

1960

## c 217 Liquor Control Act

Ontario

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## CHAPTER 217

## The Liquor Control Act

## 1.—(1) In this Act,

Interpre-  
tation

- (a) "beer" means any liquor obtained by the alcoholic fermentation of an infusion or decoction of barley, malt and hops or of any similar products in drinkable water; R.S.O. 1950, c. 210, s. 1, cl. (a); 1958, c. 52, s. 1 (1).
- (b) "Board" means the Liquor Control Board of Ontario;
- (c) "dentist" means a member of the Royal College of Dental Surgeons of Ontario registered under *The Dentistry Act* and holding a certificate of licence to practise dentistry; R.S.O. 1960, c. 91.
- (d) "druggist" means a pharmaceutical chemist registered and entitled to practise under *The Pharmacy Act*; R.S.O. 1950, c. 210, s. 1, cls. (b-d). R.S.O. 1960, c. 295.
- (e) "Government store" means a store established or authorized under this Act by the Board for the sale of liquor, for the sale of Ontario wine only or for the sale of beer only, and includes a store of the Brewers' Warehousing Company Limited and a store of a producer of Ontario wine; 1953, c. 57, s. 1.
- (f) "interdicted person" means a person to whom the sale of liquor is prohibited by order under this Act;
- (g) "judge" means the judge, junior judge or acting judge of a county or district court;
- (h) "justice" means a magistrate and, where no magistrate is available, includes two or more justices of the peace or any person having the power or authority of two or more justices;
- (i) "licence" means a licence issued by the Board to a brewer, distiller or producer of Ontario wine under this Act or the regulations; R.S.O. 1950, c. 210, s. 1, cls. (f-i).
- (j) "liquor" means any alcohol, any alcoholic, spirituous, vinous, fermented malt or other liquid, any combination of liquids or mixed liquids a part of which

is alcoholic, spirituous, vinous or fermented, any preparation, combination or mixture capable of human consumption that is alcoholic, spirituous, vinous or fermented, and includes wine, Ontario wine, and beer; 1958, c. 52, s. 1 (2).

- (k) "Minister" means the member of the Executive Council to whom for the time being is assigned the supervision of the administration of this Act and the regulations; R.S.O. 1950, c. 210, s. 1, cl. (k).
- (l) "Ontario wine" means,
- (i) wine produced from grapes or cherries grown in Ontario or the concentrated juice thereof, and includes Ontario wine to which has been added herbs, water, honey, sugar or the distillate of Ontario wine, or
  - (ii) wine produced by the alcoholic fermentation of Ontario honey with or without the addition of caramel, natural botanical flavours or the distillate of Ontario honey wine; 1958, c. 52, s. 1 (3).
- (m) "package" means a container, bottle, vessel or other receptacle used for holding liquor;
- (n) "permit" means a permit for the purchase of liquor, beer or wine issued by the Board;
- (o) "physician" means a legally qualified medical practitioner registered under *The Medical Act*;
- (p) "prescription" means a memorandum in the form prescribed by the regulations, signed by a physician, and given by him to a patient for the purpose of obtaining liquor pursuant to this Act for use for medicinal purposes only;
- (q) "public place" means a place, building or convenience to which the public has, or is permitted to have, access, and includes any highway, street, lane, park or place of public resort or amusement;
- (r) "regulations" means the regulations made under this Act; R.S.O. 1950, c. 210, s. 1, cls. (m-r).
- (s) "residence" means,
- (i) a building or part of a building that is *bona fide* and actually occupied and used by the owner, lessee or tenant solely as a private

dwelling together with the lands and buildings appurtenant thereto that in fact are normally and reasonably used as part of the living accommodation,

- (ii) a private guest room in an hotel or motel that is *bona fide* and actually occupied as such by a guest of the hotel or motel, or
- (iii) a trailer, tent or vessel that is *bona fide* and actually used by the owner, lessee or tenant as a private dwelling; 1958, c. 52, s. 1 (4).
- (t) "sale" and "sell" include exchange, barter and traffic, and also include selling, supplying or distributing, by any means whatsoever, of liquor or of any liquid known or described as beer by any partnership, or by any society, association or club, whether incorporated or unincorporated, and whether heretofore or hereafter formed or incorporated, to any partnership, society, association or club or to any member thereof;
- (u) "veterinary" means a person authorized to practise veterinary science under *The Veterinarians Act*; R.S.O. 1960, c. 416
- (v) "wine" means any liquor obtained by the fermentation of the natural sugar contents of fruits, including grapes, apples and other agricultural products containing sugar, and including honey and milk. R.S.O. 1950, c. 210, s. 1, cls. (t-v).

(2) Liquor shall be deemed to be intoxicating for the purposes of this Act. 1958, c. 52, s. 1 (5). Liquor deemed intoxicating

#### ADMINISTRATION

**2.** The Liquor Control Board of Ontario shall consist of L.C.B.O. one, two or three members as determined from time to time by the Lieutenant Governor in Council, with the powers and duties herein specified, and the administration of this Act and the regulations, including the general control, management and supervision of all Government liquor stores is vested in the Board. R.S.O. 1950, c. 210, s. 2, *amended*.

**3.** The Lieutenant Governor in Council may designate one of the members of the Board to be chairman thereof who shall be known as the Chief Commissioner, and may designate any other member or any officer of the Board to be Deputy Chief Commissioner, and in case of a vacancy in the office, or of sickness or inability to act of the Chief Commissioner, the Deputy Chief Commissioner



Chief Commissioner has and may exercise and perform all the powers, duties and functions of the Chief Commissioner. R.S.O. 1950, c. 210, s. 3.

Seat in  
Assembly  
not vacated  
R.S.O. 1960,  
c. 208

4. Notwithstanding anything in *The Legislative Assembly Act*, the appointment of the chairman or of any other member of the Board, if a member of the Assembly, shall not be avoided by reason of the payment to him or the acceptance by him of any salary or other remuneration under this Act, nor shall he thereby vacate or forfeit his seat or incur any of the penalties imposed by that Act for sitting and voting as a member of the Assembly. R.S.O. 1950, c. 210, s. 4.

Appoint-  
ment,  
quorum and  
salaries of  
the Board

5. The Lieutenant Governor in Council shall,

- (a) appoint the member or members of the Board;
- (b) specify the member or members that constitutes a quorum of the Board;
- (c) fix the salaries of the members of the Board. R.S.O. 1950, c. 210, s. 5.

Principal  
office

6. The principal office of the Board shall be at Toronto. R.S.O. 1950, c. 210, s. 6.

Chief Com-  
missioner's  
duties and  
powers

7. The Chief Commissioner shall have charge of the officers, inspectors, clerks and servants of the Board who shall be responsible to him in the first instance. R.S.O. 1950, c. 210, s. 7.

Power and  
duties of  
Board:

8.—(1) It is the duty of the Board and it has power,

import  
and sale

- (a) to buy, import and have in its possession for sale, and to sell, liquor in the manner set forth in this Act and the regulations;

control

- (b) to control the possession, sale, consumption, transportation and delivery of liquor in accordance with this Act and the regulations; R.S.O. 1950, c. 210, s. 9, cls. (a, b).

location  
of stores  
R.S.O. 1960,  
c. 218

- (c) subject to *The Liquor Licence Act*, to determine the municipalities within which Government stores shall be established or authorized and the location of such stores in such municipalities; 1953, c. 57, s. 2.

provision  
for ware-  
houses

- (d) to make provision for the maintenance of warehouses for beer, wine or liquor and to control the keeping in and delivery from any such warehouses;

issue, etc.,  
permits

- (e) to issue, refuse, suspend or cancel permits for the purchase of liquor;

- (f) to lease any land or building required for the purposes <sup>leasing premises</sup> of this Act and the regulations;
- (g) to purchase or lease or acquire the use by any manner <sup>acquisition of plant, etc.</sup> whatsoever of any plant or equipment that is considered necessary or useful in carrying into effect the object and purposes of this Act and the regulations;
- (h) to engage the services of experts and persons engaged in the practice of any profession where it is <sup>expert advice</sup> deemed expedient;
- (i) to appoint officials to issue and grant permits under <sup>appointment of officials to issue permits</sup> this Act and the regulations;
- (j) to determine the nature, form and capacity of all <sup>packages</sup> packages to be used for containing liquor to be kept or sold under this Act and the regulations;
- (k) to appoint one or more vendors of sacramental wines <sup>vendors of sacramental wines</sup> in any municipality and to regulate or restrict the keeping for sale, sale and delivery of such wine;
- (l) without in any way limiting or being limited by the <sup>general</sup> foregoing clauses, generally to do all such things as are deemed necessary or advisable by the Board for the purpose of carrying into effect this Act and the regulations. R.S.O. 1950, c. 210, s. 9, cls. (d-l).

(2) The Board may by order exempt from this Act any <sup>Exemption</sup> product or class of product that contains alcohol and that is not, in the opinion of the Board, what is commonly known as spirituous liquor, wine, Ontario wine, or beer. 1958, c. 52, s. 2.

**9.—**(1) The Board, with the approval of the Lieutenant Governor in Council, may make such regulations as the Board <sup>Regulations</sup> deems necessary for carrying out this Act and for the efficient administration thereof.

(2) Without limiting the generality of subsection 1, the <sup>Idem:</sup> powers of the Board to make regulations in the manner set out in that subsection extend to and include,

- (a) regulating the equipment and management of Government stores and warehouses in which liquor may <sup>regulating equipment</sup> be kept or sold;
- (b) prescribing the duties of the officers, inspectors, <sup>duties of employees</sup> 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 <sup>purchase of liquor</sup> of liquor to Government stores;

varieties of liquor	(d) determining the classes, varieties and brands of liquor to be kept for sale at Government stores;
hours for sale	(e) prescribing the days and hours at which Government stores or any of them shall be kept open;
price lists	(f) providing for the issue and distribution of price lists showing the price to be paid for each class, variety or brand of liquor kept for sale in Government stores;
books of account and records of sales	(g) prescribing the books of account to be kept by the Board showing the expenditure of the Board in the administration of this Act and the regulations and in the purchase, sale and delivery of liquor and the receipts of the Board from the sale of liquor in Government stores or from the issue of permits for the purchase of liquor;
official seal	(h) prescribing an official seal and official labels and determining the manner in which the seal or label shall be attached to every package of liquor sold or sealed under this Act or the regulations, including the prescribing of different official seals or different official labels for the different classes, varieties and brands of liquor;
forms, conditions of licences, etc.	(i) prescribing forms to be used for the purposes of this Act or the regulations and the terms and conditions in permits and licences issued under this Act or the regulations;
duplicate permits	(j) prescribing the nature of the proof to be furnished and the conditions to be observed in the issuing of duplicate permits in lieu of those lost or destroyed;
quantities of liquors, etc. R.S.O. 1960, c. 218	(k) prescribing the kinds and quantities of liquor that may be sold or purchased under permits or under licences under <i>The Liquor Licence Act</i> , including the quantity that may be sold or purchased at any one time or within any specified period of time and the alcoholic content of any such liquor;
records of purchases by holders of permits	(l) prescribing the forms 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 to be kept;
notices	(m) prescribing the manner of giving and serving notices required by this Act or the regulations;
duties of officials authorized to issue permits	(n) prescribing the duties of officials authorized to issue permits under this Act or the regulations;



- (o) prescribing the fees payable in respect of permits and licences issued under this Act, and prescribing the tax, fees and assessments payable by any brewer, distiller or producer of Ontario wine; <sup>fees</sup>
- (p) prescribing the books, records and returns to be kept by the holder of any licence for the sale of liquor under this Act; <sup>books, etc.</sup>
- (q) supervising the distribution of supplies and the manner in which liquor may be kept and stored; <sup>distribution and storage</sup>
- (r) supervising the hours and days upon which, and the manner, methods and means by which vendors and brewers shall deliver liquor under this Act or the regulations and the hours and days during which, and the manner, methods and means by which liquor, under this Act or the regulations, may be lawfully conveyed and carried; <sup>delivery and conveyance of liquor</sup>
- (s) governing the sale to and purchase by holders of licences under *The Liquor Licence Act* of liquor for sale upon premises licensed under *The Liquor Licence Act*; <sup>governing sale of liquor R.S.O. 1960, c. 218</sup>
- (t) governing the conduct, management and equipment of any premises upon which liquor may be sold or consumed under this Act or the regulations; <sup>conduct of premises</sup>
- (u) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act. R.S.O. 1950, c. 210, s. 10. <sup>in general</sup>

**10.** Wherever it is provided in this Act that any act, matter or thing may be done or permitted or authorized by the regulations, or may be done in accordance with the regulations, or as provided by the regulations, the Board has the power to make regulations respecting such act, matter or thing. R.S.O. 1950, c. 210, s. 11, *amended*. <sup>General</sup>

**11.** The Board, with the approval of the Lieutenant Governor in Council, may, <sup>Powers of Board:</sup>

- (a) purchase any land or building and equip any building required for the purposes of this Act or the regulations and, where deemed necessary, purchase or acquire the whole or any portion of the output or product of any manufacturer, distiller, brewery, plant or appliance in which liquor is manufactured or produced; <sup>purchase of property and output</sup>



appoint-  
ment of  
officers and  
staff

- (b) appoint such officers, inspectors, vendors, servants and agents as the Board deems necessary in the administration of this Act and the regulations and by regulation prescribe the terms of their employment, fix their salaries or remuneration and define their respective duties and powers. R.S.O. 1950, c. 210, s. 12.

Acquiring  
land, etc.

**12.**—(1) Subject to the approval of the Lieutenant Governor in Council, the Board,

- (a) may acquire by purchase, lease or in any other manner, or without the consent of the owner thereof, enter upon, take possession of, expropriate and use, any land or property that it deems necessary for its undertakings; and
- (b) has and may exercise and enjoy, in addition to the powers conferred by this Act, all the powers conferred upon the Minister of Public Works in relation to a public work by *The Public Works Act* and, in the application of this section, where the words "the Minister", "the Department" or "the Crown" appear in such Act, they, where the context permits, mean the Board.

R.S.O. 1960,  
c. 338

Mode of  
perfecting  
title

(2) Upon the registration in the proper registry or land titles office of a plan and description of the land acquired by the Board, signed by the chairman of the Board and by an Ontario land surveyor, the land so described thereupon becomes and is vested in the Board.

Procedure

(3) Except as otherwise provided in this Act, the Board shall, in the exercise of its compulsory powers authorized by this section, proceed in the manner provided by *The Public Works Act* where the Minister of Public Works takes land or property for the use of Ontario, and all the provisions of that Act with respect to the fixing, payment and application of compensation apply *mutatis mutandis*.

Exercise of  
powers not  
to be  
enjoined

(4) No action or proceeding of the Board taken pursuant to this section shall be restrained by injunction or process or proceeding in any court. R.S.O. 1950, c. 210, s. 13.

Payment of  
expenses

**13.** All property, whether real or personal, all moneys acquired, administered, possessed or received by the Board and all profits earned in the administration of this Act and the regulations are the property of the Crown in right of Ontario, and all expenses, debts and liabilities incurred by the Board in connection with the administration of this Act and the

regulations shall be paid by the Board from the moneys received by the Board under such administration. R.S.O. 1950, c. 210, s. 14.

**14.**—(1) The Board shall from time to time make reports to the Lieutenant Governor in Council covering such matters in connection with the administration of this Act and the regulations as he requires, and shall make annually to the Lieutenant Governor in Council, through the Minister, a report for the twelve months ending on the 31st day of March in the year in which the report is made, which shall contain,

Reports to  
Lieutenant  
Governor  
in Council

- (a) a statement of the nature and amount of the business transacted by the vendors under this Act and the regulations during the year;
- (b) a statement of the Board's assets and liabilities, including a profit and loss account, and such other accounts and matters as are necessary to show the results of its operations for the year;
- (c) general information and remarks as to the working of this Act and the regulations;
- (d) any other information requested by the Minister.

(2) Every annual report made under this section shall be laid forthwith before the Legislature, if the Legislature is then in session, or, if not then in session, shall be laid before the Legislature within fifteen days after the opening of the session following the close of the fiscal year. R.S.O. 1950, c. 210, s. 15.

Report to be  
presented to  
Legislature

**15.** The books and records of the Board are at all times subject to examination and audit by the Provincial Auditor and by such other person as the Lieutenant Governor in Council authorizes in that behalf. R.S.O. 1950, c. 210, s. 16.

Audit of  
books of  
Board

**16.** The Treasurer of Ontario may set aside out of the Consolidated Revenue Fund such sums as he deems necessary and requisite for the purchase of liquor by the Board, and for other necessary purposes in the administration of this Act and the regulations. R.S.O. 1950, c. 210, s. 17.

Treasurer  
of Ontario  
to provide  
necessary  
funds

**17.** The Board shall make all payments necessary for its administration of this Act and the regulations, including the payment of the salaries of the members of the Board and its staff and all expenditures incurred in establishing and maintaining Government stores and in its administration of this Act and the regulations. R.S.O. 1950, c. 210, s. 18.

Payment  
of salaries,  
expenses  
of stores

Moneys  
from liquor  
sales

**18.** Except at stores for the sale of beer only and stores for the sale of Ontario wine only, all moneys received from the sale of liquor at Government stores and from licence and permit fees, or otherwise arising in the administration of this Act and the regulations, shall be paid to the Board. R.S.O. 1950, c. 210, s. 19; 1960, c. 59, s. 2.

Accounts  
payable by  
Board

**19.** All accounts payable by the Board shall be audited by such person as is designated by the Board and may be audited by the Provincial Auditor, and all cheques for payment of accounts shall be signed by the Chief Commissioner or by such other officer as is designated by the Board for that purpose. R.S.O. 1950, c. 210, s. 20.

Fiscal year

**20.** The accounts of the Board shall be made up to the 31st day of March in each year, and at such other times as is determined by the Lieutenant Governor in Council, and in every case the Board shall prepare a balance sheet and statement of profit and loss and submit them to the Provincial Auditor for his certification. R.S.O. 1950, c. 210, s. 21.

Annual  
audit

**21.** The accounts of the Board shall be audited annually by the Provincial Auditor or by such other person, firm or corporation as the Lieutenant Governor in Council appoints, and the report of such auditor containing such particulars as the Lieutenant Governor in Council requires shall be made to the Lieutenant Governor in Council on or before the 1st day of January next following the close of the fiscal year for which the report is made. R.S.O. 1950, c. 210, s. 22.

Reserve  
fund, etc.

**22.** From the profits received under this Act and the regulations as certified by the auditor there shall be taken such sums as are determined by the Lieutenant Governor in Council for the creation of a reserve fund to meet any loss that is incurred by the Government in connection with the administration of this Act and the regulations. R.S.O. 1950, c. 210, s. 23.

Audit of  
receipts

**23.** The receipts of the Board from all sources shall be checked and audited at least once in every calendar month by the Provincial Auditor or such other person as is designated by the Lieutenant Governor in Council. R.S.O. 1950, c. 210, s. 24.

Net profits

**24.** The net profits of the Board shall be paid into the Consolidated Revenue Fund at such times and in such manner as the Lieutenant Governor in Council directs. R.S.O. 1950, c. 210, s. 25.



**25.** Every vendor and every official authorized by the Board to issue permits under this Act, *The Liquor Licence Act* or the regulations hereunder or thereunder may administer any oath and take and receive any evidence or declaration required under either of such Acts or regulations. R.S.O. 1950, c. 210, s. 26; 1953, c. 57, s. 3.

Adminis-  
tration of  
oaths  
R.S.O. 1960,  
c. 218

**26.**—(1) Except with the consent of the Minister, no action or proceeding shall be taken against any member or members or against any official or vendor 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 or the regulations.

Actions  
against  
members of  
Board, etc.

(2) Every action, order or decision of the Board as to any matter or thing in respect of which any power, authority or discretion is conferred on the Board under this Act or the regulations 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.

Orders of  
Board not  
subject to  
review

(3) The Board may, with the consent of the Attorney General, be sued and may institute or defend proceedings in any court of law or otherwise in the name of The Liquor Control Board of Ontario as fully and effectually to all intents and purposes as though the Board were incorporated under such name, and no such proceedings shall be taken against or in the names of the members of the Board, and no such proceedings shall abate by reason of any change in the membership of the Board by death, resignation or otherwise, but such proceedings may be continued as though such changes had not occurred. R.S.O. 1950, c. 210, s. 27.

Board may  
be sued and  
sue

**27.**—(1) Every order for the purchase of liquor shall be authorized by the Chief Commissioner or Deputy Chief Commissioner and no order is valid or binding unless so authorized.

Orders for  
purchase of  
liquor

(2) A duplicate of every such order shall be kept on file in the office of the Board.

Filing  
duplicate

(3) All cancellations of such orders made by the Board shall be executed in the same manner and a duplicate thereof kept as aforesaid. R.S.O. 1950, c. 210, s. 28.

Cancelling  
orders

**28.** Subject to the regulations, the Board may require the holder of a licence for the sale of liquor to give such security and to comply with such other provisions as the Board deems necessary or desirable in order to secure the due observance of this Act and the regulations. R.S.O. 1950, c. 210, s. 29.

Security for  
observance  
of Act



Board not  
compellable  
to issue  
permits, etc.

**29.** Notwithstanding anything in this Act or the regulations, the Board is not compellable to issue any permit or licence under this Act or the regulations, and it may refuse, suspend or cancel any such permit or licence in its discretion, and it is not obliged to give any reason or explanation for such refusal, suspension or cancellation. R.S.O. 1950, c. 210, s. 30.

#### ESTABLISHMENT OF GOVERNMENT STORES AND SALES UNDER PERMITS

Government  
stores

R.S.O. 1960,  
c. 218

Prices set

**30.**—(1) Government stores may be established by the Board in accordance with this Act and the regulations and *The Liquor Licence Act* and the regulations thereunder.

(2) The Board may fix the prices at which the various classes, varieties and brands of liquor are to be sold, and, except in the case of beer, such prices shall be the same at all Government stores. R.S.O. 1950, c. 210, s. 31.

Vendors

**31.** The sale of liquor at each Government store shall be conducted by a person appointed under this Act known as a vendor who is, under the directions of the Board, responsible for the carrying out of this Act and the regulations so far as they relate to the conduct of such store and the sale of liquor thereat. R.S.O. 1950, c. 210, s. 32.

Sale of  
liquor to  
permit  
holder

**32.**—(1) A vendor may sell to any person who is the holder of a subsisting permit such liquor as that person is entitled to purchase under such permit in conformity with this Act and the regulations. R.S.O. 1950, c. 210, s. 33 (1).

Conditions  
upon which  
sale may be  
made

(2) Except as provided by the regulations, no liquor sold under this section shall be delivered until,

- (a) the purchaser has given a written order to the vendor, dated and signed by the purchaser and stating the number of his permit and the kind and quantity of the liquor ordered; and
- (b) the purchaser has produced his permit for inspection by the vendor; and
- (c) the purchaser has paid for the liquor in cash. R.S.O. 1950, c. 210, s. 33 (2); 1957, c. 61, s. 1.

Sealing of  
package

**33.** Except as provided by this Act and the regulations, liquor shall be sold to a purchaser only in a package sealed with the official seal as prescribed by this Act or the regulations, and such package shall not be opened on the premises of a Government store. R.S.O. 1950, c. 210, s. 34.

**34.** No officer, clerk or servant of the Board employed in a Government store shall allow any liquor to be consumed on the premises of a Government store nor shall any person consume any liquor on any such premises. R.S.O. 1950, c. 210, s. 35. Consumption in Government store

**35.** No sale or delivery of liquor shall be made on or from the premises of any Government store nor shall any store be kept open for the sale of liquor, Days and hours for sale

- (a) on any holiday;
- (b) on any day on which polling takes place at any federal or provincial election held in the electoral district in which the store is situated;
- (c) on any day on which polling takes place at any municipal election held in the municipality in which the store is situated or upon any question submitted to the electors of the municipality under any Act; or
- (d) during such periods or on such days as the Board directs. R.S.O. 1950, c. 210, s. 36.

**36.—(1)** It is lawful to carry or convey liquor to any Government store and to and from any warehouse or depot established by the Board for the purpose of this Act and the regulations, and, when permitted so to do by this Act and the regulations and in accordance herewith, it is lawful for any common carrier, or other person, to carry or convey liquor sold by a vendor from a Government store, or beer, when lawfully sold by the Board or a vendor, from the premises wherein the beer was manufactured, or from premises where the beer may be lawfully kept and sold, to any place in Ontario to which the beer may be lawfully delivered under this Act and the regulations, but no such common carrier or other person shall open, or break, or allow to be opened or broken, any package or vessel containing liquor, or drink, or use, or allow to be drunk or used, any liquor therefrom while being so carried or conveyed. R.S.O. 1950, c. 210, s. 37. Delivery of liquor to and from Government store

(2) A purchaser of liquor or his duly authorized agent may carry or convey it from the premises where it may be lawfully kept or sold to the residence of the purchaser and such carriage or conveyance need not be direct if the package or vessel containing the liquor is unopened and the seal unbroken. Conveyance of liquor

(3) A person lawfully in possession of liquor may carry or convey it from a residence occupied by him to a residence to be occupied by him, even where the package or vessel containing the liquor has been opened and the seal broken. 1960, c. 59, s. 3. Idem

## Classes of permits

**37.**—(1) The Board may issue two classes of permits under this Act and the regulations for the purchase of liquor, namely,

- (a) individual permits; and
- (b) special permits. R.S.O. 1950, c. 210, s. 38 (1).

## Application and issue of permits

(2) Upon application in the prescribed form being made to the Board or to any official authorized by the Board to issue permits accompanied by payment of the prescribed fee and upon the Board or such official being satisfied that the applicant is entitled to a permit for the purchase of liquor under this Act and the regulations, the Board or such official may issue to the applicant,

## Individual permits

- (a) an individual permit in the prescribed form to any person of the full age of twenty-one years who is not disqualified under this Act or the regulations, entitling him to purchase liquor in accordance with this Act and the regulations;

## Special permits for physicians, etc.

- (b) a special permit in the prescribed form to a druggist, physician, dentist or veterinary or a person engaged in Ontario in any mechanical or manufacturing business, or in scientific pursuits, requiring liquor for use therein, entitling him to purchase liquor for the purpose named in the permit and in accordance with the terms of the permit and in accordance with the provisions of this Act and the regulations;

## Special permits for ministers

- (c) a special permit in the prescribed form to a priest, minister of the gospel or any other minister of any religious faith authorized to solemnize marriage in Ontario, entitling him to purchase wine for sacramental purposes in accordance with the terms of the special permit; or

## Special permits under regulations

- (d) a special permit in the prescribed form, when authorized by the regulations, entitling the holder to purchase liquor for the purpose named in the permit and in accordance with the terms of the permit and of this Act and the regulations. R.S.O. 1950, c. 210, s. 38 (2); 1957, c. 61, s. 2.

## Discretion as to permits

(3) Notwithstanding any other provision of this Act or the regulations, the Board may refuse or direct any official authorized to issue permits to refuse to issue a permit to any person, and no official so directed shall issue any such permit.

## Board may authorize purchase of beer and wine without permit

(4) Notwithstanding the provisions of this Act and the regulations providing for the purchase, having, possession and consumption of liquor upon a permit, the Board may provide that beer or wine may be purchased, had, possessed and consumed without a permit therefor for such time and upon and



subject to such conditions and restrictions as the regulations prescribe, and, when and during the time the purchase, having, possession and consumption of beer or wine is authorized without a permit therefor, every provision of this Act and the regulations relating to the purchasing, having, possessing and consuming of liquor under a permit shall be construed with due regard to the fact that the purchase, having, possession and consumption of beer or wine may be made and had without such permit. R.S.O. 1950, c. 210, s. 38 (3-5).

**38.** Unless sooner cancelled, every permit expires at midnight on the 31st day of March of the year in respect of which it is issued, except in the case of, Expiry of permits

- (a) special permits issued under clause *d* of subsection 2 of section 37, which expire in accordance with the terms contained therein;
- (b) a permit which, according to its terms, sooner expires. R.S.O. 1950, c. 210, s. 39.

**39.** Every permit shall be issued in the name of the applicant therefor and no permit is transferable nor shall the holder of any permit allow any other person to use it. R.S.O. 1950, c. 210, s. 40. Issue of permit

**40.** No permit shall be delivered to the applicant until he has, in the presence of some person duly authorized by the Board or 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 the same. R.S.O. 1950, c. 210, s. 41. Restrictions as to number

**41.** No person who is the holder of an unexpired individual permit under this Act or the regulations shall make application for or is entitled to hold any other individual permit, but the holder of a subsisting individual permit may, without any claim to or for rebate, return such permit to the Board or official authorized to issue permits and then be entitled to make application for a permit under this Act or the regulations, and any person whose permit has been lost or destroyed may apply to the Board or other official by whom the permit was issued and, upon proof of the loss or destruction of the permit and subject to the conditions contained in the regulations, may obtain a duplicate permit in lieu of the permit so lost or destroyed for which duplicate permit a fee of 50 cents shall be paid. R.S.O. 1950, c. 210, s. 42, *amended*. Restrictions as to issue



Where  
liquor may  
be kept, etc.  
R.S.O. 1960,  
c. 218

**42.**—(1) Liquor may be kept, had, given or consumed only in a residence of the purchaser or of a donee under section 45, except as otherwise provided by *The Liquor Licence Act* or this Act or the regulations under this Act or that Act. 1960, c. 59, s. 5.

Disqualifi-  
cation of  
premises on  
conviction

(2) If the occupant of a residence or of any part thereof, including the rooms of any lodgers, boarders or tenants therein, or any member of the family of such occupant is convicted of keeping a disorderly house or of an offence against any of the provisions of this Act or the regulations committed in or in respect of such residence or rooms, or in respect of any liquor kept therein or removed therefrom, the justice making the conviction may, in and by the conviction, declare such residence or the rooms of such lodgers, boarders or tenants therein or both to be a public place for the purposes of this Act and the regulations and thereupon such residence or rooms or both cease to be a residence within the meaning of this Act and the regulations for a period of one year after the date of the conviction; but the Board may, when satisfied of a *bona fide* change of ownership or occupation of such residence or rooms or both, or when it is desirable to do so, declare such residence or rooms or both to be a residence within the meaning of this Act and the regulations and may grant a certificate to such effect to the new owner or occupant of such residence or rooms or both and such residence or rooms or both shall from the date of the granting of such certificate, signed by the Chief Commissioner or Deputy Chief Commissioner of the Board, be a residence and cease to be a public place within the meaning of this Act and the regulations. R.S.O. 1950, c. 210, s. 43 (2).

Cancellation  
of permit  
by Board

**43.**—(1) Notwithstanding anything in this Act and the regulations, the Board may, for any cause that it deems sufficient with or without a hearing, cancel or suspend any permit granted for the purchase of liquor under this Act and the regulations.

Suspension  
of permit  
by justice

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

Delivery up  
of permit on  
suspension

(3) Upon receipt of notice of the suspension of his permit, the holder of the permit shall forthwith deliver up the permit to the Board and, if the holder of a permit that has been suspended fails or neglects to deliver it to the Board in accordance with the regulations, the Board may forthwith cancel it.

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

Return of  
permit on  
termina-  
tion of  
suspension

(5) Where a permit has been cancelled, the Board shall notify all vendors and such other persons as are provided by the regulations of the cancellation of the permit, and the issue of a new permit to the person whose permit has been cancelled is in the discretion of the Board.

Notifying  
vendors of  
cancellation

(6) Where a permit is produced at a Government store by a person who is not entitled under this Act or the regulations to hold it or produce it at the store, or where a permit is suspended or cancelled, or a permit, a duplicate of which has been issued, is produced at a Government store, the vendor shall retain it in his custody and shall forthwith notify the Board of the fact of its retention, and the Board, unless the permit has been cancelled, may forthwith cancel it, but the proper holder of any lost subsisting permit that is improperly produced as aforesaid may, upon satisfactory proof to the Board that he was not privy to such improper use, obtain a return of it.

Use of per-  
mit of other  
person or of  
a suspended  
or cancelled  
permit

(7) Notwithstanding anything in this Act and the regulations, where a permit issued for the purchase of liquor under this Act or the regulations is cancelled, all the liquor purchased under it and in the possession of the permit holder at the date of cancellation is *ipso facto* forfeited to Her Majesty in right of Ontario. R.S.O. 1950, c. 210, s. 44.

Forfeiture  
of liquor on  
cancellation  
of permit

**44.** No permit shall be issued under this Act or the regulations to any person to whom the sale of intoxicants is prohibited under any Act of the Parliament of Canada. R.S.O. 1950, c. 210, s. 45.

Persons to  
whom  
permits not  
to be issued

**45.** Notwithstanding anything in this Act but subject to section 71, a person may make or receive a *bona fide* gift of liquor,

Gifts 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 possessing or consuming liquor,

and the donee may have, keep, carry, convey or consume liquor received under this section as if he had purchased it in accordance with this Act and the regulations. 1960, c. 59, s. 6, *part.*

**46.** A person who is entitled to possess or consume liquor may lawfully possess not more than one bottle of spirits or wine or not more than twenty-four pints of beer that was purchased outside Ontario,

Liquor from  
outside  
Ontario

- (a) if the bottle containing the liquor was purchased outside Canada and has been stamped or marked by a Canadian customs officer; or
- (b) if the liquor was purchased from a liquor board, commission or similar body in any other part of Canada. 1960, c. 59, s. 6, *part*.

**Brewers'  
licences**

**47.**—(1) The Board, with the approval of the Minister and subject to this Act and the regulations, may issue a licence to any brewer duly authorized under any Act of the Parliament of Canada authorizing the brewer or any lawfully appointed agent of the brewer,

- (a) to keep for sale and sell beer to the Board;
- (b) to deliver beer on the order of the Board or of a vendor to any person named in the order at the address therein stated;
- (c) to keep for sale and sell beer under the supervision and control of the Board and in accordance with this Act and the regulations.

**Limitation  
as to sale**

(2) No brewer or brewer's agent shall keep for sale, sell or deliver beer except as provided in this Act and the regulations.

**Returns**

(3) Every brewer shall make to the Board in every month a return in the form that the Board provides showing the gross amount of the sales of beer made by him and his agents, but the Board may at any time by notice in writing to a brewer or brewer's agent require such a return of sales by the brewer or brewer's agent, as the case may be, for any period mentioned in the notice, and such return shall be made within three days of the receipt by the brewer or brewer's agent of the notice. R.S.O. 1950, c. 210, s. 46.

**Offence**

**48.** Every brewer who fails to make such returns to the Board within twenty days following the expiration of any calendar month for which it should be made is guilty of an offence and is liable to a fine of \$20 per day for each day it is delayed, counting from the expiration of such twenty days. R.S.O. 1950, c. 210, s. 47.

**Default in  
forward-  
ing**

**49.** Every brewer or brewer's agent who makes default in forwarding a return when notified so to do under subsection 3 of section 47 within the time required by the notice given pursuant thereto is guilty of an offence and is liable to a fine of \$20 per day for each day during which the default continues. R.S.O. 1950, c. 210, s. 48, *revised*.



**50.**—(1) The Board may also examine the books of any brewer or brewer's agent making or required to make any such return, or may otherwise verify the accuracy of any such return. Examination of books

(2) Every brewer or brewer's agent who refuses to allow such examination or who fails to make returns in accordance with the regulations is guilty of an offence and is liable to a fine of \$100 for each offence. Offence R.S.O. 1950, c. 210, s. 49.

**51.** No premises shall be constructed and equipped so as to facilitate any breach of this Act or the regulations. Construction and equipment of premises R.S.O. 1950, c. 210, s. 50.

**52.** Every brewer shall, from time to time as he is required by the Board, furnish samples of his beer to be sold in Ontario, and the Board is entitled and is hereby authorized to require of any brewer samples of any beer then being sold in Ontario or in stock by the brewer or that is in the course of manufacture for sale in Ontario, and the brewer shall forthwith furnish such samples to the Board, and every brewer failing to do so is guilty of an offence and is liable to a fine of not more than \$100. Furnishing of samples to Board R.S.O. 1950, c. 210, s. 51.

**53.**—(1) The Board, with the approval of the Minister and subject to this Act and the regulations, may issue a licence to a distiller authorizing him to keep for sale and sell liquor to the Board or as the Board directs. Licences to distillers to sell to Board

(2) The Board, with the approval of the Lieutenant Governor in Council, may make regulations providing for the returns to be made to the Board by distillers and governing the manner in which liquor may be sold, kept for sale or delivered by distillers. Regulations

(3) No distiller shall keep for sale, sell or deliver liquor except as provided by this Act or the regulations. Sales by distiller R.S.O. 1950, c. 210, s. 52.

**54.** Every licence issued under this Act or the regulations, unless sooner cancelled or determined, expires at midnight on the 31st day of March next following its issue. Term of licence R.S.O. 1950, c. 210, s. 53.

**55.** The Board may, for any cause that it deems sufficient with or without a hearing, cancel or suspend any licence issued to a brewer or brewer's agent or to a distiller, in the manner prescribed by the regulations, and all right of the brewer or brewer's agent or distiller to sell or deliver liquor or beer thereunder is cancelled or suspended, as the case may be. Cancellation of brewer's or distiller's licence R.S.O. 1950, c. 210, s. 54.



## LIQUOR KEPT AND SOLD UNDER SPECIAL PERMITS

Possession  
of alcohol  
by druggists

**56.** Any druggist may have in his possession alcohol purchased by him from a vendor under a special permit pursuant to this Act or the regulations, such alcohol to be used solely in connection with the business of the druggist in compounding medicines or as a solvent or preservative. R.S.O. 1950, c. 210, s. 55.

Sale and  
keeping for  
sale by  
druggist

**57.** Except as authorized or permitted by this Act or the regulations and in accordance therewith, nothing in this Act or in any Act shall be construed as authorizing or permitting any druggist to have or keep for sale, or by himself or his clerk, servant or agent to sell, any liquor. R.S.O. 1950, c. 210, s. 56.

Physicians

**58.**—(1) Any physician who is lawfully and regularly engaged in the practice of his profession and who deems liquor necessary for the health of a patient of his whom he has seen or visited professionally may give to such patient a prescription therefor in the prescribed form, signed by the physician and addressed to a vendor, or the physician may 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 this Act or the regulations, and he may give to any such patient a prescription for liquor not exceeding six ounces, and supply or sell, subject to the regulations, the said liquor to his patient, and may charge for the liquor so administered or sold, but no prescription shall be given nor shall liquor be administered or sold by a physician except to a *bona fide* patient in cases of actual need and when in the judgment of the physician the use of liquor as medicine in the quantity prescribed, administered or sold is necessary.

Giving pre-  
scriptions  
or adminis-  
tering  
liquor  
illegally

(2) Every physician who gives a prescription or administers or sells any liquor in contravention of this Act or the regulations, or who gives to or writes for any person a prescription for or including liquor for the purpose of enabling or assisting any person to evade any of the provisions of this Act or the regulations, or for the purpose of enabling or assisting any person to obtain liquor to be used as a beverage, or to be sold or disposed of in any manner in contravention of this Act or the regulations, is guilty of an offence. R.S.O. 1950, c. 210, s. 57.

Sale of  
liquor by  
vendors on  
prescription

**59.**—(1) A vendor may upon the prescription of a physician sell and supply for strictly medicinal purposes,

- (a) beer in quantities of not more than one dozen bottles, containing not more than three half-pints each or a quantity equivalent thereto at any one time;

- (b) wines and distilled liquor not exceeding one quart at any one time;
- (c) alcohol for rubbing or other necessary purposes not exceeding one pint at any one time.

(2) Every prescription issued under section 58 shall contain <sup>Idem</sup> a certificate that the quantity of liquor therein mentioned is the minimum quantity necessary for the patient for whom it is ordered.

(3) No more than one sale and one delivery shall be made <sup>Idem</sup> on any one prescription.

(4) Any contravention of this section is an offence. R.S.O. <sup>Offence</sup> 1950, c. 210, s. 58.

**60.** Any dentist who deems it necessary that a patient <sup>Dentists</sup> 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 the dentist shall administer liquor purchased by him under special permit pursuant to this Act or the regulations and may charge for the liquor so administered, but no liquor shall be administered by a dentist except to a *bona fide* patient in case of actual need, and every dentist who administers liquor in evasion or contravention of this Act or the regulations is guilty of an offence. R.S.O. 1950, c. 210, s. 59.

**61.** Any veterinary who deems it necessary may in the <sup>Veterinary surgeons</sup> course of his practice administer or cause to be administered liquor to any 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 or the regulations, and may charge for the liquor so administered or caused to be administered, but no veterinary shall himself consume nor shall he give to or permit any person to consume as a beverage any liquor so purchased, and every veterinary who contravenes or suffers or permits any contravention of this section is guilty of an offence. R.S.O. 1950, c. 210, s. 60.

**62.** Any person in charge of an institution regularly con- <sup>Hospitals, etc.</sup> ducted as a hospital or sanitarium for the care of persons in ill-health, or as a home devoted exclusively to the care of aged people, may, if he holds a special permit under this Act or the regulations for that purpose, administer liquor purchased by him under his special permit to any patient or inmate of the institution who is in need of it, either by way of external application or otherwise for emergency medicinal purposes, and may charge for the liquor so administered, but no liquor

shall be administered by any 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, and every person in charge of an institution or employed therein who administers liquor in contravention of this Act or the regulations is guilty of an offence. R.S.O. 1950, c. 210, s. 61.

## APPLICATION OF ACT

Federal  
licences

**63.**—(1) Nothing in this Act prevents any brewer, distiller or other person duly licensed under any Act of the Parliament 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 Act.

Sales to  
Board

(2) Nothing in this Act prevents,

- (a) the sale of liquor by any 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 and the regulations. R.S.O. 1950, c. 210, s. 62.

Patent or  
proprietary  
medicines

**64.** Except as otherwise provided by this Act or the regulations, a druggist or manufacturer of patent or proprietary medicine may sell such medicine in the original and unbroken package if such medicine contains sufficient medication to prevent its use as an alcoholic beverage. R.S.O. 1950, c. 210, s. 63.

Certain  
tinctures,  
medicines,  
perfumes,  
etc.

**65.**—(1) Except as otherwise expressly provided by this Act or the regulations, nothing in this Act prevents the sale,

- (a) by a druggist or by the manufacturer of,
  - (i) any tincture, fluid extract, essence or medicated spirit containing alcohol prepared according to a formula of the British Pharmacopoeia or other recognized standard work on pharmacy, or
  - (ii) medicine or other similar officinal or pharmaceutical compound or preparation, or
  - (iii) a perfume, lotion, toilet water or other similar preparation, or
  - (iv) for purely medicinal purposes, any mixture so prepared containing alcohol and other drugs or medicine; nor
- (b) by a merchant who deals in drugs and medicines, of such compounds, mixtures and preparations as are in this section hereinbefore mentioned and are so made or put up by a druggist or manufacturer,



by reason only that the same contain alcohol, but this only applies to any such compound, mixture and preparation as contains sufficient medication to prevent its use as an alcoholic beverage.

(2) If in a prosecution for selling a product mentioned in section 64, or this section, the justice hearing the complaint is of opinion that an unreasonable quantity of any such product, having regard to the purposes for which it was legitimately manufactured, was sold or otherwise disposed of to any person either at one time or at intervals and proof is also given that it was used for beverage purposes, the person selling or otherwise disposing of it may be convicted of an offence under subsection 1 of section 70. R.S.O. 1950, c. 210, s. 64.

Unreasonable quantity

**66.**—(1) Every person who obtains or consumes for beverage purposes any of the products mentioned in section 64 or 65 or any preparation containing alcohol that has been denatured in accordance with the *Excise Act* (Canada) and the regulations made thereunder is guilty of an offence and liable to the penalties prescribed by subsection 4 of section 106. R.S.O. 1950, c. 210, s. 65 (1).

Penalty for using certain products as beverages

R.S.O. 1952, c. 99

(2) Except as otherwise expressly provided in this Act or the regulations, no person shall have in his possession, sell or keep for sale any compound, mixture or preparation, whether in solid or liquid form, to which the addition of water or any other liquid or any substance will produce liquor. R.S.O. 1950, c. 210, s. 65 (2); 1958, c. 52, s. 3.

Sale of alcoholic compounds prohibited

**67.**—(1) Where the justice before whom an information is heard finds that any patent or proprietary medicine mentioned or referred to in section 64 or any other medicine, preparation or mixture mentioned or referred to in section 65 does not contain sufficient medication to prevent it being used as an alcoholic beverage, the offender is liable to the penalties that may be imposed in the case of sale of liquor contrary to subsection 1 of section 70.

Colourable sales

(2) It is not necessary in the information, summons, warrant, distress warrant, commitment or other process or proceeding, except the finding or judgment, to set out that such patent or other medicine, preparation or mixture does not contain sufficient medication to prevent it being used as an alcoholic beverage, but it is sufficient if the information and all other necessary statements of the offence allege or refer to the sale of liquor in contravention of this Act. R.S.O. 1950, c. 210, s. 66 (1, 2).

Charging the offence

Analysis of  
patent or  
proprietary  
medicines

(3) The Department of Health, on complaint being made to it that any patent or proprietary medicine or other medicine, preparation or mixture is believed not to contain sufficient medication to prevent its use as an alcoholic beverage, may cause an analysis of such patent or proprietary medicine or other medicine, preparation or mixture to be made by some competent person, and, if it be proved to the satisfaction of the Department that such patent or proprietary medicine or other medicine, preparation or mixture contains alcohol and that the medication found therein is not sufficient to prevent its use as an alcoholic beverage, the Department shall certify accordingly, and such certificate signed or purporting to be signed by the Minister or Deputy Minister of Health is conclusive evidence of such insufficiency of medication in all subsequent proceedings until the manufacturer of such patent or proprietary medicine or other medicine, preparation or mixture demonstrates to the satisfaction of the Department that sufficient medication to prevent its use as an alcoholic beverage is contained in such patent or proprietary medicine or other medicine, preparation or mixture, and the Department so certifies. R.S.O. 1950, c. 210, s. 66 (3); 1958, c. 52, s. 4.

Sale after  
report of  
Department  
against  
preparation  
analysis

(4) If the Department should find and certify by certificate signed or purported to be signed as provided by subsection 3 that the patent or proprietary medicine or other medicine, preparation or mixture contains any medication that, owing to the alcoholic properties of such patent or proprietary medicine or other medicine, preparation or mixture, would be liable to be taken in quantities injurious to health, the sale of such patent or proprietary medicine or other medicine, preparation or mixture, after a copy of such certificate has been published in two consecutive issues of *The Ontario Gazette*, is an offence, and any person on conviction therefor is liable to the penalties provided by subsection 1 of section 107, unless the same has been so sold upon the written order of a medical practitioner.

Right to be  
heard by  
Depart-  
ment

(5) On any inquiry under this section, any interested party may be heard either personally, or by counsel or solicitor, by the Department before any certificate is issued. R.S.O. 1950, c. 210, s. 66 (4, 5).

Analysis of  
patent medi-  
cines kept  
by druggist

**68.**—(1) A druggist or other person who keeps patent or proprietary medicines for sale shall, upon request made by the inspector or other person authorized by the Board, permit the inspector or other person to take away a sample sufficient for the purpose of analysis of any patent or proprietary medicine kept by him for sale.

Offence

(2) Every person who refuses to comply with such a request is guilty of an offence and liable to a fine of not less than \$10 and not more than \$40. R.S.O. 1950, c. 210, s. 67.



**69.**—(1) Every brewer shall, on all beer manufactured and bottled by him for sale or consumption in Ontario, place a crown cork stopper or other stopper showing thereon by embossing or lithographing on the outside thereof the name of the brewer and such other information as to the contents or otherwise as the Board from time to time requires and shall also cause the same information to be branded in or labelled on all casks, barrels, kegs or other vessels containing such beer as the Board determines. Brewer's marks

(2) Every brewer who contravenes any of the provisions of this section is guilty of an offence and is liable to a fine of \$2,000. R.S.O. 1950, c. 210, s. 68. Offence

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

**70.**—(1) Except as provided by this Act, *The Liquor Licence Act* or the regulations hereunder or thereunder, no person shall by himself, his clerk, servant or agent, expose, or keep for sale, or directly or indirectly or upon any pretence, or upon any device, sell or offer to sell, liquor or, in consideration of the purchase or transfer of any property, or for any other consideration, or at the time of the transfer of any property, give liquor to any other person. R.S.O. 1950, c. 210, s. 69 (1); 1953, c. 57, s. 4. Selling, etc. liquor otherwise than under Act R.S.O. 1960, c. 218

(2) Except as expressly provided by this Act or the regulations, no person shall have or keep any liquor that has not been purchased from a Government vendor or from a physician as provided by section 58. Possession

(3) Subsection 2 does not apply to the Board nor to the keeping or having of any proprietary or patent medicines or of any extracts, essences, tinctures or preparations where such having or keeping is authorized by this Act or the regulations. Exceptions

(4) Nothing in this section applies to the possession by a sheriff or his bailiff of liquor seized under execution or other judicial or extra-judicial process nor to sales under executions or other judicial or extra-judicial process to the Board. R.S.O. 1950, c. 210, s. 69 (2-4). Liquor taken under judicial process

**71.** No brewer, distiller or manufacturer of liquor shall in Ontario, by himself, his clerk, servant or agent, give any liquor to any person, except as is permitted by and in accordance with the regulations. R.S.O. 1950, c. 210, s. 70. Brewers, etc., giving liquor

**72.**—(1) No person authorized to sell liquor in accordance with this Act or the regulations, and no clerk, servant or agent of such person, shall sell or furnish liquor in any other place Sale by vendors and other officials



or at any other time or otherwise than as authorized by this Act or the regulations.

Permit  
issuers

(2) No official or person authorized to issue permits under this Act or the regulations shall issue to any one individual more than one permit for the purchase of liquor under this Act or the regulations.

False and  
fictitious  
permits

(3) No person authorized to issue permits under this Act or the regulations shall issue a permit,

- (a) to any person who is disqualified under this Act or regulations to make application for such permit;
- (b) to any person furnishing any false or fictitious particulars in his application for such permit.

Furnishing  
liquor on  
illegal  
permit

(4) No person authorized to sell liquor in accordance with this Act or the regulations, and no clerk, servant or agent of such person, shall sell or furnish liquor to any permit holder whose permit has not been acquired in accordance with this Act or the regulations. R.S.O. 1950, c. 210, s. 71.

Permit  
not to be  
issued to  
minor

**73.**—(1) No person authorized to issue permits under this Act or the regulations shall knowingly issue a permit to any person under the age of twenty-one years.

Minor not  
to apply  
for permit

(2) No person under the age of twenty-one years shall apply for or obtain a permit. R.S.O. 1950, c. 210, s. 72.

Adulter-  
ated liquor  
sold under  
licence

**74.** No holder of a licence under this Act or the regulations, or any other person, shall for any purpose whatsoever mix or permit or cause to be mixed with any liquor kept for sale, sold or supplied by him as a beverage any drug or any form of methylic alcohol or any crude, unrectified or impure form of ethylic alcohol or any other deleterious substance or liquid. R.S.O. 1950, c. 210, s. 73.

Interest in  
liquor busi-  
ness for-  
bidden

**75.**—(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, whether as owner, part owner, partner, member of syndicate, shareholder, agent or employee and whether for his own benefit or in a fiduciary capacity for some other person. R.S.O. 1950, c. 210, s. 74 (1).

Taking  
improper  
commis-  
sions

(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 any person having sold, selling or offering liquor for sale to the Board in pursuance of this Act or the regulations. R.S.O. 1950, c. 210, s. 74 (2), *amended*.

(3) No person selling or offering for sale to or purchasing liquor from the Government or the Board shall either directly or indirectly offer to pay any commission, profit or remuneration, or make any gift, to any member or employee of the Board or to any employee of the Government or to anyone on behalf of such member or employee. R.S.O. 1950, c. 210, s. 74 (3). Offering commissions, etc.

**76.** Except as provided by this Act or the regulations, no person shall by himself, his clerk, servant or agent attempt to purchase, or directly or indirectly or upon any pretence or upon any device purchase, or in consideration of the sale or transfer of any property, or for any other consideration, or at the time of the transfer of any property, take or accept any liquor from any other person. R.S.O. 1950, c. 210, s. 75. Taking liquor unlawfully disposed of

**77.** Except as provided by this Act or *The Liquor Licence Act* or the regulations hereunder or thereunder, no person shall consume liquor on any premises where liquor is kept for sale. R.S.O. 1950, c. 210, s. 76. Where consumption of liquor prohibited R.S.O. 1960, c. 218

**78.** Except as provided by this Act or *The Liquor Licence Act* or the regulations hereunder or thereunder, no person shall consume liquor unless the liquor has been acquired under the authority of a permit or prescription issued under this Act or the regulations, or is had or kept with the permission of the Board, 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 by this Act or the regulations. R.S.O. 1950, c. 210, s. 77. Liquor which may be consumed

**79.—(1)** Except in the case of,

- (a) liquor imported by the Government or by the Board; or
- (b) sacramental or other wines used for religious purposes; or
- (c) liquor had or kept under section 63,

Liquor to be sealed

no liquor shall be kept or had by any person in Ontario unless the package, not including a decanter or other receptacle containing the liquor for immediate consumption, in which the liquor is contained is, while containing that liquor, sealed with the official seal prescribed by this Act or the regulations.

(2) Any constable or other police officer who finds liquor that in his opinion is had or kept by any person in contravention of this Act or the regulations may, without laying an information or obtaining a warrant, forthwith seize and remove the liquor and the packages in which it is kept and, upon conviction of the person for a contravention of any provision of

Seizure of liquor without warrant

this section, the liquor and all packages containing it, in addition to any other penalty prescribed by this Act, are *ipso facto* forfeited to Her Majesty in right of Ontario. R.S.O. 1950, c. 210, s. 78.

Consumption elsewhere than in residence

**80.**—(1) Except as expressly provided by this Act or *The Liquor Licence Act* or the regulations hereunder or thereunder, no person shall consume liquor in any place other than a residence.

Drunkenness in public places

(2) No person shall be in an intoxicated condition in a public place. R.S.O. 1950, c. 210, s. 79.

Sale of liquor to drunken person

**81.** No person shall sell or supply liquor or permit liquor to be sold or supplied to any person under or apparently under the influence of liquor. R.S.O. 1950, c. 210, s. 80.

Minors

**82.**—(1) No person shall knowingly sell or supply liquor to a person under the age of twenty-one years. R.S.O. 1950, c. 210, s. 81 (1).

Idem

(2) No liquor shall be sold or supplied to a person who is apparently under the age of twenty-one years, and, in any prosecution for a contravention of this subsection, the justice shall determine from the appearance of such person and other relevant circumstances whether he is apparently under the age of twenty-one years. R.S.O. 1950, c. 210, s. 81 (2); 1960, c. 59, s. 7 (1).

Minor prohibited from purchasing liquor

(3) No person under the age of twenty-one years shall consume, apply for, attempt to purchase, purchase or otherwise obtain liquor. R.S.O. 1950, c. 210, s. 81 (3); 1960, c. 59, s. 7 (2).

Application of section

(4) This section does not apply to the supplying of liquor to a person under the age of twenty-one years for medicinal purposes only by the parent or guardian of such person, or to the administering of liquor to such person by a physician or as provided by this Act or the regulations. R.S.O. 1950, c. 210, s. 81 (4).

Supply of liquor to person whose permit is suspended

**83.** Except in the case of liquor administered by a physician or dentist or sold upon a prescription in accordance with this Act or the regulations, no person shall procure or supply or assist directly or indirectly in procuring or supplying liquor for or to any person whose permit is suspended or cancelled. R.S.O. 1950, c. 210, s. 82.

Board may prohibit purchase etc.

**84.**—(1) Notwithstanding anything in this Act or the regulations, the Board may by order signed by the Chief Commissioner or the Deputy Chief Commissioner prohibit any



person from purchasing, having, giving or consuming any liquor, including beer and wine, and any such person who contravenes such order is guilty of an offence.

(2) Notwithstanding anything in this Act or the regulations, where any order is made against a person under subsection 1, all liquor and original liquor containers in his possession or under seizure at the date of the order are *ipso facto* forfeited to Her Majesty in right of Ontario.

Forfeiture  
of liquor and  
containers

(3) The Board may by order signed by the Chief Commissioner or the Deputy Chief Commissioner prohibit a vendor, brewer, brewers' agent, producer of Ontario wine, holder of a licence under *The Liquor Licence Act* or other person from supplying either directly or indirectly liquor, including beer and wine, to any person against whom an order has been issued pursuant to subsection 1 and any such vendor, brewer, brewers' agent, producer of Ontario wine, holder of a licence under *The Liquor Licence Act* or other person who knowingly contravenes any such order is guilty of an offence.

Board may  
prohibit  
supplying  
R.S.O. 1960,  
c. 218

(4) The Board may by order signed by the Chief Commissioner or the Deputy Chief Commissioner prescribe the kinds and quantities of liquor, including beer and wine, that may be sold to any person by a vendor, brewer, brewers' agent, producer of Ontario wine, holder of a licence under *The Liquor Licence Act* or other person under this Act or the regulations, and any person who knowingly contravenes the provisions of any such order is guilty of an offence.

Board may  
prescribe

(5) Service of the orders of the Board mentioned in subsections 1, 3 and 4 is effective if forwarded by registered mail to the last known address of the person against whom the order is made. R.S.O. 1950, c. 210, s. 83.

Service of  
order

**85.** Except in the case of liquor supplied to an interdicted person upon the prescription of a physician or administered to him by a physician or dentist pursuant to this Act or the regulations, no person shall knowingly procure for, sell or give any liquor to an interdicted person, nor directly or indirectly assist in procuring or supplying any liquor to an interdicted person. R.S.O. 1950, c. 210, s. 84.

Supply of  
liquor to  
interdicted  
person

**86.** No permit shall be issued to an interdicted person, and every interdicted person who makes application for a permit, or who enters or is found upon the premises of a Government store, is guilty of an offence. R.S.O. 1950, c. 210, s. 85.

Permits and  
interdicted  
persons

**87.—(1)** Subject to subsection 2, no person whose permit is suspended or cancelled shall during the period of suspension or after cancellation hold, possess or make application for another permit under this Act or the regulations.

Fresh  
application

## Exception

(2) Subsection 1 does not create an offence for a person whose permit is suspended or cancelled making application to the Board for return of such suspended permit or issue of a new permit. R.S.O. 1950, c. 210, s. 86.

## Purchase under suspended permit

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

## Applying for permit in false name

(2) No person shall apply in a name other than his own for the issue to him of a permit authorizing the purchase of liquor.

## False address

(3) No person shall furnish a wrong or fictitious address in applying for the issue to him of a permit authorizing the purchase of liquor.

## Possession of false or fictitious permit

(4) Except as provided by this Act or the regulations, no person shall have or keep in his possession a false or fictitious permit purporting to authorize the purchase of liquor, or a permit of which he is not the holder. R.S.O. 1950, c. 210, s. 87.

## Permitting drunkenness

**89.** No person shall,

- (a) permit drunkenness to take place in any 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 any liquor in any house or on any premises of which the first-named person is owner, tenant or occupant; or
- (c) give any liquor to a person apparently under the influence of liquor. R.S.O. 1950, c. 210, s. 88.

Having liquor without permit  
R.S.O. 1960, c. 218

**90.**—(1) Except as authorized by this Act or *The Liquor Licence Act*, no person, not holding a permit under this Act or the regulations entitling him so to do, shall have any liquor in his possession.

## Possession of liquor on permit

(2) The holder of an individual permit may have in his possession or consume in his residence only the liquor had and acquired by him under his individual permit or otherwise under this Act or the regulations and in accordance therewith.

## Illegal possession

(3) No person shall have in his possession or consume in his residence any liquor that has not been had or acquired by him under his individual permit or otherwise under this Act or the regulations and in accordance therewith. R.S.O. 1950, c. 210, s. 89 (1-3).

**91.**—(1) Except as provided by this Act or *The Liquor Hotels*  
*Licence Act* or the regulations hereunder or thereunder and *R.S.O. 1960,*  
except in the case of liquor kept and consumed pursuant to *c. 218*  
a special permit granted under section 37, no person,

(a) shall keep or consume liquor in any part of an hotel other than a private guest room;

(b) shall keep or have any liquor in any room in an hotel unless he is a *bona fide* guest of the hotel and is duly registered in the office of the hotel as an occupant of that room and has baggage and personal effects belonging to him in the hotel.

(2) The Board upon the application of the owner or proprietor of an hotel may declare the hotel, or any designated part thereof, to be a public place for the purposes of this Act and the regulations and may grant a certificate to such effect signed by the Chief Commissioner or Deputy Chief Commissioner to the owner or proprietor. *Application by hotel owner*

(3) From the date of the granting of such certificate, the hotel, or the designated part thereof, is a public place for the purposes of this Act and the regulations and subsection 1 does not apply to the hotel or the designated part thereof. *Hotel declared a public place*

(4) Upon the application of the owner or proprietor of an hotel to whom such a certificate has been granted, the Board may at any time cancel it, and from the date of cancellation the hotel, or the designated part, for the purposes of this Act and the regulations, ceases to be a public place and subsection 1 applies to the hotel or the designated part. *Cancellation of certificate*

(5) If the owner or proprietor of an hotel, or his clerk, servant or agent, finds an individual permit on the hotel premises, or any part thereof, he shall deliver it within twenty-four hours to the nearest vendor for transmission to the Board. *Duty of hotel proprietor*  
*R.S.O. 1950, c. 210, s. 90.*

**92.** No person shall directly or indirectly hold himself out or act as an agent or representative of a distiller, brewer or a producer of wine or Ontario wine unless he is registered with the Board as an agent or representative of such distiller, brewer or producer. *Representatives to be registered*  
*1960, c. 59, s. 9.*

**93.**—(1) Except as permitted by this Act or the regulations, no person shall, *Canvassing for orders etc.*

(a) canvass for, receive, take or solicit orders for the purchase or sale of any liquor or act as agent or intermediary for the sale or purchase of any liquor, or hold himself out as such agent or intermediary;



- (b) exhibit or display, or permit to be exhibited or displayed, any sign or poster containing the words "bar", "bar-room", "saloon", "spirits" or "liquors", or words of like import;
- (c) exhibit or display, or permit to be exhibited or displayed, any advertisement or notice of or concerning liquor by an electric or illuminated sign, contrivance or device, or on any hoarding, sign-board, billboard or other place in public view, or by any of the means aforesaid, advertise any liquor.

Approved  
adver-  
tising

(2) This section does not apply to any advertisement respecting liquor in premises where the liquor may be lawfully stored, kept or sold under this Act or the regulations, if the advertisement has first been permitted in writing by the Board and then subject to such permission and the directions of the Board.

Adver-  
tising

(3) No person, unless authorized by the Board, shall exhibit, publish or display or permit to be exhibited, published or displayed any other advertisement, or form of advertisement, or any other announcement, publication or price list of or concerning liquor or where or from whom the liquor may be had, obtained or purchased.

Exception

(4) This section does not apply,

- (a) to the Board or any Government store; or
- (b) to the receipt of transmission of a telegram or letter by any telegraph agent or operator or post office employee in the ordinary course of his employment as such agent, operator or employee. R.S.O. 1950, c. 210, s. 91, *amended*.

Offence

**94.** Every person who, without lawful excuse, is found in any premises at the time of the commission upon such premises of any offence against or contravention of any of the provisions of this Act is guilty of an offence. R.S.O. 1950, c. 210, s. 92.

Labels, etc,  
for beer or  
liquor

**95.** Every person manufacturing or brewing beer shall put upon all bottles containing beer so manufactured or brewed for sale in Ontario a distinctive label showing the nature of the contents, the name of the person by whom the beer was manufactured or brewed, and the place where the beer was brewed, and shall show clearly on all barrels or other receptacles containing beer so manufactured or brewed, whether bottled or otherwise, the nature of the contents, the name of the person by whom the beer was manufactured or brewed, and the place where the beer was brewed, and, for the purposes of

this section, the contents of bottles, barrels and other receptacles containing beer shall be shown by the use of the word "beer", "ale", "stout" or "porter" on the outside of all bottles, barrels and other receptacles. R.S.O. 1950, c. 210, s. 93.

**96.**—(1) Subject to this Act and the regulations and to any restrictions that the Board imposes, producers of Ontario wines may keep and offer for sale, sell and deliver such wines in such quantities as are permitted by the Board. Sale of Ontario wine

(2) A producer of Ontario wines shall not sell such wines otherwise than as permitted by this Act or the regulations or allow any wine so sold, or any part thereof, to be drunk upon the premises of such producer. R.S.O. 1950, c. 210, s. 94. Sales prohibited

**97.**—(1) Where it is made to appear to the satisfaction of a judge of the county or district court that a person, resident or sojourning in Ontario, by excessive drinking of liquor, misspends, wastes or lessens his estate, or injures his health, or interrupts the peace and happiness of his family, the judge 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 ordered, and the judge shall cause the order to be forthwith filed with the Board. Order of interdiction

(2) Every interdicted person keeping or having in his possession or under his control or consuming any liquor is guilty of an offence, and the justice making the conviction may in and by the conviction declare the liquor and all packages in which the liquor is contained forfeited to Her Majesty in right of Ontario. R.S.O. 1950, c. 210, s. 95. Disregard of order

**98.** Upon an order of interdiction being made, the interdicted person shall deliver forthwith to the Board all liquor 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, at the option of the Board, such liquor may be purchased from him at a price to be fixed by the Board. R.S.O. 1950, c. 210, s. 96. Delivery of liquor to Board on interdiction

**99.** Upon receipt of the order of interdiction, the Board shall cancel any permit held by the interdicted person and shall notify the interdicted person and all vendors, and such other persons as are provided by the regulations, of the cancellation of the permit and of the order of interdiction so made and filed prohibiting the sale of liquor to the interdicted person. R.S.O. 1950, c. 210, s. 97. Cancellation of permit

**100.**—(1) Upon an application to the judge by a person in respect of whom an order of interdiction has been made and upon it being made to appear to the satisfaction of the Revocation of order

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 may by order set aside the order of interdiction filed with the Board, and the interdicted person may be restored to all his rights under this Act and the regulations, and the Board shall accordingly forthwith notify all vendors and such other persons as are provided by the regulations.

Notice of  
application

(2) The applicant shall, at least ten clear days before the application, give notice thereof to the Board, in writing served upon the Board, and to such other persons as the judge directs. R.S.O. 1950, c. 210, s. 98.

Contraven-  
tions of Act  
to be  
offences

**101.** Every person who contravenes any provision of this Act or the regulations is guilty of an offence against this Act, whether so declared or not. R.S.O. 1950, c. 210, s. 99; 1957, c. 61, s. 3.

First offence

**102.** A contravention of this Act or the regulations by a person shall be charged as a first offence notwithstanding that he has been previously convicted of an offence against this Act or the regulations, but such contravention by such person shall be charged as a first offence only if the previous conviction occurred more than one year before the date of such contravention. R.S.O. 1950, c. 210, s. 100.

Brewers  
and  
distillers

**103.** Every brewer, distiller or manufacturer who is convicted of keeping for sale or selling liquors by himself, or by his clerk, servant, agent or employee, contrary to this Act or the regulations is guilty of an offence and liable to a fine of \$5,000. R.S.O. 1950, c. 210, s. 101.

Penalties,  
s. 72 (1)

**104.**—(1) Every person who contravenes any of the provisions of subsection 1 of section 72 is guilty of an offence and shall for a first offence be imprisoned for not more than six months and for a second or subsequent offence be imprisoned for not more than twelve months.

Idem,  
s. 72 (2-4)

(2) Every person who knowingly contravenes any of the provisions of subsection 2, 3 or 4 of section 72 is guilty of an offence and shall be imprisoned for not less than six months and not more than twelve months.

Idem, s. 75

(3) Every person who contravenes any of the provisions of section 75 is guilty of an offence and shall be imprisoned for not more than twelve months. R.S.O. 1950, c. 210, s. 102.



**105.** Every person who contravenes any provision of subsection 1 of section 82 or section 85 is guilty of an offence and shall for the first offence be imprisoned for not less than one month and not more than three months, and for a second or subsequent offence shall be imprisoned for not less than four months and not more than twelve months. R.S.O. 1950, c. 210, s. 103. <sup>Penalties, ss. 82 (1), 85</sup>

**106.—(1)** Every person who contravenes any of the provisions of subsection 1 of section 70 is guilty of an offence and shall for a first offence be imprisoned for not less than two months and not more than six months, and for a second or subsequent offence shall be imprisoned for six months. <sup>Penalties, s. 70 (1)</sup>

(2) Every person who contravenes any of the provisions of section 74 is guilty of an offence and shall for a first offence be imprisoned for not less than six months and not more than one year, and for a second or subsequent offence shall be imprisoned for not less than one year. <sup>Idem, s. 74</sup>

(3) Every person who contravenes any of the provisions of subsection 2 of section 73 or subsection 2 or 3 of section 82 is guilty of an offence and liable for a first offence to a fine of not less than \$10 and not more than \$500, and in default of immediate payment shall be imprisoned for a term of not more than two months, or to imprisonment for a term of not more than thirty days, or to both fine and imprisonment, and for a second or subsequent offence to imprisonment for a term of not more than three months. R.S.O. 1950, c. 210, s. 104 (1-3). <sup>Idem, ss. 73 (2), 82 (2, 3)</sup>

(4) Every person who contravenes any of the provisions of section 83, 88 or 93 is guilty of an offence and liable for a first offence to a fine of not less than \$100 and not more than \$1,000, and in default of immediate payment shall be imprisoned for a term of three months, and for a second or subsequent offence to imprisonment for three months. R.S.O. 1950, c. 210, s. 104 (4); 1960, c. 59, s. 10. <sup>Idem, ss. 83, 88, 93</sup>

(5) Every person who contravenes any of the provisions of section 42 is guilty of an offence and liable for a first offence to a fine of not less than \$10 and not more than \$1,000, and in default of immediate payment shall be imprisoned for a term of one month, and for a second or subsequent offence to imprisonment for three months. <sup>Idem, s. 42</sup>

(6) If the offender convicted of an offence referred to in this section is a corporation, it is liable to a fine of not less than \$1,000 and not more than \$3,000. <sup>Corporations</sup>

(7) Every person who contravenes subsection 2 of section 80 is guilty of an offence and liable for a first offence to a fine of not less than \$10 and not more than \$50, and in default of <sup>Penalties, s. 80 (2)</sup>

immediate payment to imprisonment for not more than thirty days, for a second offence to a fine of not less than \$50 and not more than \$100, and in default of immediate payment to imprisonment for not less than one month and not more than two months, and for a third or subsequent offence to imprisonment for not less than three months and not more than six months without the option of a fine. R.S.O. 1950, c. 210, s. 104 (5-7).

General  
penalty

**107.**—(1) Every person guilty of an offence against this Act for which no penalty has been specifically provided is liable for a first offence to a fine of not less than \$10 and not more than \$500, and in default of immediate payment to imprisonment for not more than thirty days, for a second offence to imprisonment for not less than one month and not more than two months, or to a fine of not less than \$200 and not more than \$1,000, and in default of immediate payment to imprisonment for not less than two months and not more than four months, and for a third or subsequent offence to imprisonment for not less than three months and not more than six months without the option of a fine.

Corpora-  
tions

(2) If the offender convicted of an offence referred to in this section is a corporation, it is for a first offence liable to a fine of not less than \$1,000 and not more than \$2,000, and for a second or subsequent offence to a fine of not less than \$2,000 and not more than \$3,000. R.S.O. 1950, c. 210, s. 105 (1, 2).

Recovery of  
fines  
from cor-  
porations by  
distress

**108.**—(1) Where a corporation is convicted of an offence under this Act or the regulations and the conviction adjudges a pecuniary penalty or compensation to be paid by the corporation, or an order under this Act requires the payment of a sum of money by a corporation, the court, judge or justice, by his or their conviction or order, after adjudging payment of such penalty, compensation or sum of money with costs, may order and adjudge that, in default of payment of such penalty, compensation or sum of money forthwith or within a limited time, such penalty, compensation or sum of money shall be levied by distress and sale of the goods and chattels of the corporation.

Enforcing  
judgment  
against cor-  
poration

(2) In any such case and in addition to the other remedies provided hereby, a copy of such conviction or order certified to by a judge or justice, or by the officer in whose custody the same is by law required to be kept, may be filed in the proper county or district court, and such conviction or order thereupon becomes a judgment of such court and all proceedings may be thereupon taken and had as on any other judgment of such court.

(3) In the case of the conviction of or an order against a corporation that by the law of Ontario is required to obtain a licence to carry on its business in Ontario and has obtained such licence, if the penalty, compensation or sum of money is not paid according to the terms of the conviction or order, the Lieutenant Governor in Council may, in case of such default in payment of penalty, compensation or sum of money as aforesaid, cancel and revoke the licence so issued to the corporation.

Cancellation of licence of corporation

(4) Nothing in this section shall be construed as in any way affecting, limiting or restricting any proceedings that otherwise can or may be taken or had for the infliction of punishment by fine or imprisonment or the modes of enforcement or recovery of fines or other penalties.

Application of section

(5) Notwithstanding anything in this Act, where a pecuniary penalty is imposed, the justice may in his discretion order that in default of payment of the penalty distress shall issue for the recovery thereof or he may if he sees fit order that in default of immediate payment of the penalty the offender shall be committed to jail for such term as is allowed by law. R.S.O. 1950, c. 210, s. 106.

Power to issue distress on non-payment of penalty

**109.** Where an offence against this Act or the regulations is committed by a corporation, the officer or agent of the corporation in charge of the premises in which the offence is committed shall *prima facie* be deemed to be a party to the offence so committed and is personally liable to the penalties prescribed for the offence as a principal offender, but nothing in this section relieves the corporation or the person who actually committed the offence from liability therefor. R.S.O. 1950, c. 210, s. 107.

Offence by corporation

**110.**—(1) Upon information on oath by a constable or other police officer that he suspects or believes that liquor is unlawfully kept or had, or kept or had for unlawful purposes, in any building or premises, it is lawful for a justice or justice of the peace by warrant under his hand to authorize and empower the constable or other person named therein to enter and search the building or premises and every 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 that might contain liquor.

Search with warrant

(2) It is not necessary for the constable or other police officer to set out in the information any reason or grounds for his suspicion or belief.

Reasons for suspicion need not be set out



Search  
without  
warrant

(3) Any constable or other police officer who is authorized in writing for the purpose by the Commissioner of Police for Ontario, if he 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 every 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 that might contain liquor, and such authority is a general one and is effective until revoked.

Seizure of  
permit, etc.  
without  
warrant  
R.S.O. 1960,  
c. 218

(4) Any constable or other police officer may, without a warrant, seize from a person or corporation any permit or licence issued under this Act or under *The Liquor Licence Act* or the regulations made hereunder or thereunder. R.S.O. 1950, c. 210, s. 109.

Arrest  
without  
warrant

**111.** Any constable or other police officer may arrest without warrant a person whom he finds committing an offence against this Act or the regulations. R.S.O. 1950, c. 210, s. 110.

Search of  
vehicles  
without  
warrant

**112.** Any constable or other police officer, if he believes that liquor is unlawfully kept or had, or kept or had for unlawful purposes, and is contained in a vehicle, motor car, automobile, vessel, boat, canoe or conveyance of any description, or is unlawfully kept or had, or kept or had for unlawful purposes, on the lands or person of any person, has power without warrant to search for such liquor wherever he suspects it to be, and if need be, by force, and may search the person himself, and may seize and remove any liquor found and the packages in which it is kept. R.S.O. 1950, c. 210, s. 111.

Search  
warrant  
may be  
executed at  
any time

**113.** Notwithstanding anything in this Act or the regulations, any search warrant or authorization to search issued or authorized under this Act may be executed at any time, including Sunday or other holiday, and by day or night. R.S.O. 1950, c. 210, s. 112.

Penalty

**114.** Where the constable or other police officer in making or attempting to make a search under or in pursuance of the authority conferred by section 110 or 112 finds in any building or place liquor that in his opinion is unlawfully kept or had, or kept or had for unlawful purposes, contrary to any of the provisions of this Act or the regulations, he may forthwith seize and remove the liquor and the packages in which the liquor is kept, and may seize and remove any book, paper or thing found in the building or place that in his opinion will

afford evidence as to the commission of an offence against this Act or the regulations, and, upon the conviction of the occupant of such building or place or any other person for keeping the liquor contrary to this Act or the regulations in such building or place, the justice making the conviction shall in and by the conviction declare the liquor and packages or any part thereof forfeited to Her Majesty in right of Ontario. R.S.O. 1950, c. 210, s. 113.

**115.** Where the constable or other police officer in making or attempting to make a search under or in pursuance of the authority conferred by section 112 finds in any vehicle, motor car, automobile, vessel, boat, canoe or conveyance of any description liquor that in his opinion is unlawfully kept or had, or kept or had for unlawful purposes contrary to any of the provisions of this Act or the regulations, 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 so found, and, 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 this Act or the regulations in such vehicle, motor car, automobile, vessel, boat, canoe or conveyance, the justice making the conviction may in and by the conviction declare the liquor or any part thereof so seized and the packages in which the liquor is contained forfeited to Her Majesty, and the justice may in and by the conviction further declare the vehicle, motor car, automobile, vessel, boat, canoe or conveyance so seized forfeited to Her Majesty in right of Ontario. R.S.O. 1950, c. 210, s. 114.

Seizure  
and for-  
feiture of  
liquor and  
vehicles,  
etc.

**116.**—(1) Where liquor is found by a constable or other police officer on any premises or in any place or in any vehicle, motor car, automobile, vessel, boat, canoe or conveyance of any description and in such quantities as to satisfy him that the liquor is being had or kept contrary to this Act or the regulations, it is lawful for him to forthwith seize and remove by force, if necessary, any liquor so found and the packages in which the liquor was had or kept, together with any vehicle, motor car, automobile, vessel, boat, canoe or conveyance containing the liquor.

Impound-  
ing and  
forfeiture of  
vehicles,  
etc.

(2) Where liquor and any vehicle, motor car, automobile, vessel, boat, canoe or other conveyance containing liquor has been seized by a constable or officer under this Act under such circumstances that the constable or officer is satisfied that the liquor was had or kept contrary to this Act or the regulations, he shall retain the liquor and the packages in which the liquor was had or kept, together with such vehicle, motor car, automobile, vessel, boat, canoe or other conveyance.

Duty  
of officer



**Forfeiture**

(3) If, within thirty days from the date of the seizure, no person by notice in writing filed with the Board claims to be the owner of the liquor and the vehicle, motor car, automobile, vessel, boat, canoe or other conveyance containing the liquor, the liquor and all packages containing the liquor, together with the vehicle, motor car, automobile, vessel, boat, canoe or other conveyance containing the liquor, is *ipso facto* forfeited to Her Majesty in right of Ontario and shall forthwith be delivered to the Board.

**Onus on claimant**

(4) If within such time any claimant appears, it is incumbent upon him, within that time and after three days notice in writing filed with the Board stating the time and place fixed for the hearing, to prove his claim and his right under this Act and the regulations to the possession of the liquor and packages to the satisfaction of any justice, and, on failure within that time to prove and establish his claim and right, the liquor and packages and the vehicle, motor car, automobile, vessel, boat, canoe or other conveyance in which the liquor was found are *ipso facto* forfeited to Her Majesty in right of Ontario. R.S.O. 1950, c. 210, s. 115.

**Delivery of forfeited liquor to Board**

**117.**—(1) In every case in which a justice makes an order for the forfeiture of liquor under this Act and in every case in which any claimant to liquor under section 116 fails to establish his claim and right thereto, the liquor in question and the packages in which it is kept shall forthwith be delivered to the Board. R.S.O. 1950, c. 210, s. 116 (1).

**Destruction of forfeited liquor unfit for use**

(2) All forfeited liquor shall be destroyed under competent supervision as is from time to time directed by the Board. R.S.O. 1950, c. 210, s. 116 (3); 1960, c. 59, s. 13 (2).

**Report on seizure**

(3) In every case in which liquor is seized by a constable or other police officer, it is his duty to forthwith make or cause to be made to the Board a report in writing of the particulars of the seizure. R.S.O. 1950, c. 210, s. 116 (4).

**Duties of officers and Crown attorneys on receiving information of infringement of this Act**

**118.** Where any information is given to a constable or other police officer that there is cause to suspect that a person is contravening any of the provisions of this Act or the regulations, it is his duty to make diligent inquiry into the truth of such information, and to enter complaint of such contravention before the proper court, without communicating the name of the person giving such information, and it is the duty of the Crown attorney in the county in which the offence is committed to attend to the prosecution of all cases submitted to him by a constable or by an officer appointed under this Act by the Board or by any officer appointed by the council of a municipality that has entered into an agreement with The Liquor Licence Board of Ontario and the council appointing



such officer is responsible for the payment of the proper fees of the Crown attorney when so employed by such officer. R.S.O. 1950, c. 210, s. 117.

**119.**—(1) For the purpose of obtaining information concerning any matter relating to the administration or enforcement of this Act and the regulations, any inspector or officer appointed by the Board in writing for the purpose, or any constable or other police officer, may inspect the freight and express books and records, and all way-bills, bills of lading, receipts and documents in the possession of any railway company, express company or other common carrier doing business in Ontario, containing any information or record relating to any goods shipped or carried or consigned or received for shipment or carriage in Ontario. Duties of officers

(2) Every railway company, express company or common carrier, and every officer or employee of any such company or common carrier, who neglects or refuses to produce and submit for inspection any book, record or document referred to in subsection 1, when requested to do so by the Board or by such inspector or officer, or constable or other police officer, is guilty of an offence. R.S.O. 1950, c. 210, s. 118. Carriers not producing records

**120.** In describing the offence respecting the sale or keeping for sale or other disposal of liquor, or the having, keeping, giving, purchasing or the consumption 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 consumption, of liquor simply, without stating the name or kind of the liquor or the price thereof, or any person to whom it was sold or disposed of, or by whom it was taken or consumed, or from whom it was purchased or received, and it is not necessary to state 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. R.S.O. 1950, c. 210, s. 119. Description of offence

**121.** Notwithstanding anything in this Act, at any time before judgment the justice may amend or alter an information and may substitute for the offence charged therein any other offence against this Act or the regulations, but, if it appears that the defendant has been materially misled by such amendment, the justice shall thereupon adjourn the hearing of the case to some future day, unless the defendant waives such adjournment. R.S.O. 1950, c. 210, s. 120. Powers as to amendment

Payment of  
penalties  
to Board  
R.S.O. 1960,  
c. 218

**122.** Subject to section 87 of *The Liquor Licence Act*, all fines imposed under this Act, after deducting all necessary costs, shall be paid by the justice to the Board. R.S.O. 1950, c. 210, s. 121.

Limitation

**123.** The information for the prosecution of any offence against this Act or the regulations shall be laid in writing within three months after the commission of the offence and not afterwards. 1960, c. 59, s. 14.

All prosec-  
utions may  
be before  
justice

**124.** All prosecutions under this Act, whether for the recovery of a penalty or otherwise, shall take place before a magistrate having jurisdiction or before two or more justices of the peace where no such magistrate is available. R.S.O. 1950, c. 210, s. 123.

Recovery of  
fines

R.S.O. 1960,  
c. 387

**125.** Except as otherwise provided in this Act, the fines imposed by or under the authority of this Act are recoverable under *The Summary Convictions Act*. R.S.O. 1950, c. 210, s. 124.

Description  
of offence

**126.** The description of an offence under this Act or the regulations, in the words of this Act or the regulations, or in any words of like effect, is sufficient in law, and any exception, exemption, provision, excuse or qualification, whether it occurs by way of proviso or in the description of the offence in this Act or the regulations, may be proved by the defendant, but need not be specified or negatived in the information, but, if it is so specified or negatived, no proof in relation to the matter so specified or negatived shall be required on the part of the informant. R.S.O. 1950, c. 210, s. 125.

Informa-  
tion

**127.** 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 any witness should depose to the precise description or quantity of the liquor sold, disposed of, kept, had, given, purchased or consumed, or the precise consideration, if any, received therefor, or to the fact of the sale or other disposal having taken place with his participation or to his own personal or certain knowledge, but the justice trying the case, so 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 such evidence to the satisfaction of the justice, convict him accordingly. R.S.O. 1950, c. 210, s. 126.

Proof of  
sale

**128.** In proving the sale, disposal, gift or purchase, gratuitous or otherwise, or consumption of liquor, it is not necessary in any prosecution to show that any money actually

passed or any liquor was actually consumed, if the justice hearing the case is satisfied that a transaction in the nature of a sale, disposal, gift or purchase actually took place, or that any consumption of liquor was about to take place, and proof of consumption or intended consumption of liquor on premises on which such consumption is prohibited, by some person not authorized to consume liquor thereon, is evidence that such liquor was sold or given to or purchased by the person consuming, or being about to consume, or carrying away, such liquor, as against the occupant of such premises. R.S.O. 1950, c. 210, s. 127.

**129.** In a prosecution under this Act in which a constable or other police officer produces a certificate or report signed or purporting to be signed by a federal or provincial analyst as to the analysis or ingredients of any liquor or other fluid or any preparation, compound or substance, such certificate or report is conclusive evidence of the facts stated in the certificate or report and of the authority of the person giving or making it without any proof of appointment or signature. R.S.O. 1950, c. 210, s. 128.

Analysis by  
federal or  
provincial  
analysts

**130.** In a prosecution under this Act, in the absence of proof to the contrary, it shall be conclusively presumed by the justice trying the case that the liquor in question is not exempt from this Act under an order of the Board. 1958, c. 52, s. 5.

Presumption

**131.** The justice trying a case is, in the absence of proof to the contrary, at liberty to infer that the liquor in question is liquor within the meaning of this Act from the fact that a witness describes it as liquor or by a name that is commonly applied to liquor. 1958, c. 52, s. 6.

Inference  
as to  
liquor

**132.** Upon the hearing of a charge of selling or purchasing liquor or of unlawfully having or keeping liquor contrary to this Act or the regulations, the justice trying the case has the right to draw inferences of fact 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 him, and from the frequency with which the liquor is received thereat or therein or is removed therefrom, and from the circumstances under which it is kept or dealt with. R.S.O. 1950, c. 210, s. 130.

Inference  
from  
circum-  
stances

**133.—(1)** If, on the prosecution of a person charged with committing an offence against this Act or the regulations in selling or keeping for sale or giving or keeping or having or purchasing or receiving of liquor, *prima facie* proof is given

Onus on  
proof of  
possession



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 such person proves that he did not commit the offence with which he is so charged, he may be convicted of the offence. R.S.O. 1950, c. 210, s. 131 (1).

Certificate  
of cancella-  
tion of  
permit  
*prima facie*  
evidence

(2) In the prosecution of a person charged with an offence against this Act or the regulations, the production of a certificate of cancellation or suspension of permit signed by a member of the Board is *prima facie* evidence of the cancellation or suspension of the permit mentioned in the certificate. R.S.O. 1950, c. 210, s. 131 (3).

Burden  
of proof

**134.**—(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 liquor.

Onus on  
physicans

(2) The burden of proving that a prescription or administration of liquor is *bona fide* and for medical purposes only is upon the person who prescribes or administers the liquor, or causes the liquor to be administered, and a justice trying a case has the right to draw inferences of fact from the frequency with which similar prescriptions are given and from the amount of liquor prescribed or administered and from the circumstances under which it is prescribed or administered. R.S.O. 1950, c. 210, s. 132.

Procedure  
where  
conviction  
charged

**135.**—(1) The proceedings upon an information for an offence against this Act or the regulations, in a case where a previous conviction or convictions are charged, shall be as follows:

Use of  
previous  
conviction  
after  
accused  
found  
guilty

1. The justice shall in the first instance inquire concerning the subsequent offence only, and, if the accused is found guilty thereof, he shall then 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 such question, the justice shall then inquire concerning the previous conviction or convictions.

Proof of  
previous  
convictions

2. The previous convictions may be proved *prima facie* by the production of a certificate purporting to be under the hand of a convicting justice or the Minister or the clerk of the court to whose office the conviction has been returned, without proof of signature or official character.

3. 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, a justice by whom the second or subsequent conviction was made shall summon the person convicted to appear at a time and place to be named, and shall thereupon, upon proof of the due service of the summons, if such person fails to appear, or on his appearance, amend the second or subsequent conviction, and 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.

Procedure where previous conviction avoided

4. Where a person who has been convicted of a contravention of any provision of this Act or the regulations is afterwards convicted of a contravention of any other provision of this Act or the regulations, such 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 provisions.

Conviction under different sections

(2) Charges of several offences against this Act or the regulations 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.

Including several charges in one information

(3) One conviction for several offences, and providing a separate penalty or punishment for each, may be made under this Act although such 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. R.S.O. 1950, c. 210, s. 133.

One conviction for several offences

**136.** In all prosecutions, actions or proceedings under this Act against a corporation, every summons, warrant, order, writ or other proceeding may, in addition to any other manner of service that is provided or authorized by law, be served on the corporation by delivering it to any officer, attorney or agent of the corporation in Ontario, or by leaving it at any place in Ontario where it carries on any business, but service in any other way shall be deemed sufficient if the court or justice, by or before whom such summons, warrant, order, writ or other proceeding was issued or is returnable or by or

Service on corporations

before whom any proceeding subsequent to such 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. R.S.O. 1950, c. 210, s. 134.

Presump-  
tion as to  
incorpora-  
tion

**137.** 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 against this Act or the regulations, 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. R.S.O. 1950, c. 210, s. 135.

Informal-  
ties not to  
invalidate

**138.**—(1) No order or warrant based upon a conviction, and no search warrant, shall upon any application by way of *certiorari* or motion to quash or *habeas corpus* be held insufficient or invalid for any irregularity, informality or insufficiency therein or by reason of any defect of form or substance.

Amend-  
ment

(2) The court or judge hearing any such application may amend the order, warrant or search warrant as justice requires. R.S.O. 1950, c. 210, s. 136.

Notice of  
motion to  
quash  
conviction

**139.** No motion to quash a conviction, order or warrant made under this Act shall be heard by the court or judge unless the notice of such motion has been served within thirty days from the date of the conviction or order. R.S.O. 1950, c. 210, s. 137.

Appeal to  
county or  
district  
judge

**140.**—(1) Any person convicted under this Act may, subject to the provisions hereinafter contained, appeal from the conviction to the judge of the county or district court of the county or district in which the conviction is made sitting in chambers without a jury if notice of such appeal is given to the prosecutor or informant and to the convicting justice within twenty days of such conviction.

Notice to  
set forth  
grounds  
and give  
address  
for service

(2) Such notice shall set forth the grounds on which the appeal is made and shall have endorsed thereon the address at which the appellant may be served with any notice or process in connection with any proceeding under this section or under section 141.

Affidavit to  
be delivered  
with notice  
of appeal

(3) There shall be delivered to the convicting justice, with such notice of appeal, an affidavit of the person convicted complying with the requirements set out in subsection 15.



(4) In case the appellant has paid the fine and costs imposed upon him by the convicting justice, he may, subject to the conditions set out in subsections 1, 2 and 3 and the deposit of \$50 with the justice to answer the respondent's costs, appeal against such conviction to the judge having jurisdiction in the matter who shall hear and determine the appeal as provided in subsections 11 and 12, and the deposit of the \$50 shall be made at the time of the delivery of the notice of appeal or within five days thereafter, and, in default of such deposit, the appeal shall be dismissed.

Appeal  
after  
payment of  
fine and  
cost

(5) Subject to subsection 6, the person convicted, if he is in custody, shall either remain in custody until the hearing of the appeal before the judge or he may, notwithstanding any order of imprisonment either in the first instance or in default of the payment of a fine, enter into a recognizance with two sufficient sureties in such sum or sums as the justice with the approval of the Crown attorney may fix, conditioned personally to appear before the judge and to try the appeal and abide by his judgment thereupon and also to pay any penalty in money and costs that the judge orders.

Recogn-  
izance

(6) Where the appellant desires to deposit a sum of money instead of providing sureties, he may do so on entering into a recognizance on his own behalf and depositing an amount approved by the convicting justice and the Crown attorney, not being less than a surety would be required to become responsible for, and any money so deposited shall be available for the payment of any fine and costs that the judge thinks fit to impose.

Money  
deposit in  
lieu of  
recog-  
nizance

(7) In any case in which security is provided, whether in money or otherwise, the security shall not be withdrawn until the time has elapsed for entering an appeal and, in case of a further appeal, the security shall remain until the final disposition of the case.

When  
security  
may be  
withdrawn  
or  
cancelled

(8) Upon the recognizance being entered into, the justice shall liberate such person if in custody and shall, immediately after such liberation or, if the appellant remains in custody, shall immediately after service of the notice of appeal upon the convicting justice, deliver or transmit by registered mail to the clerk of the county or district court, to be delivered after filing to the judge appealed to, the depositions and all other papers in the case, including notice of appeal and affidavit of the appellant with a certificate signed by the justice in the form hereinafter mentioned, and such certificate shall be deemed to be a part of the record.

When re-  
cognizance  
entered  
into

(9) The certificate shall be in the following form:

Certificate  
of justice

## CERTIFICATE OF JUSTICE

A notice having been served upon me, the undersigned, of the intention of the defendant to appeal against my decision in the case set out in the information mentioned below, I herewith in pursuance of the statute, return the following papers therein:

1. Notice of appeal and affidavit (*if any*).
2. Information.
3. Summons or warrant issued thereon.
4. The evidence.
5. The conviction or order (*as the case may be*).
6. Other papers (*if any*), naming them.

And I hereby certify to the judge of the county (*or district*) of ..... that I have above truly set forth all the papers and documents in my custody or power relating to the matter set forth in the said notice of appeal.

Dated this ..... day of ....., 19....

Justice

in and for the .....

Fee of clerk  
of court

(10) The appellant shall pay to the clerk of the court for his attendance and services in connection with such appeal the sum of \$2, and it shall be taxed as costs in the cause.

Summons  
to be issued  
by judge

(11) Within thirty days from the service of the notice of appeal, the judge shall, on the application of an appellant, grant a summons calling upon all parties to attend before him at his chambers on the day and hour named therein, when the hearing of the appeal will be proceeded with, but, if no such application is made within the thirty days, the judge, upon proof of the failure to make such application, shall order that the appeal be forthwith dismissed with costs. R.S.O. 1950, c. 210, s. 138 (1-11).

Appeal to be  
on evidence  
before  
justice

(12) The appeal shall be heard and determined upon the evidence and proceedings had and taken before the justice to be called the record, and the judge may, upon such hearing, make such order as he thinks fit affirming, reversing or amending the conviction appealed from, and the conviction so made has the same effect and shall be enforced in the same way as if made by the justice whose conviction is appealed from. R.S.O. 1950, c. 210, s. 138 (12); 1953, c. 57, s. 5 (1).

Application  
of  
R.S.O. 1960,  
c. 387

(13) The practice and procedure upon such appeals and all proceedings thereon shall be governed by *The Summary Convictions Act* so far as it is not inconsistent with this Act. R.S.O. 1950, c. 210, s. 138 (13).

Appeal from  
order of  
dismissal

(14) Any informant or complainant dissatisfied with an order of dismissal made by a justice under this Act may appeal on any ground that involves a question of law alone to the judge of the county or district court in the county or district

in which the order complained of was made, and the proceedings shall be the same as nearly as may be as in the case of an appeal by a person convicted under this Act, and the judge has and may exercise the same powers as in the case of an appeal against a conviction, and may make such order as he thinks fit, and the deposit of security in such case shall be dispensed with. R.S.O. 1950, c. 210, s. 138 (14); 1953, c. 57, s. 5 (2).

(15) No appeal lies from a conviction for a contravention of any of the provisions of this Act or the regulations unless the party appealing delivers to the justice who tried the case, with his notice of appeal, an affidavit 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, and such 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, which affidavit shall be transmitted with the conviction and other papers to the judge to whom the appeal is made, but, where the appeal is only as against the penalty imposed by the justice, the affidavit required by this section is not necessary, and, if the party appealing is a corporation, the affidavit may be made by the president, secretary or any other officer or employee of the corporation having knowledge of the facts. <sup>Affidavits of bona fides</sup>

(16) Except as provided by this section, no appeal shall be taken against any conviction or order made by a justice under this Act. R.S.O. 1950, c. 210, s. 138 (15, 16). <sup>Other appeals not allowed</sup>

**141.** An appeal to the Court of Appeal against any decision of the judge under section 140 may be taken with leave of the Court of Appeal or a judge thereof on any ground that involves a question of law alone and the provisions of *The Summary Convictions Act* relating to appeals to the Court of Appeal apply *mutatis mutandis*. 1953, c. 57, s. 6. <sup>Appeal to Court of Appeal</sup> <sup>R.S.O. 1960, c. 387</sup>

**142.** The purpose of this Act and the regulations is to prohibit transactions in liquor that take place wholly in Ontario except under Government control as specifically provided by this Act and the regulations dealing with the importation, sale and disposition of liquor in Ontario through the instrumentality of a board, and otherwise provide the means by which such Government control shall be made effective, and nothing in this Act shall be construed as forbidding, affecting or regulating any transaction that is not subject to the authority of the Legislature. R.S.O. 1950, c. 210, s. 140. <sup>General intent</sup>



Proclama-  
tion for-  
bidding  
possession  
of liquor

**143.** In any case of emergency, the Lieutenant Governor may issue a proclamation forbidding any person to have liquor in his possession in the area mentioned in the proclamation unless such person has been authorized in writing by the Board and given special permission thereby to have liquor in that area, and the proclamation may also authorize in such area the seizure without other warrant or authority and detention for such time as is authorized of any liquor not had or kept in such area with the permission of the Board, and the proclamation may remain in force for such period as is therein determined. R.S.O. 1950, c. 210, s. 141.

Effect of  
R.S.O. 1960,  
c. 218

**144.** The provisions of this Act and the regulations relating to the sale, purchase, having, supplying, serving and consuming of liquor shall be read and construed subject to *The Liquor Licence Act*. R.S.O. 1950, c. 210, s. 142.

C.T.A.  
areas  
R.S.C. 1952,  
c. 30

**145.—(1)** This Act does not apply in an area in Ontario in which the *Canada Temperance Act* is in force.

Application  
of Act upon  
C.T.A.  
ceasing to  
be in force

**(2)** Upon the *Canada Temperance Act* ceasing to be in force in an area, this Act, subject to section 69 of *The Liquor Licence Act*, applies in such area. R.S.O. 1950, c. 210, s. 143.

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