

Bill No. 81 of 1953

A BILL TO PROVIDE FOR THE SALE UNDER GOVERNMENT CONTROL OF ALCOHOLIC LIQUORS  
WITHIN THE PROVINCE

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NOTE

This Bill enacts a new Act to be known as "*The Liquor Control Act*" which repeals and replaces *The Government Liquor Control Act of Alberta*, being chapter 24 of the Revised Statutes of Alberta, 1942.

Essentially *The Liquor Control Act* is a revision and a consolidation of the Act it repeals and replaces. However, there are certain substantive changes in its provisions.

The definition of "residence" has been extended to include therein the living quarters in a hotel of the hotel personnel and such persons thereby have, with respect to the consumption of liquor, the same privilege in regard to their living quarters as other persons have in regard to "residences". It has also been extended to include as a residence the living quarters of a building used in part for a business.

The expiry date of permits and licences under this Act is the 31st day of March instead of the end of the calendar year.

The Act permits liquor to be made the subject matter of a *bona fide* gift in certain cases, where otherwise the liquor is legally held and can be legally received.

It is permissible under this Act to consume liquor in a residence other than one's own even by a person who has not a permit. This does not apply to an interdict.

The sale of beer hours have been extended to an hour not later than eleven o'clock instead of the former hour of ten.

This Act permits the bringing into Alberta of certain limited quantities of liquor purchased outside Canada and lawfully entered into Canada.

It is under this Act an offence for an interdicted person to be intoxicated.

The Act is divided into six Parts. Part I provides for the administration of the Act, the creation of the Alberta Liquor Control Board and the powers and duties of that Board.

Part II provides for the establishment of government liquor stores, and the keeping, selling of beer and liquor by

government liquor vendors, clubs, canteens and of beer by hotels. In this Part are found the provisions bearing on the lawful possession of beer or liquor by physicians, clubs and others.

Part III deals with local option areas and plebiscites.

Part IV provides for interdiction, and generally for the prosecutions and penalties for a violation of the Act; searches to discover violations, and seizures where there is a violation. Provisions for appeals are in this Part.

Part V deals with the property, financing and accounting of the Alberta Liquor Control Board.

Part VI deals with miscellaneous matters.

This Bill comes into force on the 1st day of July, 1953.

J. W. RYAN,  
*Acting Legislative Counsel.*

*(This note does not form any part of the Bill but is offered in explanation of its provisions.)*

# BILL

No. 81 of 1953

An Act to Provide for the Sale under Government Control  
of Alcoholic Liquors within the Province

(Assented to , 1953)

**H**ER MAJESTY, by and with the advice and consent of  
the Legislative Assembly of the Province of Alberta,  
enacts as follows:

1. This Act may be cited as "*The Liquor Control Act*". Short title

## Interpretation

2. (1) In this Act, and in any regulations made here- Interpre-  
tation  
under, unless the context otherwise requires,
- (a) "beer" means any beverage obtained by the alcoholic "beer"  
fermentation of an infusion or decoction of barley,  
malt and hops or of any other similar products in  
drinkable water and not containing more than four  
and one-half per cent of alcohol by weight;
  - (b) "beer licence" means a licence granted to sell beer "beer  
licence"  
under section 48;
  - (c) "Board" means the Board created by this Act under "Board"  
the name of the "Alberta Liquor Control Board";
  - (d) "club" means an association of individuals for pur- "club"  
poses of mutual entertainment and convenience and  
includes the premises occupied or used for any such  
purpose;
  - (e) "club licence" means a licence granted to a club "club  
licence"  
pursuant to section 30;
  - (f) "club licensee" means a club which has been grant- "club  
licensee"  
ed a club licence.
  - (g) "dentist" means a member of the Alberta Dental "dentist"  
Association who
    - (i) is registered under *The Dental Association Act*,  
and
    - (ii) is not in default in respect of any fees payable  
by him by virtue of the said Act;
  - (h) "druggist" means a member of the Alberta Pharma- "druggist"  
ceutical Association who
    - (i) is registered as a pharmaceutical chemist under  
*The Alberta Pharmaceutical Association Act*,  
1945, and
    - (ii) is entitled to assume and use the title of "chem-  
ist" and "druggist" under the said Act;

"Govern- ment"	(i) "Government" means the Crown in the right of the Province acting by the Lieutenant Governor in Council;
"hamlet"	(j) "hamlet" means a place not within the boundaries of a city, town or village <ul style="list-style-type: none"> <li>(i) which is not more than one-half mile square in area, and</li> <li>(ii) which contains more than two separate buildings used as residences and at least one other building used for any business other than that of agriculture or a railway, and</li> <li>(iii) in which there is a resident population of not less than twenty persons, together with any quarter sections of land upon which any of such buildings are situate, and the quarter-section contiguous thereto, except the parts of any such quarter-sections as are included in any city, town or village;</li> </ul>
"hotel"	(k) "hotel" means a place where the public, for a consideration, may obtain sleeping accommodation, with or without meals;
"interdicted person"	(l) "interdicted person" means a person to whom the sale of liquor is prohibited by an order under this Act;
"judge"	(m) "judge" means a justice of the Supreme Court of Alberta or a judge of a District Court of Alberta;
"justice"	(n) "justice" means a justice within the meaning of <i>The Summary Convictions Act</i> ;
"liquor"	(o) "liquor" includes <ul style="list-style-type: none"> <li>(i) any alcoholic, spirituous, vinous, fermented, malt or other intoxicating liquor or combination of liquors, and</li> <li>(ii) any mixed liquor, a part of which is spirituous, vinous, fermented or otherwise intoxicating, and</li> <li>(iii) all drinks or drinkable liquids and all preparations or mixtures capable of human consumption which are intoxicating;</li> </ul>
"malt liquor"	(p) "malt liquor" means any beverage other than beer obtained by the alcoholic fermentation of an infusion or decoction of barley, malt and hops in <ul style="list-style-type: none"> <li>• drinkable water;</li> </ul>
"member of a club"	(q) "member of a club" <ul style="list-style-type: none"> <li>(i) means a person             <ul style="list-style-type: none"> <li>(A) who, whether as a charter member or admitted in accordance with the by-laws or rules of a club, has become a member thereof,</li> </ul> </li> </ul>

- (B) who maintains his membership by the payment of his regular periodic dues in the manner provided by the rules or by-laws, and
  - (C) whose name and address are entered on the list of members supplied to the Board at the time of the application for a club licence under this Act or are subsequently supplied if admitted thereafter, and
- (ii) includes any person
  - (A) who is for the time being a visitor to a club,
  - (B) who has been registered and admitted according to the rules or by-laws of the club and in conformity with the regulations made pursuant to this Act;
- (r) "municipality" "municipality"
  - (i) means a city, town, village, hamlet, municipal district, exclusive of any hamlet situate therein, or improvement district, exclusive of any hamlet situate therein, and
  - (ii) includes the council of the municipality, and "municipal" has a corresponding meaning;
- (s) "package" means a container or receptacle used for holding liquor; "package"
- (t) "permit" means a permit, other than a special permit issued pursuant to this Act, for the purchase of liquor; "permit"
- (u) "physician" means a member of the College of Physicians and Surgeons of the Province of Alberta who is registered under *The Medical Profession Act* as a duly qualified medical practitioner; "physician"
- (v) "prescribed" means prescribed by regulations made pursuant to this Act, "prescribed"
- (w) "prescription" means a memorandum "prescription"
  - (i) in the form prescribed by the regulations made under the authority of this Act,
  - (ii) signed by a physician, and
  - (iii) given by him to a patient for the obtaining of liquor pursuant to this Act for use for medicinal purposes;
- (x) "public place" includes "public place"
  - (i) a place or building to which the public has or is permitted to have access,
  - (ii) a place of public resort, and
  - (iii) any conveyance in a public place;
- (y) "residence" "residence"
  - (i) means a building, or part of a building, or a tent where a person resides,
  - (ii) but does not include

- (A) a part of a building which part is not actually and exclusively used as a private residence,
  - (B) a part of a hotel other than a private guest room or a room used as living quarters by an owner, lessee, manager or employee of the hotel,
  - (C) a club or any part thereof,
  - (D) a place from which there is access to a club or hotel except through a street or lane or other open and unobstructed means of access,
- (iii) but includes
- (A) a part of a building which is not exclusively used as a private residence, which part is for the time being designated by the Board in writing as a residence, or
  - (B) a part of a club, which part is for the time being designated by the Board in writing as a residence, or
  - (C) a part of a building where a person resides, notwithstanding that it is connected with a part of the building used for business purposes by a door or other means of access opening into the part used for business purposes, if it is for the time being designated by the Board in writing as a residence, or
  - (D) a summer cottage or other place of temporary residence;
- "regulations" (z) "regulations" means regulations made by the Board and approved by the Lieutenant Governor in Council under the powers contained in this Act;
- "sale",  
"sell" (ab) "sale" and "sell" include
- (i) exchange, barter and traffic,
  - (ii) the selling or supplying or distributing, by any means whatsoever, of liquor or of any liquid known or described as beer or near-beer or by any name whatever commonly used to describe malt or brewed liquor,
  - (A) by any partnership or by any society, association or club, whether incorporated or unincorporated, and whether heretofore or hereafter formed or incorporated,
  - (B) to any partnership, society, association or club or to any member thereof;
- "spirits" (ac) "spirits" means any material or substance, whether in liquid or other form, containing any proportion by weight or volume of ethyl alcohol obtained from fermented beer, wash, wort or from

petroleum, or any other substance, whether obtained in a distillery by distillation or any other process;

(ad) "vendor" means a person appointed as a vendor under this Act; "vendor"

(ae) "veterinary" means a member of the Alberta Veterinary Medical Association who is registered under the provisions of *The Veterinary Surgeons Act* as a veterinary surgeon; "veterinary"

(af) "wine" means an alcoholic beverage obtained by the fermentation of the natural sugar contents of fruits or of other agricultural products containing sugar. "wine"

(2) For the purposes of clause (o) of subsection (1), any liquid preparation or mixture which contains more than two and one-half per cent of proof spirits shall be conclusively deemed to be intoxicating liquor.

### Division of Act

3. For convenience of reference only, this Act is divided into Parts and classified under the following headings: Division of Act

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## PART I

### ADMINISTRATION OF ACT, CREATION OF BOARD, POWERS AND FUNCTIONS OF BOARD

#### Alberta Liquor Control Board

Alberta  
Liquor  
Control  
Board

**4.** (1) There shall be a board to be known as the "Alberta Liquor Control Board" consisting of one, two or three members as may be determined from time to time by the Lieutenant Governor in Council.

Powers  
vested in  
Board

(2) The powers and duties specified in this Act and the administration of this Act, including the general control, management and supervision of all government liquor stores, are vested in the Board.

Principal  
office of  
Board

**5.** The principal office of the Board shall be in the city of Edmonton.

Appointment  
of Board  
members

**6.** The Lieutenant Governor in Council shall

- appoint the members of the Board,
- specify the number of members constituting a quorum of the Board,
- fix the salaries of the members of the Board.



7. (1) The Lieutenant Governor in Council shall designate one of the members of the Board to be chairman thereof. Chairman of Board

(2) The chairman shall devote his whole time and attention to the business of the Board and shall follow no other occupation whatsoever. Duties of chairman

(3) If there is only one member of the Board, he shall be deemed to be the chairman thereof for the purposes of this Act.

(4) If there is only one member of the Board, the Lieutenant Governor in Council may appoint an officer or employee of the Board to take the place of that member when the member is absent for any cause. Acting member

(5) The person so appointed shall while acting Powers of acting member  
 (a) have all the powers,  
 (b) exercise all the functions, and  
 (c) perform all the duties  
 of the Board under this Act or the regulations.

(6) When it appears that an officer or employee of the Board has acted for and in place of the chairman it shall be conclusively presumed that he has so acted in the absence or disability of the chairman. Acting chairman

8. (1) A member of the Board shall hold office during the pleasure of the Lieutenant Governor in Council. Term of office

(2) The Lieutenant Governor in Council from time to time may fill any vacancy occurring on the Board, but no vacancy in the membership of the Board shall impair the right of the remaining member or members to act. Vacancies

### Powers and Duties of Board

9. The Board shall have the function, duty and power Powers and duties of Board
- (a) to buy, import and have in its possession for sale, and sell, liquors in the manner set forth in this Act,
  - (b) to control the possession, sale and delivery of liquors in accordance with the provisions of this Act,
  - (c) to determine the municipalities within which government liquor stores shall be established throughout the Province, and the situation of the stores within the municipalities,
  - (d) to grant, refuse or cancel permits for the purchase of liquor,
  - (e) to lease, repair, maintain, furnish and equip a building or land required for the operation of this Act,
  - (f) with the approval of the Lieutenant Governor in Council
    - (i) to purchase or otherwise acquire such lands or buildings,

- (ii) to construct such buildings as are required for the operation of this Act, and to sell or otherwise dispose of the lands or buildings,
- (g) to buy or lease such supplies, equipment and machinery as it may consider necessary and useful in carrying into effect the objects and purposes of this Act,
- (h) to appoint vendors, officers, inspectors, clerks or other employees required for the operation or carrying out of this Act, and
  - (i) to dismiss them,
  - (ii) to fix their salaries or remuneration,
  - (iii) to assign them their titles,
  - (iv) to define their respective duties and powers,
- (i) to engage the service of experts and persons engaged in the practice of a profession, if deemed expedient,
- (j) to appoint officials to issue and grant permits under this Act,
- (k) to determine the nature, form and capacity of all packages to be used for containing liquor kept or sold under this Act,
- (l) to grant and issue licences under this Act,
- (m) without in any way limiting or being limited by the foregoing, to do all such things deemed necessary or advisable by the Board for the purpose of carrying into effect the provisions of this Act or the regulations.

**Regulations**     **10.** (1) The Board, with the approval of the Lieutenant Governor in Council, may make such regulations not inconsistent with this Act as the Board deems necessary for carrying out the provisions of this Act and for the efficient administration thereof.

**Publication of regulations**     (2) The regulations shall be published in *The Alberta Gazette*.

(3) The regulations have the same force and effect as if they formed a part of this Act upon being published in *The Alberta Gazette*.

(4) The regulations may be repealed by the Board

(a) after the approval of the Lieutenant Governor in Council, and

(b) upon publication of a notice of the repeal in *The Alberta Gazette*.

**Scope of regulations**     (5) Without limiting the generality of subsection (1), the power of the Board to make regulations in the manner set out in that subsection extends to and includes

- (a) regulating the equipment and management of government liquor stores and warehouses in which liquor is kept or sold and prescribing the books and records to be kept therein,

- (b) prescribing the duties of the officers, clerks and servants of the Board, and regulating their conduct while in the discharge of their duties,
- (c) governing the purchase of liquor and the furnishing of liquor to government liquor stores established under this Act,
- (d) determining the classes, varieties and brands of liquor to be kept for sale at any government liquor store,
- (e) prescribing, subject to this Act, the days and hours during which government liquor stores, hotels, canteens and clubs licensed to sell beer under this Act may be open for the sale of liquor or beer,
- (f) providing for the issue and distribution of price lists showing the price to be paid by purchasers for each class, variety or brand of liquor kept for sale under this Act,
- (g) prescribing an official seal and official labels and determining the manner in which the seal or labels are to be attached to each package of liquor sold or sealed under this Act, and prescribing the different official seals or different official labels to be used for different classes, varieties and brands of liquor,
- (h) prescribing
  - (i) forms to be used for the purposes of this Act or of the regulations, and
  - (ii) the terms and conditions in permits and licences issued and granted under this Act,
- (i) prescribing
  - (i) the nature of the proof to be furnished, and
  - (ii) the conditions to be observed,
 in the issue of duplicate permits in lieu of those lost or destroyed,
- (j) prescribing
  - (i) the kinds and quantities of liquor which may be purchased under permits of any class, and
  - (ii) the quantity which may be purchased at any one time or within a specified period of time,
- (k) prescribing the form of records of purchases of liquor by the holders of permits, and the reports to be made thereon to the Board, and providing for inspection of the records so kept,
- (l) prescribing the manner of giving and serving notices required by this Act or the regulations,
- (m) prescribing the duties of officials authorized to issue permits under this Act,
- (n) prescribing
  - (i) the fees payable in respect of permits and licences issued under this Act for which no fees are prescribed in this Act, and

- (ii) the fees for anything done or permitted to be done under the regulations,
  - (o) prescribing, subject to this Act,
    - (i) an advertisement of an application, if required, by the Board, and
    - (ii) the conditions and qualifications necessary for the obtaining of club licences, and
    - (iii) the books and records to be kept and the returns to be made by clubs, and
    - (iv) the number of licensed clubs in any municipality,
  - (p) providing for the inspection of clubs,
  - (q) prescribing, subject to this Act,
    - (i) the conditions and qualifications necessary for the obtaining of a beer licence, and
    - (ii) the books and records to be kept and the returns to be made by the licensees, and
    - (iii) the number of the licensed premises in any municipality,
  - (r) providing for the inspection of licensed premises,
  - (s) specifying and describing the place and the manner in which liquor may be lawfully kept or stored,
  - (t) specifying and regulating the time and periods when, and the manner, methods and means by which,
    - (i) vendors and brewers are to deliver liquor,
    - (ii) liquor may be lawfully conveyed or carried,
  - (u) governing the conduct, management and equipment of any premises licensed to sell beer under this Act,
  - (v) subject to this Act, making regulations respecting the sale and consumption of beer and liquor in a club holding a club licence and a canteen holding a canteen licence.
- (6) Whenever it is provided in this Act that any act, matter or thing may be done
- (a) if permitted or authorized by the regulations, or
  - (b) in accordance with the regulations, or
  - (c) as provided by the regulations,
- the Board, subject to the restrictions set out in subsection (1), may make regulations respecting such act, matter or thing.

## PART II

ESTABLISHMENT OF GOVERNMENT LIQUOR STORES  
AND THE KEEPING AND SELLING OF LIQUORS

## Government Liquor Stores

## 11. (1) The Board

Government  
liquor  
stores

- (a) shall establish and maintain at the cities of Edmonton and Calgary stores to be known as government liquor stores for the sale pursuant to this Act of liquor, and
- (b) may establish and maintain government liquor stores at such other places in the Province as may be deemed advisable.

(2) The Board may from time to time fix the prices at which the various classes, varieties and brands of liquor may be sold in a government liquor store, which prices shall be the same in all such stores.

Fixing of  
prices

12. The sale of liquor at each government liquor store shall be conducted by a person appointed under this Act to be known as a "vendor", who, under the directions of the Board, shall be responsible for the carrying out of this Act and the regulations so far as they relate to the conduct of the store and the sale of liquor thereat.

Appointment  
of vendors

## Sale of Liquor

13. (1) A vendor may sell to a person who is the holder of a subsisting permit such liquor as that person is entitled to purchase under the permit in conformity with the provisions of this Act and the regulations.

Sale of  
liquor

(2) Before the vendor makes delivery of any liquor, other than beer sold pursuant to this section, he shall

Delivery of  
liquor other  
than beer

- (a) receive an order in writing dated and signed by the purchaser setting out the number of his permit and describing the kind and quantity of the liquor ordered, and
- (b) receive the permit of the purchaser and shall endorse thereon the kind and quantity of the liquor sold and the date of sale, and
- (c) receive the purchase price in cash.

(3) A vendor may sell and deliver beer in accordance with this Act and the regulations

Delivery  
of beer

- (a) to a person who is the holder of a subsisting permit entitling him to purchase beer under this Act, and
- (b) to a licensee who is the holder of a subsisting licence under this Act to keep and sell beer.

Payment for beer	(4) Notwithstanding subsection (3), no delivery of beer sold under the provisions of this section shall take place until the purchaser has paid for the beer in the manner prescribed in the regulations.
Sale of liquor on prescription	<b>14.</b> A vendor may sell liquor to a person upon the prescription of a physician given pursuant to this Act, but no more than one sale and one delivery shall be made on any one prescription.
Sealing of package	<b>15.</b> (1) No spirits or wine shall be sold to a purchaser except in a package sealed with the official seal prescribed pursuant to this Act.
Opening of package	(2) The package shall not be opened on the premises of a government liquor store.
Consump- tion in liquor store prohibited	<b>16.</b> (1) No officer, clerk or servant of the Board employed in a government liquor store shall allow any liquor to be consumed on the premises of the government liquor store.  (2) No person shall consume any liquor on the premises of a government liquor store.
Hours of sale	<b>17.</b> (1) No government liquor store shall be open for the sale of liquor (a) after the hour fixed by the Board as the hour for closing a store, (b) on any day being a holiday which is designated by the regulations as a day upon which government liquor stores are to remain closed, (c) on a day on which polling takes place at a Dominion or Provincial election held in the electoral division in which the store is situate, (d) on a day on which polling takes place at a municipal election held in a municipality if the store is located in a polling district therein in which polling is taking place, and (e) during such other periods and on such other days as the Board directs.
Sale during closing hours prohibited	(2) *No sale or delivery of liquor shall be made on or from the premises of a government liquor store during the time which it is required to be closed for the sale of liquor.  (3) Notwithstanding subsection (2), a vendor may sell and deliver beer to a person who is the holder of a subsisting licence issued pursuant to this Act on any day not being a Sunday upon which the person licensed is permitted by this Act to have open the premises in respect of which he is licensed.

### Conveyance of Liquor

18. (1) It is lawful to carry or convey liquor to a government liquor store and to and from a warehouse or depot established by the Board for the purposes of this Act.

Delivery of liquor to government liquor store

(2) It is lawful for a common carrier or other person, when permitted to do so by this Act and the regulations and in accordance therewith, to carry or convey

Conveying liquor from government liquor store

(a) liquor sold by a vendor from a government liquor store, or

(b) beer, when lawfully sold by a brewer or by a beer licensee from the premises wherein the beer was manufactured, or

(c) beer from premises where the beer may be lawfully kept and sold,

to a place to which it may be lawfully delivered under this Act and the regulations.

(3) No common carrier or any other person

Opening of package being conveyed prohibited

(a) shall open or break or allow the opening or breaking of a package or vessel containing liquor, or

(b) drink or use or allow the drinking or use of any liquor therefrom,

while being so carried or conveyed.

(4) Whether or not the package or vessel containing liquor is opened or the seal on any such package or vessel is broken, a *bona fide* traveller may carry or transport liquor in the Province if the package or vessel containing the liquor is carried or transported in the traveller's luggage with his clothing and other necessities of travel.

(5) When liquor is contained in an unopened package or vessel, and the seal, if any, on the package or vessel is unbroken, a person, permitted by law to possess and consume liquor within the Province, who for a lawful purpose

(a) purchased the liquor lawfully within the Province, or

(b) brought the liquor lawfully into the Province, or

(c) received the liquor as a *bona fide* gift,

may carry or convey that liquor to his residence or to any residence in which he is permitted by this Act to possess, have and consume liquor.

### Gift of Liquor

19. Subject to section 144, it is lawful to make and receive a *bona fide* gift of liquor

Gift of liquor

(a) if the donor is in lawful possession of the liquor, and

(b) if the donee is not a person who is prohibited from holding a permit under this Act.

## Permits

*Classes of Permits*

Classes of permits	<p><b>20.</b> (1) There shall be two classes of permits under this Act,</p> <p>(a) individual permits,</p> <p>(b) special permits.</p>
Application for permit	<p>(2) Upon application in the prescribed form accompanied by payment of the prescribed fee to the Board or to an official authorized by the Board to issue permits, the Board or such official, if satisfied that the applicant is entitled to a permit for the purchase of liquor under this Act, shall issue a permit of the class applied for to the applicant.</p>
Individual permit	<p>(3) An "individual permit" in the prescribed form entitling the applicant to purchase liquor for beverage, medicinal or culinary purposes in accordance with the terms and provisions of the permit and the provisions of this Act and the regulations may be granted to an individual of the full age of twenty-one years who is not disqualified under this Act.</p>
Special permit for physicians, etc.	<p>(4) A "special permit" in the prescribed form entitling the applicant to purchase liquor for the purpose named in the special permit and in accordance with the terms and provisions of the special permit and in accordance with the provisions of this Act and the regulations may be granted to</p> <p>(a) a druggist, physician, dentist or veterinary, or</p> <p>(b) a person engaged within the Province in a mechanical or manufacturing business or in scientific pursuits requiring liquor for use therein.</p>
Special permit for minister	<p>(5) A "special permit" in the prescribed form entitling the applicant to purchase wine for sacramental purposes only in accordance with the terms and provisions of the special permit may be granted to a minister of the gospel.</p>
Special permit authorized by regulations	<p>(6) A "special permit" in the prescribed form entitling the applicant to purchase liquor for the purpose named in the permit and in accordance with the terms and provisions of the permit and of this Act and the regulations may be granted when authorized by the regulations.</p>
Fees for permit	<p>(7) The fees payable for a permit or any class of permit shall be such as may from time to time be prescribed by order of the Lieutenant Governor in Council.</p>
Persons not entitled to permit	<p>(8) No one who has been convicted of keeping, frequenting or being an inmate of a disorderly house is entitled to a permit or to have the possession of beer or liquor until after the expiration of one year from the date of the conviction.</p>
Cancellation or refusal of permit	<p>(9) Notwithstanding any other provisions of this Act, the Board, in its discretion may</p> <p>(a) cancel a subsisting permit, or</p>



- (b) refuse or direct an official authorized to issue permits to refuse to issue a permit to any person.
- (10) No official directed to refuse to issue a permit to a person shall issue a permit to such person.

**21.** Unless sooner cancelled, a permit expires at midnight on the thirty-first day of March in each and every year, except in the case of Expiration of permit

- (a) special permits issued under subsection (6) of section 20, which expire in accordance with the terms contained therein,
- (b) a permit which, according to its terms, expires before the said thirty-first day of March.

**22.** (1) A permit shall be issued in the name of the applicant therefor. Name on permit

(2) No permit shall be transferable.

(3) No holder of a permit shall allow any other person to use it. Permit not transferable

**23.** No permit shall be delivered to the applicant until he has, Signing of permit

- (a) in the presence of some person duly authorized by the Board, or
- (b) in the presence of the official to whom the application is made,

written his signature thereon in the manner prescribed by the regulations for the purpose of his future identification as the holder thereof and the signature has been attested by a member of the Board or other official authorized to issue it.

**24.** No person shall purchase any liquor on an individual permit otherwise than upon the last individual permit issued to that person. One permit only

**25.** (1) Liquor purchased by a person pursuant to a permit held by him or beer purchased by him from a beer licensee may be kept, had, given and consumed only in a residence. Place where liquor or beer kept

(2) If the occupant of a residence or of a part thereof is convicted Disqualification of residence

- (a) of keeping a disorderly house, or
- (b) of an offence against any of the provisions of this Act committed
  - (i) in or in respect of the residence, or
  - (ii) in respect of any liquor kept in the residence or removed therefrom,

it ceases to be a residence within the meaning of this Act for a period of one year after the date of the conviction and shall for such period be deemed to be a public place for the purposes of this Act.

Certificate  
declaring  
premises to  
be residence

- (3) Notwithstanding subsection (2), the Board may
- (a) when satisfied of a *bona fide* change of ownership or occupation of the premises, or
  - (b) when satisfied that it is desirable to do so,
- declare the premises to be a residence and may grant a certificate to that effect to the owner or occupant of the premises and the premises shall from the date of the granting of the certificate signed by the chairman of the Board be a residence and cease to be a public place within the meaning of this Act.

#### *Suspension or Cancellation of Permits*

Suspension  
or  
cancellation  
of permit

**26.** (1) Where the holder of a permit issued under this Act

- (a) violates any of the provisions of this Act or the regulations, or
  - (b) is an interdicted person, or
  - (c) is otherwise disqualified from holding a permit,
- the Board, upon proof to its satisfaction of the fact or existence of the violation, interdiction or disqualification, and in its discretion, with or without any hearing, by writing under the hand of a member of the board, may
- (i) suspend the permit and all rights of the holder thereunder for such period as the Board sees fit, or
  - (ii) cancel the permit.

Cancellation  
or  
suspension  
of permit  
by justice

(2) The justice before whom a holder of a permit issued under this Act is convicted of a violation of a provision of this Act or of the regulations

- (a) may cancel the permit, or
- (b) may suspend the permit for a period not exceeding one month,

and thereupon the justice shall forthwith notify the holder and the Board of the suspension or cancellation of the permit.

Forfeiture  
of permit

**27.** (1) Upon receipt of notice of the suspension of his permit the holder of the permit shall forthwith deliver up the permit to the Board.

Failure to  
deliver  
forfeited  
permit

(2) If the holder of a permit which has been suspended fails or neglects to deliver it to the Board in accordance with the regulations the Board shall forthwith cancel it.

Return of  
permit after  
expiration of  
suspension

(3) Where the permit has been suspended, the Board shall return the permit to the holder at the expiration or determination of the period of suspension.

Notice of and  
duration of  
cancellation  
of permit

(4) Where the permit has been cancelled, the Board shall notify all vendors of the cancellation of the permit and such other persons as the regulations require to be notified, and no permit shall be issued to the person whose permit is cancelled under this Act within the period of one year from the date of the cancellation.

(5) Notwithstanding subsection (4), the Board may direct the issue of a permit within the period of one year if the person whose permit has been cancelled has not been convicted of an offence under this Act.

Issue of  
permit after  
cancellation

### *Use of Permits*

**28.** (1) Where a permit is produced at a government liquor store

Unauthor-  
ized use of  
permit

(a) by a person who is not the holder of the permit, or

(b) which is a suspended or cancelled permit,

the vendor shall forthwith notify the Board of the fact of its retention and the Board, unless the permit has been cancelled, may forthwith cancel it.

(2) Notwithstanding subsection (1), the proper holder of a lost subsisting permit which may be improperly produced as referred to in subsection (1) may obtain a return of the permit upon satisfactory proof to the Board that he was not privy to the improper use.

Return of  
lost  
subsisting  
permit

### *Persons not Entitled to Permits*

**29.** No permit shall be issued under this Act to

Persons not  
entitled to  
permits

(a) a person to whom the sale of intoxicants is prohibited under the provisions of an Act of Canada or of the Province,

(b) a corporation, association, society or partnership, except a special permit under subsection (6) of section 20.

## **Licences**

### *Club Licences*

**30.** (1) Upon application in the prescribed form and accompanied by the prescribed fee, the Board, in accordance with this Act and the regulations, may grant a club licence in respect of any premises kept or operated by a club and specified in the licence.

Application  
for club  
licence

(2) Such club licence entitles the club

Scope of club  
licence

(a) to purchase beer from a vendor, and

(b) to keep on the premises such beer, and

(c) to sell the beer to members of the club by the glass or open bottle for consumption on the club premises subject to the provisions of this Act and the regulations.

(3) A club

(a) that has been granted a club licence for the sale of beer, and

Application  
for club  
liquor  
licence

	<p>(b) that operates a dining room for the regular service of meals to its members, may apply to the Board for a liquor licence</p>
Quantity of liquor	<p>(4) A club that is licensed under subsection (3) may purchase and keep on its premises such quantity of liquor as may be prescribed by the Board for consumption on those premises by the members and their guests who are not disqualified under any of the provisions of this Act or the regulations.</p>
Qualifications for club beer licence	<p><b>31.</b> No club shall be granted a licence to sell beer</p> <p>(a) if it is a proprietary club or operated for pecuniary gain,</p> <p>(b) if it is other than a proprietary club, unless</p> <p>(i) the club has been in continuous operation as a club for such period as the Board in its discretion may prescribe by regulation,</p> <p>(ii) the club premises are constructed, equipped, conducted, managed and operated to the satisfaction of the Board and in accordance with this Act and the regulations,</p> <p>(iii) the club maintains such recreational facilities for the use of its members as in the opinion of the Board are satisfactory and proper,</p> <p>(iv) the club, not having been previously licensed under this Act,</p> <p>(A) has filed with the Board at least one year prior to the date of application, notice of its intention to make the application, accompanied by a description of the premises occupied or proposed to be occupied by the club, and</p> <p>(B) complies with any regulations made from time to time by the Board.</p>
Club licence not transferable	<p><b>32.</b> A club licence shall be issued in the name of the applicant club and shall not be transferable.</p>
Use of club licence	<p><b>33.</b> No holder of a club licence shall allow any other club or person to use the licence.</p>
Inspection of club premises	<p><b>34.</b> (1) For the purpose of considering an application for a club licence the Board may</p> <p>(a) cause an inspection of the club premises to be made and</p> <p>(b) inquire into all matters in connection with the constitution and operation of the club.</p>
Refusal to grant club licence	<p>(2) The Board, in its discretion, may grant or refuse an application for a club licence.</p>
Suspension or cancellation of club licence	<p><b>35.</b> (1) The Board may from time to time in the exercise of its discretion, with or without a hearing or assigning a reason therefor, suspend or cancel a club licence and</p>

all rights of the club to keep or sell beer or liquor thereunder shall be suspended or determined, as the case may be.

(2) Upon receipt of notice of the suspension or cancellation of a club licence, the licensee club shall forthwith deliver up the licence to the Board. Forfeiture of club licence

(3) In the case of suspension, if the club fails or neglects to deliver up the licence in accordance with the regulations, the Board may forthwith cancel it. Cancellation of club licence

(4) Where a club licence has been suspended or cancelled the Board shall notify Notice of cancellation or suspension of club licence

(a) all vendors in the municipality where the club has its premises, and

(b) such other persons as may be provided in the regulations, of the suspension or cancellation of the club licence.

(5) Where the licence has been suspended only, the Board may return the licence to the licensee at the expiration or determination of the period of suspension. Return of licence

**36.** Unless it sooner expires or is cancelled, a club licence issued by the Board expires at midnight on the thirty-first day of March in each and every year, but a club licence becomes void and is determined if and when the club to which it was issued ceases to carry on operations or ceases to be qualified as a club within the meaning of this Act and the regulations. Expiration of club licence

**37.** A club licence issued under section 30 is subject to all conditions and restrictions imposed by this Act or the regulations. Conditions of club licence

**38.** A licensed club shall keep its club licence posted in a prominent position on the club premises. Posting up club licence

**39.** The premises of a club that does not hold a valid and subsisting club licence under section 30 shall be deemed to be a public place within the meaning of this Act. Unlicensed club deemed public place

**40.** (1) Unless a liquor licence has been granted pursuant to subsection (3) of section 30, no liquor other than beer shall be kept in or consumed in any club premises other than such part of those premises as are for the time being designated by the Board in writing as a residence within the meaning of this Act, except in cases where the Board has issued a special permit and then only to the extent and subject to the conditions set out or referred to in the permit. Liquor in clubs

(2) No person is permitted to buy beer or liquor in a club licensed to sell beer or liquor under this Act unless he is a member of the club and is of the full age of twenty-one years. Purchase of beer or liquor in a club

**41.** No sale or other disposal of beer or liquor shall be made or take place in, on or from any part of a club in respect of which a club licence has been granted nor shall any part of the club be open for the sale of beer or liquor Days when sale of liquor or beer prohibited

- (a) on a day on which polling takes place at a Dominion or Provincial election held in the electoral division in which the club is situate.
- (b) on a day on which polling takes place at a municipal election held in the municipality if the club is located in a polling division therein in which polling takes place,
- (c) during such other periods and on such other days as the Board may direct.

#### *Canteen Licences*

Canteen beer  
licence

**42.** If authorized by the regulations, the Board may grant a licence in accordance with the regulations in respect of a canteen entitling the person in control of the canteen to purchase beer from a vendor and sell it, by the glass or open bottle, for consumption on the premises in accordance with the regulations of this Act

- (a) in camps, armouries or barracks of active and reserve units of the Royal Canadian Navy, the Canadian Army, the Royal Air Force and the Royal Canadian Air Force under direct supervision and control of the respective services,
- (b) in quarters of the Royal Canadian Mounted Police and premises of units of the American Legion consisting of members of the active United States forces.

Application  
for club or  
canteen  
liquor licence

**43.** A canteen

- (a) that has been granted a canteen licence for the sale of beer, and
- (b) that operates a dining room for the regular service of meals

may apply to the Board for a liquor licence.

Quantity of  
liquor  
allowed

**44.** A canteen that is licensed under section 43 may purchase and keep on its premises only such quantity of liquor as may be prescribed or allowed by the Board for consumption on those premises

#### *Club and Canteen Liquor Licences*

Regulations  
re club or  
canteen  
premises

**45.** The Board may make regulations

- (a) prescribing the type of room or place in or on the club or canteen premises in which such liquor shall be kept,
- (b) prescribing the days on which and the hours during which such liquor may be served or consumed on the club or canteen premises,
- (c) providing for inspection, supervision and control of the service and consumption of liquor on the premises of any such club or canteen.

**46.** A club or canteen liquor licence is subject to such terms, conditions, limitations and restrictions as may be prescribed by the Board from time to time.

Terms of  
club or  
canteen  
liquor  
licence

**47.** The Board, in its discretion, may grant, refuse, suspend or cancel any such club or canteen liquor licence with or without a hearing or assigning a reason therefor.

Granting or  
refusal of  
club or  
canteen  
liquor licence

### *Hotel Beer Licences*

**48.** The Board may

Hotel beer  
licence

- (a) grant a hotel beer licence in respect of a hotel kept and operated by the licensee authorizing him to sell beer by the glass or open bottle to persons not disqualified under this Act for consumption in that part of the hotel set out in the licence,
- (b) grant a licence to a person who is the holder of a hotel beer licence, authorizing him to sell beer in closed bottles to persons not disqualified under this Act for consumption elsewhere than on the licensed premises.

**49.** (1) An applicant for a hotel beer licence, before filing his application with the Board, shall give notice of his intention to apply for a hotel beer licence by advertisement in the form prescribed,

Notice of  
intention to  
apply for  
hotel beer  
licence

- (a) once a week for four consecutive weeks preceding the application in a newspaper published in the municipality in which the hotel is situate, or
- (b) if no newspaper is published in that municipality, then in a newspaper published in the Province circulating in that municipality.

(2) The applicant shall

Application  
for hotel beer  
licence

- (a) make application for the hotel beer licence in the form prescribed, and
- (b) file the application with the Board accompanied by the prescribed fee, and
- (c) describe in the application that part of the hotel in respect of which the applicant desires a hotel beer licence, and
- (d) furnish such other matter, information, description or plan of that part of the hotel in which it is proposed to keep, sell and consume beer under the licence applied for as may be required by the regulations and by the Board.

**50.** The question as to whether or not a licence authorizing the sale of beer in closed bottles for consumption elsewhere than on licensed premises shall be granted to the hotel beer licensees in a municipality may be submitted by way of a plebiscite in the same manner, *mutatis mutandis*, as provided in Part III, and if upon the plebiscite being taken the question is decided in the negative, no such licence shall be granted in that municipality.

Plebiscite re  
sale of  
bottled beer

Conditions  
of granting  
hotel beer  
licence

**51. (1)** No hotel beer licence shall be issued or granted

- (a) unless the hotel contains, in addition to what is required for the use of the licensee, his family and servants, sufficient bedrooms with suitable complement of bedding and furniture, public sitting rooms and other conveniences reasonably suited to the requirements of the public likely to make use of the same,
- (b) unless
  - (i) the hotel has suitable facilities for the service of meals and meals are served in the hotel under the direct control of the applicant, or
  - (ii) the Board has exempted the hotel from the requirements of this clause by a notice in writing for such period as may be stated in the notice,
- (c) unless the hotel maintains facilities for the serving of such foodstuffs in that part of the premises in which the beer is to be consumed and sold as the Board, by order, may require,
- (d) unless the hotel is provided with suitable privies, lavatories and toilets which shall at all times be kept clean and ventilated,
- (e) unless the hotel and the part thereof where beer may be kept, sold and consumed under the hotel beer licence applied for are
  - (i) constructed, equipped and conducted to the satisfaction of the Board, and
  - (ii) constructed and equipped so as not to facilitate a breach of this Act or the regulations made thereunder,
 and the hotel premises have been approved of in writing by an inspector appointed or authorized by the Board to inspect the same,
- (f) unless the hotel is equipped with suitable fire escapes and fire exit doors which doors are fitted to open outwards and are furnished with approved panic bolts.

**(2)** No hotel beer licence shall be issued or granted if the applicant

- (a) is of bad frame and character or of drunken habits, or
- (b) has been convicted within a period of three years immediately preceding the date of his application of keeping, frequenting or being an inmate of a common bawdy house.

Number of  
hotel beer  
licences

**52.** The number of hotel beer licences in cities, towns and villages shall not in any one year exceed

- (a) one licence for the first five hundred population or fraction thereof,



- (b) a second licence for the next five hundred population or fraction thereof up to one thousand population,
- (c) a third licence for a population of at least two thousand,
- (d) a fourth licence for a population of at least three thousand, and
- (e) one licence for each additional four thousand of population thereafter.

**53.** (1) The Board may grant and issue to the applicant Scope of hotel beer licence  
a hotel beer licence entitling him

- (a) to purchase beer from a vendor, and
- (b) to sell the beer so purchased to persons not disqualified under this Act
  - (i) in that part of the hotel set out in the licence,
  - (ii) by the glass or open bottle for consumption therein, and
  - (iii) by the closed bottle in sealed cartons containing six or twelve bottles only for consumption elsewhere,

in accordance with the terms and conditions of the hotel beer licence and the provisions of this Act and the regulations.

(2) No such hotel beer licence shall be granted or issued Conditions of hotel beer licence  
until the Board

- (a) has received the application and the proper fees,
- (b) is satisfied of the truth of the statements in the application,
- (c) is satisfied that the hotel is suitably constructed, equipped and conducted,
- (d) is satisfied that the part of the hotel where it is proposed to keep, sell and consume beer under the licence applied for is suitable and satisfactory for the purpose, and
- (e) is satisfied that the applicant is a fit and proper person to be licensed.

**54.** The Board may

- (a) consider any objections or protests to the issue of the hotel beer licence filed by any person with the Board, and
- (b) in its discretion, grant or refuse the hotel beer licence applied for, and
- (c) at any time in its discretion, with or without a hearing, and without assigning any reason therefor, suspend or cancel a hotel beer licence.

**55.** A hotel beer licence shall be constantly and conspicuously exposed in that part of the hotel, specified in the hotel beer licence, where beer may be kept, sold and consumed under such hotel beer licence. Display of hotel beer licence

- Expiration of hotel beer licence** **56.** (1) Unless sooner cancelled, a hotel beer licence issued by the Board shall expire at midnight on the thirty-first day of March in each and every year.
- Renewal of hotel beer licence** (2) Unless otherwise required by the Board, it shall not be necessary for a licensee in making application for a renewal hotel beer licence for the following year in respect of the same premises to give notice by advertisement of his intention to apply for a renewal of licence.
- Hotel beer licence not transferable** (3) No hotel beer licence is transferable.
- Death of hotel beer licensee** **57.** If the holder of a hotel beer licence dies, the licence, subject to the other provisions of this Act, continues in force until the end of the licence year, and during that period the person who is for the time being
- (a) entitled to the estate of the deceased, either as trustee, executor or administrator, or
  - (b) managing the licensed business with the approval of the Board on behalf of a trustee, executor or administrator,
- has all the rights and is subject to all the liabilities which the deceased licensee by virtue of the licence would have or be subject to if alive.
- Restrictions re hotel beer licence** **58.** A hotel beer licence issued under this Act is subject to all the conditions and restrictions imposed by this Act and the regulations in force from time to time.
- Bars and counters prohibited** **59.** No holder of a hotel beer licence shall in a part of the premises in respect of which the licence is issued
- (a) keep or maintain, or
  - (b) permit the keeping or maintaining of,
- a bar or counter over or at which any alcoholic or non-alcoholic beverage is sold for consumption on the premises.
- Consumption of beer on licensed premises** **60.** No beer purchased from a hotel beer licensee for consumption on the licensed premises shall be consumed except in the room where it was purchased.
- Presence of police officers on licensed premises** **61.** No constable or police officer, unless in the execution of his duties, shall, while on duty, enter, be in, on or remain in or on the premises in respect of which a hotel beer licence is issued and beer is kept, sold or consumed.
- Duty of hotel beer licensee** **62.** (1) No hotel beer licensee shall suffer or permit a person
- (a) apparently under the age of twenty-one years, or
  - (b) to the knowledge of the hotel beer licensee under the age of twenty-one years,
- to enter, be in, on or remain in or on the premises in respect of which a hotel beer licence is issued and beer is kept, sold or consumed.

(2) No employee of a hotel beer licensee shall suffer or permit a person

Duty of employee of hotel beer licensee

(a) apparently under the age of twenty-one years, or

(b) to the knowledge of the employee under the age of twenty-one years,

to enter, be in, on or remain in or on the premises in respect of which a hotel beer licence is issued and beer is kept, sold or consumed.

**63.** No hotel beer licensee or employee of a hotel beer licensee shall suffer or permit

Gambling on licensed premises prohibited

(a) a constable or police officer while on duty to enter, be in, on or remain in or on the premises in respect of which a hotel beer licence is issued and beer is kept, sold or consumed, unless the constable or police officer is in the execution of his duties,

(b) any gambling, drunkenness or any violent, quarrelsome, riotous or disorderly conduct to take place on the premises in respect of which a hotel beer licence is issued and beer is kept, sold or consumed,

(c) persons of notoriously bad character to assemble or meet on the premises in respect of which a hotel beer licence is issued and beer is kept, sold or consumed.

**64.** (1) A licensee licensed under clause (b) of section 48 may sell upon his licensed premises to persons not disqualified under this Act beer in unopened bottles for consumption off the premises in such manner and upon complying with such rules, regulations and conditions as may be from time to time prescribed.

Sale of beer for consumption off premises

(2) Notwithstanding any other provisions of this Act, a person who has lawfully purchased beer from a licensee under this section may have the beer in his possession and consume the same in a residence or in a private compartment or bedroom occupied by him in a train.

Consumption of beer in train

**65.** No sale or other disposal of beer shall be made or take place in, on or from any part of a hotel in respect of which a hotel beer licence has been granted, nor shall any part of the hotel be open for the sale of beer

Days and hours of sale on licensed premises

(a) from or after the hour of eleven o'clock on Saturday night until ten o'clock on Monday morning thereafter,

(b) from and after the hour of eleven o'clock at night until ten o'clock the following morning on any weekday,

(c) on a day on which polling takes place at a Dominion or provincial election held in the electoral division in which the hotel is situate,

(d) on a day on which polling takes place at a municipal election held in the municipality if the hotel is located in a polling division therein in which polling takes place,

- (e) during such other periods and on such other days as the Board directs.

### **Fees for Club and Hotel Beer Licences**

#### **Fees**

**66.** (1) An applicant for a club beer or hotel beer licence shall pay to the Board the sum of ten dollars when the application is filed.

(2) A person to whom a licence to sell beer is granted shall pay

- (a) such sum before receiving the licence, and
- (b) such periodic sums during the duration of the licence,

as may be prescribed by the Lieutenant Governor in Council.

#### **Variation in fees**

**67.** In fixing the amount of a sum to be payable, the Lieutenant Governor in Council may fix different rates for hotel beer licences in different localities having regard to population and to volume of business.

#### **Fees for club beer licence**

**68.** A person to whom a club beer licence is granted before receiving the licence shall pay to the Board the sum of ten dollars and an additional sum

- (a) of two hundred dollars if the membership of the club exceeds two hundred members,
- (b) of one hundred and fifty dollars if the membership of the club is not more than two hundred and not less than one hundred,
- (c) of one hundred dollars if the membership of the club is not more than one hundred,
- (d) of one hundred dollars if the club is a golf, curling or country club, irrespective of the number of members in the club.

### **Brewers**

#### **Licence for brewers**

**69.** (1) A brewer

- (a) who is duly licensed as such by the Government of Canada, and

(b) who manufactures beer in the Province, may, upon payment of a fee of fifteen hundred dollars, be licensed by the Board in accordance with the provisions of this Act and the regulations to sell and deliver beer and malt liquor to the Board.

#### **Duration of brewer's licence**

**70.** The licence granted to a brewer unless sooner determined expires at midnight on the thirty-first day of March in each and every year.

#### **Granting or refusal of brewer's licence**

**71.** The Board in its discretion may grant or refuse to issue a brewer's licence.

**72.** The Board in its discretion may from time to time, with or without a hearing or assigning a reason therefor, suspend or cancel any brewer's licence, and all rights of the brewer to sell and deliver beer or malt liquor thereunder shall be suspended or determined, as the case may be.

Suspension  
or cancella-  
tion of  
brewer's  
licence

**73.** (1) The Board at any time and from time to time by notice in writing may require a brewer to deliver to the Board, within three days after the day upon which the notice is received or within such further time as may be fixed by the Board, a return in such form and setting out such details and particulars as may be prescribed by the Board.

Returns by  
brewer

(2) A brewer who makes default in delivering to the Board a return which he is required by the Board to make pursuant to this section is guilty of an offence and liable on summary conviction to a fine of twenty dollars for each day during which the default continues together with costs.

Penalty for  
failure to  
make  
brewer's re-  
turn

**74.** The Board at any time it deems proper may in writing authorize a person or persons to examine all books, documents, vouchers and other papers kept or in the possession of a brewer in the Province relating to his business as a brewer.

Examina-  
tion, etc. of  
books of  
brewer

**75.** (1) A brewer shall

Production  
of books  
by brewer

- (a) on demand produce at his office all such books, documents, vouchers and other papers to a person or persons referred to in section 74, and
- (b) afford such person or persons every reasonable facility for making any such examination, and
- (c) permit such person or persons to make copies or extracts of any such books, vouchers, documents and other papers.

(2) A person who

Penalty for  
brewer's re-  
fusal to al-  
low examina-  
tion

- (a) refuses to permit a person authorized by the Board under section 74 to examine any such books, vouchers, documents and papers, or
- (b) hinders or impedes any such authorized person in making an authorized examination or in the making of any copies or extracts which he may make by this section,

is guilty of an offence and liable on summary conviction to a fine of one hundred dollars and costs for each offence.

(3) A brewer who omits or neglects to make a return which he is required to make pursuant to any regulation of the Board within the time thereby fixed for the making of that return is guilty of an offence and liable on summary conviction to a fine of one hundred dollars and costs for each offence.

Penalty for  
overdue re-  
turn by  
brewer

Agents of  
Board

**76.** (1) The Board in writing may designate as agents of the Board such employees of the Board as it deems necessary and advisable and may assign to a person so designated the duty of acting as the agent of the Board at any brewery or breweries designated by the Board and prescribe the duties of the agent.

Access to  
brewery

(2) A person so designated shall have access to any part of the premises of a brewery to which he is assigned at all times during which the brewery is being operated.

Notice of  
shipments  
by brewer

**77.** A brewer brewing beer within the Province

- (a) shall notify the Board or its agent in writing of the hours during which shipments of beer or malt liquor are ordinarily made, and
- (b) shall not make any such shipment at any other hour unless upon twenty-four hours' notice in writing to the Board or its agent of the intention to make such shipment.

Accomoda-  
tion for  
agent

**78.** A brewer shall provide for the use of the person designated as the agent at his brewery, such accommodation on the brewery premises and facilities for making and keeping books and records as may be required by the Board.

Powers of  
agent

**79.** An agent of the Board shall

- (a) in respect of a brewery for which he is an agent, have all the powers which are conferred upon a person appointed by the Board under section 74, and
- (b) be deemed to be a person authorized by the Board under section 74.

Additional  
penalties on  
brewer

**80.** A brewer who contravenes any of the provisions of section 48, or of subsection (2) of section 76, or of section 77 is guilty of an offence and liable on summary conviction to a fine of not more than five hundred dollars and costs.

Construc-  
tion of brew-  
ery

**81.** No brewery shall be constructed and equipped so as to facilitate a breach of this Act or the regulations.

Samples of  
beer

**82.** (1) A brewer, as he may be required by the Board, shall furnish samples of beer or malt liquor that he intends to sell within the Province.

(2) The Board may require of a brewer samples of any beer or malt liquor

- (a) then being sold within the Province, or
- (b) in stock by the brewer, or
- (c) which may be in the course of manufacture by him for sale within the Province.

(3) The brewer shall forthwith furnish the samples to the Board.

Penalty for  
failure to  
furnish beer  
samples

(4) A brewer failing to furnish samples of beer or malt liquor when required by the Board to furnish samples is guilty of an offence and liable to a fine not exceeding one hundred dollars.

*Distillers*

**83.** (1) No person shall operate a distillery within the Province unless he is licensed to do so by the Board.

Licence for distillery

(2) A person who is licensed as a distiller by the Government of Canada may be granted a distiller's licence by the Board in accordance with the provisions of this Act and the regulations and upon payment of the fee fixed by the Board.

Fee for distillery licence

(3) The distiller's licence granted by the Board may authorize the licensee

Manufacture and sale under distiller's licence

- (a) to manufacture liquor within the Province,
- (b) to sell liquor to the Board,
- (c) to sell liquor to such persons as the Board may authorize by permit in writing.

**84.** (1) The Board may grant a permit in writing

Permit to import wines and spirits

- (a) upon the application of a distiller licensed by the Government of Canada and by the Board, and
- (b) subject to such conditions and restrictions as the Board deems advisable to prescribe,

authorizing such distiller to purchase and import wines and spirits.

(2) The wines and spirits

Use of imported wines and spirits

- (a) shall be purchased only from such persons as are authorized to sell the same, and
- (b) shall be used for the sole purpose of blending with and flavouring the liquor manufactured by the distiller to whom the permit is granted.

**85.** The Board in its discretion may grant, refuse, suspend or cancel a distiller's licence with or without a hearing or assigning a reason therefor.

Granting, etc. of distiller's licence

**86.** The licence granted to a distiller, unless sooner determined, expires at midnight on the thirty-first day of March in each and every year.

Expiration of distiller's licence

**87.** No distiller shall produce or sell within the Province any liquor except in compliance with such regulations and standards as are prescribed by the Board from time to time.

Standards of liquor

**88.** (1) The Board may require a distiller

Return's, etc. by distiller

- (a) to make returns,
- (b) to permit examination of his books,
- (c) to permit examination of his distillery and all lands, buildings and other premises used in connection therewith, and
- (d) to furnish samples,

in the same manner and to the same extent as provided in the case of a brewer.

Fine for  
neglect by  
distiller

(2) A distiller who omits, neglects or refuses to comply with a requirement of the Board is guilty of an offence and liable on summary conviction to the same fine as is provided for brewers for a similar omission, neglect or refusal.

### Special Permits

#### *Druggists*

Druggists'  
permit

**89.** (1) A druggist may have in his possession alcohol purchased by him under a special permit pursuant to this Act.

(2) Such alcohol shall be used solely in connection with the business of the druggist in compounding medicines or as a solvent or preservative.

Sale of  
liquor by  
druggist

**90.** In a municipality where there is no government liquor store, a druggist may keep for sale and may sell for strictly medicinal purposes liquor purchased by him under a special permit pursuant to this Act.

Prescription  
for liquor

**91.** No sale of liquor shall be made by a druggist holding the special permit referred to in section 90 except upon a *bona fide* prescription signed by a physician and no more than one sale and one delivery shall be made on any one prescription.

Quantity of  
liquor kept  
by druggist

**92.** No druggist holding the special permit referred to in section 90 shall have on hand at any one time a quantity of liquor greater than fifty-three ounces.

Druggists'  
authority  
to keep  
liquor

**93.** Nothing in this Act or in any Act shall be construed as authorizing or permitting a druggist

(a) to have or keep for sale any liquor, or

(b) by himself, or his clerk, servant or agent, to sell any liquor,

except as authorized or permitted by this Act or by the regulations.

#### *Physicians*

Physician  
may pre-  
scribe liquor

**94.** A physician who deems liquor necessary for the health of a patient of his whom he has seen or visited professionally may

(a) give to the patient a prescription therefor in the prescribed form signed by the physician, or

(b) administer the liquor to the patient, for which purpose the physician shall administer only such liquor as was purchased by him under special permit pursuant to the Act, and charge for the liquor so administered.

Physician  
may admin-  
ister liquor

**95.** No prescription shall be given nor shall liquor be administered by a physician except to a *bona fide* patient



- (a) in cases of actual need, and
- (b) when in the judgment of the physician the use of liquor as medicine in the quantity prescribed or administered is necessary.

**96. A physician**

Illegal administration of liquor by physician

- (a) who gives a prescription or administers any liquor in evasion or violation of this Act, or
- (b) who gives to or writes for a person a prescription for or including liquor for the purpose of enabling or assisting a person
  - (i) to evade any of the provisions of this Act, or
  - (ii) to obtain liquor to be used as a beverage, or to be sold or disposed of in a manner in violation of the provisions of this Act,

is guilty of an offence.

*Dentists*

**97. (1)** A dentist who deems it necessary that a patient being then under treatment by him should be supplied with liquor as a stimulant or restorative may administer to the patient the liquor so needed, and for that purpose shall administer liquor purchased by him under special permit pursuant to this Act and may charge for the liquor so administered.

Dentist may administer liquor

(2) No liquor shall be administered by a dentist except to a *bona fide* patient in case of actual need.

**98.** A dentist who administers liquor in evasion or violation of this Act is guilty of an offence.

Illegal administration of liquor by dentist

*Veterinarians*

**99.** A veterinary who deems it necessary in the course of his practice may administer or cause to be administered liquor to a dumb animal, and for that purpose the veterinary shall administer or cause to be administered liquor purchased by him under special permit pursuant to this Act and may charge for the liquor so administered, or caused to be administered.

Veterinary may administer liquor

**100.** No veterinary shall himself consume, nor shall he give to or permit another person to consume as a beverage any liquor purchased under a special permit.

Prohibition on veterinary

**101.** A veterinary who evades or violates or suffers or permits an evasion of section 99 or section 100 is guilty of an offence.

Evasion by veterinary

*Hospitals and Institutions*

**102.** A person in charge of an institution regularly conducted as

Liquor in hospitals, etc.

(a) a hospital or sanatorium for the care of persons in ill health, or

(b) a home devoted exclusively to the care of aged people,

may, if he holds a special permit under this Act for that purpose, administer liquor purchased by him under his special permit to a patient or inmate of the institution who is in need of the same, either by way of external application or otherwise for emergency medicinal purposes and may charge for the liquor so administered.

Administra-  
tion of liquor  
to patients,  
etc.

**103.** No liquor shall be administered by a person under this section except to *bona fide* patients or inmates of the institution of which he is in charge and in cases of actual need.

Illegal ad-  
ministration  
of liquor in  
hospitals,  
etc.

**104.** A person in charge of an institution who administers liquor in evasion or violation of this Act is guilty of an offence.

### General

#### *Application of Act*

Dominion  
licences

**105.** (1) Nothing in this Act shall be deemed to prevent a brewer, distiller or other person duly licensed under the provisions of a statute of Canada for the manufacture of liquor from having or keeping liquor in a place and in the manner authorized by or under any such statute.

Sale of  
liquor to  
Board

(2) Nothing in this Act shall be deemed to prevent

(a) the sale of liquor by a person to the Board,

(b) the purchase, importation and sale of liquor by the Board for the purposes of and in accordance with this Act.

#### *Sale of Patent Medicines*

Sale of pat-  
ent medi-  
cines

**106.** Nothing in this Act shall be deemed to prevent the manufacture, sale, purchase or consumption of

(a) an extract, essence or tincture or other preparation containing alcohol which is prepared according to a formula of

(i) the British Pharmacopoeia, or

(ii) the United States Pharmacopoeia, or

(iii) a formula approved of by the Board, or

(b) proprietary or patent medicine prepared according to a formula approved of by the Board and in respect of which a licence has been granted to sell the same under the *Proprietary or Patent Medicine Act* (Canada),

by reason only of the fact that they contain alcohol.

Prohibition  
re patent  
medicines

**107.** If of the opinion that a proprietary or patent medicine, extract, essence, tincture, or preparation containing

alcohol or any other preparation of a solid, semi-solid or liquid nature containing alcohol which, or an extract from which, can be used as a beverage or as the ingredient of a beverage, the Board, with the approval of the Lieutenant Governor in Council,

- (a) may prohibit the sale thereof by retail within the Province, or
- (b) may prohibit the possession of the same for sale by retail within the Province,

except by a government liquor store or by persons duly licensed by the Board to keep and sell the same by retail in accordance with this Act and the regulations.

**108.** (1) The Board shall notify the manufacturer or vendor of the proprietary or patent medicine, extract, essence, tincture or preparation of a prohibition made under section 107 and from and after the date of the notification a person within the Province selling or keeping for sale any such proprietary or patent medicine, extract, essence, tincture or preparation prohibited as aforesaid is guilty of an offence under this Act. Illegal sale of patent medicine

(2) The publication of a notice of the prohibition in *The Alberta Gazette* shall be conclusive evidence of any notification required under subsection (1).

### PART III

#### LOCAL OPTION AREAS

**109.** Upon receipt of a petition addressed to the Lieutenant Governor in Council signed by not less than twenty-five per cent of the persons Petition for local option area

- (a) whose names appear on the last revised assessment roll of the municipality, and
- (b) who are resident in the municipality,

the Lieutenant Governor in Council may create the municipality into a local option area for the purpose of taking a local option plebiscite in the area.

**110.** (1) Upon receipt of a petition addressed to the Lieutenant Governor in Council signed by not less than twenty-five per cent of the persons Creation of local option area

- (a) whose names appear on the last revised assessment roll of a municipality, other than a city, town, village or hamlet, and
- (b) who are resident in the municipality,

the Lieutenant Governor in Council may create the municipality into a local option area or instead of creating the municipality into a local option area, may create a specified

portion or portions of the municipality into a local option area or areas for the purpose of taking a local option plebiscite in the area or areas.

(2) A territory so created a local option area for the purposes of this section ceases to form part of the municipality to which it belongs for a period of two years from the taking of the plebiscite therein.

Combining of  
local option  
areas

**111.** If petitions are received from adjoining municipalities the Lieutenant Governor in Council may combine the municipalities into one local option area.

Creation of  
hamlet as  
local option  
area

**112.** If a petition is received from a hamlet the Lieutenant Governor in Council may

(a) enlarge the hamlet by the addition of territory contiguous thereto, and

(b) create the enlarged hamlet a local option area, and any territory so added for the purpose of this section ceases to form part of the municipality to which it belongs for a period of two years from the taking of the plebiscite therein.

Notice of  
creation of  
local option  
area

**113.** Notice of the creation of a local option area shall be published in *The Alberta Gazette*.

Plebiscite  
and  
proclamation

**114.** (1) Upon the creation of a local option area the Lieutenant Governor in Council

(a) subject to subsection (2) of section 128, may proceed to take a plebiscite in the area, and

(b) may issue a proclamation which shall be inserted at least twice in *The Alberta Gazette* and in a newspaper circulating in the local option area.

(2) The proclamation may

(a) appoint the day on which the plebiscite will be held,

(b) require that the votes be taken by ballot between the hours of nine o'clock in the forenoon and seven o'clock in the afternoon of that day,

(c) name a resident of the local option area to be returning officer for the purpose of

(i) taking the votes in respect of the plebiscite, and

(ii) afterwards summing up the votes, and

(iii) making a return of the result to the Lieutenant Governor in Council,

(d) authorize the returning officer to appoint a deputy returning officer, clerks and constables, if necessary, at and for each polling place or station,

(e) appoint the place where and the day and hour when the returning officer is to appoint persons to attend at the various polling stations,

- (f) appoint the place where and the day and hour when the votes of the electors are to be totalled and the result of the plebiscite declared by the returning officer,
- (g) set forth such further particulars with respect to the nature and object of the plebiscite or with respect to the holding of the plebiscite and taking and totalling of the votes of the electors as the Lieutenant Governor in Council sees fit to insert therein.

**115.** (1) The naming of a person in a proclamation issued as set out in clause (c) of subsection (2) of section 114 is sufficient appointment and sufficient evidence of the appointment of such person as returning officer for the purposes mentioned in the proclamation. Appointment of returning officer

(2) On receiving a copy of the proclamation the returning officer

- (a) shall forthwith endorse thereon the date on which he receives it, and
- (b) before taking any further action thereon, shall take the official oath prescribed by *The Oaths of Office Act* before a justice of the peace.

**116.** At least eight days before the day on which the plebiscite is to be taken the returning officer shall indicate with reference to the plebiscite Fixing of polling stations

- (a) the several polling stations fixed by him, and
- (b) the territorial limits for which such polling station is constituted,

by a notice which the returning officer shall cause to be posted up at four of the most prominent and conspicuous places in each polling division.

**117.** (1) The voting shall be by ballot and each voter shall indicate his vote by marking it on the ballot in accordance with the directions given thereon. Voting by ballot

(2) The ballot shall be in Form A in the Schedule with such variations as are necessary. Form of ballot

(3) The ballot shall be prepared by the Queen's Printer and shall be forwarded to the returning officer in sufficient number by the Clerk of the Executive Council, together with such forms, notices and instructions as the Lieutenant Governor in Council may prescribe. Preparation of ballot

**118.** Each person resident within the local option area may vote at a plebiscite taken in the area under the provisions of this Part Persons entitled to vote

- (a) if he is a Canadian citizen,
- (b) if he is not an Indian within the meaning of *The Indian Act* (Canada),
- (c) if he is of the full age of twenty-one years,

- (d) if he has resided in the Province for at least one year and in the local option area for at least six months immediately preceding and including the day of taking the plebiscite and is on that day resident in the polling subdivision of the polling place at which he tenders his vote.

Application  
of *The  
Alberta  
Election Act*

**119.** The provisions of *The Alberta Election Act* relating to the election of members of the Legislative Assembly, insofar as applicable and subject to the provisions of this Part and of any regulations that may be made by the Lieutenant Governor in Council pursuant thereto, apply *mutatis mutandis* to the taking of a plebiscite under this Part.

Appointment  
of agents

**120.** (1) From among the applicants for the appointment or on behalf of persons applying to have the appointment made, the returning officer by writing under his hand shall appoint

- (a) two agents to attend on behalf of those desirous of obtaining negative answers,
- (b) two agents to attend on behalf of those desirous of obtaining affirmative answers,

at each polling station and at the final totalling of the votes.

Remunera-  
tion of agent  
Declaration  
by agent

(2) No such agent shall be entitled to any remuneration.

(3) Before a person appointed enters upon his duties as agent he shall make and subscribe before the returning officer or a deputy returning officer a declaration to the effect that he is interested in and desirous of obtaining an affirmative or negative answer, as the case may be, to the question.

Form of  
declaration  
Production  
of written  
authority  
by agent

(4) The declaration may be in Form B in the Schedule.

(5) Each person so appointed, before being admitted to the polling station or to the final totalling of the votes, as the case may be, shall produce to and file with the deputy returning officer his written appointment.

(6) If no person has been appointed to attend at a polling station or at the final totalling of the votes, or in the absence of a person so appointed, any electors, not exceeding two in the same interest, upon making and subscribing a declaration to the above effect before the deputy returning officer, or the returning officer, as the case may be, may be admitted to the polling station during the time of voting or to the final totalling of the votes as agents on behalf of their declared interest.

Challenging  
of vote

**121.** If a person offering to vote at a plebiscite taken under this Part is challenged by a voter as being disqualified, the deputy returning officer shall require the party offering to vote to take the oath or affirmation in Form C in the Schedule.

**122.** In a plebisciteMarking of  
ballot

- (a) an affirmative vote shall be made by placing the figure 1 in the upper right hand space opposite the words "For Beer Licences",
- (b) a negative vote shall be made by placing the figure 1 in the lower right hand space opposite the words "Against Beer Licences".

**123.** At the close of the poll the deputy returning officer, in the presence of such agents as attend, shallCounting of  
ballots

- (a) count the ballots by placing them in three parcels containing
  - (i) affirmative ballots,
  - (ii) negative ballots, and
  - (iii) rejected ballots, and
- (b) give to one agent representing the affirmative and to one agent representing the negative a statement showing the number of affirmative and negative votes, respectively, and the number of rejected ballots, and
- (c) seal the three parcels and forthwith forward or deliver to the returning officer in the ballot box the three parcels and also all unused ballot papers and a statement of the result of the poll.

**124.** A ballot shall be rejectedRejection of  
ballot

- (a) if it is not authenticated by the initials of the deputy returning officer unless he has inadvertently omitted to initial it,
- (b) if it is not marked with the figure 1,
- (c) if it has any other mark in addition to the figure 1 by which the deputy returning officer thinks it was intended to be identified.

**125.** (1) The returning officer at the place, day and hour appointed by the proclamation, and after having received all the ballot boxes, shall proceedCounting by  
returning  
officer

- (a) to open them in the presence of the agents, if present, and of at least three electors if the agents are not present, and
- (b) to add together the number of votes given in each interest from the statements contained in the ballot boxes returned by the deputy returning officers.

## (2) After the totalling as set out in subsection (1), the returning officer shall prepare a return within ten days and therein certify

Return as to  
vote by  
returning  
officer

- (a) the number of votes in the affirmative,
- (b) the number of votes in the negative,
- (c) the number of ballots rejected,

and shall transmit the return, together with all sealed parcels of ballots and unused ballot papers, to the Clerk of the Executive Council.

Voting  
statement

**126.** (1) The Clerk of the Executive Council shall prepare from the return so transmitted to him by the returning officer a statement of

- (a) the number of votes in the affirmative,
- (b) the number of votes in the negative, and
- (c) the number of ballots rejected.

(2) The Clerk of the Executive Council shall sign the statement prepared by him and shall publish a copy of it in *The Alberta Gazette* within thirty days after the taking of the vote.

(3) The statement published in *The Alberta Gazette* shall be conclusive evidence of the result of the vote unless a recount is demanded.

Demand  
for recount

**127.** (1) An elector within the area for which a plebiscite has been taken, within ten days from the date of the publication of the statement by the Clerk of the Executive Council in *The Alberta Gazette* may obtain an appointment from a judge of the Supreme Court of Alberta for a recount of the vote in the area.

Recount of  
votes

(2) Subject to any regulations made under section 130 with regard to the recount and subject to section 131, the judge shall

- (a) give all necessary directions, and
- (b) conduct the recount, and
- (c) certify the result of the recount.

Certificate  
of recount

(3) The certificate of the judge shall be conclusive evidence of the result of the plebiscite.

Plebiscite  
deemed  
decided in  
affirmative  
or negative

**128.** (1) Upon a plebiscite being taken it shall be deemed to be decided in the affirmative if sixty per cent of the qualified voters voting thereat vote in favour of the granting of beer and club licences in the local option area, otherwise it shall be deemed to be decided in the negative.

(2) Notwithstanding subsection (1), in the case of a plebiscite held in a municipality where a beer or club licence has been granted under this Act, the plebiscite shall not be deemed to have been decided in the negative against beer or club licences unless sixty per cent of the qualified voters voting thereat vote against the granting of such licences.

Limit on  
local option  
plebiscites

**129.** (1) If sixty per cent or more of the votes cast by the qualified voters voting at a plebiscite are in the affirmative or are in the negative, no petition shall be presented to or received by the Lieutenant Governor in Council nor a vote or plebiscite taken at any time before the expiration of two years after the taking of the prior plebiscite.



(2) If fifty per cent or more but less than sixty per cent of the votes cast by the qualified voters voting at a plebiscite are in the affirmative or are in the negative, a new petition may be presented and received and a new vote or plebiscite taken at any time after the expiration of one year from the taking of the prior plebiscite.

(3) If a beer licence has been granted under this Act in a municipality no plebiscite shall be taken or held under this Part within two years of the granting of the first beer licence in that municipality.

(4) Nothing in this section shall be deemed to prevent the taking of a plebiscite in a part of a municipal district or improvement district that has been added to a hamlet enlarged under section 112.

**130.** The Lieutenant Governor in Council may make Regulations not inconsistent with this Act Regulations re plebiscite

- (a) for the proper taking of a plebiscite, and
- (b) particularly for
  - (i) regulating the procedure prior to and after the voting,
  - (ii) the advertising and the taking of the vote,
  - (iii) the publication and distribution of literature pertaining to the subject matter voted upon, and
- (c) such other matters or things as may be deemed advisable.

**131.** No plebiscite or vote shall be invalid by reason of non-compliance with the provisions of this Part Validity of plebiscite

- (a) with regard to the taking of the vote, or
- (b) with regard to the counting of the votes, or
- (c) by reason of a mistake in the use of forms, or
- (d) by reason of any irregularity,

if it appears that the proceedings on the vote were conducted substantially in accordance with the requirements of the provisions of this Part respecting the same and that the non-compliance, mistake or irregularity did not affect the result.

**132.** An act done in relation to or in connection with any of the proceedings under this Part which is similar to or of a like character with an act made punishable when done in relation to or in connection with any of the proceedings under *The Alberta Election Act* is an offence under this Act and is punishable in the same manner and to the same extent as the corresponding similar offence would be under *The Alberta Election Act*. Application of The Alberta Election Act

**133.** (1) A petition for a plebiscite under this Part shall be signed by all the petitioners within the calendar year in which it is presented. Signing of petition

Presentation  
of petition

(2) No such petition or any portion thereof, when presented as herein provided, shall be again presented to the Lieutenant Governor in Council.

Fees and  
disburse-  
ments

**134.** (1) The returning officer and other officials engaged in the taking of a plebiscite are entitled to be paid the same fees and disbursements as are provided for in like cases by *The Alberta Election Act* in an election under that Act.

(2) The fees and disbursements referred to in subsection (1) and all other expenses of the plebiscite shall in the first instance be paid out of the General Revenue Fund of the Province and charged against the moneys received by the Board pursuant to this Act.

Negative  
plebiscite

**135.** (1) When a plebiscite has been taken in a local option area and has been decided in the negative, then until a plebiscite has been taken and decided in the affirmative no beer licence or club licence shall be granted or issued in the area.

Where  
government  
liquor stores  
prohibited

(2) Notwithstanding any provision of this Act, no government liquor store shall be established and no beer licence, club licence or other licence to sell beer shall be granted or issued in

- (a) Improvement District No. 7,
- (b) Improvement District No. 8,
- (c) Improvement District No. 9,
- (d) Municipal District of Cochrane No. 10,
- (e) Municipal District of Sugar City No. 37,
- (f) Improvement District No. 38, or
- (g) a city, town, hamlet or incorporated village situate, lying or being within any of the said districts.

(3) For the purpose of this section, a city, town, hamlet or incorporated village situate, lying or being within the boundaries of any of the districts mentioned in subsection (2) shall be deemed to be a part of the district within which it is situate.

Over-riding  
powers of  
Board

**136.** Notwithstanding that a plebiscite has been taken in a local option area and decided in the affirmative, the Board shall not be bound

- (a) to establish, maintain or operate a government liquor store in that area, or
- (b) to grant or issue beer or club licences in that area.

#### PART IV

### PROHIBITIONS, INTERDICTION, PENALTIES AND PROCEDURE IN PROSECUTIONS AND ON APPEAL

#### Prohibitions

Restrictions  
on sale of  
liquor

**137.** Except as provided by this Act, no person within the Province shall by himself, his clerk, servant or agent

- (a) expose or keep any liquor or beer for sale, or
- (b) directly or indirectly or upon any pretence or upon any device sell or offer to sell any liquor or beer, or
- (c) in consideration of the purchase or transfer of any property, give to any other person any liquor or beer, or
- (d) for any other consideration or at the time of the transfer of any property, give to any other person any liquor or beer.

**138.** No person shall have, keep or sell any beer or malt liquor to which has been added any foreign substance. Adulteration of beer

**139.** (1) No person shall have or keep liquor within the Province which has not been purchased Restrictions on purchase of liquor

- (a) from a vendor of the Board, or
  - (b) from a druggist authorized to sell the same,
- except beer purchased from a licensee licensed to sell the same under the provisions of this Act.

(2) Subsection (1) does not apply

- (a) to the Board, or
- (b) to the keeping or having of liquor by brewers, distillers and other persons duly licensed by Canada for the manufacture of such liquor, or
- (c) to the keeping or having of any proprietary or patent medicines or of any extracts, essences, tinctures or preparations the having and keeping of which is authorized by this Act, or
- (d) to a person who keeps or has not more than two bottles of liquor
  - (i) purchased outside Canada by him or by the person from whom he received it as a *bona fide* gift, and
  - (ii) stamped or marked in accordance with Canadian customs regulations.

(3) Nothing in subsection (1) applies

- (a) to the possession by a sheriff or his bailiff of liquor seized under execution or other judicial or extra-judicial process, or
- (b) to sales under execution or other judicial or extra-judicial process to the Board,
- (c) to a brewer or distiller licensed by the Board.

**140.** (1) A person who violates a provision of sections 137, 138 or 139 is guilty of an offence and liable on summary conviction for a first offence, in the discretion of the justice, Penalties for wrongful sale or purchase of liquor or adulteration of beer

- (a) to a fine of not less than three hundred dollars nor more than one thousand dollars and costs and in default of payment thereof, to imprisonment with hard labour for a period of not less than three months nor more than six months,
- (b) to imprisonment with hard labour for a term of not more than six months without the option of a fine.

	<p>(2) A person who, after a previous conviction for an offence under any of the provisions of this Act is convicted of an offence under section 137, 138 or 139 is guilty of an offence and liable on summary conviction to imprisonment with hard labour for a period of not less than three months nor more than six months without the option of a fine.</p>
Liability of corporation	<p>(3) If the offender convicted of an offence referred to in this section is a corporation it is liable to a penalty of not less than one thousand dollars nor more than three thousand dollars.</p>
Giving of liquor	<p><b>141.</b> No brewer, distiller or manufacturer of liquor shall by himself, his clerk, servant or agent give to any person any liquor, except as may be permitted by and in accordance with this Act and with the regulations.</p>
Sale by vendor	<p><b>142.</b> No vendor and no person acting as the clerk or servant of or in any capacity for a vendor shall sell liquor in</p> <ul style="list-style-type: none"> <li>(a) any other place, or</li> <li>(b) at any other time, or</li> <li>(c) otherwise,</li> </ul> <p>than as authorized by this Act and the regulations.</p>
Penalties for wrongful sale	<p><b>143.</b> A person who violates a provision of section 142 is guilty of an offence and liable on summary conviction</p> <ul style="list-style-type: none"> <li>(a) for a first offence to imprisonment with hard labour for not more than six months, and</li> <li>(b) for a second or subsequent offence to imprisonment with hard labour for not more than twelve months.</li> </ul>
Dealing in liquor by Board employees prohibited	<p><b>144.</b> (1) No member or employee of the Board shall be directly or indirectly interested or engaged in any other business or undertaking dealing in liquor,</p> <ul style="list-style-type: none"> <li>(a) whether as owner, part owner, partner, member of a syndicate, shareholder, agent or employee, and</li> <li>(b) whether for his own benefit or in a fiduciary capacity for some other person.</li> </ul>
Commissions prohibited	<p>(2) No member or employee of the Board or any employee of the Government shall solicit or receive directly or indirectly any commission, remuneration or gift whatsoever from a person or corporation having sold, selling or offering liquor for sale to the Government or the Board pursuant to this Act</p> <p>(3) No person selling or offering for sale to or purchasing liquor from the Government or the Board shall either directly or indirectly</p> <ul style="list-style-type: none"> <li>(a) offer to pay a commission, profit or remuneration, or</li> <li>(b) make a gift,</li> </ul> <p>to a member or employee of the Board or to an employee of the Government or to anyone on behalf of the member or employee.</p>

(4) A person who violates a provision of this section is guilty of an offence and liable on summary conviction to imprisonment with hard labour for not more than twelve months. Penalty for accepting or offering commission

**145.** Except as provided in this Act, no person within the Province shall by himself, his clerk, servant or agent Acceptance of liquor prohibited

- (a) attempt to purchase any liquor, or
- (b) directly or indirectly or upon any pretence or upon any device, purchase any liquor, or
- (c) in consideration of the sale or transfer of any property, take or accept any liquor from any other person, or
- (d) for any other consideration or at the time of the transfer of any property, take or accept any liquor from any other person.

**146.** (1) No beer licensee or club licensee shall take, receive or accept anything except current money in payment for or on account of any liquor supplied upon the licensed premises of the licensee. Payment for liquor

(2) No beer licensee or club licensee shall supply liquor to a person unless the licensee has first received payment for the liquor in cash.

(3) No beer licensee or club licensee shall take or receive any money or money's worth by way of a deposit or pledge for the purpose of securing the price of any liquor to be supplied by the licensee at a future time. Deposits prohibited

(4) No cheque and no time check or other evidence of indebtedness given in payment of wages shall be cashed or negotiated in a licensed beer room. Cheques prohibited

(5) A licensee or his servant, agent or employee knowingly violating any of the provisions of this section is guilty of an offence.

(6) Any money, security or any deposit paid, given or pledged in contravention of this section or the full value thereof may be recovered in a court of competent jurisdiction by the person making the deposit, payment, gift or pledge as aforesaid from the licensee, free of all claims of the licensee in respect thereof. Recovery proceedings

**147.** (1) No beer licensee, club licensee or canteen licensee and no servant, agent or employee of any such licensee when selling or serving beer by the glass or open bottle to a person for consumption on the premises shall Restrictions on serving beer

- (a) sell or serve to a person for consumption by him more than two glasses or one open bottle of beer at a time,
- (b) sell or serve beer to a person a second or subsequent time until the beer previously sold or served to that person for consumption by him has been entirely consumed and the bottle or glasses have been removed.

Penalty for  
violation of  
restrictions  
on serving  
beer

- (2) A person who violates any provision of subsection (1) is guilty of an offence and liable on summary conviction
- (a) for a first offence to a fine of not less than fifty dollars, and
  - (b) for a second or subsequent offence to a fine of not less than one hundred dollars.

Promotion of  
sales  
prohibited

- 148.** No beer licensee, club licensee or canteen licensee or liquor licensee, and no person employed in, on or about any premises in respect of which a licence has been issued shall
- (a) promote, induce or further, or
  - (b) attempt to promote, induce or further,
- the sale of any particular kind, class or brand of beer or liquor.

Consumption  
on druggist's  
premises  
prohibited

- 149.** (1) No person within the Province shall consume any liquor on premises where liquor is kept for sale by a druggist.

(2) No druggist shall permit liquor to be consumed on the premises where liquor is kept for sale by the druggist.

Official seal

- 150.** (1) No person shall consume liquor within the Province unless the liquor has been acquired under the authority of a permit issued under this Act and unless the package in which the liquor is contained and from which it is taken for consumption has, while containing that liquor, been sealed with the official seal prescribed under this Act and the regulations.

- (2) Subsection (1) does not apply in the case of
- (a) wine used for sacramental purposes,
  - (b) beer purchased and consumed in accordance with this Act and the regulations,
  - (c) liquor or beer purchased outside Canada by the person who consumes it or by the person from whom he received it as a *bona fide* gift.

(3) The foregoing provisions relating to the official seal prescribed under the Act do not apply to malt liquor as defined in the Act.

Sealing of  
liquor

- 151.** (1) No liquor shall be kept or had by any person within the Province unless the package, not including a decanter or other receptacle containing the liquor for immediate consumption, in which the liquor is contained, has while containing that liquor, been sealed with the official seal prescribed under this Act.

- (2) Subsection (1) does not apply in the case of
- (a) liquor imported by the Government or by the Board, or
  - (b) liquor had and kept by a person and in a place and manner referred to in section 105, or
  - (c) beer and malt liquor lawfully had or kept under this Act, or

- (d) liquor kept for sale by a druggist under section 93, or
- (e) liquor or beer purchased outside Canada by the person who keeps or has it, or by the person from whom he received it as a *bona fide* gift, if the receptacle or container in which the liquor is contained has, while containing that liquor, been stamped or marked by a Canadian customs officer.

(3) An inspector or constable who finds liquor which in his opinion is had or kept by a person in violation of the provisions of this Act may forthwith seize and remove the same and the packages in which the liquor is kept without laying any information or obtaining a warrant. Seizure of liquor

(4) Upon conviction of a person for a violation of this section the liquor and all packages containing it, in addition to any other penalty prescribed by this Act, shall be forfeited to the Crown in the right of the Province. Forfeiture of liquor

**152.** (1) No person shall consume liquor in a public place except liquor purchased and consumed in accordance with a beer licence or a special permit for a purpose permitting its consumption in a public place. Liquor consumption in public place

(2) No person shall be in an intoxicated condition in a public place. Intoxication in public place

**153.** No vendor, beer licensee, canteen licensee or club licensee, nor any employee of a vendor, beer licensee, canteen licensee or club licensee, shall sell any liquor or permit any liquor to be sold to a person apparently under the influence of liquor. Sale of liquor to intoxicated persons prohibited

**154.** (1) Except in the case of liquor given to a person under the age of twenty-one years Sale of liquor to minor prohibited

- (a) by his parent or guardian for beverage or medicinal purposes, or
- (b) administered to him by his physician or dentist for medicinal purposes, or
- (c) by way of sale by a vendor or druggist upon the prescription of a physician,

no person shall sell, give or otherwise supply liquor to a person under the age of twenty-one years or permit a person under that age to consume liquor.

(2) A person who knowingly violates a provision of subsection (1) is guilty of an offence and liable on summary conviction Penalty for sale of liquor to minor

- (a) for a first offence to imprisonment with hard labour for not less than one month nor more than three months, and
- (b) for a second or subsequent offence to imprisonment with hard labour for not less than four months nor more than twelve months.

No permit to  
minor

**155.** (1) No permit shall be issued to a person under the age of twenty-one years.

Penalty for  
offence by  
minor

(2) A person under the age of twenty-one years  
(a) who makes application for a permit, or  
(b) who enters, remains or is on the licensed premises of a hotel beer licensee,  
is guilty of an offence and liable on summary conviction  
(c) for a first offence to a fine of not less than twenty-five dollars nor more than fifty dollars, and  
(d) for a second or subsequent offence to a fine of not less than fifty dollars nor more than two hundred dollars.

Offence to  
supply liquor  
when permit  
suspended or  
cancelled

**156.** No person shall procure or supply or assist, directly or indirectly, in procuring or supplying liquor for or to a person whose permit is suspended or has been cancelled except

- (a) liquor administered by a physician or dentist, or
- (b) liquor sold upon a prescription in accordance with the provisions of this Act, or
- (c) beer sold on premises licensed for the sale of beer under the provisions of this Act.

Supplying  
liquor to in-  
terdicted per-  
son pro-  
hibited

**157.** (1) No person shall procure or sell or give to an interdicted person any liquor, nor directly or indirectly assist in procuring or supplying any liquor to an interdicted person except liquor

- (a) supplied to an interdicted person upon the prescription of a physician, or
- (b) administered to him by a physician or dentist pursuant to this Act.

Penalty for  
supplying  
liquor to in-  
terdicted  
person

(2) A person who knowingly violates a provision of subsection (1) is guilty of an offence and liable on summary conviction

- (a) for a first offence to imprisonment with hard labour for not less than one month nor more than three months, and
- (b) for a second or subsequent offence to imprisonment with hard labour for not less than four months nor more than twelve months.

Permit un-  
issuable to  
interdicted  
person

**158.** (1) No permit shall be issued to an interdicted person.

(2) An interdicted person who

- (a) makes application for a permit, or
- (b) enters or is found upon
  - (i) the premises of a government liquor store, or
  - (ii) the premises for which a beer licence has been granted,

is guilty of an offence.



**159.** No person whose permit has been cancelled shall, within a period of twelve months after the date of the cancellation, make application for another permit under this Act.

Application  
for new per-  
mit after  
cancellation

**160.** (1) No person shall purchase or attempt to purchase liquor under a permit which is suspended or which has been cancelled or of which he is not the holder.

Unauthor-  
ized use of  
permit

(2) No person shall apply in any name except his own for the issue to him of a permit authorizing the purchase of liquor or beer.

Application  
for permit  
to be in own  
name

**161.** (1) If a permit issued to a person is suspended or is cancelled, it shall not be lawful for that person

Interval be-  
tween sus-  
pension and  
revival of  
permit

(a) in the interval between the suspension and revival of the permit, or

(b) in the interval during which he is disqualified from holding a permit under this Act,

as the case may be, to have any liquor in his possession, except liquor that he is by this Act authorized to have in his possession for medicinal purposes and beer for immediate consumption by him on premises that are licensed for the sale of beer to be consumed on such premises.

(2) The Board, by order, may declare that a person named in the order is not qualified to have liquor in his possession except as mentioned in subsection (3) for such period not exceeding twelve months as may be specified in the order.

Board order  
of dis-  
qualification

(3) Upon the sending of a copy of the order by registered mail to any such person at his last known post office address, it shall not be lawful for him to have in his possession any liquor except liquor that he is by this Act authorized to have in his possession for medicinal purposes and beer for immediate consumption by him on premises that are licensed for the sale of beer to be consumed on such premises.

Service of  
order of dis-  
qualification

**162.** No person shall

Drunken-  
ness on pri-  
vate  
premises  
prohibited

(a) permit drunkenness to take place in a house or on any premises of which he is the owner, tenant or occupant, or

(b) permit or suffer a person apparently under the influence of liquor to consume liquor in a house or on any premises of which the first named person is owner, tenant or occupant, or

(c) give liquor to a person apparently under the influence of liquor.

**163.** (1) A holder of an individual permit may have in his possession and consume in a residence, or in a private compartment or bedroom occupied by him in a train, only such liquor or beer as has been lawfully acquired pursuant to the provisions of this Act.

Possession of  
liquor

Illegal pos-  
session of  
liquor

- (2) A person is in illegal possession of liquor
- (a) who has liquor in his possession within the Province when he is not the holder of a permit unless
    - (i) this Act authorizes him to be in possession of such liquor without a permit, or
    - (ii) the liquor was purchased by him on a permit which has since expired under the provisions of section 21, or
  - (b) who has liquor in his possession in any place within the Province other than a place where he is authorized to be in possession of liquor pursuant to the provisions of this Act.
- (3) A person who is in illegal possession of liquor is guilty of an offence.

Consumption  
of liquor in  
cafe, etc.,  
prohibited

**164.** (1) No owner, operator or manager of a night club, cafe, restaurant, dance hall, place of entertainment or premises other than licensed premises or a residence, no person who appears to own, operate, manage or be in control of such premises, and no employee of any such person, knowingly shall permit a person to bring into or have in his possession upon or consume upon the premises any beer or liquor except in accordance with the provisions of a special permit.

(2) An owner, operator or manager and a person who appears to own, operate, manage or be in control of such premises and an employee of any such person who knowingly violates the provisions of subsection (1) is guilty of an offence.

(3) A person who brings into or has in his possession upon or consumes upon such premises any beer or liquor contrary to subsection (1) is guilty of an offence.

Canvas-  
sing, etc.,  
prohibited

- 165.** (1) No person within the Province shall
- (a) canvass for, receive, take or solicit orders for the purchase or sale of any spirits or wines,
  - (b) act as agent or intermediary for the sale or purchase of any spirits or wines,
  - (c) hold himself out as an agent or intermediary for the sale or purchase of any spirits or wines,
  - (d) canvass for or solicit orders for the purchase or sale of beer or malt liquor,
  - (e) exhibit or display or permit to be exhibited or displayed a sign or poster containing the words "bar", "bar-room", "saloon", or other words of like import prohibited by order of the Board,
  - (f) exhibit or display or permit to be exhibited or displayed an advertisement or notice of or concerning liquor
    - (i) by an electric or illuminated sign, contrivance, or device, or

- (ii) on a boarding, signboard, billboard or other like place in public view,  
or by any of the means aforesaid, advertise any liquor,
- (g) exhibit, publish or display or permit to be exhibited, published or displayed
  - (i) any other advertisement or form of advertisement, or
  - (ii) any other announcement, publication or price list of or concerning liquor, or
  - (iii) where or from whom the same may be had, obtained or purchased,
 unless permitted to do so by this Act or the regulations, and then only in accordance with this Act or the regulations.
- (2) Clause (f) of subsection (1) does not apply to an advertisement respecting beer or malt liquor on a brewery or premises where beer or malt liquor may be lawfully stored or kept by a brewer under this Act Advertising on brewery premises
  - (a) if such advertisement has first been permitted in writing by the Board, and
  - (b) if it is exhibited or displayed subject to the directions of the Board.
- (3) This section does not apply
  - (a) to the Board, nor to an act of the Board, nor to a government liquor store, nor
  - (b) to the receipt or transmission of a telegram or letter by a telegraph agent or operator or post office employee in the ordinary course of his employment as agent, operator or employee.

**166.** (1) A person manufacturing or brewing beer or malt liquor Labelling

- (a) shall put upon all bottles containing beer or malt liquor so manufactured or brewed for sale within the Province a distinctive label showing
  - (i) the nature of the contents,
  - (ii) the name of the person by whom the beer or malt liquor is manufactured or brewed, and
  - (iii) the place where the beer or malt liquor was brewed, and
- (b) shall show clearly on all barrels or other receptacles containing beer or malt liquor so manufactured or brewed, whether bottled or otherwise,
  - (i) the nature of the contents,
  - (ii) the name of the person by whom the beer or malt liquor is manufactured or brewed, and
  - (iii) the place where the beer or malt liquor was brewed.
- (2) For the purpose of this section, the contents of bottles, barrels and other receptacles containing beer or Description of contents

malt liquor shall be shown by the use of the word "beer", "ale", "stout" or "porter" on the outside of all bottles, barrels and other receptacles.

Sale by unauthorized person prohibited

**167.** A person not expressly authorized by this Act to deal in liquor within the Province shall not keep for sale, offer for sale or sell anything which is labelled or branded with the name of any kind of liquor, whether the same contains liquor or not.

### Interdiction

Order of interdiction

**168.** (1) Upon complaint made in writing upon oath to a police magistrate that a person resident or sojourning within the Province by the excessive drinking of liquor

- (a) misspends, wastes or lessens his estate, or
- (b) endangers or interrupts the peace and happiness of his family, or
- (c) injures his health, or
- (d) endangers the welfare, life or health of a person to whom he owes a duty,

the police magistrate may summons such person to appear before him and he may, after due hearing, make an order of interdiction directing the cancellation of any permit held by that person and prohibiting the sale of liquor to him until further order, and the magistrate shall cause the order to be forthwith filed with the Board.

(2) Where a judge or justice convicts a person

- (a) of driving a motor vehicle while intoxicated and an accident is involved, or
- (b) of being
  - (i) intoxicated in a public place, or
  - (ii) drunk and disorderly,
 and that person has been previously convicted of one or more of these offences within the preceding twelve months,

the judge or justice may make an order of interdiction directing the cancellation of any permit held by that person and prohibiting the sale of liquor to him until further order and the judge or justice shall cause the order to be forthwith filed with the Board.

Suspension of driver's licence

(3) Where a judge or justice convicts a person of the offence referred to in clause (a) of subsection (2), in addition to making an order of interdiction

- (a) the judge or justice may suspend the driver's licence of the person convicted for a period not exceeding one year,
- (b) if the conviction is a second conviction for the offence, the judge or justice shall suspend the driver's licence of the person convicted for a period of one year.

**169.** (1) No interdicted person shall

- (a) keep or have any liquor in his possession or under his control,
- (b) consume any liquor,
- (c) be in an intoxicated condition.

Liquor prohibited to interdict

(2) An interdicted person who contravenes a provision of subsection (1) is guilty of an offence and liable on summary conviction

Penalties on interdict

- (a) for a first offence to a fine not exceeding two hundred dollars,
- (b) for a second offence to imprisonment for a term not exceeding three months,
- (c) for a third or subsequent offence to imprisonment for a term not exceeding six months.

(3) The justice making a conviction under this section, in and by the conviction, may declare the liquor, if any, in the possession or control of the interdicted person and all packages in which the liquor is contained forfeited to the Crown in the right of the Province.

**170.** On the making of the order of interdiction, the interdicted person may forthwith deliver to the Board all liquor then in his possession or under his control to be kept for him by the Board until the order of interdiction is revoked or set aside, or to be purchased by the Board at a price to be fixed by the Board.

Disposition of forfeited liquor

**171.** Unless sooner revoked an order of interdiction ceases to have any force or effect upon the expiration of the period of five years from the day of the making of the order.

Expiration of interdiction order

**172.** Upon receipt of the order of interdiction the Board shall

Cancellation of permit

- (a) cancel any permit held by the interdicted person, and
- (b) notify the interdicted person and all vendors and such other persons, as the regulations may require to be notified, of the cancellation of the permit and of the order of interdiction prohibiting the sale of liquor to the interdicted person.

**173.** (1) The police magistrate by whom an order of interdiction is made, upon being satisfied that the justice of the case so requires, may revoke the order of interdiction by an order filed with the Board.

Revocation of interdiction order

(2) Upon the filing of the order of revocation the interdicted person shall be restored to all his rights under this Act, and the Board shall accordingly forthwith notify all vendors and such other persons as the regulations may require to be notified.

Notice of revocation of interdiction order

(3) If the police magistrate by whom an order of interdiction is made thereafter dies or resigns or is permanently

absent from the Province or for any other reason is incapable of acting as a magistrate, any police magistrate may revoke an order of interdiction made by that magistrate.

Appeal re  
interdiction

**174.** (1) Upon the application to the judge of any district court by a person in respect of whom an order of interdiction has been made under this Act, and upon it being made to appear to the satisfaction of the judge that the circumstances of the case did not warrant the making of the order of interdiction or upon proof that the interdicted person has refrained from drunkenness for at least twelve months immediately preceding the application, the judge, by order, may set aside the order of interdiction filed with the Board.

Restora-  
tion of  
rights

(2) Where an order is set aside, the interdicted person shall be restored to all his rights under this Act and the Board shall accordingly forthwith notify all vendors and such other persons as the regulations may require to be notified.

Notice of  
appeal

(3) At least ten clear days before an application is made to a judge under subsection (1), the applicant shall give notice thereof to the Board in writing served upon the Board and to such other persons as the judge of the district court may direct.

### Penalties

Offence to  
violate Act  
or regula-  
tions

**175.** A person who violates any provision of this Act or the regulations is guilty of an offence under this Act, whether otherwise so declared or not.

General  
penalties

**176.** (1) A person guilty of an offence against this Act for which no penalty has been specifically provided is liable on summary conviction

- (a) for a first offence to a fine of not more than two hundred dollars and in default of immediate payment to imprisonment for not more than two months, with or without hard labour,
- (b) for a second offence, to imprisonment for not more than four months with or without hard labour or to a fine of not more than five hundred dollars and in default of immediate payment, to imprisonment for not more than four months, with or without hard labour, and
- (c) for a third or subsequent offence, to imprisonment for not more than six months, with or without hard labour without the option of a fine.

Penalties on  
corporation

(2) If the person convicted of an offence referred to in subsection (1) is a corporation, it is liable

- (a) for a first offence to a fine of not less than two hundred dollars nor more than one thousand dollars, and
- (b) for a second or subsequent offence to a fine of not less than one thousand dollars nor more than three thousand dollars.

(3) In each case where a justice is by this Act empowered to impose a fine, he may in his discretion, order the defendant to pay the costs in addition to a fine. Costs

**177.** (1) When a corporation is convicted of an offence under this Act and the conviction adjudges a fine to be paid by the corporation, the justice by his conviction, after adjudging payment of the fine and costs, may order that in default of payment, forthwith or within a limited time, the fine and costs be levied by distress and sale of the goods and chattels of the corporation within the Province. Recovery by distress

(2) In any such case, and in addition to the other remedies provided hereby, a copy of the conviction or order, certified by a justice or by the officer in whose custody the same is by law required to be kept, may be filed in the office of the clerk of the Supreme Court of Alberta, and the conviction or order shall thereupon become a judgment of that court.

(3) Nothing in this section shall be construed as in any way affecting, limiting or restricting any proceedings which otherwise may be taken or had for the recovery of fines or penalties.

**178.** (1) Where an offence under this Act is committed by a corporation, the officer or agent of the corporation in charge of the premises in which the offence is committed Liability of corporation officials

- (a) shall *prima facie* be deemed to be a party to the offence so committed, and
- (b) is personally liable to the penalties prescribed for the offence as a principal offender.

(2) Nothing in this section relieves the corporation or the person who actually committed the offence from liability therefor.

**179.** (1) Upon proof of the fact that an offence under this Act has been committed Liability of occupant

- (a) by a person in the employ of the occupant of a house, shop, room or other premises in which the offence is committed, or
- (b) by a person who is suffered by the occupant to be or remain in or upon such house, shop, room or premises or to act in any way for the occupant,

the occupant shall *prima facie* be deemed to be a party to the offence so committed and is liable to the penalties prescribed for the offence as a principal offender, notwithstanding the fact that the offence was committed by a person who is not proved to have committed the offence under or by the direction of the occupant.

(2) Nothing in this section relieves the person actually committing the offence from liability therefor.

### Search and Seizure

Search  
warrant

**180.** (1) Upon information on oath by an inspector appointed under this Act or by a constable that he suspects or believes that liquor is unlawfully kept or had, or kept or had for unlawful purposes, in any building or premises, a justice by warrant under his hand may authorize and empower the inspector or constable or any other person named therein to enter and search the building or premises and each part thereof, and for that purpose to break open any door, lock or fastening of the building or premises or any part thereof or any closet, cupboard, box or other receptacle therein which might contain liquor.

(2) It shall not be necessary for an inspector or constable to set out in the information any reason or grounds for his suspicion or belief.

Search with-  
out warrant

(3) A constable who is authorized in writing for the purpose by the Attorney General, if the constable believes that liquor is unlawfully kept or had, or kept or had for unlawful purposes, in any building or premises, may without warrant, enter and search the building or premises and each part thereof and for that purpose may break open any door, lock or fastening of the building or premises or any part thereof, or any closet, cupboard, box or other receptacle therein which might contain liquor.

(4) The authority referred to in subsection (3) shall be a general one and shall be effective until revoked.

Offence to  
obstruct in-  
spectors

(5) A person being in the building or premises or having charge thereof

(a) who refuses or fails to admit an inspector or constable demanding to enter pursuant to this section in the execution of his duty, or

(b) who obstructs or attempts to obstruct the entry of the inspector or constable or any such search by him,

is guilty of an offence.

Arrest with-  
out warrant

**181.** A police officer or constable may arrest without warrant a person whom he finds committing an offence under this Act.

Search of  
conveyance  
without  
warrant

**182.** An inspector appointed under this Act or a constable may without warrant search, if need be by force, for liquor unlawfully kept or had or kept or had for unlawful purposes,

(a) in a vehicle, motor car, automobile, vessel, boat, canoe or conveyance of any description, or

(b) on the person of anyone found in a vehicle, motor car, automobile, vessel, boat, canoe or conveyance of any description, or

(c) on the lands in the vicinity of which a vehicle, motor car, automobile, vessel, boat, canoe or conveyance of any description, is searched.



**183.** (1) Where the inspector or constable in making or attempting to make a search under or pursuant to the authority conferred by sections 180 or 182 finds in a building or place or on any person any liquor which in his opinion is unlawfully kept or had, or kept or had for unlawful purposes, contrary to any of the provisions of this Act, he may

Seizure of  
liquor

- (a) forthwith seize and remove it and the packages in which it is kept, and
- (b) seize and remove any book, paper or thing found in the building or place which in his opinion will afford evidence as to the commission of an offence under this Act.

(2) Upon the conviction of the occupant of the house or place or any other person for keeping the liquor contrary to any of the provisions of this Act in such building or place, the justice making the conviction, in and by the conviction, shall declare the liquor and packages or any part thereof to be forfeited to the Crown in the right of the Province.

Forfeiture of  
liquor

**184.** (1) Where the inspector or constable in making or attempting to make a search under or pursuant to the authority conferred by section 182 finds in a vehicle, motor car, automobile, vessel, boat, canoe or conveyance of any description, liquor which in his opinion is unlawfully kept or had, or kept or had for unlawful purposes, contrary to any of the provisions of this Act, he may forthwith seize the liquor and the packages in which it is contained and the vehicle, motor car, automobile, vessel, boat, canoe or conveyance in which the liquor is found.

Seizure of  
liquor and  
conveyance

(2) Upon the conviction of the occupant or person in charge of the vehicle, motor car, automobile, vessel, boat, canoe or conveyance or of any other person for having or keeping the liquor contrary to any of the provisions of this Act in such conveyance, the justice making the conviction, in and by the conviction, may declare

Forfeiture of  
liquor and  
conveyance

- (a) the liquor or any part thereof so seized and the packages in which it is contained, and in addition,
- (b) the vehicle, motor car, automobile, vessel, boat, canoe or conveyance so seized,

to be forfeited to the Crown in the right of the Province.

**185.** (1) Where liquor is found by an inspector or constable on any premises or in a place in such quantities as to satisfy the inspector or constable that the liquor is being had or kept contrary to any of the provisions of this Act, the inspector or constable may forthwith seize and remove, by force if necessary, any liquor so found and the packages in which the liquor was had or kept.

Seizure of  
liquor on  
premises

(2) Where liquor has been seized by an inspector or constable under any of the provisions of this Act under such circumstances that the inspector or constable is satisfied that the liquor was had or kept contrary to any of the pro-

Retention of  
seized liquor  
by inspector

visions of this Act, he shall, under the provisions of this section retain it and the packages in which it was had or kept.

Claiming of  
seized liquor

(3) If within thirty days from the date of its seizure no person, by notice in writing filed with the Board, claims to be the owner of the liquor, the liquor and all packages containing it are forfeited to the Crown in the right of the Province and shall forthwith be delivered to the Board.

(4) If within the said thirty days a claimant appears, it shall be incumbent upon the claimant, after three days' notice in writing filed with the Board within the said thirty days, stating the time and place fixed by the justice for the hearing, to prove his claim and his right under the provisions of this Act to the possession of the liquor and packages to the satisfaction of a justice.

(5) On failure by the claimant to prove and establish his claim and right to the satisfaction of the justice, the liquor and packages are forfeited to the Crown in the right of the Province.

Disposal of  
forfeited  
liquor

**186.** (1) In a case in which

(a) a justice makes an order for the forfeiture of liquor under any of the provisions of this Act, and

(b) a claimant to liquor under the provisions of section 185 fails to establish his claim and right thereto,

the liquor in question and the packages in which the liquor is kept shall forthwith be delivered to the Board.

Payment by  
Board for  
seized  
liquor

(2) The Board shall

(a) thereupon determine the market value of all forfeited liquor which is found to be suitable for sale in the government liquor stores, and

(b) pay the amount so determined to the Provincial Treasurer after deducting therefrom the expenses necessarily incurred by the Board for transporting the forfeited liquor to the government liquor warehouses.

Sale of for-  
feited liquor

(3) The liquor suitable for sale shall be taken into stock by the Board and sold under the provisions of this Act.

Destruction  
of forfeited  
liquor

(4) All forfeited liquor which is found to be unsuitable for sale in government liquor stores shall be destroyed under competent supervision in such manner as may from time to time be directed by the Attorney General.

Report on  
seized liquor

**187.** Where liquor is seized by a constable, he shall forthwith make or cause to be made to the Board a report in writing of the particulars of the seizure.

Inspection of  
bills of lad-  
ing, etc.

**188.** (1) For the purpose of obtaining information concerning any matter relating to the administration or enforcement of this Act

(a) the Attorney General, or

(b) a person appointed by him in writing for the purpose,

may inspect the freight and express books and records and all waybills, bills of lading, receipts and documents in the possession of a railway company, express company or other common carrier doing business within the Province, containing any information or record relating to any goods shipped or carried or consigned or received for shipment or carriage within the Province.

(2) A railway company, express company or common carrier and an officer or employee of such company or common carrier who neglects or refuses to produce and submit for inspection any such book, record or document when requested to do so by the Attorney General or by a person appointed by him is guilty of an offence.

Offence to  
refuse to  
permit in-  
spection

**189.** (1) In describing the offence respecting

Description  
of offence

(a) the sale or keeping for sale or other disposal of liquor, or

(b) the having, keeping, giving, purchasing or the consuming of liquor

in any information, summons, conviction, warrant or proceeding under this Act it is sufficient to state the sale or keeping for sale or disposal, having, keeping, giving, purchasing or consuming of liquor simply without stating the name or kind of the liquor or the price thereof.

(2) It is not necessary to state

(a) the person to whom it was sold or disposed of, or

(b) by whom it was taken or consumed, or

(c) from whom it was purchased or received, or

(d) the quantity of liquor so sold, kept for sale, disposed of, had, kept, given, purchased or consumed, except in the case of offences where the quantity is essential and then it is sufficient to allege the sale or disposal of more or less than such quantity.

**190.** (1) The description of an offence under this Act in the words of this Act, or in any words of like effect, is sufficient in law.

Wording of  
description of  
offence

(2) An exception, exemption, provision, excuse or qualification, wherever it occurs in this Act, may be proved by the defendant but need not be specified or be negated in the information.

Onus of  
proof

(3) If it is so specified or negated in the information, no proof in relation to the matter so specified or negated shall be required on the part of the informant or complainant.

When proof  
not required

### Prosecutions

**191.** (1) In a prosecution under this Act for the sale or keeping for sale or other disposal of liquor or the having, keeping, giving, purchasing or consuming of liquor, it is not necessary that a witness should depose to

Deposition  
of witness

(a) the precise description or quantity of the liquor sold, disposed of, kept, had, given, purchased or consumed, or

	<p>(b) the precise consideration, if any, received therefor, or</p> <p>(c) the fact of the sale or other disposal having taken place with his participation or to his own personal or certain knowledge.</p>
Conviction	<p>(2) The justice trying the case, as soon as it appears to him that the circumstances in evidence sufficiently establish the offence complained of, shall put the defendant on his defence, and in default of his rebuttal of the evidence to the satisfaction of the justice, convict him accordingly.</p>
Proof of money passing	<p><b>192.</b> (1) In proving the unlawful sale, disposal, gift or purchase, gratuitous or otherwise, or consumption of liquor, it is not necessary in a prosecution to show that</p> <p>(a) any money actually passed, or</p> <p>(b) any liquor was actually consumed,</p> <p>if the justice hearing the case is satisfied that a transaction in the nature of an unlawful sale, disposal, gift or purchase actually took place or that any unlawful consumption of liquor was about to take place.</p>
Proof of liquor consumption	<p>(2) Proof of consumption or intended consumption of liquor on premises on which the consumption is prohibited, is evidence as against the occupant of the premises that the liquor was sold or given to or purchased by the person consuming or being about to consume or carry away the same.</p>
Certificate of analysis	<p><b>193.</b> In a prosecution under this Act or the regulations, production by a police officer, policeman, constable, inspector or peace officer of a certificate or report signed or purporting to be signed by a Dominion or Provincial analyst with regard to the analysis or ingredients of any liquor or other fluid or any preparation, compound or substance is conclusive evidence of the fact stated therein and of the authority of the person giving or making the same without any proof of appointment or signature.</p>
Certificate of Board member as evidence	<p><b>194.</b> In a prosecution under this Act or the regulations, production by a police officer, policeman, constable, inspector or peace officer of a certificate or report signed and sworn, or purporting to be signed and sworn, by a member of the Board is conclusive evidence of the fact or facts stated in the certificate or report and of the authority of the person giving or making the same without any proof of his appointment or signature.</p>
Inference as to intoxicating liquor	<p><b>195.</b> The justice trying a case in the absence of proof to the contrary may infer that liquor is intoxicating from the fact that a witness describes it as intoxicating or describes it by a name which is commonly applied to an intoxicating liquor.</p>
Circumstantial evidence	<p><b>196.</b> Upon the hearing of a charge of selling or purchasing liquor or of unlawfully having or keeping liquor</p>

contrary to any of the provisions of this Act, the justice trying the case may draw inferences of fact

- (a) from the kind and quantity of liquor found in the possession of the person accused or in any building, premises, vehicle, motor car, automobile, vessel, boat, canoe, conveyance or place occupied or controlled by that person, and
- (b) from the frequency with which liquor is received thereat or therein or is removed therefrom, and
- (c) from the circumstances under which it is kept or dealt with.

**197.** If, on the prosecution of a person charged with committing an offence under this Act in the selling or keeping for sale or giving or keeping or having or purchasing or receiving of liquor, *prima facie* proof is given that such person had in his possession or charge or control any liquor in respect of or concerning which he is being prosecuted, then unless the person proves that he did not commit the offence with which he is charged, he may be convicted of the offence. *Prima facie*  
evidence

**198.** (1) The burden of proving the right to have or keep or sell or give or purchase or consume liquor is on the person accused of improperly or unlawfully having or keeping or selling or giving or purchasing or consuming the liquor. Onus of  
proof

(2) The burden of proving that a prescription or administration of liquor is *bona fide* and for medicinal purposes only is upon the person who prescribes or administers the liquor or causes it to be administered. Proving of  
medical pre-  
scription

(3) The justice trying the case may draw inferences of fact

- (a) from the frequency with which similar prescriptions are given, and
- (b) from the amount of liquor prescribed or administered, and
- (c) from the circumstances under which it is prescribed or administered.

**199.** (1) The proceedings upon any information for an offence under any of the provisions of this Act in a case where a previous conviction or convictions are charged shall be as follows: Previous  
conviction

- (a) the justice shall in the first instance inquire concerning the subsequent offence only and if the accused is found guilty thereof he shall then, and not before, be asked whether he was so previously convicted as alleged in the information and if he answers that he was so previously convicted he shall be sentenced accordingly, but if he denies that he was so previously convicted or does not answer the question, the justice shall then inquire concerning the previous conviction,

- (b) the previous convictions may be proved *prima facie* by the production of a certificate purporting to be under the hand of the convicting justice or the Attorney General or the clerk of the court to whose office the conviction has been returned, without proof of signature or official character,
- (c) in the event of a conviction for a second or subsequent offence becoming void or defective after the making thereof by reason of a previous conviction being set aside, quashed or otherwise rendered void, the justice by whom the second or subsequent conviction was made
  - (i) shall summon the person convicted to appear at a time and place to be named, and
  - (ii) shall thereupon upon proof of the due service of the summons if the person fails to appear or on his appearance, amend the second or subsequent conviction, and
  - (iii) shall adjudge such penalty or punishment as might have been adjudged had the previous conviction never existed,
 and the amended conviction shall thereupon be held valid to all intents and purposes as if it had been made in the first instance,
- (d) subject to the provisions of subsection (2) of section 141, if a person who has been convicted of a violation of a provision of this Act is afterwards convicted of a violation of any other provision of this Act, the later conviction shall be deemed a conviction for a second offence within the meaning of this Act and shall be dealt with and punished accordingly, although the two convictions may have been under different sections.

Inclusion of  
several  
charges  
in one in-  
formation

(2) Charges of several offences under this Act committed by the same person may be included in one and the same information if the information and the summons or warrant issued thereon contain specifically the time and place of each offence.

One convic-  
tion for  
several of-  
fences

(3) One conviction for several offences may be made under this Act and a separate penalty or punishment may be imposed for each although the offences may have been committed on the same day, but the increased penalty or punishment hereinbefore imposed shall only be incurred or awarded in the case of offences committed on different days and after information laid for a first offence.

Service of  
summons,  
etc., on cor-  
porations

**200.** (1) In all prosecutions, actions or proceedings under the provisions of this Act against a corporation, each summons, warrant, order, writ or other proceeding, in addition to any other manner of service which may be provided or authorized by law, may be served on the corporation

- (a) by delivering it to an officer, attorney or agent of the corporation within the Province, or
  - (b) by leaving it at any place within the Province where the corporation carries on any business.
- (2) Service on a corporation in any other way is sufficient if the court or justice
- (a) by or before whom the summons, warrant, order, writ or other proceeding was issued or is returnable, or
  - (b) by or before whom any proceeding subsequent to service is to be had or taken,
- is of the opinion that the service has been such as to bring the summons, warrant, order, writ or other proceeding to the notice of the corporation.
- (3) In any prosecution, action or proceeding under this Act in which it is alleged that a corporation is or has been guilty of an offence under this Act, the fact of the incorporation of that corporation shall be presumed without it being proved by the prosecutor, unless satisfactory proof is produced to the contrary.
- 201.** (1) No conviction, order or warrant for enforcing the same or other process shall, upon any application by way of *certiorari* or for *habeas corpus* or upon any appeal, be held insufficient or invalid
- (a) for an irregularity, informality or insufficiency therein, or
  - (b) by reason of a defect of form or substance therein, if the court or judge hearing the application or appeal is satisfied by a perusal of the depositions that there is evidence on which the justice might reasonably conclude that an offence under a provision of this Act has been committed.
- (2) In particular, the words "a defect in form or substance" include any excess or defect in the punishment imposed or order made but such inclusion does not affect the generality of the said words.
- 202.** (1) The court or judge hearing any such application or appeal upon being satisfied as aforesaid may
- (a) confirm, reverse or modify the decision which is the subject of the application or appeal, or
  - (b) amend the conviction or other process, or
  - (c) make such other conviction or order in the matter as he thinks just,
- and, by such order, may exercise any power which might have been exercised at the trial and may make an order with regard to costs.
- (2) The conviction or order or the amended conviction has the same effect and may be enforced in the same manner as if it had been made at the trial or by process of the court hearing the application or appeal.

Sufficiency  
of servicePresump-  
tion of fact  
of incorpora-  
tionIrregulari-  
ty in con-  
victionHearing of  
appealEnforce-  
ment of  
order

### Appeals

- Right of appeal**      **203.** (1) An appeal shall lie from a conviction or order made in the prosecution of an offence under any provision of this Act.
- Conduct of appeal**      (2) The practice and procedure on an appeal from any such conviction or order and all the proceedings thereon shall be governed by and in accordance with the provisions of Part XV of the Criminal Code relating to appeals.
- Affidavit of appellant**      **204.** (1) Notwithstanding section 203, and except where the appeal is against sentence only, no appeal shall lie from a conviction for a violation or contravention of any of the provisions of this Act unless the party appealing, within the time limited for giving notice of appeal, makes an affidavit before a justice that he did not by himself or by his agent, servant or employee or any other person with his knowledge or consent, commit the offence charged in the information.
- (2) The affidavit shall negative the charge in the terms used in the conviction and shall further negative the commission of the offence by the agent, servant or employee of the accused or any other person with his knowledge or consent.
- (3) The affidavit shall be transmitted with the conviction to the court to which the appeal is given.
- (4) Where the party appealing is a corporation, the affidavit may be made by an officer or director of the corporation having a personal knowledge of the facts.
- Security for costs**      (5) The appellant shall also at the time of filing his notice of appeal, deposit with the clerk of the court appealed to, along with the notice, the sum of fifty dollars as security for the costs of the appeal.
- (6) This section does not apply when the appeal is from a dismissal or order of dismissal of an information.

### Inspectors

- Inspectors**      **205.** The Attorney General may appoint one or more inspectors or prosecuting officers
- (a) who, under his direction, shall perform such duties as the Attorney General may require, and
- (b) who shall be paid such salaries, fees and expenses as the Attorney General may fix.

## PART V

### PROPERTY, FINANCING, ACCOUNTING AND PROFITS OF BOARD

- Property, etc. of Board**      **206.** (1) All property, whether real or personal, and all moneys acquired, administered, possessed or received by the Board and all profits earned in the administration of this Act shall be the property of the Province.



(2) All expenses, debts and liabilities incurred by the Board in connection with the administration of this Act shall be paid by the Board from moneys received by the Board in the administration of this Act.

Expenses,  
etc. of  
Board

**207. (1) The Board**

Reports by  
Board

- (a) shall from time to time make reports to the Minister for the time being charged with the administration of this Act with respect to such matters in connection with the administration or enforcement of this Act as he may require, and
- (b) shall annually make to the Lieutenant Governor in Council, through the Minister, charged for the time being with the administration of this Act, a report for the twelve months ending on the thirty-first day of March in the year in which the report is made.

(2) The annual report shall contain

Annual  
report

- (a) a statement of the nature and amount of the business transacted by each vendor under this Act during the year,
- (b) a statement of assets and liabilities of the Board, including a profit and loss account and such other accounts and matters as may be necessary to show the result of the operations of the Board for the year,
- (c) general information and remarks with regard to the working of the law within the Province,
- (d) any other information requested by the Minister for the time being charged with the administration of this Act.

(3) Each annual report made under this section shall be forthwith laid before the Legislature if the Legislature is then in session, and if not then in session, shall be laid before the Legislature within fifteen days after the opening of the next session.

Annual re-  
port laid be-  
fore Legis-  
lature

(4) The books and records of the Board shall at all times be subject to examination and audit by the Provincial Auditor and by such other persons as the Lieutenant Governor in Council may authorize.

Audit of  
books

**208. (1) The Board, with the approval of the Provincial Treasurer, may borrow money from a chartered bank upon such terms and conditions and with such times for repayment as the Board thinks advisable and necessary.**

Borrowing  
by Board

(2) The Lieutenant Governor in Council may from time to time and on such terms and conditions as may be deemed expedient, authorize the guarantee by the Provincial Treasurer, on behalf of the Province, the repayment of all moneys borrowed by the Board under the provisions of this section.

Repayment  
guarantee

(3) The guarantee when given

Effect of  
repayment  
guarantee

- (a) shall render the Province liable for the repayment of the moneys so borrowed, and

	(b) shall be deemed conclusive evidence of the liability of the Province for the repayment of the money so borrowed.
Advances	(4) The Lieutenant Governor in Council may advance out of the General Revenue Fund of the Province such sums as may be necessary for the purpose of discharging in whole or in part all or any liabilities of the Province so guaranteed.
Repayment of advances	(5) Any moneys so advanced shall be repaid by the Board with interest at such current rate as may be determined by the Lieutenant Governor in Council in such amounts and at such times as the Board, subject to the regulations made hereunder, may decide.
Expenses	<p><b>209.</b> The Board shall make all payments necessary for the administration of this Act,</p> <p>(a) including the payment of the salaries of the members of the Board and its staff, and</p> <p>(b) including all expenditures incurred in establishing and maintaining government liquor stores and in the administration of this Act, and</p> <p>(c) including the payment of the expenses of transporting, maintaining all prisoners convicted of an offence under this Act, whether the conviction took place within a municipality or elsewhere.</p>
Disposal of receipts	<p><b>210.</b> (1) All moneys received, other than from permit fees,</p> <p>(a) from the sale of liquor at government liquor stores,</p> <p>(b) from licence fees or taxes,</p> <p>(c) otherwise under the administration of this Act, shall be paid to the Board.</p>
Disposal of permit fees	(2) All moneys received from permit fees shall be paid to the Provincial Treasurer to be accounted for as part of the General Revenue Fund of the Province, and shall not be included in any statement of profit and loss of the Board.
Accounting	<b>211.</b> (1) The accounts of the Board shall be made up to the thirty-first day of March in each year and at such other times as may be determined by the Lieutenant Governor in Council.
Balance sheet, etc.	(2) In each case the Board shall prepare a balance sheet and statement of profit and loss and submit the same to the Provincial Auditor for his certification.
Reserve fund	<b>212.</b> From the profits arising under this Act as certified by the Provincial Auditor there shall be taken such sums as may be determined by the Lieutenant Governor in Council for the creation of a reserve fund to meet any loss that may be incurred by the Government in connection with the administration of this Act or by reason of its repeal.
Net profits	<b>213.</b> The net profits remaining from time to time after providing the sums required for purposes of the reserve

fund shall be paid into the General Revenue Fund of the Province and be appropriated to the public service of the Province.

**214.** (1) Each order for the purchase of liquor shall be authorized by the chairman or acting chairman of the Board and no order is valid or binding unless so authorized.

Authority for  
liquor  
orders

(2) A duplicate of each such order shall be kept at the principal office of the Board.

Duplicate of  
order

(3) All cancellations of orders shall be authorized by the chairman or acting chairman of the Board and a duplicate thereof kept at the principal office of the Board.

Cancellation  
of  
orders

## PART VI

### MISCELLANEOUS

**215.** (1) The purpose and intent of this Act is to prohibit, except under government control as specifically provided by this Act, transactions in liquor taking place wholly within the Province, and each section and provision of this Act shall be construed accordingly.

Intent of  
Act

(2) The provisions of this Act dealing with the importation, sale and disposition of liquor within the Province, through the instrumentality of a board and otherwise, provide the means by which such government control is made effective, and nothing in this Act shall be construed as forbidding, affecting or regulating a transaction that is not subject to the legislative authority of the Province.

Jurisdiction  
of Act

**216.** Each vendor and each official authorized by the Board to issue permits under this Act may administer an oath and take and receive an affidavit or declaration required under this Act or the regulations.

Adminis-  
tration of  
oaths, etc.

**217.** (1) No action or proceeding shall be taken against any member or members of the Board for anything done or omitted to be done in or arising out of the performance of his or their duties under this Act.

Actions  
against  
Board

(2) Each action, order or decision of the Board with regard to any matter or thing in respect of which any power, authority or discretion is conferred on the Board under this Act is final and shall not be questioned, reviewed or restrained by injunction, prohibition or *mandamus* or other process or proceeding in any court or be removed by *certiorari* or otherwise in any court.

Decision of  
Board final

**218.** Unless otherwise provided, all fines levied under this Act shall be paid into the General Revenue Fund of the Province.

Disposition  
of fines

**219.** (1) In the case of offences under this Act occurring in a municipality and prosecuted to a conviction by

Fines in  
municipali-  
ties

the police or an official of the municipality in which the offence was committed, a separate account of all the fines received by reason of such offences shall be kept, together with the name and office of the prosecutor.

(2) The separate account shall be kept

(a) by such person or persons as the Attorney General may direct, and

(b) if no such direction is given, by the clerk of the court of the convicting justice, and

(c) if there is no clerk and no direction, by the convicting justice.

(3) A statement of the separate account shall be forwarded by the secretary-treasurer of each municipality to the Attorney General on the first day of June and on the first day of December in each year and at such other time or times as the Attorney General shall direct.

(4) Upon receipt of the statement, the Attorney General upon being satisfied

(a) by the certificate of the justice imposing the fines or

(b) by such further or other evidence as he may require, that the fines mentioned in the statement were for the offences in this section described, shall forward a copy to the Provincial Treasurer.

(5) Upon receipt of a copy of the statement and of the amount of the fines, the Provincial Treasurer shall pay to each of the said municipalities all the moneys derived from the fines set out in the statement.

**Repeal**

**220.** *The Government Liquor Control Act of Alberta*, being chapter 24 of the Revised Statutes of Alberta, 1942, is hereby repealed.

Permits issued prior to July 1, 1953

**221.** (1) Notwithstanding section 220, licences or permits issued prior to the first day of July, 1953, under the provisions of *The Government Liquor Control Act of Alberta* continue in full force and effect, unless sooner cancelled pursuant to the provisions of this Act, until midnight on the thirty-first day of December, 1953, except

(a) special permits and licences which expire in accordance with the terms contained therein, and

(b) permits and licences which expire before the thirty-first day of December, 1953, in accordance with their terms.

(2) Notwithstanding any other provision of this Act, in the year 1954 licences or permits that may be issued under this Act may be issued on and after the first day of January, 1954, and continue in force unless sooner cancelled under the provisions of this Act until midnight on the thirty-first day of March, 1955, except

(a) special permits and licences which expire in accordance with the terms contained therein, and

(b) permits and licences which expire before the thirty-first day of March, 1953, in accordance with their terms.

(3) In the year 1954 the fees for any licence issued pursuant to this Act may be increased by twenty-five per cent of the fee provided by this Act or the regulations for the licence.

**222.** This Act comes into force on the first day of July, 1953. Coming into force

## SCHEDULE

Schedule

### FORM A

Form A

(Section 117)

#### PROVINCE OF ALBERTA

Plebiscite under *The Liquor Control Act*

#### BALLOT

Directions to Voter:

The question submitted by this plebiscite for decision is whether or not the Alberta Liquor Control Board should have the power to grant beer and club licences in the local option area.

If the voter is in favour of the Board granting such licences in the local option area, he should make the figure 1 in the upper right hand blank space which appears after the words "For Beer Licences".

If the voter is against the granting of beer and club licences in the local option area, he should make the figure 1 in the lower right hand blank space which appears after the words "Against Beer Licences".

FOR BEER LICENCES	
AGAINST BEER LICENCES	

### FORM B

Form B

(Section 120)

#### FORM OF DECLARATION BY AGENT

In the matter of a plebiscite pursuant to *The Liquor Control Act*:

I, .....do solemnly declare that I am interested in and desirous of obtaining an affirmative

(or a negative, as the case may be) result in the plebiscite now being taken.

.....  
(Signature of Agent)

Solemnly declared at.....  
the ..... day of ....., 19.....  
Before me .....

A.B.,  
Returning Officer (or Deputy Returning Officer, as the case may be).

Form C

## FORM C

(Section 121)

I (here insert name of deponent or person affirming) do swear (or solemnly affirm) that

I am a Canadian citizen,

I am not an Indian within the meaning of *The Indian Act* (Canada),

I am of the full age of twenty-one years,

I have resided in the Province of Alberta for at least one year and in this local option area for at least six months immediately preceding and including the day of polling at this plebiscite,

I am now resident in this polling subdivision,

I am entitled to vote at this plebiscite and at this polling place,

I have not voted before at this plebiscite at this or any other polling place,

I have not received anything or accepted any promise, directly or indirectly, to induce me to vote or to indemnify me for my loss of time or any services connected with the taking of this plebiscite,

I have not been guilty of any act of corruption disqualifying me from voting.

So help me God.

No. 81

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FIRST SESSION  
TWELFTH LEGISLATURE  
2 ELIZABETH II  
1953

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**BILL**

An Act to Provide for the Sale under  
Government Control of Alcoholic  
Liquors within the Province

---

Received and read the

First time .....

Second time .....

Third time .....

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HON. MR. MAYNARD

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