced in 1843 which is after my study, I could only attend to those women who might have received help later in their lives. A small number were given assistance many years later often when they had become widows and in some cases, care was extended to their children or spouses. For instance, François Gariepie died in the Grey Nun's Hospital in 1846 at the age of 78. His wife Marie Bouchard, from whom he had been separated for 35 years, had been a brothel-keeper shortly before they separated and continued at this work for at least seven years thereafter. Marie Anne Allard, whose only arrest for brothel-keeping occurred in 1814 entered the refuge of the Sisters of Providence thirty-three years later as a widow and died there in 1850. Similarly, Marguerite Benêche dit Lavictoire entered the same institution in 1860 when she was 61 years old as the widow of François Proulx, her first husband even though she had remarried four years after his death, to Charles Bonnier. Of these women who eventually received help, it seems that time and widowhood brought respectability.

Without the institutional records of those that targeted 'fallen women' we will never know who requested and received care at the Asylum for Female Penitents. Some prostitutes seemed to prefer jail to the Asylum. Take for example, Marie Louise Campbell who had demanded at the Watch House to be returned to prison, even though she had been "recently discharged from the gaol to enter the Magdalene Asylum".¹³² Caroline Miller, alias Peggie Cornelier alias Caroline Dollar, was an

¹³²NA, RG4 B 14, *Police Records*, Vol. #38, 26-1-1837.

ex-penitent of the Asylum when she too demanded a night's lodging at the Watch House saying "*qu'elle ne lui reste plus rien de bon à faire ni à gagner*".¹³³ For many women who relied upon incarceration especially during the winter months, I suspect that in certain ways, they preferred the prison. It was easy to gain admittance and thus dependable, little was expected from them, they were familiar with the institution, the period of incarceration was short, and they had the companionship of colleagues. In Halifax, the Rockhead Prison provided social welfare to streetwalkers and vagrant women in the form of food, lodging, and a refuge against violence.¹³⁴ Lucia Zedner contends that women recidivists in England moved in and out of local prisons, "thus blurring the divide between life inside and their own communities outside".¹³⁵

Women with sick husbands, deserted wives, and widows all faced similar economic hardships derived from their dependence upon male wage-earning husbands. Since they still had domestic labour and childcare to manage along with seeking an income, they faced challenges not encountered by men.¹³⁶ Brothel-keeping permitted women to fulfil all these responsibilities. Bettina Bradbury argues that independent business women, poor or not, could combine work, domestic duties, and childcare:

In most such enterprises home and work did not need to be separate. They could watch their children and even do some forms of housekeeping while tending to business.¹³⁷

¹³³*Ibid.*, 22-2-1837.

¹³⁴Fingard, *The Dark Side of Life*: 57.

¹³⁵Lucia Zedner, *Women, Crime, and Custody in Victorian England* (New York, 1991): 5.

¹³⁶Bradbury, *Working Families*: 185.

¹³⁷*Ibid.*: 199.

While she was referring to widows who operated their own businesses, it could also apply to brothels. When Claire Auger's shoemaker husband, François-Xavier Day died in 1832 at the age of 37, and seven months after their marriage, she was left with two babies, four month old Joseph Jacques and Marie Esther, who was born exactly eight months after the death of her father, to care for without a male wage to depend upon. Brothel-keeping allowed her to look after her young children, manage her household, and earn an income. While we do not know when Auger became a brothel-keeper, she was arrested with Elizabeth Benson for keeping a disorderly house seven years later.¹³⁸ Boardinghouse-keeper Jane Derwin was arrested only a few months after her husband John McGuire's death.¹³⁹ Her incursion into the sex trade demonstrates how well prostitution could blend into her household economy. As a boardinghouse-keeper, Derwin's employment of household space and services which she already offered to her boarders integrated well with the requirements of brothel-keeping. For other Montreal women, brothel-keeping was not an option: streetwalking was better. Take for example the poignant history of Jane Hicks. In January of 1831, Jane Hix (Hicks) was accused of stealing clothing from the house of Martin Duval which she offered for sale to brothel-keeper Joseph McFarlane saying, "*elle demandait à emprunter, disant qu'elle n'avait pas de quoi manger et qu'elle avait besoin d'acheter quelque chose pour ses enfants*".¹⁴⁰ By the end of the month, she faced her first in a series of nine arrests between 1831 and 1833 for street prostitution. The depth of her poverty which did not allow her to purchase food for her children, probably led to her entrance into the sex trade.

Clearly, we can only speculate about why some Montreal women decided to

¹³⁸QSD, 16-12-1839.

¹³⁹Jane Derwin accused Sarah Corcardale of being drunk and annoying her and her husband who "is in a dying state having been for the last five months confined to his bed from sickness". (QSD, 8-7-1841)

¹⁴⁰QSD, 5-1-1831.

enter prostitution. This is best demonstrated in the case of Elizabeth Degane who was arrested in Montreal on November 4, 1822 for operating a brothel. This arrest occurred approximately one year before her husband died. These two dates raise several questions. For instance, was he sick before his death? Did Elizabeth Degane turn to prostitution in order to look after her seven surviving children? Since two of Elizabeth's sisters were also arrested for brothel-keeping, was this a family survival strategy that they initiated in difficult times or a permanent occupation? Had Elizabeth sought out and been denied charity? Did operating a brothel prove more lucrative? Was remarriage another strategy? Before her death in 1827, she had been arrested on at least three other occasions for receiving stolen goods¹⁴¹ and theft¹⁴² but never again for prostitution. To try to determine which scenario best fits Degane's situation is indeed a complicated and difficult task.

Some married brothel-keepers lived separately from their spouses at the time that they were accused or arrested. Sometimes the separation had been initiated by the woman, as in the case of Isabella Tomlinson. She had left her husband, sawyer Thomas Rousey and set up a brothel much to his dismay.¹⁴³ Sometimes streetwalkers deserted their husbands before turning to prostitution. In 1831, Jean Détouin accused his wife, Julie Archange Daigneau of having abandoned him and their four daughters, Marie Elmiere, Archange, Marie Henriette and Caroline, three years before to take up the life of a prostitute.¹⁴⁴ Between 1829 and 1835, Daigneau accumulated at least seven arrests for prostitution and vagrancy and two for larceny and assault and battery. In other instances, husbands deserted their wives. While we do not always

¹⁴¹Elizabeth Deganne and Joseph Moses were charged with and found guilty of being accessories to theft and receiving stolen goods. (*Montreal Herald*, 21-8-1824).

¹⁴²QSD, 18-8-1824, 14-10-1826, 18-10-1826, 24-2-1827.

¹⁴³QSD, 20-11-1823.

¹⁴⁴QSD, 26-10-1831.

know the reason for the desertion, in some cases there was a link between a woman's first arrest for brothel-keeping and her husband advertising in the local newspapers absolving himself of any responsibility for debts that she might incur. Marie Bouchard's husband François Gariepie placed an ad in the *Gazette* informing the public that he would not pay any debts she acquired, four months after her first arrest for keeping a disorderly house.¹⁴⁵ Similarly, Mary Ann Crawford's spouse James Davison placed an ad in the *Montreal Transcript* one month before her first arrest in prostitution. He made it clear why he would no longer be responsible for her financially: "having, by her late dissolute conduct, rendered herself unworthy of my confidence".¹⁴⁶ Other women appeared to turn to prostitution after their husbands left the province. Angélique Fournelle's first husband, Etienne Crete had deserted her before she was arrested for keeping a disorderly house with Mary McKenzie and Catherine Udhle.¹⁴⁷ Pedlar and madam Mary Martin had been deserted by her husband, shoemaker George Powell for twelve years when she was accused of keeping a brothel on Dubord Street.¹⁴⁸

There were other reasons why women did not dwell with their husbands. Some spouses, because of circumstances simply could not. Streetwalker Jane Rodgers' husband, William Dunn was serving a prison term for grand larceny when she was apprehended for prostitution. Rodgers had sublet a room in a house in St. Paul Street where she entertained soldiers.¹⁴⁹ At the time of her arrest for

¹⁴⁵*Gazette*, 14-1-1811.

¹⁴⁶*Montreal Transcript*, 11-7-1837.

¹⁴⁷QSD, 18-8-1812.

¹⁴⁸QSD, 19-4-1842.

¹⁴⁹QSD, 18-2-1829.

streetwalking, Catherine Daly's husband, a private soldier in the 37th Regiment was stationed in Kingston in Upper Canada.¹⁵⁰ Some women left their husbands because they were wife beaters. Marie Bricot dite Lamarche married widower Charles Boisseau dit Sanscartier in November of 1832. She prosecuted him on numerous occasions for assault and battery and threats against her life.¹⁵¹ A few months before her first arrest for brothel-keeping Lamarche had complained to a justice of the peace that she had been beaten by her husband for the past fifteen days.¹⁵² On another occasion she accused him of conspiring against her in order to "*priver frauduleusement de ses biens meubles et immeubles*" by libelling her character and having her incarcerated in the prison.¹⁵³

Widows, deserted women, and wives with ill husbands, could integrate brothel-keeping into their household economy, still provide childcare, perform household chores, and earn much needed income. The ease of integration may help to explain the large numbers of men who kept brothels with their wives, other women, family members, and future spouses. Married couples could manage their brothels and household together. Take for example the marriage of Marie Louise Gravelle and Pierre Desjardins. When they married in November of 1814, Gravelle became step-mother to Desjardins' four children, Marie Rose, Jérôme, Marguerite, and Thérèse. They operated a brothel together from the beginning of their marriage; daughters Marguerite and Thérèse assisted in the business. Irish immigrants, Mary Brennan and Patrick McGloan kept a brothel during the early years of their marriage at which time all four of their children, James, Mary Ann, Daniel, and Bridget were

¹⁵⁰QSD, 2-7-1824.

¹⁵¹See for example, QSD, 23-6-1835; 23-11-1835.

¹⁵²QSD, 28-10-1839.

¹⁵³QSD, 25-11-1835.

born and died. None reached three years of age. McGloan, who referred to himself at different times as a labourer and other times as a carter probably experienced periods of unemployment at a time when his wife was occupied with multiple pregnancies, infants to nurse, and sick toddlers to care for. Mary Brennan had married when she was already 31 years of age, had her first baby at age 34, only to die ten years later, in 1848. This contrasts sharply with women, like Lucie Rolland or Marguerite Lavictoire, whose family ties were to successful trades, who may have chosen prostitution as a way to be upwardly mobile.¹⁵⁴ While Rolland did not marry until age 32, she had already been operating brothels for at least thirteen years.

Unmarried women usually had fewer resources. Streetwalker Marie Françoise Gamache grew up in poverty. When her two and a half year old brother Michel died, he was buried in the "*cimetière des pauvres*". Her widowed mother was an egg-seller who prosecuted her own daughter for being "*une fille prostituée et de mauvaise vie*". Marie Françoise died in 1821 at the age of 43. The struggle immigrant women faced every day to find food and shelter is perhaps best portrayed by 25 year old Mary Smith. A widow from Guernsey, she told a watchman that since arriving in Quebec five weeks before, she had only been able to ferret out three days of work. She survived by "receiving small gifts from others" but had no place to live or food to eat.¹⁵⁵

Homeless streetwalkers were probably the most vulnerable group because they lacked even that most basic resource, shelter. Many of them were repeatedly arrested for a cluster of public order offences as well as being addicted to liquor. Both Bridget Howe and Lydia Corneille were alcoholics. Corneille had accumulated at least six convictions for prostitution before her life ended in the Common Gaol, the

¹⁵⁴An examination of a list of inventories after death of Montreal women and men compiled by Christian Dessaurault proved futile. Not a single name matched.

¹⁵⁵NA, RG 4 B14, Police Records, Vol. #38, 9-12-1836.

cause of death, according to Dr. Arnoldi from "dropsy induced by intemperance".¹⁵⁶ Bridget Howe's life ended the same way, in the Common Gaol from the effects of "intemperance, disease, and destitution". She had spent most of the last six years of her life in prison.¹⁵⁷ Streetwalker Fanny Roberts died on a farm belonging to a Mr. Evans at Rivière St. Pierre one October day in 1841.¹⁵⁸

In Montreal, the great majority of streetwalkers, especially recidivists, were arrested either in pairs or in groups.¹⁵⁹ This finding suggests that the women knew each other; some were friends who may have been instrumental in channelling them into the trade. Women were recruited¹⁶⁰ into prostitution by family members, friends, and occasionally by strangers. How this process took place is not always

¹⁵⁶ANQM, Coroner's Report, 24-11-1842.

¹⁵⁷ANQM, Coroner's Report, 21-7-1843.

¹⁵⁸ANQM, Coroner's Report, 6-10-1841.

¹⁵⁹I analyzed the number of streetwalkers who were arrested alone, in pairs, and in groups between 1810 and 1836. Figures show that 70% of these women were arrested with others; 30% were apprehended alone. It was impossible to extend this inquiry beyond 1836 since the courts had adopted standardized depositions in 1837 which allowed only the name of one woman per document.

¹⁶⁰The possibility of young people being recruited into vice created certain tensions among the city's elites which were expressed in a number of different ways. For instance, they worried about the proper classification of prisoners in order to keep the hardened criminal away from the young novice who could be innocent of the charge levied against her, the effects of bawdy houses which were occasionally referred to as factories for vice, low tippling establishments thought to corrupt the youth, and the vulnerability of new immigrants. One tract, by an "Old Countryman" cautioned emigrants to be careful about forming hasty relationships with people they did not know well.

Without attention to the characters of the persons with whom you become associated, you may find yourselves exposed to all the evils attendant on bad company, before you are aware, and you will either prove by it, that your habits have been heretofore bad, or expose yourself to such temptations as are calculated both to corrupt, and to confirm you in evil habits; and you may rest assured that the more sober and respectable part of mankind, will form their opinion of your character by the company that you keep. "Tell me your company!" says the Spanish proverb, "and I will tell you what you are." (Old Countryman. *A friendly advice to emigrants from Europe, on their arrival in Canada* (Montreal, 1834): 4)

clear, but we know from depositions that family members worked together: mothers and their daughters, sisters, and entire families. There were family-run brothels, mother and daughter operated brothels, and sisters, mothers and daughters who worked the streets together. Sometimes friends acted as recruiters. Court records also allude to strangers who lured young women into the sex trade under conditions that would later be depicted as white slavery. Although the data is scanty, it is a small window into some aspects of recruitment. In Philadelphia, some prostitutes had been enticed into the trade by relatives, others by friends.¹⁶¹ In New York City, according to Gilfoyle, peers sometimes encouraged prostitution.¹⁶²

Some young women, like fifteen year old Eliza Peebles who went to visit a friend Catharine Ryan at Isabelle Blondin's brothel, accused brothel-keepers of attempting to draft them into prostitution by thwarting their attempts to leave the establishments.¹⁶³ Catharine Ryan and her colleagues eventually succeeded in recruiting Eliza. By 1839 she had incurred her first arrest for prostitution. Family members also initiated relatives into the sex trade. For instance, widow Magdeleine McDonald worked with her daughter, Magdeleine Couture in the streets and brothels around the city. Sisters, Félicité and Marguerite Bleau, worked together in a brothel operated by Amable Breton.¹⁶⁴ Marguerite eventually had a long career in streetwalking, which ended at her death in the local prison. Misses Mary Ann and Margaret Burns were two sisters who were arrested for keeping a "*maison de*

¹⁶¹Carlisle, "Disorderly City, Disorderly Women": 560.

¹⁶²Gilfoyle, *City of Eros*: 67.

¹⁶³QSD, 5-3-1827.

¹⁶⁴QSD, 18-2-1839.

débauche" on Brock Street.¹⁶⁵ Similarly, Henriette and Sophie Lafleur's brothel on St. Ignace Street was raided by police in March of 1842.¹⁶⁶

Women were recruited by strangers. Brothel-keeper¹⁶⁷ Suzanne Filiatreau was accused of recruiting young women and servant girls into prostitution. Described as "a most dangerous woman to the morals of the virtuous part of the sex" she would loiter about the streets or "ingratiate herself in the houses of decent and respectable persons" on the pretence of sewing in order to entice domestics into her brothel.¹⁶⁸ The histories of some of the young women's initiation into prostitution were not unlike white slavery tales associated with the late nineteenth-century. Julie Doyer, a native of Quebec City, inadvertently ended up in Betsey Martin's brothel, directed there by a young man. Martin apparently took away Julie's clothes, kept her prisoner, and eventually permitted a number of soldiers to sexually assault her.¹⁶⁹ One father, Raphael Belisle dit Lafleur complained that his oldest daughter, thirteen year old Adeline who was in service, had apparently left the household and not returned home. The father feared that "*elle a été séduite par quelque personne mal intentionnée et qu'elle est a present cachée dans quelque maison de débauche*".¹⁷⁰

Some young women ran away from home to work in brothels. What they were running away from remains a mystery. Take for example, seventeen year old Lucie

¹⁶⁵QSD, 18-3-1839.

¹⁶⁶QSD, 21-3-1842; 21-4-1842.

¹⁶⁷Filiatreau was accused by J-B Beauchamp and Louis Fontaine of keeping a disorderly house on Williams Street (QSD, 19-5-1841).

¹⁶⁸QSD, 13-7-1841.

¹⁶⁹QSD, 23-10-1823.

¹⁷⁰QSD, 12-2-1841.

Beaune who left home to live in the brothel of Lucie Rolland due to her "*mauvais conseils*". When Lucie Beaune's father discovered that his daughter was known to the public as a "*fille de débauche*" he went to Rolland's brothel to ask his daughter if she wanted to return home with him. Apparently she said yes, but despite her wish to leave, Rolland refused to return her belongings.¹⁷¹

Women in pre-industrial Montreal easily move into and out of prostitution. The transiency rate of street and brothel prostitution supports the idea that for most women, prostitution was not a vocation but a way to solve economic problems. Many of the transient streetwalkers probably eventually married following their brief stint in the sex trade. In a study of prostitution in three major American cities in the second half of the nineteenth century, Barbara Hobson found that prostitution served as a transitory phase in the lives of women, many quit at the age when most women would have married.¹⁷² Dorothee Mongeon who was arrested and indicted only once for keeping a disorderly house with her sister and father, married Pierre Lemontagne dit Poitvin the following year. While it took Angélique Cataford seven years to marry following a single arrest for brothel-keeping, she eventually married labourer Jean Eberley. As we have already seen, some madams married male brothel-keepers and apparently left prostitution since they disappeared from the court records entirely. Brothel prostitute Louise Hamel married the son of a madam, Marie Solomon. She was never accused or arrested of prostitution again. Others, who were active in the trade, married and continued keeping disorderly houses as in the case of Louise Corbeille who had four arrests for brothel-keeping before she married and one more two years after the wedding.¹⁷³ These marriages demonstrate that women could turn to prostitution in difficult times, and leave or remain in the sex trade upon marriage.

¹⁷¹QSD, 12-4-1837.

¹⁷²Hobson, *Uneasy Virtue*: 86-87.

¹⁷³QSD, 23-8-1831, 13-1-1832, 19-7-1834, 9-12-1835, and 16-6-1838.

Despite bourgeois ideas about respectability which apparently condemned prostitutes as "fallen women" for the remainder of their lives, their own communities did not view them in the same way.

CONCLUSION:

The Montreal brothel was a complex arena where different actors wielded varying levels of power. Madams, brothel prostitutes, male assistants, husbands and lovers, children, and relatives resided within its walls. Many married couples, widows, deserted wives, and women with sick, unemployed spouses blended prostitution into their household economy. For women outside of a household economy, such as single female immigrants and migrants, and homeless women, their choices appear more narrowly defined. These women, with more pressing needs to earn money for food and shelter, were more likely to work the streets of the city.

The transient nature of Montreal prostitution was a prominent feature. Few women were permanent conveyors of commercial sex. Although women and men had a host of different reasons for entering the trade, most were associated with economic considerations. For the vast majority, prostitution served as a short-term solution to daily survival, for others, it provided an opportunity for greater earning power and served them as a vocation. For homeless, alcoholic women, prostitution provided the means to support their addiction. Everyone had different reasons for working in the sex trade.

Another striking characteristic of the city's sex trade was the changing ethnic composition of both brothel-keepers and streetwalkers. Although francophone women were more likely than were non-francophones to set up houses of prostitution in partnership with other women, their numbers gradually decreased over the period under study. Francophone streetwalkers dominated in the early period but were significantly outnumbered by non-francophone women. The streets had become the preferred work site for many Irish women. Most, however, left as soon as other opportunities arose.

The next chapter will focus on the urban geography of Montreal prostitution.

I will examine where women and men established their brothels and street prostitutes were likely to work, how the spatial context of the sex trade changed over the period, and what impact the sex trade had on the local communities where the women lived and practiced their trade.

CHAPTER III

THE FACE OF MONTREAL PROSTITUTION ON THE URBAN LANDSCAPE

Until recently,¹ historians have not considered the relationship of prostitution to public space and to the social geography of the city. Rather, the term 'red-light' district has been constructed as a segregated, distinct area of the urban landscape, detached from the daily lives of a city's inhabitants. More current work by historians such as Mary Ryan, Timothy Gilfoyle, and Marilynn Wood Hill, which grew out of studies on the gendered use of urban public space, show that red-light districts were an integral part of city neighbourhoods.²

¹I wish to thank Tamara Myers for sharing some of her ideas on the gendered use of public space, especially in relationship to street prostitution and red-light districts. See her Ph.D Thesis, *Criminal Women and Bad Girls*.

²Early nineteenth-century American cities were characterized by their amorphous nature, with unlimited accessibility to both women and men. The beginnings of gender differentiation emerged between 1825 and 1840 with the development of so-called male space in the form of public halls, theatres, and merchant exchanges. By mid-century, class became the means to differentiate public space: virtuous middle to upper-class women, to prevent an affront to their sensibilities by encounters with so-called "dangerous" women, had their access to public space curtailed. Working-class women on the other hand continued to share public space with prostitutes. (Ryan, *Women in Public*: 64-79). Both Timothy Gilfoyle and Marilynn Wood Hill contend that the integration of prostitution in the neighbourhoods of all social classes did not occur until 1820. This wide spread dispersal of the sex trade was short lived according to Gilfoyle, culminating in the development of Soho as a red-light district. ("The Urban Geography of Commercial Sex: Prostitution in New York City, 1790-1860" *Journal of Urban History* 13:4 (August 1987): 383-384) Wood Hill on the other hand suggests that despite the dispersal of prostitution, certain areas of the city gained notoriety as centres of prostitution.

In this chapter I argue that Montreal women and men established brothels and street prostitutes plied their trade in most of the city's neighbourhoods. Montrealers not only shared urban space with madams, brothel prostitutes, and streetwalkers but many of them resided in the same buildings. Depending on the level of their neighbour's tolerance and of the bedlam of the brothels, some establishments were permitted to operate for long periods. Similarly, street prostitutes were left alone unless they drew attention to themselves by some sort of annoying, disruptive behaviour. Neighbours disciplined refractory prostitutes and brothel-keepers by complaining to the authorities. As a consequence, police raided brothels, forcing them to close, and arrested streetwalkers. Although brothels were located throughout the urban landscape, certain localities of Montreal came to be known as red-light districts.

By a red-light district I mean an area where it was public knowledge that prostitutes congregated seeking or sought by clients. In Montreal, over the period under study, distinctive areas of the city became known to the public as red-light districts for their clusters of brothels and street prostitutes. This was similar to London, England where Penelope Corfield describes the streets as having become more differentiated in function over the eighteenth-century. She argues that red-light districts developed for the first time near streets that specialized in various forms of entertainment and which lured crowds, expediting meetings between prostitutes and their clients. Her definition of a red-light district is broad, taking into consideration its development as well as public perceptions. Information was disseminated in the streets, market places, and public buildings such as taverns.

An informal street specialization assisted the processes of social recognition. That was particularly important for amorous encounters, which entailed a process of mutual identification and negotiation.³

(Wood Hill, *Their Sisters' Keepers*: 184)

³See her article, "Walking the City Streets: The Urban Odyssey in Eighteenth-Century England" *Journal of Urban History* 16:2 (February 1990): 141-149. This way of defining a red-light district works better than Timothy Gilfoyle's much stricter one. He argues that in New York City before

Montreal already had a red-light district by the turn of the nineteenth-century. It was located around the Quebec Barracks near the waterfront in the old city.⁴ The presence of these quarters drew prostitutes to the area where they worked on the streets or out of brothels and taverns. The old city also housed most of the public buildings of the town, attracting large numbers of people to them. The Court House and the Common Gaol were located on Notre Dame Street, within close proximity to the Champ de Mars, which was lined on each side with Lombardy poplars and served as a parade ground and popular promenade.⁵ The House of Correction, and the old and new market places, along with churches, convents, hospitals and the seminary were also found there. Mixed in with this sober array of edifices were taverns, houses of public entertainment, and brothels. Madams located their disorderly houses close to military installations and to drinking establishments which also served as meeting places for street prostitutes and their clients, usually soldiers and sailors. Sometimes, tavernkeepers kept prostitutes to entice clientele to their premises. For instance, William Waters, who operated a pub across from the Quebec Barracks, was accused in 1817 by town sergeant Bernard Kelly and tavernkeepers David Baird and William Ireson of harbouring a number of common prostitutes in his house and tavern. According to Baird, the women had been plying their trade in the

1820, prostitution was a private affair; little streetwalking took place outside informal, spatially defined areas of prostitution. This "spatially defined areas of prostitution" did not mean red-light districts. It was only after 1850, he contends that Soho, with 40% of the city's prostitution, became a new large-scale primary centre for prostitution and thus, a red-light district. ("The Urban Geography of Commercial": 375-388) It seems to me that Gilfoyle defines red-light district too rigidly, according to quantitative features, and as the end result of some process, unlike Corfield's definition which emphasises the process of differentiation and lived experience in the urban streets. The public perception of and behaviour toward informal areas of prostitution" and the red-light district of Soho are outside Gilfoyle's analysis.

⁴Court depositions in 1798 show that this quarter of the city was a popular area for Montreal prostitutes. Nine street-walkers were named in a Grand Jury presentment, who were in "the daily habit of frequenting the ramparts near the powder magazine". (QSD, 30-4-1798)

⁵James Buckingham, *Canada, Nova Scotia, New Brunswick and the other British Provinces in North America, 1843* (London, 1843): 145.

city streets for the past three months but had only started patronizing Waters' establishment a month earlier.⁶ Street prostitutes were often apprehended in the roadways of the old city in and around the taverns, markets, and barracks. In September of 1836, constable Henry Hebert arrested Catherine McDonald, Betsey Allcart, Eleonor Galarneau, and Harriet Hamelle who were lying drunk in a street near the Quebec Barracks. He regarded them as lewd, idle and disorderly women and common vagabonds and prostitutes. They had the reputation of regularly frequenting the barracks and neighbourhood, causing a scandal.⁷ Streetwalkers also solicited in green spaces located in the old city like that of the Champ de Mars. In this same period, prostitutes in Philadelphia moved about freely in city parks, on the streets, and in places of amusement, using the public spaces to their own advantage. There too, their working environment included taverns, streets, parks, and theatres.⁸

The Montreal sex trade was not only confined to the old city. Brothels also dotted much of the urban landscape of Montreal from the waterfront in the walled city and the Pointe à Callière, spreading out past the demolished city walls to the suburbs and Côte à Barron. Over the period under study, Montreal brothel-keepers established their houses in greater numbers along the streets of the suburbs, fanning out to their outer reaches, provoking the following commentary from an editor at the *Gazette* in 1824:

We cannot help remarking, that the number of these sinks of infamy with which the suburbs of the city abound require the active interference of the police to keep them in check, they are here, as in all other places, the resorts of the most depraved character, and no doubt, afford shelter to many whose only means of living is to prey

⁶QSD, 30-5-1817.

⁷QSD, 2-9-1836.

⁸Marcia Carlisle, "Disorderly City, Disorderly Women: Prostitution in Ante-Bellum Philadelphia" *Pennsylvania Magazine of History and Biography* 110:4 (1986): 548-549.

upon others, and violate the laws of civil society.⁹

Since police patrols were confined to the old city until the 1830s, in the suburbs it was neighbours who objected to street prostitutes working in their environs.¹⁰ For instance, John Delisle and William Williams complained that prostitutes Louise Daudelin and Angélique Bouchard were in the habit of haunting the Military Stables near the St. Antoine Suburb, annoying both neighbours and passersby.¹¹

Residents of all social classes, from the bourgeoisie who lived in the old city to the popular classes in the suburbs, shared urban space with brothels and streetwalkers. Leading Montreal merchants kept businesses on one of the principal streets in the city, St. Paul Street and they along with other members of the urban elite resided on Notre Dame Street¹² which ran parallel to it. Prostitution reigned in their midst. For example Betsey Dunn was discovered by watchman Antoine Gospel in 'carnal connection' with François Neau under a street light near Monsieur Cuvillier's in Notre Dame Street.¹³ Seven years later, the sex trade still flourished on this street. Constable Patrick O'Brien complained in his division patrol book

⁹*Gazette*, 7-7-1824.

¹⁰Although streetwalkers were present in the suburbs from the earliest decades of the nineteenth century, they were more likely to be arrested in the red-light district of the old city. Watchmen patrolled in this part of the city, but rarely in the suburbs. By the late 1830s, vagrant, loose, idle, and disorderly women and prostitutes were increasingly apprehended in the suburbs and in fields and orchards around the city. This pattern follows changes in policing practices, particularly, the rise in the number of constables and the establishment of patrols in the suburbs.

¹¹QSD, 27-5-1815.

¹²Theodore Dwight. *The northern traveller: containing the routes to Niagara, Quebec, and the Springs* (New York, 1825): 140.

¹³QSD, 11-20-1829.

about two brothels which bordered the home of Judge Gale on Notre Dame Street.¹⁴

In popular-class suburbs, neighbours even shared the same buildings with brothel-keepers and prostitutes, prompting them to complain at times to the justices of the peace about the noise and violence emanating from these establishments, and the indecent conduct of their inhabitants. When Jacques Perrault, Joseph Tetro dit Ducharme, and Marguerite Vegiarde all of whom were living in the Recollets Suburb, complained about a brothel in their community, the police acted accordingly. Etienne Billet and his wife Marie Mattée were arrested for receiving guests "*de mauvaise vie et moeurs*" at all hours of the day and night.¹⁵

Montreal streets teemed with life and activity.¹⁶ Men and women spent a great deal of their time in the public spaces around Montreal, conducting business, socializing, and loitering about the streets.¹⁷ The narrow and winding roadways within the old fortifications¹⁸ bustled with people of all social groups.¹⁹ Travellers

¹⁴NA, RG4 B 14, Police Register, Vol. #38, 23-12-1836.

¹⁵QSD, 19-9-1810.

¹⁶Numerous travellers who visited Montreal in this period described the city's architecture and public spaces in some detail.

¹⁷In 1841, traveller R.H. Bonnycastle described the hustle and bustle of Montreal street activity: In this city, one is amused by seeing the never changing lineaments, the long queue, the bonnet-rouge, and the incessant garrulity, of Jean Baptiste, mingling with the sober demeanour, the equally unchanging feature, and the national plaid, of the Highlander; whilst the untutored sons of labour, from the green isle of the ocean, are here as thoughtless, as ragged, and as numerous, as at Quebec. Amongst all these, the shrewd and calculating citizen from the neighbouring republic drives his hard bargains with all his wonted zeal and industry, amid the fumes of Jamaica and gin-sling. These remarks apply, of course, to the streets only. (R.H. Bonnycastle, *The Canadas in 1841* (Wakefield, 1968): 76-77)

¹⁸In contrast to the denseness of the old city, the Montreal suburbs were described as containing a number of residences often surrounded by pleasure-grounds of great beauty. See for example, the work of Thomas Hamilton, *Men and Manners* (London, (1833) 1843): 421-422). The streets were depicted as airy, wide and running the entire length of the city. See Joseph Bouchette, *A*

wrote of elegant ladies dressed in gowns made of satin, silk, lace or muslin wearing gauze bonnets trimmed with feathers, ribbons, or flowers, and carrying parasols strolling in these streets.²⁰ Mohawk women attired in moccasins, hats and blankets sold basket products and moccasins in these same thoroughfares.²¹ Popular-class women of different ethnic backgrounds travelled the byways of the walled city conducting their daily business. Beggars solicited alms from pedestrians or inhabitants in their homes throughout the period. Even as late as the 1860s, William Atherton likened Montreal to a "primitive village," where elderly men sat at their doorsteps "to gossip with passing friends and often the family would be found there of an evening."²² Montrealers patronized public buildings as well as houses of entertainment. Some people continued to use the river for public bathing, in spite of a regulation prohibiting this practice.²³ Montreal appears to parallel Penelope

Topographical Description of the Province of Lower Canada, with Remarks upon Upper Canada and on the Relative connexion of Both Provinces with the USA (London, 1815): 142.

¹⁹George Henry (Hume). *The emigrant's guide; or, Canada as it is. Comprising details related to the domestic policy, commerce and agriculture, of the Upper and Lower Provinces, comprising matter of general information and interest, especially intended for the use of settlers and emigrants* (New York, 1832): 10.

²⁰Thomas Fowler, *The journal of a tour through British America to the falls of Niagara* (Aberdeen, 1832): 126.

²¹Buckingham, *Canada, Nova Scotia, New Brunswick*,: 150; Adam Hodgson, *Letters from North America, written during a tour in the United States and Canada* (London, 1824): 374; and John McDonald, *Narrative of a voyage to Quebec and journey from thence to New Lanark in Upper Canada. Detailing the hardships and difficulties which an emigrant has to encounter, before and after his settlement; with an account of the country, as it regards its climate, soil, and the actual condition of its inhabitants* (Edinburgh, 1823): 31.

²²William Henry Atherton, *Montreal 1535-1914 Under British Rule 1760-1914* Vol. #2, (Montreal, 1914): 131.

²³In a petition by Jacob Marston, the High Constable for the District of Montreal, dated the 10th of July 1817, he requested the presiding Justice of the Peace to "summon two or more constables to attend the beach at least on Sunday to see that the said regulation be strictly observed." (QS,

Corfield's description of street life in eighteenth-century England, where the public streets were a lively arena for both sexes. All manner of events happened in public spaces: men and women worked, played, loved and died there.²⁴ In other words, public space defied exact boundaries between male and female spheres as Mary Ryan's study of San Francisco, New Orleans, and New York shows.²⁵ The separation between private and public spheres was clearly not part of the everyday experience of women in early nineteenth-century Montreal.

Like New York, the domestic space for Montreal's labouring women spread out past the physical demarcation of their lodgings to the neighbourhood streets. Christine Stansell's study of New York popular-class women shows that it was in the streets where women performed certain crucial domestic duties such as "pinching and saving, of cleaning and borrowing and lending, of taking - and of being taken",²⁶ where they helped each other, raised their children, and voiced their pleasures and grievances.²⁷ Propertyless New Yorkers in the 1820s and 1830s used the streets to make a living by "peddling, prostitution, foraging, gambling, and theft".²⁸

The street was also a place where individuals were most likely to exceed the

Presentment of the Grand Jury, 19-7-1817).

²⁴Corfield, "Walking the City Streets": 132-159.

²⁵Ryan argues that in nineteenth-century United States, public space in the urban centers of New York, New Orleans, and San Francisco, resisted segregation until at least 1880. (Ryan, *Women in Public*: 59-60)

²⁶Stansell, *City of Women*: 41-42.

²⁷*Ibid.*: 75.

²⁸Elizabeth Blackmar, *Manhattan for Rent, 1785-1850* (Ithaca, 1989): 151.

bounds of acceptable behaviour: being drunk, noisy or indecent.²⁹ Montreal streetwalkers carried out their work on the streets, and in the fields and roads around the city. They also used the public space to seek out their leisure and to discharge family responsibilities. After all, prostitutes were daughters, sisters, wives or mothers many of whom had their own households to manage. Others were homeless, and eked out an existence on the city streets. Sometimes streetwalkers were deemed raucous, indecent, and intoxicated, or to have obstructed pedestrians on the sidewalks. All these were offences which justified their arrest and incarceration. Similarly, in the American city of St. Louis, prostitutes were expected to conduct themselves in a decent manner in the public streets; if they were intoxicated, they were usually apprehended for drunkenness.³⁰

This mixture of urban space, from the presence of brothels in residential areas to the very public nature of prostitution in their streets had important implications for community relations. Bill Bramwell, who has examined the relationship between the use of public space and the community in nineteenth-century Birmingham, argues that local communities were made and reshaped by people in conflict and disunity as well as by what they held in common. Both conferred a localized geographical coherence upon neighbourhoods. Since a household's border with the streets and squares of the neighbourhood was permeable and heavily trafficked, informal socializing in early nineteenth-century American cities approximated a public domain. Smaller public spaces, such as courtyards and shorter streets, provided intimacy. Such intimacy among neighbours meant that they shared experiences and social networks, which reinforced people's sense of their own social relevance.³¹ This sense of relevance and

²⁹*Ibid.*: 61-64.

³⁰Jeffrey S. Adler, "Streetwalkers, Degraded Outcasts, and Good-for-Nothing Huzzies: Women and the Dangerous Class in Antebellum St. Louis" *Journal of Social History* 25:4 (1992): 744-745.

³¹Bill Bramwell, "Public space and local communities: the example of Birmingham, 1840-1880" in Gerry Kearns & Charles W.J. Withers (eds) *Urbanising Britain: Essays on class and community*

identification had certain implications for prostitution. Brothel-keepers required the acceptance of their neighbours for their establishments to remain open. Without their endorsement, madames risked police raids. In instances when police failed to respond to prosecutors' complaints, neighbours rioted in the offending brothels.

Montrealers shared urban space with prostitutes who were tolerated or disciplined in any number of ways when brothels or street prostitutes became too boisterous or threatened the safety of the neighbourhood. The porous relationship between household and street and the public nature of everyday life permitted neighbours to act in this manner.

Let us now take a closer look at this relationship between Montreal brothel-keepers and their neighbours as we examine the nature of the brothel and its association to the urban geography of the city. While there was some overlap between brothel and street prostitution, streetwalking will be examined separately.

THOSE HOUSES OF ILL-FAME OR "ARENAS OF VICE":³²

Court depositions offer a way of determining where women and men kept brothels in the city. These documents show that over the period under study, brothel-keepers established their enterprises over the entire urban landscape. The period before 1820 is more elusive since court officials seldom recorded the names of streets in depositions. After 1820, the addresses of the brothels were systematically included. In total, nearly three-quarters of the affidavits noted the street on which the brothel was situated; less than a tenth of the total mentioned only the suburb. A street number was rare. More than likely house numbers did not exist on most streets until later in the century. Sometimes the clerk of the court provided pertinent details in the depositions such as the names of the intersecting streets, if a particular brothel was located on a street corner, or some other characteristic, as in the case of

in the nineteenth century (New York, 1992): 32-39.

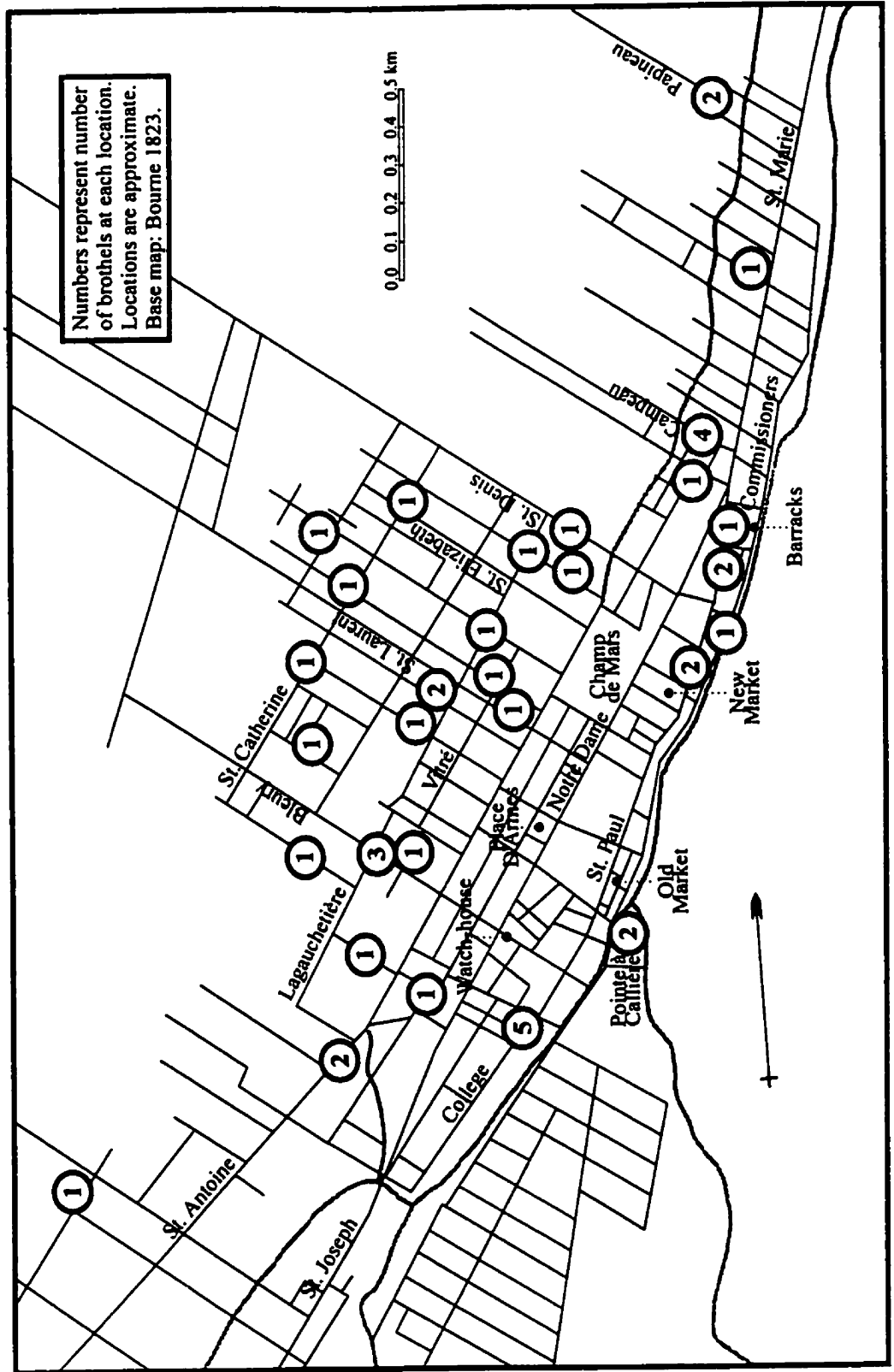
³²QSR, 19-7-1823.

a brothel situated at the end of College Street.

Since specific street numbers were not recorded in the legal sources, except in one case, it is impossible to pinpoint the brothels' exact location. Consequently, I have represented the total number of brothel complaints issued by prosecutors on corresponding city streets. Maps 3.1, 3.2, and 3.3 display the location of brothels that were identified in the court records over three periods: 1810-1829, 1830-1837, and 1838-1842³³. These maps show where these brothels were situated and give some sense of how these establishments expanded into the suburbs and concentrated in particular quarters of Montreal. For example, no depositions were made against a brothel specifically identified on the main street or St. Mary Street of the Quebec Suburbs, in the first period, 1810-1829; one complaint was made in the second period; and by the third period, 1838-1842, at least nine complaints had been made.

³³These periods were chosen for a number of reasons primarily related to changes in the policing practices of the city. Between 1810 and 1829 a professional police office operated daily out of the court house, with special police constables attached to it. The police office, managed by two salaried magistrates who also acted as chairmen of the Quarter Sessions, took over much of the business of the clerk of the peace, where they were to "receive depositions, issue summonses and warrants, and the like". (Fyson, *Criminal Justice, Civil Society*: 73) Thus, the office of the clerk of the peace served a less important position in the everyday business of city policing. Rather, the clerk of the peace curtailed his activities, according to Don Fyson, to the administration of the city and to the more serious criminal cases handled by higher criminal courts. (*Ibid.*: 75) By the end of the 1820s, the police office was under attack. The two salaried magistrates, Thomas McCord and Jean-Marie Mondelet were dismissed and replaced by a single magistrate, Samuel Gale. In 1829, the Police Office was disbanded and the post of chairman of the Quarter Sessions was abolished. The Police Office and its funding was transferred to the Peace Office and thus became the responsibility of the clerk of the peace. (*Ibid.*: 79) The "new" system that was installed was an attempt to return to an older one in which the justices were voluntary and non-salaried, operating out of their homes. (*Ibid.*: 80) In addition, an internal reorganization of the watch was made in 1832 and completely restructured by 1836. Watchmen regularly patrolled the suburbs. Following the Rebellions of 1837-1838 and under the recommendations of Lord Durham, the police force was reorganized by an 1838 edict from the Special Council which augmented the complement of constables, and designed changes in the method of patrolling.

FIGURE 3.1: LOCATIONS OF BROTHELS IN MONTREAL, 1810-1829

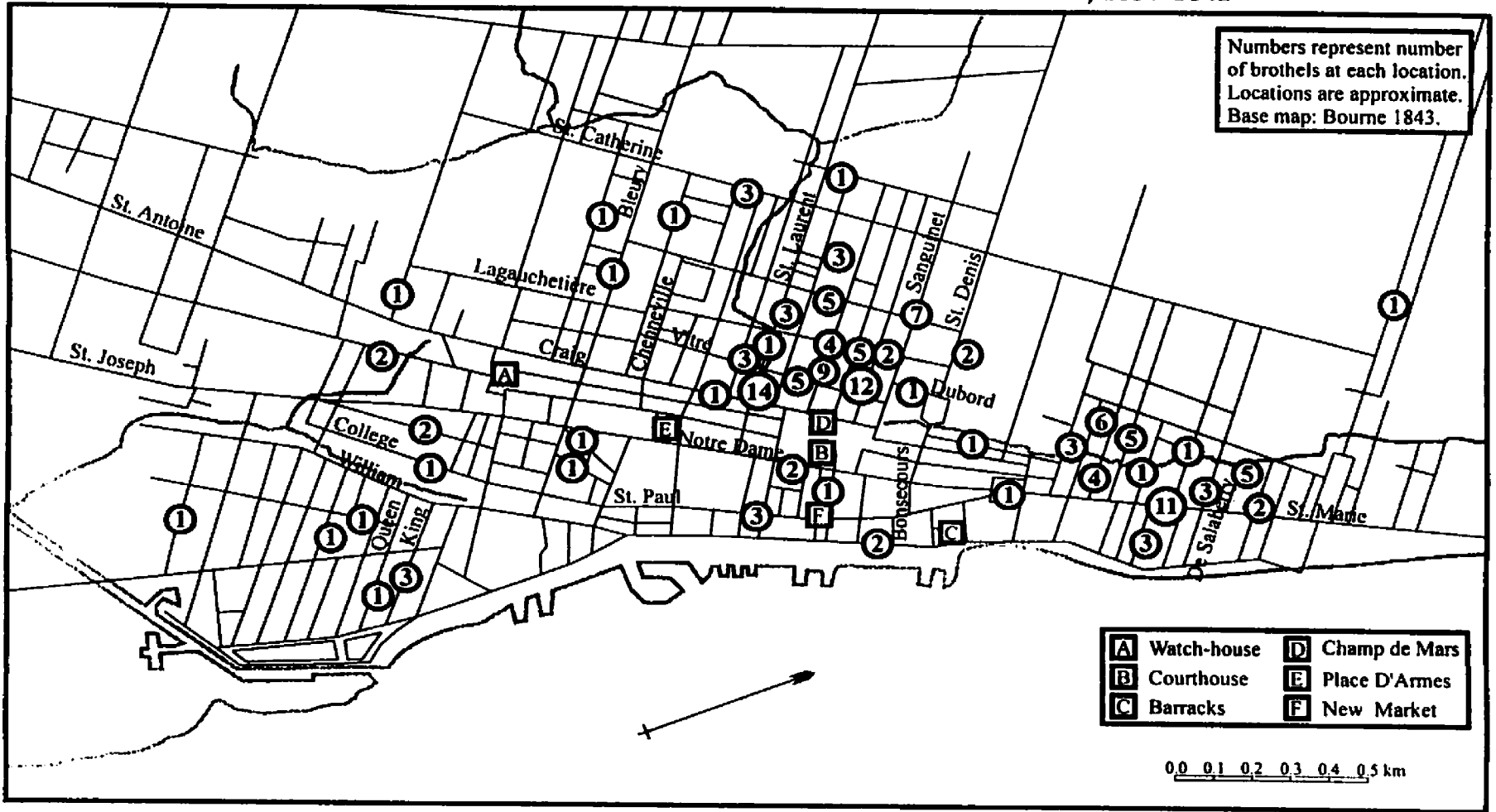


[illegible]

A	Watch-house	D	Champ de Mars
B	Courthouse	E	Place D'Armes
C	Barracks	F	New Market

0.0 0.1 0.2 0.3 0.4 0.5 km

FIGURE 3.3: LOCATIONS OF BROTHELS IN MONTREAL, 1837-1842



Certainly this depiction of brothels is problematic for a number of reasons. First, we do not know anything about those brothels which existed but for which no legal objection has been found. Second, we do not know if certain houses were utilized repeatedly as brothels. Third, my argument that brothels spread over the period - based on my representation of them - on these maps is tentative at best. At the very least I would posit that these maps tell us two things: firstly, the legal grievances recorded in depositions reflected the geographic characteristics of the complainants and their growing intolerance to the local sex trade; and secondly, policing practises influenced the numbers of brothel-keeping complaints and prosecutions. With the establishment of the watch system in the suburbs in 1836 and 1837, and the re-organization of the Montreal police in 1838, the number of complaints, increasingly made by constables themselves, grew.

Over the period under study, men and women lodged complaints most frequently against brothels on Lagauchetière and Vitre streets. Sixteen complaints were made in all about houses of prostitution on each of these. Thirteen complaints were received concerning brothels on St. Elizabeth Street; twelve on College Street in the Recollet Suburb. St. Constant Street in the St. Lawrence Suburb and Commissioners Street in the old city apparently housed at least 11 brothels that solicited complaints between 1810 and 1842. A second group of streets contained between six to nine brothels: Sanguinet, St. Lawrence, St. Charles Borromée, Ste. Catherine, and Dorchester streets in the St. Lawrence Suburbs, St. Nicholas Tolentin Street in Saint Louis Suburb, and Wolfe and St. Mary Streets in the Quebec Suburbs. Although the data shows that some of the brothels were recipients of more than one complaint over the period, most complaints were made against different brothel-keepers on the same street or against the same brothel-keepers on different streets.

These maps illustrate that brothel-keepers gradually established their businesses throughout the entire city including nearly all of the suburbs by the last period, 1838 to 1842. By that time neighbours and policemen were prosecuting brothel-keepers on William, King, and Queen Streets in the St. Anne suburb for the first time. Moreover, brothel-keepers were increasingly likely to operate houses of

prostitution close to public areas of the city where people concentrated such as the markets. And greater concentrations of brothels clearly existed in three specific areas: between Lagauchetière and Craig Streets on the west side of St. Lawrence Suburb; between Chenneville and Bonsecour Streets in the east; and in the Quebec Suburbs from the Quebec Barracks to Salaberry Street. And, a growing number of brothels were set up on Ste. Marie and St. Lawrence streets, two of the four major routes to the countryside. Clearly, setting up houses of prostitution close to pools of men or in quarters reputed to be red-light districts made good business sense. These maps also show that men and women were denouncing brothels in ever increasing numbers over the span of this investigation. After 1830, Montrealers were more likely to protest the presence of houses of ill repute in their midst by prosecuting the keepers of these establishments, although some brothels had been operating in their neighbourhoods for as long as ten years. Complaints were most frequent in the north-east section of the St. Lawrence Suburb. Madams set up brothels in large numbers and concentrated on St. Constant, Lagauchetière, St. Elizabeth, and Vitré streets well beyond the red-light district surrounding the Quebec Barracks. One grand jury complained about a great number of brothels operating on Vitré Street, and explicitly mentioned one which was managed by Marguerite Jolicoeur.³⁴ Between 1830 and 1837, Montrealers complained about ten brothels on Vitré Street and from 1838 to 1842 at least five more complaints were received. Etienne Benêche dit Lavictoire objected to the presence of four brothels kept by Angélique Clairmont, Angélique Leclair, Josephite Fournier, and Mary Dilly on Vitré Street. These four brothels were accommodated in two wooden dwellings. Lavictoire also denounced another house of prostitution which was operated by Marie Minie on St. Urbain Street.³⁵ In a raid that followed from his deposition, 37 men and women were arrested in the five brothels: five madames, twenty prostitutes and twelve clients.

³⁴QSR, 19-7-1823.

³⁵QSD, 7-5-1831.

Similarly Phillip Dufresne complained about several brothels on Campeau Street kept by Toussaint Ouimet, his neighbour Marguerite Mandeville, daughter Françoise Ouimet, Elise Brunelle, and Isabella Smith.³⁶

Court depositions and police records show that not only did neighbours complain about brothels on particular streets over a short period of time, perhaps in an effort to "clean up their neighbourhoods", but that police raids targeted them, too. In August and September of 1835, police stormed four houses of ill-repute on Commissioners Street.³⁷ Similarly, in February of 1840 the clerk of the peace made a notation in one of the registers of the Police Court that the police had made a sweep of disorderly houses, arresting women in five of them.³⁸ Such sweeps or round-ups were common elsewhere, too. In the city of St. Louis, raids yielded dozens of prostitutes and a few clients at a time. Jeffrey Adler argues that these raids were instituted for a number of different reasons: in response to moral crusaders, to control the nonsexual activities, such as larceny, which took place in certain brothels, to regulate those brothels which became unusually disorderly, and to remind madams of their implicit arrangement with city authorities.³⁹

In Montreal, it is apparent from other sources that not all of the known brothels were raided by the police. Constables were cognizant of the location of brothels on their beats. They walked past them during their patrols but did not arrest the inhabitants. Policemen communicated information of this nature to one another through the medium of the police registers. Sub-constable Samuel Stewart reported that a pane of glass had been broken around 4 o'clock in the morning one September

³⁶QSD, 14-4-1823.

³⁷QSD, 13-8-1835, 15-8-1835, 29-8-1835, and 16-9-1835.

³⁸ANQM, Register of the Police Court, Vol. #5, 28-2-1840.

³⁹Adler, "Streetwalkers, Degraded Outcasts": 741-742.

day, in a disorderly house at the upper end of Sanguinet Street.⁴⁰ When Marie Lamarche, a renowned madam, requested police assistance to quell a disturbance that had taken place in her house of ill fame, the police departed without laying charges of brothel-keeping against Lamarche and her inmates.⁴¹ Perhaps the most telling example involved a young man who complained to police that while on business at the well-known Madame Lavictoire's, he was assaulted with a poker. He was told to make his complaint at the Police Office in the morning and "to prevent *accidents* to keep better company in future".⁴²

It is evident from the previous discussion that some brothel-keepers kept businesses at the same addresses for years until something happened which prompted neighbours to seek legal recourse. It could have been a particular incident that led to a complaint or an effort to rid certain neighbourhoods of all remnants of prostitution as in the case of Vitré Street, even though it seemed to be a losing battle. As I have already argued, this roadway had been the target of numerous complaints in the early 1830s. A group of 24 prominent men, the likes of Thomas Bagg and lawyer Samuel Monk, petitioned an 1834 Grand Jury to rid their neighbourhood of a house of ill repute which had been operating on Vitré Street for ten years. Divided into two flats, both of which were deemed brothels by the petitioners, the building was owned by Mrs. Lemery and leased to women characterized as lewd and disorderly. According to the authors of the petition, the brothels disturbed the public peace by operating at all hours of the day and night and by the assaults and riots that occurred there with regularity. Moreover, residents and visitors publicly exhibited obscene behaviour to the "great moral danger" of the neighbours. The Grand Jury

⁴⁰NA, RG4 B 14, Police Records, Vol. #61, 27-9-1840.

⁴¹NA, RG4 B 14, Police Records, Vol. #64, 22-12-1841.

⁴²NA, RG4 B 14, Police Records, Vol. #38, 15-2-1837.

agreed with the petitioners that their complaint merited immediate attention.⁴³ Another madam, Ellen Ross, was arrested for keeping a bordello on Lagauchetière Street for a "number of years".⁴⁴

Such attempts on the part of neighbours to close brothels in their midst were not always successful. Some brothel-keepers had the audacity to re-open their brothels while on recognizance to keep the peace until the next meeting of the Quarter Sessions. Mary Ann Burns for instance, reappeared at her brothel on St. Constant Street in the St. Lawrence Suburb to continue the same activities. Prosecutors made out a second deposition. This time one of the conditions of a new recognizance was that Burns had to agree not to return to the house where she was arrested.⁴⁵ Marie Bricault dite Lamarche continued to operate her brothel on Sanguinet Street despite being "*déjà sous caution pour la même offence*".⁴⁶ After James Meaghan and Ellen Kelly, his wife were arrested for keeping a disorderly house, Ann Wilimite and Susannah Fisher complained that although Meaghan was still confined in the Common Gaol, his wife and the other found-ins had returned to the house on St. Peters Street and "renewed their misbehaviour worse than before".⁴⁷

Other brothel keepers moved around the city opening and closing their businesses. This is most apparent in the personal history of Mary Ann Davidson's foray into prostitution. In a space of five months, she set up brothels on three different streets: Lagauchetière, Panet, and Amherst. In August of 1837, eleven

⁴³QSD, 29-4-1834.

⁴⁴QSD, 12-8-1839.

⁴⁵QSD, 9-2-1834; 4-9-1834; 21-10-1834.

⁴⁶QSD, 23-11-1835.

⁴⁷QSD, 22-8-1836.

neighbours of Mary Ann Davidson petitioned the magistrates to complain about the daily and nightly noise emanating from her bawdy house on Amherst Street in the Quebec Suburbs.⁴⁸ Following this petition, three other depositions were made out, two of them leading to indictments.⁴⁹ She pleaded guilty to the charges. In the latter part of 1837, Davidson moved from Amherst Street to Lagauchetière Street, from Lagauchetière to Panet Street and then back again to Amherst Street.

We know from the example of Mary Ann Davidson that Montreal brothel-keepers relocated residences, that brothel prostitutes moved from one establishment to another, and that certain streets habitually accommodated many of the city's brothels, but we do not know if the same buildings were employed. In New York City, for instance, while madams may have relocated their businesses, changing addresses did not disrupt the city's sex trade since the same quarters continued to lodge brothels.⁵⁰

As I have already pointed out, houses of prostitution were frequently located close to military installations. Catherine Raigan, widow of soldier Daniel Burke, whom we met in the previous chapter, for example, rented a room in a house located on St. Paul Street near the Quebec Barracks. The landlady, Mary Fraser, complained that Raigan entertained soldiers and other disorderly persons in her room.⁵¹ Obviously, the Quebec Barracks quartered a large number of single men who liked to drink and have sex, both of which prostitutes provided. Other brothels simply catered to the military crowd. Innkeepers Joseph Nolin and Joseph Millette were reported to keep women of ill fame in their tavern for the accommodation of

⁴⁸QSD, 26-8-1837.

⁴⁹QSD, 7-10-1837; 21-10-1837; 30-11-1837; 18-12-1837; and 10-1-1838.

⁵⁰Wood Hill, *Their Sisters' Keepers*: 184.

⁵¹QSD, 11-3-1841.

soldiers.⁵² Pedlar Mary Martin whose shoemaker husband had been absent from the province for twelve years, kept a brothel on Dubord Street which attracted soldiers who met there solely, the prosecutors argued, for the purpose of "illicit intercourse".⁵³ Not only did women and men set up taverns and private homes as places of prostitution but they also used the cellars of the Ste. Anne's Market, a favourite haunt of the military. Soldiers resorted to these cellars so much so that grand jurors in January of 1840 suggested that these cellars be leased only to individuals sanctioned by the Police Magistrate in order to curtail the debauchery that was occurring there on a regular basis.⁵⁴ Madams employed young girls as prostitutes to entice soldiers to these unlicensed tippling houses.⁵⁵ Thus Montreal seems similar to Halifax, also a port and garrison town, where some merchants who catered to soldiers and sailors competed with other establishments by offering them an array of services from selling liquor and sex, to using their daughters to lure customers. Judith Fingard suggests that:

The availability of women attracted customers for food and liquor or whatever else was normally on sale and gave a marginal shop the edge over its equally unstable neighbour without such extra services.⁵⁶

Elinor Senior acknowledges that the favourite haunts of soldiers tended to be the grog shop and the brothel, yet argues that the routine of barracks life curtailed their involvement in brothel activities. Late-night passes for soldiers were, she suggests, conservatively handed out or forbidden in times when tension existed

⁵²NA, RG4 B 14, Police Records, Vol. #62, 11-4-1842, 12-4-1842.

⁵³QSD, 19-4-1842.

⁵⁴*Montreal Transcript*, 25-1-1840.

⁵⁵QSR, 18-1-1840.

⁵⁶Fingard, *The Dark Side of Life*: 101.

between the community and the military.⁵⁷ Yet, court records clearly show that soldiers were often caught in brothels after tattoo at 8 o'clock in the evening. Either late passes were, in reality, easy to obtain, or they were unnecessary to leave the barracks. Certainly there is a gap between what was prescribed and what was practiced.

In Montreal, women and men organized brothels in a variety of ways, occupying entire dwellings or a part or a floor of multi-family housing, or setting up in taverns, cellars, or single rooms. The type of housing they chose can tell us something about the class nature of the brothels and their clientele. For instance, some women and men operated houses of prostitution in more substantial buildings made of stone like those on Craig Street,⁵⁸ or along affluent St. Paul and Notre Dame streets. This contrasts sharply with the low tipping houses found along the waterfront in the same area that catered to prostitutes, sailors, and soldiers. Occasionally women kept brothels in abandoned houses, sometimes described as uninhabitable. Certain other establishments attracted a particular clientele as in the "*balolots et domestiques*" who frequented one brothel in the Quebec Suburb⁵⁹ or the unskilled Irish men who may have preferred the "*cabanes de planches*" along the Lachine Canal. Those who provided sexual services out of a single room obviously operated a rather small enterprise, often for soldiers. Sometimes brothel-keepers rented cellars at the new market or in private homes. These cellars were reputed to attract a more impoverished consumer group.

⁵⁷E.K. Senior, *British Regulars in Montreal: An Imperial Garrison, 1832-1854* (Montreal, 1981): 149-151.

⁵⁸In private conversation with Alan Stewart, March 20, 1996, whose research reveals that by the turn of the nineteenth-century buildings on Craig Street were constructed of stone. In the same period, about half of the buildings on St. Lawrence Street were made of the same material.

⁵⁹I am referring to Marie Millette, Marie Euphrosine Metthote, and Marie Livernois' brothel in the St. Mary Suburb. (QSD, 31-8-1814)

Some brothel-keepers disguised their business as a boardinghouse as in the case of John Trimble who was accused by Chief Constable Thomas Fitzpatrick of keeping a disorderly house on St. Mary Street which served both the civilian and military populations. One boarder, Thomas Garvey complained of men and women who "resort there for the purpose of drinking and indulging in vice and dissipation".⁶⁰ Similarly, houses of assignation, taverns, hotels, and lodging houses served as brothels in antebellum Philadelphia. Women solicited in theatres and taverns then brought their customers to rooms in some of these establishments.⁶¹

Sometimes Montreal brothel-keepers occupied a few apartments in a house. Thomas Kiernan sublet two apartments in the house that he inhabited to Catherine Jordan, wife of Samuel Chrisholm and her twenty year old daughter Margaret Chrisholm. He complained that they were in a continuous state of intoxication and harboured civilians as well as soldiers after tatoo for the purposes of prostitution. Moreover, John Trimble observed Margaret in a state of "illicit copulation" with a soldier who was not her husband.⁶² Peter McCormick who resided in a house on St. Paul Street, complained that Mrs. Blanchard kept a common bawdy house on the second storey. He claimed that the floor separating the two levels was in such a state as to allow him every opportunity of hearing the lewd practices of men and women frequenting the brothel!⁶³ When Miss Cooney tried to close a door to a brothel on the lower floor of the building where she lived, James Lang assaulted her and threw

⁶⁰QSD, 15-12-1841.

⁶¹Carlisle, "Disorderly City, Disorderly Women": 554-556.

⁶²QSD, 19-3-1842.

⁶³QSD, 15-1-1838.

her down a flight of stairs. She fractured one of her legs.⁶⁴

Some Montreal prostitutes leased a single room in a dwelling house where they brought men, or where they encouraged men and women to meet. Widow Marguerite Dépatie was accused of receiving men in her room which she leased from James Campbell.⁶⁵ Mary Ann Shaw and Ann Pierce reputed to be "*filles de plaisir*" and "*des putins(sic)*" were arrested for maintaining their room as a brothel in a house located in Salaberry Street.⁶⁶ All space of a building could be utilized at different times for prostitution: from the attic at the top, to the cellar in the bottom and everything else in between. Grocer Michael Brady accused Patrick Riley and Ann Smith of keeping a house of prostitution in the cellar of the house that he occupied.⁶⁷ Angélique Fournelle kept a brothel in the attic of a house where notary Jean-Marie Cadieux claimed he saw "*monter au grenier des hommes avec des filles ou des femmes*".⁶⁸

Entire buildings might be kept as a brothel: from the stone houses of the old city to vacant, derelict buildings found in the suburbs. Mary Burnet, Catherine Morrison, Mrs. Bland, and Mrs. Burke set up a disorderly house in an abandoned building considered by a neighbour to be unfit for human habitation.⁶⁹ Metcalf Heaven owned a house on College Street which was occupied on one side by Francis Timmens and on the other side by James Doherty both of which were maintained for

⁶⁴*La Minerve*, 1-6-1829; *Gazette*, 1-6-1829.

⁶⁵QSD, 4-8-1841.

⁶⁶QSD, 9-3-1842.

⁶⁷QSD, 8-14-1832.

⁶⁸QSD, 18-8-1812.

⁶⁹QSD, 7-10-1838.

the purpose of prostitution.⁷⁰ Thus, some buildings accommodated more than one brothel. Jane Derwin and her husband, John McGuire, who called themselves boarding and lodging housekeepers, actually kept a brothel. They sublet three apartments in their house to Charles and Peggy Riley whom they accused, along with John Clarke, of operating a disorderly house.⁷¹ Marie Solomon kept a house of reception where women brought men to retire to bedrooms for the night. Louinda Hoadley, from the township of Durham, complained in a deposition that she took employment at Marie Solomon's house only to discover that prostitutes frequented the establishment. She saw one "gentleman" pay Solomon \$2.00 for the use of the upper bedroom.⁷²

It was not only the activities of a particular house that annoyed the neighbours, but the action that spilled out into the streets. Robert Wood protested that the lives of passersby were endangered in front of one brothel by the ill treatment by men who frequented the house. Only a few nights previously, Wood had been assaulted and robbed.⁷³ Benomie Allin complained that he lived quite close to a brothel where large numbers of young men would gather. One night, some of these youths tried to enter forcefully his home.⁷⁴ James Gainer lamented in a deposition that pedestrians were frequently accosted by women coming out of a brothel in his neighbourhood. He himself had been 'indecently' propositioned by two women.⁷⁵

⁷⁰QSD, 9-12-1835.

⁷¹QSD, 11-12-1836.

⁷²QSD, 9-2-1841.

⁷³QSD, 17-2-1837.

⁷⁴QSD, 4-3-1820.

⁷⁵QSD, 11-7-1836.

Prostitutes from particular brothels were known to solicit men immediately outside their establishments, calling out to passersby to enter. Neighbours also complained about soldiers discharging their weapons while frequenting known brothels.

Neighbours seemed to tolerate the presence of brothels if they were quiet or until some incident occurred to raise their ire. For example, George Mackin abided the presence of a neighbourhood brothel operated by Catherine Crumbie, wife of George Marshall, until he got into an altercation with one of the prostitutes. One Saturday afternoon in August, an acquaintance of Mr. Mackin was rudely insulted by one of Mrs. Marshall's inmates who made some reference to this acquaintance and the deponent's wife. Irritated by the language, Mr. Mackin struck the "notorious harlot" across the cheek. The following evening she threw stones at his house and threatened "to run a knife through his guts".⁷⁶ When Mr. Mackin resorted to making a legal complaint, he effectively banished Catherine Crumbie along with Maria Jordan, Catherine Britton, and Mary McDonald from Salaberry Street. Without their neighbours' endorsement, they were arrested, imprisoned, and charged with the offence of keeping a disorderly house.⁷⁷ Similarly Marie Bouchard and Elizabeth Livernois were apprehended for keeping a disorderly house on the oath of seven of their neighbours.⁷⁸

Some brothel-keepers rented buildings owned by prominent Montreal families prompting one grand jury to complain of:

...the existence of a number of brothels and houses of ill fame in this city, many of which the Grand Jurors regret to remark are the property of persons of family and respectable standing, who cannot but be aware of the character of the individuals to whom their dwellings

⁷⁶QSD, 4-8-1837.

⁷⁷QSR, 26-10-1837.

⁷⁸Gazette, 17-9-1810.

are leased or of the traffic carried on by them.⁷⁹

It is impossible to know if proprietors of buildings which were let to brothel-keepers were aware that their leasees intended to operate such enterprises. Certainly some of them would not have been directly involved with the rental of their properties. As we have already seen, houses were let to people who in turn sublet parts of the building or some of the rooms or apartments. However, there were proprietors who made a habit of leasing property to madams. Such was the case of merchant George Weurtel, who over a period of 15 years rented houses to at least five different brothel-keepers. Either he simply used poor judgement in assessing potential leasees or he knew exactly to whom he was leasing. It may have been more profitable for proprietors to lease their property to brothel-keepers because they could in all likelihood charge more rent.

Sometimes neighbours mentioned the name of the landlord in the depositions. Monique Panneton leased a house owned either by notary Joseph Labadie or by his wife.⁸⁰ Businessman and city sheriff Frederick William Ermatinger let one his houses to the local hangman, Benjamin Field who was convicted of keeping a brothel with Richard and William McGinnis, Mary Field, Jane Graham, and Ellen Purcell.⁸¹ At other times, landlords themselves prosecuted leasees of their properties who were said to keep disorderly houses. Jean-Marie Cadieux, notary public and gentleman, prosecuted Angélique Fournelle who rented one of his houses as a brothel.⁸²

Former brothel-keeper, Catherine Curra complained about a house of prostitution being kept by Jean-Baptiste Dusseau, Eliza Martin, Rosalie Marcotte, and

⁷⁹QSR, 18-1-1840.

⁸⁰QSD, 7-6-1824.

⁸¹QSD, 14-4-1825.

⁸²QSD, 18-8-1812.

Marie Dubreuil in a house that she owned.⁸³ Almost seven years before this Curra, along with her husband Jacob Abdullah, had themselves faced the same charge.⁸⁴ When Elizabeth Duffaut was arrested for keeping a disorderly house in Pointe à Callière, the owner of this house acted as a bondsman, for £10 in a recognizance.⁸⁵ By posting bail for Duffaut, he in effect condoned the activity of her house. In another action, Michael Deegan rented the lower part of his house on Commissioners' Street, across from St. Anne's Market, to Peter Dwyer and his wife Julie Williams whom he believed were "upright and respectable". He professed astonishment that they had opened up a brothel just below his quarters. When the brothel was raided, Mr. and Mrs. Dwyer, along with one woman and four men were arrested.⁸⁶

We know little about the lives of prostitutes within the brothel walls. Lower court records do not lend themselves very well to descriptions about the physical environment, the brothel culture and practices, or about sex and payment. However, sometimes they permit us glimpses into the interiors of some brothels. Moreover, when John McCord was a justice of the peace in the Court of Quarter Sessions, from 1846 to 1853, he kept personal accounts of the cases he heard. Although he served after the period under study, his descriptions are extremely useful. These documents show the very public nature of brothel life. For instance, to the perplexity of neighbours, some of the men and women who frequented city brothels walked about the brothel and back yard partially or completely nude. Neighbour Joseph Bélanger accused Josephine Mainville of indecent exposure; he claimed that she was "always

⁸³QSD, 28-3-1839; 22-4-1839.

⁸⁴QSD, 25-6-1832.

⁸⁵QSD, 8-5-1820.

⁸⁶QSD, 16-9-1835.

naked in the upper part of person" whenever he saw her in her yard.⁸⁷

Brothel prostitutes offered sexual services in an assortment of different ways: Mrs. Davidson and "a certain girl" spent the night together with John Sparling at her brothel.⁸⁸ Sometimes a prostitute worked with a single client in the seclusion of a private bedroom, other times less privately. One client attempted to have "carnal knowledge" of Jane Dunn in full view of the household on the kitchen floor surrounded by three inmates and three policemen. The madam of the brothel, Hannah Hopkins, held a candle. Being too drunk, Dunn and the man were unable to succeed.⁸⁹

Although we know little about how solicitation took place within the brothel, madam Marie Louise Benêche dite Lavictoire accused gentleman Henri Bouthillier of approaching her at her house on St. Constant Street saying "*se serait rendu maître et taisez-vous ou vous allez avoir affaire à moi*".⁹⁰ As I have already mentioned, brothel prostitutes congregated outside their establishments, appealing to men who passed by. In the case of two sisters, Marguerite and Félicité Bleau who worked together in a brothel, an American client claimed that Félicité brought him to the establishment but it was Marguerite who spent the night with him.⁹¹ One prostitute, Angèle Normandin, went three times a week to Goyette's house of "rendezvous" to meet men and make money. She was always directed up to a bedroom with the men

⁸⁷McCord Archives, McCord Papers, Vol. #692, QS, 18-1-1847. I thank Brian Young for bringing this source to my attention and for providing photocopies of some of the cases. Since the recent closure of the McCord Museum Archives, I am impeded unfortunately from examining these documents myself.

⁸⁸QSD, 9-8-1837.

⁸⁹McCord Archives, McCord Papers, Vol. #691, 15-1-1846.

⁹⁰QSD, 15-12-1832.

⁹¹QSD, 18-2-1839.

chosen by Mr. Goyette, the keeper of the establishment.⁹²

Brothel-keepers offered a variety of entertainment in their enterprises from gambling, as in the case of John Trimble's disorderly house where soldiers and civilians amused themselves "at playing cards and knocking on the table"⁹³ to drinking and dancing. Court records show that dancing was popular recreation in some brothels. Neighbour Louis Luissier and policeman Benjamin Desroches complained that music and dancing were customary forms of amusement at Pierre Lafrance's house of ill fame.⁹⁴ Joseph Perrault and Marie Anne Tellier held bi-weekly balls at their "*maison de débauche*" located on Bleury Street. Neighbours complained that the dances were attended by "*filles de joies*" and young men.⁹⁵ In Halifax, brothels offered a variety of services such as dancing and entertainment, eating, drinking, retail selling of ready-made clothing or groceries or service shops offering barbering or pawnbroking.⁹⁶ Certainly brothel-keepers were astute in initiating a number of ways to attract clients and increase revenue.

Alcohol consumption played a significant role in the workplace of prostitution in the brothels, taverns, and houses of entertainment. One grand jury complained that the city was infested with a number of beer and cider houses and boarding and lodging houses of the "meanest description". Jury members complained that these "nests of vice" sold liquor without a license and often became "the haunts of the

⁹²McCord Archives, McCord Papers, Vol. #700, 16-1-1855.

⁹³QSD, 15-12-1841. "Knocking on the table" was an early form of gin rummy. See Carl Sifakis, *The Encyclopedia of Gambling* (New York, 1990): 177-178.

⁹⁴QSD, 9-9-1839.

⁹⁵QSD, 1-12-1819.

⁹⁶Fingard, *The Dark Side of Life*: 101.

dishonest and desulate (sic)".⁹⁷ Numerous depositions describe Montreal's brothels as establishments where illicit "carnal connexion" and drinking took place. Soldiers and "*filles prostituées*" passed their time in Alexandre Vallée's brothel, drinking and 'whoring'.⁹⁸ Sometimes clients supplied their own beverages as in the case of civilians and soldiers who brought "bottles of liquor" to Catherine Jordan and Margaret Chisholm's brothel.⁹⁹ Usually men purchased alcoholic refreshments at the brothel. When Isabella Tomlinson's husband reported her for keeping a house of ill fame, he made a point of arguing in the deposition that "she keeps and sells spirituous liquors and harbours persons of bad character".¹⁰⁰ As a lucrative source of income, brothel-keepers sold liquor to attract customers to their disorderly houses. They also provided liquor after hours when local taverns had closed in which case they could depend upon volume sales or charge higher prices for drinks. Hubert Centaine accused married couple Joseph Hilton and Mary Moore, of keeping a brothel in a court yard where soldiers and civilians came to drink among other "depravations".¹⁰¹ Even policemen were served alcoholic beverages at local brothels. Sub-constable Charles Ellis was discharged from the police for requesting liquor at one of the city's houses of prostitution.¹⁰²

I have not found any evidence of what it cost to buy a drink in a Montreal

⁹⁷QSD, Presentment of the Grand Jury, 30-4-1833.

⁹⁸QSD, 20-1-1842.

⁹⁹QSD, 3-19-1842.

¹⁰⁰QSD, 20-11-1823.

¹⁰¹QSD, 5-3-1839.

¹⁰²NA, RG4 B 14, Police Records, Vol. #32, 1-8-1842.

brothel. Most of the depositions were simply too vague.¹⁰³ For instance when Marie Solomon was accused of selling liquor without a licence at her house of assignation, the deposition read "4 and 5th day of February sold liquor in her house".¹⁰⁴ Although a Mr. J. Clark denounced Mrs. Crowe for receiving 15 pence for "spirits" she sold to soldiers who frequented her disorderly house, we have no idea what quantity was involved.¹⁰⁵ Prostitutes Mary Bothwell and Anne Grimes reportedly purchased "two fills of liquor" for the sum of four pence after being released from jail.¹⁰⁶ It is very likely that in Montreal madams charged higher prices for drinks as in New York City where brothel-keepers sold liquor to clients at two to three times the cost to them.¹⁰⁷

Outside of legal complaints, the only other reference that I have to the price of alcoholic beverages is in travellers' accounts. Thomas Fowler wrote about the cost of purchasing drinks in the various taverns and inns of the city:

The cheapest which I saw sold, in the various places we visited, was four pence per glass, and some as high as six pence. A glass of soda

¹⁰³Of the ten depositions which I found in the Special Sessions bundles for the years 1841 and 1842 concerning the infraction of selling liquor without a licence, only three of them recorded the cost of refreshments at unlicensed establishments. The individuals charged were not associated with prostitution. The first one involved pastry cook and confectioner Susanna Smith. Apparently Arthur Gilmore bought two glasses of wine at her house and paid 3 pence for each. (SSD, 8-11-1842) The second case implicated widow Josephte Archambeault and Jean-Baptiste Morrin both innkeepers in Longue Pointe who were charged with selling liquor without a licence after tavernkeeper Pierre Monette complained. He claimed to have drunk four glasses of rum at Archambeault's establishment with David Duford who paid 6 pence for the beverages. (SSD, 25-2-1841) The last case involved a trader by the name of Petronelle Sabourin who sold Pierre Lafontaine a half glass of rum for "5 sols". (SSD, 12-10-1842)

¹⁰⁴SSD, 9-2-1841.

¹⁰⁵NA, RG4 B 14, Police Records, Vol. #55, 20-1-1840.

¹⁰⁶Coroner's Report, 2-2-1841.

¹⁰⁷Wood Hill, *Their Sisters' Keepers*: 94.

water, lemonade, beer, and cider, is the fill of a small tumbler containing about half an imperial pint; but a glass of spirits or wine, is only the fill of a wine glass. Few kinds of spirits or wine in this country exceed one penny per glass wholesale, and some kinds not so much. However, in the ordinary taverns they generally charge four pence a glass for any kind of liquor; but in the hotels they charge six pence per glass, and for some particular kinds more.¹⁰⁸

Another characteristic of some of the Montreal brothels besides the consumption of alcohol was the violence that could erupt within the brothel walls between any number of different people: between madams and the prostitutes, and between men and the prostitutes. Prostitute Christine Rodier accused brothel-keeper Hélène Fortier, along with David Smith and Nathaniel Prowley of cruelly beating, scratching, bruising, and ill treating her while in Fortier's house.¹⁰⁹ In February 1841, when Eloi Benêche dit Lavictoire forced open a door to Rosalie Paquette's brothel, prostitute Adélaïde Cinqmars sustained a wound to her face. Once he entered the house, he grabbed her violently by the neck and threw her outdoors.¹¹⁰ Occasionally physical assaults ended in the death of a prostitute. Three years before the beginning of this study, a prostitute who was pregnant was murdered in John Griswold's brothel after being assaulted and punched during a brawl. Griswold had a reputation for the melees that occurred with regularity in his disorderly house, which was described as a "*très mauvaise maison*".¹¹¹

At least three young women claimed that they were either lured to certain brothels and had their clothes taken away, or they were prevented from leaving the

¹⁰⁸Thomas Fowler, *The journal of a tour through British America to the falls of Niagara....* (Aberdeen, 1832): 124.

¹⁰⁹QSD, 18-8-1820.

¹¹⁰QSD, 12-2-1841.

¹¹¹NA, RG4 A 1, ("S" Series) *Civil and Provincial Secretary, Lower Canada*, Vol. #95, 7-7-1807. I would like to thank Alan Stewart for bringing this letter to my attention.

brothels. For instance, Julie Doyer whom we met in chapter II, argued she was enticed to the brothel of Betsey Martin, where she claimed she was held prisoner for three days against her wishes.¹¹² Eliza Peebles, the 15 year old daughter of tallow-chandler John Peebles, objected when she tried to leave Isabelle Blondin's house of ill fame where she had been visiting a friend Catherine Ryan, and was "forcibly and with threats and menaces opposed, hindered and detained" by Blondin and Sarah Singleton.¹¹³ Bailiff André Beaune complained that his daughter Lucie who had run away from home to live at the brothel of Lucie Lenoir dite Rolland wanted to leave but was prevented from doing so by Rolland who refused to give her back her clothes.¹¹⁴

Some brothel-keepers assaulted their employees. They also had to endure the violence of patrons. On two separate occasions in 1838, madam Euphrosine Auger accused clients of assault and battery. In one instance, she denounced tailor James Nicholson claiming he threatened to break down the door to her house when she refused him admittance. Fearing that he would smash it, she allowed him to enter, whereupon he punched her.¹¹⁵ Later that same year she also accused carter Antoine Galarneau of assault and battery. Auger said that because Galarneau was intoxicated when he came to her house, she permitted him "*de coucher chez elle*". The next morning "*étant dans une parfaite état de sobriété*" he brutally assaulted her and threatened to kill her or in the event that he failed, to burn her house down.¹¹⁶

¹¹²QSD, 23-10-1823.

¹¹³QSD, 5-3-1827.

¹¹⁴QSD, 12-4-1837.

¹¹⁵QSD, 21-8-1838.

¹¹⁶QSD, 29-10-1838.

Brothel-keepers also accused men of assembling at their residences to commit riots. Ellen Labrie denounced Joseph Lamarche, Etienne Lapierre, François Laflamme, Louis Crepeau, Pierre Carrière, and Vital Tibeau, of rioting and assault with intent to murder at her disorderly house.¹¹⁷ Brothel-keeper Lucie Lenoir dite Rolland reported to the police that her residence had been assailed with stones thrown by Joseph Chapleau, John Athanase Delisle, George Glass, and Bazile Proulx, resulting in broken windows. Furthermore, Rolland maintained that Delisle had been disturbing the peace at her house on a daily basis, and had struck her on at least one occasion. She implored that these men give security to keep the peace.¹¹⁸ That brothels could be dangerous places to live and work is demonstrated by these few examples. The opportunity to make brothels safer by hiring men to protect the inmates and by leasing better buildings served to reduced the risk. For Montreal streetwalkers, survival could be more tenuous.

STREETWALKERS OR THAT "HORDE OF FEMALE PROFLIGATES":¹¹⁹

Life for prostitutes on Montreal streets could be difficult and dangerous. Streetwalkers, especially those who were homeless, had to contend with violence, hunger, and cold. In late fall of 1832, Ellen McGuire to whom we were introduced in Chapter I, and "a prostitute of the lowest grade" was discovered dead, lying nearly nude in an abandoned government building adjoining the Commissariat forage yard across from the Quebec Barracks. Two other prostitutes were located alive, resting in a cart in the street without any covering and wearing few clothes.¹²⁰ In February

¹¹⁷ANQM, Register of Police Court, Vol. #5, 26-3-1840.

¹¹⁸QSD, 2-9-1837.

¹¹⁹Gazette, 23-1-1836.

¹²⁰Gazette, 27-11-1832.

of 1842, Mary Beers, a "woman of ill fame",¹²¹ was found by Constable Adams, frozen to death in a canal boat. Having no home to return to after her discharge from the Common Gaol just two days previously, Beers had been "compelled to find shelter for her body in a canal boat".¹²² The death of Ellen McGuire and Mary Beers serve as a sharp reminder of how difficult it was for some women to survive the streets of Montreal.

Some prostitutes sought out certain areas around the city which could provide them with food and lodging. For instance, the prolific orchards and farmers' fields around the city furnished prostitutes with shelter and food. They were sometimes accused of picking apples, milking cows, and pillaging gardens. Pierre Parent complained to the police that soldiers and "improper girls" habitually trespassed in his orchard, stealing apples and damaging his fruit trees.¹²³ Prostitutes also sought shelter in abandoned buildings, barns, stables, and haylofts. In winter, prison served as another source of refuge.

Like their brothel counterparts, streetwalkers also had to contend with violence. Justice of the Peace Moses Judah Hayes, who resided at the corner of Bonsecours and St. Paul Streets, complained in 1841 that riots and fights often occurred near his residence caused by drunken soldiers and prostitutes who frequented the area. A few nights before this complaint, one of the prostitutes was assaulted on the door step of Haye's house, which was found the next morning "saturated with blood".¹²⁴ In 1832, prostitute Amable Breton accused mason Guillaume Baquette of attacking her while she attended high mass. Apparently he

¹²¹NA, RG4, B 14, Police Records, Vol. #54, 20-2-1842.

¹²²Coroner's Report, 21-2-1842.

¹²³NA, RG4 B 14, Police Records, Vol. #58, 19-9-1839.

¹²⁴QSD, 11-12-1841.

*"l'aurait saisi par les cheveux et l'aurait frappée à coups de pieds et de poings et aurait déchiré ses hardes".*¹²⁵ When Constable Pierre Poitras investigated a complaint about a disturbance of the peace in the St. Lawrence Suburb, he found a crowd of people gathered around prostitute Maria Jordan outside a house. She had been violently beaten by John Hart and James Burrell after they apparently caught her in the act of stealing from Burrell.¹²⁶ Julie Lagarde accused William Collins of assaulting, striking and threatening her.¹²⁷ The violence experienced by Montreal prostitutes was not unique. Gill Harsin found that Parisian street prostitutes were often victims of violence. She argues that their vulnerability to brutality was associated with the type of work that they did, which brought them in contact with criminals, the dangerous streets that they frequented late at night, and the notoriety associated with their trade.¹²⁸

Certain other conditions contributed to the dangers of the streets. At night, most of the roadways in the city were dark; lights were added to some of them in 1815 at the initiation of the residents of the western section of St. Paul Street. They began a collection to purchase and maintain street lamps for the area between the Old Market and Griffintown Bridge.¹²⁹ Two months later, inhabitants of the eastern section of the same street from Mr. Lilly's corner to the Bonsecour church commenced a similar collection.¹³⁰ The suburbs were illuminated later. It was no

¹²⁵QSD, 26-3-1832.

¹²⁶QSD, 24-12-1838.

¹²⁷QSD, 27-10-1825.

¹²⁸Harsin, *Crime, Poverty & Prostitution*: 184.

¹²⁹*Montreal Herald*, 14-10-1815.

¹³⁰*Montreal Herald*, 2-12-1815.

accident that St. Paul street in the old city was lit first. The city's elite had established their commercial enterprises on this roadway where prostitutes also plied their trade. Mark J. Bouman's examination of lighting practices in the nineteenth-century European cities of Sheffield and Bochum, and the American city of Minneapolis shows that it was the urban areas inhabited by the bourgeoisie where they did not feel safe which were lighted first and localities where they were unlikely to enter which were illuminated last.¹³¹

Some of the lanes and alleys leading off St. Paul Street were so narrow that pedestrians had to shrink up against the walls of buildings to avoid contact with horses and carts passing by.¹³² City streets were neglected: one editorial described Commissioners Street as potentially an agreeable promenade but in reality "covered with heaps of rubbish, stagnant pools, and deep ruts, and in some places half covered with logs of timber".¹³³ In rainy weather, unpaved city streets became very muddy.¹³⁴ Sherbrooke Street, for instance, was only passable in day light during the spring and fall rainy season. At night pedestrians could not see where to step.¹³⁵ In the winter, Montreal streets could be covered with ice as much as two to three feet thick.¹³⁶ In 1820, plans to reduce the amount of sand on the city streets during the

¹³¹"Luxury and Control: The Urbanity of Street Lighting in Nineteenth-Century Cities" *Journal of Urban History* 14:1 (November 1987): 28.

¹³²Buckingham. *Canada, Nova Scotia*: 107.

¹³³*Montreal Herald*, 17-5-1817.

¹³⁴William Bell, *Hints to emigrants: in a series of letters from Upper Canada* (Edinburgh, 1824): 47.

¹³⁵*Montreal Herald*, 5-9-1818.

¹³⁶Isaac Fidler, *Observations on professions, literature, manners, and emigration in the United States and Canada, made during a residence there in 1832* (London, 1833): 141.

winter months provoked criticism in an editorial in the *Montreal Herald* which suggested this would render both the streets and sidewalks dangerous.¹³⁷

Maps 3.4, 3.5, and 3.6 show the location of arrests of street prostitutes from the available data. Although prosecutors often did not mention the precise location where streetwalkers were arrested, at the very least, the maps demonstrate their pattern of movement over the three periods. The vast majority of street prostitutes were apprehended on the city streets. Sometimes the name of the street was included. On other occasions, more details were provided. Over the three periods, the old city remained an important area for street prostitution, especially where large numbers of men congregated such as the old and new markets, the Champ de Mars, and the Quebec Barracks. For instance, in 1836 a Grand Jury complained that respectable Montrealers were prevented from utilizing the Champ de Mars as a promenade because it was infested by "*filles publiques*" who committed "*scènes dégoûtantes*" at night.¹³⁸ Another favourite spot was the old market, "a low, wooden shed-like building"¹³⁹ situated beside Capital Street which carried on a brisk business providing visitors with alcoholic libation at its eighteen taverns¹⁴⁰. By the third period, prostitutes and loose, idle and disorderly women were increasingly arrested in all of the city suburbs and in the fields and farms around the city. Perhaps, when police patrols were extended to the suburbs in the 1830s, streetwalkers sought out other green spaces, such as fields and farms, to avoid arrest by staying a few steps ahead of the law.

¹³⁷*Montreal Herald*, 12-2-1820.

¹³⁸QSR, 19-7-1836.

¹³⁹Atherton, *Montreal 1535-1914*: 131.

¹⁴⁰Donald Fyson, *Eating in the City: Diet and Provisioning in Early Nineteenth-Century Montreal* M.A. Thesis (McGill University, 1989): 89.

FIGURE 3.4: LOCATIONS WHERE STREETWALKERS WERE ARRESTED IN MONTREAL, 1810-1829

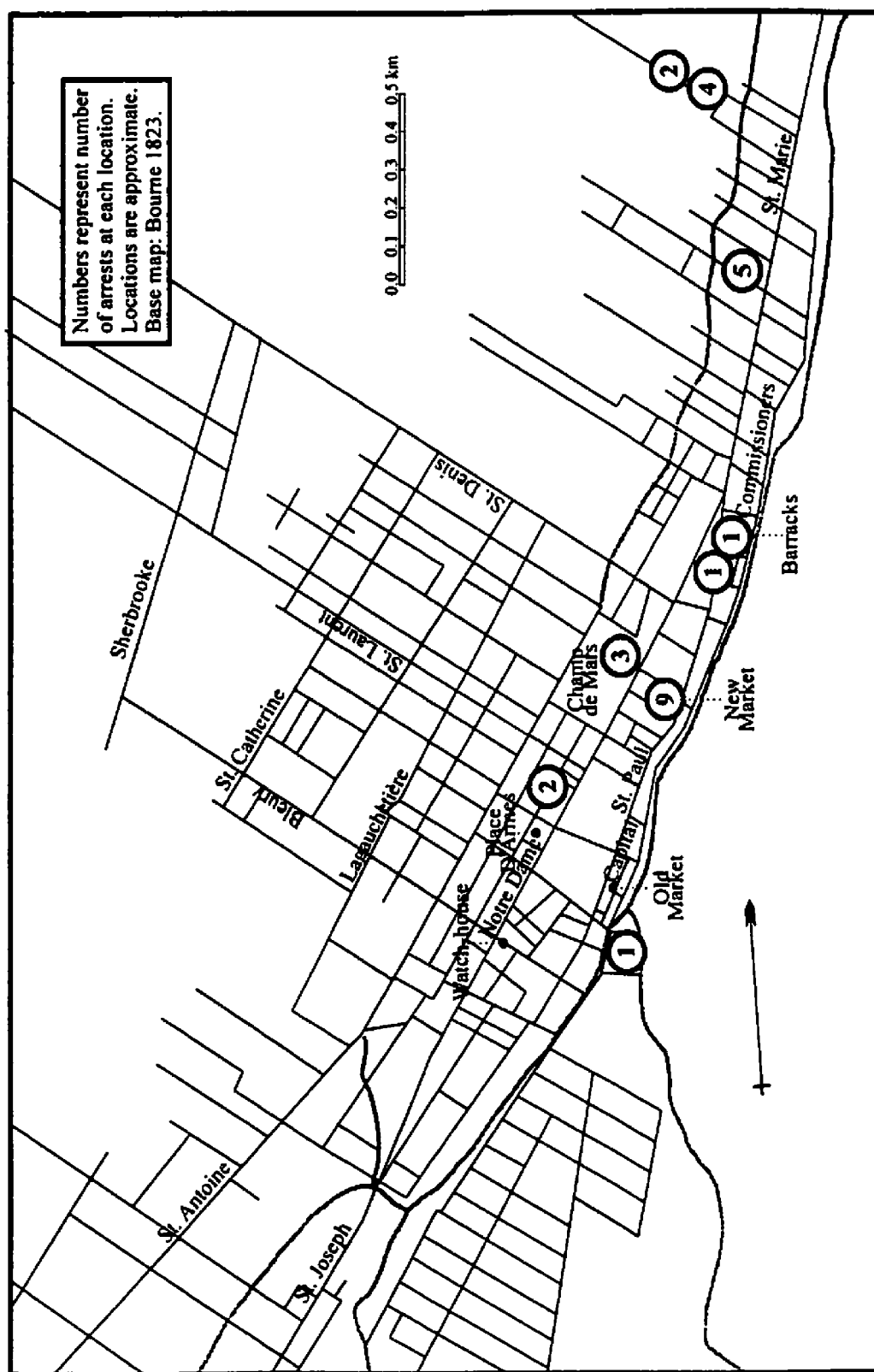


FIGURE 3.5: LOCATIONS WHERE STREETWALKERS WERE ARRESTED IN MONTREAL, 1830-1836

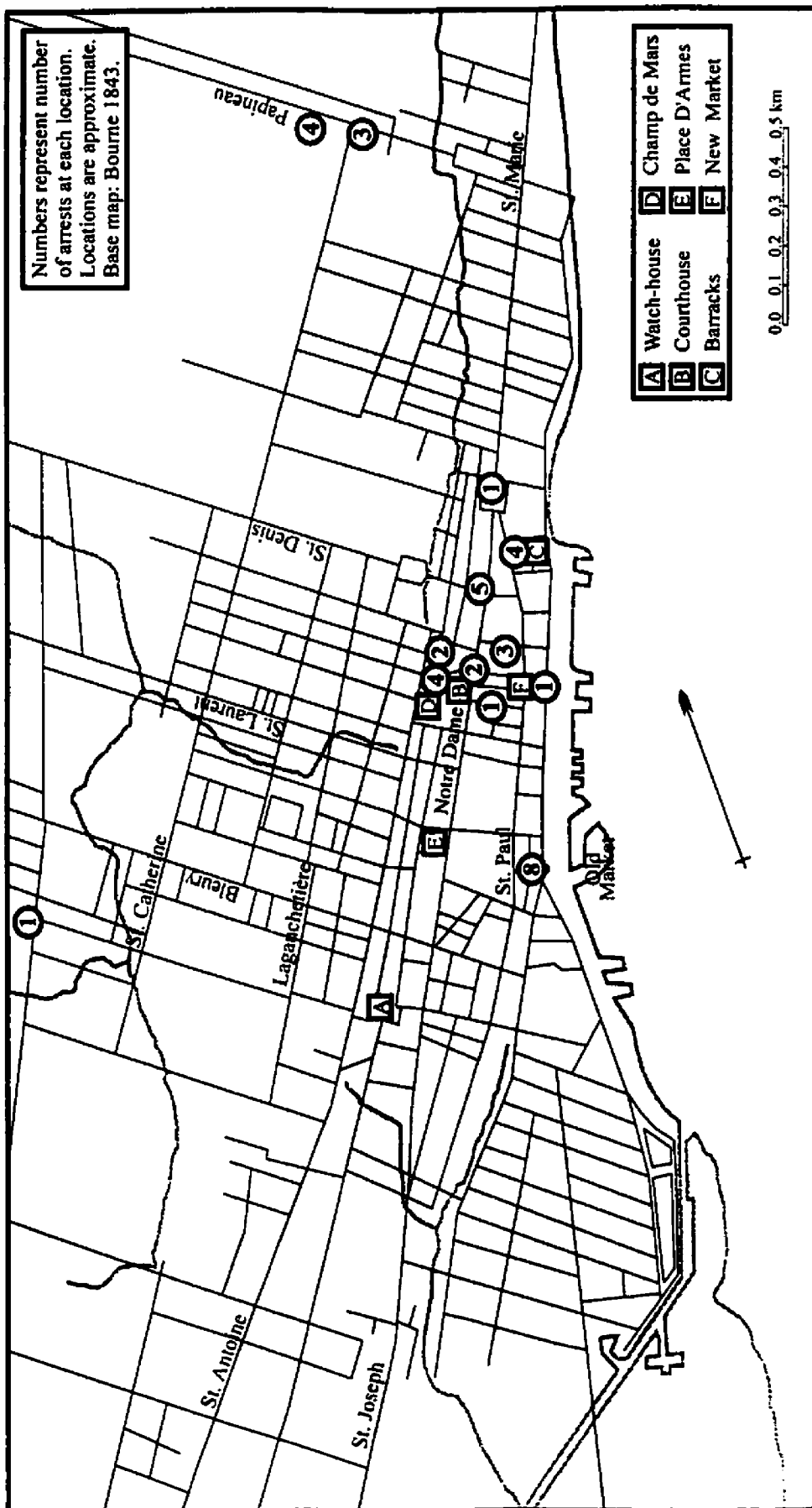
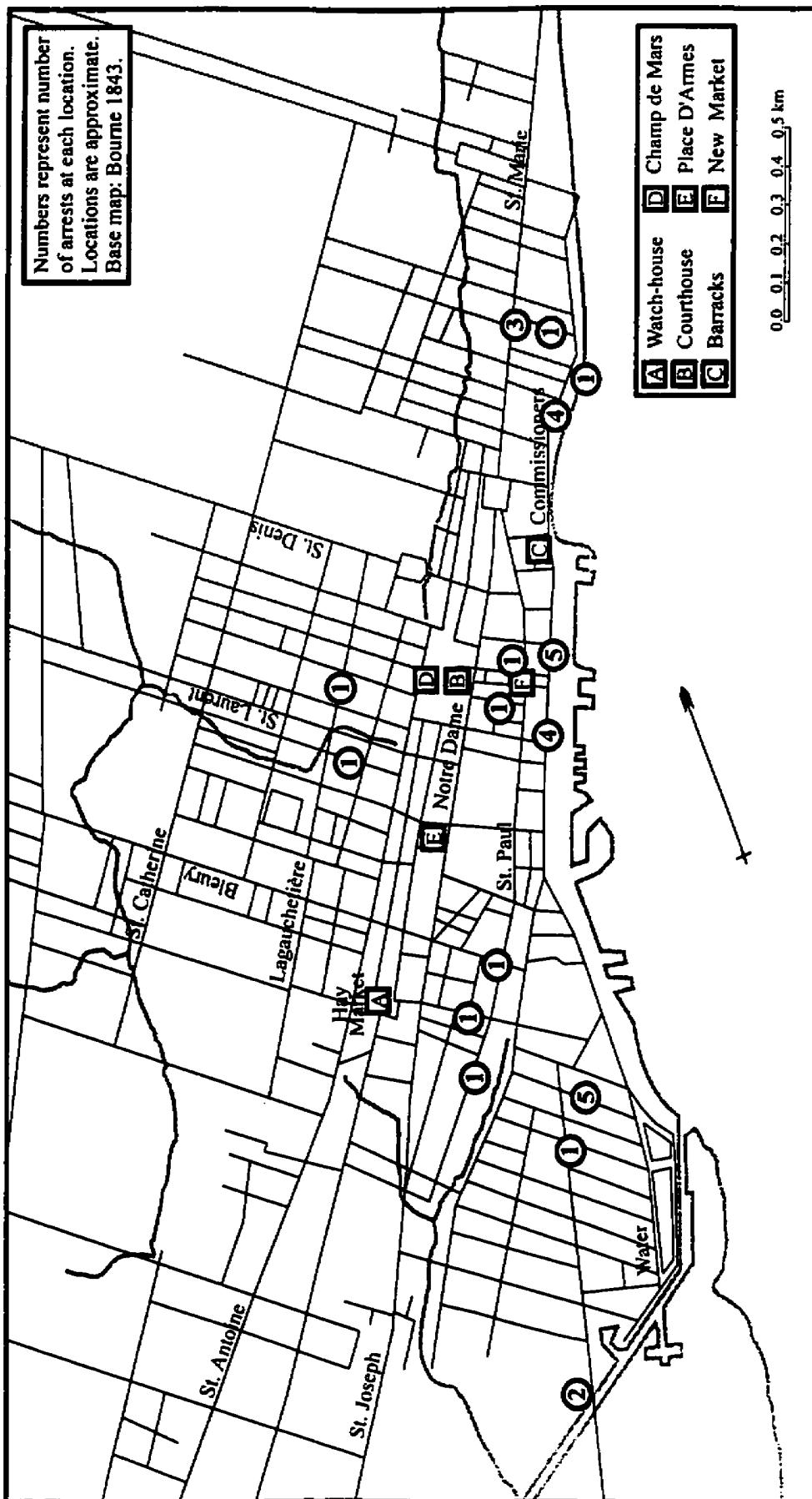


FIGURE 3.6: LOCATIONS WHERE STREETWALKERS WERE ARRESTED IN MONTREAL, 1837-1842



What is clear from the depositions was that street walkers plied their trade all over Montreal: in the city markets, the stables, the military barracks, sentinel's boxes, barns and stables, and the beach. Until 1838 most arrests took place in the red-light district in the old city. The Quebec Barracks attracted streetwalkers as well as their brothel counterparts. These barracks were familiar to Nancy Murray who was arrested as a common prostitute because she made a custom of sleeping with different men in the soldiers' quarters.¹⁴¹ Other prostitutes were apprehended in the streets of the old city. Betsey Kennedy, Eliza Martin, Caroline Parrant, Emelie Gauthier, and Josephte Guerrier were arrested on Notre Dame Street in late summer of 1831 for being prostitutes.¹⁴² Marie Trimoulie was detained by Constable Richard Hart at the New Market Place.¹⁴³

Alcohol consumption played a crucial role in street prostitution in a number of different ways. Street prostitutes might be solicited by men or might solicit men through the medium of a drink. A small window into the street culture of prostitution was provided by the *Montreal Herald* in its reporting of an 1826 larceny case involving the theft of a watch and chain. During the September session of the Court of Kings Bench, John West testified that in May of that year "he fell in" with Marguerite Miron on his way back from the St. Lawrence suburbs where he had picked up a pair of shoes for his master. Miron requested that he "treat her with some drink". West obliged. On returning to his employer's house, the door was locked. Not wanting to disturb the family, he went to an out-house to sleep. Shortly thereafter, Miron and a man approached him asking for more liquor. Since he had none, nor any money, West suggested that she search his body to verify what he had told her. Not long after they left he noticed that his silver watch was missing. On

¹⁴¹QSD, 12-2-1813.

¹⁴²QSD, 7-9-1831.

¹⁴³QSD, 3-8-1820.

cross-examination, West denied that he had offered Miron a drink but admitted that he knew her "by her walk". He also denied that he asked her to sleep with him, arguing he had had no "connexion" with her, and denied that he gave her his watch in pledge for money. The jury did not believe his story and found Miron not guilty.¹⁴⁴

In another incident, again involving the theft of a silver watch, Mary Crechetelli described being approached by Lieutenant John Deacon of the 23rd Regiment of Foot around five in the evening while she was walking by a church. Apparently he "looked in my face when I arrived near a lamp". At the Hay Market "he caught hold of me by the neck and asked me where I was going". When Crechetelli replied she was going home, he walked with her as far as the mess house and invited her in. She refused. He then stalked her to St. Anne's Market and took a bundle of clothes from her, saying he would return them. Mary claimed that she accompanied him back to the mess house. In his room, he attempted to "have charnel (sic) connection with me but he could not succeed from my resistance". Eventually he did, offered her money, which she apparently refused, and she left with part of her bundle, returning later to pick up the rest of her belongings. It was then that Deacon accused her of stealing the watch.¹⁴⁵

Solicitation of clients took many different forms, from the conspicuous in which a streetwalker exposed herself or openly pursued men, to more covert forms which involved particular symbols or coded behaviour. A woman might be identified as a prostitute by frequenting certain city streets at night, by her manner of gait as in the case of Marguerite Miron, or by wearing particular clothing in a distinctive way. A woman by the name of Lajeunesse was accused of causing a scandal in the streets of St. Lawrence suburbs "*en retroussant ses hardes contre la prudeur*".¹⁴⁶

¹⁴⁴*Montreal Herald*, 2-9-1826.

¹⁴⁵QSD, 17-1-1842.

Police arrested another young woman "*ayant l'estomac decouvert*".¹⁴⁷ Similarly, Margaret Norwood was apprehended when she "shamelessly and indecently exposed her nakedness in the public street to all the people passing".¹⁴⁸ Prostitute Marguerite Depaté was incarcerated for routinely standing nude at her window in Notre Dame Street.¹⁴⁹ Streetwalker Catherine Ryan wore a red shawl and a plume of black feathers while promenading at eight o'clock one evening near the Bonsecour Church.¹⁵⁰ While I have no evidence that streetwalkers followed a particular dress code, prostitutes in Victorian England did so as a way to overtly reveal their occupation to men. Judith Walkowitz described streetwalkers as "bonnetless, without shawls, they presented themselves "in their figure" to passersby".¹⁵¹

Some women were accused of being loose, idle and disorderly for purely subjective or circumstantial reasons. Irish-born Margaret Hazette was incarcerated in the House of Correction in 1825 for being unemployed, unable to maintain herself and "in danger of getting into improper courses".¹⁵² Similarly, Mary Elizabeth Williamson may or may not have been a prostitute at the time that she was caught having "carnally known" George Hamilton on a butchers' bench in the New Market

¹⁴⁶QSD, 7-6-1815.

¹⁴⁷QSD, 20-5-1835.

¹⁴⁸QSD, 26-10-1814.

¹⁴⁹QSD, 29-2-1842.

¹⁵⁰QSD, 16-2-1827.

¹⁵¹Walkowitz, *Prostitution and Victorian Society*: 26.

¹⁵²QSD, Calendar of the House of Correction, 21-1-1826.

Place. This was her first arrest; she was charged with being intoxicated.¹⁵³ In another instance, Mary Smith, who requested overnight lodging at the Watchhouse, was described as having "*l'air d'une prostituée*".¹⁵⁴ By the 1840s, Montreal women walking alone at night on particular streets risked their reputation and safety. Police officers were finding it more difficult to differentiate between vagrant women, prostitutes, and other popular-class women as the city's population grew along with the demand for more rigorous surveillance of public space in the immediate post-rebellion period. Consequently, popular-class women in general became suspect. Barbara Hobson contends that in some American cities, the mere presence of women on certain streets signified they were prostitutes.¹⁵⁵ A letter written to the editor of the *Montreal Herald* by a Montreal servant girl named Mary best illustrates this new constraint on the movement of women throughout the urban landscape. Apparently, she had been stopped by a policeman one evening while running an errand for her mistress. This policeman accused her of being out on some "bad intention" which necessitated her removal to the Watchhouse. Eventually, because of the intervention of some gentlemen, Mary was escorted back to her mistress' house who then verified what Mary had already stated to the policeman.¹⁵⁶

Taverns provided a meeting place for prostitutes and their clients, often soldiers. Chief Constable Fitzpatrick accused tavernkeeper Thomas Hughes of allowing soldiers and common prostitutes to drink in his tavern in St. Mary Street and to assemble outside of his door and "shew (sic) the most disgraceful conduct on

¹⁵³*Ibid.*, 2-7-1825.

¹⁵⁴NA, RG4 B 14, Police Records, Vol. #38, 19-12-1836.

¹⁵⁵Hobson, *Uneasy Virtue*: 26.

¹⁵⁶*Montreal Transcript*, 18-2-1841.

the public street".¹⁵⁷ Robert Brandon, who kept a pub on Commissioners Street, permitted prostitutes and soldiers to drink and gather there, moreover, allowing them to "sit and drink in his barr (sic) room exhibiting a public scandale".¹⁵⁸ Here, as in early mid-nineteenth century Horncastle, some pub-keepers openly encouraged prostitutes to use their facilities.¹⁵⁹

Certain areas of the city were reputed to be frequented by disreputable characters. One such zone was a lane leading from the main street in the Quebec Suburb.¹⁶⁰ The neighbourhood around the wharves was associated with low taverns which served as a meeting place for soldiers, prostitutes, and others.¹⁶¹ Licensed tavern keepers, concerned about the rioting, drunkenness, and types of characters admitted to these places, formed an association in 1832 to suppress these establishments.¹⁶² Capital Street was considered such a notorious area that it became the subject of a petition presented to the House of Assembly in 1816. Petitioners demanded that the taverns be closed along with part of the street itself.¹⁶³ Some of the prostitutes who spent long periods in drinking establishments became alcoholics. Similarly, in Paris, drinking became a problem for some prostitutes who passed long

¹⁵⁷NA, RG4 B 14, Police Records, Vol. #64, 19-5-1842.

¹⁵⁸NA, RG4 B 14, Police Records, Vol. #50, 8-12-1842.

¹⁵⁹B.J. Davey, *Lawless and Immoral: Policing a Country Town 1838-1857* (New York, 1983): 34.

¹⁶⁰*Montreal Herald*, 23-10-1821.

¹⁶¹*Montreal Transcript*, 3-11-1840.

¹⁶²*Gazette*, 8-10-1833.

¹⁶³Petition by Widow Joseph Perrault, *Journal of Lower Canada House of Assembly*, Vol. #25 (21-2-1816): 298-302.

periods in cafés and cabarets soliciting clients.¹⁶⁴ In Montreal, we have already seen that a number of streetwalkers died in public institutions from the effects of chronic alcohol abuse and poverty. To determine the percentage of prostitutes affected by alcoholism is beyond the scope of this study and probably impossible to ascertain. However, at least 199 women¹⁶⁵ or 8% were reported as intoxicated or given to drink at the time of their arrest for prostitution, vagrancy, or being loose, idle, and disorderly. Almost half of them (92) were identified as prostitutes. For instance, High Constable Benjamin Delisle apprehended prostitutes Jane Hicks, Emelie Gauthier, and Eliza Lewis at the old market. He discovered them intoxicated and disturbing the peace by fighting and quarrelling.¹⁶⁶ Watchman Joseph Auger detained Daby Kelly, a prostitute "*adonnée à la boisson et dans l'habitude de courir les rues ça et là*".¹⁶⁷

The abundance of licensed taverns in the city provoked elites to demand a diminuation in the number of these public houses. As early as 1812, justices of the peace who felt that there were too many taverns in the city, refused to licence more.¹⁶⁸ The Committee on Tavern Licences released a report in 1839 claiming that the number of these institutions had multiplied far beyond the needs of the population. Consequently, the committee selected only 127 taverns for licensure

¹⁶⁴Harsin, *Crime, Poverty and Prostitution*: 200.

¹⁶⁵These women were described in depositions as being drunk, given to drink, or intoxicated with a history of alcoholism. Other sources were eliminated since data involving drinking patterns was not provided. See for example, the prison registers or the Montreal police registers. Women arrested by the police for being drunk in the public streets but were not deemed loose, idle, disorderly, vagrant, or prostitute were excluded from the population that I studied.

¹⁶⁶QSD, 31-10-1831.

¹⁶⁷QSD, 22-4-1833.

¹⁶⁸Fyson, *Eating in the City*: 91.

from 232 applications. Committee members implored the police to regulate taverns more carefully and report those keepers who kept disorderly taverns in order that their names be struck from the list of tavernkeepers.¹⁶⁹ Similarly, in Germany in the 1850s, police attempted to limit the number of drinking establishments in order to attack not only the potential for political ferment but also to curtail disorder, idleness, and immorality.¹⁷⁰

Following the rebellions, the enlargement of the city's police force coincided with a concerted effort to clean up certain parts of the city. Police arrested more and more street prostitutes. This was a direct attack upon vagrancy in Montreal. In New York City, too, middle-class citizens organized new charities to reform and relieve the poor, motivated partially by their attack upon the way that propertyless New Yorkers used public space which was in direct opposition to what the middle class wanted. For the urban middle class, ordered streets maintained their personal safety and enhanced the convenience and value of their private property. The urban poor, in contrast, sought to eke out a living or at the very least to supplement an inadequate one on the streets. This realm provided an economy without rents and with spontaneous encounters.¹⁷¹ Street prostitutes depended upon their access to the public and to the streets to subsist.

Montreal prostitutes travelled in the streets and in the green spaces around the city, namely fields and orchards. Prostitutes Catherine McMahon, Ann Mathews, Sarah McNally, and Mary Every were arrested for their habit of wandering in the streets and fields.¹⁷² Jeanette Chenette, Phillis Locas and Jane Eggs, all women of

¹⁶⁹QSD, Report of the Committee on Tavern Licences, 9-4-1839.

¹⁷⁰Elaine Govka Spencer, "Policing Popular Amusements in German Cities: The Case of Prussia's Rhine Province, 1815-1914" *Journal of Urban History*, 16:4 (August 1990): 373.

¹⁷¹Blackmar, *Manhattan for Rent*: 170-171.

¹⁷²QSD, 23-7-1842; 28-7-1842.

notoriety, were arrested in October of 1828 on the Champs de Mars.¹⁷³ As we have already seen, the fields and orchards around Montreal seemed to have been a popular place for streetwalkers to congregate. It was also customary in Victorian Halifax for police to arrest offenders in the common land around the city where homeless people lived. Judith Fingard reports that in terms of locale next to taverns these common lands supported the second highest level of arrests for all offenders. The wharves, vessels, and markets came next, followed by military installations.¹⁷⁴

Farmers lodged many complaints at the police stations concerning "women of bad fame" who loitered with men on their farm lands which surrounded the city. One such popular place for some women to meet with men was the Priest's Farm, the property of the Seminary of the Sulpicians and which consisted of many buildings, gardens, and orchards.¹⁷⁵ The police made occasional raids to round up these women. In one instance, following complaints that soldiers and women of loose character had broken into Mr. Brechenridge's garden and orchard located at the end of St. Joseph Street, the officer on duty proceeded there to arrest the women. On arrival, he discovered three well known prostitutes and approximately thirty soldiers. He refused to arrest the women "under these circumstances".¹⁷⁶ From the perspective of the police, Chief Constable Jeremie knew how dangerous these excursions could be. He had been stabbed by a soldier with a bayonet, on an earlier foray to arrest soldiers and women of 'loose character' who had taken possession of

¹⁷³QSD, 11-10-1828.

¹⁷⁴Fingard, *The Dark Side of Life*: 39-40.

¹⁷⁵Buckingham, *Canada, Nova Scotia*: 158-159.

¹⁷⁶NA, RG4 B 14, Police Records, Vol. #33, 27-5-1840.

a barn near Gregory's Farm,¹⁷⁷ another property of the Sulpicians. Two years after this incident, Jeremie and Chief Constable Smyth, along with nine men from the west, center and east stations were ordered to scour the woods at Griffins Farm.¹⁷⁸ Sometimes the police elicited the assistance of soldiers in carrying out certain raids. For instance, after Mr. Quesnell reported that one of his barns located at the extremity of St. Antoine Suburbs had been occupied by three soldiers and a number of women, a party of men from the barracks along with two policemen were sent out to arrest them.¹⁷⁹

While we do not know the circumstances which resulted in the rendezvous of three prostitutes and thirty soldiers, the ratio of women to men at Brechenridge's garden begs certain questions. Would it have been a bonanza in remuneration for these three women to service thirty soldiers, despite the hard work that such a venture would entail? Or would it have been considered by them as a potentially dangerous predicament which required particular skill and tact to prevent harm to themselves?

Like their brothel counterparts, streetwalkers often consorted with soldiers. Prostitutes might frequent certain military buildings, as in the case of Louise Dandelin who patronized the military stables near the St. Antoine suburb.¹⁸⁰ Elizabeth Dayley made a habit of passing nights close to the "corps de garde" where in watchman Antoine Caspel's opinion she seemed "*chercher à débaucher les soldats*".¹⁸¹ As we have already witnessed, prostitutes were often arrested with

¹⁷⁷NA, RG4 B 14, Police Records, Vol. #58, 25-9-1839.

¹⁷⁸NA, RG4 B 14, Police Records, Vol. #31, 7-8-1841.

¹⁷⁹NA, RG4 B 14, Police Records, Vol. #54, 2-5-1840.

¹⁸⁰QSD, 27-5-1815.

soldiers in the common fields around the city and in the streets. John Daly, a soldier in the artillery and Catherine Brodeur were arrested after committing "*une offense contre les moeurs dans la rue près du marché Ste. Anne*".¹⁸²

In another instance, when Mrs. Barker was discovered with a soldier in a barn and intoxicated, she was committed to two months in the Common Gaol.¹⁸³ Jane Healey was jailed for two months for indecent exposure, presumably when she was discovered with parts of her body uncovered while with soldiers in public.¹⁸⁴ Policemen sent M. Conroy of the 74th Regiment back to the Quebec Barracks after they found him in an unoccupied house with a prostitute.¹⁸⁵ Mary Hannah was arrested in Commissioners Street, indecently exposing her person with a soldier.¹⁸⁶ And, Mary Love, Margaret Harnois, Anne Robinson, Margaret Hayton and Angelle Hebert were incarcerated for one month for loitering in the fields in the company of soldiers.¹⁸⁷

What effect did the presence of gangs of armed soldiers have on the gender politics of public space? What consequence did this have on policing and for the women involved with soldiers? The police registers provide a small window of opportunity to examine these questions. While we do not know what discipline befell

¹⁸¹QSD, 2-1-1829.

¹⁸²NA, RG4 B 14, Police Records, Vol. #38, 4-3-1837.

¹⁸³NA, RG4 B 14, Police Records, Vol. #59, 29-12-1840.

¹⁸⁴NA, RG4 B 14, Police Records, Vol. #64, 17-3-1841.

¹⁸⁵NA, RG4 B 14, Police Records, Vol. #35, 23-2-1842.

¹⁸⁶QSD, 5-10-1841.

¹⁸⁷NA, RG4 B 14, Police Records, Vol. #35, 6-6-1842.

these men in the military courts, at least some of the soldiers' behaviours suggest that they acted above civilian law. Their involvement with prostitutes appeared to be overlooked. Unlike Montreal men found with prostitutes in the city's public spaces who could be charged with being loose, idle, and disorderly, or vagrants, soldiers were never charged. They were usually escorted back to barracks. In instances involving other violations of the law, some soldiers seemed to act with impunity, which perhaps the carrying of firearms encouraged. After all, policemen only toted a stave and rattle. When Sub-constable Thomas Dalhanty came to the rescue of a young woman being "illused" by soldier Patrick Prindle, he was bayoneted in the thigh by Prindle, who then ran to the guard gate where he was "admitted and protected from arrest by the Sergeant of the Guard and all the men under his command".¹⁸⁸ Similarly, when a soldier of the 23rd Regiment drew his bayonet on Sub-constable Bowen in Commissioners Street and told him to go about his business, the sergeant on guard refused to give Bowen the soldier's name.¹⁸⁹ For Sub-constables Dalhanty and Bowen, these lawbreaking soldiers were beyond their reach. Three soldiers attempted to strike Sub-constable McGough with a bayonet in Water Street when McGough tried to prevent them from "ravishing" a young woman. The soldiers were prevented from attacking the policeman by the arrival of the sentry from the Military Hospital.¹⁹⁰ A soldier of the 15th Regiment who was being conveyed, on orders of Mr. Leclerc, to the station house by Constable James McFarlane, was rescued by two comrades.¹⁹¹ That same year, a prostitute was

¹⁸⁸NA, RG4 B 14, Police Records, Vol. #64, 28-10-1841.

¹⁸⁹NA, RG4 B 14, Police Records, Vol. #59, 14-7-1841.

¹⁹⁰NA, RG4 B 14, Police Records, Vol. #64, 16-4-1842.

¹⁹¹NA, RG4 B 14, Police Records, Vol. #55, 17-3-1840.

"rescued" from Constable John Bowles, by two soldiers of the 66th Regiment.¹⁹² Civilians also interfered with police business. Donald Fyson contends that Montreal constables, watchmen, and bailiffs launched numerous legal complaints against city inhabitants who apparently insulted, threatened, or assaulted them.¹⁹³ Civilian hindrance in police activity has been noted elsewhere. In nineteenth-century Birmingham, police intervention in popular-class street life, such as informal assembly, loitering, noisy private quarrels, and boisterous drunken behaviour was viewed as an unwelcomed attempt to regulate behaviour. Because these matters were not considered criminal acts the interference of the police was met with acts of defiance and hostility from assaults to the rescue of prisoners apprehended in the streets.¹⁹⁴

We also know that soldiers attacked prostitutes. But the relationship between soldiers and prostitutes was more complex. Prostitutes depended upon soldiers as an important source of remuneration in a job which they knew was potentially fraught with danger. They could reduce the peril by soliciting in groups and by cultivating relationships with these military men. It is obvious from court documents and police records that Montreal streetwalkers implemented these strategies. Some prostitutes assisted soldiers to desert. Mary Marois was fined £20 in 1810 for concealing and assisting a deserter from the 41st Regiment.¹⁹⁵ Paradoxically, they were also dependent upon soldiers to protect them from the physical abuse of other men, from arrest, and from Montreal's harsh climate by providing food, shelter, and companionship. Some soldiers married or lived with prostitutes.

More than a thousand soldiers were quartered at the barracks every year

¹⁹²NA, RG4 B 14, Police Records, Vol. #53, 5-8-1840.

¹⁹³Fyson, *Criminal Justice, Civil Society*: 307-308.

¹⁹⁴Bramwell, "Public space and local communities": 43.

¹⁹⁵*Gazette*, 16-7-1810.

between 1839 and 1854. These men were for the most part single or separated from their wives by virtue of the army regulations placed upon their private lives. According to Elinor Senior, only six per cent of them were permitted army rations and barrack lodgings for their families. Most could not afford to bring their families to Canada and support them at their own expense. Those who wanted to marry had to seek permission from the captain of their company who apparently inquired into the character of the woman before passing their request for marriage on to the commanding officer who had the final decision.¹⁹⁶ Many of those who did not marry turned to prostitutes for sex. Thus, street prostitutes forged strong links with soldiers. Soldiers were a main source of revenue for them.

The association between prostitutes and soldiers has been well documented in a number of important international studies.¹⁹⁷ In Halifax, soldiers made up twenty-five percent of the male population. Although the army sanctioned marriage for only six per cent of the soldiers, the remainder sought out sex through unofficial marriages to local women or through prostitutes.¹⁹⁸ Prostitutes and soldiers publicly fraternized in the taverns located near the citadel.¹⁹⁹

Street prostitutes were arrested and incarcerated for any number of reasons. Similar to their brothel counterparts, streetwalkers serviced their clients in a number of different ways. Sometimes their work had a very public face. At least three women were caught in "*flagrant delit*", one on the beach, another under a street

¹⁹⁶Senior, *British Regulars in Montreal*: 148-149.

¹⁹⁷Frances Finnegan points out in her study of York prostitutes that unofficial provisions for visits by prostitutes to the barracks, most likely occurred although no evidence in military records. However, there are numerous newspaper accounts of prostitutes found in the company of soldiers. (*Poverty and Prostitution: A Study of Victorian Prostitutes in York* (New York, 1979): 26-27). Other inquiries include Judith Walkowitz in her book, *Prostitution and Victorian Society*.

¹⁹⁸Fingard, *The Dark Side of Life*: 97-99.

¹⁹⁹*Ibid.*: 40.

light, and a third one on a bench in the market place. Ann Taylor a "coloured woman", was discovered by a watchman at midnight sleeping on a bench in the New Market after having "*forniquer (sic) avec un soldat*".²⁰⁰ Adelaide St. André, Henriette Hamelle, and Peggy Dollar were incarcerated for committing on Papineau Road what Charles Picard described as "*en plein jour les derniers actes d'indécences avec des hommes*".²⁰¹ At four o'clock in the morning, Subconstable Kennedy found Ann Bowman at the Priest's Farm lying nude and asleep with Robert Emery. In Kennedy's opinion, she appeared to have been "greatly ill used".²⁰² Both Marechette Laramée and Angélique Laselle spent the night in an old stable with a Mr. Lalevier "in shameful debauchery".²⁰³ For other homeless streetwalkers like Elizabeth Austin and Elmiere Perrault, they preferred a more private setting. Austin and Perrault broke into a house on St. Catherine Street owned by notary Pierre Beaudry by forcing open a shutter. Accompanied by two soldiers, they evidently lit candles much to the chagrin of Beaudry who complained to a justice of the peace.²⁰⁴ Prostitutes also brought their clients to their own lodgings. Adélaide Menard, who had a room in a house on St. Paul Street belonging to Thomas Busby, admitted men into her apartment through a window.²⁰⁵ Montreal seems similar to eighteenth-century England, where not only did prostitutes bring clients to brothels and rented rooms,

²⁰⁰QSD, 13-7-1819.

²⁰¹QSD, 16-6-1836.

²⁰²NA, RG4, B 14, Police Records, Vol. #34, 20-6-1841.

²⁰³QSD, 20-6-1810.

²⁰⁴QSD, 27-7-1839.

²⁰⁵QSD, 10-7-1824.

but they also provided their services in the parks, streets, and alleyways of London.²⁰⁶ In Halifax, too, in the 1850s and 1860s, streetwalkers serviced men in yards, porches, military installations, and rented rooms.²⁰⁷

As we have already seen, women were arrested after they were found with men in the streets, stables, and fields around the city. Streetwalkers could also be arrested for other offences such as loitering in the streets, being homeless during inclement weather, begging, disturbing the peace, keeping company with other people of ill fame, throwing stones, or drunkenness. For instance, Appoline St. Germain and Emilie McIntosh were arrested when they were discovered sleeping in a hayloft in November of 1835.²⁰⁸ Prostitutes Margaret McGinnis and Margaret Carr were apprehended in a field behind the Champ de Mars, in a drunken state and "in the act of fighting together".²⁰⁹ Similarly, Haligonian prostitutes were arrested for any number of infractions such as drunkenness, blasphemy, larceny, and assault and battery.²¹⁰ By the end of the period under study, many women were arrested in large numbers simply for wandering in the fields and loitering in the city streets.

CONCLUSION:

Prostitution flourished throughout the Montreal urban landscape. Streetwalkers exercised their trade in the old city as well as the suburbs, in fields, and on roadways around the city. Brothel-keepers set up houses of ill fame in the old city

²⁰⁶Corfield, "Walking the Streets": 149.

²⁰⁷Fingard, *The Dark Side of Life*: 103.

²⁰⁸QSD, 18-11-1835.

²⁰⁹QSD, 16-6-1831.

²¹⁰Fingard, *The Dark Side of Life*: 106.

and in the suburbs, Côte à Barron, and Pointe à Callière, spreading out to the far reaches of some of the suburbs in increasing numbers by 1840. Streetwalkers were arrested in ever greater numbers by constables who expanded the area that they patrolled, to include the streets of the suburbs and the green spaces in and around town.

While Montrealers shared urban space with brothel-keepers and their inmates, neighbours complained about houses of prostitution if they wanted to rid their quarter of the sex trade or whenever inmates of these establishments broke with the prevailing code of conduct. Prostitutes might make too much noise, offend their neighbours in a variety of different ways, or threaten the safety of the neighbourhood. The permeability of households with public spaces and the intimate nature of neighbourhoods encouraged close contact with neighbours and a variety of relationships with each other. Thus, offenders could be disciplined or banished from their neighbourhoods.

Streetwalkers lived large parts of their lives in the public streets of the city. Many of them had to eke out a living in the harshest of environments, where daily survival was dependent upon finding lodging and food. The streets could also be a place for them to die. Alliances with men, many of whom were soldiers, were forged to facilitate making a living and to establish companionship.

In order to grasp the legal implications of practicing prostitution in Montreal, we will now turn to an examination of the criminal justice system that monitored brothel-keepers, prostitutes, and their clients. In the discussion which follows, I will review the laws pertaining to prostitution, examine how and by whom they were implemented, look at the role of the police in enforcing these laws, and show which courts judged those women and men charged with prostitution-related crimes. This chapter will explore the circumstances under which prosecutors as family members, neighbours, policemen, and even brothel-keepers disciplined prostitutes.

PART 2: PROSTITUTES AND THE CRIMINAL JUSTICE SYSTEM

CHAPTER IV

THE SURVEILLANCE OF PROSTITUTES: LAWS, PROCEDURES, COURTS, AND THE POLICE

Adin W. Ayers, Painter and Trader, of Montreal deposeth and saith that Angélique Archambault otherwise called Angelle Archambault, Sophie Proulx, Marie Menie and other dissolute and abandoned prostitutes with whose names the said deponent is not acquainted, have heretofore for a long time past kept and do still now keep in the St. Lawrence suburbs of Montreal in Vitré Street, a common ill governed and disorderly house and a bawdy house. That the bawdy house so as openly kept by them, Angélique Archambault, Sophie Proulx, Marie Menie and others is kept for the purpose of the public and personal prostitution (by carnal communication) for hire or pecuniary reward of them Angélique Archambault, Sophie Proulx and Marie Menie and the other inmates whose names are unknown to the said deponent and is open to and visited at all hours both of the day and night by dissolute and abandoned male persons by whom great noises and violence done to the great injury, apprehension and scandal of his Majesty's peaceable subjects. That the house so by them Angélique Archambault, Sophie Proulx, Marie Menie and others as kept is a public nuisance, wherefore the said deponent prays justice in the premises.¹

When Adin Ayers had this deposition drawn up in 1834, he created a legal document. To prosecute someone keeping a bawdy house, usually two individuals²

¹QSD, 16-4-1834.

²According to Richard Burn, only one witness or deponent was necessary to make out a deposition.

(in this particular case, Adin Ayers and John Dodge) gave written notice before a justice of the peace. It was up to the justice of the peace to make out an arrest warrant to bring an accused person before him to answer to the charge.³ Ayers' document launched a series of legal interactions between the police, the criminal justice system and the defendant(s) in this case, Angélique Archambault, Sophie Proulx, and Marie Menie, and produced a flurry of documents which described these interactions.

Like Ayers and Dodge, ordinary Montreal citizens, male and female alike, made out depositions against prostitutes. These deponents were usually neighbours but might include proprietors of the buildings that brothel-keepers leased, relatives of prostitutes or clients, constables, and occasionally other brothel-keepers.

Affidavits were also sworn out by individuals, often watchmen and constables, against streetwalkers as in the case of Constable Louis Malo. In May of 1832, he arrested Angélique Cataford, Louise Perrault, Marie Gagnon, Catherine Clarke, Marie Casavant, and Marie Gagnier on the Champ de Mars and imprisoned them in the Common Gaol for being vagrants and women of bad fame.⁴ Similarly, John Anderson, acting Sergeant in the Royal Artillery complained that he had frequently seen Nancy Murray in the Quebec Barracks sleeping with different soldiers. He believed that she was a common prostitute.⁵ Unlike their brothel counterparts whose neighbours customarily prosecuted, the reverse was true for streetwalkers. It was constables and watchmen who usually made out the depositions after they had arrested street prostitutes.

(*The Justice of the Peace and County Parish* Vol. #1, 16th edition (London, 1788): 505) In practice, most of the Montreal depositions involved two prosecutors; occasionally one to six prosecutors' names were present on a single deposition.

³*Ibid.*: 96.

⁴QSD, 30-5-1832.

⁵QSD, 12-2-1813.

The individual voices of the men and women who acted as prosecutors in these cases were often reflected in the depositions that they had drawn up. The use of the criminal justice system to deal with prostitution had different meanings for the actors who resorted to it. It is clear from my examination that it was not a rigid, authoritarian system, but exhibited surprising flexibility.

This chapter examines the laws that were pertinent to prostitution, how they changed over the period, who made the complaints against prostitutes, the process involved in laying a charge against brothel-keepers or streetwalkers, the responsibilities that making such an accusation entailed, the role of the police in enforcing these complaints, and the courts which judged the women and men who were charged. Although the laws provided the structure under which complaints could be initiated, Montrealers employed them in ways that served their immediate interests.

LAWS PERTAINING TO PROSTITUTION-RELATED OFFENCES:

In general, prostitution was only a crime if streetwalking and neighbourhood brothels were annoying to passersby or neighbours. A deposition involving prostitution-related offences, was based on statutes in criminal law that were subject to change. In the early nineteenth-century, city notables demanded new methods to maintain social order, which promoted certain modifications to the laws. Begging is a case in point. The justices of the peace in Quarter Sessions reviewed and changed the regulations pertaining to street begging in response to the public's persistent condemnation of mendicity.

Montreal justices of the peace relied upon imported English manuals, the most widely used one being Richard Burn's 1764 edition *The Justice of the Peace and Parish Officer*, which established guidelines for these officials of the court.⁶ The only available French edition was a translation of parts of the 1764 Burn's edition which was made in 1789 by Joseph Perrault. Like the nineteenth-century justices of

⁶Fyson, *Criminal Justice, Civil Society*: 147.

the Quarter Sessions of the Peace, I too, have depended on the works of Richard Burn, as well as on Sir William Blackstone's *Commentaries on the Laws of England*,⁷ numerous ordinances and acts passed by the courts and House of Assembly during the period under study, to understand the changing nature of the laws which applied to prostitution in its broadest sense.

Keeping a bawdy house or a disorderly house, was considered an indictable offence as a common nuisance⁸ by "endangering the publick (sic) peace, by drawing together dissolute and debauched persons, and also in respect of its apparent tendency to corrupt the manners of both sexes".⁹ Not only must the public peace be disturbed but also it must be a nuisance to his majesty's subjects.¹⁰ Adin Ayers' deposition at the introduction of this chapter shows how he utilized specific elements of the law to accuse Angélique Archambault, Sophie Proulx, and Marie Menie of keeping a disorderly house. It was not enough that their brothel disturbed the public peace, but its presence lured "dissolute and abandoned" men to the establishment, and represented in the full sense of the term, a nuisance to the neighbourhood. Open lewdness was punishable upon indictment at the common law with fine and/or imprisonment, and with whatever other punishment the court deemed proper.¹¹ According to Richard Burn, a surety for good behaviour could be demanded for offences which did not directly breach the peace but could be defined as

⁷Sir William Blackstone, *Commentaries on the Laws of England* (London, 1784).

⁸Common nuisances were defined as "offenses against the publick, either by doing a thing which tends to the annoyance of all the king's subjects, or by neglecting to do a thing which the common good requires". (Burn, *The Justice of the Peace*, Vol. #3: 217)

⁹*Ibid.*: 97.

¹⁰*Ibid.*: 220.

¹¹*Ibid.*: 97.

misbehaviour: "those resorting to bawdy houses, maintainers of bawdy houses, whoremongers, common whores, night-walkers, and persons who live idly yet fare well or are well apparelled without apparent means." Thus, a surety for good behaviour could be demanded of a man who haunted bawdy houses with women of bad fame, or who kept bad women in his own house.¹² To indict anyone for frequenting a bawdy house, it had to be shown that he was aware of the nature of the house and that the establishment was a brothel, not merely suspected of being one.¹³ A woman could not be indicted for being a "bawd" generally since the "bare solicitation of chastity" was not an indictable offence.¹⁴ Moreover, bawdy houses were considered nuisances because they promoted idleness and drew together a great number of disorderly persons.¹⁵ Since idleness was considered an offence against the public economy, all idle and disorderly persons or vagrants could be imprisoned in the House of Corrections for up to one month.¹⁶

At the beginning of the nineteenth-century, streetwalkers were usually arrested under vagrancy laws. Vagrants, according to English law, as set out by Sir William Blackstone, were defined as:

such as wake on the night, and sleep on the day, and haunt customable taverns, and ale-houses, and routs about; and no man wot from whence they come, nor whither they go.¹⁷

¹²*Ibid.*: 97.

¹³*Ibid.*: 98.

¹⁴*Ibid.*: 98.

¹⁵*Ibid.*: 218.

¹⁶Tucker, *Blackstone's*: 68, 169.

¹⁷Joseph Chitty, *Commentaries on the Laws of England: By the Late Sir W. Blackstone* Vol. #IV (London, 1826): 169.

They were divided into three classes: idle and disorderly, rogues and vagabonds, and incorrigible rogues. While all offended the public order, each class had a specific punishment. Idle and disorderly persons were to be confined in the House of Correction for one month. Rogues and vagabonds were to be whipped and imprisoned up to six months. Incorrigible rogues were to be whipped and imprisoned up to two years. Being idle and disorderly, or a vagrant without having any visible means of support, were grounds for immediate arrest. Moreover, a watchman could arrest a night walker without a warrant from a magistrate.¹⁸ By 1802 with the establishment of a House of Correction in Montreal, constables were expected to apprehend and to bring before a justice of the peace, all vagrants or idle and disorderly persons except those who had been furnished permission to solicit alms, distinguished by the letters P and M, cut in red or blue cloth, worn on the upper right hand sleeve of their clothing.¹⁹ Begging was eventually outlawed in 1819 in anticipation that a House of Industry, which was about to open, could accommodate this population.²⁰ The original licensing system of beggars was once again re-instituted in 1821, while at the same time ordinances which prohibited begging remained. According to Donald Fyson, the co-existence of this edict with a licensing system directed at so-called proper objects of charity, permitted authorities to arrest those deemed improper.²¹ Constables received two shillings for apprehending each

¹⁸Burn, *The Justice of the Peace*: 103-104.

¹⁹QSR, 10-7-1803.

²⁰By 1822 application for permission to seek alms was once again re-instated. Even in 1833 when beggars and vagrants were to serve three months in the Common Gaol, begging being outlawed, a provision for some beggars to apply for permission to beg remained.

²¹Fyson, *Criminal Justice, Civil Society*: 61.

beggar, who could be confined in the Common Gaol for up to three months.²² Despite the evolution of this law which permitted police to arrest these indigents, the public continued to voice concern in local newspapers about the growing number of beggars in the streets of the city and the suburbs. These prostitution-related statutes and ordinances remained the law until 1838 following the Rebellions.

In 1838, the ordinance which established a new system of policing in the cities of Montreal and Quebec also provided guidelines for magistrates to deal with loose, idle, and disorderly persons. They could be committed either to the Common Gaol or the House of Correction at hard labour not exceeding two calendar months. It was also at the discretion of a magistrate to bind over a loose, idle, and disorderly person in a recognizance to appear at the next court of Quarter Sessions of the Peace to answer to the charge. In addition, if any person described as loose, idle, and disorderly was suspected of being "harboured or concealed in any house or houses of ill fame, tavern or taverns, boarding house or boarding houses", then a warrant could be issued so that a constable could enter any of these establishments to arrest all persons found within to appear before a justice of the peace. These individuals could be treated in the same manner as loose, idle, and disorderly persons and thus imprisoned in the Common Gaol or House of Correction.²³

This Canadian ordinance clearly established a link between a person deemed a prostitute and a person considered loose, idle, and disorderly. Thus, a common prostitute could be judged as a loose, idle, and disorderly person and punished in a comparable manner. Ostensibly, to classify prostitutes as loose, idle, and disorderly permitted authorities to more easily detain them.²⁴ The problem is that not all of the

²²*Montreal Herald*, 25-5-1822.

²³*Governor and Special Council of Lower Canada Ordinances* Vol. #1-3, 2 Vic c.2, 28-6-1838.

²⁴See the work of Constance Backhouse, *Petticoats & Prejudice*: 233-234 and of Jane B. Price, "'Raised in Rockhead. Died in the Poor House': Female Petty Criminals in Halifax, 1864-1890" in Philip Girard & Jim Phillips (eds) *Essays in the History of Canadian Law* Vol. #3, Nova Scotia

women arrested under this law were prostitutes. Therefore, how do we differentiate those women who were from those who were not? Jane Price suggests that while it is impossible to determine the exact number, we can ascertain the approximate number by assuming that the percentage of female vagrants in excess of the average 30% (taken from other studies) was made up of vagrants imprisoned for prostitution. In her study of female petty offenders in Halifax she found that approximately 23% of all crimes committed by women involved prostitution. Price argues that Constance Backhouse's figures are higher for Toronto (63-87%) because she includes women who were charged with drunkenness in the possible prostitution category. If these women are excluded, the Toronto figure would be approximately 17%. She also points to Margaret Langdon's study of prostitution offences in Calgary which constituted about 60% of all female convictions. Price believes that these differences are due to a number of factors: firstly, levels of industrialization varied between regions, thus, Toronto with the highest level, provided women with alternatives to prostitution; and, secondly, prosecution levels varied significantly.²⁵

Jane Price's approach to this problem is troublesome for a number of reasons. If she argues that rates of prostitution can vary between regions, does this not also apply to vagrancy? Therefore, the average 30% level of female vagrancy for any community is questionable. Moreover, if one determines female crime rates based on prison records only, then those who were acquitted because witnesses did not show up at court, paid fines instead of going to jail, or were given recognizance to keep the peace would not be included.

Fortunately, there are other ways to approach this problem. One method might be to compare the names of women who were arrested for prostitution with the names of women arrested for being vagrants or disorderly. However, we must be careful not to assume that a woman who was charged with prostitution in the past was

(Toronto, 1990): 202-204.

²⁵Price, "Raised in Rockhead": 210.

always a prostitute even if she was charged with vagrancy at another time. Another more viable approach to the dilemma of differentiating these women lies in the very source that created the methodological problem in the first place. Many of the depositions contain certain terms or descriptions which were probably utilized to flavour the depiction of these women as loose, idle, and disorderly. Terms such as whore, *fille publique*, *fille de débauche*, lewd woman, *femme de mauvaises moeurs*, and *putin* (sic) were used by some prosecutors to describe the women. Those women deemed or characterized as prostitutes represented two-thirds of the total number of women arrested as loose, idle, and disorderly, vagrants, or prostitutes. More than likely, this percentage is underestimated.

By 1839, in an attempt to crackdown on "social disorder", the Special Council²⁶ of Lower Canada initiated a series of changes that included the re-organization of the city police force. It also passed the first Canadian statute to specifically mention prostitutes. This statute permitted the police to apprehend "all common prostitutes or night walkers wandering in the fields, public streets or highways, not giving a satisfactory account of themselves" and "persons in the habit

²⁶Brian Young argues that the Special Council exercised a crucial role in the reshaping of state and institutional structures which saw a blend of new structures with the old pre-industrial relations and ideology. ("Positive Law, Positive State: Class Realignment and the Transformation of Lower Canada, 1815-1866" in Allan Greer and Ian Radforth (eds) *Colonial Leviathan: State Formation in Mid-Nineteenth-Century Canada* (Toronto, 1992): 50) Although the Special Council's edicts had significant impact on such structures as seigneurialism, the civil code, and land registry, we must be careful not to link all of the changes implemented by this legislative body to the birth of the modern state. The criminal justice system is a case in point. Contrary to Allan Greer's contention that a professional police force was non-existent in Montreal before the immediate post-Rebellion period, Donald Fyson's examination of the criminal justice system cautions us in viewing the Rebellions as a watershed in the nature and impact of the state in general and the criminal justice system in particular. Elements of the modern state were already present in the 1820s. (*Criminal Justice, Civil Society*: 407-408) Certainly, the Special Council made possible, particularly in the case of policing, reforms that had been demanded by city notables in the decades leading up to the insurrection. However, we know little about the long term effects of these changes on Montreal policing since it has hardly been studied. My own investigation shows that after 1841, when the police force was once again reduced in numbers, the levels of arrest of individuals for prostitution-related offences declined.

of frequenting houses of ill-fame, not giving a satisfactory account of themselves".²⁷ Authorities could incarcerate prostitutes for up to two months.

The statute also authorized a policeman on duty "to apprehend all loose, idle and disorderly²⁸ persons whom he shall find disturbing the public peace, or whom he shall have just cause to suspect of any evil designs, and all persons whom he shall find lying in any field, highway, yard or other place, or loitering therein, and not giving a satisfactory account of themselves".²⁹ Any justice of the peace could commit these individuals to the Common Gaol or House of Correction at hard labour for up to two calendar months.³⁰ As with the older vagrancy law under which a common prostitute could be apprehended and the more recent 1838 statute, a common prostitute could still be arrested as a loose, idle, and disorderly person.

Constance Backhouse argues that Canadian law was significantly harsher than English law in its treatment of prostitutes and their clients. In Canada, a prostitute found in a public area could be arrested simply for being a prostitute; in England, a prostitute could be detained only if she exhibited specific, offensive behaviour.³¹ Yet depositions show that while some women were arrested solely for being prostitutes, many of them were still being detained for exhibiting some sort of offensive

²⁷*The Revised Acts and Ordinances of Lower Canada (1777-1841)* (Montreal, 1845): 166.

²⁸By the 1839 law, disorderly persons included those being able to work but wilfully refusing to do so; those indecently exposing themselves in public places; those loitering in the streets and highways incommoding passengers, using insulting language, defacing public and private property, disturbing the peace by swearing, screaming, singling, and being drunk; common prostitutes; frequenters of brothels; persons tipling in taverns and tap-houses; and persons gambling in taverns. (See *The Revised Acts and Ordinances*: 166).

²⁹*Ibid.*: 165.

³⁰*Ibid.*: 165-166.

³¹Constance Backhouse, "Nineteenth Century Prostitution Law: Reflections of a Discriminating Society" *HS/SH* #18 (November 1985): 389.

behaviour in conjunction with prostitution, such as disturbing the peace of the neighbourhood, or other pedestrians in the street. Mary Hannah was apprehended as a common prostitute May 10, 1841 for lying in Commissioners' Street indecently exposing her person with a soldier.³² Similarly, Eliza Smith was arrested as a 'common whore' in the practice of obstructing and impeding persons in the public streets.³³ By relying too heavily upon prostitution statutes to understand the sex trade, Constance Backhouse overlooks the ambiguities involved between the laws, their application, and the impact they had on people.

MAKING AND PROCESSING THE COMPLAINT:

The complaint against the women and men who were accused of brothel-keeping often included the address of the establishment, the name of the property owner, along with the names of men and women who frequented the brothels and who were known to the individuals who made out the affidavits, and of those arrested. Nonetheless, many of the affidavits were more than a standard legal description to fulfil a basic judicial function. They demonstrated a certain creative sense of how individuals viewed the problem. Thus, affidavits could be written with colourful descriptions of the activities that aroused the ire of the prosecutors. Take for example the deposition of builder James Seath and milkman Robert Akin, both neighbours of a brothel operated by Mrs. Farlane on the corner of Perthius and Lacroix Streets. Not only did they explain that the brothel was open at all hours of the day and night, but they claimed that lewd, disorderly persons resorted there to commit acts of debauchery. Moreover, fights, riots and other disturbances occurred nightly, the most recent one culminating in five to six men lying senseless in the snow. The final insult transpired when inmates apparently robbed neighbours of their

³²QSD, 10-5-1841.

³³QSD, 2-2-1841.

firewood and fencing.³⁴ As we have seen in the previous chapter, Bernard St. Germain and Joseph Lemoine complained that Joseph Perrault held balls twice weekly in his "*maison de débauche*" which were attended by "*filles de joies*" and by "*des jeunes gens de la dernière classe de la société*" who disturbed the peace of the neighbourhood with fights and threats to passersby.³⁵ Shoemaker William Brackenridge was struck by a brick on his lip by prostitute Jane Rodgers when he went to investigate a disturbance in her room. Apparently he found two soldiers quarrelling and when he ordered them out, she assaulted him. Brackenridge was "obliged to have it sewed up".³⁶ According to Thomas Rawdon, Hugh McLaughlin and Catherine Clarke kept a brothel on Williams Street. Besides the daily disturbances that occurred and the illicit behaviour of the inhabitants, Rawdon made a point of claiming that two of the occupants were co-habiting together as husband and wife though not legally married.³⁷ Each of these depositions exposes the myriad ways that men and women complainants viewed the problem of prostitution. Each bears an original impression of events, circumstances, and experiences.

Even words to describe the offence varied. For instance, a disorderly house, the legal term of indictments, might be depicted in a deposition as a house of debauchery and prostitution, a house of ill fame, a brothel, a common bawdy house, a receptacle for bawds and vagabonds or a receptacle of all that is vicious and debauched, and *une maison de débauche*. A streetwalker³⁸ might be referred to as

³⁴QSD, 18-12-1835.

³⁵QSD, 1-12-1819.

³⁶QSD, 18-2-1829.

³⁷QSD, 28-6-1841.

³⁸Insults, which incorporated a variety of the vernacular to represent prostitute, were hurled at some women in the streets of Montreal. Marie Anne Dufond prosecuted Salamé Despaty for calling

a common prostitute, a whore, a strolling wanton lewd woman, a woman of ill fame, a woman of dissolute habits, a bad woman and woman of bad fame³⁹, *une femme de mauvaises moeurs, une personne de mauvaise vie et de moeurs disolues, une femme abandonnée à tous les vices, une femme dérégulée, fille de plaisir, une putin (sic), and une prostituée publique*. What prostitutes were accused of doing could be described as shameful debauchery, indecency in the public market, cohabiting with men both night and day, carnal connexion (sic), illicit intercourse or copulation, meeting together for the purpose of lewdness and debauchery, for sensual and licentious purposes or for the indulgence of their carnal appetite, *commettant du mal et des depravations, en flagrant delit, and au détriment de la morale*.

Usually neighbours had affidavits drawn up to complain that the inhabitants of a particular brothel were disturbing the peace. Figure 4.1 illustrates that

her "a common prostitute" who "slept with her son". (QSD 24-6-1837) Ann Connor accused Samuel Stevens of committing a breach of the peace when he knocked at the door of Widow Mary Robinson and loudly shouted out in Commissioner's Street, "let in the sailors to the whores". (QSD 8-9-1842) Ellen Welsh complained that James Keenan rushed out of his house and abused her by loudly describing her as a "damned barrack whore". (QSD 25-1-1841). Even prostitutes could accuse each other of being whores. Two women, possibly Mary Burnet and Catherine Morrison, were accused by one deponent in a disorderly house deposition of calling each other "fat arsed whores, bitches, and blackguards". (QSD, 10-7-1838) (Black guard refers to a "shabby, mean fellow" which had its roots in the indigent boys who blackened the shoes and boots of the Horse Guards. (*The 1811 Dictionary of the Vulgar Tongue: Buckish Slang, University Wit and Pickpocket Eloquence* (London, 1994))

Even men were subjected to similar affronts. While there is no evidence that they were called the equivalent of a male prostitute, they might be associated with brothels in a different way. George Gibson accused Rosey Clifford, Sally Morrison, and Catherine Hambro of calling him in Vitre Street "an informer and a brothel-keeper". (QSD 19-7-1841)

For a comprehensive discussion of the use of insult in early modern England, see Laura Gowing, "Language, power and the law: women's slander litigation in early modern London" in Kermode and Walker, *Women, crime, and the courts*. Her examination of church court documents show that women were up to five times more likely than men to litigate against sexual defamation. Since this sort of slander attacked the immoral behaviour of an individual, the act to file suit was an attempt to restore the individual's defamed standing in her community. The word "whore" was the most common insult hurled at women to imply some sort of sexual misconduct, "the exact opposite of the honest woman". There was no male equivalent, thus insults such as "whoremonger" suggest that male sexual behaviour was measured by his control over women's sexuality. In addition, since sexual honour was mostly a woman's concern, it gave them the authority to regulate the sexual behaviour of others as not to sully the reputation of their neighbourhood. (: 26-30)

³⁹Richard Burn refers to prostitutes as "women of bad fame, bad women, and women of evil report" in his book, *The Justice of the Peace*: 97.

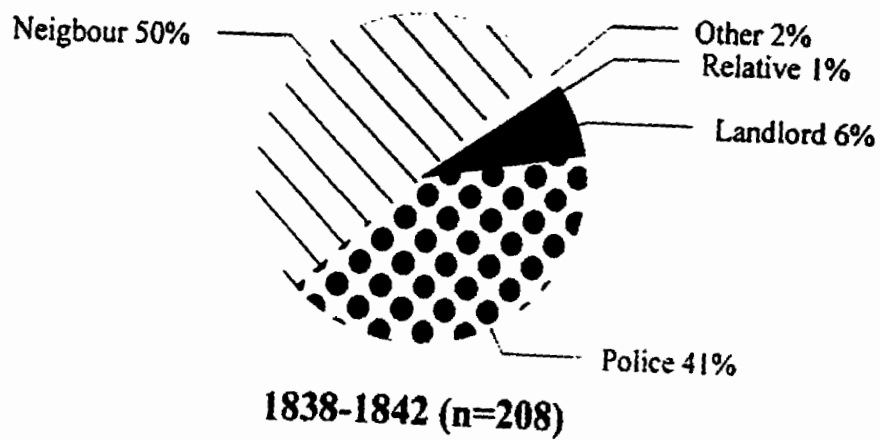
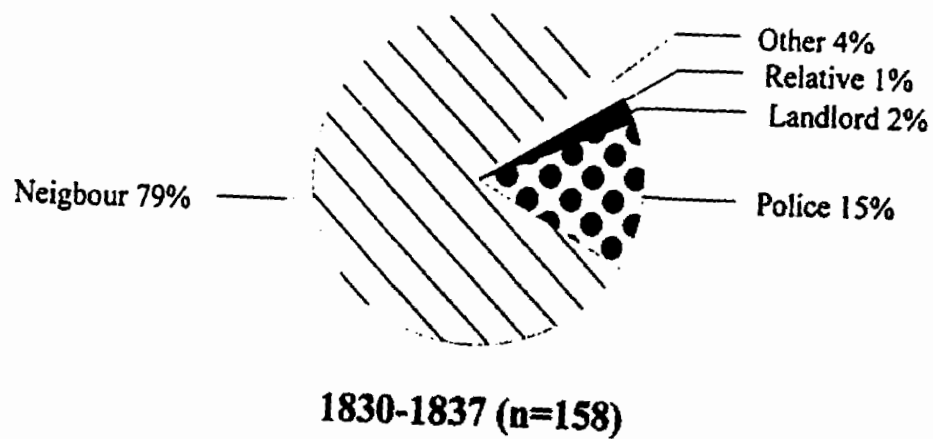
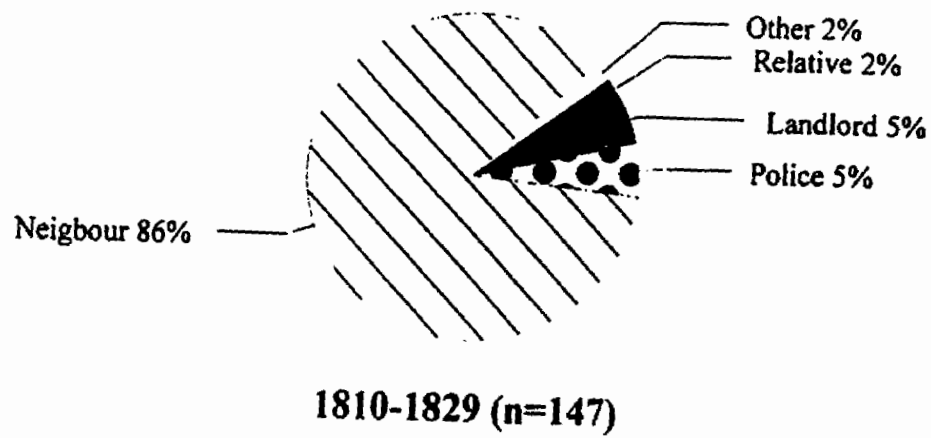
neighbours accounted for more than two-thirds of the prosecutors,⁴⁰ followed by the police at 23%. Proprietors and landlords made up 4% of the prosecutors and relatives 2%. Those prosecutors who were neither neighbour, policeman, relatives, nor landlord, and categorized as "other" at 3% included brothel-keepers, former or present, passersby, and a host of individuals with other motives in implicating brothel-keepers. These categories changed over the period. The number of neighbours prosecuting brothel-keepers decreased and the number of police acting as deponents, rose. (See Figure 4.1) These findings suggest a shift away from a local moral economy, where neighbours used the courts as an extension of their own surveillance of their communities to a more repressive state apparatus which was established following the Rebellions. In the short period that the Special Council had responsibility for legislation, the changes they instituted reformulated class relations and set in place new means of social regulation.⁴¹

The reorganization of the police force, a direct consequence of the Special Council's authority, permitted the enlarged contingent to better regulate public space. Policemen were also increasingly stepping in to act as prosecutors, moving private prosecution into the public realm. At the beginning of the period, police prosecutions made up only 5% of the total but culminated in 41% by the end of the period. The category "other" remained constant at less than 10%.

⁴⁰Twenty per cent of the depositions had no identifying data which could determine the relationship of the prosecutor to the brothel-keeper.

⁴¹I wish to thank Bettina Bradbury for these important insights.

FIGURE 4.1
RELATIONSHIP OF PROSECUTORS TO BROTHEL-KEEPERS ¹⁷⁹



Men made up 85% (547) of the 644 prosecutors or deponents who accused brothel-keepers, and women the remaining 15% (97). These numbers differ from Donald Fyson's broader study which examined a range of complaints, which included crimes against the person, property, and the state, that came before the city and district justices of the peace who presided over the lower criminal courts between 1764 and 1830. Unlike my study which focuses only on those women and men charged with morality offences involving prostitution, Fyson found that women made up 20 to 30% of the total number of deponents.⁴² The difference in percentages is most likely the result of two factors. Firstly, in his study, spousal abuse made up a significant proportion of complaints, most often initiated by wives. Secondly, my study shows that constables were increasingly prosecuting brothel-keepers over the three periods from 7%, to 20%, to 55%. Hence, this change affected the ratio of male to female prosecutors. Further, police registers indicate that after 1837 many Montrealers complained to constables posted at various police stations around the city, about noisy neighbourhood brothels rather than prosecuting the brothel-keepers themselves. Tavernkeeper John McCann reported Mrs. Byers and her daughter for keeping a disorderly house on St. Peter's Street.⁴³ A Mr. A. Lacasse reported a tenant of his, a woman by the name of Besvere, for "harbouring persons of ill fame" and keeping a disorderly house in her room.⁴⁴ Inasmuch as neighbours continued to complain about the brothels in their midst, they used a new channel to do so, the police.

Male prosecutors were almost evenly divided⁴⁵ between francophones and non-

⁴²Fyson, *Criminal Justice, Civil Society*: 388.

⁴³NA, RG4 B 14, Police Records, Vol. #31, 24-8-1840.

⁴⁴NA, RG4 B 14, Police Records, Vol. #61, 10-10-1840.

⁴⁵Six of the male deponents were categorized as other and in one case it was impossible to determine which group the man belonged.

francophones with 272 or 50% and 268 or 49% respectively. However when you compare the differences over the three periods, there was a steady decline in the number of francophone prosecutors.⁴⁶

Women prosecutors presented a slightly different picture. Nearly three-quarters⁴⁷ or 74% of them were francophone, the remaining 26% were non-francophones. Although the majority of prosecutors were francophone, like their male counterpart, the numbers decreased from 84%, 70%, and 67% over the three periods. Thus, francophone women were more likely to prosecute their neighbours for operating noisy brothels, unlike their male correlative who were nearly evenly divided between the two groups. These findings suggest that francophone women had much stronger ties to their neighbourhoods, unlike non-francophone women who were more likely immigrants. This enduring link to community invested francophone women with a sense of responsibility to uphold its moral reputation. If as Laura Gowing argues, it was through women that the responsibility for sexual honour rested,⁴⁸ then women with close bonds to their community would have been more likely to discipline offenders.

While a quarter (26% or 170) of the prosecutors did not have their occupation included in the depositions, (excluding those who were policemen acting for the state) a little over a half (197 or 55%) of those who did, came from the artisanal group. The middling group represented 17% of the total, followed by the elites at 15%. The unskilled group made up 11%, and marginals represented 1%. When these figures are examined over the three periods, the artisanal group remained stable at just over half of all prosecutors although increasing slightly from 55% in the first period to

⁴⁶The percentage changed from 69% in the first period to 43% in the last period.

⁴⁷Like male prosecutors, one woman could not be identified as belonging to either the francophone or non-francophone category.

⁴⁸Gowing, "Language, power and the law": 30.

58% in the second period, and falling to 52% in the last one. The only other group to also experience an increase was the elites which grew from 9% in the first period to 16% in the second period, and increasing slightly to 18% in the third period. The percentage of those from the middling group who prosecuted brothel-keepers remained fairly constant (15%, 18%, and 17% respectively). Keeping in mind that a significant proportion of the prosecutors of brothel-keepers were neighbours, often from the artisanal group, these divisions reflect the proximity of the deponents or prosecutors to the defendants and demonstrates their willingness to utilize the criminal justice system in order to solve problems with neighbours. Many of the prosecuting neighbours seemed to have extensive knowledge of the people who inhabited the brothels, being adept at distinguishing them by their proper names and by the various relationships between the different inhabitants. For instance, Ann Hartley wife of Alexander Cummings who lived next door to Peter Fontaine accused him of keeping a bawdy house, being in the habit of getting drunk, and beating his wife "in a shameful manner".⁴⁹ The small number of elites who complained about brothels illustrates that the lower courts did not serve as a venue for the elite to discipline the "lower classes". However, if you consider that nearly a third of those who prosecuted came from the middling group and the elites, then a different picture emerges. The activities of brothel-keepers were likely being judged by a new bourgeois ideology of discipline, sobriety, and industry. For popular-class Montrealers, the courts acted as a forum for conflict resolution. Notwithstanding the increasing role played by the police in prosecuting prostitutes and the proportion of prosecutors who came from the elites and middling group, the artisanal group still made up the majority of prosecutors. This finding supports Donald Fyson's assertion that for this social class, the use of the lower courts had little to do with class conflict.⁵⁰ In addition, the proportion of francophone female and male prosecutors

⁴⁹QSD, 5-8-1814.

⁵⁰Fyson, *Criminal Justice, Civil Society*: 378.

supports another of his arguments, namely that the Canadian majority did not boycott the criminal justice system and seemed quite at home using it when necessary.⁵¹

Prosecutors voiced a variety of other grievances against brothel-keepers and streetwalkers in their depositions. These added complaints enhanced or built up the case against brothels being nuisances and disturbing the public peace or against street prostitutes being idle, disorderly, and unable to give a good account of themselves. Depositions involving street prostitutes might include complaints about loitering in the streets and markets of the city, having no honest means of earning their livelihood, living off the fruits of a debauched life, threatening personal injury to the prosecutor, drunkenness, and exhibiting indecent and scandalous behaviour in the public streets. Typical complaints concerning disorderly houses included the fear of fire being set accidentally through the negligence of the brothel inhabitants, the lewd behaviour of prostitutes, and the insults, threats, and actual assaults that neighbours encountered by men who frequented these establishments. Thus, the law could be used by neighbours to discipline each other when a threat was perceived or an insult endured. Moreover, the criminal justice system could be employed to settle disputes. This may explain why some brothel-keepers prosecuted neighbouring brothels and relatives of clients or prostitutes resorted to prostitution laws to discipline errant spouses, or sons and daughters.

Family members, usually fathers, mothers, or spouses prosecuted kin whom they accused of being prostitutes. Nathaniel Goodwin denounced his daughters, Angélique and Elizabeth as prostitutes after failing in his efforts to persuade them not to lead such a life.⁵² One mother, Marie Anne Loriau, widow of Antoine Gamache complained that her daughter, Marie Françoise, was an incorrigible prostitute:

Sa fille serait depuis nombre d'années livrée à la débauche & à la crasure & menerait une vie scandaleuse & déréglée; serait en réalité

⁵¹*Ibid.*: 374.

⁵²QSD, 20-5-1815.

une fille prostituée & de mauvaise vie & n'aurait pour subsister que le fruit de ses débauches.⁵³

Margaret Grossman was incarcerated for two months after her brother accused her of being a prostitute and living in a brothel operated by Marie Anne Paquette.⁵⁴ It might be a husband who charged that his wife was a prostitute, as in the case of Thomas Rousby. He complained that she had abandoned her family and openly kept a house of 'bad' fame where she sold liquor and harboured 'bad' people, thus setting a poor example to her children. Moreover, when he went to the house to stop his wife's activities and order her home, apparently Isabella assaulted him.⁵⁵

Sometimes depositions were made out against madams by relatives whose family members were found in brothels. In one case, in what seems to reflect the classic white slavery story associated with the late nineteenth century, a father accused Betsey Martin, a madam of keeping his daughter, Julie Doyer in a brothel against her wishes. Apparently, she had left Quebec City to go to Montreal to live with her aunt. When Julie arrived, she discovered that her aunt had left the city. Having no place to go and no employment, she was directed by a young man to the house of Betsey Martin. According to the father, Martin took away most of his daughter's clothes and kept her prisoner for three days. On the morning of the 19th of October, Martin had invited, encouraged, and assisted a number of soldiers to violate his daughter.⁵⁶ Shortly thereafter, Martin was committed to the Common Gaol charged with theft, assault and battery and assisting an unknown person to ravish Julie Doyer. The *Montreal Herald* which published an account of the charge,

⁵³QSD, 19-6-1820.

⁵⁴QSD, 16-1-1841.

⁵⁵QSD, 20-11-1823.

⁵⁶QSD, 23-10-1823.

asserted that "the accusation is of so shocking and disgusting a nature that we trust, for the sake of humanity and the reputation of her sex, the charge will be found without truth".⁵⁷ Since the jury hearing the case decided that there was not enough evidence to support an indictment,⁵⁸ we can assume that the newspaper editorialists were satisfied: their sensibilities were not offended. In another case, William Woodhouse swore out an affidavit against a Mrs. O'Brian when he found his son lying in bed with her.⁵⁹

Elizabeth Sharpe accused Mary Ann Burns of keeping a common bawdy house and enticing her husband, Abraham Meloon, to the house where he would stay several days and nights. When Sharpe went to Burns' house to retrieve her husband, Burns allegedly assaulted her.⁶⁰ Marguerite Leprohon accused Widow Hampton of "debauching" her husband at her brothel on St. Constant Street.⁶¹ It was probably easier for both Sharpe and Leprohon to prosecute the madams of these establishments for "seducing" their husbands than for the wives to stop their spouses from frequenting prostitutes. Unlike Sharpe and Leprohon, Marie Labelle did not bother complaining about a particular brothel-keeper. She prosecuted her husband, Joseph Gravelle on a charge of a misdemeanour for being in the habit of frequenting

⁵⁷*Montreal Herald*, 1-11-1823.

⁵⁸Court of Oyer and Terminer, 4-3-1824. This court, established by commission whenever the Governor felt the regular courts were insufficient, permitted judges to hear all major pending criminal cases not under the jurisdiction of the Court of Quarter Sessions of the Peace. Oyer and Terminer was more commonly held during periods of extraordinary judicial activity such as the Rebellions of 1837-38. (Donald Fyson, *The Court Structure of Quebec and Lower Canada, 1764 to 1860* (Montreal, 1994): 38-39).

⁵⁹QSD, 4-10-1833.

⁶⁰QSD, 7-3-1839.

⁶¹QSD, 3-3-1841.

brothels. If that was not enough to succeed in her prosecution, she argued that he had assaulted her four days earlier. Moreover, he was a drunkard, who was capable of working but refused to do so.⁶² Similarly, Victoire Viger charged Augustin Barrett with disturbing the peace, assaulting Ann Joyalle, and frequenting bawdy houses.⁶³

Raphael Belisle dit Lafleur did not know whom to prosecute but he believed that his eldest daughter, Adeline had been seduced by "*quelque personne mal-intentionnée*". His thirteen year old daughter had been placed in service with Madame Harnois just five weeks earlier. He had been informed by Madame Harnois that Adeline had left her house Tuesday last and had not returned. For some reason, that is unclear in the deposition, he believed that she was being hidden in some "*maison de débauche*".⁶⁴

Some of the proprietors of houses made out depositions against brothel-keepers who had leased their property. Widow Eliza Redfield complained that John Little, who rented one of her houses, kept a common bawdy house.⁶⁵ Louis St. Romain, while visiting one of his houses to ask Madame Charette to leave, complained that she threatened to assault him if he should return to the house. He argued that the house was being used as a "*maison de débauche*" based on his observation of the presence of two young women, one of which was "*très indécemment vêtue*" and on the noise he heard.⁶⁶ Merchant George Wurtele complained in a deposition that Benjamin Lacoste and Françoise Burnaby kept a

⁶²QSD, 14-4-1841.

⁶³QSD, 12-4-1841.

⁶⁴QSD, 12-2-1841.

⁶⁵QSD, 26-6-1815.

⁶⁶QSD, 13-6-1820.

house of ill fame in one of his houses situated in St. Catherine Street.⁶⁷ Since streetwalkers practiced their trade in a different milieu, it was proprietors of farms who would complain to the police about street prostitutes who had trespassed on their property. One owner of a barn near Gregory's farm reported that soldiers and women "of loose character" had taken possession of his barn and refused to leave it.⁶⁸ As we have already seen in the previous chapter, John Tees complained that a number of "girls of ill fame" and soldiers destroyed his crops located at the Priest's farm.⁶⁹ The police acted on such complaints and sent constables to investigate and make the necessary arrests. Depositions were filled out at a later date.

Known brothel-keepers occasionally denounced the presence of neighbouring brothels. Lucie Rolland a notorious madam of houses of ill repute who in 1829 occupied one half of a house, complained that Margaret Conroy operated a bordello in the other half of the house.⁷⁰ Whatever prompted Rolland to prosecute Conroy is left to speculation, however, moral outrage seems unlikely considering Rolland's occupation. Presumably some sort of dispute arose between the two parties. Conflict was apparent in the case of prostitute Maria Cunningham who was confronted by brothel-keeper Josephine Raymond, tongs in hand and in the company of Marguerite Gauthier, Adé Dufresne and Christine St. Aubain, who entered her house and smashed a door, windows and furniture to pieces.⁷¹ John Trimble who four months previous had been accused by Thomas Garvey, Thomas Fitzpatrick, and William

⁶⁷QSD, 15-3-1824.

⁶⁸NA RG4 B 14, Police Records, Vol. #59, 25-9-1839.

⁶⁹NA RG4 B 14, Police Records, Vol. #31, 29-7-1840.

⁷⁰QSD, 29-7-1829.

⁷¹QSD, 15-3-1837.

Leason of keeping a disorderly house where liquor was served to soldiers, and vice and dissipation indulged,⁷² may have been motivated for entirely different reasons when he accused widow Catherine Jordon and her daughter, Margaret Chrisholm of keeping a house of prostitution in his building. They catered to soldiers after tatoo and consumed liquor on the premises.⁷³ Again, whatever provoked Trimble to complain is not discernable, but the similarity between the two establishments is striking. Since both serviced soldiers with drink and women, perhaps Trimble was not content with competition so close to his own establishment.

Prosecutors could expect that their complaints would have some impact on the people whom they named in depositions, Donald Fyson found that about two-thirds of the time affidavits were acted upon.⁷⁴ Yet many prosecutors used their complaints to bring their opponents before a justice for a preliminary hearing but went no further, despite the formal law.⁷⁵ The police acted on Adin Ayers deposition against Angélique Archambault, Sophie Proulx, and Marie Minie, the three alleged brothel-keepers whom we met at the beginning of the chapter. Their brothels were raided and they were arrested and indicted. However, after a number of postponements of their court dates and the defendants not appearing when they were supposed to, the case eventually disappeared from the registers without any official resolution recorded. Other cases reached the court, but the prosecutor did not appear to pursue his or her complaint.⁷⁶ Perhaps this happened because the bulk of expenses were

⁷²QSD, 15-12-1841.

⁷³QSD, 19-3-1842.

⁷⁴Fyson, *Criminal Justice, Civil Society*: 328.

⁷⁵*Ibid.*: 329.

⁷⁶*Ibid.*: 331.

levied upon prosecutors once the case reached the court of Quarter Sessions.⁷⁷ Unfortunately, we have no idea how many of the prosecutors actually paid court costs since a number of the court cases involving disorderly houses were probably paid by the Crown. Perhaps in those cases where the expenses would have been incurred by the prosecutors themselves, deponents may have terminated the procedure before they had to absorb any costs. These costs may also help to explain why some Montrealers complained to the police about neighbouring brothels rather than prosecute the keepers themselves. When the police prosecuted prostitutes, the cost was absorbed by the crown.

Once depositions regarding brothel-keeping were processed and a bench warrant issued, the police raided the brothel, arresting anyone they found inside the establishment to bring them before the justice of the peace for a preliminary hearing. The constables were not required to show the warrant, but they "ought to acquaint the party with the substance of it".⁷⁸ Sometimes children and elderly parents were swept up in the raid along with clients, prostitutes, brothel-keepers and servants. When Pierre Desjardins and his wife, Marie Louise Gravelle were arrested in November 1814 for keeping a disorderly house, their infant daughter Charlotte was also arrested and confined.⁷⁹ After spending almost a year with her mother in prison, she was finally discharged "being an infant" at the 1815 October Sessions. Her parents were eventually found guilty and sentenced to the dual punishment of imprisonment and the pillory.⁸⁰ At other times, one of the adult inmates was permitted to remain in the house with the children. When the brothel of Ellen

⁷⁷*Ibid.*: 381.

⁷⁸Burn, *The Justice of the Peace*: 109.

⁷⁹QSD, 11-11-1814.

⁸⁰QSR, 30-10-1815, 13-1-1816, 19-1-1816.

McConvey and Patrick Thomas was raided in April of 1841, Margaret Delany was permitted to remain behind in order to attend to the five children who also inhabited the brothel.⁸¹ Bridget McCanister did not have to face a justice of the peace when she was found by police in a house of ill fame; she was delivered directly to her mother.⁸² There were, perhaps, other reasons for leaving some of the defendants at home instead of transferring them to the police office. When Chief Constable Hypolite Jérémie raided Marie Anne Lanctot's brothel, he found her so ill that she was incapable of being moved without being conveyed by stretcher to the police station. The attending physician, Dr. Drolet claimed that her removal, might "seriously compromise the cure of her leg".⁸³

Defendants were locked up in the Watch House or Common Gaol until they were brought before a Justice of the Peace which was the earliest point when they could be freed by arranging bail,⁸⁴ be placed on recognizance to keep the peace, or be discharged by one of the justices for lack of evidence. If it did not appear that a felony had been committed, the justice could simply discharge the individual without bail. If it seemed that a felony had been committed even though the defendant was not guilty, the accused could not be discharged but had to be committed to bail. If a prostitute had difficulty arranging bail, her release was delayed. If she could not orchestrate security, then she was incarcerated until the trial.⁸⁵ Similarly, clients could be confined for lengthy periods if they could not arrange bail or if it was

⁸¹NA, RG4 B 14, Police Records, Vol. #34, 21-4-1841.

⁸²ANQM, Register of the Police Court, Vol. #1, 18-7-1838.

⁸³QSD, 13-12-1842.

⁸⁴Burn, *The Justice of the Peace*: 142.

⁸⁵*Ibid.*: 379.

difficult to do so, thus causing a delay in their liberation from prison. Sometimes they might remain in jail until their court appearance. In some instances, brothel madames and prostitutes were released on bail at an earlier date than their patrons. When Joseph Cardinal was arrested February 16, 1832 with the Mongeon family for keeping a bawdy house, he remained imprisoned one and a half months before being discharged by the court. In contrast, father Joseph, and his daughters Julie and Dorothée Mongeon were released on bail the following day.⁸⁶ That same year, when the Gilbrith brothel was raided, John Moore, Louis Labonté, and Thomas Reynolds arranged bail the following day; it took Mary Gilbrith three days; but Peter Peterson had to wait 18 days before being released on bail. Honor Blandfield remained over a month before he was discharged by a justice of the peace.⁸⁷ Thus, all those swept up in a brothel raid were imprisoned for anywhere from one day to three months without being convicted of a crime. Not only could a justice of the peace permit bail until one's court appearance but he could also bind the defendant over in a recognizance to keep the peace and/or be of good behaviour for a particular period of time, usually six months to a year.

Unlike women accused of brothel related offences, those accused of street prostitution, vagrancy, or being loose, idle, and disorderly, were usually arrested in the public streets by a constable or watchmen, and conveyed to the watch house, police station, Common Gaol, or House of Correction where they were confined. A deposition was later drafted by the arresting constable or watchman. Consequently, constables and watchmen acted as both prosecutors and as police. Occasionally, neighbours would make a complaint which was acted on later. These women were rarely permitted to arrange bail or allowed a recognizance to keep the peace. For streetwalkers justice was swift; they usually received a summary sentence.

⁸⁶ANQM, *Registre de Prison*, Vol. #1, 16-2-1832.

⁸⁷*Ibid.*, 11-5-1832.

THE MONTREAL POLICING AGENCIES:

It was the responsibility of the constables to act upon the depositions drawn up by Montrealers, make out depositions against certain other offenders such as vagrants and streetwalkers, serve the warrants of arrest, patrol the city streets, and maintain the public peace.

Until recently, we knew very little about policing in Montreal⁸⁸ in the early years of the nineteenth-century, and what we did know was rather sketchy. Some authors have described the state of Montreal's policing agencies in this period as non-existent or inefficient. Allan Greer argues that until the establishment of a new police force in the late 1830s, city and colonial governments were unable to directly and consistently exercise control over civil society.⁸⁹ While constables and watchmen might arrest the occasional thief, and badger vagrants and unlicensed tavernkeepers, they could not control the city streets.⁹⁰ The low crime rate, Greer contends, was

⁸⁸This is true about policing in British North America generally. Early studies, born out of commemorative anniversaries of local police forces, tend to be anecdotal. See for example, Jean Turmel, *Premières structures & évolution de la police de Montréal (1796-1971)* (Montreal, 1971). More recently, a new generation of historians interested in police history have made important contributions in their field. See the work of Nicholas Rogers, "Serving Toronto the Good: The Development of the City Police Force, 1834-84" in Victor Russell (ed) *Forging a Consensus: Historical Essays on Toronto* (Toronto, 1984); John A. Dickinson, "Réflexions sur la police en Nouvelle-France" *McGill Law Journal* #32 (1987); Peter McGahan, *Crime and Policing in Maritime Canada* (Fredericton, 1988); John C. Weaver, "Introduction: Trends and Questions in New Historical Accounts of Policing" *UHR/RHU* 19:1 (October 1990): 79; "Social Control, Martial Conformity, and Community Entanglement: The Varied Beat of the Hamilton Police, 1895-1920" *UHR/RHU* 19:2 (October 1990); and his recently published book, *Crimes, Constables, and Courts: Order and Transgression in a Canadian City, 1816-1970* (Montreal, 1995); Michael McCulloch, "Most Assuredly Perpetual Motion: Police and Policing in Quebec City, 1838-58" *UHR/RHU* 19:2 (October 1990); and Allan Greer, "The Birth of the Police in Canada" in Allan Greer & Ian Radforth (ed) *Colonial Leviathan: State Formation in Mid-Nineteenth-Century Canada* (Toronto, 1992).

⁸⁹Greer, "The Birth of the Police": 18.

⁹⁰*Ibid.*: 19.

due to the self-regulation of the communities.⁹¹ Moreover, the "machinery of repression" was exercised by inept justices of the peace and police officers.⁹² Donald Fyson has shown in his study of the criminal justice system, that a system of police existed in Montreal. While it may not have been well designed, centrally controlled, and free of corruption, the police had a high rate of success in bringing defendants to justice.⁹³

The organization and management of the police in early nineteenth-century Montreal was the responsibility of the justices of the peace. Based on an English model, the chief constable rotated among heads of households owning or renting property above a certain value. Since it was difficult to enforce this involuntary service, the use of substitute constables was adopted and greatly used. This institutionalized system of substitute constables provided Montreal with a group of semi-professional and professional constables. Half of the appointments between 1788 and 1820, according to Donald Fyson, consisted of a small group of long-term, habitual substitute constables.⁹⁴ This small core of active substitute constables received a base salary to which they added whatever fees they could collect from private individuals or for specific police actions.⁹⁵ The High Constable received not only an annual salary but also additional stipends and fees for making arrests, serving summonses and subpoenas and dispensing other administrative services.⁹⁶ By 1821

⁹¹*Ibid.*: 18.

⁹²*Ibid.*: 19.

⁹³Fyson, *Criminal Justice, Civil Society*: 408-409.

⁹⁴*Ibid.*: 209-216.

⁹⁵*Ibid.*: 221.

⁹⁶*Ibid.*: 221-222.

the system of substitute constables ended. A night watch system modeled after the English parish watches had already been established in Montreal in 1817, by the justices of the peace. From then on, professional constables along with the High Constable and watchmen were now attached to the Police Office.⁹⁷

From its inception, the professional constables were very active in Montreal executing arrests or search warrants. For instance, Donald Fyson found that in 1817, Richard Hart, Jacob Marston and other constables had executed 79 arrests or search warrants. These figures rose each year, so that within the first nine months of 1820, 275 arrests or search warrants had been executed.⁹⁸ Despite difficulties in collecting fees for these arrests, the budget of the Police Office had increased to £200 per year by 1823.⁹⁹

Watchmen were initially chosen by the Head Watchman or Quarter-Master until the mid 1820s when they were selected by the Justices from a list of applicants.¹⁰⁰ Furnished with a watch-coat, staff, rattle, and lantern, their watch commenced at ten o'clock in the evening and terminated at daylight.¹⁰¹ Salaried night watchmen, according to Greer, were expected to light torches, look out for fires, pursue burglars, and hassle unlicensed tavernkeepers and vagrants.¹⁰² They were also expected to communicate all arrests to the Quarter-Master, detailing the hour, reason

⁹⁷*Ibid.*: 226.

⁹⁸*Ibid.*: 229-230.

⁹⁹*Ibid.*: 231.

¹⁰⁰*Ibid.*: 235.

¹⁰¹*Rules, Orders & Regulations for the Foreman, Deputy Foreman, & Watchmen of the City of Quebec*, Article XIII (1827).

¹⁰²Greer, "Birth of the Police": 19.

for the arrest, the name and residence of the person arrested, and the names of witnesses.

Also every other information regarding the execution of his office and the peace and security of the city, which he may think it proper to make, or which he may be instructed to make by the foreman or deputy.¹⁰³

Supervision of the watchmen was the responsibility of the Quarter-Master, who recorded the hour when he made rounds and the names of the watchmen present at their respective stands or walks. He also disciplined watchmen for any number of different infractions such as sleeping on the job, leaving their posts without permission, and returning to the watch house before the end of the watch. Fines of £5 were levied for each violation.¹⁰⁴ Policemen or watchmen discovered intoxicated while on duty, were usually dismissed.

We know little about the actual system of policing in Montreal, in particular the system of patrolling. Before 1823, there were no fixed patrols in the city outside of the market constables.¹⁰⁵ While patrols were probably established after 1823, it is unclear how long they were in effect. A list of Watch Rules and Regulations depict twice nightly patrols between June and August, and thrice nightly surveillance between September and May. These rules and regulations were cancelled in December of the same year. Another way of attempting to determine when patrols may have been established in Montreal is to consider the presence of street lamps. Presumably, in order to light these lanterns every evening, some form of patrolling would have taken place. Lamps existed in the old city in sections of St. Paul and Notre Dame streets as early as 1822. It was the responsibility of city watchmen to

¹⁰³*Rules, Orders & Regulations*, Article XIII.

¹⁰⁴*Ibid.*: Article XVI.

¹⁰⁵While petitioners in 1818 were granted their request that a watch be established in the St. Antoine suburb, we do not know if it was ever put into practice.

light the lamps. Since I could not find any evidence that the suburbs were illuminated at the same time, it is unlikely that the suburbs were patrolled.

The method of patrolling adopted by the Watch soon became a point of contention and the subject of several newspaper articles and Grand Jury presentments. Grand Jurors demanded an augmentation in the number of watchmen and policemen and an improvement in the surveillance of city streets in order to improve crime prevention and detection. In 1823 the Grand Jury proposed that watchmen be assigned to beats which they were to patrol as individuals rather than in groups, as they were doing.¹⁰⁶ Grand Juries also recommended that watchmen be posted at various stations around the city. Some Montrealers maintained that Montreal needed a police force similar to Peel's London police force.¹⁰⁷ Other reports alluded to the disappointment that the Watch was unable to live up to the expectations of those who originally demanded its organization.

The Grand Jury further present that the establishment of a watch, for the nightly protection of this City has not fulfilled the reasonable expectation of the citizens; that sufficient care does not appear to be taken to select honest, sober, vigilant and robust persons for that duty: and the Grand Jury cannot approve of Watchmen being employed as Custom House Officers, or for any other purpose calculated to distract their attention from the paramount duty of protecting the lives and the property of the citizens during the night, when besides other dangers, that of fire is particularly to be guarded against.¹⁰⁸

Complaints about the inefficiency of the Watch continued throughout the 1830s. While the method of patrolling ceased to be the focus of complaints, it was the insufficient numbers of watchmen for the size of the city which remained a sore

¹⁰⁶QSR, 19-7-1823.

¹⁰⁷QSD, Presentment of the Grand Jury, 21-4-1834.

¹⁰⁸Presentment of the Grand Jury, Court of Oyer and Terminer and General Gaol Delivery, published in the *Gazette*, 25-11-1822.

point. For instance, the *Gazette* referred to the complement of watchmen as a "limited number of the Watch, as far from meeting the necessities of the city".¹⁰⁹

We must be careful, however, not to allow these criticisms of the Watch to distort the reality of the state of policing in Montreal before the Rebellions. As Donald Fyson has pointed out a system of policing existed in Montreal which touched the lives of many Montrealers in a variety of different ways.¹¹⁰

Changes to the Watch were instituted and by 1825 watchmen were positioned throughout Montreal. During the summer months they were sent to their posts at 9 o'clock in the evening and remained there until they were relieved at half past twelve in the morning by a second watch which remained until daylight.¹¹¹ Unfortunately, an immense gap exists in what we know about the Watch in the decade of the early 1830s. The surviving watch registers offer an impression of the Watch practices until 1838 with the reorganization of the city policing agencies. Records show that by 1836 two watchmen were posted together at the following places: Haye's Corner, Gray's Corner, Bingham's Corner, the corner of Walker's Lane, Lafontaine's Corner, Dalhousie Square, O'Sullivan's Corner, St. Louis Street behind the farms, Trudeau's Corner, the bottom of the New Market, and the corner of St. Paul Street at the Hotel Dieu Hospital.¹¹² Moreover, a watchman's duties included making arrests as well as a myriad of other tasks associated with the preservation of the public peace and safety. Thus, when watchman #25 reported at 12:30 in the morning his suspicion that a house opposite Mr. Bingham's was a disorderly house, he was

¹⁰⁹*Gazette*, 1-5-1834.

¹¹⁰Fyson, *Criminal Justice, Civil Society*: 261.

¹¹¹*Ibid.*: 235-236.

¹¹²NA, RG4 B 14, Police Records, Vol. #38, 14-11-1836.

merely fulfilling one of his responsibilities.¹¹³ Uniformed¹¹⁴ watchmen commenced their watch at eight o'clock in the evening and terminated it at five o'clock in the morning. They were expected to arrest all vagrants, homeless, suspicious persons, and disturbers of the public peace.¹¹⁵ By November of the same year, the *Gazette* was praising the success of the evening patrols in the city in making the city streets freer of prowlers and disturbances of the public peace. Their only complaint was the noise engendered by the patrols themselves.¹¹⁶

In the aftermath of the Rebellions, a new police force was created and established¹¹⁷ which consolidated many of the recommendations made by the Grand Juries over the years. Uniformed police officers were assigned to beats which they patrolled around the clock. Discipline within the ranks was strict.¹¹⁸ Not only were the policemen supervised by the Chief Constables and Inspector, but they were also expected to oversee each other. In 1842, the Inspector of Police, praised policemen,

¹¹³*Ibid.*, 31-12-1836.

¹¹⁴The reorganized Watch used the same uniforms as the previous watchmen. (*Gazette*, 17-11-1836).

¹¹⁵*Gazette*, 17-11-1836.

¹¹⁶*Gazette*, 3-11-1836.

¹¹⁷*Governor and Special Council of Lower Canada Ordinances*, Vol. #1-3, 2 Vic c.2, 28-6-1838.

¹¹⁸Even the wives of policemen were disciplined: Mrs. Hallum was reported by Chief Constable Farrell for creating a disturbance in the station house and being drunk (NA, RG4 B 14, Police Records, Vol. #53, 20-10-1840); Constable Jérémie also reported Mrs. Ryan for not having her room clean at 12 o'clock noon (*Ibid.*, Vol. #59, 22-7-1841); Chief Constable Smith cited Mrs. Burnes for neglecting to observe the rules of cleanliness demanded by the Commissioner and Inspector of Police. Apparently she refused to help scrub the station house, retorting that she had enough to do minding her children (*Ibid.*, Vol. #34, 4-6-1841); Subconstable Arthur Burns complained to his superiors about his wife who refused to cook his meat for two days and intent to go out of barracks (*Ibid.*, Vol. #56, 7-10-1840).

Supernumerary Hogue and Chief Constable Alger, who on two separate occasions reported fellow officers for being asleep on duty. "The manly manner in which Hogue brought the offence before the Inspector has brought him immediately under his favourable notice".¹¹⁹ Punishment for infractions of rules was swift: constables could be suspended or dismissed by their supervisors for negligence in their duties.¹²⁰ Any constable caught associating with street prostitutes or discovered in brothels could expect to be promptly discharged. Since policemen were engaged for a twelve month period, those subject to dismissal or resignation had to forfeit one week's pay¹²¹ as an additional retribution. Control of the Montreal police force lay with the provincial government until 1843, and not with the incorporated city of Montreal.¹²²

Conflicting views about what nineteenth century police did have dominated the literature, and until recently these opinions have been rather polarized.¹²³ It is evident from my examination of the court dossiers, and the police and prison

¹¹⁹NA, RG4 B 14, Police Records, Vol. #32, 15-10-1842 & 29-10-1842.

¹²⁰*Governor and Special Council Ordinances*, Vol. #1-3, 2 Vic c.2, 28-6-1838.

¹²¹ANQM, Register of the Police Court, Vol. #2, 8-7-1839.

¹²²C.K. Talbot et al, *Canada's Constables: The Historical Development of Policing in Canada* (Ottawa, 1985): 32.

¹²³According to Michael McCulloch, at least three themes or debates dominate the historiography of policing. The first debate centers upon identifying what factors spurred officials to create a formal police structure. Two schools of thought have emerged: firstly, to improve the old system; and secondly, to deal with the increasing social conflict associated with an urbanizing/industrializing society. The second debate looks at the organization and responsibilities of the reformed police force. Two opposing models have resulted which view the police either as being under local control or under central government control. The significance of this dichotomy is that locally controlled policing was informal and casual, and hence concerned with maintaining the public peace. Central government control produced a formal, hierarchical, rule ridden police aiming to maintain social control. More recently, local studies have suggested a third theme which integrates the first two debates. A brief burst of lawlessness led to the creation of a formal police force that soon became preoccupied with local issues involving keeping the peace and enforcing community by-laws. (McCulloch, "Most Assuredly Perpetual Motion": 100).

registers, that from about 1837, the Montreal police spent much of their time maintaining public order.¹²⁴ Even their mandate reflected a preoccupation with public peace: "to act as Constables for preserving the peace and preventing robberies and other felonies, and apprehending offenders against the Peace".¹²⁵ In other words, policing public order occupied a large part of a city constable's time. My own examination of the Registers of the Police Court show that public order offences made up almost three-quarters of the total charges brought before the Police Stipendiary between 1838 and 1842.¹²⁶ Between June 27, 1838 and January 21, 1842, a total of 16,094 charges were heard by the Police Magistrates. Seventy-three per cent or 11,680 of these charges concerned public order infractions; the remaining 4414 charges (27%) involved crimes such as assault and battery, larceny, and desertion or service violations.¹²⁷ These police magistrates did not judge all of the offences committed in the city. Misdemeanours such as selling liquor without a licence, refusing to shovel snow, and speeding violations were tried in Weekly Sessions or Special Sessions. Police records and the prison registers, however, support my argument that public order offences dominated the activities of the police.

¹²⁴In his article about the development of policing in Canada, Allan Greer contends that although the Montreal police were required to arrest criminals, report fires, supervise traffic, and get to know their citizens, they directed most of their attention to sailors, labourers, beggars, destitute immigrants, and prostitutes. As a result of this orientation, he concluded that the majority of people arrested for being loose, idle and disorderly, for vagrancy, loitering, and indecent conduct, were women, usually prostitutes. ("The Birth of the Police": 22-24)

¹²⁵*Ordinances of the Special Council*, 2 Vic c.2, 28-6-1838.

¹²⁶ANQM, Registers of the Police Court, Vol. #1-6, June 1838-January 1842.

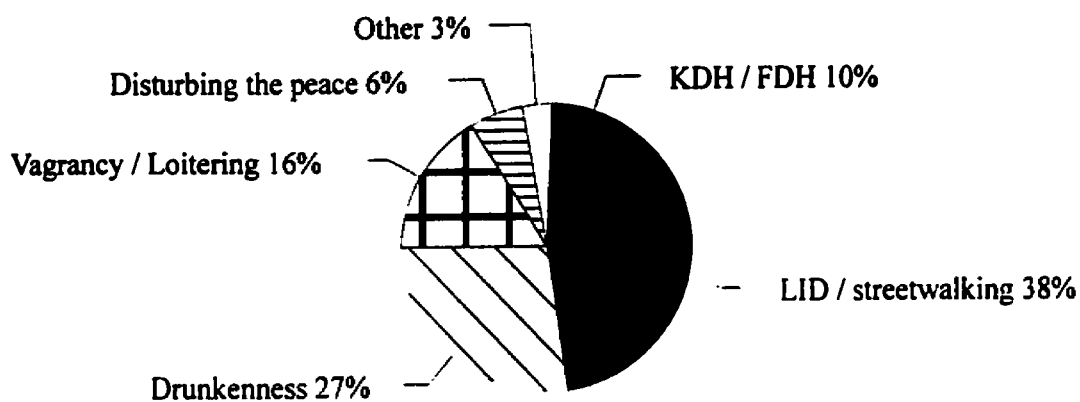
¹²⁷These numbers were attained from an analysis I made of the Registers of the Police Court between 1838 when the court was established, until January of 1842. Until recently, it was thought that no other registers existed. However, two more volumes covering the years 1842 to 1857 were discovered and transferred to the ANQM.

Women were more likely to be charged with certain public order infractions, men others. (See Figure 4.2 and 4.3) Women, frequently prostitutes, were usually arrested for offences such as loose, idle, and disorderly, vagrancy, keeping disorderly houses, loitering, and streetwalking. Men on the other hand were more likely to be apprehended for drunkenness, disturbing the peace, fighting in the streets, gambling, throwing snowballs, and bathing naked in the river. They were also more inclined to interfere with police business and to riot. However, in some instances, gender divisions were not crystallized. In 1840 more men were arrested for being loose, idle, and disorderly although overall numbers show that this tended to be a female dominated offence.

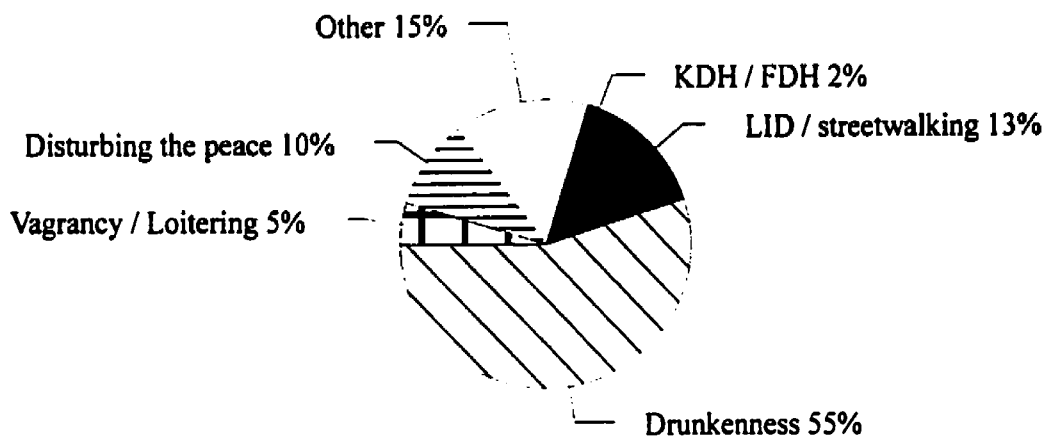
Although I do not have similar figures for an earlier period in order to make a comparison, Donald Fyson's research shows that interpersonal violence made up the greatest proportion of Quarter Sessions complaints between 1785 and 1830.¹²⁸ Unfortunately, sources such as police registers and duty books do not exist prior to 1836. Such documents would provide a glimpse into police activity which did not always lead to formal complaints and official police intervention. For instance, court records show that Montrealers were seldom arrested for drunkenness before 1838. Because drunkards do not appear in judicial dossiers or prison registers, it does not indicate that Montreal was a teatottling society, or that Montrealers were clever at avoiding arrest. Rather, they may simply not have been arrested or they may have been incarcerated overnight and then released without being charged.

¹²⁸Fyson, *Criminal Justice, Civil Society*: 286-293.

FIGURE 4.2
PUBLIC ORDER OFFENCES IN THE MONTREAL POLICE COURT
1838-1842



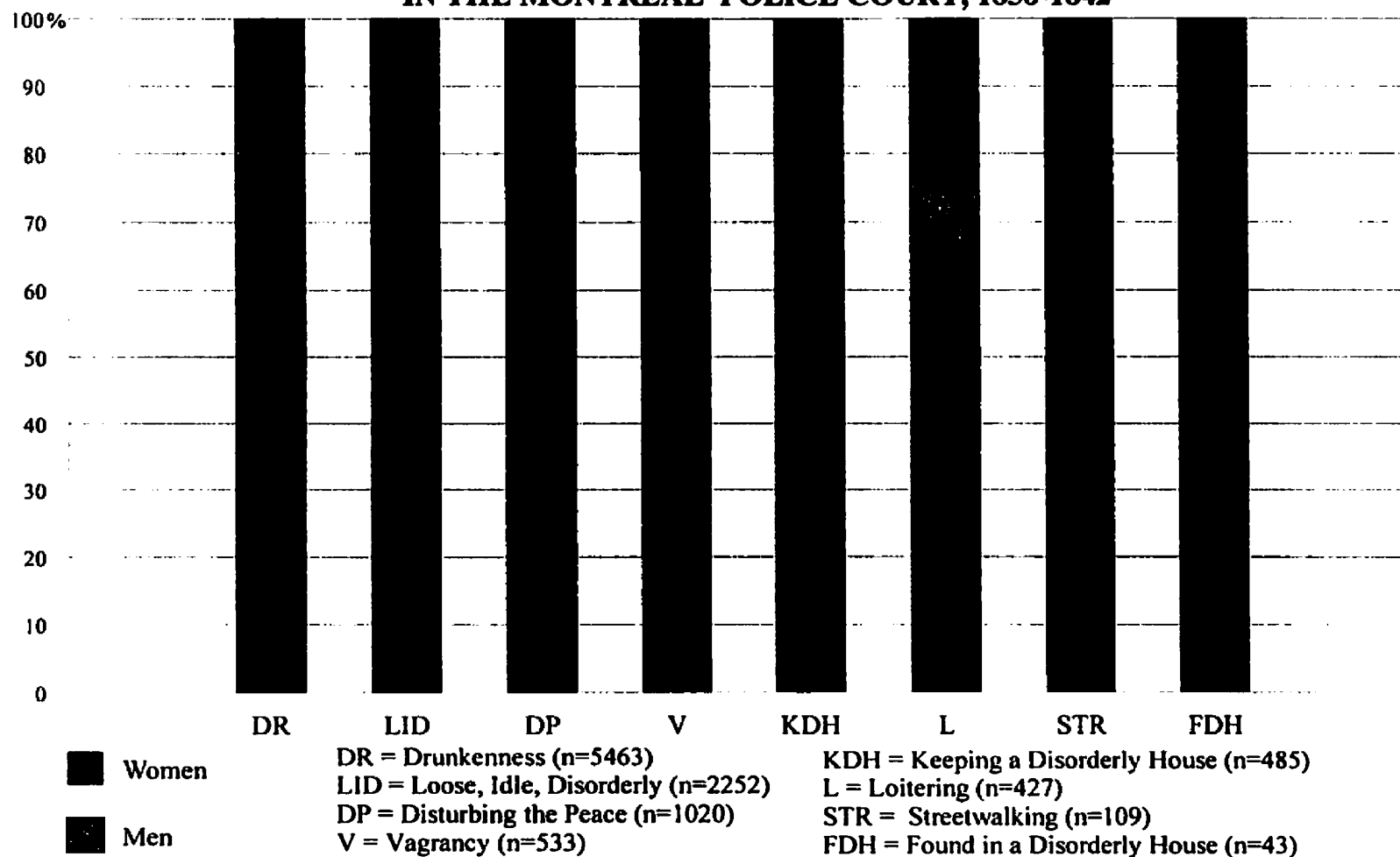
Women (n=3457)



Men (n=8223)

LID = Loose, Idle, Disorderly
 KDH = Keeping a Disorderly House
 FDH = Found in a Disorderly House

**FIGURE 4.3 : GENDER BREAKDOWN OF SELECTED PUBLIC ORDER OFFENCES
IN THE MONTREAL POLICE COURT, 1838-1842**



Police vigilance toward disturbers of the public peace has been noted elsewhere. In England, the major role of the London watch, and later, the Metropolitan police, was to maintain order, by patrolling the streets at night, and dealing with drunks, prostitutes, and brawlers.¹²⁹ In other words, public order offences continued to dominate police activities in spite of the re-organization of the policing agency. Ruth Paley argues that the historiography of law enforcement has focused too heavily on the inadequacies of the old style police, ignoring the continuities between the old and the new.¹³⁰ In a similar vein, the London police prior to 1829 has been unfairly characterized by historians focused on reform efforts as "corrupt, drunken old watchmen" according to Elaine Reynolds. Evidence suggests that by 1828 the police had developed into a complex organization with many features of a modern constabulary.¹³¹

Certainly by mid-nineteenth century other municipalities were becoming increasingly interested in issues of public order. Closer to home in Quebec City, citizens petitioned the municipal government to establish police stations in popular class suburbs to regulate brothels and their inmates. In the Gore District of Upper Canada, growing complaints, new by-laws, and the strengthening of the criminal justice system reflected a developing anxiety about vice. This preoccupation with vice led to increasing rates of jail committals for offenders of public order.¹³² According to Weaver, policing responsibilities grew in response to the needs of the community.

¹²⁹Ruth Paley, "An Imperfect, Inadequate & Wretched System"? Policing London before Peel" *Criminal Justice History* #10 (1989): 114.

¹³⁰*Ibid.*: 95.

¹³¹Elaine A. Reynolds, "St. Marylebone: Local Police Reform in London, 1755-1829" *The Historian* 51:3 (1989): 446-463.

¹³²Weaver, "Crime, Public Order, & Repression": 186.

Allan Greer argues that police activity tended to have a moral-reform thrust with pronounced class and gender bias.¹³³ Michael McCulloch maintains that the police acted as agents of social welfare, providing shelter to the homeless and were preoccupied with petty crimes such as drunkenness, vagrancy, and regulating the activities of known brothels.¹³⁴ Nicholas Rogers' study of the Toronto police force shows that its main responsibility was curbing immorality. The bulk of the policemen's time was spent prosecuting drunk and disorderly persons, raiding brothels, and arresting street walkers. However, the Toronto police integrated moral reform into its duties. By cleaning up the city police activity reinforced certain values about work, religion, and respectability. It was the marginal poor who bore the brunt of policing; there was, he argues, little resistance from the working class as a whole.¹³⁵

In Montreal, the police played both roles, that of providing social welfare and social regulation. Moreover, these two roles are interrelated as John Weaver has observed.

In the larger scheme of things, the police did help to effect the transition from preindustrial social behaviour to more orderly conduct supportive of urban industrial routines and power relations.¹³⁶

In a society undergoing transformation, changes in these roles would be expected. Therefore, if both currents were present in the city, it is crucial to examine whether there was a shift in the focus of the police's duties and responsibilities over the period? In other words, did social regulation gain importance over social policy?

¹³³Greer, "The Birth of the Police": 24.

¹³⁴McCulloch, "Most Assuredly Perpetual Motion": 109.

¹³⁵Rogers, "Serving Toronto the Good": 132-135.

¹³⁶Weaver, "Social Control, Martial Conformity": 116.

These debates are particularly relevant in the study of prostitution. V.A.C. Gatrell and T.B. Hadden argue that the increase in police recruitment and vigilance in periods of social and political unrest does not necessarily affect the rate of recorded crime in the short-term in overall national rates. Since increased recruitment does not necessarily mean rising efficiency in police work,¹³⁷ these two factors can affect changes in local practice rather than in criminal activity.¹³⁸ I would also argue that it depended upon which type of offence is under consideration. Some criminal activities are easier to oversee than others; street prostitution, vagrancy, and brothel-keeping are examples. Many of the city's street prostitutes were charged with vagrancy or being loose, idle, and disorderly rather than prostitution. It was unnecessary to have much knowledge of the laws concerning these offences since they had broad definitions and almost anyone found in the public streets could be charged, nor was it essential to have great forensic skills to determine the guilty party.

In Montreal, I contend that one of the consequences of the re-organization of the city police, in particular, the hiring of more constables, was an intensification of the surveillance of public space and brothels. Raids on disorderly houses and arrests of loose, idle, and disorderly women, prostitutes, and vagrants increased over the period under study, attaining its zenith in the period 1837 to 1841. The dramatic increase in prostitution charges was part of the period of repression associated with the Rebellions and their immediate aftermath. While the numbers of arrests for street prostitution between 1810 and 1825 are markedly under-represented, and other sources show that many more women were arrested for this offence than I have depositions, 1838 seems to be a watershed year when arrests skyrocket, which

¹³⁷V.A.C. Gatrell & T.B. Hadden, "Criminal statistics and their interpretation" in V.A.C. Gatrell et al (eds) *Crime and the Law: The Social History of Crime in Western Europe Since 1500* (London, 1980): 354-355.

¹³⁸*Ibid.*: 362.

coincides with the establishment of the so-called new police. Similarly, the number of women and men accused of keeping disorderly houses increased over the period, peaking in 1841 and then commenced to decline the following year. The arrest of prostitutes and vagrant women followed a similar trend. Moreover, constables seemed to target a small but notorious group of women who were well-known to them and to the community. These women habitually dallied in street prostitution but might be arrested for a host of other offences such as drunkenness, disorderly behaviour, disturbing the peace, and vagrancy.

It is also clear from the court documents and police registers that social regulation and social policy co-existed. Since shelter remained crucial to the very existence of some streetwalkers, these women continued to request and receive overnight lodging at the Watch House and later at the police station. Homeless streetwalkers might also request incarceration in the Common Gaol or House of Correction over the winter months to prevent their death in the city streets, or they might threaten to commit or actually perpetrate a panoply of petty crimes in order to ensure incarceration. The night watchmen and the constables were aware of this strategy and often cooperated with these women in a number of different ways. They might arrest women they found on the city streets, or they might recommend incarceration on the basis of threats. I will discuss this in more detail in the next chapter, which considers the relationship between the city policing agencies and prostitutes. Once prostitutes and brothel-keepers were arrested, incarcerated, and sometimes placed on bail, the next step in their journey through the criminal justice system was the courts where they were judged.

THE LOWER COURTS:

Although brothel-keepers, brothel prostitutes, and streetwalkers essentially did the same work, that of selling sex for money, they were treated differently by the justices of the peace and by different courts. Streetwalkers were summarily convicted

in Petty Sessions;¹³⁹ cases involving keepers of brothels or disorderly houses were heard in the Court of Quarter Sessions of the Peace.

Quarter Sessions was a court of record, held before three or more justices which met quarterly. Once the bills of indictment or draft indictments¹⁴⁰ were prepared, the prosecution gave evidence. It was up to the Grand Jury to decide whether the evidence supported the bill or not. The defendant had to make a plea to a true bill. If she pleaded guilty, then the confession was recorded and the judgement pronounced on the last day of the sessions or immediately after the verdict was reached. If she pleaded not guilty, the defendant was asked how she would be tried, by judge or by jury. Prosecutors were then called to testify; the jury was sworn and charged. Both the witnesses of the prosecution and defense were examined. In cases involving misdemeanours, such as prostitution, the defendant usually had access to counsel. Once the evidence was summarized by the court to the jury, they were expected to reach a verdict. If they could not agree on a verdict at the bar, the bailiff was sworn to keep the jury. Once the jury returned, the prisoner reappeared at the bar and the verdict was announced.¹⁴¹

In contrast, cases involving street prostitution were heard outside of the formal courts, in Petty Sessions, and before one or more justices of the peace. This court, which met at a time and place determined by the Justices, dealt with minor misdemeanours which were punishable by fine or imprisonment.¹⁴² Streetwalkers were summarily tried. Occasionally Between 1810 and 1838 vagrancy cases were

¹³⁹Depositions concerning street prostitution were kept with the records of the Court of Quarter Sessions of the Peace even though the cases were heard in a different venue.

¹⁴⁰Baker, "Criminal Courts and Procedure": 19.

¹⁴¹Burn, *The Justice of the Peace*, Vol. #4: 171.

¹⁴²Fyson, "The Court Structure": 59.

heard in the various other courts, such as Special Sessions,¹⁴³ occasionally Weekly Sessions,¹⁴⁴ and especially Petty Sessions. Outside of the formal courts, Petty Sessions, which met at a time and place determined by the Justices of the Peace, dealt with minor misdemeanours which were punishable by fine or imprisonment.¹⁴⁵ In 1838 a Police Court was established, presided over by Police Magistrates with the same criminal jurisdiction as a Justice of the Peace in Petty Sessions.¹⁴⁶ They had the authority to commit all loose, idle and disorderly persons,¹⁴⁷ to the Common Gaol or House of Correction. They convicted based on their own opinion, on confession, or by oath of one credible witness. After 1838 prostitutes could be confined at hard labour for any time not exceeding two calendar months. It was also up to the discretion of the justice to discharge vagrants or to bind them over by recognizance to appear at the next Quarter Sessions.¹⁴⁸ In these instances, defendants with at least

¹⁴³This court, held before the Justices of the Peace, was of greater importance than the petty sessions. While Special Sessions usually concerned itself with non-judicial matters, they occasionally acted as courts. In this instance, Special Sessions dealt with criminal matters involving contraventions of the police regulations. (*Ibid.*: 49)

¹⁴⁴The Court of Weekly Sessions, had the same jurisdiction as that of the two Justices of the Peace who held them, and covered a wide range of minor offenses, from police, fire, and market infractions to those against export regulations. Because of the growing number of arrests for misdemeanours, these weekly sessions were supplemented by other courts with similar jurisdictions, such as Special Sessions and the Police Court. (*Ibid.*: 47)

¹⁴⁵*Ibid.*: 12.

¹⁴⁶*Ibid.*: 52.

¹⁴⁷By the 1839 law, disorderly persons included those being able to work but wilfully refusing to do so; those indecently exposing themselves in public places; those loitering in the streets and highways incommoding passengers, using insulting language, defacing public and private property, disturbing the peace by swearing, screaming, singing, and being drunk; common prostitutes; frequenters of brothels; persons tippling in taverns and tap-houses; and persons gambling in taverns. (*The Revised Acts & Ordinances*: 166).

¹⁴⁸Hugh Taylor, *Manual of the Office, Duties & Liabilities of a Justice of the Peace* (1843): 225-

two securities pledged to give security to the Crown to guarantee their appearance at court. If they did not appear, the security was forfeited and all of the parties became indebted to the king.¹⁴⁹

Justice was seen to be served swiftly. Prostitutes usually received a prison sentence, rarely were they permitted a recognizance to keep the peace, and they were almost never acquitted. In a study of prostitution in the United States, Barbara Hobson found that the facts presented in police court were rarely disputed and guilty verdicts were almost certain.¹⁵⁰

CONCLUSION:

Certain customs and procedures, based on laws that changed over the period, had to be observed in making a formal complaint about a brothel-keeper or a street-walker. The criminal justice system exhibited a surprising degree of flexibility: neighbours, family members, landlords, and the police complained about brothels in their midst, sometimes with different motivations in mind. Neighbours and family members sought out the courts to solve conflicts related to refractory brothels and prostitutes. And as we will see in chapter V and VI, the criminal justice system was not only a source of punishment but also served as a social agency that could provide shelter to homeless women. Despite the problems that plagued the Montreal policing agencies over the period, they functioned more effectively than historians have thought. The re-organization of the police office in 1838, provided the city with an enlarged complement of constables armed with new methods of patrolling. These changes led to greater surveillance of the public space. Thus, there was a move away from the moral economy to new forms of social regulation by the state. This

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¹⁴⁹Fyson, *Criminal Justice, Civil Society*: 315.

¹⁵⁰Hobson, *Uneasy Virtue*: 18.

restructuring had particular ramifications for brothel-keepers, prostitutes, vagrants and loose, idle and disorderly women.

In the next chapter, we will examine the equivocal relationship between the prostitutes and city police. We will discover that their lives intersected in a host of different ways from the socio-economic features they held in common to the contradictory nature of regulating the city's prostitution trade. Some constables and watchmen were themselves involved in the sex trade, others befriended prostitutes, and many more apprehended and incarcerated them.

CHAPTER V

THE POLICEMAN AND THE PROSTITUTE: AN AMBIGUOUS RELATIONSHIP

Early one morning in October 1841, Chief Constable Brennan discovered Sub-constable Christopher Gilmore missing from his beat on Lagauchetière Street. After searching the area, Brennan along with Sub-constable James McCormack located him in a common bawdy house. One of the brothel prostitutes accused him on oath of being in the habit of "frequenting those haunts of ill fame". As a consequence, Gilmore was discharged from the police force and apparently escaped imprisonment in the Common Gaol out of "respect for the police establishment" and because his brother William was also an officer in the Montreal constabulary.¹

The relationship of the police officer to prostitution was not always as straightforward as this notation in the *Police Order Book* suggests. Although the Montreal police routinely arrested prostitutes in raids on brothels and streetwalkers under the rubric of vagrancy, some policemen like Christopher Gilmore formed complex but unequal relationships with women. They confronted each other in a number of disparate places, such as in brothels, on the streets, and in the fields and roads around the city, under a variety of circumstances. Policemen might harass prostitutes, extort food, drink, and money, as well as apprehend them for any number of reasons other than prostitution.

¹NA, RG4 B 14, *Police Records*, Vol. #31, 27-10-1841.

Some alliances were based on friendship. Prostitutes and policemen, who met on city beats, and shared particular characteristics such as social class, developed a camaraderie with each other. Perhaps because of the ties that bound them, policemen risked dismissal from the force if they were caught in a brothel or socializing with streetwalkers. Constables who personally knew a prostitute and her colleagues may have been reluctant to arrest them, choosing instead to ignore their misdemeanours. Some policemen saved women in danger of freezing to death by arrest and imprisonment during the harsh winter months.

The policeman and the prostitute had different motives for forging this alliance. Since policemen were part of a male culture which enjoyed drinking and sex, some of them like Christopher Gilmore went to brothels where both could be procured. They also took advantage of the illegal nature of prostitutes' work by extorting money, goods, and services from them. Some prostitutes operated as police informants. They in turn used their association with policemen to avoid arrest, demand protection, seek shelter at the watch house or police station, and prosecute others who committed transgressions against them. This relationship was further complicated when prostitutes informed on policemen, as in this case. Although such an act represented an expression of prostitutes' agency, it seldom led to a policeman's dismissal. By exploring how the police regulated the sex trade, the complexities of this relationship emerges.

Such a study is also central to the debates in the historiography concerning whether the principal role performed by police in a society was one of providing a social service or social control. In Montreal, the police force not only furnished social welfare and social regulation, but some of its own constables were directly involved with prostitutes and their trade. Thus, the role of the police force was multifaceted, involving activities that were both legal and illicit and are not reflected in the present dichotomy of the literature.

There are surprisingly few studies of prostitution that specifically examine the role of the police in regulating this trade or that integrate such an examination into

research on prostitution.² Early studies which deal directly with the policing of prostitution usually furnish a one-sided view of the relationship, usually from the perspective of the police, thus overlooking the dynamic of the association between the two parties.³ Jill Harsin contends in her 1981 study of nineteenth-century Parisian prostitution that a prostitute's relationship with the police was in all likelihood the most powerful one in her life, holding the authority to affect her life circumstances and her integration into the larger community.⁴ Although Harsin suggests that prostitutes utilized the criminal justice system in hard times,⁵ she seems to view the relationship almost entirely as one based on coercion. Moreover, the idea that the most forceful association in a prostitute's life was the one she held with the policeman denies the importance of other relationships such as familial ones or friendships with other women or madams.

Other historians have grasped the intricacies of this association better. A genre of prostitution literature which focuses on the American west, reveals the complexities of the relationship between lawmen and prostitutes. Marion Goldman, for instance, acknowledges the ambiguity of their association. Often lawbreakers became policemen who enforced prostitution laws at their discretion, which permitted them to befriend sex trade workers or demand bribes, and ignore their

²See for example, Robert D. Storch, "Police Control of Street Prostitution in Victorian London: A Study in the Contexts of Police Action" in David H. Bayley (ed) *Police & Society* (Beverly Hills, 1979); Arthur J. Engel, "Immoral Intentions": The University of Oxford and the Problem of Prostitution, 1827-1914" *Victorian Studies* #23 (1979); Harsin, *Crime, Poverty & Prostitution*; and more recently, Marilyn Wood Hill, "Notorious Defenders: Prostitutes Using the Law" in her book, *Their Sisters' Keepers*.

³Robert Storch study in 1979, for example explores street prostitution from the viewpoint of the police, ignoring the prostitutes. ("Police Control of Street Prostitution")

⁴Harsin, *Crime, Poverty and Prostitution*: 212.

⁵*Ibid.*: 250.

misdemeanours or strictly enforce the laws.⁶ Elsewhere, Judith Walkowitz found that the police in Victorian England accommodated streetwalkers in order to impose a level of public decorum, to contain them in particular areas, and to break up any liaisons they might establish with thieves.⁷ In a more recent study, Marilyn Wood Hill contends that the most important factor in determining the impact of the laws on New York City prostitutes was their relationship with policemen whom they encountered on the streets and who determined who was a prostitute. Since streetwalkers and brothel-keepers were part of a local community, policemen apparently did not view them as a problem. Prostitutes who established relationships with some policemen provided these men with a source of potential fees for any action that policemen took on their behalf such as attending to eruptions of violence in the brothel, of tips or payments, and of information. As a result of this type of relationship, New York prostitutes were allowed to operate freely and had contacts in the police force should problems arise.⁸ Marilyn Wood Hill seems to commit a similar mistake to Jill Harsin. Where Harsin views the relationship between prostitutes and policemen as coercive and one-sided by failing to recognize the more positive aspects of the relationship, Wood Hill views it too idealistically. She fails to recognize that policemen could be intimidating, and involved in unlawful activities that negatively affected streetwalkers and brothel-keepers. Closer to home, Canadian publications by Judith Fingard and Jane Price examine prostitution and female vagrancy in Halifax. They argue that prostitutes used the criminal justice system in a number of different ways: they demanded shelter from the police, prosecuted

⁶Marion S. Goldman, *Gold Diggers & Silver Miners: Prostitution and Social Life on the Comstock Lode* (Ann Arbor, 1981): 107.

⁷Walkowitz, *Prostitution and Victorian Society*: 14.

⁸Wood Hill, *Their Sisters' Keepers*: 146-158.

others who wronged them,⁹ and expected fairness at court.¹⁰ Both of these authors present a more balanced view. Fingard and Price recognize that constables had the power to apprehend streetwalkers who were more visible and hence vulnerable to harassment and arrest.¹¹

This chapter will examine how the Montreal police regulated prostitution and the women and men who worked in the trade, the services they offered to streetwalkers in particular, and how regulation changed over the three periods. I will begin my discussion by examining the significance of conflicting contemporary discourses about local prostitution and how they were integrated by the authorities into their method of policing prostitution. In other words, how were the issues raised by Montreal notables translated into police action? Since watchmen and constables regulated prostitution through their interpretation of the law and in its application to a particular site of prostitution, I will also examine the meaning police activity had in the daily life of these women. By concentrating upon the sundry forms that the association between policemen and prostitutes took and what the actors came to expect from each other, the complexity of the relationship between prostitutes, brothel-keepers, and policemen will be elucidated.

ELITE VIEWS OF THE MONTREAL POLICE AND PROSTITUTION: FROM ABOLITION TO REGULATION

Certain elite Montrealers, critical about the ability of the city policing agency to regulate society, argued for better policing of prostitution and for a restructuring of the police organization. By the early 1830s, newspaper articles and grand jury presentments showed a growing concern about the "evil" effects of streetwalkers,

⁹Price, "Raised in Rockhead": 220.

¹⁰Fingard, *The Dark Side of Life*: 112.

¹¹*Ibid.*: 106; and Price, "Raised in Rockhead": 202.

vagrants, and beggars in the public spaces of the city. Leading Montreal notables served on the grand juries,¹² owned local newspapers, wrote letters to the editors, formed the executive of a variety of charitable and other organizations, and comprised the Special Council. They were in a unique position to influence court officials who drafted police regulations, and thus alter the direction of the city police and in the case of the Special Council, to actually re-organize the police force. Elites also sat on the bench. In the early 1830s, a new group of reform-minded, francophone justices of the peace, Denis Benjamin Viger being one of them, had been installed in the lower courts. The replacement of their more conservative counterparts such as Samuel Gale altered the orientation of the lower judiciary. At the same time, Benjamin Delisle replaced the High Constable, Adelphe Delisle, signalling a change in direction of the city's policing institution. These two changes led to higher levels of arrests of women for street prostitution and of men for brothel-related offences. In all likelihood, justices had demanded that a concerted effort be made to clean up the streets and to arrest all persons inhabiting city brothels and the High Constable had willingly collaborated.¹³

City notables associated prostitution with intemperance, the immorality of the young, the encouragement of idleness, and with a variety of other crimes such as disturbing the public peace, larceny, and in the case of brothels, receiving stolen goods or harbouring felons. In Montreal as new definitions of what constituted respectability emerged with greater emphasis on industry, sobriety, and discipline, prostitutes and their associates were seen to set a bad example for youth. Similarly, in St. Louis, city officials believed prostitutes were dangerous because they

¹²Grand juries of the Quarter Sessions of the Peace were comprised of the city's leading elites. At least half of the members of grand juries of the Court of King's Bench consisted of local justices of the peace. (In private conversation with Donald Fyson, 17-2-1996)

¹³Private communication with Donald Fyson, 3-11-1995. Robert Shoemaker suggests that prostitution statistics are more indicative of attitudes towards using the law than of actual changes in the incidence of this offence. (*Prosecution and Punishment: 7*).

contaminated the city's youth, transforming them into drunken criminals. By arresting these women, the police were not only reducing immorality, but indirectly violence, disorder, and crime.¹⁴

Like their street counterparts, brothels were viewed as resorts which trained adolescents in idleness, dissipation, and vice. Ironically, while brothels tended to be a lightening rod, attracting most of the discourse in newspapers, in charges to the grand jury, and their presentments, this preoccupation was not always translated into police activity. Rather, it was public space in the city which came under increasing scrutiny. Probably many reasons contributed to this overblown criticism of brothels. One of them may have been related to a certain anti-French sentiment on the part of the Grand Jury since the majority of brothel-keepers was francophone, and the Grand Jury was usually composed of a majority of non-francophones. Moreover, brothels were physically identifiable structures unlike streetwalking, and hence the prostitutes were easier to target.

The enlargement and re-organization of the watch and the police force during the 1830s allowed greater surveillance of public space in the city. When police patrols were extended to the suburbs, constables could apprehend street prostitutes who had been beyond their grasp loitering in streets outside the old city, at farms, and in roadways leading to the countryside. Thus, police targeted streetwalkers more than brothel prostitutes in an attempt to regulate public space in Montreal as elsewhere. In eighteenth-century Paris, for example, prostitutes were subjected to escalating rigorous surveillance and routine imprisonment by police. The major proportion of a policeman's time was increasingly taken up patrolling city streets and markets, cabarets, and lodging houses.¹⁵ A century later, police in Victorian London were similarly preoccupied with street prostitution, while brothel prostitution was

¹⁴Adler, "Streetwalkers, Degraded Outcasts": 737.

¹⁵Thomas Brennan, *Public Drinking and Popular Culture in Eighteenth-Century Paris* (Princeton, NJ, 1988): 294-296.

secondary. Robert Storch argues that the key to controlling the public lay with the incarceration of streetwalkers.¹⁶ In many nineteenth-century American cities, according to Barbara Hobson, the police crack-down on street prostitution served to deal with two simultaneous problems. First, it addressed the fear that an anonymous, transient population made the nineteenth-century American city appear unsafe. Second, urban reformers demanded "order and decorum" in the streets by attacking intemperance, immorality, and idleness.¹⁷

Two incidents involving "disguised" persons in Montreal serve as a window into comparable anxieties. In the first instance, convicted felon Edmund Burke, who was "on the lam", was rumoured to "constantly walk through the streets of this city at night dressed as a female".¹⁸ In the second case, an out-of-town woman was said to be pregnant and wandering the streets at night masquerading in male attire. A true story except for the pregnancy, her gender was discovered by the attending physician when she became ill.¹⁹ Both of these incidents illustrate the consternation of some Montrealers about the nocturnal meandering in the streets by women alone for purposes which seemed "camouflaged". When evening patrols were instituted in the city in 1836, the watchmen were required to arrest "all disturbers of the peace, vagrants, houseless or suspicious characters".²⁰ The effect on nightwalkers was almost immediate: one newspaper alleged that as arrest levels rose "few suspicious

¹⁶Storch, "Police Control of Street Prostitution": 50.

¹⁷Hobson, *Uneasy Virtue*: 12.

¹⁸*Montreal Herald*, 4-7-1825.

¹⁹*Montreal Herald*, 20-5-1820.

²⁰*Gazette*, 17-11-1836.

individuals are seen prowling about the streets".²¹

Arrest levels of streetwalkers were a response to other factors as well. For instance, Robert Storch reports that rates fluctuated in London, rising when the public pressured magistrates to clean up the streets and falling when these same magistrates felt overloaded with cases or when they questioned the ethical legalities of convicting prostitutes on the basis of police testimony only.²² Other historians argue that elevated arrest rates of streetwalkers were a consequence of two factors, higher visibility and ease of arrest.²³ And as Robert Shoemaker has suggested, the switch from policing brothels to policing the street was also the result of fiscal considerations in seventeenth and eighteenth-century London. The constabulary shifted their surveillance of brothels which they prosecuted by indictment, a more costly form of justice, to street prostitution, where plyers of this trade could be dealt with using a cheaper form of justice, summary conviction.²⁴

Montreal taverns, tippling houses, and other haunts of vice, in which brothels were included, were denounced as the source of every crime as early as 1819 in Judge Reid's charge to the Grand Jury in the Court of Oyer and Terminer:

...evil habits are acquired and necessities created, which break through every restraint, and set every law at defiance; the peace of families, and the welfare of society require, that the hand of the Magistrate and the Grand Jury, should be raised, to suppress, as far as can be done, all haunts of vice like these.²⁵

²¹*Gazette*, 3-11-1836.

²²Storch, "Police Control of Street Prostitution": 52-53.

²³See for example the work of Judith Fingard, *The Dark Side of Life*, and Jane Price, "Raised in Rockhead".

²⁴Shoemaker, *Prosecution and Punishment*: 246.

²⁵*Montreal Herald*, 13-11-1819.

Grand Juries considered a variety of different approaches to dealing with brothels from regulation to outright abolition. Another judge in the court of Oyer and Terminer demanded of the Grand Jury that "places of evil resort should be presented as public nuisances and be suppressed".²⁶ One editorial in the *Gazette* responding to this judge's charge to the Jury, recommended that "every scite (sic) of crime and wretchedness" be banished from the city. Those living off the avails of crime should disappear "from our disgusted sight" if they could not reform.²⁷ In July of 1823, the grand jurors directed the court to abolish "the greatest evil to society, houses of ill-fame":

These arenas of vice are the receptacles of all that is criminal and it becomes the imperious duty of those, in whom the power is vested, to leave no means, how rigorous soever, unexercised, which might tend to their abolition, & thereby prevent the morals of the rising generation from being utterly subverted;²⁸

By the 1830s, the grand juries disturbed by the flourishing presence of brothels in Montreal, modified their opinion and began to reconsider their demands for abolition. This shift in opinion paralleled local discourse in the newspapers. Perhaps in recognition that the police could not eradicate brothels, grand juries demanded better regulation of these establishments. One 1836 Grand Jury even went so far as to request a form of regulation similar to that found in many European cities. Although members of this Grand Jury recognized that regulation suggested tolerance toward this crime, it argued that the incurable diseases associated with prostitution which affected future generations demanded that something be done.²⁹

²⁶*Montreal Herald*, 18-11-1820.

²⁷*Gazette*, 6-11-1822.

²⁸QSR, 19-7-1823.

²⁹Why this sudden interest in health matters, particularly venereal diseases? Except for the

The Grand Jury after maturely deliberating does not fear to enter on this important subject persuaded that it is deserving of the most serious attention on the part of the public authorities. In all countries prostitution is tolerated, in order to prevent honest & reputable persons from being insulted in the streets and in their houses. However in mostly all the towns of Europe such houses of illfame are put under the immediate inspection of the police and subjected to sanitary regulations executed with the greatest severity. In no place are such regulations more called for than in disorderly houses, frequented as they are mostly by persons who know of no bounds to their brutal passions. In the countries above mentioned severe and rigorous laws are made, medical men are appointed by the public authority, certificates of health are delivered by physicians weekly and such as are not provided with them are forth with confined.³⁰

This recommendation was never acted upon and a year later, in acknowledgement that it was beyond the power of the police to abolish disorderly houses entirely, a Grand Jury demanded that at the very least the police had to regulate them so that virtuous citizens would not have to confront their presence.³¹

Some Montrealers complained that the police could not even regulate brothels effectively. A critical editorial in the *Gazette* insisted that some other authority be employed with more power to protect the neighbours who were harassed by "bullies and ruffians" who frequented brothels since the police were incapable.³² Others

occasional advertisement of medicine to treat venereal diseases, newspapers were silent about this issue. An examination of the Montreal General Hospital admission registers show that between 1829 and 1834, an average of nineteen people were treated each year for venereal diseases. In 1835, the admission rate jumped to 43. A year later the number had fallen to 31. The average rate of hospital admission between 1836 to 1842 remained at that level. How this sort of information was disseminated to the public is impossible to tell. (McGill Archives, RG 96, Montreal General Hospital, Casebooks)

³⁰QSD, *Presentment of the Grand Jury*, 19-7-1836.

³¹QSR, 30-10-1837. Similarly, in Halifax, Judith Fingard contends that city notables paid little attention to prostitution as long as it was contained in areas of the city which did not visually touch respectable society. (*The Dark Side of Life*: 108) Authorities in St. Louis tolerated houses of assignation in remote districts. (Jeffrey S. Adler, "Vagging the Demons and Scoundrels: Vagrancy and the Growth of St. Louis, 1830-1861" *Journal of Urban History* 13:1 (November 1986): 12)

³²*Gazette*, 1-7-1830.

demanded that every house of a suspicious character be kept under strict surveillance.³³ As the criminal justice system struggled to contain prostitution, an 1840 Grand Jury recommended that charges for keeping disorderly houses be transferred from the Court of Quarter Sessions to the Police Court. Moving to a lower court would reduce both the costs of administering justice and the time needed to reach a verdict since defendants would not have the option of trial by jury.³⁴ Moreover, despite the re-organization of the police force, notables still complained that the constabulary could not reduce the number of houses of ill fame in the city.³⁵

An analysis of the prevailing discourse shows that prominent Montrealers associated with the local press and grand juries linked street prostitution and brothels with intemperance, immorality, idleness, and crime which stood in opposition to industry, sobriety, and discipline. In this transforming atmosphere, the Montreal police had to contend with criticism about their handling of vagrancy, begging, streetwalking, and brothel-keeping, and had to respond to and balance shifts in opinion.³⁶ It must have been difficult to answer such denunciations given that policemen were expected to oversee people with whom they had established friendships, made more equivocal since many came from the same social class and lived in the same neighbourhoods. Donald Fyson's examination of the Montreal police before the 1830s shows that city constables and watchmen were largely francophone and drawn from the popular classes. For many of them, police work

³³QSR, *Presentment of the Grand Jury*, 18-1-1840.

³⁴*Montreal Transcript*, 3-11-1840.

³⁵QSR, *Presentment of the Grand Jury*, 29-10-1841.

³⁶In St. Louis, the police blended a variety of demands by establishing firm spatial and behavioral boundaries between the proper and debauched. See Adler, "Streetwalkers, Degraded Outcasts": 747.

was part-time and in combination with their primary occupation.³⁷ Michael McCulloch found that after the re-organization of the Quebec police force in 1838, the vast majority of the policemen were anglophones recruited from unskilled labour, who "resembled the 'dangerous classes' they were suppose to regulate".³⁸ Thus, some policemen may not have viewed prostitution as a crime. Nevertheless, they offset these changing opinions or discourses, from abolition to regulation, by increasingly policing prostitution. They acted as prosecutors in disorderly house cases, scrutinized suspicious houses,³⁹ and made periodic sweeps of city brothels. In particular, they focused a great deal of their attention on the public spaces of the city, in an attempt to rid the streets, fields, and farms of streetwalkers, drunks, disorderly people, and the homeless. A regulated public space served both the police and the elite. For the police force, it would be seen to be effectively doing its job, and hence, allay fear and criticism; for the elites, a regulated public meant a well-ordered society infused with values they held important and which ensured their leading position. Let us now explore how the police regulated the sex trade and by doing so expose the relationships that developed between prostitutes, watchmen, and constables.

³⁷Fyson, *Criminal Justice, Civil Society*: 218-239.

³⁸McCulloch, "Most Assuredly Perpetual Motion": 105-107.

³⁹Constables passed on information to each other in the *Day Books* of any suspicions they had about certain houses on their beats. For instance one policeman reported that he suspected that a house occupied by a "Canadian woman" and across from Mr. Bingham's, kept "disorderly characters". Another constable reported seeing "*filles de mauvaises mœurs*" frequenting the lower part of a house up hill from the new market.

THE POLICING OF PROSTITUTION:

The police usually charged street prostitutes with vagrancy or being loose, idle, and disorderly. This charge included a wide variety of acts from solicitation to cross-dressing. The vagrancy law was ill defined and gave the policeman great discretionary power in its application since he could arrest a streetwalker without a warrant. Moreover, the prostitute faced summary conviction. Consequently, evidence was not necessary to establish her guilt since a policeman's word was usually enough. Similarly, in St. Louis, Jeffrey Adler argues that the vagrancy act gave policemen extraordinary flexibility in applying the vagrancy laws. St. Louis women were expected to conduct themselves with a certain decorum; if they were drunk, disorderly, and indecent, they were arrested. It was not until the 1860s that single women were picked up indiscriminately "before any problem arose".⁴⁰ In eighteenth-century London, according to Nicholas Rogers, men and women who refused to work but chose a casual living, stood against the morality of work, and an ordered society. Vagrancy laws came to incorporate a host of infractions, thereby affecting a broad group of people, including even those suspected of committing a felony. Some historians contend that it was a catch-all category for social undesirables, facilitating the policing of the poor.⁴¹ Police intervention in the lives of prostitutes, according to Judith Walkowitz, allowed police to scrutinize poor neighbourhoods. For instance, by the 1820s, London vagrants were increasingly subjected to new forms of policing.⁴²

Of the 2528 Montreal women prosecuted for being loose, idle, and disorderly between 1810 and 1842, approximately two-thirds (66%) were characterized as

⁴⁰Adler, "Streetwalkers, Degraded Outcasts": 745.

⁴¹Rogers, "Policing the Poor": 131.

⁴²Judith Walkowitz, "The Making of an Outcast Group: Prostitutes and Working Women in Nineteenth-Century Plymouth and Southampton" in M. Vicinus (ed) *A Widening Sphere: Changing Roles of Victorian Women* (1977): 147, 72.

common prostitutes, whores, or streetwalkers or in terms suggestive of this occupation. For example, some prostitutes were referred to as "*fille publique*", "*fille de débauche*", "*fille de mauvaise vie*", "*fille de mauvaises mœurs*" or "woman of bad fame". For instance, Mary "a black girl" was arrested in October 1819 for being a lewd, idle and disorderly person and common prostitute.⁴³ In January 1841 Farrel McQuay detained Jane Rodgers, a "whore, drunkard and vagrant" who regularly exposed herself in the city streets.⁴⁴ Eugene Flynn apprehended Susan Murray in a sentinel's box when she was unable to give a satisfactory account of herself.⁴⁵ Similarly, Parisian streetwalkers were charged with disturbing the peace, the largest single offence, indecent behaviour, drunkenness, attracting a crowd and finally posing a threat to the public security.⁴⁶ In Oxford, the university paid the city constabulary for every woman they arrested as a common prostitute. The municipality had organized a separate police force just to regulate night time street prostitution. City police took no notice of prostitution during the day unless streetwalkers exhibited some type of offensive behaviour like drunkenness or public indecency.⁴⁷

Since policemen usually acted as prosecutors in depositions against street walkers, they were most often apprehended within a circumscribed area of the city where they patrolled or occasionally elsewhere while policemen conducted other legal business. High Constable Benjamin Delisle arrested streetwalker Frances Dobbins while he was "on his way from his residence to the court house between the hours

⁴³QSD, *Calendar of the Common Gaol*, 20-10-1819.

⁴⁴QSD, 11-1-1841.

⁴⁵QSD, 27-6-1842.

⁴⁶Harsin, *Crime, Poverty & Prostitution*: 117-122.

⁴⁷Engel, "Immoral Intentions": 81-84.

of nine and ten".⁴⁸ Mary Ann Day had her child with her when she was arrested in a state of drunkenness and lying in the street. She was picked up as loose, idle, and disorderly as well as for impeding pedestrians in the street. Being January, Day and her daughter were also in danger of freezing to death.⁴⁹ Watchman James Pearson apprehended prostitutes Ann Hayes and Mary MacDonald along with James Stewart at 12:30 in the morning when they departed from a brothel kept by Charles Riley, at the St. Anne Market.⁵⁰ Recidivist street prostitutes by and large accumulated a panacea of charges for being disorderly, drunk, obstructing the sidewalks, or causing a crowd to assemble. Sally Goodwin and Marie Trimoulie for instance, were arrested for being "idle women strolling in the streets without having any visible means of supporting themselves".⁵¹ Repeat offenders such as Bridget Howe who spent most of the last six years of her life in the Common Gaol, were seldom out for more than a few days or weeks at a time. Similarly, Martha Hyers accumulated at least sixteen arrests for street and brothel prostitution, and loose, idle, and disorderly. She was active in the Montreal sex trade from 1833 until her death in the Common Gaol in 1841 at the age of 25.⁵² In Halifax some women experienced almost continuous imprisonment. They were caught, served time, returned to the streets, only to be arrested again.⁵³

Streetwalkers were customarily apprehended in Montreal when they were

⁴⁸QSD, 9-7-1838.

⁴⁹QSD, 22-1-1842.

⁵⁰NA, RG4 B 14, *Police Records*, Vol. #38, 11-12-1836.

⁵¹QSD, *Calendar of the Common Gaol*, 17-12-1818.

⁵²ANQM, *Coroner's Report*, 25-11-1841.

⁵³Price, "Raised in Rockhead": 217.

visible on the streets. Throughout most of the period arrests levels started to climb in the spring then declined in the winter months. (Figures 5.1 and 5.3) In Halifax, arrest rates of vagrant women followed a similar pattern. Jim Phillips found an increase in incarceration levels during the summer months, from May to September when streetwalking was more visible, and a decrease during the winter and early spring months. Halifax vagrants who were arrested in the fall would receive sentences that they served over the winter. Vagrants also used the local prison as a winter refuge, a sign of the degradation of their lives.⁵⁴ In Montreal, as we know, many of the recidivist streetwalkers and female vagrants employed the Common Gaol and House of Correction as a refuge, too.

The pattern between 1830 and 1837 presents a somewhat different picture. (Figure 5.2) The high incidence of arrests in the months of January, and November certainly stands against the argument that streetwalkers were arrested in the months that they were most visible in the streets. When I analyzed the distribution of arrests in January, I discovered that most of the arrests occurred at the end of the January Quarter Sessions when prisoners had been liberated from the Common Gaol and House of Correction. Seventy-one percent of the women were re-arrested after being discharged. Homeless prostitutes would have welcomed their re-incarceration during winter. A similar pattern of re-arrests occurred at the completion of the July Quarter Sessions, but the numbers of women affected were smaller. Forty-seven percent of the women were re-arrested following release.

⁵⁴Phillips relates seasonal cycles in the economy to incarceration rates for vagrancy. Poor relief was generally more available in the winter along with a sympathetic population. (Jim Phillips, "Poverty, Unemployment, and the Administration of the Criminal Law: Vagrancy Laws in Halifax, 1864-1890" *Essays in the History*: 134-142).

FIGURE 5.1: PROPORTION OF STREETWALKERS ARRESTED EACH MONTH IN MONTREAL, 1810-1829

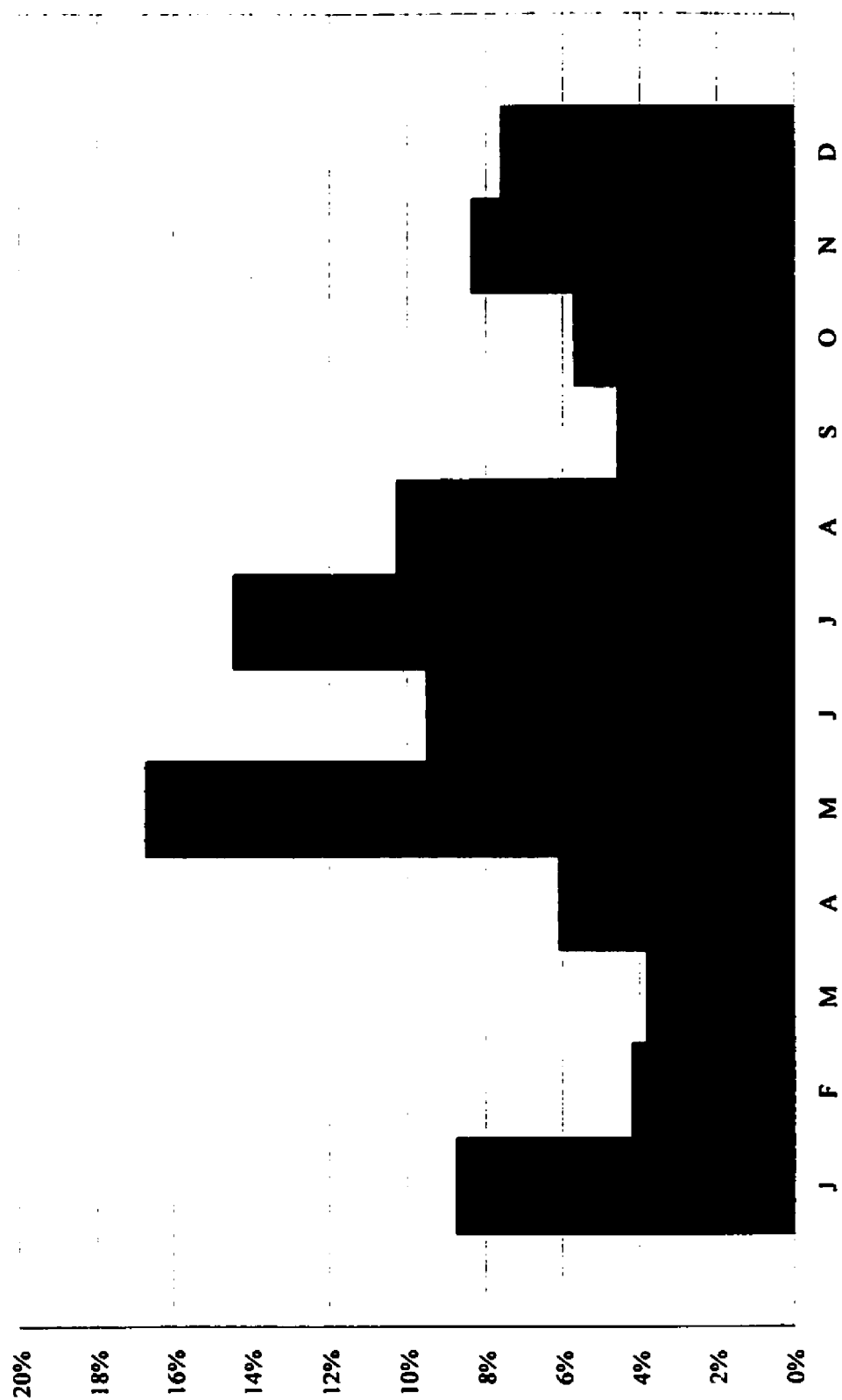
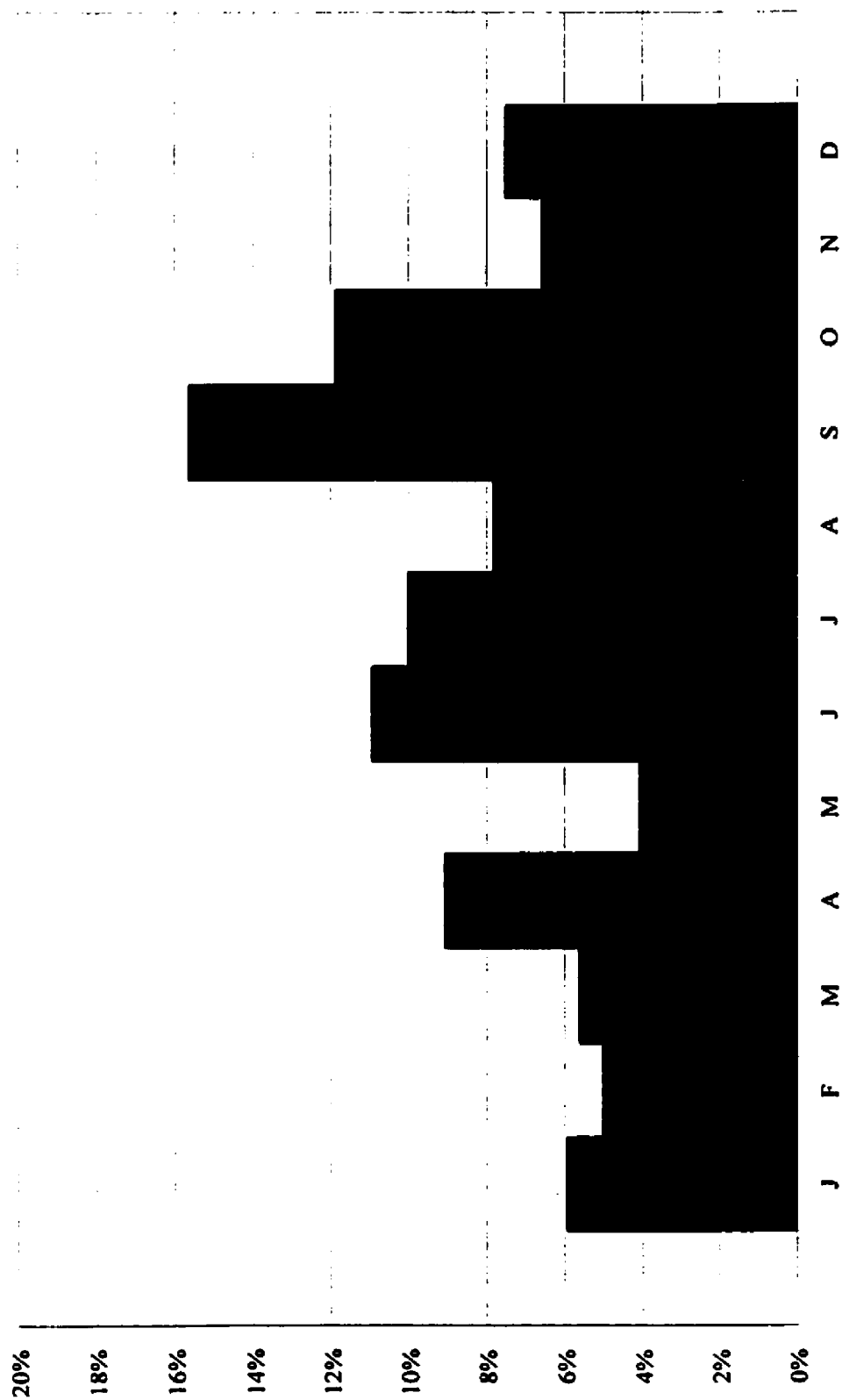


FIGURE 5.2: PROPORTION OF STREETWALKERS ARRESTED EACH MONTH IN MONTREAL, 1830-1836



FIGURE 5.3: PROPORTION OF STREETWALKERS ARRESTED EACH MONTH IN MONTREAL, 1842



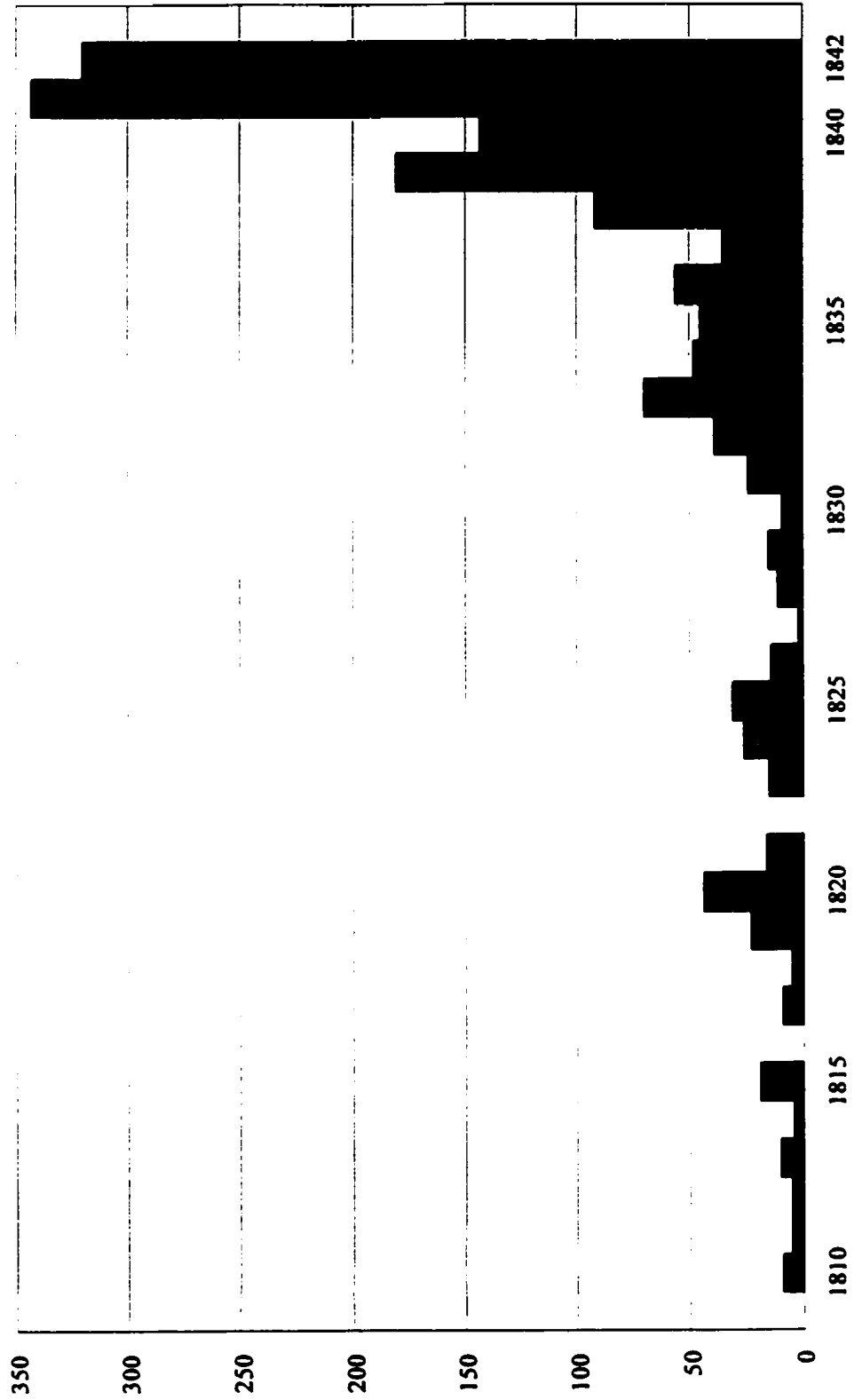
The lower numbers more than likely reflect the wider range of options available to homeless prostitutes in the summer. These women turned to local orchards and farms for food and with the warmer weather did not depend upon adequate and heated shelter.

The distribution of depositions in Figure 5.4 reveals that there were two periods of elevated arrest rates of streetwalkers. The first one occurred between 1831 and 1836. Social disruption in the countryside, cholera epidemics, and growing trans-Atlantic immigration characterized the 1830s, all of which contributed to economic hardship. In all likelihood the rising incidence of people arrested for vagrancy reflected the economic malaise of the decade. Arrest levels also demonstrate the effectiveness of the watch and constables in regulating public space and the greater number of policemen at work.

These figures correspond to those of Jean-Marie Fecteau who examined the Quebec prison admission rates. He found a quadrupling in public order offences between the periods 1823 to 1825 and 1832 to 1834.⁵⁵ Much more dramatic was the rise that began in 1837, seemed to peak in 1841, and then fell slightly in 1842, the immediate pre and post Rebellion period when a more generalized regulation of public space occurred. This climb also coincides with the re-organization of the police force, characterized by an increase in the complement of constables and the implementation of new methods of patrolling. These changes meant more streetwalkers and female vagrants were arrested.

⁵⁵Fecteau, *Un nouvel ordre des choses*: 249.

FIGURE 5.4: NUMBER OF STREETWALKERS ARRESTED IN MONTREAL EACH YEAR, 1810-1842



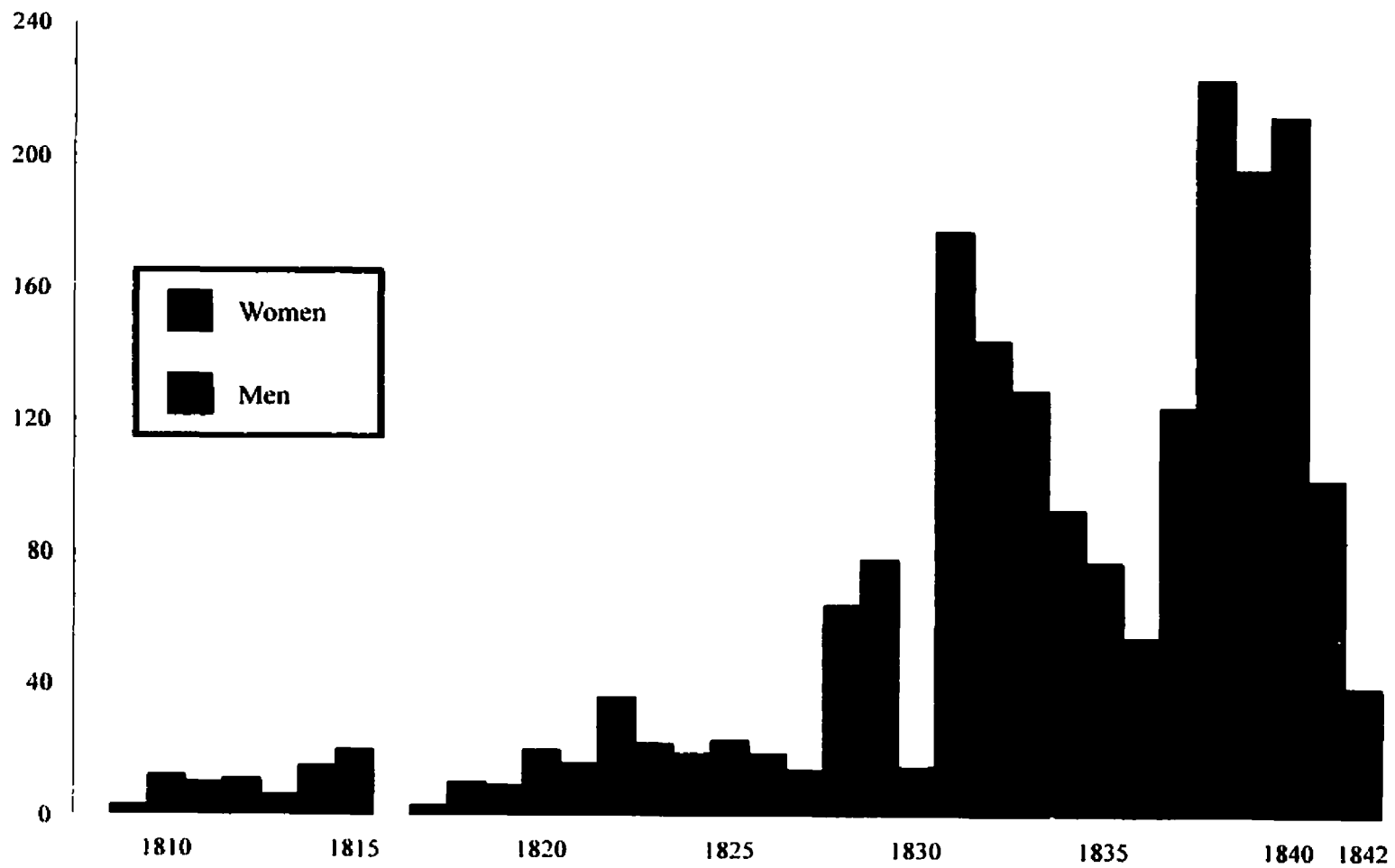
Police raids on Montreal brothels present quite a different picture from the regulation of street prostitution. First of all, there was no seasonal pattern in the timing of the raids; they could occur in any month of the year and in all seasons unlike arrests of streetwalkers.⁵⁶ Second, Figure 5.5 shows that the highest levels of prosecution of brothel-keepers occurred between 1830 and 1834 and 1837 to 1840, falling rapidly after 1840. Prosecution of men and women differed as well. Between 1831 and 1834 a large number of men were arrested in brothels, with male arrests actually overtaking female arrests in the years 1832 and 1833. These elevated arrest levels were most likely the consequence of the more reform-minded judiciary which had been installed in the lower courts, coupled with the appointment of a new High Constable who possibly mandated his men to make a more concerted effort to regulate prostitution.

⁵⁶PROPORTION OF INDIVIDUALS ARRESTED IN BROTHELS EACH MONTH, 1810-1842:

MONTH	#	%
JANUARY	113	7
FEBRUARY	131	8
MARCH	150	9
APRIL	214	13
MAY	185	11
JUNE	150	9
JULY	84	5
AUGUST	197	11
SEPTEMBER	134	8
OCTOBER	94	6
NOVEMBER	89	5
DECEMBER	130	8

Overall figures show that if any season was better represented, it was springtime. Perhaps when people started to open their windows as the warmer weather approached, they were confronted by the noisy activities of a neighbourhood brothel and thus more likely to complain to the authorities. John Weaver makes a similar interpretation in his book, *Crimes, Constables, and Court*: 47-48.

FIGURE 5.5: NUMBER OF PEOPLE ARRESTED IN MONTREAL BROTHELS EACH YEAR, 1810-1842



When the brothels of Angélique Clairmont, Angélique Leclaire, Josephite Fournier, Mary Dilly, and Marie Minie were raided May 8th 1831, the police arrest twenty brothel prostitutes and twelve men.⁵⁷ All of the men and women appeared in the July Quarter Sessions but true bills were found against the brothel-keepers only.⁵⁸ On May 3rd 1832, between 11 o'clock and midnight, watchmen Joseph Robert and Antoine Limoges arrested Francis Timmens, Adam Thomas, Ann Anderwood, Abner Lambert, and Hugh McNotty in a "*maison de débauche*" in Commissioners Street.⁵⁹

Men continued to be arrested after this period but in smaller numbers. When Thomas Conner, not a brothel-keeper, went to the watch house to request assistance in removing people from his house where they had established a brothel and had threatened his life, Constables Shaud and Gordon, took twelve men with them to raid the house. They arrested Pierre Forget, Hypolite Jérémie, and Alexander Marion along with Félicité Bleau, Amable Breton and Margaret Bloom.⁶⁰

In Chapter III we saw that prosecuting brothel-keepers, prostitutes, and their clients could be dangerous as in the case of Chief Constable Jérémie who was stabbed by a soldier in a raid on a barn inhabited by soldiers and "women of loose character".⁶¹ Some individuals, particularly soldiers seemed to make a game of interfering with the police in their dealings with prostitutes. For instance, well-known streetwalker Eliza Robertson was rescued by a soldier after being taken into

⁵⁷QSD, 7-5-1831.

⁵⁸QSD, 11-7-1831.

⁵⁹QSD, 4-5-1833.

⁶⁰NA, RG4 B 14, *Police Records*, Vol. #38, 10-4-1837.

⁶¹NA, RG4 B 14, *Police Records*, Vol. #58, 25-9-1839.

custody by a constable for apparently committing a robbery.⁶² Policeman John Bowles reported that two soldiers had rescued a "girl of ill fame" whom he had arrested on orders of Justice of the Peace Rodier.⁶³ Even brothels could be unsafe places for city policemen.⁶⁴ On Christmas day in 1838, while policeman James Warnock was passing by Patrick Crow's brothel, he heard a noise, investigated, and discovered Crow "violently assaulting beating and illtreating Mary Murphy". Warnock must have been attacked during the altercation because Crow had to enter into a recognizance to keep the peace towards James Warnock for six months.⁶⁵ We do not know what happened to Mary Murphy. Just two months earlier, while patrolling near Francis Timmens' brothel in Griffintown, Constable Abner Lambert observed Timmens beating his wife. When he intervene, Timmens assaulted Lambert and threatened to stab him with a knife which he held "if he should go to the upper rooms of the house".⁶⁶ This incident was compounded by the fact that they knew each other. Five years earlier Lambert and Timmens had both been arrested together in a brothel raid.

There were some similarities in the method of regulating brothels and streetwalkers. While policemen usually served as complainants in street prostitution,

⁶²NA, RG1 E 15A, *Accounts of the High Constable*, 22-2-1827.

⁶³NA, RG4 B 14, *Police Records*, Vol. #54, 5-8-1840.

⁶⁴John McCord, Quarter Sessions justice of the peace from 1846 to 1853, recorded the testimony of witnesses who appeared in criminal cases. While the earliest date is beyond the period of my research, their declarations provide important insights into brothel activities. In a case against George and Hannah Hopkins, Jane Dunn, and Johannah Quick, constable Louis Lacroix complained that the policemen who raided this brothel were "in danger of their lives from the attacks of the inmates of the house". (McCord Archives, *McCord Papers*, Vol. #691, 15-1-1846)

⁶⁵QSD, 26-12-1838.

⁶⁶QSD, 8-10-1838.

over the period they increasingly acted as prosecutors in charges against disorderly houses as shown in Chapter IV. They made periodic sweeps of brothels, just as they did of the fields around the city. However, the majority of depositions were not made out against brothel-keepers, but involved street prostitution. Of the depositions I have analyzed, 318 were made out against keepers of disorderly houses compared to 518 for street prostitution⁶⁷. Vagrancy was a summary offence and hence easier to prosecute. Although the arrest of streetwalkers was more labour intensive, it appealed to those who advocated better regulation of public space. Moreover, it was much more expensive and difficult to successfully prosecute keepers of disorderly houses because it was an indictable offence, thus evidence had to be presented in court. Even though constables knew where houses of prostitution were located on their beats, they did not always prosecute the keepers.

This tolerance sometimes resulted in brothel riots and vigilante justice. Angry neighbours attacked local brothels when the police failed to act. In Montreal, there were several incidents when neighbours, furious about the activity in neighbouring houses or in apartments in their building, took the law into their own hands. Carter Francis Lapierre who lived in the same place as brothel-keeper Louise Horn entered her quarters about 9:30 in the evening accompanied by nine or ten other carters. They verbally abused her calling her "*une putien, une garce, qu'elle tenait un bordelle*".⁶⁸ Six men went to Ellen Ross' brothel about nine o'clock, forced their way into the house, broke windows, overturned the stove causing a fire that had to be extinguished, destroyed furniture and stole other articles.⁶⁹ Samuel Luck, Edward

⁶⁷This number is extremely conservative considering that some years the number of depositions were under-represented. This problem of representation is clear when a comparison is made between depositions and other sources such as *Police Court Registers* and *Calendars of the Common Gaol or House of Correction*.

⁶⁸QSD, 15-3-1842.

⁶⁹QSD, 30-3-1835.

Shaw, and James and Thomas Bricks threw stones at the house of Angélique Clairemont, whereby she was fearful of being molested and injured by the rocks.⁷⁰

CONFIGURATIONS OF THE RELATIONSHIP BETWEEN PROSTITUTES AND THE POLICEMEN:

In order to ascertain the multifarious layers that formed the relationship between prostitutes and police, I have consulted a number of sources. While each source tends to provide only scanty information, taken together, newspapers, court depositions, presentments of the grand juries, registers of the police courts, the account books of the High Constable, and especially, police registers provide a fractured image of the relationship between prostitutes and police. Unfortunately, since the registers begin in 1836, I have a much better picture of policing methods after 1835 than in the earlier period for which few police records exist.

Sources show that a culture existed within the police forces in which some constables and watchmen flagrantly disregarded regulations or at the very least applied them unevenly.⁷¹ All ranks were involved. For example, High Constable Benjamin Delisle was named in a petition for accepting a \$5.00 bribe to exempt Laurent Pary from serving as a constable, for applying liquor laws erratically, and for permitting some individuals to live off the fees they received as witnesses and spies in suits pertaining to infractions of police regulations.⁷² Ordinary policemen were also guilty of breaking rules as in the case of constable McDonald who was

⁷⁰QSD, 19-6-1826.

⁷¹Donald Fyson notes similar disciplinary problems in the police force; frequent fines were levied against constables who did not attend the Quarter Sessions, deserted their posts, and were occasional involved in illegalities. (*Criminal Justice, Civil Society*: 225-226)

⁷²QSR, 29-4-1834.

discharged from his post for allowing a prisoner to escape.⁷³ Sub-constable Kinch was immediately suspended by the Inspector when he allegedly received money from a woman who requested his protection. The Inspector was so outraged by Kinch's behaviour that he wrote in the day book that such a breach of discipline could only result in instant dismissal.⁷⁴

By and large disciplinary problems involved watchmen and constables who were often reprimanded for violations such as drinking on the job, sleeping at or deserting their posts. Constables communicated to each other through their day books, and police order books. These police day books show that one of the most common infractions concerned watchmen and policemen who were caught by their superiors intoxicated. Constable Harris and Sub-constable Martin Lawler were reported by the chief constable for drinking at a house kept by a Mrs. Beatty in Gain Street.⁷⁵ Ten months later, Harris turned around and reported Robert Stewart's wife for "tippling in the station".⁷⁶ Patrick Carroll, who lived on King Street in Griffintown complained to the police that one of the sub-constables, Charles Portsmouth had left his post at Wellington Street and went to his father's house "and drank liquor and used indecent language and conduct with his sister".⁷⁷ Carroll's complaint illustrates how socially embedded some policemen were in the neighbourhoods they patrolled. While we do not know the sex of the person of "bad character", Sub-constable James Maher was struck off the police roster for breach of

⁷³NA, RG4 B 14, *Police Records*, Vol. #55, 17-2-1840.

⁷⁴NA, RG4 B 14, *Police Records*, Vol. #32, 10-8-1842.

⁷⁵NA, RG4 B 14, *Police Records*, Vol. #61, 8-12-1840.

⁷⁶*Ibid.*, 5-10-1840.

⁷⁷*Ibid.*, 5-10-1840.

conduct and allowing "a person of bad character" to frequent his room at the station.⁷⁸

The worlds of the police and prostitutes overlapped in a number of ways. Since they shared the same public space, some of the watchmen, constables, and prostitutes fraternized with each other. Their association took many different forms and had many different consequences. To begin, watchmen and constables usually knew the local prostitutes and female vagrants on their beats. For instance, Watchman Antoine Cospel recognized Emelie Masson as a "*personne de mauvaise vie*" who frequented the streets at night; he arrested her in Hospital Street, drunk.⁷⁹ Similarly, Joseph Potvin knew Margaret McGinnis as a "*filie prostituée, une vagabonde errante*".⁸⁰ Patrick Ryan understood Margaret Colborne to be "a prostituted person" whom he arrested for being intoxicated, disturbing the peace, and obstructing passersby.⁸¹

Police sometimes targeted the men who consorted with street prostitutes. In one incident, police felt compelled to protect a stranger who was thought to be "deranged" and in danger of being robbed and swindled by local prostitutes. Apparently he had only been in the city a few days and spent most of the time associating with streetwalkers, driving about the city with three or four of them in a hired coach. Chief Constable James Smith requested a warrant to arrest the stranger when one evening he accompanied Mary Ann Legris and two other women,

⁷⁸*Ibid.*, Vol. #32, 24-11-1842.

⁷⁹QSD, 22-12-1829.

⁸⁰QSD, 4-12-1834.

⁸¹QSD, 6-5-1841.

known to Smith as "whores and common prostitutes" to the circus.⁸²

Police proficiency at recognizing street women depended upon the size of the population. An incident in 1840 demonstrates how arduous it had become for policemen to identify all of the city's vagrants and streetwalkers. When constable Denis Dowde failed to recognize a vagrant, the Inspector of Police ordered the Chief Constables to parade all vagrants in front of the men each morning before they were dismissed from duty.⁸³ Any policeman who could not distinguish vagrants in future would be dismissed from the force. The Inspector's memorandum suggests that once a woman was charged with vagrancy, the label endured and she became the offence. This fits the argument of historians such as Barbara Hobson who claim that when a woman was arrested for prostitution, she was labelled as a public woman and recognized as such by the police.⁸⁴

Street and brothel prostitutes turned to the police for protection, specifically in cases involving assault and battery and threats. Their request for legal assistance was most evident in cases involving brothel riots. When a Miss Tracey expressed fear that two men, whom she had prosecuted for drunkenness and disturbing the peace, would seek revenge upon her, she was given reassurance that the watchmen in her neighbourhood would maintain its peace.⁸⁵ Brothel-keeper Marie Lamarche sent for the police to quell a disturbance made by a client called Grant who had "accused some of the inmates of the house of robbing him of ten dollars". He left

⁸²QSD, 15-6-1841.

⁸³NA, RG 4 B 14, *Police Records*, Vol. #31, 3-9-1840.

⁸⁴Hobson, *Uneasy Virtue*: 19.

⁸⁵NA, RG 4 B14, *Police Records*, Vol. #38, 26-11-1836.

before the police arrived.⁸⁶ Similarly, Mary Ann Smith who kept a brothel on St. Constant Street complained to a policeman at three o'clock in the morning, that three soldiers had just broken into her house.⁸⁷ Constable Pierre Poitras rescued street-walker Maria Jordan who had been beaten by John Hart and James Burrell for stealing from Burrell in a nearby dwelling house.⁸⁸ When Ellen Turner apparently threatened to stab Louise Vizé with a knife, Vizé complained to the police.⁸⁹ Female brothel-keepers also turned to the police for assistance in dealing with abusive husbands. For instance, Angélique Clairemont accused her husband of assaulting and ill-treating her during the month of August 1823.⁹⁰ These examples demonstrate that prostitutes used the criminal justice system in diverse ways to redress a wrong done to them, and for protection from abusive spouses and other men, as well as the cold. They believed that some service would be provided to them by the law enforcement agency and judicial system.

The next level of the relationship involved those policemen who publicly fraternized with prostitutes while on duty. Constable Patrick Corcoran was reported for loitering and talking on his beat with 'girls of bad fame'.⁹¹ Sub-constable Thomas Gleeson was dismissed from the police force for loitering and dancing with a

⁸⁶*Ibid.*, Vol. #64, 22-12-1841.

⁸⁷NA, RG4 B 14, *Police Records*, Vol. #34, 17-4-1841.

⁸⁸QSD, 24-12-1838.

⁸⁹NA, RG4 B 14, *Police Records*, Vol. #52, 1-12-1839.

⁹⁰QSD, 21-5-1823.

⁹¹NA, RG4 B 14, *Police Records*, Vol. #34, 6-4-1841.

common prostitute.⁹² Marie Anne Joyalle, subject of at least four arrests for brothel-keeping between July of 1839 and October of 1840, was prosecuted for harbouring a policeman just six days after her final arrest for keeping a disorderly house.⁹³

One facet of this relationship involved prostitutes who acted as police informers. Ellen Turner notified a constable that she had been given a gift of coloured calico fabric by someone called Black. He told her that the cloth had been stolen from a store near St. François-Xavier Street.⁹⁴ Similarly Mary Ann Shadbolt, a notorious streetwalker, denounced shoemaker John Tubberty for knowingly purchasing stolen goods which on several occasions Shadbolt herself had disposed at his house.⁹⁵ When Private Jesse Keitley had his silver watch pinched by Mary Ann Green in a house near the Common Gaol, colleague Eliza Martin informed Captain Comeau that Green had confessed to her that she stole the watch.⁹⁶ Whether prostitutes were coerced into providing the information or did so for other reasons, the sources do not specify. However, a relationship between a prostitute and a policeman was crucial in order for an intelligence system to function. Prostitutes could also act as informers against the police.

Sometimes this "fraternization" went further when policemen surreptitiously sought out prostitutes for sex. Sub-constable Henry Garside went to a neighbourhood yard in order to privately communicate with a prostitute.⁹⁷ In February of 1842, Sub-

⁹²*Ibid.*, Vol. #31, 13-9-1842.

⁹³ANQM, *Register of the Police Court*, Vol. #5, 27-10-1840.

⁹⁴NA, RG4 B 14, *Police Records*, Vol. #55, 11-12-1839.

⁹⁵QSD, 11-12-1841.

⁹⁶QSD, 20-1-1840.

⁹⁷NA, RG4 B 14, *Police Records*, Vol. #32, 17-9-1842.

constable Patrick Gilliven was accused of committing "gross misconduct"⁹⁸ with women of ill fame in the street while on duty".⁹⁹ Similarly, Martin Lawler was caught at the Priest's Farm in the company of "unproper (sic) females".¹⁰⁰

While it is extremely difficult to know if policemen ignored the misdemeanours of streetwalkers with whom they consorted, depositions and police registers show that some of them had no history of prosecuting prostitutes as in the case of Sub-constables Corcoran or Gleeson. I could not identify a single deposition where Corcoran apprehended any known street prostitute. Patrick Corcoran prosecuted only one woman for being a loose, idle, and disorderly, namely Mary Spears, a woman whom he found in St. Paul Street disturbing the peace. She was allowed bail by the presiding justice to keep the peace for one month.¹⁰¹ Spears had two other arrests for the same offence but she was never identified in any of them as a prostitute. Henry Garside prosecuted streetwalkers during winter months only. He may have been motivated by humanitarian reasons when he arrested Mary Ann Green, Mary Love, and Jane Rogers, since they all had a history of homelessness.¹⁰² Similarly, Sub-constable Laurent Furgue arrested Caroline Jenkins, "a street walker, a common prostitute continually loitering about the streets at night" in January of 1842.¹⁰³ Furgue was probably protecting Mrs. Burland when he did not report a quarrel that

⁹⁸The term gross refers only to evident.

⁹⁹NA, RG4 B 14, *Police Records*, Vol. #32, 8-2-1842.

¹⁰⁰*Ibid.*, Vol. #56, 12-5-1840.

¹⁰¹QSD, 22-2-1841.

¹⁰²QSD, 15-3-1841; 24-2-1842; 15-12-1842; 20-12-1842.

¹⁰³QSD, 21-1-1842.

took place in her disorderly house.¹⁰⁴

Watchmen and policemen also consorted with madams and prostitutes in city brothels. Brothel-keepers offered policemen certain rewards such as food and drink. The January 1823 Grand Jury complained that watchmen received women of ill fame into their rooms for drinks, and regularly frequented brothels while on duty, where they passed the time drinking and dining instead of patrolling the streets.¹⁰⁵ In January of 1838 Widow Mary Burk complained in a deposition that Constable Richard Webb had come to her house and spent time there drinking liquor despite the fact that she had ordered him out of the house.¹⁰⁶ Two other policemen were reported for frequenting houses of ill-fame without justified cause. In one case, Sub-constable Charles Ellis was reported because he asked for liquor at one of the disorderly houses on his beat.¹⁰⁷ In the other case, Sub-constable John McPhee was caught in a local brothel, having left his beat without any apparent reason to do so.¹⁰⁸ Likewise, in February of 1839, brothel-keeper Modeste Guertin, wife of Jean-Baptiste Lefevre accused policeman William Moore of being in the habit of going to her house and forcing her to provide him with drink on threat of imprisoning all who lived with her. One weekend he evidently returned to her house accompanied by Ellen Turner described by Guertin as a "*fille d'un mauvais caractère*". Once again Moore compelled Guertin to give them food and drink. He threatened to come back to the house after he searched the rampart to take them to prison. Fearful of his

¹⁰⁴NA, RG 4 B14, *Police Records*, Vol. #64, 1-11-1841.

¹⁰⁵QSD, *Presentment of the Grand Jury*, 18-1-1823.

¹⁰⁶QSD, 13-1-1838.

¹⁰⁷NA, RG4 B 14, *Police Records*, Vol. #32, 1-8-1842.

¹⁰⁸*Ibid.*, 19-12-1841.

intimidations, Modeste Guertin took her children and left the house.¹⁰⁹ Guertin's experience with Moore demonstrates the power that some policemen exercised over others by taking advantage of their legal position. This form of extortion was similar to eighteenth-century England where it was alleged that parish constables visited brothel-keepers quarterly to demand both "hush money" and better behaviour.¹¹⁰

Some policemen wielded their power in other ways. In June of 1838 three constables, Thomas Grant, James Dunwoody, and William Bruce, were accused by widow Margaret Mitchell of breaking into brothel-keeper Francis Mullins'¹¹¹ house, where she occupied a room. Apparently, they disturbed the peace, frightened the inmates by their riotous behaviour, and threatened Mitchell's life.¹¹² In 1839 prostitute Adélaïde Dufresne accused Constable Thomas Webb of violently assaulting and hitting her. She also denounced him for regularly frequenting and passing the night at widow Josephine Raymond's brothel where she worked as a prostitute.¹¹³ Adélaïde Dufresne's silence about Webb's penchant for brothel life may have been part of a verbal or understood agreement which she seemed to have kept until he assaulted her. In other words, it is possible that Webb broke this code of silence by his assault and that she responded by becoming an informer. We do not know how Webb reacted to the complaint that Dufresne lodged against him but two days later they were travelling together in a *calèche* with Josephine Raymond and Abraham Burwell when another incident took place. While returning from Pointe aux

¹⁰⁹QSD, 26-2-1839.

¹¹⁰Corfield, "Walking the City Streets", note 101: 170.

¹¹¹Francis Mullins was married to Maria Mitchell, possibly Margaret's sister.

¹¹²QSD, 16-6-1838.

¹¹³QSD, 19-10-1839.

Trembles, Josephine Raymond was herself attacked by Abraham Burwell. According to Dufresne, Burwell had suddenly grabbed Raymond and threw her out of the *calèche*, where upon she sustained wounds to her head. When she tried to re-embark, he attempted to prevent her from climbing back into the *calèche*.¹¹⁴ Although the driver intervened, apparently Constable Webb did nothing.

More than likely, Raymond's relationship with Webb kept her safe from prosecution as a keeper of a disorderly house, but Webb could not protect her from future prosecution by other policemen. She and Dufresne were fined £5 each the following year for keeping a house of prostitution.¹¹⁵ Adélaïde Dufresne's only prior arrest had been in 1830¹¹⁶; her next arrest was at the end of 1841 in a brothel operated by François Campagna and his wife Félicité Lamontagne.¹¹⁷ Perhaps the relationship between Webb, Dufresne, and Raymond reflected the cost exacted by a city constable for his complicity in the sex trade. Despite these allegations, Constable Webb continued to serve as a police officer but never made it a practice to prosecute prostitutes. Following these two incidents he only arrested one known streetwalker, Mary Ann Bothwell¹¹⁸ and did not prosecute a single brothel-keeper.¹¹⁹

Other depositions provide a window into understanding what some of the actors came to expect from the arrangements they made together. When High

¹¹⁴QSD, 21-10-1839.

¹¹⁵QSD, 24-4-1840.

¹¹⁶QSD, 7-9-1830.

¹¹⁷QSD, 9-12-1841.

¹¹⁸QSD, 13-12-1839.

¹¹⁹Before these complaints, Constable Thomas Webb had apprehended at least thirteen street prostitutes and prosecuted one brothel-keeper.

Constable Adelphe Delisle discovered his son in Marguerite Jolicoeur's brothel she agreed to sell him her stove at a price far below its market value and to pay rent money he owed to someone else. In return, Delisle would guarantee her release from prison.¹²⁰ Although Jolicoeur claimed that Delisle had the charges dropped because of their accord, in actual fact a true bill was found, Delisle testified against her but she was acquitted.¹²¹ While it is unclear why Jolicoeur proceeded to prosecute Delisle for extortion, she may have decided to inform on him when he testified against her. In all likelihood Adelphe Delisle was untouched by Marguerite Jolicoeur's accusation since he remained High Constable until his death.

Some policemen felt entitled to certain benefits, from food and drink to sexual favours from prostitutes. Mrs. Burland who kept a house of ill fame, accused Sub-constable Gilteman of going into her yard while on duty, and "laying hold of her and kissed her".¹²² Some frequented brothels as clients. Constable Hypolite Jérémie, who had himself been arrested in a brothel in 1837, discovered a former policeman by the name of Duval in bed with a prostitute when he raided Ellen Ross' brothel in 1841.¹²³ Only three months earlier, Constable O'Neill had reported Sub-constable François Duval for being in a disorderly house located in St. Constant Street.¹²⁴ Some used the brothels for other illicit activities as in the case of Watchman Grenier. In November of 1834, Mary Ann Dunn, daughter of brothel-keepers Jane Rogers and

¹²⁰KBD, 27-8-1825.

¹²¹QSD, 27-8-1825.

¹²²NA, RG4 B 14, *Police Records*, Vol. #64, 7-2-1842.

¹²³QSD, 27-12-1841.

¹²⁴NA, RG4 B 14, *Police Records*, Vol. #34, 13-4-1841.

William Dunn, accused him of concealing stolen articles at her mother's house.¹²⁵

At least two policemen were accused of keeping disorderly houses. In 1815, Michael Souther who was a city constable at the time of his arrest, was apprehended for keeping a disorderly house in the St. Lawrence suburb along with Marie Metotte. After a number of trial postponements, no verdict was ever reached.¹²⁶ However, Souther was not reappointed as a substitute constable that following October.¹²⁷ In December of 1839, Widow Adélaide Déganne and Jean Vincent accused William Wilks, a city policeman of keeping a brothel on the first floor of a house that they occupied.¹²⁸ Apparently the deposition was never acted upon.

Policemen, usually sub-constables, paid a heavy cost if caught by their superiors consorting with prostitutes. Police registers show that most were immediately dismissed from the force. While it is impossible to determine how many were actually suspended for involvement in the sex trade, more than likely it only affected a small percentage. Sub-constable Patrick Gilliven who was discharged for associating with prostitutes ceremoniously had the number on his coat and cap removed and his boots and mittens returned.¹²⁹ And as we have already seen, Constable Michael Souther was not rehired after he was charged with keeping a disorderly house. When Constable Denis Dowde failed to recognize a vagrant he was ordered to saw a cord of wood as extra duty for this dereliction of duty. While the Inspector ordered that anyone not recognizing vagrants in future would be dismissed

¹²⁵QSD, 13-11-1834.

¹²⁶QSR, 19-7-1815 and 2-10-1815. Souther defaulted at both the July and October sessions; a verdict was never reached.

¹²⁷Fyson, *Criminal Justice, Civil Society*: 226.

¹²⁸QSD, 9-12-1839.

¹²⁹NA, RG4 B 14, *Police Records*, Vol. #31, 8-2-1842.

from the force,¹³⁰ a month later, Sub-constable Michel Gannon was given four hours of extra duty for his negligence.¹³¹

Others in the criminal justice system acted with impunity. Official involvement in prostitution reached into the upper echelons of the police and touched the court itself. Both the Crier of the Court and the High Constable were accused by the Grand Jury of complicity with prostitution. According to evidence presented to the October 1838 Grand Jury, Angélique Leclaire operated a brothel in a part of a house owned and inhabited by the Crier of the Court. It was reported that he "is at all times ready to protect the inmates". Although the High Constable had made a concerted effort to close houses of ill fame, he admitted that he knew about Leclaire's brothel but did not do anything about it.¹³² Similarly, High Constable Jacob Marsten was accused of knowingly leasing several of his homes to brothel-keepers and common prostitutes. The story came to light when Jean Lebeau was committed to trial on the charge of assaulting Marsten while executing his duty. Two witnesses, Antoine Delaunay and François-Xavier Poitras, claimed that Marsten quelled a riot in a house where he permitted common prostitutes Fanny and Elizabeth Proulx to live. He rented another house to a Renois who was reputed to keep a brothel. Lebeau was found not guilty.¹³³

There was another side to policing in Montreal: policemen provided shelter to homeless streetwalkers and female vagrants. Many of the women who requested overnight lodging from the cold weather at the local watch house or station house were accommodated. In December of 1836, Ann Hayes "*une femme de mauvaise*

¹³⁰*Ibid.*, 3-9-1840.

¹³¹*Ibid.*, 13-10-1840.

¹³²QSR, 30-10-1838.

¹³³NA, MG24 B 173, James Reid Papers, Vol. #3, 19-2-1819.

vie" was brought to the Watch House for wandering in the streets. She asked for overnight lodging which was provided "*à sa pressante sollicitation*"; she spent the night in the Black Hole.¹³⁴ Elizabeth Dunn, who had been accorded lodging in the Black Hole on numerous occasions, ensured that her appeal would be granted when she brought a certificate from Father Phelan requesting shelter for her.¹³⁵ Caroline Miller, alias Peggie Conelier or Caroline Dollar, an ex-penitent of the Magdalene Asylum, was permitted to pass the night in the Black Hole at her request.¹³⁶ The 1841 Grand Jury of the Court of Queen's Bench recommended better accommodation for prisoners confined at the city's police stations which were beset by overcrowding and poor ventilation.¹³⁷ My own figures show that the numbers of women arrested for prostitution were relatively high that year.

Montreal policemen arrested homeless streetwalkers they feared would perish in the streets for want of food and lodging, especially during the winter months when they were most susceptible to cold and hunger. In November 1820, Elizabeth Durand, Margaret Atkinson, and Jane Graham were committed to the Common Gaol as loose, idle, and disorderly and common prostitutes because they were in "great danger of perishing upon the public street for want of sustenance".¹³⁸ Before the implementation of printed forms in 1837, depositions against common prostitutes show that at least seventy-one of these homeless women were apprehended for these reasons. Constables like Louis Malo, declared in court depositions that streetwalkers

¹³⁴NA, RG4 B14, *Police Records*, Vol. #38, 12-12-1836.

¹³⁵*Ibid.*, 24-2-1837.

¹³⁶*Ibid.*, 22-2-1837.

¹³⁷*Montreal Transcript*, 14-9-1841.

¹³⁸QSD, *Calendar of the Common Gaol*, 4-11-1820.

and vagrant women risked death if they were not accommodated in the local prison:

Louis Malo, connétable de Montréal, dépose & dit qu'il connaît Emelie Gauthier, Marie Gagnier, Eliza Lewis & Jane Hicks tous de la cité de Montreal, pour des vagabondes & des filles de mauvaise vie, n'ayant aucune asile fixe, ni aucun moyens honnêtes de gagner leur vie, qu'enfin elles sont exposées à mourir de faim & de froid si elles continuent à courir (?) dans les rues.¹³⁹

Police registers disclose that this practice of providing shelter to street prostitutes continued throughout the late 1830s and early 1840s. Magdeleine McDonald was brought to the watch house by four watchmen in late December of 1836. She was described by one of the watchmen being "*dans un état pitoyable et alarmant*" found drunk in an inn near the St. Anne's Market during cold, snowy weather.¹⁴⁰ Three months later she was once again escorted to the watch house. This time a watchman commented that "it would be well to have her committed to jail as a vagrant".¹⁴¹

This paternalism suggests some sort of tacit understanding of the economic realities that these women faced. Nicholas Rogers, in his study of vagrancy in eighteenth-century London, argues that magistrates were cognizant of women's vulnerable economic circumstances which they took into consideration when rendering judgements.¹⁴² Moreover, their familiarity with prison enabled women to understand the criminal justice system and bend it to meet some of their needs. Some were not afraid to go to the police or magistrate and ask to be sent to prison.¹⁴³

¹³⁹QSD, 12-3-1832.

¹⁴⁰NA, RG4 B14, *Police Records*, Vol. #38, 18-12-1836.

¹⁴¹*Ibid.*, 2-3-1837.

¹⁴²Rogers, "Policing the Poor": 136-137.

¹⁴³Price, "Raise in Rockhead": 221.

Prostitutes used a variety of threats or committed petty crimes to gain admission to the local prison. Policemen knew the real motivations behind the threats, and often colluded. When Eleonore Galarneau, Catherine Corkan, Mary Boyle and Sarah Kennedy threatened to break the windows at the Palais de Justice, if their request for imprisonment was denied, Louis Malo maintained that these women risked perishing from cold and hunger if they were not jailed.¹⁴⁴ Mary Ann Mark also threatened to break windows at the Palais de Justice for the same reason. A servant at the court house, Peter McPherson believed that she would carry out her threats unless imprisoned.¹⁴⁵ He probably knew that just one year earlier, she had been arrested and jailed when she actually broke court house windows.¹⁴⁶ Three days after Mark's arrest, Sophie St. Onge requested confinement in the Common Gaol because of inadequate clothing:

She has come this day to the Court House suffering for want of sufficient apparel and that as she has requested to be confined in the Common Gaol, the deponent testifies that committing her to the same would be much to her favour and for the public surety.¹⁴⁷

One woman who was imprisoned in the Common Gaol, admitted to members of an 1836 Grand Jury that she had pleaded guilty to crimes which she had not committed, in order to gain admission to the local jail.¹⁴⁸ Two cases of theft were perpetrated by individuals who wanted to be committed to prison where they could

¹⁴⁴QSD, 20-1-1836.

¹⁴⁵QSD, 20-1-1836.

¹⁴⁶QSD, 15-4-1835.

¹⁴⁷QSD, 18-4-1835.

¹⁴⁸QSD, *Presentment of the Grand Jury*, 19-7-1836.

at least escape the harshness of winter and receive food and shelter.¹⁴⁹ That some of these women were indigent is clearly evident in the case of five women who were committed to the House of Correction in 1822. Isabelle Norwood, Peggy Bageley, Margaret Campagneau, Marie Baby, and Marguerite Marteau needed an order from the court to be discharged since they could not be brought up to the court due to their almost naked state.¹⁵⁰

Some women even petitioned for an extension of their sentences from their prison cells. In January of 1825, "several female culprits" who feared being discharged from the House of Correction during the winter, requested the magistrates delay their release. Sometimes the request was made by another party. When prostitute Bridget Carthy was incarcerated in the Common Gaol in November of 1832 after being discovered by Constable Ignace Hodossi "*dans un état déplorable*",¹⁵¹ the keeper of the Common Gaol requested that her sentence be extended. According to the deposition, she had been undergoing a course of medical treatment that if terminated and she was released meant, "she would be exposed to instant death".¹⁵²

As we have already seen in Chapter III, similar compassion was shown to Lydia Corneille, who on her death bed, received wine and beer at the infirmary of the Common Gaol.¹⁵³

That is not to say that all streetwalkers were treated in this paternalistic manner. Policemen did not provide what historians of police refer to as social

¹⁴⁹QSD, *Presentment of the Grand Jury*, 19-1-1843.

¹⁵⁰QSD, *Calendar of the House of Correction*, 16-4-1822.

¹⁵¹QSD, 7-11-1832.

¹⁵²QSD, 21-1-1833.

¹⁵³ANQM, *Coroner's Report*, 24-11-1842.

welfare consistently to everyone in need. There were several incidents over the period when homeless women, many of them street prostitutes, were found dead in the public spaces of the city, sometimes after being released from prison. In late November 1823 a woman, whose name was unknown, was discovered frozen to death in a field near the Quebec suburb.¹⁵⁴ We already met Mary Beers who died from hypothermia in February 1842 shortly after being released from the Common Gaol with no place to go.¹⁵⁵ Similarly, Mary Ann Bothwell was found frozen to death in a snow bank, three days after being discharged from the Common Gaol. Bothwell fell asleep while intoxicated and succumbed to the cold.¹⁵⁶ One woman who had been liberated from jail in December 1841 after having served her sentence, was discovered the next night lying drunk in a court yard, her clothes frozen to the ground as were both of her lower legs and feet. She was recommitted to prison where she received medical treatment for "black and greatly swollen" extremities.¹⁵⁷ In other instances, street prostitutes had their sentences extended several additional months for no apparent reason. Elizabeth Cadoret who had been confined in 1812 in the House of Correction for being an incorrigible vagabond, spent an additional three months in this penal institution when she was brought up before the justice of the peace.¹⁵⁸

Turning to these institutions as a method of subsistence caused some ire amongst city notables and newspaper editorialists. An editorial in the *Gazette*

¹⁵⁴*Gazette*, 29-11-1823.

¹⁵⁵NA, RG4 B 14, *Police Records*, Vol. #54, 20-2-1842.

¹⁵⁶ANQM, *Coroner's Report*, 2-2-1841.

¹⁵⁷*Montreal Transcript*, 21-12-1841.

¹⁵⁸QSR, 17-1-1812.

expressed outrage that the House of Correction could no longer serve as a deterrence to crime, instead "it becomes an incentive to vice".¹⁵⁹ Fourteen years later the same complaint was voiced by an 1839 Grand Jury. It expressed apprehension about the effectiveness of the punishment meted out by the courts; jurors argued that its inadequacy could not possibly lead to crime prevention because for many prisoners, confinement was not felt as a punishment:

It was stated that the present inmates of the prison particularly in the female wards, were with few exceptions old offenders. Some of whom had been repeatedly committed and that it was not uncommon to have the same persons again in custody a few days and even hours after their discharge acknowledging that they had committed the offense for whom they had been taken up on purpose to return to their present quarters.¹⁶⁰

Douglas Borthwick expressed the view that the Montreal prison was associated with "easy times and good food and lodging" and thus encouraged criminal activity.¹⁶¹ The *Montreal Herald* referred to the Common Gaol as "Captain Holland's Hotel" where vagabonds were supported by the community without any amelioration of their criminal activity.¹⁶² These emotional outbursts contrast sharply with descriptions made by grand juries who regularly visited the House of Correction and Common Gaol.

Conditions in the Common Gaol were extraordinarily harsh. There were chronic problems of overcrowding, vermin, poor ventilation, and inadequate heating. Broken window panes during the winter months were a frequent complaint which was

¹⁵⁹*Gazette*, 22-1-1825.

¹⁶⁰QSR, 30-4-1839.

¹⁶¹Douglas J. Borthwick, *History of the Montreal Prison from A.D. 1784 to A.D. 1886* (Montreal, 1886): 10.

¹⁶²Reprinted in the *Gazette*, 24-3-1836.

complicated by the inadequate clothing of prisoners. Many were imprisoned "almost naked" and could not be discharged during the winter months from the institution when their sentences expired because of the state of their clothing;¹⁶³ others sold their wearing apparel to purchase food. The diet consisted of bread, potatoes, and water through the week, with meat added on Sundays and holidays. One Grand Jury recommended that the daily diet of one and a half pounds of bread and two pounds of potatoes for prisoners kept at hard labour was insufficient.¹⁶⁴ Conditions were not much better in the House of Corrections:

Le Grand Jury ne peut s'empêcher de compâtrir sur le sort (sic) de ces personnes, qui pour mauvaise vie ou autre faute son (sic) renfermées dans la maison de correction, elles n'ont pas la moindre chose pour se reposer pendant la nuit, pas même une paille, & elles couchent sur un plancher plus dur encore que la terre, ce qui, dans une saison aussi rigoureuse que celle-ci, doit augmenter de beaucoup leur maux & être extrêmement contraire à leur santé.¹⁶⁵

Even the local prison did not provide adequate shelter; sometimes inmates died there from exposure to the cold. Following the death of a vagrant man in the House of Correction, the *Gazette* criticized the institution for the dilapidated state of the cells which resulted in the man's demise. According to the Coroner, the rooms in the House of Correction were unfit for human habitation: a number of the windows and sashes had been broken. One editorialist blamed the state of disrepair on the Legislature's refusal to grant funds to maintain the building and its overuse as a "House of Correction, Penitentiary, Lunatic Asylum, Magdalene Asylum, Poor House and Lying in Hospital".¹⁶⁶

¹⁶³QSD, *Presentment of Grand Jury*, 18-1-1840.

¹⁶⁴*Montreal Transcript*, 14-9-1841.

¹⁶⁵QSR, 19-1-1821.

¹⁶⁶*Gazette*, 12-2-1827.

One grand jury suggested that to counter those who used the prison system for food and shelter an institution was needed where "real and deserving objects of charity might be relieved, habits of industry formed, and those of dissipation and crime prevented".¹⁶⁷ Obviously the jurors were unable to reconcile the blatant contradiction in this recommendation: the very women who most depended upon the prison in this manner were prostitutes and female vagrants whom these men did not view as "deserving". Thus, such an institution would not solve the problems of homelessness nor diminish or rid the city of prostitution.

CONCLUSION:

The prostitute and the policeman confronted each other in a variety of locales: in the brothel, on the street, and in other public spaces around the city. These confrontations encouraged relationships which were constructed in a number of different ways. In some cases prostitutes and policemen developed friendships. Sometimes prostitutes were given assistance in the form of shelter, food and medical care, at other times they might exchange information. More often than not, their encounter led to arrest. The constabulary and watch could be coercive, demanding food and drink in brothels, exacting payoffs for special favours, or they might be directly involved in prostitution as clients and brothel-keepers. While the number of incidents was small, they present a window into aspects of policing that could be viewed not only as illicit but also as paternalistic and controlling. Police participation in prostitution was part of a larger picture in which watchmen and policemen were involved in other forms of corruption, and displayed a lack of concern about their deportment. Many of them were disciplined for being drunk and asleep at or deserting their posts. This also shows how close their life style was to that of the prostitutes.

Thus, a prostitute's relationship with city police could be crucial to her very

¹⁶⁷QSD, *Presentment of the Grand Jury*, 19-1-1843.

survival, affect her rate of incarceration, and be useful in prosecuting others. Moreover, Montreal policemen and prostitutes accommodated each other in a host of different ways: prostitutes befriended policemen, gave them food and drink, and acted as informers; policemen provided prostitutes with shelter and protection. On the other side, policemen targeted street prostitutes, a labour intensive act which served to regulate the public space of the city. When the police force was reorganized in the late 1830s, the number of constables increased significantly and methods of patrolling changed. Consequently, the aggregate number of women charged with vagrancy and being loose, idle, and disorderly, under which offences streetwalkers were apprehended, rose dramatically. When the police force was reduced in 1841, the levels began to fall. Similarly, arrest levels of persons charged with brothel-related offences dropped after 1840.

In the next chapter, we will trace the final steps of a prostitute's journey through the criminal justice system, that of her court appearance and punishment. Like the complexity of her relationship with city policemen, a prostitute's association to the criminal justice system could be equally complex and unequal. Not only were prostitutes the subject of prosecution for prostitution-related offences, they turned to the system to lay an array of charges against others, particularly men.

CHAPTER VI

THE CRIMINAL JUSTICE SYSTEM: PROSTITUTES WHO USED THE COURTS AND THE COURTS WHICH PUNISHED THE PROSTITUTES

Between 1838 and 1842, Magdeleine Couture was apprehended at least twenty-seven times for prostitution, vagrancy, and being loose, idle, and disorderly. Her sentences ranged from fifteen days to two months. The daughter of the late Germain Couture and Magdeleine McDonald, she probably started working as a prostitute when her mother, also a prostitute, introduced her to the Montreal sex trade. Magdeleine the elder had first been arrested for prostitution two years earlier in 1836. On four different occasions, mother and daughter were arrested together in city brothels and once on the streets. Magdeleine's contact with the criminal justice system was not limited to prostitution: she was also charged with larceny on at least three occasions and once for assault and battery. In October 1839, she was sentenced to three months in the House of Correction for stealing a watch and a quantity of money from Joseph Dodds while he lay drunk on the city wharf.¹ All told, Magdeleine was charged at least thirty-one times over a four year period and surely represented a good example of a recidivist or repeat offender.

Members of the Grand Jury who were distressed over how best to punish offenders like Magdeleine Couture, debated the type and purpose of incarceration in

¹QSD, 21-10-1839.

their reports. As in England, where the competing demands of those from the two camps, reform and deterrence, created fundamental tensions within penal reform,² Montreal grand juries seemed to vacillate between these two approaches.³ Sometimes they argued that punishment had to be harsh in order to serve as a deterrence to crime.⁴ At other times they asserted that incarceration had to rehabilitate the morals of the offenders by inculcating them with sobriety,⁵ industry, discipline, and Christian values.

These shifting opinions indicated the level of anxiety and frustration elites felt

²Zedner, *Women, Crime, and Custody*: 3.

³It is extraordinarily difficult and beyond the scope of this study to differentiate the members of the grand juries with respect to who advocated for deterrence or for rehabilitation. No studies exist on grand juries in British North America. However, local newspapers seemed to support both approaches. For instance, in the 1820s, the *Herald* advocated measures which bolstered both the rehabilitative and deterrence models.

⁴Advocates of the more conservative vision supported the old maxim "that the certainty of punishment was the best surety against the increase of crime". Critical of the courts which they believed were prevented from "rendering the punishment of the law upon criminals as certain as their conviction" they suggested that the courts should look to the British model to improve the current system. (*Montreal Herald*, 12-3-1825) They also clamoured successfully for the installation of a stepping wheel or treading mill. The House of Assembly appropriated £500 for one. (*Ibid.*, 22-2-1823) One newspaper editorial supported a Grand Jury's demand for the erection of such a device so as to "diminish offences of a petty nature, and to free the province from the expenses of trial and support of many who find the Gaol a comfortable residence". (*Ibid.*, 17-9-1823) If some people could not be deterred from committing crimes, then, at the very least, prisoners should not be a burden on the community. They promoted industry that would diminish the cost of incarceration such as the picking of oakum in the House of Correction or the breaking of stones which could yield a profit. Some Grand Juries recommended that prisoners be employed in public works projects like the building of roads or canals. (KBD, *Presentment of the Grand Jury*, 10-3-1827)

⁵James Buckingham's description of the location of Montreal's new jail seems to succinctly address how city notables viewed alcohol consumption and its relationship to vice.

"It seems appropriately placed between two large distilleries, the manufactories of that liquid poison, which makes the greatest number of debtors and criminals and is overlooked by the barracks of the soldiers, whose services are often rendered more necessary to suppress riots and insurrections from the drinking that demoralizes men, and makes them dishonest, disorderly, and disloyal, in turns."

(*Canada, Nova Scotia*: 130)

trying to turn the tide of what they perceived to be ever rising numbers of people committing crimes. As we saw in the previous chapter, it also reflected their view that the police were incapable of effectively regulating society and in particular, the sex trade. Similar shifts were noted in elite discourse concerning the abolition or regulation of brothel-keeping and street prostitution. The question, then, of what to do about the soaring numbers of women who were arrested for prostitution-related crimes and vagrancy is crucial to this chapter. Their search for an effective formula to halt crime rates is reflected in the substance of the discourse about punishment. The context of this discourse can only be understood by first of all identifying the numerous actors involved in the legal process: the sex trade workers, the prosecutors who turned to the criminal justice system to lodge complaints of prostitution, the juries who determined the guilt or innocence of the defendants, and the justices who sat in the courts and pronounced sentences. And secondly, it can only be understood by acknowledging the complexity of these relationships.

In this chapter, I argue that prostitutes interacted with the criminal justice system in a number of different ways. They turned to the same courts that judged them in order to lay charges against others. Prostitutes were also charged with a cornucopia of other offences, usually larceny, sometimes assault and battery, and very occasionally murder. When they were the defendants in cases involving keeping disorderly houses, they expected to be treated fairly and legally by the Court of Quarter Sessions. Sometimes they pleaded guilty to the charge and avoided a trial; usually they launched some sort of defense either by calling their own witnesses, or by delaying the court case until witnesses for the crown did not appear. Streetwalkers on the other hand were judged summarily, thus they had little opportunity to argue their case and were almost always found guilty. Those convicted of prostitution underwent some form of punishment, be it incarceration, the pillory, carting, or leaving town. The focus of much debate in Grand Jury reports and in local newspapers, punishment altered significantly over the period: some forms of retribution disappeared and the length of sentences decreased.

Grand jurors and newspaper editors might well have had Magdeleine Couture,

whom we met at the beginning of the chapter, in mind when they considered punishment. Those grand juries favouring deterrence would have contended that only harsh retribution would avert her recidivism. Those grand juries preferring rehabilitation would have argued that Magdeleine needed to be taught habits of industry and a way to earn a respectable living. They might also have claimed had she been separated from the hardened criminals in 1838 perhaps even from her own mother, she might have been spared the negative influences that continued to haunt her life in 1842.⁶ In the end, however, punishment incorporated aspects of both the deterrence and rehabilitative approaches.

The focus of this chapter will be on the intricate relationship between the prostitutes, the courts, and the community. I will begin by examining how prostitutes used the courts by laying charges against others. Next, I will study sentencing patterns and show how they altered over the three periods and between the two groups of prostitutes. Finally, I will examine what punishment consisted of and what it meant for women.

MONTREAL PROSTITUTES AND THEIR EMPLOYMENT OF THE CRIMINAL JUSTICE SYSTEM:

We saw in the previous chapter that Montreal prostitutes were subjected to police harassment at the same time that they discovered ways to manoeuvre within the criminal justice system to meet some of their survival needs and assert themselves against the abuse that they encountered. Their utilization of the criminal justice

⁶Rehabilitation advocates promoted the classification of prisoners and separation of the men from women, and the neophyte from the hardened criminal as fundamental to the moral uplifting of the prisoners. Much discourse focused on this theme. An 1825 Grand Jury described the Common Gaol as "a hot-bed of vice and immorality" rather than a place of solitary confinement as it was suppose to be. (*Gazette*, 12-3-1825) The *Gazette* published a story describing a twelve year old girl who had been apprehended for theft and while in prison was companion to "the very dregs of the female population of the city". The magistrates sentenced her to only twenty-four hours of confinement deeming it better for her to be outside the prison walls away from such "abandoned characters" than to undergo a longer sentence. (*Ibid.*, 14-1-1836) It was thought that young women, exposed to hardened criminal types, left prison "corrupted and demoralised beyond all hope of redemption". (*Ibid.*, 14-9-1841)

system has been noted elsewhere. In Halifax for instance, Jane Price shows in her study of female petty criminals that they had some control over their interactions with the authorities. Prostitutes there were acquainted with members of the small police force, and with magistrates whom they encountered in court.⁷ Similarly, Judith Fingard argues that Halifax prostitutes expected fair trials and were not automatically convicted just because they were known to be prostitutes. Sometimes women would protest if they were prosecuted because of previous convictions or reputation, rather than on the basis of real evidence.⁸

There are numerous examples in Montreal court cases where prostitutes affirmed their rights to a fair trial even though they were rarely successful in this endeavour. It might be the simple act of pleading not guilty in summary trials as in the case of notorious recidivist Mary Ann Green who pleaded not guilty to Police Magistrate P.E. Leclerc in July 1838. She was convicted on evidence given by High Constable Benjamin Delisle and committed to prison for two months.⁹ Catherine McDonald made the same plea but was eventually confined in the Common Gaol for a month on the affidavit of William Brown.¹⁰ It could be a more complex set of acts. Rosalie Laprise argued in a motion dated October 23, 1834 that she was not ready to proceed with her trial set for the next day. Apparently, two of the witnesses crucial to her defense had left for Upper Canada and would not return to Montreal for at least two weeks or more. She argued that they would be able to clear her of

⁷Price, "Raised in Rockhead": 220.

⁸Fingard, *The Dark Side*: 112.

⁹ANQM, *Police Court Register*, Vol. #1, 16-7-1838.

¹⁰*Ibid.*, 13-7-1838.

any guilt in the charge of keeping a disorderly house.¹¹ In another instance, Angel Galarneau argued that her name was not Angélique Galarneau as laid out in an indictment dated July 16, 1831. Nevertheless, she was eventually found guilty of keeping a disorderly house and sentenced to three months in the Common Gaol.¹²

Some people challenged the legality of decisions made by the court. Joseph Perrault and Marie Anne Tellier, both charged with keeping a disorderly house, were found guilty of a breach of the peace, keeping a disorderly house, and being a nuisance to the neighbourhood, but not guilty of keeping a brothel. Before the judgement was rendered, they argued that the indictment should be stopped for the following reasons: first, the bill of indictment was insufficient, defective, and uncertain; secondly, the verdict was irregular, insufficient, contradictory, repugnant, and contrary to the charge or accusation against them; and thirdly, the verdict rendered was contrary to the indictment and contrary to the law and moreover, rendered in an illegal manner and not before the court or a competent tribunal. Despite their challenge, they were each fined £5 and committed to the Common Gaol until the penalties were paid.¹³

Notwithstanding their reputations and history of arrests¹⁴, Montreal brothel

¹¹QSD, 23-10-1834.

¹²QSR, 18-7-1831, 27-10-1831.

¹³QSR, 24-4-1820, 27-4-1820, 29-4-1820.

¹⁴In addition to collecting data from every affidavit and indictment involving prostitution, I also included information about crime committed by or against women. Consequently, I have supplementary details about prostitutes who were arrested for reasons other than prostitution. Some of their names appeared in court records for assault and battery, petty and grand larceny, possession of stolen goods, and rioting. Men often prosecuted prostitutes as in the case of Emelie Millet who was accused of carrying tools into the Common Gaol to enable prisoners to escape. A prisoner by the name of Johnson complained that he had given her money to purchase the tools but she apparently bought a pair of boots instead. (QSD, 30-10-1826) Sergeant William McKay of the 70th Regiment accused Mary Molloy "a vagrant and a woman of dissolute habits" of enticing John Hunter to desert. Molloy and Hunter got as far as Laprairie before they were apprehended. (QSD, 8-7-1824)

prostitutes and madames were not automatically assumed to be guilty and judged accordingly by the magistrates. Mary Ann Green for example was discharged by a justice of the peace from jail nine days after being apprehended for keeping a disorderly house despite her three previous convictions for prostitution.¹⁵ Being an egregious streetwalker, her discharge suggests that the law governing brothel-keeping was carefully followed by the justices. The laws that applied to street prostitution

Prostitutes were usually accused of larceny. While some of the charges most likely resulted after clients paid prostitutes with goods rather than cash, the number of complaints, charges, and guilty verdicts involving prostitutes in this crime suggests that stealing was part of the culture of the brothel and the street. Similarly, in early modern England, historian Garthine Walker contends that women who were charged with larceny seem to have been implicated in a female culture of dishonest activity. ("Women, theft and the world of stolen goods" in *Women, Crime and the Courts*: 85) In Montreal, numerous allegations of theft were lodged against prostitutes who worked the streets. Bridget Howe and Mary Jane Davidson were indicted for stealing two silver spoons belonging to the mess of the 71st regiment. (ANQM, *Register of the Police Court*, Vol. #1, 16-7-1838) Small valuable objects like silver watches, which were easy to hide, were a prime target. Private Jesse Keitley found his encounter with Mary Ann Green and her companion Eliza Martin more expensive than he bargained for. After meeting in a house near the Common Gaol where they imbibed from nine o'clock in the morning until three in the afternoon, Keitley had his silver watch cut from his jacket and stolen. Apparently Green had stolen the watch and concealed it on her person. (QSD, 20-1-1840)

Brothels were a common site for theft as John Sparling found out one August morning in 1837. He had his silver watch, silk guard, and small brass key stolen after he fell asleep at Mrs. Davidson's disorderly house. (QSD, 9-8-1837) Similarly, an American client who had accompanied Félicité Bleau to a city brothel, woke up the next morning to discover that some bank notes were missing. The Bleau sisters admitted to the police that they had committed the robbery. (QSD, 18-2-1839) It is likely that in Montreal, as in Paris, only a small percentage of thefts involving prostitutes were actually reported to the police. Some clients may have been reluctant to approach the authorities or they may have resorted to extra-legal methods to settle the problem. Jill Harsin reports that in Paris in the same period, most incidents were settled informally. Like Montreal, thefts of easily concealed valuable objects such as money predominated, followed by watches, miscellaneous small items, and jewellery. (Harsin, *Crime, Poverty & Prostitution*: 112-114)

Sometimes brothel-keepers dabbled in related forms of larceny such as receiving stolen goods. Elisabeth Marcotte and Joseph Moses, who was eventually transported with his brother Augustin to Bermuda in 1828, were both charged and found guilty of being accessories to theft and receiving stolen property. (*Montreal Herald*, 21-4-1824) Occasionally street prostitutes, usually accompanied by soldiers, were charged with highway robbery. In 1829, pedlar James Smith accused prostitutes Betsey Robertson and Eliza Martin of highway robbery after they accosted him while he was passing through the *Champs de mars*. Apparently two soldiers asked Smith for money and when he refused, he was pushed to the ground. Robertson and Martin pinned him down, rifled through his pockets, and took his purse containing bank notes and change valued at \$10.00. (QSD, 8-9-1829) Betsey Lafranchise and Adélaïde St. André were accused of stealing ten loaves of bread from John Tassie who was at the time delivering bread to the house of George Shepard on Craig Street. (QSD, 27-11-1835)

¹⁵ANQM, *Registre de prison*, Vol. #3, 20-6-1836.

and vagrancy did not garner the same meticulous application. Since streetwalkers were convicted on the word of a policeman and the conviction of the presiding magistrate, reputation played a crucial role in sentencing.

For those women and men who were found guilty and sentenced, another legal avenue was available to them in the form of requests to the Governor General for clemency. Clemency applications¹⁶ were indeed utilized by prostitutes in Montreal, Quebec City, and Three Rivers. In the few cases where the Governor General's decision was recorded by his staff, the women's petitions were unsuccessful. Sometimes brothel-keepers based their appeal for pardon on the argument that they were innocent of the conviction, as in the case of widow Angelica St. Claire alias Angélique Leclaire. She asserted that the accusation was "totally false" and that she could prove she "had no inmates in my House For the last seven Months as I am A poor Widow without Friends or Property".¹⁷ Now and then, women contended that there were extenuating circumstances for their false conviction for prostitution-related offences. Marie Pilote, arrested in a raid on Angélique Bouchard's brothel and sentenced to six months of hard labour in the House of Correction for keeping a disorderly house, argued that she was an innocent bystander in the whole affair. Being out of work as a servant, she "had remained in a house kept and owned by Angel Bouchard". Moreover, her "character had never been impeached (sic)" and that she had always supported herself industriously. Gaoler John Jeffery bolstered her application for pardon by writing a letter recounting to the authorities that her behaviour was beyond reproach, "conducting herself in the most correct manner since her imprisonment" and informing them that she had arranged a position in service

¹⁶I am grateful to Patricia Kennedy at the National Archives in Ottawa for sharing this data with me.

¹⁷NA, RG4, B 20, *Applications and Recommendations for Clemency*, Vol. #17, 18-12-1832.

with a previous employer.¹⁸ On other occasions, women implored that they were widows with very young children as in the case of Charlotte L'Heureux from Quebec City. Found guilty of brothel-keeping, and sentenced to six months at hard labour, she cited that her husband had died eight years ago rendering her the sole support of young children. After serving half of her sentence, L'Heureux requested clemency in order to look after them.¹⁹ Sometimes a prostitute admitted to her mistakes, vowing to quit the sex trade and become "virtuous". Another Quebec City prostitute, Margaret Rainbow described herself as "a poor misguided female" who was apprehended as a boarder in a disorderly house and sentenced to six months. Gone astray "through the arts of seduction" she planned to redeem her reputation by living with her father, a respectable mechanic in the city.²⁰

Prostitutes also employed the lower courts to resolve conflicts. They resorted to the very same courts that punished them, in order to prosecute others. Thus, the relationships between prostitutes, the court, and the community were multifaceted. Prostitutes had depositions drawn up accusing men and women of assault and battery, larceny, disturbing the peace, operating brothels, rioting, and sexual assault. In Montreal as elsewhere, brothel-keepers, their prostitutes, and streetwalkers turned to the criminal justice system to protect themselves, their property, and their businesses. In New York, prostitutes summoned the city's policing agencies when attacked.

Shrewdly bringing legal proceedings against their aggressors, prostitutes utilized the machinery of the state to defend their interests and property rights, firmly entrenching their profession in the social fabric of the metropolis.²¹

¹⁸*Ibid*, Vol. #16, 24-2-1831.

¹⁹*Ibid*, Vol. #17, 29-12-1832.

²⁰*Ibid*, Vol. #20, 5-11-1836.

²¹Gilfoyle, *City of Eros*: 82.

Thus, prostitutes exhibited agency by exercising their rights as community members to seek legal recourse for wrongs committed against them.²²

In Montreal, court depositions for threats, rioting, and assault and battery also disclosed the unequal power relationship between prostitutes and the men in their lives. Some of these women swore out depositions against husbands, lovers, clients, or male strangers whom they accused of attacking them. Marie Euphrosine Forget denounced her husband, André Thibault for spousal abuse "*depuis plusieurs années*".²³ Brothel-keeper Mary Ann Burns prosecuted William Flynn and Charles Laberge for cruelly assaulting her in Lucie Rolland's brothel. When Rolland herself grabbed a pair of iron tongs, Burns left the house and returned home, fearful that "it will be morally impossible for her with safety to discharge her affairs in the city".²⁴ Sometimes prostitutes accused men of assaults they had made on others. Sarah Turner who worked in Josephine Raymond's brothel, prosecuted Abraham Burwell for beating her employer. Burwell who had a history of assaulting Josephine Raymond, apparently went to her bed, forcefully pulled her out, and kicked her.²⁵ Hélène Angelière denounced butcher Edouard Perrault in 1826 when he allegedly assaulted her at the circus which she attended "*comme spectatrice*".²⁶ Louise Horn

²² Timothy Gilfoyle contends that since prostitutes did not view themselves as "fallen women", they asserted themselves in any way that they could. (*City of Eros*: 81-82) Similarly, Marilyn Wood Hill argues that by defending their interests at court, prostitutes demonstrated that they were not afraid of being highly visible because they saw themselves as citizens of the city and not as deviants without rights. (*Their Sisters' Keepers*: 159) These New York prostitutes performed a host of duties: from serving as witnesses at court or at inquests, to acting as prosecutors in cases involving petty larceny, disturbing the peace, rioting, and assault. (*Ibid.*: 165-167)

²³QSD, 1-6-1819.

²⁴QSD, 21-3-1838.

²⁵QSD, 8-6-1838.

²⁶QSD, 22-6-1826.

accused Louis Crépeau of attempting to rape her. Crépeau forced his way into her house when he "*fit partir le crochet de la dite porte*". Once inside he went to her bedroom, threw her on the bed and attempted the assault. Horn with the assistance of a man who heard her cries for help, prevented Crépeau from carrying out his goal.²⁷ Marie Lussier was not as fortunate. Nobody came to her assistance when in refusing William Collin's demands for "*un commerce charnel*", he raped her.²⁸

Prostitutes were also accused of committing acts of violence on others. The most extreme criminal transgression involved prostitute Julia Campbell who was arrested for mortally stabbing Antoine Demarais in the ribs with a knife. Campbell in the company of a man and fellow prostitute Elizabeth Austin had been observed near St. Anne's Market between five and six o'clock one summer morning in July 1837. Demarais had apparently approached her, they got into a shouting match and threatened each other. Campbell threw a stone at him and he retorted that should she do that again, he would kick her. This altercation culminated in an attack upon Demarais who told a witness that "a damned whore had stabbed him".²⁹ Before he succumbed to his injuries, he identified Campbell as the perpetrator. The High Constable found the blood stained murder weapon on Campbell when he apprehended her.³⁰ She was eventually found guilty of manslaughter, not murder as originally charged, and sentenced to twelve months in prison rather than the gallows.³¹

Depositions made out by city prostitutes show that they also accused Montreal

²⁷QSD, 29-10-1842.

²⁸QSD, 8-2-1833.

²⁹NA, MG 24 B 173, *James Reid Papers*, Vol. #11, 6-9-1837.

³⁰*Montreal Transcript*, 1-8-1837.

³¹KBD, 6-9-1837.

women of an assortment of other crimes, stealing being one of them. Articles of clothing were popular items. A servant of brothel-keeper Sophie Arcan, Delphine Lebeau, was charged with pinching a locket, cape, and thibet³² from the house.³³ Ursule Brouillet dite Bernard accused Caroline Belford of stealing a plaid manteau valued at five shillings and a skirt valued at one shilling from her house. When Belford was interrogated, she asserted that she was not guilty, rather that the prosecutor was in fact an unsavory character with a history of theft herself: she "is a bad and loose character in whose veracity no trust can be attached who is a person known to be in the habit of pilfering and has this morning been committed to gaol for being a vagrant".³⁴ The case against her was dismissed. Marguerite Bleau, accused Louise Corbeille and Antoine Delaunay of obstructing her in a street in the Saint Anne suburb and stealing her *gros de naples* bonnet valued at 10 shillings. They tried, apparently unsuccessfully, to take her coat as well.³⁵

Perhaps the spirit of defending their own interests is best captured in depositions where known madames accused other women and men of operating brothels. Christine Brunette, wife of Jude Richard brought a deposition against André Potvin, Joseph Wells and Henry Beauchamps for operating a brothel.³⁶ That same month, she too faced similar charges. They all lived on the same street.³⁷

³²Thibet refers to a cloth or garments made from wool imported from Tibet. Fine stuff was used for women's dresses or shawls. (*The Oxford English Dictionary*)

³³QSD, 22-2-1838; 21-4-1838.

³⁴QSD, 3-7-1838.

³⁵QSD, 29-12-1836; 10-1-1837.

³⁶QSD, 18-8-1835.

³⁷QSD, 29-8-1835.

Lucie Rolland, a madame, who occupied the same building as Marguerite Conroy, drew up a deposition against her neighbour for running a brothel.³⁸ These women may have been looking after their business interests by reducing competition so close to home. While there is no evidence that tavernkeepers David Baird and William Ireson were themselves involved in prostitution when they accused William Waters of operating a brothel in his tavern situated across from the Quebec Barracks, they may have been motivated to close him down because soldiers were patronizing Water's establishment rather than theirs. Perhaps the availability of prostitutes on his premises gave Waters the competitive edge.³⁹ Just how many other Montreal businesses offered the services of prostitutes is unknown. However, in Halifax some shopkeepers hired prostitutes to provide additional services to military personnel which allowed them to remain economically viable in a highly competitive market.⁴⁰

Protecting their commercial pursuits took other forms. Some brothel-keepers disciplined their colleagues through the medium of threats and violence. For instance, in August 1830 Marie Menie accused James Poole, also charged the same year as a brothel-keeper with his wife, of assault and battery after he allegedly hit her when he was searching for his wife in the house that they shared.⁴¹ In October 1827, Sally York complained that Catherine Goyette (both women had been previously arrested for keeping disorderly houses) had assaulted her and threatened to take her life.⁴² In March 1837, Maria Cunningham accused Josephine Raymond, Marguerite

³⁸QSD, 29-7-1829.

³⁹QSD, 30-5-1817.

⁴⁰Fingard, *The Dark Side of Life*: 101.

⁴¹QSD, 13-8-1830.

⁴²QSD, 30-10-1827.

Gauthier, Adélaïde Dufresne, and Christine St. Aubain of destroying the door and windows of her house, as well as furniture.⁴³

Some brothel-keepers complained that others took advantage of their absence from home by damaging their property or stealing household goods and clothing. Marie Anne Hamel petitioned the Governor General for clemency on the basis that while she was incarcerated, someone had removed "*effets et hardes*" from her house.⁴⁴ Brothel-keeper Marie Bricault dite Lamarche denounced her husband, Charles Sansquartier who with a number of others allegedly took her goods, furniture and other property while she was incarcerated in the Common Gaol.⁴⁵ Apparently she had been arrested on the basis of a deposition made out by three of her husband's colleagues, Antoine Dufresne, Agathe Perrault, and Marie Anne Thibault who accused her of physically abusing her husband and operating a brothel on Sanguinet Street.⁴⁶

Prostitutes also accused colleagues of various other criminal acts perpetrated against them. Mary Anne Joyalle denounced her neighbour brothel-keeper Modeste Guertin for habitually insulting her by calling her "a whore and other illfame names of the kind". When Guertin apparently exposed herself "in a most scandalous manner" to Joyalle, she laid the charge.⁴⁷ Adélaïde Cinqmars, a prostitute in the brothel of Rosalie Paquet, accused Paquet's lover and former brothel-keeper, Eloi Benêche dit Lavictoire of an assault on her when he forced his way into the house,

⁴³QSD, 15-3-1837.

⁴⁴NA, RG4, B 20, *Applications and Recommendations for Clemency*, Vol. #15, 15-11-1830.

⁴⁵QSD, 25-11-1835.

⁴⁶QSD, 21-11-1835.

⁴⁷QSD, 20-4-1841.

wounding her in the face and throwing her outside in February.⁴⁸ Streetwalkers Catherine Ryan and Sarah Singleton accused fellow prostitutes Margaret Perigord and Eliza Robertson of assault and robbery, stealing Ryan's large red shawl, a plume of black feathers, and a black ribbon, all valued at twelve shillings. Apparently Ryan and Singleton encountered the two thieves at eight o'clock in the evening where they were strolling near the Bonsecours church.⁴⁹ Similarly, Maria Jordan, a prostitute active in the sex trade in the late 1830s, denounced brothel-keeper Ellen Turner for allegedly stealing her shawl, bonnet, boa, gold ring and purse while she was quietly passing in front of Turner's house situated on St. Mary Street.⁵⁰ The theft of clothes in brothels was a common complaint. Caroline Locas was accused of pilfering a shift, gown and ribbon from Rosalie Paquette and secreting them in Angelle Belanger's house.⁵¹

Montreal prostitutes seemed to readily turn to the lower courts to resolve conflicts with each other or with neighbours. Their use of the criminal justice system suggests that prostitutes recognized their rights as community members, that many of them were willing to assert them, and that they relied on the courts to resolve conflicts (perhaps when all else failed since we do not know anything about informal methods of dispute resolution). Ironically, some of the women and men accused of prostitution-related offences came face to face as defendants with the same justices who judged the cases that they prosecuted.

⁴⁸QSD, 12-2-1841.

⁴⁹QSD, 16-2-1827.

⁵⁰QSD, 27-12-1837.

⁵¹QSD, 10-7-1833.

BROTHEL-KEEPERS AND STREETWALKERS: A CONTRAST IN CONVICTION RATES

Trial outcomes of those charged with brothel-keeping were usually recorded in the registers of the Court of Quarter Sessions of the Peace and in bills of indictments.⁵² Between these two sources, almost all of the court cases involving the charge of keeping a disorderly house which concluded in a formal verdict were identified. The outcome of summary trials of women charged with streetwalking was much more difficult to determine since these decisions were made in a more informal atmosphere and judgments were not systematically inscribed in associated documents.⁵³ For instance, no registers of Petty Sessions exist where magistrates decisions were recorded until 1838 when the police court was established. Consequently, I consulted a plethora of sources from newspapers and court dossiers, to registers such as those of the Court of Quarter Sessions where some of the verdicts were recorded, the Police Court, the prison, and the police. I succeeded in determining some sort of outcome in 93% of the cases involving streetwalkers. While I could not determine the length of sentences given to 430 prostitutes, I did know they they were imprisoned either in the House of Correction or the Common Gaol. I assumed that they had been summarily convicted given the nature of the judgements that were rendered against them.

While I managed to reconstruct the outcome in nearly three-quarters of the cases involving brothel-keeping, a significant number of the cases did not reach a formal conclusion. The registers of the Court of Quarter Sessions show that of the 1116 women and men whose cases went to court for keeping disorderly houses, 40% (447) of the defendants had their cases reach an outcome. Of the cases which ended

⁵²Court clerks systematically recorded on the bill of indictment whether it was a true bill or not. Sometimes the outcome of the trial was recorded.

⁵³Sentences were sometimes recorded on the deposition, depending upon the practise of the court clerk who kept the judicial documents.

in a verdict, the numbers were almost evenly divided between those who were acquitted (53%) and those found guilty (47%). Almost a third (359 or 32%) never reached a bill of indictment either because the charges were dropped or the petit jury decided that the evidence did not support a bill of indictment, so the case was deemed ignoramous. The remaining 28% reached the indictment stage but no formal conclusion was reached. At least twenty-three people had their cases discontinued without any reason given.

Only a tenth of the women and men charged with brothel-keeping who entered a plea, pleaded guilty. Most received a lighter sentence than those who had pleaded not guilty. However, we must be careful not to assume that it was always in the interest of the defendant to plead guilty in the hope of a reduced sentence. Since only a little over a quarter (28%) of the defendants were actually found guilty, it was to the advantage of brothel-keepers to plead not guilty, to see how far the prosecutors would take the case, and more than likely they would be acquitted.

When all of the complaints lodged against Montrealers for keeping disorderly houses are analyzed⁵⁴ it is apparent that an indictable criminal process passed through several distinct stages, each of which had a number of possible outcomes. In the first stage, the complainant or prosecutor made a complaint to a justice of the peace against an individual or individuals for keeping a disorderly house, which was recorded in a deposition. One possible consequence at this stage was that the authorities did not proceed with the accusation. On the other hand, if they processed the complaint, the police apprehended anyone they found in the house at the time of the raid, the accused were jailed, and they were usually allowed a recognizance to appear at the next sitting of the Quarter Sessions or to keep the peace. Clients usually had their cases terminated at this point. Pierre Mathieu who was apprehended in a raid on Françoise Ouimet's bawdy house spent 33 days in the local jail but was

⁵⁴These include all the depositions found in the court records, all of the women and men who were arrested in brothel raids and whose names were inscribed in prison registers, as well as all of the cases determined by the Grand Jury to be a true bill or ignoramus as recorded in the registers of the court of Quarter Sessions.

eventually discharged by a justice of the peace without ever going to court.⁵⁵ The next phase of the legal process involved a court appearance. If the Grand Jury ascertained that the evidence presented at court did not support the accusation, then the case was deemed *ignoramus*. If the Grand Jury determined the case to be a true bill, then a formal court case was suppose to ensue. However, no further court action might be taken against the defendant as in the case involving the Laverdure brothel on College Street. When Agathe Florentin and her husband Guillaume Laverdure were arrested along with Josephite Belan, Marie Perrault, Isaac Smith, and Jean-Baptiste Marcotte in a raid on their house of ill fame, only Florentin and Laverdure were indicted. Even though a bill of indictment had been made against them, no verdict was ever rendered in the case. The rest of the defendants either had their names dropped from the bill of indictment or no bill was found.⁵⁶ Other viable outcomes concerning those cases ruled true bills included a defendant's acquittal or guilty verdict. In the 1834 January sessions Ellen Kennedy and her husband James Maighan were both sentenced to one month in the Common Gaol for keeping a disorderly house near the Lachine Canal.⁵⁷

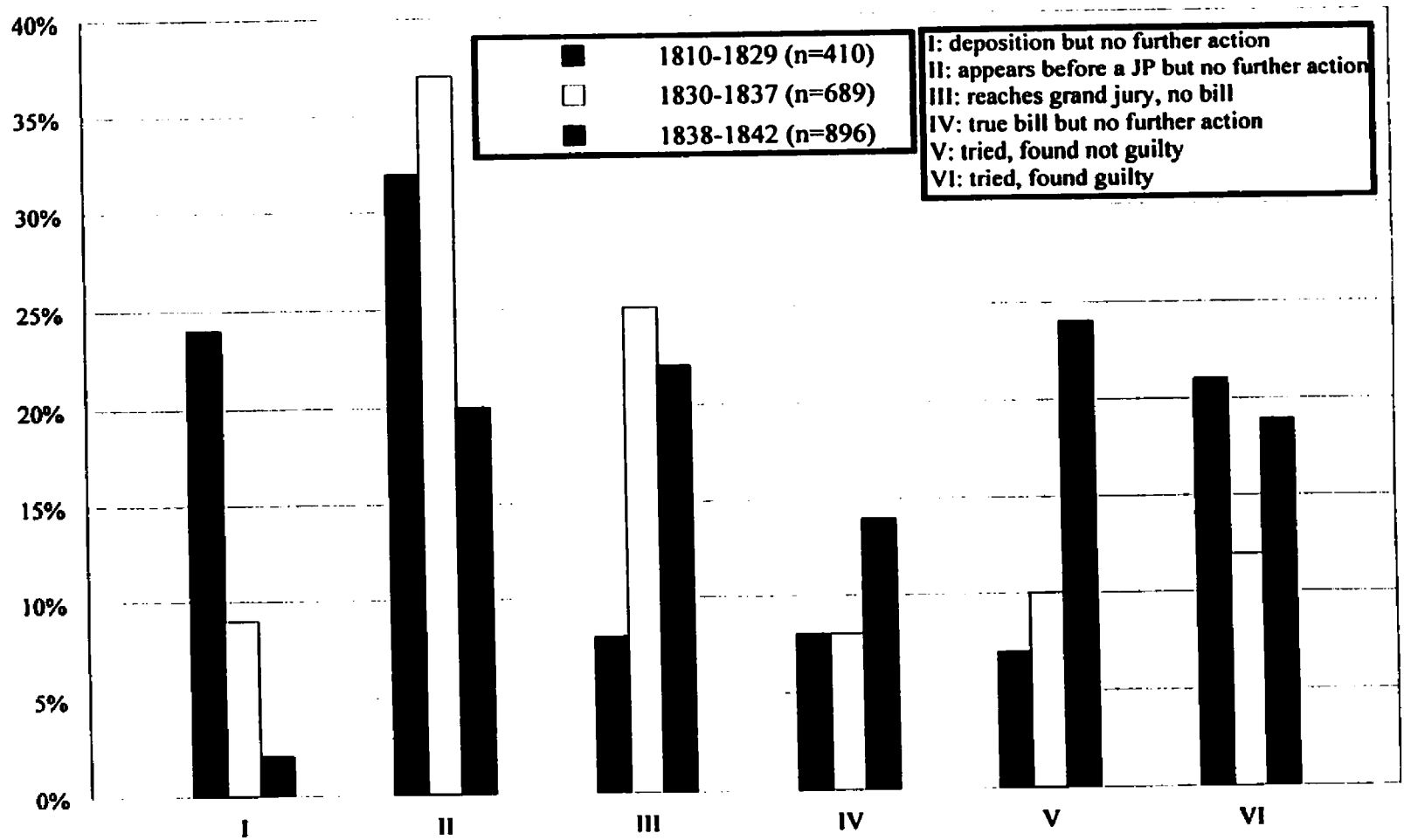
Overall figures show that more than half (55%) of the complaints never reached indictment; eleven percent attained indictment; and almost a third (32%) ended in some sort of verdict. However, over the three periods, the percentages falling into each phase or category changed. Figure 6.1 demonstrates that while the number of complaints which reached indictment without a verdict being rendered remained much the same over the three periods, those individuals whose cases never reached the indictment phase, and those that received a formal outcome altered significantly in the last period.

⁵⁵QSD, 21-4-1828.

⁵⁶QSD, 2-5-1831.

⁵⁷QSD, 10-1-1834.

FIGURE 6.1: OUTCOME OF DISORDERLY HOUSE COMPLAINTS



These results suggest that by the 1840s complaints against keepers of disorderly houses were more likely to be processed to a formal outcome than in the two previous periods. Since police constables, rather than neighbours were prosecuting brothel-keepers in larger numbers over the period under study, the improvement in rates of judicial outcomes most likely reflects the formalization of the process and the certainty that constables would appear as witnesses at court. The findings imply that the criminal justice system, and by extension, the police were more effective in regulating the sex trade than was acknowledged by city elites in their reports of the grand juries, as authorities were increasingly likely to prosecute brothel-keepers.

Those cases which did not reach any formal conclusion are important to examine. Sources show that brothel-keepers and prostitutes instituted a number of different strategies to delay their court appearance perhaps with the hope that the case would eventually be forgotten, the prosecutors would tire of pursuing the case, or that a prolongation in the case would improve their chances of acquittal. They simply defaulted by not showing up at their court appointed time, postponed the original court date, or traversed their case from session to session. These strategies were successful. Of those individuals who defaulted at any point in their trials, a little over a half (52% or 251) never had a verdict rendered. Similarly, among women and men who traversed their court date from session to session a little less than a half (45.5% or 101) never received a verdict. Finally, of the women and men who had their cases postponed, no verdict was reached in over half (59% or 204) of the cases. Donald Fyson's research on the lower courts of Montreal shows that after 1800 the proportion of outcomes against defendants declined steadily; by the end of the 1820s less than a third of the defendants received a verdict of any kind.⁵⁸ Of the 1734 defendants named in the Quarter Sessions complaints that he sampled, only a

⁵⁸Fyson, *Criminal Justice, Civil Society*: 332.

third reached some formal resolution, whether found guilty or acquitted.⁵⁹ Similarly in London and rural Middlesex in the seventeenth and eighteenth centuries, Robert Shoemaker found that about a third of the indictments involving petty crime never reached a final verdict. He attributes this failure to defendants who did not appear in court, to settlements being reached between sessions, and to the cost of time and money that bringing an accusation to court entailed for both the accuser and the accused.⁶⁰ My figures for the first two periods confirm Fyson's in showing that less than a third of the complaints which involved keeping a disorderly house resulted in a verdict being rendered. However, after the Rebellions and the restructuring of the police, the number of cases reaching a formal resolution increased. I have attributed this change to the new role of the police in prosecuting brothel-keepers. Whether or not these figures remain unchanged or revert back to those of an earlier period, is impossible to say since researchers have not been able to study court records for a later period.

The low number of accusations which resulted in a verdict did not mean that the criminal justice system did not have any impact on those whose cases never reached a formal conclusion. Donald Fyson estimated that a prosecutor who came before a justice could expect that about two-thirds of the time there would be some impact on the people against whom he or she complained. This impact could be felt by the accused when she appeared before a justice to answer to a charge and/or entered into a recognizance. Thus, a high attrition rate in the cases that appeared before the Quarter Sessions suggests that prosecutors used the criminal justice system up to a certain point, to bring the defendants before a justice and no further:

...it suggests how the system at the level of the justices could be used by prosecutors for their own ends, without the system itself taking

⁵⁹*Ibid*: 327.

⁶⁰Shoemaker, *Prosecution and Punishment*: 134-146.

control of the process.⁶¹

Fyson's observations are certainly relevant to prostitution. Prosecutors of the depositions did not always appear at court as witnesses when these cases came before the court. Many of the men and women charged with keeping disorderly houses were eventually found not guilty. Since transcripts of court cases rarely exist, it is impossible to know on what basis acquittals were decided. However, court documents do allude to one problem which concerned prosecutors or witnesses who did not appear to testify. Nearly a quarter (20% or 65) of the brothel-keepers were acquitted for this reason. Thomas Ponivre and Marguerite Davignon, held in the Common Gaol for keeping a disorderly house in 1811, were discharged in the April sessions because no witnesses appeared.⁶² By 1842, the registers of the Quarter Sessions reveal that whenever witnesses did not appear when called, the court charged the jury to acquit the defendant. The problem of the non-appearance of witnesses had probably been going on long before 1842 as the case of George and Maria Bailey and James Gibb shows. They were found not guilty of keeping a disorderly house when witnesses, William Honey and Frederick Trick did not appear when called.⁶³

Why did these witnesses not materialize? Grand juries complained that witnesses did not appear because in some cases trial dates were frequently changed as a result of cases being postponed, defendants defaulting, or cases were traversed. Prosecutors were expected to be at court the day the case was suppose to be heard, wait for the case to be called, and remain until they gave their testimony. The processing of a case necessitated that witnesses be away from their work or place of business for prolonged periods. The length of time was further extended when cases

⁶¹Fyson, *Criminal Justice, Civil Society*: 328-336.

⁶²QSR, 30-4-1811.

⁶³QSR, 23-10-1839.

had to be moved to a different date or even session. Grand jurors were cognizant of this particular problem, causing one Grand Jury to conclude:

We have been informed that there exists in the city and suburbs a great number of disorderly houses, the keepers of which, most active in seeking the ruin of the young of both sexes, are yet permitted to escape with comparative impunity, being allowed to put in bail from Session to session of a mere nominal kind; instances have been mentioned of persons of this description being bailed over for four sessions. We conceive it our duty to press this matter on the examination of the proper authorities.⁶⁴

This strategy of delaying court appearances is best illustrated in the case of Cecile Boissette, Adélaïde Gariepie, Adélaïde Dauphiné, Mary Ann Perkins, Louise Ouellette, and Marie Lepine who were indicted for keeping a disorderly house at the October Quarter Sessions of the Peace in 1839.⁶⁵ A year later, the case finally made it to court after consecutive dates were set and postponed because the defendants either did not show up for the court date, or a new date was agreed upon by the different parties. Finally, in October 1840 they were acquitted of the charge because the witnesses did not appear.⁶⁶

In 1834, one Grand Jury recommended that a Police Court be established to expedite justice and to relieve jury members from being away from their businesses for long periods while they served in the Quarter Sessions. They complained that too much time elapsed between the date the offence occurred and the date that the bill of indictment was laid before the court. Consequently, witnesses did not appear when called, and the criminal escaped punishment.⁶⁷ In 1839 grand jurors lamented that

⁶⁴*Montreal Transcript*, 3-11-1840.

⁶⁵QSR, 24-10-1839.

⁶⁶QSR, 23-10-1840.

⁶⁷QSR, 19-1-1834.

too often offenders were permitted to go free with impunity.⁶⁸ Finally, in January 1841, grand jurors protested that too many indictments ended in not guilty verdicts. Proof of guilt could not be established because of the absence of all testimony from witnesses except that *of the policeman who made the arrest!*⁶⁹ Ironically, the improvement in the prosecution rate for brothel-keepers that my research shows, did not alter the view of notables who served on the grand juries, that the criminal justice system was more successful in its pursuit of justice with respect to prostitution.

Neighbours who swore out affidavits against the brothel-keepers may have stopped the prosecution of their complaint because they believed that their grievances had been redressed; satisfied, like their Halifax counterparts "with the arrest and did not require conviction to settle their scores".⁷⁰ In chapter IV, I argued that the community used the criminal justice system to discipline prostitutes who from its perspective acted as errant members. Some may have responded to pressure⁷¹ not to appear, especially as some of Montreal's well known families and even court officials were involvement in prostitution, witnesses may have been reluctant to testify.

Although the majority of men and women who were charged with brothel-keeping were able to avoid reaching a formal outcome or were acquitted of the charge, most did not avoid spending some time in jail. An analysis of prison registers shows that clients and brothel-keepers experienced varying lengths of pre-

⁶⁸QSR, 30-4-1839.

⁶⁹QSR, 18-1-1841. Policemen could act as witnesses only if they were the prosecutors of the deposition.

⁷⁰Fingard, *The Dark Side of Life*: 45.

⁷¹Although I have no direct evidence that prostitutes put pressure on witnesses not to appear in court, I found two depositions made out by a witness against the Clifford sisters for abusive language and a breach of the peace. Apparently, when shoemaker George Gibson gave evidence in a court case at the Weekly Sessions against them, Rosey and Sally went to his house in Vitre Street on numerous occasions and called him "an informer and that he kept a brothel". (QSD, 19-7-1841 and 24-7-1841)

liminary detention between the time they were arrested and the time it took to arrange bail, to have the complaint dismissed by the justice of the peace, or to be acquitted of the charge. Figure 6.2 shows that although there was little difference between the sexes, overall men arranged bail more rapidly than women. Over eighty percent of brothel-keepers and clients arranged bail within the first week of incarceration and usually within the first three days of arrest. Hypolite Lepage orchestrated his bail the same day that he was arrested for keeping a disorderly house.⁷² For a small number of women, it took longer to make these arrangements; all men who were bailed did so in less than two months.

Nearly two-thirds of the men (62.5%) were discharged by a justice of the peace within two weeks of their initial detention. (See Figure 6.3) Roughly a half of the women (49%) were discharged within the same length of time. For those subjected to prolonged incarceration, slightly more than a tenth (13%) of the men compared to a third (33.5%) of the women were discharged after several months imprisonment. Marguerite Belhumeur was arrested in a raid on a bawdy house situated in St. Dominique Street.⁷³ It would take nearly five months of imprisonment before a justice discharged her.

What these figures suggest is that for many of the brothel clients caught in the web of the criminal justice system, their sexual excursions had significant repercussions whether they were found guilty or not. This is particularly poignant when brothel-keepers and prostitutes managed to raise bail money more quickly than their clients. Even men who could arrange for a bondman promptly, spent several days in jail. Those men who lacked resources to organize bail or did not have family or friends who could make the arrangements for them were ultimately dependent upon the justices of the peace to discharge them for lack of evidence or in some cases because they had already spent significant time in jail before the Quarter Sessions

⁷²ANQM, *Registre de prison*, Vol. #1, 11-8-1832.

⁷³QSD, 5-3-1839.

FIGURE 6.2: TIME BETWEEN IMPRISONMENT AND BAIL

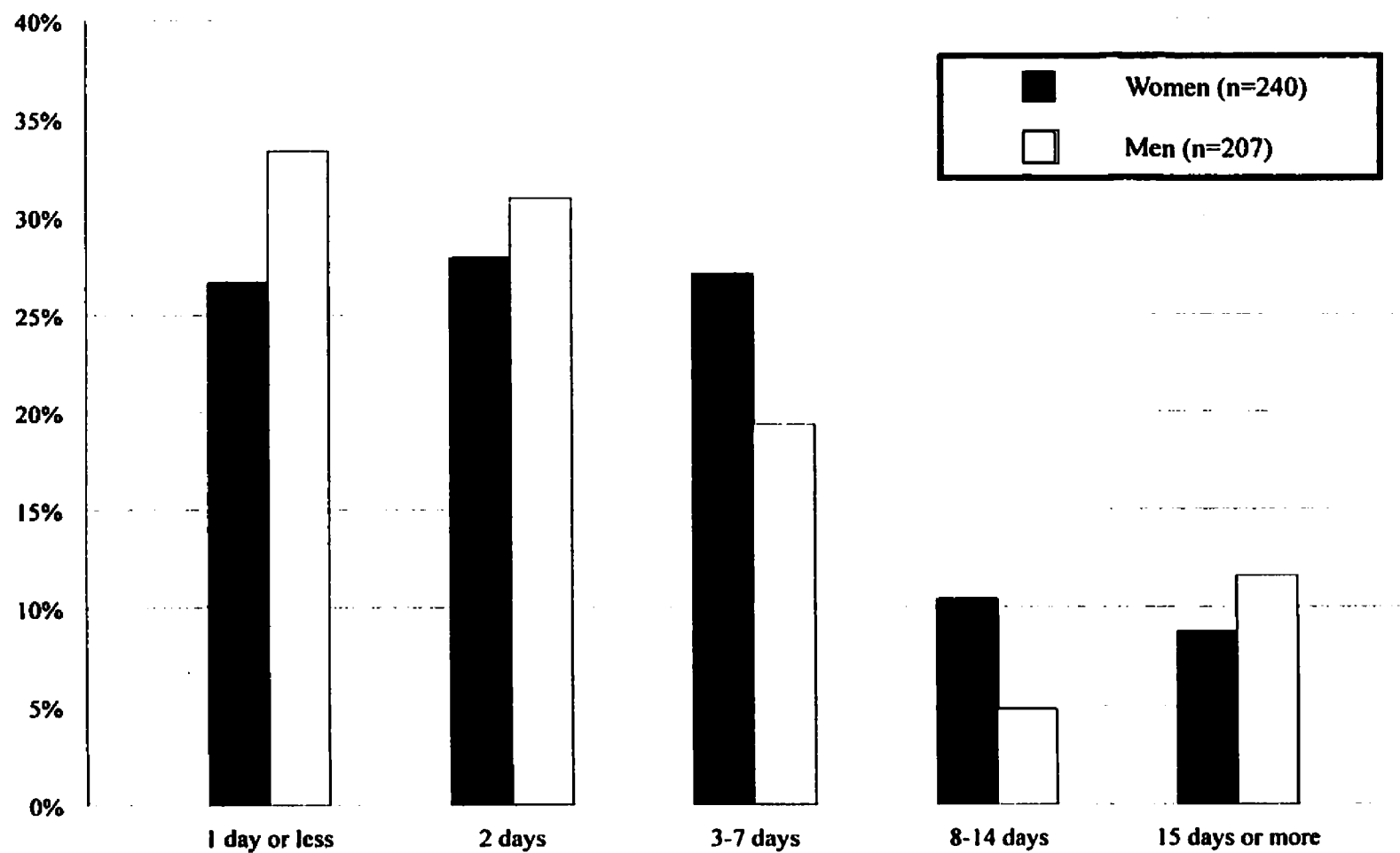
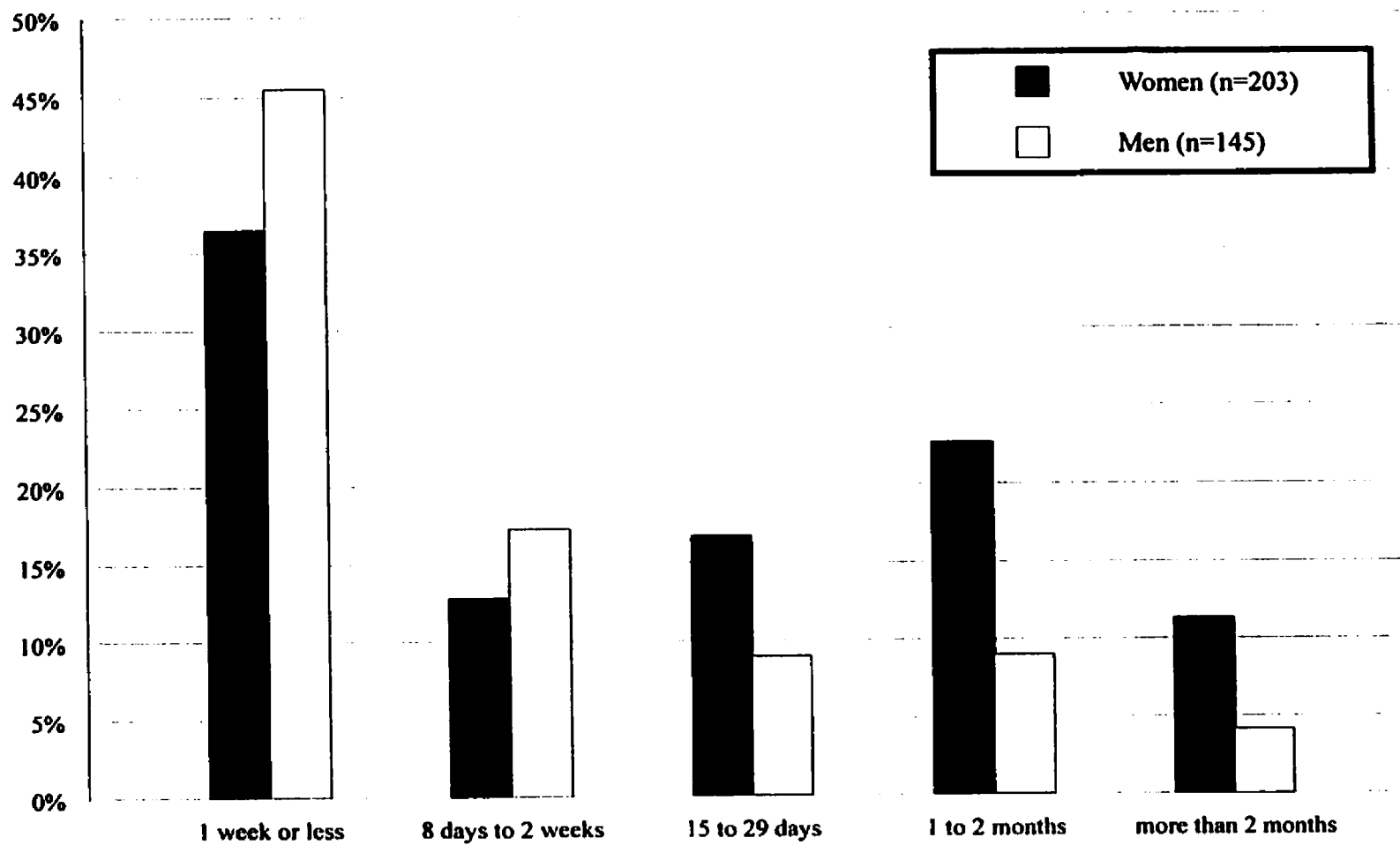


FIGURE 6.3: TIME BETWEEN IMPRISONMENT AND DISCHARGE



were held. The justices may have felt that they had been punished enough. Incarcerated clients also lost income which would have impacted heavily on their families who were dependant upon their earnings. Finally, as I have already described in the preceeding chapter, they had to put up with extremely arduous jail conditions. It took James Burke one month to arrange bail only to be eventually acquitted.⁷⁴ William O'Brian was released from a two month sojourn in the local jail after he was found not guilty of keeping a brothel.⁷⁵ The impact of imprisonment on the defendant could be greater than the sentence imposed by the court as Donald Fyson has so carefully shown.⁷⁶ An 1842 Grand Jury complained that some prisoners, incarcerated for minor offences, remained imprisoned for a far longer period than the crime merited.⁷⁷ Others remained incarcerated for extended periods of time, before having their cases heard.⁷⁸ This is particularly relevant in the case of streetwalkers.

Conviction rates also responded to political pressures. During the Rebellions of 1837 and 1838, as pressure mounted on the space in the Common Gaol to accommodate growing numbers of apprehended Patriots, justices of the peace responded by discharging prisoners who had been detained for brothel-keeping. Even the notorious madam, Mary Ann Crawford was released from the Common Gaol within two days of her arrest.⁷⁹ In certain instances the sheriff and his deputy

⁷⁴*Ibid.*, 12-11-1832.

⁷⁵*Ibid.*, 12-11-1832.

⁷⁶Fyson, *Criminal Justice, Civil Society*: 317.

⁷⁷QSD, *Presentment of the Grand Jury*, 19-1-1842.

⁷⁸KBD, *Presentment of the Grand Jury*, 10-9-1840.

⁷⁹*Ibid.*, 18-12-1837.

intervened, as in the case of Owen Willock who was discharged from the Common Gaol within two days of his arrest.⁸⁰ Some of the women and men detained for keeping disorderly houses had their cases heard in the Court of King's Bench during this period of insurrection. Both Michael Keegan and William Wallace were discharged from prison after five weeks of incarceration when their case was deemed ignoramous or no bill. Since the next meeting of the Court of Quarter Sessions would not have taken place until April and the Court of King's Bench met in February, the strain of overcrowding in the prison may have pushed these cases into the superior court.

Women who were apprehended for streetwalking, vagrancy, and being loose, idle, and disorderly during the same period were not released from prison before the expiration of their term. Unlike those men and women accused of brothel-keeping who were released early, the Rebellions had no effect on shortening streetwalkers' period of incarceration. Since these women were seen as part of a disreputable, unregulated public, they posed a threat to the authorities' attempt to control a city in the throes of armed insurgency.

A streetwalker's experience in court was very different from her brothel counterpart. The vast majority of them were found guilty of their charge and were imprisoned. Police court registers show that the best an arrested streetwalker or vagrant woman could hope for was an admonishment from the police magistrate after spending the night at the station house or a recognizance to keep the peace for a specific length of time. Occasionally, a street prostitute might be permitted to enter such a recognizance as in the case of Marie Anne Tessier who was apprehended in November 1814.⁸¹

It is clear from conviction rates, that striking differences existed between those

⁸⁰*Ibid.*, 10-1-1838.

⁸¹QSD, 28-11-1814.

arrested as streetwalkers and as brothel-keepers. In all likelihood the majority of street prostitutes were found guilty of the charge; brothel-keepers stood a very good chance of being exonerated. This disparity is a consequence of several factors. Brothel-keeping was an indictable offence tried at Quarter Sessions where strict guidelines concerning evidence prevailed. Street prostitution was a misdemeanour, which was heard at Petty Sessions and the Police Court where rules of evidence did not matter. A prostitute could be convicted on the word of a policeman or on the impression of the presiding justice of the peace. Let us now examine how the punishment imposed on prostitutes and brothel-keepers altered over the period.

THE CHANGING NATURE OF PUNISHMENT:

For those city prostitutes and brothel-keepers convicted of morality offences, court records show that justices of the peace habitually condemned them to varying lengths of imprisonment, sometimes in conjunction with other forms of punishment. Many factors influenced the magnitude of the sentences⁸²: changing attitudes towards the role of punishment, the strain the Rebellions of 1837-1838 placed on the criminal justice system, judicial attitudes toward homelessness, and the availability of prison space. Some of these constituents, such as harsh winters and limited social services, were distinct to Montreal; most, however, were similar to other American and British cities. Although Montreal streetwalkers and brothel prostitutes were usually confined at hard labour in the House of Correction, when space was unavailable the overflow went to the Common Gaol where prisoners were not forced to work. And as I have argued in previous chapters, some of the Montreal justices who understood the plight of homeless streetwalkers gave lengthier sentences which seemed to cover the severest winter months. Sometimes recidivist prostitutes were given the maximum sentences permitted by law if they had been repeatedly apprehended over a short

⁸²Magistrates in Victorian Marseille combined repressiveness with leniency in matters of sentencing which had less to do with moral outrage James Donovan contends than historians would have us believe. ("Justice and Sexuality in Victorian Marseille 1825-1885" *Journal of Social History* #21 (Winter, 1987): 229)

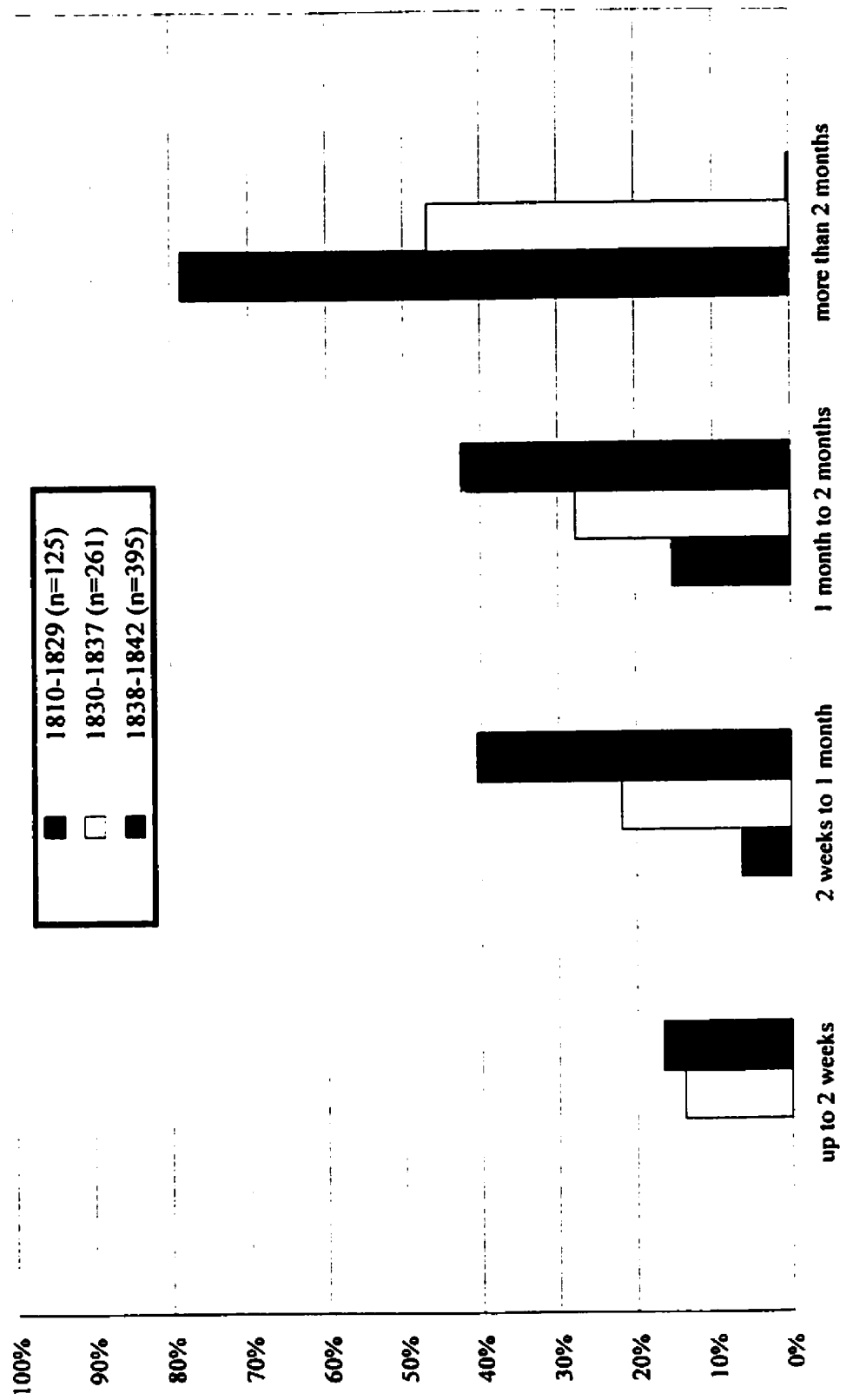
period of time. This sensitivity to poverty has been noted elsewhere. In eighteenth-century London, Nicholas Rogers found that because magistrates were aware of women's vulnerable economic circumstances, they wielded wide discretionary powers when dealing with vagrancy, resisting systematic incarceration.⁸³ Unlike their British counterparts, Montreal justices of the peace used systematic incarceration when dealing with street prostitutes and vagrant women. And as we have already seen, during episodes of political unrest some women charged with keeping disorderly houses were discharged from jail to make room for political prisoners. Streetwalkers on the other hand, were more likely than ever to face arrest and incarceration as authorities attempted to bring order to the city by increased regulation of public space. Prostitutes were also subjected to periodic "crackdowns" as in the early 1830s when police and justices of the peace made a concerted effort to regulate city prostitution by arresting brothel clients as well as streetwalkers. Consequently, many factors must be considered in understanding the nature of sentencing patterns.

Figure 6.4 shows that between 1810 and 1829, more than three quarters of the streetwalkers received sentences of two or more months. Some streetwalkers served long sentences of a year in the House of Correction as in the case of Marguerite Beauchamp, Rosalie Desjardin, Thérèse Desjardin, and Betsey Stevens. In April 1812, they were confined at the House of Correction for twelve months at hard labour.⁸⁴ Sentences levied against streetwalkers were sometimes much harsher than those given to individuals who were found guilty of offences such as assault and battery, larceny, and even manslaughter. When Julia Campbell was convicted of manslaughter, she received a twelve month sentence the same as that given to Beauchamp, the Desjardins sisters, and Stevens. In this period, other judgements were occasionally rendered. G  n  vieve Ducharme was discharged from the House

⁸³Rogers, "Policing the Poor": 136-137.

⁸⁴QSR, 30-4-1812.

FIGURE 6.4: SENTENCES OF WOMEN CONVICTED OF STREETWALKING



of Correction upon promising to leave the city.⁸⁵ Justices of the peace might even allow a recognizance for good behaviour as in the case of eight women committed for six months as incorrigible vagabonds to the House of Correction. Their imprisonment would be terminated if either of them could give security for good behaviour for six months.⁸⁶

By the second period, 1830 to 1837, the magistrates were sentencing streetwalkers to shorter periods of incarceration and utilizing a much narrower repertory of punishments than earlier. Figure 6.4 shows that the largest percentage of women were being punished with sentences between one and two months. Yet many women spent longer in prison because of long periods awaiting trial. Ellen Willix and Ellen Doyle, for instance, were sentenced to one month each in the Common Gaol for keeping a disorderly house, yet both were incarcerated for a total of four months.⁸⁷ Thus, the time they spent imprisoned waiting for trial was longer than the formal sentence. Some streetwalkers still received penalties of over three months. In 1835, Sophie Martin and Amable Breton were sentenced to six months each in the Common Gaol in addition to giving security of £40 each.⁸⁸

In the last period, 1838 to 1842, the length of sentences diminished further. Only one woman was given a three month sentence. Magistrates utilized a variety of shorter sentences, none of which exceeded two months when punishing the ever growing number of streetwalkers. Usually street prostitutes convicted under the misdemeanour of being loose, idle, and disorderly and recidivist prostitutes received the longest sentences as in the case of Magdeleine Couture, "a whore on the streets"

⁸⁵QSR, 19-7-1813.

⁸⁶QSR, 19-7-1819.

⁸⁷ANQM, *Registre de prison*, Vol. #4, 2-2-1839.

⁸⁸ANQM, *Registre de prison*, Vol. #2, 27-4-1835.

who was jailed for two months.⁸⁹ One of the most striking differences concerned women who were arrested for streetwalking. Prior to 1838 they would have been incarcerated for lengthy intervals, charged with such offences as vagrancy, loitering, streetwalking, disturbing the peace, and even drunkenness. By 1838 they were more likely to receive an admonishment before being released by magistrates in the police court. Thus, Magdeleine Couture who was arrested in July of 1838 after being found in the street at night in an "indecent posture" with James Connors was kept overnight at the station. The following day, the police magistrate cautioned and discharged her.⁹⁰ Ironically, a woman, who might not be a prostitute, could receive more than an admonishment as in the case of Mary Cullins who was committed for three days for being drunk and disturbing the peace by breaking windows, thus, causing a crowd to gather in front of a house.⁹¹ Similarly, Ellen Lang was imprisoned for 24 hours after she was arrested for disturbing the peace, using insulting language and breaking the windows in Mr. Doherty's house.⁹²

The sentencing practices for women and men convicted of keeping disorderly houses followed similar patterns to those of street prostitutes. Figure 6.5 shows that in the first period, 1810 to 1829, convicted brothel-keepers were more likely to receive sentences of three months or more. A recognizance on its own was rare for a brothel-keeper without the added punishment of incarceration. In February of 1818, Elizabeth Laramée, who was arrested for keeping a disorderly house with Angélique Clairemont, Hélène Foretier and Josette Brousseau was permitted to have a recognizance to keep a decent and regular house for the space of one year.

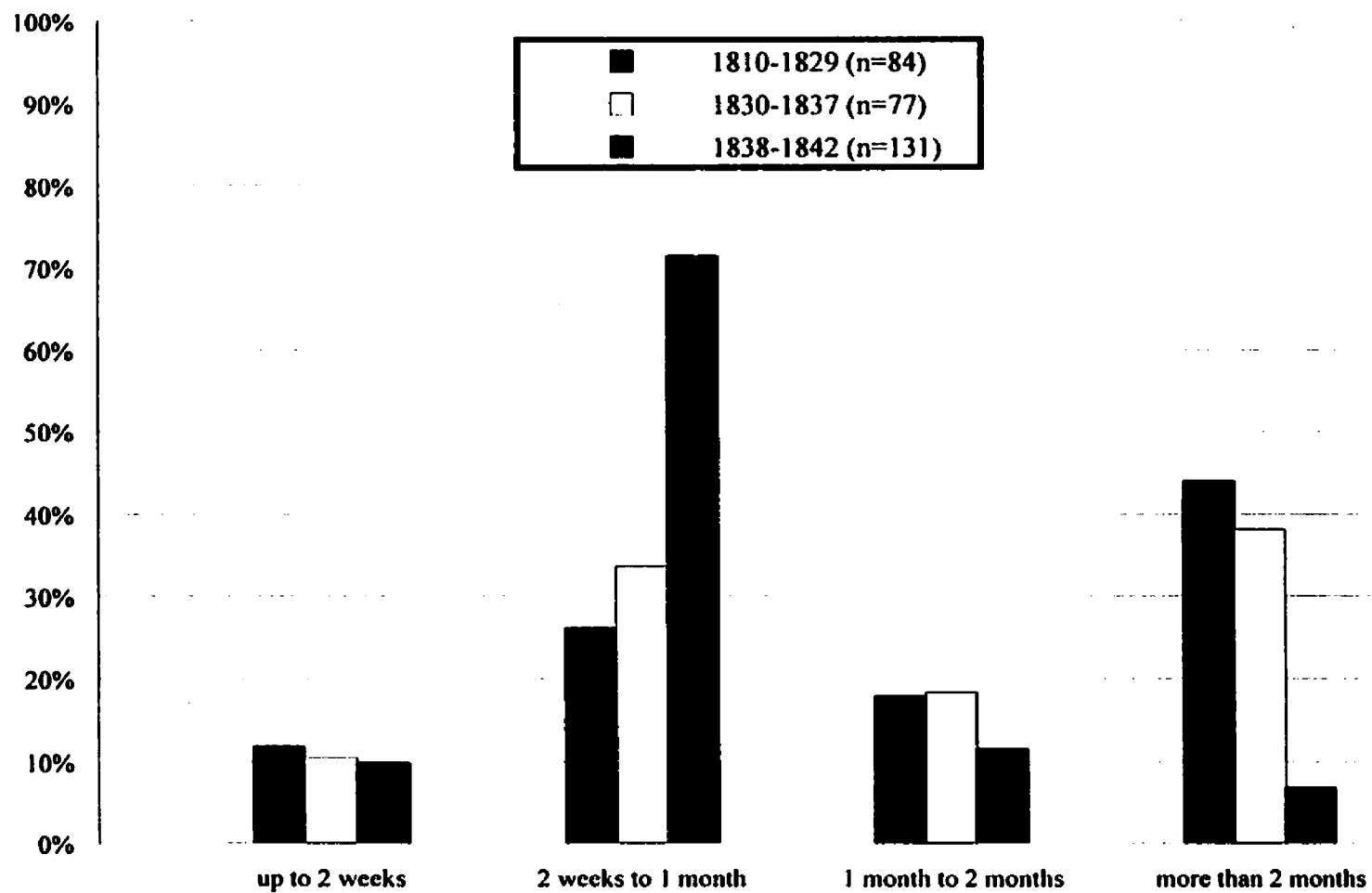
⁸⁹QSD, 2-12-1841.

⁹⁰ANQM, *Police Court Register*, Vol. #1, 19-7-1838.

⁹¹QSD, 4-13-1841.

⁹²QSD, 2-19-1841.

FIGURE 6.5: SENTENCES OF PEOPLE CONVICTED OF BROTHEL-KEEPING



Foretier and Brosseau had to keep the peace for one year, and only Clairemont had to appear in court.⁹³

Between 1810 and 1822 city justices of the peace sentenced some brothel-keepers to at least two very public punitive measures,⁹⁴ the pillory and carting. Usually the women and men received the dual punishment of imprisonment and public exposure on the pillory. Douglas Borthwick described the pillory as "a frame of wood erected on posts, with moveable boards and holes, through which holes were put the head and hands of the criminal for punishment, the whole turning on a pivot and in a circle".⁹⁵ Montreal pillories were located at the market place overlooking Nelson's Monument. The hangman attended, whip in hand, in order to ensure that the individual continually faced the crowd whenever he or she tried to avoid the onslaught of rotten eggs and mud.⁹⁶ The very public nature of this form of punishment seemed to have had adverse effects on the women: by virtue of being labelled public women their chances for future employment were impaired. For instance, when Catherine Lafrance⁹⁷ who was convicted for brothel-keeping in Quebec City in 1817 had finished her term of imprisonment before being exposed in the pillory, she applied to the Governor General for clemency. Being the mother of two young children and their only caregiver, she argued that while she did not object to a three month imprisonment, she was appealing to him to pardon her from exposure in the

⁹³QSD, 18-2-1818.

⁹⁴This public face of punishment was also employed by the military against soldier Cornelius Carrol who was drummed through the principal streets of Montreal for being a vagabond. (*Herald* 17-1-1821 and 20-1-1821)

⁹⁵Douglas Borthwick, *History of the Montreal Prison from AD 1784 to AD 1886* (Montreal, 1886): 4.

⁹⁶*Ibid.*: 4.

⁹⁷A Catherine Lafrance had been arrested for brothel-keeping in Montreal five years before.

pillory, "*elle deviendra un objet d'opprobre d'ignominie et sera privée à jamais de moyens honnêtes de gagner sa vie*".⁹⁸ What it meant for men is unclear. In Montreal, in the 1810 October Quarter Sessions, Etienne Billet and his wife⁹⁹ Marie Mattée were found guilty of keeping a disorderly house. They were remanded to the Common Gaol until November 23, taken to the new market place between 11 and 12 o'clock and set upon the pillory for half an hour, before release.¹⁰⁰ While Marie Mattée was immediately discharged from the Common Gaol after serving her time on the pillory, her husband, Etienne Billet was recommitted to the Common Gaol for his "bad conduct, obscene words, and threatenings on the pillory". He would remain there until he could give security for good behaviour.¹⁰¹ Similarly Angélique Fournelle was confined to the House of Correction at hard labour until October 29, 1813 when she was made to stand upon the pillory for one hour.¹⁰² In July of 1822, Marie Duclos and her son, Henry Breton the younger had to stand for an hour in the pillory opposite the Gaol after being found guilty of keeping a house of ill fame.

⁹⁸NA, RG4 B 20, *Applications for Clemency and Pardons*, Vol. #6, (no other date) 1817: 1905-1906.

⁹⁹According to the law at the time, a woman could be indicted with her husband and committed to the pillory for keeping a bawdy house.

For this is an offense as to the government of the house, in which the wife has a principal share; and also such an offense as may generally be presumed to be managed by the intrigues of her sex. (Burn, *The Justice of the Peace*, Vol. #3, : 124)

One cannot presume that husbands and wives were unfairly accused of brothel-keeping on the basis of this law. Josephite Collare prosecuted her husband, Antoine Fontaine of keeping a disorderly house for a number of years where he gave asylum to "*des filles de mauvaise vie*" and for the past eight days kept Marguerite Laurent wife of one Godin, her daughter, and Catherine Dubois. Moreover, Saturday he assaulted and beat his wife. As a consequence of his involvement in prostitution and in conjunction with the assault charge, he was committed to the House of Corrections for three months. (QSD, 13-3-1809)

¹⁰⁰QSR, 30-10-1810.

¹⁰¹*Gazette*, 26-11-1810.

¹⁰²QSR, 30-4-1813.

Henry Breton Senior, Marie's husband, who had been arrested at the same time had yet to be tried.¹⁰³ Sometimes, punishment included a return to prison following the pillory. Pierre St. George was committed to the Common Gaol for two months and Marie Lussier to the House of Correction following an hour of exposure in the pillory.¹⁰⁴

Carting, another form of public penance was only used twice against brothel-keepers. After completing a period of confinement, Marie Deguire and Angélique Godin were exposed to public view in a cart driven by the local hangman through Notre Dame and St. Paul Streets and the principal streets of the suburbs of Montreal.¹⁰⁵ This old English method of punishing prostitutes served as a ritual of humiliation to make visible the offender who was carted through the neighbourhoods connected with her crime.¹⁰⁶ When widow Angélique Godin, who had been convicted at the January Quarter Sessions of being a public prostitute, was penalized in this manner, the *Gazette* reported that a great number of spectators turned out to behold this "new method of exposing prostitution".¹⁰⁷ Since Godin was never indicted again for keeping a disorderly house, perhaps this very public method of castigation successfully dissuaded her from a continued path in prostitution. Marie Deguire on the other hand was indicted once more after being carted, but nine years later.¹⁰⁸ I could find no other cases other than these two episodes where this form of

¹⁰³*Montreal Herald*, 27-7-1822.

¹⁰⁴*Ibid.*, 19-7-1813.

¹⁰⁵QSR, 19-7-1820, 19-1-1821.

¹⁰⁶Kermode and Walker, *Women, Crime and the Courts*: 33.

¹⁰⁷*Gazette*, 2-5-1821.

¹⁰⁸QSD, 10-7-1829.

punishment was imposed on prostitutes. Perhaps this flirtation with such an old form of punishment reflected the justices' frustration with and inability to eradicate prostitution.

By the end of 1822, this public display of punishing brothel-keepers had been abandoned in Montreal. Women and men found guilty of keeping disorderly houses were committed either to the House of Correction at hard labour or to the Common Gaol. This change in the form that punishment took followed similar trends elsewhere. In parts of Europe and the United States the public spectacle of punishment was gradually coming to an end by the turn of the nineteenth-century. The pillory for example was outlawed in England in 1837.¹⁰⁹ Michel Foucault argues that in time punitive practices changed from being a public event to the most secretive part of the penal process. Punishment shifted to the suspension of civil rights by a "system of constraints and privations, obligations and prohibitions", which replaced punishment based on physical pain,¹¹⁰ and in the case of prostitutes, on public penance and humiliation.

The second period followed a similar pattern to the first with respect to length of sentences. While sentences continued to vary from fifteen days to six months, the number of women and men condemned for over two months declined somewhat. Figure 6.5 shows that nearly a third of those found guilty were sentenced to a month of imprisonment. A significant number of individuals were given a recognizance to keep the peace. Twenty-five of the 29 individuals given a recognizance were men who had been arrested in brothel raids but avoided public trial and punishment through this legal instrument. The elevated numbers of men caught in a crackdown on brothels suggests that justices did not want to punish clients, just scare them into avoiding these establishments. In other instances, ever increasing numbers of men were also given a recognizance not to keep the peace but to appear at the next sitting

¹⁰⁹Michel Foucault, *Discipline and Punish: The Birth of the Prison* (New York, 1979): 8.

¹¹⁰*Ibid.*: 8-11.

of the court.

In the late 1830s four out of five of convicted brothel-keepers were confined in prison for a month or less. (See Figure 6.5) Only one person was sentenced to more than three months, Mary Mulcahey who was sentenced to a year of confinement at the January Sessions in 1839.¹¹¹ In 1840 fines of £5 were added to prison sentences as in the case of Fereol Dyon who was committed to the House of Correction at hard labour for one month and penalized £5.¹¹² Sometimes fines were the only punishment levied at brothel-keepers. Josephine Raymond, Caroline Lecompte, Adélaïde Ledoux, Emelie Duval, Mary Ann Shaw, Mary Stevens, and Charlotte Goulet were fined £5 each without any prison sentence. However, if they could not pay the fine, they would remain committed to the Common Gaol until they could.¹¹³

Over the three periods, the sentencing patterns of both groups, streetwalkers and brothel-keepers, shared certain characteristics. Firstly, as increasing numbers were arrested, justices imposed shorter sentences. Secondly, while a recognizance was occasionally permitted for streetwalkers and female brothel-keepers, clients were more likely to be the recipients of this legal intervention. However, in the second period, 1830 to 1837, during an apparent crackdown on anyone who frequented brothels, men were allowed a recognizance, not only to keep the peace but to guarantee that they would appear at the next session of the Court of Quarter Sessions. Men unable to arrange security for a recognizance remained incarcerated. Their only other recourse was to wait for a magistrate or the court to discharge them. Some men, however, were convicted and punished. In contrast, streetwalkers were rarely if ever acquitted and were more likely to receive longer sentences than their brothel

¹¹¹QSR, 15-1-1839.

¹¹²QSR, 27-4-1840.

¹¹³QSR, 15-1-1841.

counterparts.

INCARCERATION: MORE DETERRENCE THAN REHABILITATION

Prostitutes were usually incarcerated in the House of Correction. The Common Gaol was employed when the House of Correction was closed¹¹⁴ or there was no room. City notables and grand jurors were extremely critical of these penal institutions designating the House of Correction as a "house of corruption", and the Common Gaol as a "nursery of crime", or a "school of vice". They were particularly incensed that prisoners were not classified but able to mingle among themselves, corrupting those who were not yet deemed convicted offenders. They were also preoccupied with the idleness that prevailed in the Common Gaol. The gaoler could only employ prisoners at light work to ensure the cleanliness and good government of the institution. He appointed a wardsman or wardswoman from the prison population to take responsibility to prevent damage to prison property and to clean the building. If they scrubbed the privies themselves, they were given a double allowance.¹¹⁵ In the House of Correction, the superintendant was to ensure all means possible to employ prisoners at work, which included the manufacture of products which the Sheriff was to sell.¹¹⁶ Although women confined to the House of Correction were expected to toil, most often the nature of the work subverted any rehabilitative use reformers might have intended. They also recognized that some women used the institutions for social welfare which undermined their punitive

¹¹⁴The House of Correction did not operate continuously over the period under study. It functioned as a prison from 1810 until 1827, re-opening two years later in 1829. It remained in use until May 1, 1835 after which it closed again. It once again commenced operation in April of 1839. (2 Cap Victoria)

¹¹⁵*Rules and Regulations for the Interior Order and Police of the Gaol at Montreal* (Montreal, 1840): 6.

¹¹⁶*Ibid.*: 12.

design.¹¹⁷ In addition, grand juries seldom had anything positive to say about the physical conditions of these institutions which they viewed ultimately as injurious to the inmates' health. The hands of both the deterrence and the rehabilitation factions could be seen at work in these penal organizations.

In chapter V, I depicted the Common Gaol and House of Correction as foul-smelling, vermin-ridden, over-crowded, and poorly ventilated institutions where a conglomeration of individuals were confined. Prostitutes and female vagrants shared the inadequate space with convicted criminals, the accused, the destitute, children, the elderly, debtors and the insane. One Grand Jury presentment noted that fifty women were lodged in a single room.¹¹⁸

Stoves were usually described as poorly positioned and maintained and thus both dangerous and inefficient as a source of heat. These institutions were too hot in the summer and too cold in the winter. Sometimes prisoners were forced to burn flooring and the "filthy sweepings of the floor" as fuel. Since there were no kitchens attached to the institutions, the same stoves also served as a means to cook food.

Although homeless street prostitutes and female vagrants utilized these carceral institutions as refuges to escape the harsh winter conditions, they were often

¹¹⁷Incarcerated prostitutes and female vagrants influenced the very institutions that imprisoned them: they used the Common Gaol and House of Correction to provide them with shelter, food, and treatment for a number of illnesses including venereal diseases and alcoholism. Thus, prison daily life cannot be understood only in terms of the intentions of the policy makers, but was shaped, as Lucia Zedner contends, by the inmates and wardens. Nineteenth-century English prison records show that the relationship of the female prisoners and their keepers, along with the intruding world outside the prison walls brought into the institution by recidivist women who were incarcerated for only a few days at a time, constantly modified prison life and undermined prison discipline. Moreover, women who turned to the prisons for refuge subverted its punitive purpose entirely. (*Women, Crime, and Custody*: 4-5) In Montreal, an incident in 1821 demonstrates that even the House of Correction could not contain the women who were confined there from communicating with the world beyond the prison walls. Grand Jurors protested the "*scènes les plus scandaleuses se commettent journellement dans les fenêtres des cellules (sic) de ces malheureuses creatures*" in apartments that overlooked Notre Dame Street. They demanded that the women either be transferred to cells in the back of the building or at the very least the windows be kept closed. In this way, the city's youth and virtuous women would be protected from these offensive spectacles. (QSR, 19-7-1821)

¹¹⁸QSR, 30-4-1840.

inadequately dressed for such cold institutions. Not only were the buildings drafty, but cold air and snow penetrated the numerous broken panes in windows that provided light to the cells. Some of the women confined in the House of Correction had to sleep on the floor with deficient bedding and those women who had beds shared them. Grand Jurors frequently requested that prisoners be allocated more than a single blanket to counteract the freezing conditions. One technique women instituted to stay warm under these trying circumstances involved crowding together into small rooms.

Not only did the physical conditions of the institutions serve as a form of punishment, but for those prostitutes and vagrant women who ended up in the House of Correction, hard labour was part of the retribution. When there was no House of Correction, city notables demanded its establishment since at the very least a work program was part of the philosophy of the institution. These same individuals expressed concern about the lack of industry in prison claiming that "a state of idleness is peculiarly fitted to cherish every habit already implanted".¹¹⁹

Numerous attempts to introduce different types of industry into the House of Correction were made over the period. It was argued that industry would counter idleness, instill habits of industry, and pay for the expenses of the prisoners' keep.¹²⁰ The belief that the amelioration of morals through industry could counteract vice prevailed in other similar institutions such as the House of Industry and the Magdalen Society.¹²¹

¹¹⁹QSD, *Presentment of the Grand Jury*, 30-10-1828.

¹²⁰QSD, *Presentment of the Grand Jury*, 19-7-1838.

¹²¹As I have argued in Chapter I, at the House of Industry women and girls worked at spinning, knitting, and needle-work. Inmates of the Magdalen Asylum were employed in activities associated with domestic service:

...that every female who procured herself an asylum there, was placed under suitable regulations, and seemed deservedly employed at some manual occupation proportionate to her strength and capacity: That he knows that several of those

In the House of Correction experiments have been made to introduce mechanical labour, which though the results have been quite satisfactory, and would prove profitable to the institution as well as very advantageous to the convicts themselves, by habituating them to industry, and fitting them to earn an honest livelihood after the expiration of their sentence, still the attempts are confined to little more than the experiments, for want of working rooms, or places suited to the different kinds of labour, there being no workshops of any kind connected with the gaol although within the yard there is ample space for the erection of buildings for these purposes.¹²²

In spite of the wish for other forms of hard labour, prostitutes and vagrant women were usually kept occupied picking oakum and little else. While reformers believed that these women should learn the skills required for domestic service which they could pursue when released from jail, industry in this institution seemed undirected and often did not fit the conditions of those who were incarcerated. For instance, prisoners required to work outdoors were often inadequately clothed or inappropriately fed for the labour demanded of them. The institution did not furnish them with stockings and mittens in wintertime, and the food they received was exactly the same as for those who did not work.¹²³ Some prisoners occupied themselves at their trades "*quelques uns des détenus se livraient à des occupations qui leur étaient familières*" in rooms provided by the Gaoler.¹²⁴ An 1835 Grand Jury described the women confined in prison as "abandoned to themselves, living in idleness and mutually encourage each other in vice and are attended upon solely by

persons have gone out of that house with the reputation of being completely reformed, and that they contrived to get advantageously situated in respectable houses, and that others have been retained in families, and that they have actually acquired the reputation of behaving themselves with honesty and decorum.
(Alexis Demers, *Journal of the Lower Canada House of Assembly*, Vol. #41, 9-12-1831)

¹²²QSD, *Presentment of the Grand Jury*, 19-1-1843.

¹²³*Ibid.*

¹²⁴QSR, 19-7-1836.

men". It demanded that a similar regime be instituted similar to that in Quebec City. Female prisoners there were supervised by a "respectable woman" who made them work, provided lessons, and acted as a role model.¹²⁵

Much discourse over the entire period of this study revolved around the need to inculcate female prisoners with better habits to "retrieve their character and find the way again open to the path of virtue".¹²⁶ As late as 1842, however, grand juries recognized that the prison had failed to do its job. These women were released only to return shortly after.

She finds every door shut against her, she is compelled to remain in the streets surrounded by temptation without any means to support or a friend to care for her, she is closely watched by the police and is speedily thrust back again to the House of Correction for two months more, and thus her wretched days are spent alternately, between the streets and imprisonment.¹²⁷

Encouraging and preparing these women for such a traditional occupation as domestic service was problematic to say the least. This form of employment could not possibly ameliorate the overall problems associated with female employment. Not all of these women would have viewed domestic service as a suitable occupation and not all heads of households would have viewed ex-penitent prostitutes as suitable to work in their homes as servants.

By and large, women who did not want to work, found ways to avoid it. Even women who sought out the prison for refuge, tried to avoid the task of picking oakum as in the case of Bridget Howe. Dr. Arnoldi complained that although she

¹²⁵QSD, *Presentment of the Grand Jury*, 30-10-1835.

¹²⁶Rehabilitation proponents supported any endeavour which led to prisoners' virtuous development. When in 1821 the Keeper of the Common Gaol established a small library for the prisoners, stocked with bibles and other literature, and started a garden at his own expense, the *Montreal Herald* had nothing but praise for him. The editorial referred to the garden as "a useful and agreeable object" and the public was asked to donate books to the library. (*Montreal Herald*, 20-11-1821)

¹²⁷*Ibid.*, 19-1-1842.

often solicited incarceration, she was "seldom at the oakum more than a few days, and generally contrived to be sick, for the remainder of her time."¹²⁸ Whatever rehabilitative goals the gaoler and others might have had were subverted; imprisonment was more than likely felt by those confined there as punitive yet did not serve as a deterrence for many of the women who had no where else to go.

CONCLUSION:

Since streetwalkers were judged summarily, rules of evidence did not pertain to the court. The word of the prosecutor or policeman or the opinion of the magistrate was enough to send a street prostitute to jail. Consequently, they were usually found guilty of prostitution, vagrancy, or being loose, idle, and disorderly which necessitated some interval of incarceration. Although magistrates utilized other methods of punishment such as demanding that prostitutes enter into a recognizance to keep the peace or promise to leave town, in the vast majority of cases, streetwalkers spent long intervals incarcerated in harsh prison conditions. By the late 1830s, magistrates imposed much shorter lengths of imprisonment.

In contrast, women and men accused of keeping a disorderly house had a much greater chance of escaping punishment. Since their cases were heard in a more formal court of law with strict rules of evidence, it was more difficult to prove guilt, and more likely the process would stop before the trial. Consequently, most were either acquitted of the charge or their cases never reached a formal outcome. For those brothel-keepers who were found guilty, their punishment, like their street counterparts, changed over the period. Up to 1822, punishment had a very public face: brothel-keepers were exposed in the pillory, and at least two women were carted around the city. After 1822, retribution came only in the form of prison sentences which became increasingly shorter or fines.

These same women also turned to the courts to prosecute others for

¹²⁸ANQM, *Coroner's Report*, 21-7-1843.

committing crimes against them. They accused their colleagues as well as other women and men of larceny, assault and battery, extortion, and sexual assault. Thus, the courts served as an arena for conflict resolution at different times for both prostitutes and their prosecutors.

CONCLUSION

THE TIES THAT BIND: PROSTITUTION THEN AND NOW

This study shows that prostitution was integrated into community life throughout the urban landscape. Montrealers of all social classes, from the elites who lived in the old city along Notre Dame Street to the popular classes who inhabited the suburbs, shared their neighbourhoods with prostitutes where they lived and worked. Sex trade workers and their neighbours traversed the same streets and green spaces, and inhabited the same buildings. The very public nature of everyday life and the mixed use of urban space made prostitutes targets of some neighbours' wrath and elite's concern. Prostitution was tolerated in popular-class neighbourhoods as long as the rules of the community were followed or until neighbours made a concerted effort to sweep the neighbourhood of prostitution. Certain city streets, where brothel-keepers had concentrated their establishments were singled out. Neighbours, family members, other sex trade workers, and proprietors turned to the criminal justice system to discipline recalcitrant prostitutes, to sort out personal quarrels, or to control competition.

Brothel-keepers and prostitutes also turned to the criminal justice system, even to the same courts that judged them for prostitution-related offences, to prosecute men and women whom they accused of assault and battery, uttering threats, sexual assault, and larceny. They called upon the police to intervene when violence erupted in brothels or when husbands became abusive. Those without homes sought out the

prison for shelter against the harsh winters, for medical treatment, or for a refuge to die. Several homeless streetwalkers spent their final days in the prison infirmary.

Prostitutes, as I have argued throughout this study, made their own histories. They exercised agency in a myriad of ways, when they wielded their legal rights as members of a community, and when they used the criminal justice system to meet some of their own needs. It was their knowledge of the criminal justice system which permitted prostitutes and madams to manoeuvre within it. They executed this agency, however, within a patriarchal structure which was supported by a criminal justice system made up of male policemen, justices of the peace, court clerks, and gaolers. Prostitutes had to work around certain obstacles within this world. For instance, they confronted policemen who took advantage of their power by demanding alcohol, food, goods, and sexual services at local brothels and members of the court and high constables who were involved in the operations of brothels. Yet, their experience with the criminal justice system was not one-sided.

Prostitutes established complex relationships with these officials. Some women initiated contact with the police and courts when they accused others of committing crimes against them. For these women, the criminal justice system served as a forum for conflict resolution. The criminal justice system also provided social welfare measures to homeless streetwalkers who asked to be incarcerated during winter and if that failed, threatened to commit misdemeanours to ensure lodging. Policemen and magistrates were cognizant of the motives behind their appeals, threats, and petty criminal activity, and often colluded with the women. Sometimes city watchmen and constables arrested homeless streetwalkers they believed to be in danger because of hunger and cold, justices of the peace extended prison sentences over the winter months, and gaol-keepers recommended certain inmates, who were under medical treatment, for longer periods of confinement. Constables, magistrates, and gaolers did not, however, provide social welfare consistently and to everyone in need. There were several incidents over the period when homeless street prostitutes died after being released from prison.

Prostitutes encountered biases in the courts. Even though they laid charges

against others, many of the women and men were acquitted. Similarly, prostitutes and madams were rarely successful in any challenge they made to court procedures and verdicts. Moreover, when prostitutes accused policemen of consorting with them, of extortion, or of frequenting brothels, the offending constables and watchmen were rarely disciplined unless their illicit behaviour was corroborated by the High Constable. Perhaps what they succeeded in doing was to bring the activity of some of the policemen to the attention of their superiors. At court, prostitutes, like many other prosecutors, were probably not interested in taking their complaints through all the judicial phases to achieve a guilty verdict. They knew from experience that simply swearing out a complaint to a justice of the peace ensured some sort of impact on the offending party. For those accused of larceny by men in seemingly compromised positions, sex trade workers were often acquitted of the charge. Likewise, women and men accused of keeping disorderly houses could expect that in the majority of cases, complaints would either be dropped before being processed to the full extent, or they would be acquitted of the charge. Streetwalkers were not as fortunate. In facing summary trial, they were usually found guilty and sentenced to periods of imprisonment.

A woman's agency was also played out when she decided to work as a prostitute or brothel-keeper. While economic necessity constituted one of the primary reason for many women to choose prostitution, this decision was influenced by many factors including social class and ethnicity. Thus, some had fewer choices than others. For some women the sex trade was a way to eke out a living on the streets or a means to drink for those addicted to alcohol. Others could make ends meet by integrating brothel-keeping into the household economy. And, for a few Montrealers, prostitution gave them the opportunity for upward mobility. Thus, the evidence suggests that not all prostitutes turned to the sex trade out of desperation. Women from many different backgrounds were attracted to the sex trade. This is supported by the number of women whose class origins lay in the artisanal group. There were families whose "trade" was prostitution. Some brothel-keepers came from prominent artisanal families, as in the case of Lucie Lenoir dite Rolland and

Marguerite Benêche dite Lavictoire. Both of these women pursued long careers in prostitution.

Most women chose prostitution as a temporary solution to pressing economic issues. A small number continued to work as prostitutes and madams for many years. While economic factors played varying roles, there was no single compelling reason why women worked in the Montreal sex trade. Newly arrived immigrant women without families had significantly limited opportunities for employment. They tended to be single Irish women who turned to street prostitution on a temporary basis, usually to solve the more immediate need of securing food and shelter. Brothel-keepers tended to be francophones, often married or widowed, who had access to systems of support in their communities and to households that could easily be converted to houses of prostitution. Since brothel-keepers were already integrated into their family economies, certain resources such as physical space, furniture, and goods were accessible. The blend of prostitution with the family economy accounts for the numbers of married men who operated brothels with their wives. Over the period under study, the ethnic composition of the city's bordellos altered, to reflect the changing demography of a city which was becoming increasingly non-francophone.

To Montreal notables, the presence of brothels and streetwalkers in their midst represented disorder which stood in opposition to bourgeois definitions of respectability, namely sobriety, industry, and discipline. Houses of ill repute and streetwalkers were associated with intemperance, idleness, and lack of restraint, reason enough to engender elite outrage. There was a chasm between this rhetoric of the city's elite and the reality of everyday life. This asymmetry forced the elites to search for new strategies to deal with prostitution when old ones faltered. When their quest for the abolition of the sex trade failed, they began to demand better regulation of brothels and the streets. In 1836 one Grand Jury even recommended a form of regulation like that of some European cities. Similarly, preoccupied with what they perceived to be a rising crime rate and the inability of the police to regulate society, elites vacillated between deterrence and rehabilitation. Punishment

changed over the period, moving away from public displays such as the pillory and carting, to incarceration and fines. Sentences decreased due to the pressure of inadequate space in carceral institutions taken up by large numbers of political prisoners who were arrested during the Rebellions, the growing arrest rates of streetwalkers, vagrants, and disorderly people as public spaces around the city were being increasingly regulated, and of the costs entailed in housing these prisoners.

The armed insurrection of 1837-1838 provided some of the city's most loyal citizens with the power, through their membership on the Special Council, to institute changes that they had been debating before the Rebellions. These changes, which had a profound effect on all segments of society, reformulated class relations and established new means of social regulation. The Special Council's re-organization of the police in 1838 allowed the enlarged complement of constables armed with new methods of patrolling to better regulate public space. In addition, policemen were increasingly stepping in to act as prosecutors in disorderly house cases, moving private prosecution into the public realm. Neighbours relinquished some of their own surveillance of their communities, choosing instead to complain to police about local brothels. This shift away from a local moral economy to a more repressive state apparatus had profound significance for the city's prostitutes and brothel-keepers.

One hundred and fifty years later, we continue to debate similar issues. Probably the most crucial question associated with prostitution and addressed by reformers in the early part of the nineteenth-century as well as by late twentieth-century law makers and social advocates centres upon the most effective way to deal with the sex trade. Today, too, we grapple with different approaches: do we work to eradicate prostitution through the judicial process, make punishment a deterrence, rehabilitate the "fallen woman", or punish clients who purchase the services of prostitutes? Do we accept that we cannot abolish prostitution and work toward better regulation of it? These questions are as relevant today as they were in the early nineteenth-century. Although the arguments may be couched in different language, Montrealers then and now continue to vacillate between regulation and abolition. We no longer speak of the brothel as a source of juvenile delinquency, the resort of

criminals, and a haven for unlawful acts. Yet, prostitution is still associated with contamination: prostitutes are frequently viewed as harbourers of venereal diseases and aids and, as a source of neighbourhood deterioration. As prostitution moves into new areas of the city, particularly middle-class ones, citizens demand that the police rout it from their midst. Appalled that their children encounter overt solicitation, increased traffic of clients, used condoms, and dirty needles in neighbourhood streets and local green spaces, the question on many people's minds, is how do we get rid of it? When the police fail to act, Montrealers, like their early nineteenth-century counterparts, institute a number of different strategies to rid their community of the sex trade: they take photographs of license plate numbers of clients who frequent their streets, push to have the names of men charged with procuring the services of prostitutes published in local newspapers, or interfere directly in the transactions between prostitutes and their clients. For some, the solution lies simply in making the sex trade relocate to another part of the city. Others demand that it be better regulated and perhaps even tolerated or legalized as long as it is confined to particular locales.

Why do we continue to struggle to come to terms with prostitution? Part of the problem lies in the way in which female sexuality has been viewed too often through the lens of enduring stereotypes such as the "fallen woman" which is usually juxtaposed against the image of the wife and mother, "*un coeur déchiré entre le rôle de la mère et celui de la 'putain'*".¹ We are uncomfortable with and condemn the woman deemed whore who uses her body for an economic transaction and stands in opposition to this ideal woman, ourselves. Moreover, we still tend to characterize prostitutes as women without choices, victims of economic conditions, of pimps, or of substance abuse. That women would choose prostitution as a form of labour over other available work and social welfare measures, albeit meagre, does not fit with this depiction. Obviously, economic conditions continue to play an important role

¹Lacasse, *La Prostitution féminine*: 59.

is choosing to work in prostitution. Danielle Lacasse's study of Montreal prostitution in the years 1945 to 1970 shows that although women came from all backgrounds, the economic situation of many was precarious. Some were caught in the pink-collar ghetto where their work was under-valued, under-paid, and susceptible to unemployment. A great number of them were poorly educated and hence unskilled, which made their search for employment difficult. Others were single and divorced mothers who were not entitled to mother's allowance.² Another difficulty is associated with the commercial nature of the transaction: money for sex. Some see it as the ultimate exploitation of women where they must sell their sexuality to support themselves and their dependants. Others, particularly women view it as representative of the double standard, the male client who escapes with impunity and an intact reputation, the prostitute who is forced to pay a fine or serve time if found guilty. For the state and the elites, according to Lacasse, prostitutes are viewed as criminals.³

Debate over how best to deal with the sex trade continues. Do we make punishment a deterrence, do we try to rehabilitate these women by providing shelter, counselling, and welfare, or do we work to reduce women's economic vulnerability, thus eliminating the option of prostitution as a form of labour. Given the dangers associated with this occupation, from threats, assaults, even death, we are obliged to search for solutions. Yet for those involved in the debate, there are many differing opinions. Laurie Bell points out the diversity of views amongst participants at a 1985 conference, "Challenging Our Images: The Politics of Pornography and Prostitution" which brought together prostitutes and feminists:

There are feminists in favour of censorship and those opposed; feminists who view prostitution as legitimate work and those who do not. There are sex trade activists who regard prostitutes as victims in some ways, those who do not; some who propose militant action for

²*Ibid.*: 97-101.

³*Ibid.*: 173.

prostitutes' rights, others who do not.⁴

We cannot ignore prostitution. In the age of post-structuralism, we recognize that women are complex individuals with multiple, sometimes competing identities. Sex trade workers, today, like their nineteenth-century counterparts, wear "many different hats". They are mothers, daughters, sisters, and wives, represent different ethnic and socio-economic groups, and are integrated members of the communities where they live. If we seek to improve the lives of others, we must learn to build bridges between all groups of women and not permit such diverse opinions to divide us and to prevent us from working together.

⁴Laurie Bell, "Introduction" in Laurie Bell (ed) *Good Girls/Bad Girls: Sex Trade Workers & Feminists Face to Face* (Toronto, 1987): 17-18.

BIBLIOGRAPHY

1. Archival sources

Archives nationales du Québec à Montréal:

E17 Québec (province) ministère de la justice (fonds)
TL30 S1 S11 [King's Bench / Oyer and Terminer registers]
TL32 S1 SS1 [Quarter Sessions documents]
TL32 S1 SS11 [Quarter Sessions registers]
TL36 S1 SS11 [Special Sessions documents]
[Coroner's Reports]
CE [Registres paroissiaux]

**McCord Museum:
McCord Papers**

McGill University Archives:

RG96 [Montreal General Hospital]

National Archives of Canada:

MG24 B173 [James Reid Papers]
RG4 B19 Microfilm C-718 [Census 1825 Lower Canada]
RG4 B19 Microfilm C-5941 [Séminaire de St.-Sulpice, Montreal Recensement de
la cité de Montréal]
RG4 B19 Microfilm C-729 & 730 [Lower Canada, Census 1842]
RG4 B19 Microfilm C-1149 & 1150 [Canada East Census - 1851]
RG4 B14 [Police Records]
RG4 B20 [Applications for Clemency and Pardons]

2. Contemporary Printed Sources

Government Documents:

Compilation of the Bye-Laws and Police Regulations in Force in the City of Montreal.
Montreal, 1842.

Digest of the Roads and Watch and Lights Acts, relating to the Revenues of the City of Montreal. 1831.

Governor and Special Council of Lower Canada Ordinances 1838-1841

Journals of the House of Assembly of Lower Canada 1810-1836

Police Ordinances in Force in the Cities of Quebec and Montreal, Canada. 1847.

Règles et reglemens de police pour la cité et les faubourgs de Montréal. Montréal, 1821.

The Revised Acts and Ordinances of Lower Canada (1777-1841). Montreal, 1845.

Rules and Regulations of Police, for the City and Suburbs of Montreal. Montreal, 1817.

Rules, Orders and Regulations for the Foreman, Deputy Foreman and Watchmen of the City of Quebec. 1827.

Newspapers:

Canadian Current 1807-1830.

La Minerve 1826-1832

Montreal Gazette 1810-1839

Montreal Herald 1811-1826

Montreal Transcript 1836-1842

Contemporary Publications:

Acton, William. *Prostitution.* London (1857) 1968.

Bell, William. *Hints to emigrants: in a series of letters from Upper Canada.* Edinburgh, 1824.

Blackstone, Sir William. *Commentaries on the Laws of England.* London, 1784.

Bonnycastle, R.H. *The Canadas in 1841.* Wakefield, 1968.

Borthwick, Douglas. *History of the Montreal Prison from AD 1784 to AD 1886.* Montreal, 1886.

Bouchette, Joseph. *A Topographical Description of the Province of Lower Canada, with Remarks upon Upper Canada and on the Relative connexion of Both Provinces with the USA.* London, 1815.

Buckingham, James S. *Canada, Nova Scotia, New Brunswick and the other British Provinces in North America.* London, 1843.

Burn, Richard. *The Justice of the Peace and Parish Officer.* London, 1788.

Dwight, Theodore. *The northern traveller: containing the routes to Niagara, Quebec, and the Springs*. New York, 1825.

Fidler, Isaac. *Observations on professions, literature, manners, and emigration in the United States and Canada, made during a residence there in 1832*. London, 1833.

Fowler, Thomas. *The journal of a tour through British America to the falls of Niagara*. Aberdeen, 1832.

George, Henry (Hume). *The emigrant's guide; or, Canada as it is. Comprising details related to the domestic policy, commerce and agriculture, of the Upper and Lower Provinces, comprising matter of general information and interest, especially intended for the use of settlers and emigrants*. New York, 1832.

Hamilton, Thomas. *Men and Manners*. London, (1833) 1843.

Hodgson, Adam. *Letters from North America, written during a tour in the United States and Canada*. London, 1824.

McDonald, John. *Narrative of a voyage to Quebec and journey from thence to New Lanark in Upper Canada. Detailing the hardships and difficulties which an emigrant has to encounter, before and after his settlement; with an account of the country, as it regards its climate, soil, and the actual condition of its inhabitants*. Edinburgh, 1823.

Old countryman. *A friendly advice to emigrants from Europe, on their arrival in Canada*. Montreal, 1834.

Parent-Duchâtelet, Alexandre. *La prostitution à Paris au XIXe siècle*. Paris, (1836) 1981.

Sanger, William W. *The History of Prostitution: Its Extent, Causes and Effects throughout the World*. New York, 1898.

Taylor, Hugh. *Manual of the Office, Duties & Liabilities of a Justice of the Peace*. 1843.

3. Biographical Sources

Bulletin des recherches historiques

Dictionary of Canadian Biography volumes V-VII (Toronto, 1983-1988)

Mariages de la Paroisse Notre-Dame de Montréal (1642-1850). (Montréal, 1974)

Programme de recherche en démographie historique, *Registre de population du Québec ancien*

4. Unpublished Theses

Burgess, Joanne. *Work, Family and Community: Montreal Leather Craftsmen, 1790-1831*. Ph.D. Thesis (Université du Québec à Montréal, 1986).

Fyson, Donald. *Criminal Justice, Civil Society and the Local State: The Justices of the Peace in the District of Montreal, 1764-1830*. Ph.D. Thesis (Université de Montréal, 1995).

Fyson, Donald. *Eating in the City: Diet and Provisioning in Early Nineteenth-Century Montreal*. M.A. Thesis (McGill University, 1989).

Fecteau, Jean-Marie. *La pauvreté, le crime, l'état: essai sur l'économie politique du contrôle social au Québec, 1791-1840*. Thèse du doctorat (U. de Paris VII, 1983).

Gossage, Peter. *Abandoned Children in Nineteenth-Century Montreal*. M.A. Thesis (McGill University, 1985).

Myers, Tamara. *Criminal Women and Bad Girls: Regulation and Punishment in Montreal, 1890-1930*. Ph.D. Thesis (McGill University 1995).

Poutanen, Mary Anne. *For the Benefit of the Master: The Montreal Needle Trades during the Transition, 1820-1842*. M.A. Thesis (McGill University, 1985).

5. Published Scholarly Works

Adler, Jeffrey S. "Vagging the Demons and Scoundrels: Vagrancy and the Growth of St. Louis, 1830-1861". *Journal of Urban History* 13:1 (November 1986).

Adler, Jeffrey S. "Streetwalkers, Degraded Outcasts, and Good-for-Nothing Huzzies: Women and the Dangerous Class in Antebellum St. Louis". *Journal of Social History* 25:4 (1992).

Anderson, Amanda. *Tainted Souls and Painted Faces: The Rhetoric of Fallenness in Victorian Culture*. London, 1993.

Anderson, Michael. *Family Structure in Nineteenth Century Lancashire*. Cambridge, 1971.

Atherton, William Henry. *Montreal 1535-1914 Under British Rule 1760-1914*. (Vol. #2) Montreal, 1914.

Backhouse, Constance. *Petticoats & Prejudice: Women and Law in Nineteenth-Century Canada*. Toronto, 1991.

Backhouse, Constance. "Nineteenth Century Prostitution Law: Reflections of a Discriminating Society". *Histoire sociale/Social History* #18 (November 1985).

Baehr, Rainer. "From Bridewell to Federal Penitentiary: Prisons and Punishment in Nova Scotia before 1880". In Philip Girard and Jim Phillips (eds) *Essays in the History of Canadian Law* Vol. III, Nova Scotia. Toronto, 1990.

Baker, J.H. "Criminal Courts and Procedure at Common Law 1550-1800". In J.S. Cockburn (ed) *Crime in England 1550-1800*. Princeton, NJ, 1977.

Bernier, Gérald and Daniel Salée. "Les Insurrections de 1837-1838 au Québec: Remarques critiques et théoriques en marge de l'historiographie". *Canadian Review of Studies in Nationalism* 13:1 (1986).

Barret-Ducrocq, Françoise. *Love in the Time of Victoria: Sexuality and Desire Among Working-Class Men and Women in Nineteenth-Century London*. Toronto, 1991.

Beattie, J.M. *Crime and the Courts in England, 1550-1800*. Princeton, 1986.

Beattie, J.M. "Judicial Records and the Measurement of Crime in Eighteenth-Century England". In Louis A. Knafla (ed) *Crime and Criminal Justice in Europe and Canada: Essays*. Waterloo, 1985.

Berkner, Lutz. "The Stem Family & the Developmental Cycle of the Peasant Household". *American Historical Review* 77:2 (1972).

Bernard, J-P, Linteau, P.A. and J-C Robert. "La croissance démographique et spatiale de Montréal dans le premier quart du 19e siècle". *GRSM: Rapports & travaux 1973-1975*. Montreal, 1975.

Bernard, J-P, Linteau, P.A. and J-C Robert. "La structure professionnelle de Montréal en 1825". *RHAF*. 30:3 (décembre 1976).

Best, Joel. "Careers in Brothel Prostitution: St. Paul, 1865-1883". *Journal of*

Interdisciplinary History 12:4 (Spring, 1982).

Blackmar, Elizabeth. *Manhattan for Rent, 1785-1850*. Ithaca, 1989.

Bouman, Mark J. "Luxury and Control: The Urbanity of Street Lighting in Nineteenth-Century Cities". *Journal of Urban History* 14:1 (November, 1987).

Bradbury, Bettina. *Working Families: Age, Gender, and Daily Survival in Industrializing Montreal*. Toronto, 1993.

Bradbury, Bettina. "Surviving as a Widow in 19th-Century Montreal". *Urban History Review/Revue historique urbaine* 17:3 (February, 1989).

Bradbury, Bettina. "Women's History and Working-Class History". *Labour/le travail* #19 (Spring 1987).

Bramwell, Bill. "Public space and local communities: the example of Birmingham, 1840-1880". In Gerry Kearns and Charles W.J. Withers (eds) *Urbanising Britain: Essays on class and community in the nineteenth century*. New York, 1992.

Brennan, Thomas. *Public Drinking and Popular Culture in Eighteenth-Century Paris*. Princeton, NJ, 1988.

Bullough, Vern L. "Problems and Methods for Research in Prostitution and the Behavioral Sciences". *Journal of the History of the Behavioral Sciences* #1 (1965).

Bynum, Victoria. *Unruly Women: The Politics of Social and Sexual Control in the Old South*. Chapel Hill, 1992.

Carlisle, Marcia. "Disorderly City, Disorderly Women: Prostitution in Ante-Bellum Philadelphia". *Pennsylvania Magazine of History and Biography* 110:4 (1986).

Clark, Christopher. "The Household Economy, Market Exchange and the Rise of Capitalism in the Connecticut Valley, 1800-1860". *Journal of Social History* 13:2 (Winter, 1979).

Cockburn, J.S. (ed) *Crime in England 1550-1800*. Princeton, NJ, 1977.

Cohen, Marjorie. *Women's Work, Markets, and Economic Development in Nineteenth-Century Ontario*. Toronto, 1988.

Connelly, Mark Thomas. *The Response to Prostitution in the Progressive Era*. Chapel Hill, 1980.

Cooper, J. "Red Lights of Winnipeg", Historical & Scientific Society of Manitoba. *Transactions* #27 (1970-1971).

Corbin, Alain. *Les filles de noce: misère sexuelle et prostitution (19e siècle)*. Paris, 1982.

Corfield, Penelope J. "Walking the City Streets: The Urban Odyssey in Eighteenth-Century England". *Journal of Urban History* 16:2 (February 1990).

Cowan, Helen I. *British Emigration to British North America: The First Hundred Years*. Toronto, 1961.

Cross, Michael S. "'The Laws Are like Cobwebs': Popular Resistance to Authority in Mid-Nineteenth-Century British North America". In P. Waite et al (eds) *Law in a Colonial Society: The Nova Scotia Experience*. Toronto, 1984.

Cross, Suzanne. "The Neglected Majority: The Changing Role of Women in Nineteenth Century Montreal". *Histoire sociale/Social History* 6:12 (November 1974).

Davey, B.J. *Lawless and Immoral: Policing a Country Town 1838-1857*. New York, 1983.

Davidoff, Leonore. "The Separation of Home & Work? Landladies and Lodgers in Nineteenth & Twentieth-Century England". In Sandra Burman (ed) *Fit Work for Women*. Canberra, 1979.

Davis, Natalie Zemon. *Fiction in the Archives: Pardon Tales and Their Tellers in Sixteenth-Century France*. Stanford, Cal., 1987.

De La Cour, Lykke, Morgan, Cecilia, and Mariana Valverde. "Gender Regulation and State Formation in Nineteenth-Century Canada". In Allan Greer and Ian Radforth (eds) *Colonial Leviathan: State Formation in Mid-Nineteenth-Century Canada*. Toronto, 1992.

Dickinson, John A. and Young, Brian. *A Short History of Quebec*. Toronto, 1993.

Dickinson, John A. "Réflexions sur la police en Nouvelle-France". *McGill Law Journal* #32 (1987).

Donovan, James. "Justice and Sexuality in Victorian Marseille 1825-1885". *Journal of Social History* #21 (Winter, 1987).

Edmison, J. Alex. "Some Aspects of Nineteenth-Century Canadian Prisons". In

- W.T. McGrath (ed) *Crime and Its Treatment in Canada*. Toronto, 1976.
- Emsley, Clive. *Crime and Society in England 1750-1900*. London, 1987.
- Emsley, Clive. *The English Police: A Political and Social History*. New York, 1991.
- Emsley, Clive. *Policing and its Context, 1750-1870*. New York, 1984.
- Engel, Arthur J. "'Immoral Intentions': The University of Oxford and the Problem of Prostitution, 1827-1914". *Victorian Studies* #23 (1979).
- Errington, Elizabeth Jane. *Wives and Mothers School Mistresses and Scullery Maids: Working Women in Upper Canada 1790-1840*. Montreal, 1995.
- Evans, Richard F. "Prostitution, State and Society in Imperial Germany". *Past & Present* #70 (1976).
- Fecteau, Jean-Marie. *Un nouvel ordre des choses: La pauvreté, le crime, l'Etat au Québec, de la fin du XVIIIe siècle à 1840*. Outremont, 1989.
- Fecteau, Jean-Marie. "Transition au capitalisme et régulation de la déviance quelques réflexions à partir du cas bas-canadien". *Déviance et Société* 8:4 (1984).
- Fingard, Judith. *The Dark Side of Life in Victorian Halifax*. Porters Lake, NS, 1989.
- Fingard, Judith. "The Winter's Tale: The Seasonal Contours of Pre-industrial Poverty in British North America, 1815-1860". *Historical Papers* (1974).
- Finnegan, Frances. *Poverty and Prostitution: A Study of Victorian Prostitutes in York*. New York, 1979.
- Flaherty, David H. "Writing Canadian Legal History" in David Flaherty (ed) *Essays in the History of Canadian Law*. (Vol. #1) Toronto, 1981.
- Foucault, Michel. *Discipline and Punish: The Birth of the Prison*. New York, 1979.
- Foucault, Michel. *The History of Sexuality. Volume I: An Introduction*. New York, 1980.
- Freedman, Estelle B. *Their Sisters' Keepers: Women's Prison Reform in America 1830-1930*. Ann Arbor, 1981.
- Fuchs, Rachel G. and Leslie Page Moch. "Pregnant, Single, and Far from Home: Migrant Women in Nineteenth-Century Paris". *American Historical Review* #95

(October, 1990).

Fyson, Donald. *The Court Structure of Quebec and Lower Canada, 1764 to 1860*. Montreal, 1994.

Fyson, Donald, Colin Coates and Kathryn Harvey (eds) *Class, Gender and the Law in Eighteenth and Nineteenth-Century Quebec: Sources and Perspective*. Montreal, 1993.

Gatrell, V.A.C. & Hadden, T.B. "Criminal statistics and their interpretation". In V.A.C. Gatrell et al (eds) *Crime and the Law: The Social History of Crime in Western Europe Since 1500*. London, 1980.

Gilfoyle, Timothy. *City of Eros: New York City, Prostitution, and the Commercialization of Sex, 1790-1920*. New York, 1992.

Gilfoyle, Timothy. "The Urban Geography of Commercial Sex: Prostitution in New York City, 1790-1860". *Journal of Urban History* 13:4 (August 1987).

Goldman, Marion S. *Gold Diggers & Silver Miners: Prostitution & Social Life on the Comstock Lode*. Ann Arbor, 1981.

Gordon, Linda. *Heroes of Their Own Lives; The Politics and History of Family Violence: Boston 1880-1960*. New York, 1988.

Gowing, Laura. "Language, power and the law: women's slander litigation in early modern London". In Jenny Kermode and Garthine Walker (eds) *Women, Crime, and the Courts in Early Modern England*. Chapel Hill, 1994.

Gray, James H. *Red Lights on the Prairies*. Toronto, 1971.

Greenberg, Douglas. *Crime and Law Enforcement in the Colony of New York 1691-1776*. Ithaca, 1974.

Greenshields, Malcolm. "Women, Violence, and Criminal Justice Records in Early Modern Haute Auvergne (1687-1664)". *Canadian Journal of History/Annales canadiennes historiques* #22 (August 1987).

Greenwood, F. Murray. "L'Insurrection appréhendée et l'administration de la justice au Canada: Le Point de vue d'un historien". *RHAF* 34:1 (juin 1980).

Greer, Allan and Ian Radforth (eds) *Colonial Leviathan: State Formation in Mid-Nineteenth-Century Canada*. Toronto, 1992.

Hareven, Tamara. "The History of the Family and the Complexity of Social Change". *American Historical Review* 96:1 (February, 1991).

Harsin, Susan J. *Crime, Poverty & Prostitution in Paris, 1815-1848*. Ann Arbor, 1981.

Harvey, Kathryn. "'To Love, Honour and Obey': Wife-battering in Working-Class Montreal, 1869-1879". *Urban History Review/Revue urbaine historique* 10:2 (October, 1990).

Hay, Douglas. "The Meanings of the Criminal Law in Quebec, 1764-1774". In Louis A. Knafla (ed) *Crime and Criminal Justice in Europe and Canada*. Waterloo, 1985.

Hill, Bridget. *Women, work and sexual politics in eighteenth-century England*. Montreal, 1994.

Hindus, Michael Stephen. "The Contours of Crimes and Justice in Massachusetts and South Carolina, 1767-1878". *American Journal of Legal History* 21:3 (1977).

Hobson, Barbara Meil. *Uneasy Virtue: The Politics of Prostitution and the American Reform Tradition*. New York, 1987.

Holmes, Kay. "Reflections by Gaslight: Prostitution in Another Age". *Issues in Criminology* 7:1 (Winter 1972).

Humphries, Jane. "Class Struggle & the Persistence of the Working-Class Family". *Cambridge Journal of Economics* 1:3 (1977).

Ingram, Martin. "'Scolding women cucked or washed': a crisis in gender relations in early modern England?". In Jenny Kermode and Garthine Walker (eds) *Women, Crime and the Courts in Early Modern England*. Chapel Hill, 1994.

Jenson, Joan. *With These Hands: Women Working on the Land*. New York, 1981.

Johnson, Claudia. "That Guilty Third Tier: Prostitution in Nineteenth-Century American Theaters". *American Quarterly* #27 (1975).

Jones, Colin. "Prostitution & the Ruling Class in Eighteenth-Century Montpellier". *History Workshop* #16 (Autumn, 1978).

Karras, Ruth Mazo. "The Regulation of Brothels in Later Medieval England". *Signs* 14:2 (1989).

Knafla, Louis and Terry L. Chapman. "Criminal Justice in Canada: A Comparative Study of the Maritimes and Lower Canada, 1760-1812". *Osgoode Hall Law Journal* 21:2 (1983).

Lacasse, Danielle. *La prostitution féminine à Montréal, 1945-1970*. Montreal, 1994.

Lacelle, Claudette. "Les domestiques dans les villes canadiennes au XIXe siècle: affectifs & conditions de vie". *Histoire sociale/Social History* 15:29 (May 1982).

Lambert, Phyllis and Stewart, Alan (eds) *Opening the Gates of Eighteenth-Century Montréal*. Montreal, 1992.

Lapointe-Roy, Huguette. *Charité bien ordonnée: Le premier réseau de lutte contre la pauvreté à Montréal au 19e siècle*. Montreal, 1987.

Laslett, Peter & Wall, Richard. *Household & Family in Past Time*. Cambridge, 1972.

Lévesque, Andrée. "Le bordel: milieu de travail contrôlé". *Labour/le travail* #20, (Fall 1987).

Lévesque, Andrée. *La norme et les déviates. Des Femmes au Québec pendant l'entre-deux-guerres*. Montreal, 1989.

Lévesque, Andrée. "Eteindre le Red Light: les réformateurs et la prostitution à Montréal entre 1865 et 1925". *Urban History Review/Revue historique urbaine* 17:3 (Feb. 1989).

Levine, Philippa. "Women and Prostitution: Metaphor, Reality, History". *Canadian Journal of History/Annales canadiennes d'histoire* #28 (December 1993).

Littlewood, Barbara and Linda Mahood. "Prostitutes, Magdalenes and Wayward Girls: Dangerous Sexualities of Working-Class Women in Victorian Scotland". *Gender and History* 3:2 (Summer, 1991).

MacFarlane, Alan. *Reconstructing. Reconstructing Historical Communities*. (1977).

Malcolmson, Patricia E. "Laundresses and the Laundry Trade in Victorian England". *Victorian Studies* 24:4 (Summer, 1981).

Mason, Michael. *The Making of Victorian Sexuality*. New York, 1995.

Massicotte, E-Z. "Le guêt à Montréal au XIXe siècle". *Bulletin des recherches historiques* 32:2 (1987).

Matthews, W. Thomas. "The Myth of the Peaceable Kingdom: Upper Canadian Society during the Early Victorian Period". *Queen's Quarterly* 91:2 (Summer, 1987).

McCulloch, Michael. "Most Assuredly Perpetual Motion: Police and Policing in Quebec City, 1838-58". *Urban History Review/Revue historique urbaine* 19:2 (October 1990).

McGahan, Peter. *Crime and Policing in Maritime Canada*. Fredericton, 1988.

Muir, Edward and Guido Ruggiero (eds) *Sex & Gender in Historical Perspective*. Baltimore, 1990.

Nilson, D. "The 'Social Evil': Prostitution in Vancouver 1900-1920" in B. Latham and C. Less (eds) *In Her Own Right*. Victoria, 1980.

Ogborn, Miles. "Ordering the city: surveillance, public space and the reform of urban policing in England, 1835-56". *Political Geography* 12:6 (November, 1993).

Oppenheim, Karen, Vinovskis, Maris and Tamara Hareven. "Women's Work and the Life Course in Essex County, Mass., 1880". In T.K. Hareven (ed) *Transitions: The Family and the Life Course in Historical Perspectives*. New York, 1978.

Ouellet, Fernand. *Economic and Social History of Quebec, 1760-1850: Structures and Conjunctures*. Ottawa, 1980.

Oxner, Sandra. "The Evolution of the Lower Court of Nova Scotia". In P.B. Waite et al (eds) *Law in a Colonial Society: The Nova Scotia Experience*. Halifax, 1984.

Paley, Ruth. "'An Imperfect, Inadequate & Wretched System'? Policing London before Peel". *Criminal Justice History* #10 (1989).

Parker, W.H. "The Towns of Lower Canada in the 1830's". In R.P. Beckinsale and J.N. Houston (eds) *Urbanization and Its Problems*. Oxford, 1970.

Parr, Joy. "Gender History and Historical Practice". *Canadian Historical Review* 76:3 (September, 1995).

Perry, Mary E. "'Lost Women' in Early Modern Seville: The Politics of Prostitution". *Feminist Studies* 4:1 (1978).

Phillips, Jim. "Poverty, Unemployment, and the Administration of the Criminal Law: Vagrancy Laws in Halifax, 1864-1890". In Philip Girard and Jim Phillips (eds) *Essays in the History of Canadian Law*. (Vol. #3), Nova Scotia. Toronto, 1990.

Price, Jane B. "'Raised in Rockhead. Died in the Poor House': Female Petty Criminals in Halifax, 1864-1890". In Philip Girard and Jim Phillips (eds) *Essays in the History of Canadian Law*. (Vol. #3) Nova Scotia. Toronto, 1990.

Radzinowicz, Leon. *A History of English Criminal Law and its Administration from 1750*. London, 1956.

Reynolds, Elaine A. "St. Marylebone: Local Police Reform in London, 1755-1829". *The Historian* 51:3 (1989).

Riegel, Robert E. "Changing American Attitudes towards Prostitution (1800-1920)". *Journal of the History of Ideas* #29, (1968).

Robert, Jean-Claude. *Atlas Historique de Montréal*. Montreal, 1994.

Rogers, Nicholas. "Carnal Knowledge: Illegitimacy in Eighteenth-Century Westminster". *Journal of Social History* #23 (Winter, 1989).

Rogers, Nicholas. "Policing the Poor in Eighteenth-Century London: The Vagrancy Laws and Their Administration". *Histoire sociale/Social History* 24:47 (May 1991).

Rogers, Nicholas. "Serving Toronto the Good: The Development of the City Police Force, 1834-84". In Victor Russell (ed) *Forging a Consensus: Historical Essays on Toronto*. Toronto, 1984.

Rosen, Ruth. *The Lost Sisterhood: Prostitution in America, 1900-1918*. Baltimore, 1982.

Rotenberg, Lori. "Toronto's Prostitutes at the Turn of the Century". In *Women at Work, Ontario, 1850-1930*. Toronto, 1974.

Ryan, Mary P. *Women in Public: Between Banners and Ballots, 1825-1880*. Baltimore, 1990.

Scott, Joan Wallach. *Gender and the Politics of History*. New York, 1988.

Segalen, Martine. *Historical Anthropology of the Family*. New York, 1986.

Sen, Gita. "The Sexual Division of Labour & the Working-Class Family: Towards a Conceptual Synthesis of Class Relations and the Subordination of Women". *RRPE* 12:2 (Summer, 1980).

Senior, E.K. *British Regulars in Montreal: An Imperial Garrison, 1832-1854*. Montreal, 1981.

Senior, E.K. "The Influence of the British Garrison on the Development of the Montreal Police, 1832 to 1853". *Military Affairs*. April, 1979.

Shoemaker, Robert B. *Prosecution and Punishment: Petty Crime and the Law in London and Rural Middlesex, c. 1660-1725*. Cambridge, 1991.

Sindal, Rob. *Street Violence in the Nineteenth-Century: Media Panic or Real Danger?* New York, 1990.

Sklar, Kathryn Kish and Dublin, Thomas. *Women and Power in American History: A Reader Vol. 1 to 1880*. Englewood Cliffs, NJ, 1991.

Spencer, Elaine Govka. "Policing Popular Amusements in German Cities: The Case of Prussia's Rhine Province, 1815-1914". *Journal of Urban History*, 16:4 (August 1990).

Stansell, Christine. *City of Women: Sex and Class in New York, 1789-1860*. New York, 1987.

Storch, Robert D. "Police Control of Street Prostitution in Victorian London: A Study in the Contexts of Police Action". In David H. Bayley (ed) *Police & Society*. Beverley Hills, 1979.

Talbot, C.K. et al. *Canada's Constables: The Historical Development of Policing in Canada*. Ottawa, 1985.

Talman, James J. "Travel Literature as Source Material for the History of Upper Canada 1791-1840" *CHA Report*. 1929.

Turmel, Jean. *Premières structures et evolution de la police de Montréal (1796-1909)*. Montreal, 1971.

Valverde, Mariana. "Poststructuralist Gender Historians: Are We Those Names?". *Labour/Le travail* #25 (Spring, 1990).

Walker, Garthine. "Women, theft and the world of stolen goods". In Jenny Kermode and Garthine Walker (eds) *Women, Crime and the Courts in Early Modern England*. Chapel Hill, 1994.

Walkowitz, Judith. "The Making of An Outcast Group: Prostitutes & Working Women in Nineteenth-Century Plymouth & Southampton". In M. Vicinus (ed) *A Widening Sphere: Changing Roles of Victorian Women*. 1977.

Walkowitz, Judith. *Prostitution and Victorian Society: Women, class, and the state*.

London, 1980.

Weaver, John C. "Crime, Public Order, & Repression: The Gore District in Upheaval, 1832-1851". *Ontario History* 78:3, (September, 1986).

Weaver, John C. *Crimes, Constables, and Courts: Order and Transgression in a Canadian City, 1816-1970*. Montreal, 1995.

Weaver, John C. "Introduction: Trends and Questions in New Historical Accounts of Policing". *Urban History Review/Revue historique urbaine* 19:1 (October 1990).

Weaver, John C. "Social Control, Marital Conformity, and Community Entanglement: the Varied Beat of the Hamilton Police, 1895-1920". *Urban History Review/Revue historique urbaine* 19:2 (October 1990).

White, Luise. "Prostitutes, Reformers, and Historians". *Criminal Justice History* #6 (1985).

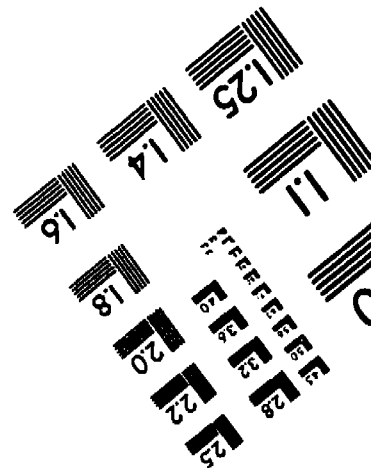
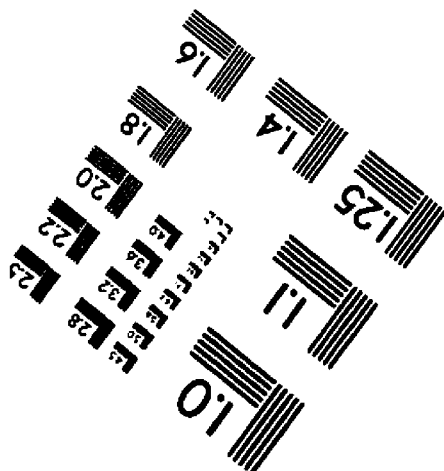
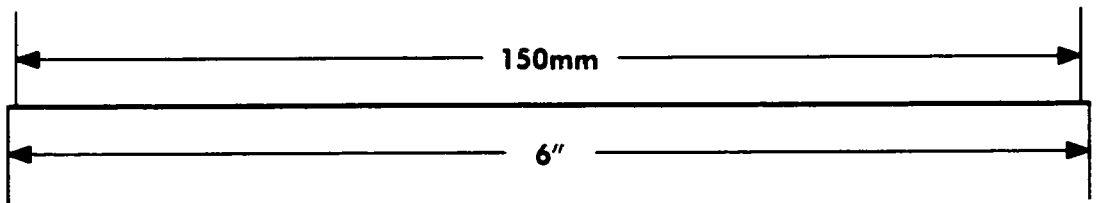
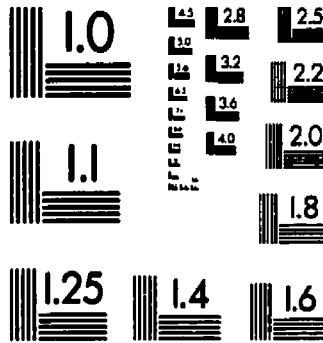
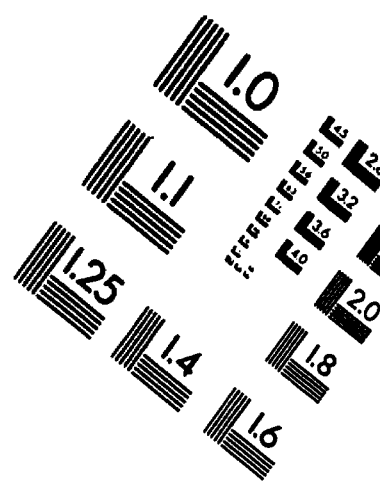
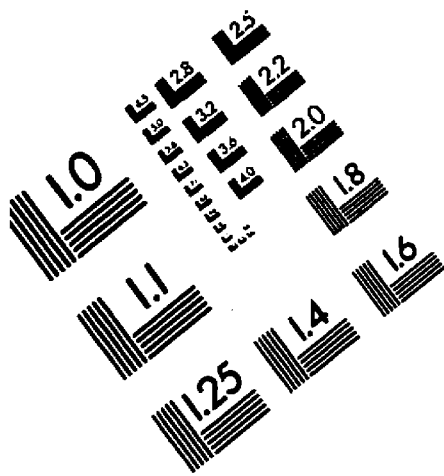
Wood Hill, Marilyn. *Their Sisters' Keepers: Prostitution in New York City, 1830-1870*. New York, 1993.

Young, Brian. *In Its Corporate Capacity: The Seminary of Montreal as a Business Institution*. Montreal, 1986.

Young, Brian "Positive Law, Positive State: Class Realignment and the Transformation of Lower Canada, 1815-1866". In Allan Greer and Ian Radforth (eds) *Colonial Leviathan: State Formation in Mid-Nineteenth-Century Canada*. Toronto, 1992.

Zedner, Lucia. *Women, Crime, and Custody in Victorian England*. New York, 1991.

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