1937

c 294 Liquor Control Act

Ontario

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5. SALE OF INTOXICATING LIQUORS.

CHAPTER 294.
The Liquor Control Act.

PRELIMINARY.

1. In this Act,—

(a) "Authority" shall mean an authority issued by the "Authority," Board under Part IV for the sale of beer and wine or beer or wine, and "authorized premises" shall mean a standard hotel or other premises for which an authority is issued; 1934, c. 26, s. 3 (1).

(b) "Beer" shall mean 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 and containing more than two and one-half per centum by volume at sixty degrees Fahrenheit of absolute alcohol, and "light beer" shall mean any beverage containing one per centum but not more than two and one-half per centum by volume at sixty degrees Fahrenheit of absolute alcohol; R.S.O. 1927, c. 257, s. 1, cl. (a).

(c) "Board" shall mean Liquor Control Board of Ontario;

(d) "Dentist" shall mean a member of the Royal College "Dentist," of Dental Surgeons of Ontario registered under The Dentistry Act holding a valid and unrevoked certificate of license to practise dentistry under the said Act;

(e) "Druggist" shall mean a pharmaceutical chemist "Druggist," registered and entitled to practise under The Pharmacy Act;

(f) "Government store" shall mean store established by "Government store," the Board under this Act for the sale of liquor;
"Interdicted person." (g) "Interdicted person" shall mean a person to whom the sale of liquor is prohibited by order under this Act;

"Justice." (h) "Justice" shall mean magistrate and where no magistrate is available shall include two or more justices of the peace or any person having the power or authority of two or more justices; R.S.O. 1927, c. 257, s. 1, cls. (c-h).

"Last revised list of the municipality." (i) "Last revised list of the municipality" shall mean the voters' list for the municipality as revised for the last election to the Assembly; 1936, c. 34, s. 2 (1).

"License." (j) "License" shall mean a license issued by the Board to a brewer, distiller or manufacturer of native wine under this Act or the regulations; 1934, c. 26, s. 3 (2).

"Liquor." (k) "Liquor" shall mean and include any alcohol, alcoholic, spirituous, vinous, fermented malt or other intoxicating liquor or combination of liquors and mixed liquor a part of which is spirituous, vinous, fermented or otherwise intoxicating and all drinks or drinkable liquids and all preparations or mixtures capable of human consumption which are intoxicating, and any liquor which contains more than two and one-half per centum by volume at sixty degrees Fahrenheit of absolute alcohol shall conclusively be deemed to be intoxicating; the term "liquor" shall include wine and beer but shall not include light beer; R.S.O. 1927, c. 257, s. 1, cl. (i); 1934, c. 26, s. 3 (3).

"Minister." (l) "Minister" shall mean the member of the Executive Council to whom for the time being is assigned the supervision of the administration of this Act; R.S.O. 1927, c. 257, s. 1, cl. (j).

"Native wine." (m) "Native wine" shall mean wine manufactured from grapes, cherries or apples grown in Ontario and shall include native wine to which has been added water, honey or sugar and shall also include native wine fortified with the distillate of grapes grown in Ontario; 1932, c. 33, s. 2 (1); 1936, c. 34, s. 2 (2).

"Package." (n) "Package" shall mean any container, bottle, vessel or other receptacle used for holding liquor;

"Permit." (o) "Permit," except in section 85 of this Act, shall mean permit for the purchase of liquor or beer issued by
the Board and in section 85 shall mean permit for the sale of light beer;

(p) "Physician" shall mean legally qualified medical practitioner registered under The Medical Act;

(q) "Prescription" shall mean 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;

(r) "Public place" shall mean and include any place, building or convenience to which the public has, or is permitted to have, access, and any highway, street, lane, park or place of public resort or amusement;

(s) "Regulations" shall mean regulations made by the Board and approved by the Lieutenant-Governor in Council under this Act;

(t) "Residence" shall mean and include any building or part of a building or tent where a person resides but shall not include any part of a building which part is not actually and exclusively used as a private residence, nor any part of a hotel or club other than a private guest room thereof, nor any place from which there is access to a club or hotel except through a street or lane or other open and unobstructed means of access;

(u) "Sale" and "sell" shall include exchange, barter and traffic and shall also include the selling or supplying or distribution, by any means whatsoever, of liquor or of any liquid known or described as beer or light 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;

(v) "Veterinary" shall mean a person authorized to practise veterinary science in Ontario under The Veterinary Science Practice Act; R.S.O. 1927, c. 257, s. 1, Rev. Stat., c. 239, cl. (1-t).

(w) "Wine" shall mean and include any liquor obtained by the fermentation of the natural sugar contents of fruits, including grapes, apples, or other agricultural products containing sugar, and including honey or milk. 1932, c. 33, s. 2 (2).
2. It is hereby expressly declared that the division of this Act into parts is for convenience only. R.S.O. 1927, c. 257, s. 2.

3.—(1) Subject as in subsection 2 provided, wherever in any section of this Act the words “this Act” occur and are not immediately preceded or followed by the words “or the regulations” or the words “and the regulations” or words of like import, the words “this Act” shall be deemed to include and refer also to the regulations.

(2) The provisions of subsection 1 shall not apply or extend to the words “this Act” where they occur in sections 47 and 48, the last line of subsection 2 of section 57, section 58, the last line of section 59, 60 or 61, the last line of subsection 2 of section 64, subsection 1 of section 65, subsection 1 of section 66, subsections 2 and 4 of section 66, the ninth line of subsection 2 of section 95, section 102, subsection 1 of section 107, subsection 2 of section 111, sections 115 and 120, the fourth and eleventh lines of section 129, section 132, subsection 2 of section 134, the first line of section 137, sections 139, 141 and 142, subsection 3 of section 151, section 155, section 156 other than subsection 15 thereof, and sections 157 and 158. 1934, c. 26, s. 4.

PART I.

ADMINISTRATION OF THIS ACT, CREATION OF BOARD AND ITS POWERS AND FUNCTIONS.

4. There shall be a Board known as “The Liquor Control Board of Ontario” consisting of one, two or three members as may be determined from time to time by the Lieutenant-Governor in Council, with the powers and duties herein specified, and the administration of this Act, including the general control, management and supervision of all Government liquor stores shall be vested in the Board. R.S.O. 1927, c. 257, s. 3.

5. 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 he may designate any member or an 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 shall have and may exercise and perform all the powers, duties and functions of the Chief Commissioner. R.S.O. 1927, c. 257, s. 4.
6. The Lieutenant-Governor in Council shall,—
   (a) appoint the member or members of the Board;
   (b) specify what member or members shall constitute a quorum of the Board;
   (c) fix the salaries of the members of the Board. R.S.O. 1927, c. 257, s. 5.

7. The principal office of the Board shall be at the seat of Government at Toronto. R.S.O. 1927, c. 257, s. 6.

8. 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. 1927, c. 257, s. 7.

9. No regulation of the Board shall be valid or binding unless it is assented to by the Chief Commissioner or in his absence by such member or official of the Board as the Lieutenant-Governor in Council may designate. R.S.O. 1927, c. 257, s. 8.

10. It shall be the duty of the Board and it shall have power,—
   (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; R.S.O. 1927, c. 257, s. 9, cl. (a); 1928, c. 44, s. 2.
   (b) to control the possession, sale, consumption, transportation and delivery of liquor in accordance with the provisions of this Act and the regulations; R.S.O. 1927, c. 257, s. 9, cl. (b); 1928, c. 44, s. 3; 1934, c. 26, s. 5 (1).
   (c) to determine the municipalities within which Government liquor stores shall be established throughout the Province, and the situation of the stores in any municipality; R.S.O. 1927, c. 257, s. 9 cl. (c).
   (d) to make provision for the maintenance of warehouses for beer, wine or liquor and to control the keeping in and delivery of or from any such warehouses; R.S.O. 1927, c. 257, s. 9, cl. (d); 1934, c. 26, s. 5 (2).
   (e) to grant, refuse, suspend or cancel permits for the purchase of liquor; R.S.O. 1927, c. 257, s. 9 cl. (e); 1934, c. 26, s. 5 (3).
Leasing premises.  
(f) to lease any land or building required for the purposes of this Act;

Acquisition of plant, etc.  
(g) to purchase or lease or acquire the use by any manner whatsoever of any plant or equipment which may be considered necessary or useful in carrying into effect the object and purposes of this Act;

Expert advice.  
(h) to engage the services of experts and persons engaged in the practice of any profession where it is deemed expedient;

Appointment of officials to issue permits.  
(i) to appoint officials to issue and grant permits under this Act;

Packages.  
(j) to determine the nature, form and capacity of all packages to be used for containing liquor to be kept or sold under this Act;

Vendors of sacramental wines.  
(k) to appoint one or more vendors of sacramental wines in any municipality and to regulate or restrict the keeping for sale, sale and delivery of such wine;

General.  
(l) without in any way limiting or being limited by the foregoing clauses generally to do all such things as may be deemed necessary or advisable by the Board for the purpose of carrying into effect the provisions of this Act or the regulations. R.S.O. 1927, c. 257, s. 9, cls. (f-l).

Regulations.  
11.—(1) The Board with the approval of the Lieutenant-Governor in Council may make such regulations not inconsistent with this Act as the Board may deem necessary for carrying out the provisions of this Act and for the efficient administration thereof, and such regulations shall be published in the Ontario Gazette, and upon being so published shall have the same force and effect as if enacted in this Act and any such regulations may be repealed, altered or amended from time to time by the Board subject to like approval and the publication of such alteration, repeal or amendment in the manner aforesaid. R.S.O. 1927, c. 257, s. 10 (1).

Power of Board to make regulations.  
(2) Without limiting the generality of the provisions contained in subsection 1 it is declared that the powers of the Board to make regulations in the manner set out in the said subsection shall extend to and include the following,—

Regulating equipment.  
(a) regulating the equipment and management of Government stores and warehouses in which liquor may be kept or sold;
(b) prescribing the duties of the officers, inspectors, clerks and servants of the Board and regulating their conduct while in the discharge of their duties;

(c) governing the purchase of liquor and the furnishing of liquor to Government stores established under this Act;

(d) determining the classes, varieties and brands of liquor to be kept for sale at Government stores;

(e) prescribing, subject to this Act, the days and hours at which Government liquor stores or any of them shall be kept open for that purpose;

(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 under this Act;

(g) prescribing the books of account to be kept by the Board showing the expenditure of the Board in the administration of the Act and in the purchase, sale and delivery of liquor thereunder and the receipts of the Board from the sale of liquor in any Government store or from the issue of permits for the purchase of liquor;

(h) prescribing an official seal and official labels and determining the manner in which such seal or label shall be attached to every package of liquor sold or sealed under this Act, including the prescribing of different official seals or different official labels for the different classes, varieties and brands of liquor;

(i) prescribing forms to be used for the purposes of this Act or of the regulations made thereunder, and the terms and conditions in permits and licenses issued and granted under this Act;

(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; R.S.O. 1927, c. 257, s. 10 (2), cls. (a–j).

(k) prescribing the kinds and quantities of liquor which may be sold or purchased under permits or authorities of any class including the quantity which may be sold or purchased at any one time or within any specified period of time and the alcoholic content of any such liquor; 1934, c. 26, s. 6 (1).
<table>
<thead>
<tr>
<th>Section</th>
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<tr>
<td>(l)</td>
<td>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;</td>
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<td>(m)</td>
<td>prescribing the manner of giving and serving notices required by this Act or the regulations made thereunder; R.S.O. 1927, c. 257, s. 10 (2), cl. (l, m).</td>
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<td>(n)</td>
<td>prescribing the duties of officials authorized to issue permits and authorities under this Act; R.S.O. 1927, c. 257, s. 10 (2), cl. (n); 1934, c. 26, s. 6 (2).</td>
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<tr>
<td>(o)</td>
<td>prescribing the fees payable in respect of permits, licenses and authorities issued under this Act, and prescribing the tax, fees and assessments payable by any brewer, distiller or manufacturer of native wine; 1935, c. 35, s. 2.</td>
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<tr>
<td>(p)</td>
<td>prescribing, subject to the provisions of this Act, the books, records and returns to be kept by the holder of any license for the sale of liquor under this Act;</td>
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<td>(q)</td>
<td>supervising the distribution of supplies and the manner in which liquor may be kept and stored;</td>
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<td>(r)</td>
<td>supervising the hours and days upon which, and the manner, methods and means by which vendors and brewers shall deliver liquor under this Act and the hours and days during which, and the manner, methods and means by which liquor, under this Act, may be lawfully conveyed and carried; R.S.O. 1927, c. 257, s. 10 (2), cl. (p-r).</td>
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<td>(s)</td>
<td>governing the purchase, keeping, offering for sale, sale and serving of beer and wine which may be sold by any person to whom an authority is issued under this Act; 1934, c. 26, s. 6 (3).</td>
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<td>(t)</td>
<td>governing the conduct, management and equipment of any premises upon which liquor may be sold or consumed under this Act;</td>
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<tr>
<td>(u)</td>
<td>generally for the better carrying out of the provisions of this Act. R.S.O. 1927, c. 257, s. 10 (2), cl. (s, t).</td>
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12. 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, subject to the restrictions set out in subsection 1 of section 11 shall have
the power to make regulations respecting such act, matter or thing. R.S.O. 1927, c. 257, s. 11.

13. The Board may with the approval of the Lieutenant-Governor in Council,—

(a) purchase any land or building and equip any building required for the purposes of this Act 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;

(b) appoint such officers, inspectors, vendors, servants and agents as the Board may deem necessary in the administration of this Act and by regulation prescribe the terms of their employment, fix their salaries or remuneration and define their respective duties and powers. R.S.O. 1927, c. 257, s. 12.

OWNERSHIP OF PROPERTY ACQUIRED BY THE BOARD, FINANCING AND ACCOUNTING BY THE BOARD AND APPLICATION OF PROFITS.

14. 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, shall be the property of the Crown in right of the Province of Ontario, and all expenses, debts and liabilities incurred by the Board in connection with the administration of this Act shall be paid by the Board from the moneys received by the Board under such administration. R.S.O. 1927, c. 257, s. 13.

15.—(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 as he may require, and shall annually make to the Lieutenant-Governor in Council, through the Minister, a report for the twelve months ending on the 31st day of October in the year in which the report is made, which shall contain,—

(a) a statement of the nature and amount of the business transacted by the vendors under this Act during the year;

(b) a statement of its assets and liabilities including a profit and loss account, and such other accounts and matters as may be necessary to show the results of operations of the Board for the year;
(c) general information and remarks as to the working of the law within the Province;

(d) any other information requested by the Minister. R.S.O. 1927, c. 257, s. 14 (1); 1928, c. 44, s. 4.

Every annual report made under this section shall be forthwith laid before the Legislature if the Legislature is then in session, and if not then in session shall be laid before the Legislature within fifteen days after the opening of the session following the close of the fiscal year.

The books and records of the Board shall at all times be subject to examination and audit by the Provincial Auditor and to such other person as the Lieutenant-Governor in Council may authorize in that behalf. R.S.O. 1927, c. 257, s. 14 (2, 3).

The Treasurer of Ontario may set aside out of the Consolidated Revenue Fund such sums as he shall deem necessary and requisite for the purchase of liquor by the Board, and for other necessary purposes in the administration of this Act. R.S.O. 1927, c. 257, s. 15 (1).

The Board shall make all payments necessary for its administration of this Act, 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. R.S.O. 1927, c. 257, s. 16.

All moneys received from the sale of liquor at Government stores or from license fees, or otherwise arising in the administration of this Act other than from permit fees, shall be paid to the Board.

All moneys received in fees for permits for the purchase of liquor shall be paid to the Treasurer of Ontario to be accounted for as part of the general revenue of the Province and shall not be included in any statement of profit and loss of the Board. R.S.O. 1927, c. 257, s. 17.

All accounts payable by the Board shall be audited by such person as may be 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 may be designated by the Board for that purpose. R.S.O. 1927, c. 257, s. 18; 1928, c. 44, s. 5.
20. The accounts of the Board shall be made up to the 31st day of October in each year, and at such other times as may be 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 the same to the Provincial Auditor for his certification. R.S.O. 1927, c. 257, s. 19.

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 may appoint, and the report of such auditor containing such particulars as the Lieutenant-Governor in Council may require 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. 1927, c. 257, s. 20.

22. From the profits received under this Act as certified by the auditor there shall be taken such sums as may be determined by the Lieutenant-Governor in Council for the creation of a reserve fund to meet any loss that may be incurred by the Government in connection with the administration of this Act. R.S.O. 1927, c. 257, s. 21.

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 may be designated by the Lieutenant-Governor in Council. 1935, c. 35, s. 3.

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 may direct. R.S.O. 1927, c. 257, s. 23.

25. Every vendor and every official authorized by the Board to issue permits or authorities under this Act may administer any oath and take and receive any evidence or declaration required under this Act or the regulations. R.S.O. 1927, c. 257, s. 24; 1934, c. 26, s. 7.

26.—(1) Except with the consent of the Minister no action or proceeding shall be taken against any member or members of the Board for
Order of Board not subject to review.

(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 shall be 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. R.S.O. 1927, c. 257, s. 25.

Board may be sued and sued in name of office.

27. 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 such Board were incorporated under such name or title 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 been made. R.S.O. 1927, c. 257, s. 26.

Orders for purchase of liquor.

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

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

(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. 1927, c. 257, s. 27.

Security for observance of Act.

29. Subject to the regulations the Board may require the holder of any license for the sale of liquor to give such security and to comply with such other provisions as the Board may deem necessary or desirable in order to secure the due observance of the provisions of this Act. R.S.O. 1927, c. 257, s. 28.

Board not compellable to issue permits, etc.

30. Notwithstanding anything in this Act contained the Board shall not be compellable to issue any permit, license or authority under this Act and may refuse, suspend or cancel any such permit, license or authority in its discretion and shall not be obliged to give any reason or explanation for such refusal, suspension or cancellation. 1934, c. 26, s. 8.
PART II.

ESTABLISHMENT OF GOVERNMENT STORES AND SALES UNDER PERMITS.

31. Stores to be known as Government stores may be established by the Board at such places in the Province as are considered advisable for the sale of liquor in accordance with the provisions of this Act and the regulations made thereunder, and the Board may from time to time fix the prices at which the various classes, varieties and brands of liquor shall be sold and such prices shall be the same at all such Government stores. R.S.O. 1927, c. 257, s. 30.

32. The sale of liquor at each Government store shall be conducted by a person appointed under this Act to be known as a "vendor" who shall, under the directions of the Board, be responsible for the carrying out of this Act and the regulations made thereunder, so far as they relate to the conduct of such store and the sale of liquor thereat. R.S.O. 1927, c. 257, s. 31.

33. — (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 the provisions of this Act and the regulations made thereunder.

(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 such 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 and endorsement by the vendor; and

(c) the purchaser has paid for the liquor in cash; and

(d) the vendor has endorsed or caused to be endorsed on the permit the kind and quantity of the liquor sold and the date of the sale. R.S.O. 1927, c. 257, s. 32.

34. Except as provided by this Act and the regulations, no liquor shall be sold to any purchaser except in a package sealed with the official seal as prescribed by this Act and such package shall not be opened on the premises of a Government store. R.S.O. 1927, c. 257, s. 33; 1930, c. 51, s. 2.
35. 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 or shall any person consume any liquor on such premises. R.S.O. 1927, c. 257, s. 34.

36. 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,—

(a) on any holiday;

(b) on any day on which polling takes place at any Dominion 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 of Ontario;

(d) during such other periods and on such other days as the Board may direct. R.S.O. 1927, c. 257, s. 35.

37. It shall be 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 when permitted so to do by this Act and the regulations made thereunder and in accordance therewith, it shall be 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 such beer was manufactured, or from premises where the beer may be lawfully kept and sold, to any place in Ontario to which the same may be lawfully delivered under this Act and the regulations made thereunder, provided that no such common carrier or any other person shall open, or break, or allow to the 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. 1927, c. 257, s. 36; 1929, c. 69, s. 2.

38.—(1) The Board may issue two classes of permits under this Act for the purchase of liquor.—

(a) Individual permits;

(b) Special 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 the Board or such official may issue to the applicant a permit of the class applied for, as follows,—

(a) an "individual permit" in the prescribed form may be granted to an individual of the full age of twenty-one years, who has resided in the Province for the period of at least one month immediately preceding the date of his making the application, and who is not disqualified under this Act, entitling the applicant to purchase liquor in accordance with the terms and provisions of the permit, and the provisions of this Act, and the regulations made thereunder;

(b) an "individual permit" in the prescribed form may be granted to an individual of the full age of twenty-one years, who is temporarily resident or sojourning in the Province and who is not disqualified under this Act, entitling the applicant during a period not exceeding one month to purchase liquor in accordance with the terms and provisions of the permit, and the provisions of this Act and the regulations made thereunder;

(c) a "special permit" in the prescribed form may be granted to a druggist, physician, dentist or veterinarian, or to a person engaged within the Province in mechanical or manufacturing business, or in scientific pursuits, requiring liquor for use therein, entitling the applicant to purchase liquor for the purpose named in such "special permit" and in accordance with the terms and provisions of such "special permit" and in accordance with the provisions of this Act, and the regulations made thereunder;

(d) a "special permit" in the prescribed form may be granted to a priest, minister of the gospel, or any other minister of any religious faith authorized to solemnize marriage in Ontario, entitling the applicant to purchase wine for sacramental purposes in accordance with the terms and provisions of such "special permit";

(e) a "special permit" in the prescribed form may be granted when authorized by the regulations, entitling the applicant to purchase liquor for the purpose named in the permit and in accordance with the
terms and provisions of such permit, and of this Act and the regulations made thereunder.

(3) No one, who has been convicted of keeping, frequenting or being an inmate of a disorderly house, shall be entitled to a permit until after the expiration of at least one year from the date of such conviction.

(4) Notwithstanding any other provisions of this Act, 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. R.S.O. 1927, c. 257, s. 37.

(5) Notwithstanding the provisions of this Act 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 any permit therefor being necessary for such time and upon and subject to such conditions and restrictions as the regulations may prescribe, and when and during the time the purchase, having, possession and consumption of beer or wine is authorized without any permit therefor being necessary, 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. 1934, c. 26, s. 9.

39. Unless sooner cancelled, every permit shall expire at midnight on the the 31st day of October of the year in respect to which the permit is issued, except in the case of,—

(a) special permits issued under clause c of subsection 2 of section 38, which shall expire in accordance with the terms contained therein;

(b) a permit which, according to its terms, sooner expires. R.S.O. 1927, c. 257, s. 38.

40. Every permit shall be issued in the name of the applicant therefor and no permit shall be transferable nor shall the holder of any permit allow any other person to use the permit. R.S.O. 1927, c. 257, s. 39.

41. 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. 1927, c. 257, s. 40.

42. No person who is the holder of an unexpired individual permit under this Act, shall make application for, or be entitled to hold any other individual permit whether of the same or another class; provided, however, that the holder of a subsisting and unexpired 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, 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 fifty cents shall be paid. R.S.O. 1927, c. 257, s. 41.

43.—(1) Liquor purchased by any person under the provisions of this Act and the regulations, may be kept, had, given or consumed only in the residence in which he resides, except as otherwise provided by this Act and the regulations. 1930, c. 51, s. 3; 1936, c. 34, s. 3.

(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 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 such residence or rooms or both, shall cease to be a residence within the meaning of this Act for a period of one year after the date of such conviction; provided that 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 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. 1929, c. 69, s. 3.
44. (1) Notwithstanding anything in this Act contained, the Board may for any cause which it deems sufficient with or without any hearing cancel or suspend any permit granted for the purchase of liquor under this Act.

(2) The justice before whom any holder of a permit issued under this Act is convicted of a violation of any provision of this Act, or of the regulations made thereunder, may suspend the permit for a period not exceeding one month, and thereafter the justice shall forthwith notify the holder and the Board of the suspension of the permit.

(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, which has been suspended, fails or neglects to deliver the same to the Board, in accordance with the regulations made hereunder, the Board may forthwith cancel the same.

(4) Where the permit has been suspended the Board may return the permit to the holder at the expiration or determination of the period of suspension. R.S.O. 1927, c. 257, s. 43 (1-4).

(5) Where the permit has been cancelled the Board shall notify all vendors and such other persons as may be 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 shall be in the discretion of the Board. 1932, c. 33, s. 3.

(6) Where a permit is produced at a Government store by a person who is not entitled under the provisions of this Act or of the regulations to hold such permit or produce the same at the store, or where any 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 such permit in his custody and shall forthwith notify the Board of the fact of its retention, and the Board, unless such permit has been cancelled, may forthwith cancel the same; provided nevertheless that the proper holder of any lost subsisting permit which may be improperly produced as aforesaid may, upon satisfactory proof to the Board that he was not privy to such improper use, obtain a return of such permit. R.S.O. 1927, c. 257, s. 43 (6).

(7) Notwithstanding anything in this Act contained where any permit granted for the purchase of liquor under this Act is cancelled, all the liquor purchased under such permit and in the possession of the permit holder at the date of cancellation.
shall ipso facto be forfeited to His Majesty in the right of the Province. 1929, c. 69, s. 4.

45. No permit shall be issued under this Act to any person to whom the sale of intoxicants is prohibited under the provisions of any Act of the Dominion of Canada. R.S.O. 1927, c. 257, s. 44.

46.—(1) The Board may with the approval of the Minister and subject to the provisions of this Act, and to the regulations made thereunder grant a license to any brewer duly authorized by the Dominion of Canada authorizing such brewer or any lawfully appointed agent of such brewer,—

(a) to keep for sale and sell beer to the Board; R.S.O. 1927, c. 257, s. 45 (1), cl. (a).

(b) to deliver beer on the order of the Board or of a vendor to any person named in such order at the address therein stated; 1934, c. 26, s. 10 (1).

(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. 1934, c. 26, s. 10 (2).

(2) No brewer or brewer's agent shall keep for sale, sell or deliver beer except as provided in this Act and the regulations made thereunder. R.S.O. 1927, c. 257, s. 45 (1), cl. (c); 1932, c. 33, s. 4 (1).

(3) Every brewer shall make to the Board in every month a return in the form which the Board shall provide showing the gross amount of the sales of beer made by such brewer and his agents; provided that the Board may at any time by notice in writing to a brewer or brewer's agent require such a return of sales by a brewer or any brewer's agent, as the case may be, for any period mentioned in such notice, and such return shall be made by such brewer or brewer's agent within three days of the receipt by such brewer or brewer's agent of such notice. R.S.O. 1927, c. 257, s. 45 (2); 1932, c. 33, s. 4 (1).

47. Any 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 shall be guilty of an offence under this Act, and shall be 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. 1927, c. 257, s. 46.

48. Any brewer or brewer's agent who makes default in forwarding a return required by the proviso of section 46.
within the time required by a notice given pursuant to the said proviso shall be guilty of an offence under this Act and shall be liable to a fine of $20 per day for each day during which such default continues. R.S.O. 1927, c. 257, s. 47.

49.—(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.

(2) Any brewer or brewer's agent who refuses to allow such examination or who fails to make returns in accordance with the regulations of the Board shall be guilty of an offence and liable to a fine of $100 for each offence. R.S.O. 1927, c. 257, s. 48.

50. No premises shall be constructed and equipped so as to facilitate any breach of this Act or the regulations made thereunder. R.S.O. 1927, c. 257, s. 49; 1934, c. 26, s. 11.

51. Every brewer shall from time to time as he may be required by the Board, furnish samples of his beer to be sold within the Province and the Board shall be entitled and is hereby authorized to require of any brewer samples of any beer then being sold within the Province, or in stock by the brewer, or which may be in the course of manufacture for sale within the Province and the said brewer shall forthwith furnish the same to the Board, and every brewer failing to do so as herein required by the Board shall be guilty of an offence and liable to a penalty not exceeding $100. R.S.O. 1927, c. 257, s. 50.

52.—(1) The Board may, with the approval of the Minister, and subject to the provisions of this Act and to the regulations made thereunder, grant a license to a distiller authorizing such distiller to keep for sale and sell liquor to the Board or as the Board may direct.

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

(3) No distiller shall keep for sale, sell or deliver liquor except as provided by this Act and the regulations made thereunder. R.S.O. 1927, c. 257, s. 51.

53. Every license or authority issued under this Act unless sooner cancelled or determined shall expire at midnight on the
31st day of October in the year in which the same is issued. 1934, c. 26, s. 12.

54. The Board may for any cause which it deems sufficient with or without any hearing, cancel or suspend any license granted 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 shall be suspended or determined as the case may be. R.S.O. 1927, c. 257, s. 53.

LIQUOR KEPT AND SOLD UNDER SPECIAL PERMITS.

55. Any druggist may have in his possession alcohol purchased by him from a vendor under a special permit pursuant to this Act, 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. 1927, c. 257, s. 54.

56. Except as authorized or permitted by this Act or by the regulations made thereunder 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. 1927, c. 257, s. 55.

57.—(1) Any physician who is lawfully and regularly engaged in the practice of his profession in the Province of Ontario 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, 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.

(2) Every physician who gives any prescription or administers or sells any liquor in evasion or violation of this Act, or who gives to or writes for any person a prescription for or including liquor for the purpose of enabling or assisting any
Sale of liquor by vendors on prescription.

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

(a) beer in quantities not exceeding 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 the authority of section 57 shall contain a certificate that the quantity of liquor therein mentioned is the minimum quantity necessary for the patient for whom it is ordered.

(3) Any violation of this section shall be an offence against this Act.

(4) No more than one sale and one delivery shall be made on any one prescription. R.S.O. 1927, c. 257, s. 57.

Dentists.

59. Any dentist who deems it necessary that any patient being then under treatment by him should be supplied with liquor as a stimulant or restorative may administer to the patient the liquor so needed, and for that purpose the dentist shall administer liquor purchased by him under special permit pursuant to this Act, 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 violation of this Act, shall be guilty of an offence against this Act. R.S.O. 1927, c. 257, s. 58.

Veterinary surgeons.

60. Any veterinary who deems it necessary may in the 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, 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 evades or violates or suffers or permits any evasion of this section shall be guilty of an offence against this Act. R.S.O. 1927, c. 257, s. 59.

61. Any person in charge of an institution regularly conducted 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, 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 the same, either by way of external application or otherwise for the 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 evasion or violation of this Act, shall be guilty of an offence against this Act. R.S.O. 1927, c. 257, s. 60.

APPLICATION OF ACT.

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

(2) Nothing in this Act shall prevent,—

(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. R.S.O. 1927, c. 257, s. 61.

63. Except as otherwise provided by this Act, or by the regulations, a druggist or manufacturer of patent or proprietary medicines may sell such medicine in the original and unbroken package if such medicine contains sufficient medication to prevent its use as an alcoholic beverage. 1928, c. 44, s. 7.

64.—(1) Except as otherwise expressly provided in this Act or as provided by regulation, nothing in this Act shall prevent 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, 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 shall only apply to any such compound, mixture and preparation as contains sufficient medication to prevent its use as an alcoholic beverage. R.S.O. 1927, c. 257, s. 63 (1); 1928, c. 44, s. 8.

(2) If in any prosecution for selling any of the products mentioned in section 63, 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 the same 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 such product was used for beverage purposes, the person selling or otherwise disposing of the same may be convicted of an offence under subsection 1 of section 87 of this Act. R.S.O. 1927, c. 257, s. 63 (2); 1928, c. 44, s. 9; 1936, c. 34, s. 4.

65.—(1) Any person who obtains or consumes for beverage purposes any of the products mentioned in section 63 or 64 shall be guilty of an offence, and liable to the penalties prescribed by subsection 3 of section 120 of this Act. 1928, c. 44, s. 10; 1936, c. 34, s. 5 (2).

(2) Except as otherwise expressly provided in this Act, no person shall, within Ontario, 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 intoxicating liquor. 1930, c. 51, s. 4.

66.—(1) Where the justice before whom a complaint is heard finds that any patent or proprietary medicine mentioned
or referred to in section 63 or any other medicine, preparation or mixture mentioned or referred to in section 64 does not contain sufficient medication to prevent the same being used as an alcoholic beverage, the offender shall incur the penalties imposed as in the case of sale of liquor contrary to subsection 1 of section 87 of this Act.

(2) It shall not be 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 the same being used as an alcoholic beverage, but it shall be sufficient if the complaint and all other necessary statements of the offence allege or refer to the sale of liquor in contravention of this Act.

(3) The Department of Health, on complaint being made to the said Department 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 said Department that such patent or proprietary medicine or other medicine, preparation or mixture contains more than one per centum by volume at 60 degrees Fahrenheit of absolute alcohol and that the medication found therein is not sufficient to prevent its use as an alcoholic beverage, the said Department shall certify accordingly, and such certificate signed or purporting to be signed by the Minister or Deputy Minister of Health shall be 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 said 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 said Department so certifies.

(4) If the said Department should find and certify by certificate signed or purporting to be signed as provided by subsection 3 that the said patent or proprietary medicine or other medicine, preparation or mixture contains any medication which, 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 consecutively published twice in the Ontario Gazette, shall be an
offence against this Act and any person on conviction therefor shall incur the penalties provided by subsection 1 of section 121 of this Act, unless the same has been so sold upon the written order of a medical practitioner.

(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. 1927, c. 257, s. 65.

67.—(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 such 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.

Penalty. 

(2) Any person who refuses to comply with such a request shall incur a penalty of not less than $10 nor more than $40. R.S.O. 1927, c. 257, s. 66.

68.—(1) Every brewer shall on all beer or light beer manufactured and bottled by him for sale or consumption within the Province of Ontario, place a crown cork stopper or other stopper showing thereon by embossing on the outside thereof or by lithographing on the outside and inside thereof the name of the brewer and such other information as to the contents or otherwise as the Board may from time to time require and shall also cause the same information to be branded in or labelled on all casks, barrels, kegs or other vessels containing such beer or light beer so manufactured as the Board may determine.

Penalty. 

(2) Any brewer violating the provisions of this section shall be guilty of an offence and shall for such offence incur a penalty of $2,000. R.S.O. 1927, c. 257, s. 66.

PART III.

LOCAL OPTION.

69.—(1) Except as provided by this Act and the regulations, no Government store shall be established by the Board for the sale of liquor, and beer and wine shall not be sold in any municipality or portion of a municipality in which at the time of the coming into force of The Ontario Temperance Act a by-law passed under The Liquor License Act or under any other Act, was in force prohibiting the sale of liquor by retail unless and until a vote has been taken to establish Government
stores or for the sale of beer and wine under the provisions of
this Act and the regulations in the manner herein provided.
1935, c. 35, s. 5 (1).

(2) The council of any municipality in which such by-law
was in force may submit to a vote of the persons qualified to be
entered on the voters’ list and to vote at elections to the As-
sembly in the municipality, one of the following questions:

(a) Are you in favour of the establishment of Govern-
ment stores for the sale of liquor under The Liquor
Control Act?

or

(b) Are you in favour of the sale of beer and wine under
the provisions of The Liquor Control Act?

and if a petition in writing signed by at least twenty-five per
centum of the total number of persons appearing by the last
revised list of the municipality to be resident in the munici-
pality and qualified to vote at elections to the Assembly, re-
questing the council to submit either of the said questions, is
filed with the clerk of the municipality and with the Board, it
shall be the duty of the council to submit such question and no
other to a vote of the electors, and if three-fifths of the electors
voting upon the said question vote in the affirmative thereon, it
shall be lawful to establish Government stores in the munici-
pality for the sale of liquor and it shall also be lawful for the
Board to authorize the sale of beer and wine in such munici-
pality under the provisions of this Act, and the regulations as
the case may be, until another vote is taken as herinafter pro-
vided.

(i) Not more than one of such questions shall be sub-
mitted to the electors of any municipality at one time;
and

(ii) Where petitions are presented praying for the sub-
mission of different questions, the question to be sub-
mitted shall be that asked for in the first petition filed.
1935, c. 35, s. 5 (2).

(3) Where a Government store or stores has or have been
established or where the sale of beer and wine under the pro-
visions of this Act and the regulations is authorized in any
municipality, the council may, as provided in subsection 2, and
subject to the same provisions and on petition as in the case
provided for by the said subsection, shall submit to the electors
in the same manner, whichever of the following questions may
be applicable under the existing circumstances:
(a) Are you in favour of the continuance of Government stores for the sale of liquor under The Liquor Control Act?

or

(b) Are you in favour of the continuance of the sale of beer and wine under the provisions of The Liquor Control Act?

and if three-fifths of the electors voting on the said question vote in the negative, from and after the 31st day of March in the next following year, any Government store established in the municipality shall be closed, or the sale of beer and wine upon authorized premises shall be discontinued, as the case may be, according to which of the said questions was submitted.

1935, c. 35, s. 5 (3); 1936, c. 34, s. 7 (1).

(4) At least five weeks before the taking of a vote upon any question under this section, the electors interested in obtaining an affirmative answer and negative answer respectively to the question may notify the returning officer in writing, signed by at least twenty-five electors, that they have appointed a manager for their side of the question and the manager may appoint agents at the polling places and generally shall have all the powers and perform all the duties and be subject to the like provisions as far as practicable as a candidate at an election to the Assembly, and in case more than one person is named as manager, the first person named on either side shall be manager. R.S.O. 1927, c. 257, s. 69 (4); 1936, c. 34, s. 7 (2).

(5) When any petition has been filed with the clerk of the municipality pursuant to the provisions of this section, the clerk shall give notice in writing of such filing to each of the managers, and the managers shall, for a period of four weeks from the date of such notice, be entitled to examine and inspect the petition. 1936, c. 34, s. 7 (3).

(6) The day fixed for taking the vote on any question shall be the day upon which under The Municipal Act, or any by-law passed under that Act, a poll would be held at the annual election of members of the council of the municipality unless the Board fix some other day and notify the clerk of the municipality to that effect on or before the 1st day of November of the year in which the vote is taken; but a poll shall not be held on any such question until after the expiration of two months from the passing of a by-law for submitting the question, where the council submits the same without a petition, nor until after the expiration of two months from the filing of the petition, as the case may be. 1929, c. 69, s. 6 (2).

(7) The person qualified to vote upon such question shall be such persons as are named upon the polling list and would be qualified in other respects to vote at an election to the As-
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Assembly held on the day fixed for taking the poll upon the question; provided that in the event of the taking of a vote under subsection 3, notwithstanding anything contained in any statute of this Legislature, persons resident in any portion of a municipality in which at the time of the coming into force of The Ontario Temperance Act a by-law under The Liquor License Act or under any other Act, was in force prohibiting the sale of liquor by retail, shall not be entitled to sign a petition pursuant to this section, excepting a petition respecting only such portion of the municipality, and shall not be entitled to vote on the said question unless and until a vote has been taken in such portion of the municipality on one of the questions set out in subsection 2, and three-fifths of the electors voting on such question have voted in the affirmative. 1936, c. 34, s. 7 (4).

(8) Except as otherwise provided by this Act, the provisions of The Election Act and The Voters' Lists Act respecting,—

(a) the preparation and revision of the lists;
(b) the time and manner of holding the poll;
(c) the holding of advance polls;
(d) the forms to be used and the oaths to be administered;
(e) the powers and duties of returning officers, deputy returning officers and poll clerks;

and all the provisions relating to corrupt practices, illegal acts, offences and penalties and their prosecutions shall apply to the taking of a vote on the question submitted under this section.

(9) The returning officer upon the taking of a vote upon such a question shall be the clerk of the municipality, or in case of his inability to act, or of a vacancy in the office, some person to be appointed by by-law of the municipal council.

(10) The returning officer shall make his return to the Clerk of the Crown in Chancery showing the number of votes polled for the affirmative and negative on the question submitted, and upon the receipt of such return, the Clerk of the Crown in Chancery shall make his return to the Lieutenant-Governor in Council and give notice thereof in the Ontario Gazette showing the total number of votes polled in the municipality for the affirmative and negative upon the question.

(11) The Clerk of the Crown in Chancery and the Chief Election Officer, subject to the approval of the Lieutenant-Governor in Council, shall give such directions and make such regulations and prepare such forms as may appear to them to be necessary in carrying out the provisions of this section and for the guidance of returning officers and other officers and persons employed in the taking of the vote, and may modify or alter any of the provisions of The Election Act and The Voters' Lists Act when compliance therewith appears to be
inconvenient, impracticable or unnecessary and may make due provision for circumstances which may arise and which are not provided for or contemplated by this section.

Forms

(12) The forms to be used at the taking of the vote shall be the same as nearly as may be as the forms used at an election to the Assembly, but such forms may be modified and altered to comply with the provisions of this section or with any direction or regulation given or made thereunder.

Fees and expenses.

(13) The fees and expenses to be allowed to returning officers and other officers and servants for services performed under this section, and the expenses incurred in carrying out the provisions of this section shall be fixed by the Lieutenant-Governor in Council and shall be taxed and allowed by the chairman of the election board and be paid by the treasurer of the municipality to the persons entitled thereto. R.S.O. 1927, c. 257, s. 69 (7-12).


(14) The voters' lists shall be revised as provided in The Voters' Lists Act with respect to the revision of the lists at an election to the Assembly, and polling lists shall be prepared as provided by The Election Act, and the chairman of the election board may generally take all the proceedings which may be taken by the board in case of an election to the Assembly. 1936, c. 34, s. 7 (5).

Chairman's fees.

(15) The chairman shall be entitled to a fee of $10 for every day upon which a sitting is actually held and his actual and necessary travelling expenses.

Clerk of revision.

(16) The clerk of the municipality shall perform the duties imposed upon the clerk of the revising officer by Part III of The Voters' Lists Act.

Polling lists.

(17) The polling lists for use at the taking of a vote on any such question shall not be printed, nor shall it be necessary to prepare more copies than are required to provide one copy of the list for each polling place, one copy for the returning officer and two copies for persons representing those supporting the affirmative and negative respectively.

Submission of questions from time to time.

(18) After a vote has been taken under the preceding provisions of this section the council may subject to the said provisions and upon the like petition, shall from time to time, submit any of the said questions which may be applicable to the circumstances, but no such question shall be so submitted until after the expiration of three years from the date of the last polling in the municipality under this section. R.S.O. 1927, c. 257, s. 69 (14-17).

Form of ballot.

(19) The form of ballot to be used in taking the vote under this section shall be one of the following according to the circumstances:
## LIQUOR CONTROL

### Chap. 294. 3991

#### Sec. 69 (19)

<p>| | |</p>
<table>
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</table>

1. Are you in favour of the establishment of Government stores for the sale of liquor under The Liquor Control Act?  

<table>
<thead>
<tr>
<th>YES</th>
<th>NO</th>
</tr>
</thead>
</table>

2. Are you in favour of the sale of beer and wine under the provisions of The Liquor Control Act?  

<table>
<thead>
<tr>
<th>YES</th>
<th>NO</th>
</tr>
</thead>
</table>

3. Are you in favour of the continuance of Government stores for the sale of liquor under The Liquor Control Act?  

<table>
<thead>
<tr>
<th>YES</th>
<th>NO</th>
</tr>
</thead>
</table>

4. Are you in favour of the continuance of the sale of beer and wine under the provisions of The Liquor Control Act?  

<table>
<thead>
<tr>
<th>YES</th>
<th>NO</th>
</tr>
</thead>
</table>

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**Municipality of Carleton Place**  
November 24, 1900  
John Jones, Printer  
Carleton Place.

1935, c. 35, s. 5 (4).
(20) Notwithstanding anything contained in this Act or the regulations the Board may issue authorities for the sale of beer and wine in any municipality or portion thereof in which a Government store has heretofore been established under the provisions of this Act pursuant to a vote of the qualified electors without any further vote being taken.

(21) Notwithstanding anything contained in this or any other Act where the validity of a vote on any question submitted under this Act is questioned, the provisions of Part IV of The Municipal Act relating to proceedings to declare a seat vacant, shall mutatis mutandis apply, and any notice of motion required under the provisions of The Municipal Act shall be served on such person as the judge or master in chambers may direct. 1935, c. 35, s. 5 (5).

PART IV.

SALE OF BEER AND WINE.

70.—(1) The Board, subject to the provisions of this Act and the regulations, may issue authorities for the sale of beer and wine or beer or wine in standard hotels and in such other premises as the regulations may provide and define.

(2) Every standard hotel and other authorized premises in which beer and wine or beer or wine may be sold under the terms of any authority issued by the Board shall in every respect be subject to the control of the Board for the purpose of ensuring strict compliance with the provisions of this Act and the regulations. 1934, c. 26, s. 2, part.

71.—(1) No liquor may be kept for sale, sold or served in any authorized premises for which an authority is issued under this Part except beer and wine or beer or wine, as the authority may prescribe, bought under control of the Board and in accordance with the regulations.

(2) No liquor may be kept for sale, sold or served in any authorized premises other than the liquor specified in the authority, and the same must be bought by the holder of the authority. 1934, c. 26, s. 2, part.

72.—(1) The Board shall not issue any authority for the sale of wine except to be served with meals in authorized premises.

(2) The Board is issuing authorities for the sale of beer in specified places only, in authorized premises shall in every authority issued specify
the rooms or places therein to which the sale, serving and consumption of beer shall be restricted and confined. 1934, c. 26, s. 2, part.

73.—(1) The Board, with the approval of the Lieutenant-Governor in Council, may make such regulations with respect to any and all matters and things provided for in this Part as the Board may deem necessary, and without limiting the generality of the foregoing it is declared that the powers of the Board to make such regulations shall extend to and include the following,—

(a) governing, regulating, defining and designating standard hotels and other premises in which beer and wine may be sold under this Part;

(b) governing, regulating, defining and designating the portions of standard hotels and other premises and the rooms and places therein to which the keeping for sale, selling and consumption of beer and wine shall be restricted and confined;

(c) issuing, renewing, refusing, suspending, cancelling and forfeiting authorities for the sale of beer and wine, and prescribing the conditions to which such authorities shall be subject;

(d) location, construction, arrangement, accommodation, equipment, maintenance, management and operation of authorized premises;

(e) purchase, delivery, keeping for sale, sale, serving and consuming of beer and wine;

(f) prescribing the persons to whom the sale of beer or wine is to be restricted and the persons who may be prohibited from buying beer or wine;

(g) periods of the year, days and hours when beer and wine may be sold, served and consumed;

(h) employees of persons to whom authorities are issued under this Part and their duties;

(i) books and records to be kept, returns to be made and information to be furnished with respect to authorized premises, and the examination and audit of such books and records;

(j) inspection of authorized premises.

(2) The provisions of subsection 1 of section 11 shall apply to any regulations made under this section. 1934, c. 26, s. 2, part.
74. No authority may be issued under this Part to any person who,—

(a) is not a fit and proper person, or is not the true owner of the business carried on at the standard hotel or other premises for which the authority is sought;

(b) has been convicted of any offence against such of the laws of Canada or Ontario as the regulations may specify and within the times therein mentioned;

(c) is disqualified under this Act or the regulations or has not complied with the requirements thereof;

(d) if an individual, is not a British subject;

(e) if a corporation, is not incorporated as required by the regulations;

(f) if a club, is not incorporated or otherwise organized as required by the regulations;

(g) applies in respect of any premises which do not conform to the regulations. 1934, c. 26, s. 2, part.

75.—(1) No authority may be issued in respect of a club which is not incorporated or organized and operated in accordance with the regulations or in respect of a club which is operated for pecuniary gain.

(2) Notwithstanding the provisions of subsection 1, the Board may issue an authority to a club which is a duly chartered branch of any of the established war veterans’ organizations in Canada which the Board may recognize as such.

(3) Notwithstanding the provisions of subsection 1, the Board may issue an authority to a club which is a duly chartered branch or union of any of the established labour organizations in Canada which the Board may recognize as such.

(4) Any member of a chartered branch of any of the war veterans’ organizations mentioned in subsection 2, or of any of the labour organizations mentioned in subsection 3, shall for the purposes of this Act, be deemed to be a member of a chartered branch to which an authority is issued under this Part, if the rules of the organization and of such branch so permit. 1934, c. 26, s. 2, part.

76. The Board may restrict the number of authorities which it may see fit to issue in any municipality. 1934, c. 26, s. 2, part.
77. Every authority issued under this Part shall be subject to suspension or cancellation and no vested right to any renewal thereof shall accrue in favour of any person, and no such authority may be capitalized or may be sold, transferred or otherwise disposed of, or in any way dealt with except as provided by the regulations. 1934, c. 26, s. 2, part.

78.—(1) No authority may be issued under this Part.—

(a) to any person who is under written covenant with any person to sell the beer of any brewer or the wine of any manufacturer;

(b) to any brewer or manufacturer of wine or an agent of either;

(c) to any person who is so associated or connected with, or financially interested in any brewery or wine manufactory as to be likely to promote the sale of the beer or wine, as the case may be, of such brewery or manufactory;

(d) to any person who by reason of any agreement, arrangement, concession, obligation or understanding, verbal or written or direct or indirect with any other person is or may be likely to promote the sale of the beer or wine, as the case may be, of any brewery or wine manufactory;

(e) for any standard hotel or other premises in which any brewer or manufacturer of wine has any interest, whether freehold or leasehold, or by way of mortgage or charge or other incumbrance, or by way of mortgage, lien or charge upon any chattel property therein and whether such interest is direct or indirect or contingent or by way of suretyship or guarantee.

(2) Every covenant, whether verbal or written or contained in any written instrument, affecting real or personal property heretofore or hereafter made under or by which the beer manufactured by any brewer or the wine manufactured by any wine manufacturer is to be sold in or at any authorized premises is hereby declared to be null and void.

(3) Nothing in subsection 1 contained shall prevent the Board issuing an authority in respect of a standard hotel or other premises in which any brewer or wine manufacturer has any interest whether freehold or leasehold or by way of mortgage or charge or other incumbrance, if such interest was acquired prior to the 1st day of January, 1933, and not subsequent thereto; provided in any such case no authority shall
be issued in respect of any such hotel or premises contrary to the provisions of clause a, b, c, or d of subsection 1 and the Board may as a condition of issuing an authority for any such hotel or premises require the interest of the brewer or wine manufacturer to be disposed of according to terms prescribed by the Board. 1934, c. 26, s. 2, part.

79.—(1) No beer or wine may be sold or served in or at any authorized premises to any person who is,—

(a) under the age of twenty-one years;

(b) in an intoxicated condition.

(2) No person holding an authority under this Part shall permit or suffer in the premises for which the authority is issued,—

(a) any person under or apparently under the age of twenty-one years to consume any liquor;

(b) any constable or police officer while on duty to consume any liquor;

(c) any gambling, drunkenness or any riotous, quarrelsome, violent or disorderly conduct to take place;

(d) any person of notoriously bad character to remain;

(e) any slot machine or gambling device to be placed, kept or maintained.

(3) Any person holding an authority under this Act, if he has reasonable grounds to suspect from the conduct of any person who has come upon the premises in respect of which such authority is issued, although not of notoriously bad character, that such person is present for some improper purpose or is committing an offence against this Act or the regulations, may request him or her to leave immediately such authorized premises, and unless the request is forthwith complied with such person may be forcibly removed. 1934, c. 26, s. 2, part.

(4) No person under the age of twenty-one years shall have, purchase or consume beer or wine on any authorized premises. 1935, c. 35, s. 6.
Sec. 85 (1) (a).  LIQUOR CONTROL.  Chap. 294.  3997

(2) No bar or counter over or at which liquor or other beverage could be sold or served shall be erected, placed, kept or maintained in that part of any authorized premises in which beer or wine is consumed. 1934, c. 26, s. 2, part.

81. Proof of the removal of any beer from any authorized premises in any packages shall prima facie be evidence against the person holding the authority for such premises of the sale of liquor contrary to the provisions of this Act. 1934, c. 26, s. 2, part.

82. No person to whom the sale of intoxicants is prohibited by statute of Canada or Ontario and no interdicted person shall be permitted or suffered to remain in any authorized premises. 1934, c. 26, s. 2, part.

83.—(1) The Board may require every person who, being an employee of a person to whom an authority is issued under this Part, is in any way engaged in selling or serving beer or wine to obtain an employee's authority from the Board in accordance with the regulations.

(2) Where, as provided by subsection 1, employees are required by the Board to obtain an employee's authority, no person who is not so authorized may be employed in the sale or serving of beer or wine in any authorized premises. 1934, c. 26, s. 2, part.

84. The Board may remit to any municipality in which authorities for the sale of beer and wine have been issued, such portion of the fees payable to the Board by the holders of authorities in such municipality as may be fixed from time to time by the Lieutenant-Governor in Council. 1935, c. 35, s. 7.

PART V.

SALE OF LIGHT BEER.

85.—(1) The Board may with the approval of the Minister and subject to the regulations hereinafter provided,—

(a) grant a permit to any person authorizing such person to keep for sale and sell light beer by himself or by his clerk, servant or agent in the premises designated in such permit, and if the person to whom such permit is granted sells or keeps for sale any liquor in contravention of this Act or of the regulations made
thereunder in the premises designated in such permit by himself or by his clerk, servant or agent acting within the scope of his employment, he shall be personally liable to incur the penalties provided for by subsection 1 of section 120 and for a second or subsequent offence by himself or by his clerk, servant or agent be personally liable to incur the penalties provided for second offences by the said section;

Employee's permit.

(b) grant to any clerk, servant or agent of such person a permit to sell light beer upon the premises in respect of which a permit has been granted under clause 4, the permit to be known as an employee's permit.

Inspection.

(2) The premises designated in any permit shall be open to inspection at all times by any inspector or other officer whose duty it is to enforce or assist in the enforcement of the provisions of this Part.

Fee.

(3) The fee for a permit granted under subsection 1 shall not exceed $20.

Cancellation.

(4) The Board may with or without a hearing for any cause which they deem sufficient cancel any such permit at any time.

Light beer not to be sold except under Act.

(5) Except as expressly provided by this section and by the regulations passed thereunder no light beer shall be sold or kept for sale.

Regulations.

(6) The Board may with the approval of the Lieutenant-Governor in Council make regulations not inconsistent with the provisions of this Act,—

(a) restricting or regulating the granting of permits under this section and providing for the fees to be charged therefor and for the manner of cancellation of such permits;

(b) restricting or regulating generally the keeping for sale or selling of light beer and without limiting the generality of the foregoing, the time or times the persons to whom and the premises in which light beer may be sold or kept for sale;

(c) approving of any forms deemed necessary for the proper enforcement of the provisions of this section;

(d) generally for the better carrying out of the provisions of this section. R.S.O. 1927, c. 257, s. 70.

86.—(1) Every person who, having a permit under section 85, allows drunkenness or any violent, quarrelsome, riotous or disorderly conduct to take place upon the premises designated in the permit, or sells or delivers light beer to any drunken
Sec. 87 (4). LIQUOR CONTROL. Chap. 294. 3999

person or permits and suffers any drunken person to consume any light beer on such premises, or permits and suffers persons of notoriously bad character to assemble or meet on such premises or suffers any gambling or any unlawful game to be carried on on such premises shall be guilty of an offence against the provisions of this Act and shall be liable to the penalties mentioned in section 121.

(2) Any person having a permit under section 85 may if he has reasonable grounds to suspect from the conduct of any person who has come upon the premises mentioned in his permit, although not of notoriously bad character, that such person is present for some improper purpose, may request him or her to leave immediately such premises, and unless the request is forthwith complied with such person may be forcibly removed. R.S.O. 1927, c. 257, s. 71.

PART VI.

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

Prohibitions.

87.—(1) Except as provided by this Act, no person shall, within the Province, 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 to any other person liquor. R.S.O. 1927, c. 257, s. 72 (1).

(2) Except as expressly provided by this Act and by the regulations, no person shall have or keep any liquor within Ontario which has not been purchased from a Government vendor or from a physician as provided by section 57. 1930, c. 51, s. 5.

(3) Subsection 2 shall 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 and keeping is authorized by this Act.

(4) Nothing in this section shall apply 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. 1927, c. 257, s. 72 (3, 4).
88. No brewer, distiller or manufacturer of liquor shall, within the Province, by himself, his clerk, servant or agent, give to any person any liquor, except as may be permitted by and in accordance with the regulations made under this Act. R.S.O. 1927, c. 257, s. 73.

89.—(1) No person authorized to sell liquor in accordance with the provisions of this Act, and no clerk, servant or agent of such person shall sell or furnish liquor in any other place or at any other time or otherwise than as authorized by this Act and the regulations.

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

(3) No person authorized to issue permits under the provisions of this Act shall issue any permit,—

(a) to any person who is disqualified under the provisions of this Act and the regulations to make application for such permit;

(b) to any person furnishing any false or fictitious particulars in his application for such permit.

(4) No person authorized to sell liquor in accordance with the provisions of this Act, 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 the provisions of this Act and the regulations. 1930, c. 51, s. 6.

90. No holder of a license under this Act, 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 methyl alcohol or any crude, unrectified or impure form of ethyl alcohol or any other deleterious substance or liquid. R.S.O. 1927, c. 257, s. 75.

91. — (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.

(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 or corporation having sold, selling or offering liquor for sale to the Government or Board in pursuance of this Act.

(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. 1927, c. 257, s. 76.

92. Except as provided in this Act, no person shall, within the Province, 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 from any other person any liquor. R.S.O. 1927, c. 257, s. 77.

93. Except as provided by this Act no person, within the Province of Ontario, shall consume any liquor on any premises where liquor is kept for sale. R.S.O. 1927, c. 257, s. 78; 1934, c. 26, s. 15.

94. Except as provided by this Act and the regulations, no person shall consume liquor within Ontario unless the same has been acquired under the authority of a permit or prescription issued under this Act, 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 under this Act and the regulations. 1930, c. 51, s. 7; 1934, c. 26, s. 16.

95.—(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 the provisions of section 62, 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 under this Act. 1930, c. 51, s. 8.
(2) Any provincial police inspector, constable or other officer who finds liquor which in his opinion is had or kept by any person in violation of the provisions of this Act may, without laying any information or obtaining any warrant, forthwith seize and remove the same and the packages in which the liquor is kept, and upon conviction of the person for a violation of any provision of this section the liquor and all packages containing the same shall in addition to any other penalty prescribed by this Act, *ipso facto* be forfeited to His Majesty, in the right of the Province. R.S.O. 1927, c. 257, s. 80 (2).

96.—(1) Except as expressly provided by this Act or regulations made thereunder, no person shall consume liquor in any place other than a residence.

(2) No person shall be in an intoxicated condition in a public place. R.S.O. 1927, c. 257, s. 81.

97. 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. 1927, c. 257, s. 82; 1934, c. 26, s. 17.

98. Liquor shall not be given, sold or otherwise supplied to any person under the age of twenty-one years, but this shall 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. R.S.O. 1927, c. 257, s. 83.

99. Except in the case of liquor administered by a physician or dentist or sold upon a prescription in accordance with the provisions of this Act, 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 has been cancelled. R.S.O. 1927, c. 257, s. 84.

100.—(1) Notwithstanding anything contained 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 shall be guilty of an offence against the provisions of this Act.

(2) The Board may by order signed by the Chief Commissioner or the Deputy Chief Commissioner prohibit a ven-
nor, brewer, brewers' agent, manufacturer of native wine, holder of an authority 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, manufacturer of native wine, holder of an authority or other person who contravenes any such order shall be guilty of an offence against the provisions of this Act.

(3) 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, which may be sold to any person by a vendor, brewer, brewers' agent, manufacturer of native wine, holder of an authority or other person under this Act and any person who contravenes the provisions of any such order shall be guilty of an offence against this Act.

(4) Service of the orders of the Board mentioned in subsections 1, 2 and 3 shall be effective if forwarded by prepaid registered mail to the last known address of the person against whom such order is made. 1936, c. 34, s. 8.

101. 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, no person shall procure for or sell, or give, to any interdicted person, any liquor, nor directly or indirectly assist in procuring or supplying any liquor to any interdicted person. R.S.O. 1927, c. 257, s. 85.

102. No permit shall be issued to any interdicted person, and every interdicted person who makes application for a permit, or who enters or is found upon the premises of any Government store shall be guilty of an offence against this Act. R.S.O. 1927, c. 257, s. 86.

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

(2) Subsection 1 shall not create an offence for any person whose permit is suspended or cancelled making application to the Board for return of such suspended permit or issue of a new permit. 1933, c. 25, s. 2.

104.—(1) No person shall purchase or attempt to purchase liquor under a permit which is suspended or which has been cancelled, or of which he is not the holder.
Applying for permit in false name.

(2) No person shall apply in any name except his own for the issue to him of a permit authorizing the purchase of liquor or beer. R.S.O. 1927, c. 257, s. 88.

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 and beer. 1929, c. 69, s. 8.

Possession of false or fictitious permit.

(4) Except as provided by this Act and the regulations, no person shall within Ontario have or keep in his possession, a false or fictitious permit purporting to authorize the purchase of liquor or beer, or a permit of which he is not the holder. 1930, c. 51, s. 9.

Permitting drunkenness.

105. 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 any 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 any person apparently under the influence of liquor. R.S.O. 1927, c. 257, s. 89.

Having liquor without permit.

106.—(1) Except as authorized by this Act, no person, not holding a permit under this Act entitling him so to do, shall have any liquor in his possession within the Province. R.S.O. 1927, c. 257, s. 90 (1).

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 the provisions of this Act and in accordance therewith.

Illegal possession.

(3) No person may have in his possession or consume in his residence any liquor which has not been had or acquired by him under his individual permit or otherwise under the provisions of this Act and in accordance therewith.

Possession of beer and wine.

(4) Every person who is not prohibited or disqualified by the provisions of this Act or any other Act from having in his possession or consuming the same, may have in his possession and consume beer or wine, provided the sale, possession and consumption of such beer or such wine is made and had in accordance with the provisions of this Act. 1934, c. 26, s. 18.
LIQUOR CONTROL

Sec. 108 (1) (a).

107.—(1) Except as provided by this Act and the regulations and except in the case of liquor kept and consumed pursuant to a special permit granted under the provisions of section 38 of this Act, no person,—

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

(b) shall keep or have any liquor in any room in a 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. R.S.O. 1927, c. 257, s. 91; 1934, c. 26, s. 19.

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

(3) From the date of the granting of such certificate such hotel or any such designated part thereof, shall be a public place for the purposes of this Act and the provisions of subsection 1 shall not apply to such hotel or such designated part thereof.

(4) Upon the application of the owner or proprietor of any hotel to whom such certificate has been granted, the Board may at any time cancel such certificate and from the date of such cancellation the said hotel, or such part thereof as is designated in such certificate, shall for the purposes of this Act cease to be a public place and the provisions of subsection 1 shall apply to such hotel or such designated part. 1929, c. 69, s. 9.

(5) If the owner or proprietor of any hotel, or his clerk, servant or agent finds any individual permit on the hotel premises, or any part thereof, he shall deliver the same within twenty-four hours to the nearest vendor for transmission to the Board. 1930, c. 51, s. 11.

108.—(1) Except as permitted by this Act or regulations made thereunder, no person within the Province shall,—

(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," "tavern," "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. R.S.O. 1927, c. 257, s. 92 (1).

(2) This section shall not apply to any advertisement respecting liquor in premises where the same may be lawfully stored, kept or sold under this Act, provided such advertisement has first been permitted in writing by the Board and then subject to such permission and the directions of the Board. 1934, c. 26, s. 20.

(3) No person shall within the Province unless authorized by the Board, 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 same may be had, obtained or purchased.

(4) This section shall not apply to,—

(a) the Board nor to any act of the Board, nor to any Government store; nor

(b) the receipt or 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. 1927, c. 257, s. 92 (3, 4).

109. Every person manufacturing or brewing beer shall put upon all bottles containing beer so manufactured or brewed for sale within the Province a distinctive label showing the nature of the contents, the name of the person by whom the beer is 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 is 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. 1927, c. 257, s. 93.

110.—(1) Subject to the provisions of this Act and the regulations and to any restrictions which the Board may impose, manufacturers of native wines may keep and offer for sale, sell and deliver the same in such quantities as may be permitted by the Board. 1934, c. 26, s. 21 (1).

(2) A manufacturer of native wines shall not sell such wines otherwise than as permitted by this Act or allow any wine so sold, or any part thereof, to be drunk upon the premises of such manufacturer. R.S.O. 1927, c. 257, s. 94 (2); 1934, c. 26, s. 21 (2).

111.—(1) Where it is made to appear to the satisfaction of a judge of the county or district court that any person, resident or sojourning within the Province, by excessive drinking of liquor, misapplies, 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. R.S.O. 1927, c. 257, s. 95 (1).

(2) Every interdicted person keeping or having in his possession or under his control any liquor shall be guilty of an offence against this Act, and, on summary conviction thereof, the justice making the conviction may in and by the conviction declare the liquor and all packages in which the same is contained to be forfeited to His Majesty in the right of the Province. R.S.O. 1927, c. 257, s. 95 (2); 1934, c. 26, s. 22.

112. Upon an order of interdiction being made, the interdicted person shall forthwith deliver 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. 1934, c. 26, s. 23.

113. 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 may be 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. 1927, c. 257, s. 97.

Revocation of order. 

114. — (1) Upon an application to the judge by any person in respect of whom an order of interdiction has been made under this Act, and upon it being made to appear to the satisfaction of the judge that the circumstances of the case did not warrant the making of the order of interdiction, or upon proof that the interdicted person has refrained from drunkenness for at least twelve months immediately preceding the application, the judge 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 Board shall accordingly forthwith notify all vendors and such other persons as may be 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 may direct. R.S.O. 1927, c. 257, s. 98.

PENALTIES AND PROCEDURE.

Violations of Act to be offences. 

115. Every person who violates any provision of this Act or the regulations made thereunder shall be guilty of an offence against this Act, whether otherwise so declared or not. R.S.O. 1927, c. 257, s. 99.

First offence. 

116. Any violation of the provisions of this Act or the regulations by any person shall be charged as a first offence notwithstanding such person has been previously convicted of an offence against the provisions of this Act or the regulations; provided, however, that such violation by such person shall be charged as a first offence only if the previous conviction occurred more than one year previous to the date of such violation. 1935, c. 35, s. 8.

Brewers and distillers. 

117. 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 the provisions of this Act, or of the regulations made thereunder shall incur a penalty of $5,000. R.S.O. 1927, c. 257, s. 100.

Penalty for offence as to permits. 

118. — (1) Everyone who violates any of the provisions of subsection 1 of section 89 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. 1929, c. 69, s. 10, part.
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(2) Every person who knowingly violates any of the provisions of subsections 2, 3 and 4 of section 89 shall be imprisoned for not less than six months nor more than twelve months. 1930, c. 51, s. 13.

(3) Every person who violates any of the provisions of section 91 shall be imprisoned for not more than twelve months. 1929, c. 69, s. 10, part.

119. Every person who knowingly violates any provision of sections 98 and 101 shall for the first offence be imprisoned for not less than one month, nor more than three months, and for a second or subsequent offence, be imprisoned for not less than four months, nor more than twelve months. R.S.O. 1927, c. 257, s. 102.

120.—(1) Every person who violates any of the provisions of subsection 1 of section 87 of this Act shall for a first offence be imprisoned for not less than two months or more than six months, and for a second or subsequent offence be imprisoned for six months.

(2) Every person who violates any of the provisions of section 90 of this Act shall for a first offence be imprisoned for not less than six months nor more than one year, and for a second or subsequent offence shall be imprisoned for not less than one year. R.S.O. 1927, c. 257, s. 103 (1, 2).

(3) Everyone who violates any of the provisions of sections of subsection 2 of section 96 shall be liable for a first offence to a penalty of not less than $10 nor more than $50, and in default of immediate payment shall be imprisoned for not more than thirty days; for a second offence to a penalty of not less than $50 nor more than $100, and in default of immediate payment to imprisonment for not less than one month nor more than two months, and for a third or subsequent offence, to imprisonment
for not less than three months nor more than six months without the option of a fine. 1933, c. 25, s. 3.

121.—(1) Every person guilty of an offence against this Act for which no penalty has been specifically provided shall be liable, for a first offence to a penalty of not less than $10, nor 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 nor more than two months, or to a penalty of not less than $200 nor more than $1,000 and, in default of immediate payment, to imprisonment for not less than two months nor more than four months, and for a third or subsequent offence to imprisonment for not less than three months nor more than six months, without the option of a fine. R.S.O. 1927, c. 257, s. 104 (1); 1934, c. 26, s. 24.

(2) If the offender convicted of an offence referred to in this section is a corporation, it shall for a first offence be liable to a penalty of not less than $1,000 nor more than $2,000 and for a second or subsequent offence to a penalty of not less than $2,000 nor more than $3,000. R.S.O. 1927, c. 257, s. 104 (2).

(3) Where any person charged with an offence against any of the provisions of this Act, is found in possession of liquor purchased in accordance with the provisions of this Act, which liquor exceeds the sum of $50 in value, or where such person is found in possession of any liquor not purchased in accordance with the provisions of this Act, the justice making the conviction shall in addition to any other penalty prescribed, impose on such person a sentence of not less than one month nor more than three months' imprisonment unless such person establishes, to the satisfaction of the justice, the circumstances under which such liquor was obtained, the person from whom such liquor was so obtained and the manner in which it came into the possession of the person so charged; provided, however, that it shall not be necessary to set out in the information charging the offence or in the conviction, the value of the liquor or the fact that such liquor was not purchased in accordance with the provisions of this Act. 1929, c. 69, s. 12; 1933, c. 25, s. 4.

122.—(1) Whenever any corporation is convicted of any offence against or under this Act and the conviction adjudges a pecuniary penalty or compensation to be paid by such 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 such corporation.

(2) In any such case and in addition to the other remedies provided hereby, a copy of such conviction or order certified to by any 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 shall thereupon become a judgment of said court and all proceedings may be thereupon taken and had as on any other judgment of said court.

(3) In the case of the conviction of or an order against a corporation which by the law of Ontario is required to obtain a license to carry on its business in Ontario and has obtained such license, if the penalty, compensation or sum of money be 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 license so issued to such corporation.

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

(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 gaol for such period as may be allowed by law. R.S.O. 1927, c. 257, s. 103.

123. Where an offence against this Act is committed by a corporation, the officer or agent of the corporation in charge of the premises in which the offence is committed shall \textit{prima facie} be deemed to be a party to the offence so committed, and shall be personally liable to the penalties prescribed for the offence as a principal offender; but nothing in this section shall relieve the corporation or the person who actually committed the offence from liability therefor. R.S.O. 1927, c. 257, s. 106.
LIQUOR CONTROL. Sec. 124 (1).

124.—(1) Upon proof of the fact that an offence against this Act has been committed by any person in the employ of the occupant of any house, shop, room, or other premises in which the offence is committed, or by any person who is suffered by the occupant to be or remain in or upon such house, shop, room or premises, or to act in any way for the occupant, the occupant shall prima facie be deemed to be a party to the offence so committed, and shall be liable to the penalties prescribed for the offence as a principal offender, notwithstanding the fact that the offence was committed by a person who is not proved to have committed it under or by the direction of the occupant; but nothing in this section shall relieve the person actually committing the offence from liability therefor. R.S.O. 1927, c. 257, s. 107.

(2) Upon proof of the fact that an offence against any of the provisions of this Act has been committed upon or in respect of any premises, or any portion thereof, by any person claiming to be agent, tenant or lessee of the owner or proprietor of such premises, or any such portion thereof, the justice trying the case shall have the right to draw inferences of fact from the agreement or lease between such person and such owner or proprietor and from the number of offences which have been committed against this Act upon or in respect of such premises, or any such portion thereof, and from the circumstances under which liquor is kept or dealt with upon such premises, or any such portion thereof, and if the justice is of opinion that the owner or proprietor had knowledge of the use of such premises, or such part thereof, in the committing of offences against this Act, he may impose upon such owner or proprietor a penalty of not less than $1,000 nor more than $2,000 and in default of immediate payment thereof, such owner or proprietor shall be imprisoned for not less than three months nor more than six months. 1930, c. 51, s. 15.

125.—(1) Upon information on oath by any provincial police inspector, constable or other 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 shall be lawful for any justice, or any justice of the peace, by warrant under his hand, to authorize and empower the inspector or constable, or any other person named therein, to enter and search the building or premises and every part thereof at any time and for that purpose to break open any door, lock, or fastening of the building or premises or any part thereof, or any closet, cupboard, box, or other receptacle therein which might contain liquor.

(2) It shall not be necessary for the inspector, constable or other officer to set out in the information any reason or
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grounds for his suspicion or belief. R.S.O. 1927, c. 257, s. 108 (1, 2).

(3) Any provincial police inspector, other officer or constable 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 which might contain liquor, and such authority shall be a general one and shall be effective until revoked. R.S.O. 1927, c. 257, s. 108 (3); 1936, c. 34, s. 9.

(4) Every person being in the building or premises or having charge thereof who refuses or fails to admit any inspector or constable demanding to enter in pursuance of this section in the execution of his duty, or who obstructs or attempts to obstruct the entry of such inspector or constable, or any such search by him, shall be guilty of an offence against this Act. R.S.O. 1927, c. 257, s. 108 (4).

126. Any police officer or constable may arrest without warrant any person whom he finds committing an offence against this Act. R.S.O. 1927, c. 257, s. 109.

127. Any provincial police inspector, or constable or other officer, if he believes that liquor is unlawfully kept or had, or kept or had for unlawful purposes, and is contained in any 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, shall have power without warrant to search for such liquor wherever he may suspect 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 the same is kept. R.S.O. 1927, c. 257, s. 110.

128. Notwithstanding anything contained in this Act or the regulations, any search warrant or authorization to search issued or authorized under this Act or the regulations may be executed at any time, including Sunday or other holiday, and by day or night. 1936, c. 34, s. 10.

129. Where the provincial police inspector, constable, or other officer, in making or attempting to make any search under or in pursuance of the authority conferred by section 125 or
Seizure and forfeiture of liquor and vehicles, etc.

127 of this Act, finds in any building or place any liquor which, in his opinion, is unlawfully kept or had, or kept or had for unlawful purposes, contrary to any of the provisions of this Act, he may forthwith seize and remove the same and the packages in which the same is kept, and may seize and remove any book, paper or thing found in the building or place which, in his opinion, will afford evidence as to the commission of any offence against this Act, and upon the conviction of the occupant of such building or place or any other person for keeping the liquor contrary to any of the provisions of this Act in such building or place, the justice making the conviction shall in and by the conviction declare the liquor and packages or any part thereof to be forfeited to His Majesty, in the right of the Province. R.S.O. 1927, c. 257, s. 111.

130. Where the provincial police inspector, constable, or other officer, in making or attempting to make any search under or in pursuance of the authority conferred by section 127 finds in any vehicle, motor car, automobile, vessel, boat, canoe, or conveyance of any description, liquor which, in his opinion, is unlawfully kept or had, or kept or had for unlawful purposes contrary to any of the provisions of this Act, he may forthwith seize the liquor and the packages in which the same is contained, and the vehicle, motor car, automobile, vessel, boat, canoe, or conveyance in which the said 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 of any other person, for having or keeping the said liquor, contrary to any of the provisions of this Act 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 same is contained to be forfeited to His Majesty, and the justice may in and by the conviction further declare the vehicle, motor car, automobile, vessel, boat, canoe or conveyance so seized to be forfeited to His Majesty, in the right of the Province. R.S.O. 1927, c. 257, s. 112.

131.—(1) Where liquor is found by any provincial police inspector, constable or other 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 the inspector, constable or officer that such liquor is being had or kept contrary to the provisions of this Act, it shall be lawful for the inspector, constable or officer 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 such liquor.

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

(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 such liquor, the liquor and all packages containing the same, together with such vehicle, motor car, automobile, vessel, boat, canoe or other conveyance containing such liquor shall ipso facto be forfeited to His Majesty in the right of the Province and shall forthwith be delivered to the Board.

(4) If within the said time any claimant appears, it shall be 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 the provisions of this Act to the possession of such 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 such liquor was found shall ipso facto be forfeited to His Majesty in the right of the Province. 1929, c. 69, s. 13.

132.—(1) In every case in which a justice makes any order for the forfeiture of liquor under any of the provisions of this Act, and in every case in which any claimant to liquor under the provisions of section 131, fails to establish his claim and right thereto, the liquor in question and the packages in which the liquor is kept shall forthwith be delivered to the Board.

(2) The Board shall thereupon determine the market value of all forfeited liquor which is found to be suitable for sale in the Government stores, and the Board shall pay the amount so determined to the Treasurer of Ontario, after deducting therefrom the expenses necessarily incurred by the Board for transporting the forfeited liquor to the Government warehouses, and the liquor suitable for sale shall be taken into stock by the Board and sold under the provisions of this Act.
(3) All forfeited liquor which is found to be unsuitable for sale in Government stores shall be destroyed under competent supervision as may from time to time be directed by the Board.

(4) In every case in which liquor is seized by a provincial police inspector, constable or other officer, it shall be his duty to forthwith make or cause to be made to the Board a report in writing, of the particulars of such seizure. R.S.O. 1927, c. 257, s. 114.

133. Where any information is given to any provincial police inspector, constable or other officer, that there is cause to suspect that some person is contravening any of the provisions of this Act, it shall be 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 shall be the duty of the Crown attorney within the county in which the offence is committed to attend to the prosecution of all cases submitted to him by an inspector or constable or by an officer appointed under this Act by the Board or by any officer appointed by the council of a municipality under section 139 and the council appointing such officer shall be responsible for the payment of the proper fees of the Crown attorney when so employed by such officer. R.S.O. 1927, c. 257, s. 115.

134.—(1) For the purpose of obtaining information concerning any matter relating to the administration or enforcement of this Act, any inspector or officer appointed by the Board in writing for the purpose, or any provincial inspector, constable or other 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 within Ontario, containing any information or record relating to any goods shipped or carried or consigned or received for shipment or carriage within Ontario.

(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, provincial inspector or constable shall be guilty of an offence against this Act. R.S.O. 1927, c. 257, s. 116.

135. In describing the offence respecting the sale or keeping for sale or other disposal of liquor, or the having, keeping,
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giving, purchasing or the consumption of liquor in any information, summons, conviction, warrant, or proceeding under this Act, it shall be 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 such 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 shall not be 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 shall be sufficient to allege the sale or disposal of more or less than such quantity. R.S.O. 1927, c. 257, s. 117.

136. Notwithstanding anything in this Act, at any time before judgment the justice may amend or alter any information and may substitute for the offence charged therein any other offence against the provisions of this Act; 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. 1927, c. 257, s. 118.

137. The penalties in money imposed under this Act or any portion of them that may be recovered except as provided in section 138 shall be paid to the convicting justice in the case, and shall by him be paid to the district inspector of provincial police, whose duty it is to enforce the provisions of this Act in any county or district in which the offence was committed, to be paid or remitted to the Board in accordance with its regulations. R.S.O. 1927, c. 257, s. 119.

138. Where an officer appointed under section 139 is the prosecutor or complainant, the penalty in money or such part thereof as the Board may by regulation determine, shall be paid to the treasurer of the local municipality, wherein the offence was committed. R.S.O. 1927, c. 257, s. 120.

139. The council of any municipality may by by-law appoint an officer or officers whose duty it shall be to enforce the provisions of this Act within the municipality, and such council may by by-law provide for the payment of such officer or officers, and for payment of any expenses incurred in such enforcement out of the general funds of the municipality, and every officer so appointed shall have within the municipality for which he is appointed all the powers conferred on a provincial constable under this Act, and all the provisions of this
Act, applicable to any such constable shall apply to any officer appointed under this section and acting within the municipality for which he is appointed in the same manner and to the same extent as if such municipal officer were expressly mentioned in such provisions, but nothing in this section contained shall be construed to authorize the payment to such officer of any part of the fines recovered under this Act. R.S.O. 1927, c. 257, s. 121.

140. All informations or complaints for the prosecution of any offence against any of the provisions of this Act, shall be laid or made in writing, within three months after the commission of the offence or after the cause of action arose and not afterwards, before any justice of the peace for the county or district in which the offence is alleged to have been committed, and may be made without any oath or affirmation to the truth thereof, and the same may be according to form provided in the regulations or to the like effect. R.S.O. 1927, c. 257, s. 122; 1932, c. 33, s. 5.

141. 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. 1927, c. 257, s. 123.

142. Except as otherwise provided in this Act, the penalties imposed by or under the authority of this Act shall be recoverable under The Summary Convictions Act and the provisions of the said Act shall apply to prosecutions thereunder. 1935, c. 35, s. 9.

143. The description of any offence under this Act, in the words of this Act, or in any words of like effect, shall be 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, 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 or complainant. R.S.O. 1927, c. 257, s. 125.

144. In any 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 shall not be necessary that any witness should depose to the precise description or quantity of the liquor sold, disposed of, kept,
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145. In proving the sale, disposal, gift or purchase, or consumption of liquor, it shall not be 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, shall be evidence that such liquor was sold or given to or purchased by the person consuming, or being about to consume, or carrying away the same, as against the occupant of the said premises. R.S.O. 1927, c. 257, s. 126.

146. In any prosecution under this Act, or the regulations made thereunder, production by a police officer, policeman, constable, provincial police inspector or peace officer, of a certificate or report signed or purporting to be signed by a Dominion 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 shall be conclusive evidence of the facts stated in such certificate or report and of the authority of the person giving or making the same without any proof of appointment or signature. R.S.O. 1927, c. 257, s. 127.

147. The justice trying a case, shall in the absence of proof to the contrary, be at liberty to infer that the liquor in question is intoxicating from the fact that a witness describes it as intoxicating, or by a name which is commonly applied to an intoxicating liquor. R.S.O. 1927, c. 257. s. 129.

148. Upon the hearing of any charge of selling or purchasing liquor, or of unlawfully having or keeping liquor, contrary to any of the provisions of this Act, the justice trying the case shall have the right to draw inferences of fact from the kind and quantity of liquor found in the possession
Onus on proof of possession.

149. — (1) If, on the prosecution of any person charged with committing an offence against this Act, in selling or keeping for sale or giving or keeping or having or purchasing or receiving of liquor, *prima facie* proof is given that such person had in his possession or charge or control any liquor in respect of or concerning which he is being prosecuted, then, unless 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. 1927, c. 257, s. 130.

(2) In the prosecution of any person charged with an offence against this Act, the entries on the back of any permit produced shall be *prima facie* evidence of the sale to the holder of such permit of the kind and quantities of liquor endorsed thereon, and of the dates of such sales. 1928, c. 44, s. 12.

(3) In the prosecution of any person charged with an offence against this Act, the production of a certificate of cancellation or suspension of permit signed by any member of the Board, shall be *prima facie* evidence of the cancellation or suspension of the permit mentioned in such certificate. 1930, c. 51, s. 16; 1934, c. 26, s. 25.

Burden of proof.

150. — (1) The burden of proving the right to have or keep or sell or give or purchase or consume liquor shall be on the person accused of improperly or unlawfully having or keeping or selling or giving or purchasing or consuming such liquor.

(2) The burden of proving that any prescription or administration of liquor is *bona fide* and for medical purposes only shall be upon the person who prescribes or administers such liquor, or causes such liquor to be administered, and a justice trying a case shall have 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. 1927, c. 257, s. 132.

Onus on physicians.

151. — (1) The proceedings upon any information for an offence against any of the provisions of this Act, in a case
where a previous conviction or convictions are charged shall be as follows,—

(a) the justice shall in the first instance inquire concerning such 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 such previous conviction or convictions;

(b) such 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;

(c) in the event of any conviction for any second or subsequent offence becoming void or defective after the making thereof, by reason of any previous convictions being set aside, quashed, or otherwise rendered void, a justice by whom such 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 such summons, if such person fails to appear, or on his appearance, amend such second or subsequent conviction, and adjudge such penalty or punishment as might have been adjudged had such previous conviction never existed, and such amended conviction shall thereupon be held valid to all intents and purposes as if it had been made in the first instance;

(d) in case of any person who has been convicted of a violation of any provision of this Act is afterwards convicted of a violation of any other provision of this Act, 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 sections.

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

(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. 1927, c. 257, s. 133.

Service on corporations.

152. In all prosecutions, actions, or proceedings under the provisions of this Act, against a corporation, every summons, warrant, order, writ, or other proceeding may in addition to any other manner of service which may be provided or authorized by law be served on the corporation by delivering the same to any officer, attorney or agent of the corporation within the Province, or by leaving it at any place within the Province, where it carries on any business; provided, that 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 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. 1927, c. 257, s. 134.

Presumption as to incorporation.

153. 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, 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. 1927, c. 257, s. 135.

Informalities not to invalidate.

154.-(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.

(2) The court or judge hearing any such application may amend the order, warrant, or search warrant as justice may require. R.S.O. 1927, c. 257, s. 136.

Amendment.

155. 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. 1927, c. 257, s. 137.
156.—(1) Any person convicted under this Act may, subject to the provisions hereinafter mentioned, 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 complainant and to the convicting justice within twenty days of such conviction.

(a) 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 157 of this Act.

(2) 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.

R.S.O. 1927, c. 257, s. 138 (1, 2).

(3) The term “judge” as used in this Act shall mean the judge, junior judge or acting judge of the county or district court of a county or district. 1930, c. 51, s. 17 (1).

(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 and 2 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 such appeal as provided in subsections 11 and 12.

(a) The deposit of $50 referred to in this subsection shall be made at the time of the delivery of the notice of appeal or within five days thereafter, or in default of such deposit, his appeal shall be dismissed.

(5) Subject to subsection 6, the person convicted, if he is in custody, shall either remain in custody until the hearing of such 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 such appeal and abide by his judgment thereupon, and also to pay any penalty in money and costs which the judge may order.

(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 which the judge may think fit to impose.

(7) In any case in which security is provided, whether in money or otherwise, the same 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.

(8)—(a) Upon the recognizance being entered into the justice shall liberate such person if in custody.

(b) The justice shall immediately after such liberation, or if the appellant remains in custody shall immediately after service of the notice of appeal upon the magistrate, deliver or transmit by registered post 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 herein-after mentioned, and such certificate shall be deemed to be a part of the record.

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

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 .

(10) The appellant shall pay to the clerk of the county or district court for his attendance and services in connection with such appeal the sum of $2, and the same shall be taxed as costs in the cause. R.S.O. 1927, c. 257, s. 138 (4-10).
Sec. 156 (14).

LIQUOR CONTROL.

Chap. 294.

(11) Within thirty days from the service of the notice of appeal the judge shall, on the application of any 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; provided, however, that if no such application is made within the said thirty days, the judge, upon proof of the failure to make such application, shall order that the appeal be forthwith dismissed with costs. 1930, c. 51, s. 17 (2).

(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 may think fit affirming, reversing or amending the conviction appealed from, and the conviction so made shall have the same effect and be enforced in the same way as if made by the justice whose conviction is appealed from.

(a) The order or judgment of the judge shall not take effect until fifteen days from the date thereof, provided, however, that if the release of a person from custody has been ordered the judge may, with the approval of the Crown attorney, grant bail to the prisoner in such sum and with such surety or sureties as the judge, with the approval of the Crown attorney, may deem sufficient and may take the recognizance of the accused accordingly conditioned to abide by the decision of the Court of Appeal to which an appeal may be taken as provided by section 157 of this Act.

(13) The practice and procedure upon such appeals and all proceedings thereon, shall, except as hereinbefore provided, be governed by The Summary Convictions Act so far as the same is not inconsistent with this Act.

(14) Any informant or complainant dissatisfied with an order of dismissal made by a justice under this Act may, with the consent of the Attorney-General, procured within fifteen days of the date of the order of dismissal, appeal 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 shall have and may exercise the same powers as in the case of an appeal against a conviction, and may make such order as he may think fit and the deposit of security in such case shall be dispensed with.
Affidavits of 
bona fides.

(15) No appeal shall lie from a conviction for any violation or contravention of any of the provisions of this Act unless the party appealing shall, with his notice of appeal, deliver to the justice who tried the case, 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, provided that where the appeal is only as against the penalty imposed by the justice the affidavit required by this section shall not be necessary.

(a) If the party appealing be a corporation, the affidavit referred to in this section may be made by the president, secretary or any other officer or employee of the corporation having knowledge of the facts.

Other appeals not allowed.

(16) Except as provided by this section, no appeal shall be taken against any conviction or order made by a justice under any of the provisions of this Act. R.S.O. 1927, c. 257, s. 138 (12-16).

Appeal to Court of Appeal.

157.—(1) At any time within fifteen days from the date of the judgment or order of any judge of a county or district court arising out of or under section 156 of this Act, the Attorney-General may direct an appeal to the Court of Appeal from the judgment or order of a judge of the county or district court in any case arising out of or under the said section in which the Attorney-General certifies that he is of opinion that the matters in dispute are of sufficient importance to justify an appeal. R.S.O. 1927, c. 257, s. 139 (1) ; 1932, c. 33, s. 6 (1).

Notice of appeal.

(2) Such appeal shall be had upon notice thereof to be given to the opposite party of the intention to appeal setting forth the grounds of such appeal.

Service.

(3) Service of the notice of appeal upon the solicitor for the opposite party or upon a grown-up person at the last known place of residence or business of the opposite party, or the sending of such notice by registered mail, to the last known address of such party shall be deemed good and sufficient service. R.S.O. 1927, c. 257, s. 139 (2).

Practice on appeals.

(4) Except so far as otherwise provided by this Act, the Consolidated Rules of Practice and Procedure of the Supreme
Court relating to appeals to the Court of Appeal shall apply to appeals under this section. 1932, c. 33, s. 6 (2).

(5) The clerk of the county or district court shall certify the judgment, conviction, orders and all other proceedings to the proper officer of the Supreme Court at Toronto for use upon appeal. R.S.O. 1927, c. 257, s. 139 (3).

(6) The Court of Appeal shall thereupon hear and determine the appeal and shall make such order for carrying into effect the judgment of the Court as the Court shall think fit. R.S.O. 1927, c. 257, s. 139 (4); 1932, c. 33, s. 6 (3).

158.—(1) From and after the date on which this Act comes into force the Board may license one or more hotels in every municipality for the accommodation of the travelling public and other guests, and every such license shall be deemed to be a license to the person and for the premises therein described.

(2) The Board may by regulation define the conditions, accommodation and qualifications requisite for obtaining such license and regulate the hotels so licensed.

(3) The hotels so licensed shall be known as standard hotels.

(4) The annual fee to be paid for such license shall be $1.

(5) The keeper of a standard hotel shall be entitled to sell non-intoxicating drinks and beverages other than light beer, cigars, cigarettes and tobacco, and to conduct an ice cream or general restaurant or cafe without further or other license.

(6) No restaurant license or other license to sell the articles or commodities or any of them mentioned in subsection 5, shall without the consent of the Board be issued by any municipality or under its authority in respect of any premises which form part of a building in which an unlicensed hotel, inn or house of public entertainment is carried on, whether or not there are any internal means of communication between the respective premises.

(7) The keeper of any hotel, inn or house of public entertainment not so licensed as aforesaid shall not sell or traffic in any of the articles mentioned in subsection 5, and any such keeper who violates this subsection shall be guilty of an offence under this Act.
(8) The Board may cancel any such license at any time for such reason as to the Board may seem sufficient.

(9) The council of any municipality may by by-law grant any such standard hotel total or partial exemption from municipal taxation, except school and local improvement taxes. R.S.O. 1927, c. 257, s. 140.

159. The purpose and intent of this Act, are to prohibit transactions in liquor, which take place wholly within the Province of Ontario, except under Government control as specifically provided by this Act, and every section and provision of this Act, dealing with the importation, sale and disposition of liquor within the Province through the instrumentality of a board and otherwise provide the means by which such Government control shall be made effective and nothing in this Act shall be construed as forbidding, affecting or regulating any transaction which is not subject to the Legislative authority of the Province. R.S.O. 1927, c. 257, s. 141.

160.—(1) Whenever any person has drunk liquor to excess and, while in a state of intoxication from such drinking, has come to his death by suicide or drowning, or perishing from cold or other accident caused by such intoxication, the person or persons who furnished or gave the liquor to such person when in a state of intoxication, or on whose premises it was obtained by such intoxicated person while intoxicated, shall be liable to an action for a wrongful act and as a personal wrong, and subject to the provisions of subsection 2, such action may be brought under The Fatal Accidents Act, and the amount which may be recovered as damages shall not be less than $100.

(2) Any such action shall be brought within six months from the date of the death of such intoxicated person and not afterwards. R.S.O. 1927, c. 257, s. 143.

161. In any case of emergency the Lieutenant-Governor in Council may issue a proclamation forbidding any person to have liquor in his possession within the area mentioned in such proclamation, unless such person has been authorized in writing by the Board and given special permission thereby to have liquor within that area, and the proclamation may also authorize, within such area the seizure without other warrant or authority and detention for such time as may be authorized, of any liquor not had or kept with the permission of the Board within such area, and the proclamation may remain in force for such period as may be therein determined. R.S.O. 1927, c. 257, s. 144.