1950

c 210 Liquor Control Act

Ontario
CHAPTER 210

The Liquor Control Act

1. In this Act,

(a) "beer" means any liquor obtained by the alcoholic fermentation of an infusion or decoction of barley, malt and hops or of any similar products in drinkable water and containing more than two and one-half per cent by volume at 60 degrees Fahrenheit of absolute alcohol; R.S.O. 1937, c. 294, s. 1, cl. (b); 1944, c. 34, s. 1 (2).

(b) "Board" means Liquor Control Board of Ontario;

(c) "dentist" means a member of the Royal College of Dental Surgeons of Ontario registered under The Dentistry Act and holding a certificate of licence to practise dentistry;

(d) "druggist" means a pharmaceutical chemist registered and entitled to practise under The Pharmacy Act; c. 276, R.S.O. 1937, c. 294, s. 1, cls. (c-e).

(e) "Government store" means store established by the Board under this Act for the sale of liquor or for the sale of beer only; R.S.O. 1937, c. 294, s. 1, cl. (f); 1946, c. 46, s. 1 (2).

(f) "interdicted person" means a person to whom the sale of liquor is prohibited by order under this Act; R.S.O. 1937, c. 294, s. 1, cl. (g).

(g) "judge" means the judge, junior judge or acting judge of a county or district court; R.S.O. 1937, c. 294, s. 156 (3).

(h) "justice" means magistrate and where no magistrate is available includes two or more justices of the peace or any person having the power or authority of two or more justices; R.S.O. 1937, c. 294, s. 1, cl. (h).

(i) "licence" means a licence issued by the Board to a brewer, distiller or producer of Ontario wine under this Act or the regulations; R.S.O. 1937, c. 294, s. 1, cl. (j); 1944, c. 34, s. 26.
"liquor" means 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 cent by volume at 60 degrees Fahrenheit of absolute alcohol shall conclusively be deemed to be intoxicating, and includes wine and beer; R.S.O. 1937, c. 294, s. 1, cl. (k); 1944, c. 34, s. 1 (3).

"Minister" means the member of the Executive Council to whom for the time being is assigned the supervision of the administration of this Act and the regulations; R.S.O. 1937, c. 294, s. 1, cl. (l).

"Ontario wine" means wine produced from grapes or cherries grown in Ontario or the concentrated juice thereof and includes Ontario wine to which has been added herbs, water, honey, sugar or the distillate of Ontario wine; 1944, c. 34, s. 1 (4).

"package" means any container, bottle, vessel or other receptacle used for holding liquor; R.S.O. 1937, c. 294, s. 1, cl. (n).

"permit" means permit for the purchase of liquor, beer or wine issued by the Board; 1944, c. 34, s. 1 (5).

"physician" means legally qualified medical practitioner registered under The Medical Act;

"prescription" means 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;

"public place" means any place, building or convenience to which the public has, or is permitted to have, access, and includes any highway, street, lane, park or place of public resort or amusement;

"regulations" means regulations made under this Act;

"residence" means any building or part of a building or tent in which a person resides, but does not include any part of a building that is not actually and exclusively used as a private residence, nor any part of an 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; R.S.O. 1937, c. 294, s. 1, cls. (p-t).

(t) "sale" and "sell" include exchange, barter and traffic, and also includes selling, supplying or distributing, by any means whatsoever, of liquor or of any liquid known or described as beer by any partnership, or by any society, association or club, whether incorporated or unincorporated, and whether heretofore or hereafter formed or incorporated, to any partnership, society, association or club or to any member thereof; R.S.O. 1937, c. 294, s. 1, cl. (u); 1944, c. 34, s. 1 (6).

(u) "veterinary" means a person authorized to practise veterinary science under The Veterinary Science Practice Act;

(v) "wine" means any liquor obtained by the fermentation of the natural sugar contents of fruits, including grapes, apples and other agricultural products containing sugar, and including honey and milk. R.S.O. 1937, c. 294, s. 1, cls. (v, w).

ADMINISTRATION

2. 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 and the regulations, including the general control, management and supervision of all Government liquor stores shall be vested in the Board. R.S.O. 1937, c. 294, s. 4.

3. The Lieutenant-Governor in Council may designate one of the members of the Board to be chairman thereof who shall be known as the Chief Commissioner, and may designate any other member or any officer of the Board to be Deputy Chief Commissioner, and in case of a vacancy in the office, or of sickness or inability to act of the Chief Commissioner, the Deputy Chief Commissioner shall have and may exercise and perform all the powers, duties and functions of the Chief Commissioner. R.S.O. 1937, c. 294, s. 5.

4. Notwithstanding anything in The Legislative Assembly Act, the appointment of the chairman or of any other member of the Board, if a member of the Assembly, shall not be avoided by reason of the payment to him or the acceptance...
by him of any salary or other remuneration under this Act, nor shall he thereby vacate or forfeit his seat or incur any of the penalties imposed by that Act for sitting and voting as a member of the Assembly. 1939, c. 26, s. 1.

5. 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. 1937, c. 294, s. 6.

6. The principal office of the Board shall be at Toronto. R.S.O. 1937, c. 294, s. 7.

7. The Chief Commissioner shall have charge of the officers, inspectors, clerks and servants of the Board who shall be responsible to him in the first instance. R.S.O. 1937, c. 294, s. 8.

8. 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. 1937, c. 294, s. 9.

9. 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;

(b) to control the possession, sale, consumption, transportation and delivery of liquor in accordance with this Act and the regulations;

(c) to determine the municipalities within which Government liquor stores shall be established, and the situation of the stores in any municipality;

(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;

(e) to grant, refuse, suspend or cancel permits for the purchase of liquor;
(f) to lease any land or building required for the purposes of this Act and the regulations;

(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 and the regulations;

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

(i) to appoint officials to issue and grant permits under this Act and the regulations;

(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 and the regulations;

(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;

(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 this Act and the regulations. R.S.O. 1937, c. 294, s. 10.

10.—(1) The Board with the approval of the Lieutenant-Governor in Council may make such regulations as the Board may deem necessary for carrying out this Act and for the efficient administration thereof. R.S.O. 1937, c. 294, s. 11 (1); 1946, c. 46, s. 2 (1).

(2) Without limiting the generality of subsection 1, the Idem. powers of the Board to make regulations in the manner set out in that subsection shall extend to and include,

(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;

(d) determining the classes, varieties and brands of liquor to be kept for sale at Government stores;
(e) prescribing the days and hours at which Government stores or any of them shall be kept open;

(f) providing for the issue and distribution of price lists showing the price to be paid for each class, variety or brand of liquor kept for sale in Government stores;

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

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

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

(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. 1937, c. 294, s. 11 (2), cls. (a-j).

(k) prescribing the kinds and quantities of liquor that may be sold or purchased under permits or under licences under The Liquor Licence Act, including the quantity that may be sold or purchased at any one time or within any specified period of time and the alcoholic content of any such liquor; R.S.O. 1937, c. 294, s. 11 (2), cl. (k); 1946, c. 46, s. 9.

(l) prescribing the forms of records of purchases of liquor by the holders of permits, and the reports to be made thereon to the Board, and providing for inspection of the records to be kept;

(m) prescribing the manner of giving and serving notices required by this Act or the regulations; R.S.O. 1937, c. 294, s. 11 (2), cls. (l, m).

(n) prescribing the duties of officials authorized to issue permits under this Act or the regulations; R.S.O. 1937, c. 294, s. 11 (2), cl. (n); 1944, c. 34, s. 3 (1).
(o) prescribing the fees payable in respect of permits and licences issued under this Act, and prescribing the tax, fees and assessments payable by any brewer, distiller or producer of Ontario wine; R.S.O. 1937, c. 294, s. 11 (2), cl. (o); 1944, c. 34, s. 26; 1946, c. 46, s. 2 (2).

(p) prescribing the books, records and returns to be kept by the holder of any licence for the sale of liquor under this Act;

(q) supervising the distribution of supplies and the manner in which liquor may be kept and stored;

(r) supervising the hours and days upon which, and the manner, methods and means by which vendors and brewers shall deliver liquor under this Act or the regulations and the hours and days during which, and the manner, methods and means by which liquor, under this Act or the regulations, may be lawfully conveyed and carried; R.S.O. 1937, c. 294, s. 11 (2), cls. (p-r).

(s) governing the sale to and purchase by holders of licences under The Liquor Licence Act of liquor for sale upon premises licenced under The Liquor Licence Rev. Stat., Act; 1946, c. 46, s. 2 (3).

(t) governing the conduct, management and equipment of any premises upon which liquor may be sold or consumed under this Act or the regulations;

(u) respecting any other matter necessary or advisable to carry out effectively the intent and purpose of this Act. R.S.O. 1937, c. 294, s. 11 (2), cls. (t, u).

11. 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 10 shall have the power to make regulations respecting such act, matter or thing. R.S.O. 1937, c. 294, s. 12.

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

(a) purchase any land or building and equip any building required for the purposes of this Act or the regulations and where deemed necessary purchase or acquire the property and output;
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 the regulations and by regulation prescribe the terms of their employment, fix their salaries or remuneration and define their respective duties and powers. R.S.O. 1937, c. 294, s. 13.

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

(a) shall have power to acquire by purchase, lease or in any other manner, or without the consent of the owner thereof to enter upon, take possession of, appropriate and use any land or property which it may deem necessary for its undertakings; and

(b) shall have and may exercise and enjoy in addition to the powers conferred by this Act, all the powers conferred upon the Minister of Public Works in relation to a public work by The Public Works Act and in the application of this section where the words “the Minister”, “the Department” or “the Crown” appear in such Act, they shall, where the context permits, mean the Board.

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

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

(4) No action or proceeding of the Board taken pursuant to this section shall be restrained by injunction or process or proceeding in any court. 1946, c. 46, s. 3.

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 and the
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 and the regulations as he may require, and shall make annually to the Lieutenant-Governor in Council, through the Minister, a report for the 12 months ending on the 31st day of March 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 and the regulations during the year;

(b) a statement of the Board's assets and liabilities including a profit and loss account, and such other accounts and matters as may be necessary to show the results of its operations for the year;

(c) general information and remarks as to the working of this Act and the regulations;

(d) any other information requested by the Minister.

R.S.O. 1937, c. 294, s. 15 (1); 1938, c. 37, s. 13.

(2) Every annual report made under this section shall be laid forthwith before the Legislature if the Legislature is then in session, and if not then in session shall be laid before the Legislature within 15 days after the opening of the session following the close of the fiscal year. R.S.O. 1937, c. 294, s. 15 (2).

16. The books and records of the Board shall at all times be subject to examination and audit by the provincial Auditor and by such other person as the Lieutenant-Governor in Council may authorize in that behalf. R.S.O. 1937, c. 294, s. 15 (3).

17. The Treasurer of Ontario may set aside out of the Consolidated Revenue Fund such sums as he deems necessary and requisite for the purchase of liquor by the Board, and for other necessary purposes in the administration of this Act and the regulations. R.S.O. 1937, c. 294, s. 16.
18. The Board shall make all payments necessary for its administration of this Act and the regulations, including the payment of the salaries of the members of the Board and its staff and all expenditures incurred in establishing and maintaining Government stores and in its administration of this Act and the regulations. R.S.O. 1937, c. 294, s. 17.

19. All moneys received from the sale of liquor at Government stores and from licence and permit fees, or otherwise arising in the administration of this Act and the regulations shall be paid to the Board. 1944, c. 34, s. 4.

20. 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. 1937, c. 294, s. 19.

21. The accounts of the Board shall be made up to the 31st day of March 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. 1937, c. 294, s. 20; 1938, c. 37, s. 13.

22. 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. 1937, c. 294, s. 21.

23. From the profits received under this Act and the regulations 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 and the regulations. R.S.O. 1937, c. 294, s. 22.

24. 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. R.S.O. 1937, c. 294, s. 23.

25. 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. 1937, c. 294, s. 24.

26. Every vendor and every official authorized by the Board to issue permits under this Act or the regulations may administer any oath and take and receive any evidence or declaration required under this Act or the regulations. R.S.O. 1937, c. 294, s. 25; 1944, c. 34, s. 5.

27.—(1) Except with the consent of the Minister, no action or proceeding shall be taken against any member or members of the Board or against any official or vendor of the Board for anything done or omitted to be done in or arising out of the performance of his or their duties under this Act or the regulations.

(2) Every action, order or decision of the Board as to any matter or thing in respect of which any power, authority or discretion is conferred on the Board under this Act or the regulations 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. 1937, c. 294, s. 26.

(3) The Board may, with the consent of the Attorney-General, be sued and may institute or defend proceedings in any court of law or otherwise in the name of The Liquor Control Board of Ontario as fully and effectually to all intents and purposes as though the Board were incorporated under such name 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 occurred. R.S.O. 1937, c. 294, s. 27.

28.—(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. 1937, c. 294, s. 28.

29. Subject to the regulations, the Board may require the holder of any licence 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 this Act and the regulations. R.S.O. 1937, c. 294, s. 29.

30. Notwithstanding anything in this Act or the regulations, the Board shall not be compellable to issue any permit or licence under this Act or the regulations, and may refuse, suspend or cancel any such permit or licence in its discretion, and shall not be obliged to give any reason or explanation for such refusal, suspension or cancellation. 1944, c. 34, s. 6.

ESTABLISHMENT OF GOVERNMENT STORES AND SALES UNDER PERMITS

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

(2) The Board may fix the prices at which the various classes, varieties and brands of liquor are to be sold, and, except in the case of beer, such prices shall be the same at all Government stores. 1946, c. 46, s. 4.

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 so far as they relate to the conduct of such store and the sale of liquor thereat. R.S.O. 1937, c. 294, s. 32.

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 this Act and the regulations.

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

(a) the purchaser has given a written order to the vendor, dated and signed by the purchaser and stating the number of his permit and the kind and quantity of the liquor ordered; and
(b) the purchaser has produced his permit for inspection 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. 1937, c. 294, s. 33.

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 or the regulations and such package shall not be opened on the premises of a Government store. R.S.O. 1937, c. 294, s. 34.

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 nor shall any person consume any liquor on such premises. R.S.O. 1937, c. 294, s. 35.

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 federal or provincial election held in the electoral district in which the store is situated;

(c) on any day on which polling takes place at any municipal election held in the municipality in which the store is situated or upon any question submitted to the electors of the municipality under any Act of the Legislature; or

(d) during such other periods or on such other days as the Board may direct. R.S.O. 1937, c. 294, s. 36.

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 the regulations, and when permitted so to do by this Act and the regulations and in accordance herewith, 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 the beer was manufactured, or from premises where the beer may be lawfully kept and sold, to any place in Ontario to which the beer may be lawfully delivered under this Act.
and the regulations, provided that no such common carrier or any other person shall open, or break, or allow to be opened or broken, any package or vessel containing liquor, or drink, or use, or allow to be drunk or used, any liquor therefrom while being so carried or conveyed. R.S.O. 1937, c. 294, s. 37.

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

(a) individual permits; and

(b) special permits.

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

1. An individual permit in the prescribed form may be granted to any individual of the full age of 21 years who has resided in Ontario 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 or the regulations, entitling the applicant to purchase liquor in accordance with the terms of the permit and the provisions of this Act and the regulations.

2. An individual permit in the prescribed form may be granted to any individual of the full age of 21 years who is temporarily resident or sojourning in Ontario and who is not disqualified under this Act or the regulations, entitling the applicant during a period not exceeding one month to purchase liquor in accordance with the terms of the permit and the provisions of this Act and the regulations.

3. A special permit in the prescribed form may be granted to a druggist, physician, dentist or veterinary or to a person engaged within Ontario in any 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 permit and in accordance with the terms of such permit and in accordance with the provisions of this Act and the regulations.
4. 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 of the special permit.

5. 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 of such permit and of this Act and the regulations.

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

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

R.S.O. 1937, c. 294, s. 38.

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

(a) special permits issued under class 5 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. 1937, c. 294, s. 39; 1938, c. 37, s. 13.
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. 1937, c. 294, s. 40.

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. 1937, c. 294, s. 41.

42. No person who is the holder of an unexpired individual permit under this Act or the regulations shall make application for or be entitled to hold any other individual permit whether of the same or another class; provided that the holder of a subsisting individual permit may, without any claim to or for rebate, return such permit to the Board or official authorized to issue permits and then be entitled to make application for a permit under this Act or the regulations, and any person whose permit has been lost or destroyed may apply to the Board or other official by whom the permit was issued, and upon proof of the loss or destruction of the permit and subject to the conditions contained in the regulations, may obtain a duplicate permit in lieu of the permit so lost or destroyed for which duplicate permit a fee of 50 cents shall be paid. R.S.O. 1937, c. 294, s. 42.

43.—(1) Liquor may be kept, had, given or consumed by a person only in the residence in which he resides, except as otherwise provided by The Liquor Licence Act or this Act or the regulations under this Act or that Act. 1944, c. 34, s. 8; 1946, c. 46, s. 9.

(2) If the occupant of a residence or of any part thereof, including the rooms of any lodgers, boarders or tenants therein, or any member of the family of such occupant is convicted of keeping a disorderly house or of an offence against any of the provisions of this Act or the regulations committed in or in respect of such residence or rooms, or in respect of any liquor kept therein or removed therefrom, the justice making the conviction may in and by the conviction, declare such residence or the rooms of such lodgers, boarders or tenants therein or both to be a public place for the purposes of this Act and the regulations and such residence or rooms or both shall cease to be a residence within the meaning of this Act and the regulations 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 the regulations and may grant a certificate to such effect to the new owner or occupant of such residence or rooms or both and such residence or rooms or both shall from the date of the granting of such certificate, signed by the Chief Commissioner or Deputy Chief Commissioner of the Board, be a residence and cease to be a public place within the meaning of this Act and the regulations. R.S.O. 1937, c. 294, s. 43 (2).

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

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

(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, 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.

(5) Where a permit has been cancelled, the Board shall notify all vendors and such other persons as may be provided for 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.

(6) Where a permit is produced at a Government store by a person who is not entitled under this Act or the regulations to hold 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.

(7) Notwithstanding anything in this Act and the regulations, where a permit granted for the purchase of liquor under this Act or the regulations 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 right of Ontario. R.S.O. 1937, c. 294, s. 44.

45. No permit shall be issued under this Act or the regulations to any person to whom the sale of intoxicants is prohibited under any Act of the Parliament of Canada. R.S.O. 1937, c. 294, s. 45.

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

(a) to keep for sale and sell beer to the Board;

(b) to deliver beer on the order of the Board or of a vendor to any person named in such order at the address therein stated;

(c) to keep for sale and sell beer under the supervision and control of the Board and in accordance with this Act and the regulations.

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

(3) Every brewer shall make to the Board in every month a return in the form which the Board provides showing the gross amount of the sales of beer made by him 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 brewer's agent, as the case may be, for any period mentioned in such notice, and such return shall be made within three days of the receipt by such brewer or brewer's agent of such notice. R.S.O. 1937, c. 294, s. 46.

47. Every brewer who fails to make such returns to the Board within 20 days following the expiration of any calendar
month for which it should be made, shall be guilty of an offence and shall be liable to a penalty of $20 per day for each day it is delayed, counting from the expiration of such 20 days. R.S.O. 1937, c. 294, s. 47.

48. Any brewer or brewer’s agent who makes default in forwarding a return required by the proviso in subsection 3 of section 46 within the time required by a notice given pursuant to that proviso, shall be guilty of an offence and shall be liable to a fine of $20 per day for each day during which such default continues. R.S.O. 1937, c. 294, s. 48.

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) Every brewer or brewer’s agent who refuses to allow such examination or who fails to make returns in accordance with the regulations shall be guilty of an offence and shall be liable to a penalty of $100 for each offence. R.S.O. 1937, c. 294, s. 49.

50. No premises shall be constructed and equipped so as to facilitate any breach of this Act or the regulations. R.S.O. 1937, c. 294, s. 50.

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 Ontario, and the Board shall be entitled and is hereby authorized to require of any brewer samples of any beer then being sold within Ontario or in stock by the brewer or which may be in the course of manufacture for sale within Ontario, and the brewer shall forthwith furnish the same to the Board, and every brewer failing to do so shall be guilty of an offence and shall be liable to a penalty of not more than $100. R.S.O. 1937, c. 294, s. 51.

52.—(1) The Board, with the approval of the Minister and subject to this Act and the regulations, may grant a licence 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, with the approval of the Lieutenant-Governor in Council, may 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 or the regulations. R.S.O. 1937, c. 294, s. 52.

53. Every licence issued under this Act or the regulations, unless sooner cancelled or determined, shall expire at midnight on the 31st day of March next following the issue thereof. 1944, c. 34, s. 9.

54. The Board may for any cause that it deems sufficient with or without any hearing, cancel or suspend any licence 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 cancelled or suspended, as the case may be. R.S.O. 1937, c. 294, s. 54.

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 or the regulations, such alcohol to be used solely in connection with the business of the druggist in compounding medicines or as a solvent or preservant. R.S.O. 1937, c. 294, s. 55.

56. Except as authorized or permitted by this Act or the regulations and in accordance therewith, nothing in this Act or 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. 1937, c. 294, s. 56.

57.—(1) Any physician who is lawfully and regularly engaged in the practice of his profession and who deems liquor necessary for the health of a patient of whom he has seen or visited professionally may give to such patient a prescription therefor in the prescribed form, signed by the physician and addressed to a vendor, or the physician may administer the liquor to the patient for which purpose the physician shall administer only such liquor as was purchased by him under special permit pursuant to this Act or the regulations, and he may give to any such patient a prescription for liquor not exceeding six ounces, and supply or sell, subject to the regulations, the said liquor to his patient, and may charge for the liquor so administered or sold, but no prescription shall be given nor shall liquor be administered or sold by a physician except to a bona fide patient in cases of actual need, and when in the judgment of the physician the use of liquor as medicine in the quantity prescribed, administered or sold is necessary.
(2) Every physician who gives any prescription or administers or sells any liquor in evasion or violation of this Act or the regulations, or who gives to or writes for any person a prescription for or including liquor for the purpose of enabling or assisting any person to evade any of the provisions of this Act or the regulations, or for the purpose of enabling or assisting any person to obtain liquor to be used as a beverage, or to be sold or disposed of in any manner in violation of this Act or the regulations, shall be guilty of an offence. R.S.O. 1937, c. 294, s. 57.

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

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

(b) wines and distilled liquor not exceeding one quart at any one time;

(c) alcohol for rubbing or other necessary purposes not exceeding one pint at any one time.

(2) Every prescription issued under section 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) No more than one sale and one delivery shall be made on any one prescription. R.S.O. 1937, c. 294, s. 58 (1), (2), (4).

(4) Any violation of this section shall be an offence. R.S.O. 1937, c. 294, s. 58 (3).

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 or the regulations, and may charge for the liquor so administered, but no liquor shall be administered by a dentist except to a bona fide patient in case of actual need, and every dentist who administers liquor in evasion or violation of this Act or the regulations, shall be guilty of an offence. R.S.O. 1937, c. 294, s. 59.

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 or the regulations, and may charge for the liquor so administered or caused to be administered, but no veterinary shall himself consume nor shall he give to or permit any person to consume as a beverage any liquor so purchased, and every veterinary who evades or violates or suffers or permits any evasion of this section shall be guilty of an offence. R.S.O. 1937, c. 294, s. 60.

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 or the regulations for that purpose, administer liquor purchased by him under his special permit to any patient or inmate of the institution who is in need of the same, either by way of external application or otherwise for emergency medicinal purposes, and may charge for the liquor so administered, but no liquor shall be administered by any person under this section except to bona fide patients or inmates of the institution of which he is in charge and in cases of actual need, and every person in charge of an institution or employed therein, who administers liquor in evasion or violation of this Act or the regulations shall be guilty of an offence. R.S.O. 1937, c. 294, s. 61.

APPLICATION OF ACT

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

(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 and the regulations. R.S.O. 1937, c. 294, s. 62.

63. Except as otherwise provided by this Act or the regulations, a druggist or manufacturer of patent or proprietary medicine may sell such medicine in the original and unbroken package if such medicine contains sufficient medication to prevent its use as an alcoholic beverage. R.S.O. 1937, c. 294, s. 63.
Li-quir Control

64.—(1) Except as otherwise expressly provided by this Act or the regulations, 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, lotion, toilet water or other similar preparation, or

(iv) for purely medicinal purposes, any mixture so prepared containing alcohol and other drugs or medicine; nor

(b) by a merchant who deals in drugs and medicines, of such compounds, mixtures and preparations as are in this section hereinbefore mentioned and are so made or put up by a druggist or manufacturer, by reason only that the same contain alcohol, but this 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. 1937, c. 294, s. 64 (1); 1944, c. 34, s. 10.

(2) If in any prosecution for selling any product 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 it was legitimately manufactured, was sold or otherwise disposed of to any person either at one time or at intervals and proof is also given that it was used for beverage purposes, the person selling or otherwise disposing of it may be convicted of an offence under subsection 1 of section 69. R.S.O. 1937, c. 294, s. 64 (2).

65.—(1) Every person who obtains or consumes for beverage purposes any of the products mentioned in section 63 or 64 or any preparation containing alcohol which has been denatured in accordance with The Excise Act, 1934 (Canada) and the regulations made thereunder, shall be guilty of an offence and liable to the penalties prescribed by subsection 4 of section 104. 1944, c. 34, s. 11.
(2) Except as otherwise expressly provided in this Act or the regulations, no person shall have in his possession, sell or keep for sale any compound, mixture or preparation whether in solid or liquid form to which the addition of water or any other liquid or any substance will produce intoxicating liquor. R.S.O. 1937, c. 294, s. 65 (2).

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 it being used as an alcoholic beverage, the offender shall be liable to the penalties that may be imposed in the case of sale of liquor contrary to subsection 1 of section 69.

(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 it that any patent or proprietary medicine or other medicine, preparation or mixture is believed not to contain sufficient medication to prevent its use as an alcoholic beverage, may cause an analysis of such patent or other medicine, preparation or mixture to be made by some competent person, and if it be proved to the satisfaction of the Department that such patent or proprietary medicine or other medicine, preparation or mixture contains more than one per cent 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 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 Department that sufficient medication to prevent its use as an alcoholic beverage is contained in such patent or proprietary medicine or other medicine, preparation or mixture, and the Department so certifies.
(4) If the Department should find and certify by certificate signed or purported to be signed as provided by subsection 3 that the patent or proprietary medicine or other medicine, preparation or mixture contains any medication 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 published in two consecutive issues of The Ontario Gazette, shall be an offence, and any person on conviction therefor shall be liable to the penalties provided by subsection 1 of section 105, 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. 1937, c. 294, s. 66.

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.

(2) Every person who refuses to comply with such a request shall be guilty of an offence and shall be liable to a penalty of not less than $10 and not more than $40. R.S.O. 1937, c. 294, s. 67.

68.—(1) Every brewer shall on all beer manufactured and bottled by him for sale or consumption within Ontario, place a crown cork stopper or other stopper showing thereon by embossing or lithographing on the outside thereof the name of the brewer and such other information as to the contents or otherwise as the Board 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 as the Board may determine. R.S.O. 1937, c. 294, s. 68 (1); 1944, c. 34, s. 12; 1947, c. 57, s. 3.

(2) Every brewer who violates the provisions of this section shall be guilty of an offence and shall be liable to a penalty of $2,000. R.S.O. 1937, c. 294, s. 68 (2).
69.—(1) Except as provided by this Act or the regulations, no person shall by himself, his clerk, servant or agent, expose, or keep for sale, or directly or indirectly or upon any pretence, or upon any device, sell or offer to sell liquor, or in consideration of the purchase or transfer of any property, or for any other consideration, or at the time of the transfer of any property, give liquor to any other person.

(2) Except as expressly provided by this Act or the regulations, no person shall have or keep any liquor that has not been purchased from a Government vendor or from a physician as provided by section 57.

(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 or the regulations.

(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. 1937, c. 294, s. 87.

70. No brewer, distiller or manufacturer of liquor shall within Ontario, by himself, his clerk, servant or agent, give any liquor to any person, except as may be permitted by and in accordance with the regulations. R.S.O. 1937, c. 294, s. 88.

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

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

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

(a) to any person who is disqualified under this Act or 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 this Act or the regulations, and no clerk, servant or agent of such person shall sell or furnish liquor to any permit holder whose permit has not been acquired in accordance with this Act or the regulations. R.S.O. 1937, c. 294, s. 89.

72.—(1) No person authorized to issue permits under this Act or the regulations shall knowingly issue a permit to any person under the age of 21 years.

(2) No person under the age of 21 years shall apply for or obtain a permit. 1942, c. 25, s. 3.

73. No holder of a licence under this Act or the regulations, or any other person, shall for any purpose whatsoever mix or permit or cause to be mixed with any liquor kept for sale, sold or supplied by him as a beverage, any drug or any form of methyl alcohol or any crude, unrectified or impure form of ethyl alcohol or any other deleterious substance or liquid. R.S.O. 1937, c. 294, s. 90.

74.—(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, 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 or the regulations.

(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. 1937, c. 294, s. 91.

75. Except as provided in this Act or the regulations, no person shall by himself, his clerk, servant, or agent attempt to purchase, or directly or indirectly or upon any pretence or upon any device, purchase or in consideration of the sale or transfer of any property, or for any other consideration, or at the time of the transfer of any property, take or accept any liquor from any other person. R.S.O. 1937, c. 294, s. 92.
76. Except as provided by this Act or The Liquor Licence Act or the regulations under this Act or that Act, no person shall consume liquor on any premises where liquor is kept for sale. R.S.O. 1937, c. 294, s. 93; 1944, c. 34, s. 15; 1946, c. 46, s. 9.

77. Except as provided by this Act or The Liquor Licence Act or the regulations under this Act or that Act, no person shall consume liquor unless the liquor has been acquired under the authority of a permit or prescription issued under this Act or the regulations, or is had or kept with the permission of the Board, and unless the package in which the liquor is contained and from which it is taken for consumption has, while containing that liquor, been sealed with the official seal prescribed by this Act or the regulations. R.S.O. 1937, c. 294, s. 94; 1944, c. 34, s. 16; 1946, c. 46, s. 9.

78.—(1) Except in the case of,

(a) liquor imported by the Government, or by the Board; or

(b) sacramental or other wines used for religious purposes; or

(c) liquor had or kept under section 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 by this Act or the regulations.

(2) Any constable or other police officer who finds liquor in his opinion is had or kept by any person in violation of this Act or the regulations may, without laying an information or obtaining a warrant, forthwith seize and remove the liquor and the packages in which it is kept, and upon conviction of the person for a violation of any provision of this section the liquor and all packages containing it shall in addition to any other penalty prescribed by this Act, ipso facto be forfeited to His Majesty in right of Ontario. R.S.O. 1937, c. 294, s. 95.

79.—(1) Except as expressly provided by this Act or The Liquor Licence Act or the regulations made under this Act or that Act, no person shall consume liquor in any place other than a residence. R.S.O. 1937, c. 294, s. 96 (1); 1944, c. 34, s. 17; 1946, c. 46, s. 9.

(2) No person shall be in an intoxicated condition in a public place. R.S.O. 1937, c. 294, s. 96 (2).
80. 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. 1937, c. 294, s. 97.

81.—(1) No person shall knowingly sell or supply liquor to Minors, a person under the age of 21 years.

(2) No liquor shall be sold to a person who is apparently under the age of 21 years and in any prosecution for a violation of this subsection the justice shall determine from the appearance of such person and other relevant circumstances whether he is apparently under the age of 21 years. 1944, c. 34, s. 18.

(3) No person under the age of 21 years shall apply for, attempt to purchase, purchase or otherwise obtain liquor.

(4) This section shall not apply to the supplying of liquor to a person under the age of 21 years for medicinal purposes only by the parent or guardian of such person, or to the administering of liquor to such person by a physician or as provided by this Act or the regulations. 1942, c. 25, s. 4.

82. Except in the case of liquor administered by a physician or dentist or sold upon a prescription in accordance with this Act or the regulations, no person shall procure or supply or assist directly or indirectly in procuring or supplying liquor for or to any person whose permit is suspended or cancelled. R.S.O. 1937, c. 294, s. 99.

83.—(1) Notwithstanding anything in this Act or the regulations, the Board may by order signed by the Chief Commissioner or the Deputy Chief Commissioner prohibit any person from purchasing, having, giving or consuming any liquor, including beer and wine, and any such person who contravenes such order shall be guilty of an offence. R.S.O. 1937, c. 294, s. 100 (1).

(2) Notwithstanding anything in this Act or the regulations, where any order is made against any person under subsection 1, all liquor and original liquor containers in his possession or under seizure at the date of the order shall ipso facto be forfeited to His Majesty in right of Ontario. 1942, c. 25, s. 5 (1).

(3) The Board may by order signed by the Chief Commissioner or the Deputy Chief Commissioner prohibit a vendor, brewer, brewers’ agent, producer of Ontario wine, holder of a licence under The Liquor Licence Act or other person from supplying either directly or indirectly liquor, including beer and wine, to any person against whom an order
has been issued pursuant to subsection 1 and any such vendor, brewer, brewers' agent, producer of Ontario wine, holder of a licence under The Liquor Licence Act or other person who knowingly contravenes any such order shall be guilty of an offence. R.S.O. 1937, c. 294, s. 100 (2); 1942, c. 25, s. 5 (2); 1944, c. 34, s. 26; 1946, c. 46, s. 9.

(4) The Board may by order signed by the Chief Commissioner or the Deputy Chief Commissioner prescribe the kinds and quantities of liquor, including beer and wine, that may be sold to any person by a vendor, brewer, brewers' agent, producer of Ontario wine, holder of a licence under The Liquor Licence Act or other person under this Act or the regulations and any person who knowingly contravenes the provisions of any such order shall be guilty of an offence. R.S.O. 1937, c. 294, s. 100 (3); 1942, c. 25, s. 5 (3); 1944, c. 34, s. 26; 1946, c. 46, s. 9.

(5) Service of the orders of the Board mentioned in subsections 1, 3 and 4 shall be effective if forwarded by registered mail to the last known address of the person against whom the order is made. R.S.O. 1937, c. 294, s. 100 (4).

84. Except in the case of liquor supplied to an interdicted person upon the prescription of a physician, or administered to him by a physician or dentist pursuant to this Act or the regulations, no person shall knowingly procure for, sell or give, to any interdicted person, any liquor, nor directly or indirectly assist in procuring or supplying any liquor to any interdicted person. R.S.O. 1937, c. 294, s. 101; 1944, c. 34, s. 19.

85. 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. R.S.O. 1937, c. 294, s. 102.

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

(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. R.S.O. 1937, c. 294, s. 103.

87.—(1) No person shall purchase or attempt to purchase liquor under a permit that is suspended or that has been cancelled, or of which he is not the holder.
(2) No person shall apply in any name except his own for the issue to him of a permit authorizing the purchase of liquor.

(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.

(4) Except as provided by this Act or the regulations, no person shall have or keep in his possession a false or fictitious permit purporting to authorize the purchase of liquor, or a permit of which he is not the holder. R.S.O. 1937, c. 294, s. 104.

88. 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. 1937, c. 294, s. 105.

89.—(1) Except as authorized by this Act or The Liquor Licence Act, no person, not holding a permit under this Act or the regulations entitling him so to do, shall have any liquor in his possession. R.S.O. 1937, c. 294, s. 106 (1); 1946, Rev. Stat., c. 46, s. 6.

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

(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 this Act or the regulations and in accordance therewith.

(4) Every person who is not prohibited or disqualified by this Act or the regulations 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 this Act and the regulations. R.S.O. 1937, c. 294, s. 106 (2-4).
90.—(1) Except as provided by this Act or The Liquor Licence Act or the regulations under this Act or that Act and except in the case of liquor kept and consumed pursuant to a special permit granted under section 38, 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. 1937, c. 294, s. 107 (1); 1944, c. 34, s. 20; 1946, c. 46, s. 9.

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

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

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

(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 such permit within 24 hours to the nearest vendor for transmission to the Board. R.S.O. 1937, c. 294, s. 107 (2-5).

91.—(1) Except as permitted by this Act or the regulations, no person 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", "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. 1937, c. 294, s. 108 (1); 1947, c. 57, s. 4.

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

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

(4) This section shall not apply,

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

(b) to the receipt of transmission of a telegram or letter by any telegraph agent or operator or post office employee in the ordinary course of his employment as such agent, operator or employee. R.S.O. 1937, c. 294, s. 108 (2-4).

92. Every person who, without lawful excuse, is found in any premises at the time of the commission upon such premises of any offence against or violation of any of the provisions of this Act shall be guilty of an offence. 1942, c. 25, s. 6.

93. Every person manufacturing or brewing beer shall put upon all bottles containing beer so manufactured or brewed for sale within Ontario 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. 1937, c. 294, s. 109.

Sale of
Ontario wine.

94.—(1) Subject to this Act and the regulations and to
any restrictions that the Board may impose, producers of
Ontario wines may keep and offer for sale, sell and deliver such
wines in such quantities as may be permitted by the Board.
R.S.O. 1937, c. 294, s. 110 (1); 1944, c. 34, s. 26.

(2) A producer of Ontario wines shall not sell such wines
otherwise than as permitted by this Act or the regulations or
allow any wine so sold, or any part thereof, to be drunk upon
the premises of such producer. R.S.O. 1937, c. 294, s. 110 (2);
1944, c. 34, s. 26.

Order of
interdiction.

95.—(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 Ontario, by excessive drinking
of liquor, misspends, wastes, or lessens his estate, or injures
his health, or interrupts the peace and happiness of his family,
the judge may make an order of interdiction directing the
cancellation of any permit held by that person and prohibiting
the sale of liquor to him until further ordered, and the judge
shall cause the order to be forthwith filed with the Board.

(2) Every interdicted person keeping or having in his pos-
session or under his control or consuming any liquor shall be
guilty of an offence, and the justice making the conviction
may in and by the conviction declare the liquor and all
packages in which the liquor is contained to be forfeited to
His Majesty in right of Ontario. R.S.O. 1937, c. 294, s. 111.

Delivery of
liquor to
Board on
interdiction.

96. Upon an order of interdiction being made, the inter-
dicted person shall deliver forthwith to the Board all liquor
in his possession or under his control to be kept for him by
the Board until the order of interdiction is revoked or set aside,
or at the option of the Board, such liquor may be purchased
from him at a price to be fixed by the Board. R.S.O. 1937,
c. 294, s. 112.

Cancellation
of permit.

97. 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. 1937, c. 294, s. 113.

98.—(1) Upon an application to the judge by any person Revocation
in respect of whom an order of interdiction has been made,
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 12 months immediately preceding the application, the
judge may by order set aside the order of interdiction filed
with the Board, and the interdicted person may be restored to
all his rights under this Act and the regulations, and the Board
shall accordingly forthwith notify all vendors and such other
persons as may be provided by the regulations.

(2) The applicant shall, at least 10 clear days before the Notice of
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. 1937, c. 294, s. 114.

99. Every person who violates any provision of this Act Violations
or the regulations shall be guilty of an offence, whether so
declared or not. R.S.O. 1937, c. 294, s. 115.

100. Any violation of this Act or the regulations by any First offence.
person shall be charged as a first offence notwithstanding such
person has been previously convicted of an offence against
this Act or the regulations; provided that such violation by
such person shall be charged as a first offence only if the
previous conviction occurred more than one year before the
date of such violation. R.S.O. 1937, c. 294, s. 116.

101. Every brewer, distiller or manufacturer who is convicted of keeping for sale or selling liquor by himself, or by his clerk, servant, agent or employee contrary to this Act, or the regulations shall be guilty of an offence and shall be liable to a penalty of $5,000. R.S.O. 1937, c. 294, s. 117.

102.—(1) Every person who violates any of the provisions Penalty for
of subsection 1 of section 71 shall be guilty of an offence and shall for a first offence be imprisoned for not more than six months and for a second or subsequent offence be imprisoned for not more than twelve months.

(2) Every person who knowingly violates any of the provisions of subsections 2, 3 or 4 of section 71 shall be guilty of
an offence and shall be imprisoned for not less than six months and not more than twelve months.

(3) Every person who violates any of the provisions of section 74 shall be guilty of an offence and shall be imprisoned for not more than twelve months. R.S.O. 1937, c. 294, s. 118.

103. Every person who violates any provision of subsection 1 of section 81 or section 84 shall be guilty of an offence and shall for the first offence be imprisoned for not less than one month, and not more than three months, and for a second or subsequent offence shall be imprisoned for not less than four months, and not more than twelve months. R.S.O. 1937, c. 294, s. 119; 1942, c. 25, s. 7; 1944, c. 34, s. 21.

104.—(1) Every person who violates any of the provisions of subsection 1 of section 69 shall be guilty of an offence and shall for a first offence be imprisoned for not less than two months and not more than six months, and for a second or subsequent offence shall be imprisoned for six months.

(2) Every person who violates any of the provisions of section 73 shall be guilty of an offence and shall for a first offence be imprisoned for not less than six months and not more than one year, and for a second or subsequent offence shall be imprisoned for not less than one year. R.S.O. 1937, c. 294, s. 120 (1, 2).

(3) Every person who violates any of the provisions of subsection 2 of section 72 or subsection 2 or 3 of section 81 shall be guilty of an offence and shall be liable for a first offence to a penalty of not less than $10 and not more than $500 and in default of immediate payment shall be imprisoned for a term of not more than two months, or to imprisonment for a term of not more than thirty days, or to both fine and imprisonment, and for a second or subsequent offence to imprisonment for a term of not more than three months. 1942, c. 25, s. 8; 1944, c. 34, s. 22 (1).

(4) Every person who violates any of the provisions of sections 35, 36, 57, 59, 60, 61, subsection 2 of section 69 or section 82, 87, 89, 90 or 91 shall be guilty of an offence and shall be liable for a first offence to a penalty of not less than $100 and not more than $1,000, and in default of immediate payment shall be imprisoned for a term of three months, and for a second or subsequent offence to imprisonment for three months. R.S.O. 1937, c. 294, s. 120 (3); 1940, c. 28, s. 16 (2); 1944, c. 34, s. 22 (2).
(5) Every person who violates the provisions of section 43 shall be guilty of an offence and shall be liable for a first offence to a penalty of not less than $10 and not more than $1,000, and in default of immediate payment shall be imprisoned for a term of one month, and for a second or subsequent offence to imprisonment for three months. 1940, c. 28, s. 16 (3).

(6) If the offender convicted of an offence referred to in this section is a corporation, it shall be liable to a penalty of not less than $1,000 and not more than $3,000.

(7) Every person who violates subsection 2 of section 79 shall be guilty of an offence and shall be liable for a first offence to a penalty of not less than $10 and not more than $50, and in default of immediate payment to imprisonment for not more than thirty days; for a second offence to a penalty of not less than $50 and not more than $100, and in default of immediate payment to imprisonment for not less than one month and not more than two months, and for a third or subsequent offence to imprisonment for not less than three months and not more than six months without the option of a fine. R.S.O. 1937, c. 294, s. 120 (4, 5).

105.—(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 and not more than $500, and in default of immediate payment to imprisonment for not more than thirty days; for a second offence to imprisonment for not less than one month and not more than two months, or to a penalty of not less than $200 and not more than $1,000 and, in default of immediate payment to imprisonment for not less than two months and not more than four months, and for a third or subsequent offence to imprisonment for not less than three months and not more than six months, without the option of a fine.

(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 and not more than $2,000, and for a second or subsequent offence to a penalty of not less than $2,000 and not more than $3,000.

(3) Where any person charged with an offence against any of the provisions of this Act or the regulations is found in possession of liquor purchased in accordance with this Act and the regulations, 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 this Act and the regulations, 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 and not more than three months' imprisonment unless such person establishes, to the satisfaction of the justice, the circumstances under which the liquor was obtained, the person from whom the liquor was so obtained and the manner in which it came into the possession of the person so charged; provided 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 the liquor was not purchased in accordance with this Act or the regulations.  R.S.O. 1937, c. 294, s. 121.

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

(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 such court and all proceedings may be thereupon taken and had as on any other judgment of such court.

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

(4) Nothing in this section 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 jail for such term as may be allowed by law. R.S.O. 1937, c. 294, s. 122.

107. Where an offence against this Act or the regulations is committed by a corporation, the officer or agent of the corporation in charge of the premises in which the offence is committed shall prima facie be deemed to be a party to the offence so committed, and 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. 1937, c. 294, s. 123.

108.—(1) Upon proof of the fact that an offence against this Act or the regulations 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.

(2) Upon proof of the fact that an offence against any of the provisions of this Act or the regulations 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 or the regulations 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 or the regulations, he may impose upon such owner or
proprietor a penalty of not less than $1,000 and not more than $2,000 and in default of immediate payment thereof, such owner or proprietor shall be imprisoned for not less than three months and not more than six months. R.S.O. 1937, c. 294, s. 124.

109.—(1) Upon information on oath by any constable or other police officer that he suspects or believes that liquor is unlawfully kept or had, or kept or had for unlawful purposes, in any building or premises, it shall be lawful for any justice, or any justice of the peace, by warrant under his hand, to authorize and empower the constable or other person named therein to enter and search the building or premises and every part thereof, and for that purpose to break open any door, lock or fastening of the building or premises or any part thereof, or any closet, cupboard, box or other receptacle therein which might contain liquor.

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

(3) Any constable or other police officer who is authorized in writing for the purpose by the Commissioner of Police for Ontario, if he believes that liquor is unlawfully kept or had, or kept or had for unlawful purposes, in any building or premises, may without warrant enter and search the building or premises and every part thereof, and for that purpose may break open any door, lock or fastening of the building or premises or any part thereof, or any closet, cupboard, box or other receptacle therein which might contain liquor, and such authority shall be a general one and shall be effective until revoked. R.S.O. 1937, c. 294, s. 125 (1-3).

(4) Any constable or other police officer may, without a warrant, seize from any person or corporation, any permit or licence issued under this Act or under The Liquor Licence Act and the regulations made under this Act or that Act. 1944, c. 34, s. 23; 1946, c. 46, s. 9.

110. Any constable or other police officer may arrest without warrant any person whom he finds committing an offence against this Act or the regulations. R.S.O. 1937, c. 294, s. 126.

111. Any constable or other police officer, if he believes that liquor is unlawfully kept or had, or kept or had for unlawful purposes, and is contained in any vehicle, motor car, automobile, vessel, boat, canoe, or conveyance of any descrip-
tion, 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 liquor is kept. R.S.O. 1937, c. 294, s. 127.

112. Notwithstanding anything in this Act or the regulations, any search warrant or authorization to search issued or authorized under this Act may be executed at any time, including Sunday or other holiday, and by day or night. R.S.O. 1937, c. 294, s. 128.

113. Where the constable or other police officer in making a search warrant may be executed at any time. or attempting to make any search under or in pursuance of the authority conferred by section 109 or 111 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 or the regulations, he may forthwith seize and remove the liquor and the packages in which the liquor is kept, and may seize and remove any book, paper or thing found in the building or place which in his opinion will afford evidence as to the commission of any offence against this Act or the regulations, and upon the conviction of the occupant of such building or place or any other person for keeping the liquor contrary to this Act or the regulations in such building or place, the justice making the conviction shall in and by the conviction declare the liquor and packages or any part thereof to be forfeited to His Majesty in right of Ontario. R.S.O. 1937, c. 294, s. 129.

114. Where the constable or other police officer, in making a search or attempting to make any search under or in pursuance of the authority conferred by section 111, 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 or the regulations, he may forthwith seize the liquor and the packages in which the liquor is contained, and the vehicle, motor car, automobile, vessel, boat, canoe or conveyance in which the liquor is so found, and upon the conviction of the occupant or person in charge of the vehicle, motor car, automobile, vessel, boat, canoe or conveyance or of any other person, for having or keeping the liquor, contrary to this Act or the regulations in such vehicle, motor car, automobile, vessel, boat, canoe or conveyance, the justice making the conviction may in and by the conviction declare the liquor or any part thereof so seized and the
packages in which the liquor is contained 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 right of Ontario. R.S.O. 1937, c. 294, s. 130.

115.—(1) Where liquor is found by any constable or other police officer on any premises or in any place or in any vehicle, motor car, automobile, vessel, boat, canoe or conveyance of any description and in such quantities as to satisfy the constable or officer that the liquor is being had or kept contrary to this Act or the regulations, it shall be lawful for the 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 the liquor.

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

(3) If, within 30 days from the date of the seizure, no person by notice in writing filed with the Board claims to be the owner of the liquor and the vehicle, motor car, automobile, vessel, boat, canoe or other conveyance containing the liquor, the liquor and all packages containing the liquor, together with the vehicle, motor car, automobile, vessel, boat, canoe or other conveyance containing the liquor shall ipso facto be forfeited to His Majesty in right of Ontario and shall forthwith be delivered to the Board.

(4) If within such 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 this Act and the regulations to the possession of the liquor and packages to the satisfaction of any justice, and on failure within that time to prove and establish his claim and right, the liquor and packages and the vehicle, motor car, automobile, vessel, boat, canoe or other conveyance in which the liquor was found shall ipso facto be forfeited to His Majesty in right of Ontario. R.S.O. 1937, c. 294, s. 131.
116.—(1) In every case in which a justice makes any order for the forfeiture of liquor under this Act, and in every case in which any claimant to liquor under section 115, 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 that 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 this Act and the regulations.

(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 constable or other police 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 the seizure. R.S.O. 1937, c. 294, s. 132.

117. Where any information is given to any constable or other police officer that there is cause to suspect that a person is contravening any of the provisions of this Act or the regulations, it 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 a constable or by an officer appointed under this Act by the Board or by any officer appointed by the council of a municipality which has entered into an agreement with The Liquor Licence Board of Ontario 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. 1937, c. 294, s. 133; 1947, c. 57, s. 5.

118.—(1) For the purpose of obtaining information concerning any matter relating to the administration or enforcement of this Act and the regulations, any inspector or officer appointed by the Board in writing for the purpose, or any constable or other police officer, may inspect the freight and express books and records, and all way-bills, bills of lading, receipts and documents in the possession of any railway
company, express company or other common carrier doing business 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, or constable or other police officer, shall be guilty of an offence. R.S.O. 1937, c. 294, s. 134.

119. In describing the offence respecting the sale or keeping for sale or other disposal of liquor, or the having, keeping, giving, purchasing or the consumption of liquor in any information, summons, conviction, warrant or proceeding under this Act, it 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 the liquor or the price thereof, or any person to whom it was sold or disposed of, or by whom it was taken or consumed, or from whom it was purchased or received, and it 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. 1937, c. 294, s. 135.

120. 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 this Act or the regulations; but if it appears that the defendant has been materially misled by such amendment, the justice shall thereupon adjourn the hearing of the case to some future day, unless the defendant waives such adjournment. R.S.O. 1937, c. 294, s. 136.

121. Subject to section 83 of The Liquor Licence Act, all money penalties imposed under this Act, after deducting all necessary costs, shall be paid by the justice to the Board. 1947, c. 56, s. 1.

122. All informations or complaints for the prosecution of any offence against this Act or the regulations 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. 1937, c. 294, s. 140.

123. 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. 1937, c. 294, s. 141.

124. 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. R.S.O. 1937, c. 294, s. 142.

125. The description of any offence under this Act or the regulations, in the words of this Act or the regulations, 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 or the regulations, may be proved by the defendant, but need not be specified or negatived in the information; but if it is so specified or negatived, no proof in relation to the matter so specified or negatived shall be required on the part of the informant or complainant. R.S.O. 1937, c. 294, s. 143.

126. 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, had, given, purchased or consumed, or the precise consideration, if any, received therefor, or to the fact of the sale or other disposal having taken place with his participation or to his own personal or certain knowledge; but the justice trying the case, so soon as it appears to him that the circumstances in evidence sufficiently establish the offence complained of, shall put the defendant on his defence, and, in default of his rebuttal of such evidence to the satisfaction of the justice, convict him accordingly. R.S.O. 1937, c. 294, s. 144.

127. In proving the sale, disposal, gift or purchase, of gratuitous or otherwise, 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 such liquor, as against the occupant of such premises. R.S.O. 1937, c. 294, s. 145.

128. In any prosecution under this Act the production by a constable or other police officer of a certificate or report signed or purporting to be signed by a federal or provincial analyst as to the analysis or ingredients of any liquor or other fluid or any preparation, compound or substance, such certificate or report shall be conclusive evidence of the facts stated in the 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. 1937, c. 294, s. 146.

129. 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. 1937, c. 294, s. 147.

130. Upon the hearing of any charge of selling or purchasing liquor or of unlawfully having or keeping liquor contrary to this Act or the regulations, the justice trying the case shall have the right to draw inferences of fact from the kind and quantity of liquor found in the possession of the person accused, or in any building, premises, vehicle, motor car, automobile, vessel, boat, canoe, conveyance or place occupied or controlled by him, and from the frequency with which the liquor is received thereat or therein or is removed therefrom, and from the circumstances under which it is kept or dealt with. R.S.O. 1937, c. 294, s. 148.

131.—(1) If, on the prosecution of any person charged with committing an offence against this Act or the regulations, in selling or keeping for sale or giving or keeping or having or purchasing or receiving of liquor, prima facie proof is given 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.
(2) In the prosecution of any person charged with an offence against this Act or the regulations, the entries in or on 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 therein or thereon, and of the dates of the sales.

(3) In the prosecution of any person charged with an offence against this Act or the regulations 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 the certificate. R.S.O. 1937, c. 294, s. 149.

132.—(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 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 the liquor, or causes the 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. 1937, c. 294, s. 150.

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

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

(b) The previous convictions may be proved *prima facie* by the production of a certificate purporting to be under the hand of a convicting justice or the Minister or the clerk of the court to whose office the conviction has been returned, without proof of signature or official character.
(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 the second or subsequent conviction was made shall summon the person convicted to appear at a time and place to be named, and shall thereupon, upon proof of the due service of the summons, if such person fails to appear, or on his appearance, amend the second or subsequent conviction, and adjudge such penalty or punishment as might have been adjudged had the previous conviction never existed, and the amended conviction shall thereupon be held valid to all intents and purposes as if it had been made in the first instance.

(d) Where a person who has been convicted of a violation of any provision of this Act or the regulations is afterwards convicted of a violation of any other provision of this Act or the regulations, such later conviction shall be deemed a conviction for a second offence within the meaning of this Act, and shall be dealt with and punished accordingly, although the two convictions may have been under different provisions.

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

(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. 1937, c. 294, s. 151.

134. In all prosecutions, actions or proceedings under this Act against a corporation, every summons, warrant, order, writ, or other proceeding may in addition to any other manner of service 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 Ontario, or by leaving it at any place within Ontario 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. 1937, c. 294, s. 152.

135. In any prosecution, action or proceeding under this Act in which it is alleged that a corporation is or has been guilty of an offence against this Act or the regulations, the fact of the incorporation of that corporation shall be presumed without it being proved by the prosecutor, unless satisfactory proof is produced to the contrary. R.S.O. 1937, c. 294, s. 153.

136.—(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. 1937, c. 294, s. 154.

137. 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 30 days from the date of the conviction or order. R.S.O. 1937, c. 294, s. 155.

138.—(1) Any person convicted under this Act may, subject to the provisions hereinafter contained, appeal from the conviction to the judge of the county or district court of the county or district in which the conviction is made sitting in chambers without a jury if notice of such appeal is given to the prosecutor or complainant and to the convicting justice within 20 days of such conviction.

(2) Such notice shall set forth the grounds on which the appeal is made and shall have endorsed thereon the address at which the appellant may be served with any notice or process in connection with any proceeding under this section or under section 139.

(3) There shall be delivered to the convicting justice, with such notice of appeal, an affidavit of the person convicted complying with the requirements set out in subsection 15. R.S.O. 1937, c. 294, s. 156 (1, 2).
(4) In case the appellant has paid the fine and costs imposed upon him by the convicting justice, he may, subject to the conditions set out in subsections 1, 2 and 3 and the deposit of $50 with the justice to answer the respondent's costs, appeal against such conviction to the judge having jurisdiction in the matter who shall hear and determine such appeal as provided in subsections 11 and 12, and the deposit of the $50 shall be made at the time of the delivery of the notice of appeal or within five days thereafter, and in default of such deposit, the appeal shall be dismissed.

(5) Subject to subsection 6, the person convicted, if he is in custody, shall either remain in custody until the hearing of the appeal before the judge, or he may, notwithstanding any order of imprisonment either in the first instance, or in default of the payment of a fine, enter into a recognizance with two sufficient sureties in such sum or sums as the justice with the approval of the Crown attorney may fix, conditioned personally to appear before the judge and to try the appeal and abide by his judgment thereupon and also to pay any penalty in money and costs 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 security shall not be withdrawn until the time has elapsed for entering an appeal, and in case of a further appeal, the security shall remain until the final disposition of the case.

(8) Upon the recognizance being entered into the justice shall liberate such person if in custody and shall immediately after such liberation, or if the appellant remains in custody, shall immediately after service of the notice of appeal upon the 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 hereinafter mentioned, and such certificate shall be deemed to be a part of the record.
(9) The 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 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.

(11) Within 30 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 that if no such application is made within the 30 days, the judge, upon proof of the failure to make such application, shall order that the appeal be forthwith dismissed with costs.

(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, but the order or judgment of the judge shall not take effect until 15 days from the date thereof, provided 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 139.

(13) The practice and procedure upon such appeals and all proceedings thereon shall 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 15 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.

(15) No appeal shall lie from a conviction for any violation or contravention of any of the provisions of this Act or the regulations unless the party appealing delivers to the justice who tried the case with his notice of appeal, an affidavit that he did not by himself or by his agent, servant or employee or any other person with his knowledge or consent commit the offence charged in the information, and such affidavit shall negative the charge in the terms used in the conviction, and shall further negative the commission of the offence by the agent, servant or employee of the accused or any other person with his knowledge or consent, which affidavit shall be transmitted with the conviction and other papers to the judge to whom the appeal is made, 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, and if the party appealing is a corporation, the affidavit may be made by the president, secretary or any other officer or employee of the corporation having knowledge of the facts.

(16) Except as provided by this section, no appeal shall be taken against any conviction or order made by a justice under this Act. R.S.O. 1937, c. 294, s. 156 (3-16).

139.—(1) At any time within 15 days from the date of the judgment or order of any judge arising out of or under section 138, the Attorney-General may direct an appeal to the Court of Appeal from the judgment or order of a judge in any case arising out of or under section 138 in which the
Attorney-General certifies that he is of opinion that the matters in dispute are of sufficient importance to justify an 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.

(3) Service of the notice of appeal upon the solicitor for service of 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.

(4) Except so far as otherwise provided by this Act, the rules of practice of the Supreme Court relating to appeals to the Court of Appeal shall apply to appeals under this section.

(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.

(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 thinks fit. R.S.O. 1937, c. 294, s. 157.

(7) The Chief Justice of Ontario or a judge of the Court of Appeal designated by him may, if he sees fit, on the application of an appellant, admit the appellant to bail pending the determination of his appeal and the provisions of the Criminal Code (Canada), and the rules made thereunder respecting bail pending the determination of an appeal shall apply mutatis mutandis. 1942, c. 25, s. 9.

140. The purpose and intent of this Act and the regulations are to prohibit transactions in liquor that take place wholly within Ontario except under Government control as specifically provided by this Act and the regulations, and every section and provision of this Act and the regulations dealing with the importation, sale and disposition of liquor within Ontario through the instrumentality of a board, and otherwise provide the means by which such Government control shall be made effective, and nothing in this Act shall be construed as forbidding, affecting or regulating any transaction that is not subject to the authority of the Legislature. R.S.O. 1937, c. 294, s. 159.
141. In any case of emergency the Lieutenant-Governor 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. '1937, c. 294, s. 161.

142. The provisions of this Act and the regulations relating to the sale, purchase, having, supplying, serving and consuming of liquor shall be read and construed subject to The Liquor Licence Act. 1944, c. 34, s. 25, part; 1946, c. 46, ss. 8, 9.

143.—(1) This Act shall not apply in any area within Ontario in which the Canada Temperance Act is in force.

(2) Upon the Canada Temperance Act ceasing to be in force in any area this Act shall, subject to section 67 of The Liquor Licence Act, apply in such area. 1947, c. 57, s. 6.