Ontario: Revised Statutes

1914

c 215 Liquor License Act

Ontario

© Queen's Printer for Ontario, 1914
Follow this and additional works at: http://digitalcommons.osgoode.yorku.ca/rso

Bibliographic Citation
Liquor License Act, RSO 1914, c 215
Repository Citation
Available at: http://digitalcommons.osgoode.yorku.ca/rso/vol1914/iss2/45

This Statutes is brought to you for free and open access by the Statutes at Osgoode Digital Commons. It has been accepted for inclusion in Ontario: Revised Statutes by an authorized administrator of Osgoode Digital Commons.
CHAPTER 215.

An Act respecting the Sale of Fermented or Spirituous Liquors.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

PART I.—GENERAL.

1. This Act may be cited as The Liquor License Act.
R.S.O. 1897, c. 245, s. 1.

INTERPRETATION.

2. In this Act, or in the Forms,

"Board." (a) "Board" shall mean the Board of License Commissioners appointed for any License District under the provisions of this Act; 6 Edw. VII. c. 47, s. 1 (1), part.

"County." (b) "County" shall include a union of counties and a provisional judicial district; 6 Edw. VII. c. 47, s. 1 (1), part.

"Druggist." (c) "Druggist" shall mean a duly qualified and registered pharmaceutical chemist; 61 Vict. c. 30, s. 1, part.

"Inspector." (d) "Inspector" shall mean an Inspector of Licenses appointed for a License District under this Act; R.S.O. 1897, c. 245, s. 2, par. 9.

"Judge." (e) "Judge" shall mean and include the Judge or Junior or Deputy Judge of the County or District Court of a county or district;

"Keeper." (f) "Keeper" when used with respect to licensed premises shall mean and include the person to whom the license was issued or who is the holder of the license, and, where a license is held by a firm, shall mean and include the firm and every individual member thereof, and, where the license is held by an incorporated company, shall mean and
include the company and the manager, superintendent or other person in charge of the premises or responsible for the conduct of the business carried on therein; 6 Edw. VII. c. 47, s. 1 (1), part.

(g) "License District" shall mean a city, county or electoral district or districts, or any part of an electoral district, or a union of parts of two or more electoral districts, as the Lieutenant-Governor in Council may by order direct; R.S.O. 1897, c. 245, s. 2, par. 6.

(h) "Licensed premises" shall mean a warehouse, tavern or shop in respect to which a license under this Act has been granted and is in force, and shall include every room, closet, cellar, yard, stable, outhouse, shed and any other place whatsoever, of, belonging or in any manner appertaining to such warehouse, tavern or shop; 6 Edw. VII. c. 47, s. 1 (1).

(i) "Liquor" shall include all spirituous and malt liquors, and all combinations of liquors and drinks and drinkable liquids which are intoxicating; R.S.O. 1891, c. 245, s. 2, par. 1.

Any liquor which contains more than two and one-half per cent. of proof spirits shall be conclusively deemed to be intoxicating; 6 Edw. VII. c. 47, s. 1 (2).

(j) "Local Option By-law" shall mean a by-law passed under subsection 1 of section 137 or passed under section 18 of the Act passed in the fifty-third year of the reign of Her late Majesty Queen Victoria and chaptered fifty-six.

(k) "Magistrate" shall include a justice of the peace, two or more justices of the peace sitting and acting together and a police magistrate. See 6 Edw. VII. c. 47, s. 1 (1), part.

(l) "Minister" shall mean the member of the Executive Council, to whom, for the time being, is assigned the supervision of the administration of this Act; R.S.O. 1897, c. 245, s. 2, par. 8.

(m) "Polling subdivision" shall mean the polling subdivision as shown by the last revised voters' list for the municipality, in which licensed premises or the premises for which a license is sought are situated; R.S.O. 1897, c. 245, s. 2, par. 7.

(n) "Shop license" shall mean a license for selling, by retail, liquor in shops, stores, or places other than taverns, in quantities of not less than three half-pints, or, if sold in unbroken packages, of not
“Tavern.”

(o) “Tavern” shall mean an hotel, inn or other public house of entertainment kept for the purpose of providing refreshment and accommodation, which shall include board and lodging, for the public; R.S.O. 1897, c. 245, s. 2, par. 3.

“Tavern License.”

(p) “Tavern License” shall mean a license for selling liquor in quantities not exceeding one quart for consumption only on the licensed premises in which it is sold; 3-4 Geo. V. c. 54, s. 1.

“Three half-pints.”

(q) “Three half-pints” shall, where bottled liquor is sold, be held to be equivalent to five quarter pints Imperial measure; R.S.O. 1897, c. 245, s. 2, par. 5.

DETERMINING POPULATION FOR PURPOSES OF ACT.

3.—(1) Whenever in this Act reference is made to the number of the population of any municipality the number of such population shall be determined by the last assessment roll of the municipality as finally revised prior to the first day of April of the year in which it is necessary to determine the population. 6 Edw. VII. c. 47, s. 9 (1); 8 Edw. VII. c. 54, s. 5 (1).

(2) In case of the alteration or formation of a municipality subsequent to the final revision of such assessment roll, the population of such municipality for the purposes of this Act may be ascertained by reference to the enumeration on which such municipality was so altered or formed. 6 Edw. VII. c. 47, s. 9 (2); 8 Edw. VII. c. 54, s. 5 (2)

THE LICENSE BRANCH.

4.—(1). The Lieutenant-Governor in Council may make regulations for

(a) the appointment of permanent officers, clerks and servants of the License Branch at Toronto for the purpose of carrying out the provisions of this Act or of any other Act of this Legislature respecting licenses for the manufacture or sale of liquor or for the regulation of the sale of liquor by wholesale or retail in Ontario;

(b) defining the duties and powers of such officers, clerks and servants, and fixing the security to be furnished by them or any of them for the due
performance of their respective duties, and fixing the salaries of such officers, clerks and servants;

(c) providing for the employment of such special or temporary officers and clerks as may in the opinion of the Minister be necessary for the better enforcement of the provisions of this Act and any regulations or by-laws passed thereunder;

(d) regulating the transaction of business in the License Branch and the direction of License Inspectors and License Commissioners in the performance of their duties under this Act or any regulations or by-laws made or passed thereunder;

(e) providing for the inspection of License Districts and of the books and accounts of Inspectors, and for ascertaining that the duties of the office of Inspector are faithfully and efficiently performed;

(f) providing for the holding of investigations into the conduct of Inspectors and License Commissioners and empowering any officer or other person holding such investigation to take evidence on oath and to summon witnesses and to enforce their attendance and to compel the production of books and documents, and for conferring upon such officer or other person all the powers possessed by a commissioner appointed under The Rev. Stat. c. 18. Public Inquiries Act.

(2) Every regulation made by the Lieutenant-Governor in Council under this Act shall be published in the Ontario Gazette, and shall take effect from the date of such publication. 6 Edw. VII. c. 47, s. 2.

5.—(1) There shall be a Board of License Commissioners, to be composed of three persons, to be appointed by the Lieutenant-Governor, for each city, county, electoral district, or License District, as the Lieutenant-Governor may think fit.

(2) Any two of the Commissioners shall be a quorum.

(3) Every Commissioner shall hold office until and inclusive of the 31st day of December in each year, or until a new Board or a majority thereof has been appointed, but any such Commissioner may be re-appointed.

(4) The office of License Commissioner shall be honorary and without any remuneration. R.S.O. 1897, c. 245, s. 3; 9 Edw. VII. c. 82, s. 1.

6.—(1) The Board may at any time before the 1st day of May in each year pass resolutions for
(a) defining the conditions and qualifications requisite for obtaining tavern and shop licenses respectively for the sale of liquor by retail within the License District;

(b) limiting the number of tavern and shop licenses respectively, and defining the respective times and localities within which and the persons to whom such licenses may be issued within the year, from the 1st day of May of one year till the 30th day of April inclusive of the next year;

(c) regulating the taverns and shops to be licensed;

(d) fixing and defining the duties, powers and privileges of the Inspector of the License District.

(2) Regulations duly passed by the Board in accordance with subsection 1 shall remain in force until amended or repealed by the Board or its successors in office. R.S.O. 1897, c. 245, s. 4.

(3) In and by any such resolution, the Board may impose penalties for the infraction of its provisions not exceeding $50 in any instance, or, in default of payment, imprisonment not exceeding twenty-one days.

(4) Such penalties may be recovered or enforced by summary proceedings before a justice of the peace having jurisdiction, in the same manner as penalties imposed for the contravention of municipal by-laws. See R.S.O. 1897, c. 245, ss. 5, 100.

INSPECTORS.

7.—(1) An Inspector shall be appointed by the Lieutenant-Governor from time to time for each city, county, electoral district or License District, as the Lieutenant-Governor may think fit.

(2) Every Inspector shall, before entering upon his duties, furnish such security as the Minister may require for the due performance of such duties and for the payment over of all sums of money received by him according to the provisions of this Act.

(3) The salary of every Inspector shall be fixed by the Lieutenant-Governor in Council. R.S.O. 1897, c. 245, s. 6.

8.—(1) A Chief Inspector may be appointed for the City of Toronto, and he shall have jurisdiction throughout the said city.

(2) Such Chief Inspector shall perform all the duties of an Inspector, and shall have all the rights, powers and authority thereof, and shall be charged with the duty of seeing that this Act is enforced.
(3) Such Chief Inspector shall, unless the Lieutenant-Governor otherwise directs, act as the secretary of the Board, and shall visit and inspect all premises for which a license is sought, and shall perform such other duties as may be assigned to him by the Board or by the Lieutenant-Governor in Council. R.S.O. 1897, c. 245, s. 7; 9 Edw. VII. c. 82, s. 2.

ISSUE OF LICENSES.

9.—(1) The Lieutenant-Governor in Council may direct the issue of tavern and shop licenses, and the licenses shall be signed by the Minister and dated as of the first day of May in each year, and shall thence continue in force for one year, and shall expire on the 30th day of April in the next ensuing year.

(2) After the 1st day of May, tavern and shop licenses may be issued between the 1st and 15th days of May in each year; and all such licenses shall be deemed to have been issued on the 1st day of May.

(3) Where special grounds are shown, the Board may direct one or more licenses to issue at any time after the 1st day of May, if within the limit authorized by this Act and if the application therefor has been filed with the Inspector on or before the 1st day of April next preceding.

(4) In counties or cities in which the second part of The Canada Temperance Act having been in force has been repealed and such repeal takes effect after the 1st day of May in any year, it shall not be necessary that the application be filed within the time limited by subsection 3. R.S.O. 1897, c. 245, s. 8.

(5) Every license shall be issued under the direction of the proper Board, by the Inspector for the License District in which the tavern or shop to which the license is to apply is situate. R.S.O. 1897, c. 245, s. 9.

10.—(1) Notwithstanding anything in this Act, the Minister may at any time prohibit the granting or issuance of a tavern or shop license to any person for premises situate in any License District, and every member of the Board and the Inspector shall see that any order given by the Minister under this section is obeyed. 6 Edw. VII. c. 47, s. 23 (1); 1 Geo. V. c. 64, s. 13, part.

(2) Every License Commissioner or Inspector who issues or sanctions or permits the issue of a license in contravention of any such order shall be guilty of an offence against this Act, and shall incur the penalties provided by section 62. 6 Edw. VII. c. 47, s. 23 (2).
11.—(1) No license shall be issued for the sale of liquor on any ferry boat or on any vessel navigating any of the great lakes or the rivers St. Lawrence or Ottawa or any inland waters of Ontario, nor shall any liquor be sold or kept for sale in any room or place on any such ferry boat or vessel. R.S.O. 1897, c. 245, s. 10.

(2) The owner, master, captain or other person in command or in charge of any ferry boat or any vessel navigating any of the great lakes or the rivers St. Lawrence or Ottawa, or any of the inland waters of Ontario, shall be deemed to be the "occupant" of such ferry boat or vessel within the meaning of section 103, and for every contravention of the provisions of this Act on board such ferry boat or vessel shall personally incur the penalty and punishment prescribed in this Act in the same manner and to the same extent as the occupant of a house, shop, room or other place. 6 Edw. VII. c. 47, s. 5.

12.—(1) A license to sell liquor, by retail, in any tavern or shop shall not be granted except upon application to the Board of the License District in which the license is to have effect, praying for the same; nor until the Inspector has reported in writing to the Board that

(a) the applicant is a fit and proper person to have a license and, in the case of a tavern license, has all the accommodation required by law; and

(b) the applicant is known to the Inspector to be of good character and repute;

and every such report shall be and remain open to the inspection of any ratepayer of a municipality within the License District or of any provincial officer.

(2) Every application for a tavern license, which is to take effect on the 1st day of May in any year, shall, on or before the 1st day of April next preceding, be filed with the Inspector for the License District where it is to have effect.

(3) The Inspector shall not report in favour of any applicant other than the true owner of the business of the tavern or shop proposed to be licensed, and his report shall be for the information of the License Commissioners, who shall nevertheless exercise their own discretion on each application.

(4) Where the applicant for a tavern or shop license resides in a remote part of the License District, or where for any other reason the Board sees fit, it may dispense with the report of the Inspector, and act upon such information as may satisfy it in the premises.

(5) The Board shall, on or before the 1st day of April, fix a day for considering applications for licenses, being not
less than one week prior to the 1st day of May in each year, and the Inspector shall publish at least fourteen days before the day of the meeting, in at least two issues of a newspaper published in the License District, if there be one published therein, the date and place fixed for the meeting, and the Inspector shall cause a notice containing similar information to be affixed to or near the outer door of the building in which his office is situate.

(6) The Inspector shall, at least fourteen days before the first meeting of the Board to consider applications, cause to be published in at least two issues of some newspaper published in the License District, if there is one published therein,

(a) the name of each applicant for a license, who is not at the time of the making of such application a licensee under this Part in the municipality within which the license is sought to be obtained, or who applies for the licensing of premises not then under license;

(b) the description of license applied for and the place, described with sufficient certainty, where such applicant proposes to sell,

(c) the total number of tavern and shop licenses issued during the current license year; and

(d) the total number of applications for the ensuing year;

and he shall also keep a list of all applications, to be entered in a book to be kept by him for the purpose, containing similar information, and such list shall be open to the public for inspection without charge.

(7) Any ten or more electors of any polling subdivision may object by petition, or in any similar manner, to the granting of any license within such subdivision on the ground that

(a) the applicant is of bad fame and character, or of drunken habits, or has previously forfeited a license, or has been convicted of selling liquor without a license within a period of one year; or has kept, within a period of two years, a place in which the illicit sale of liquor was frequent and notorious; or

(b) the premises in question are out of repair or have not the accommodation required by law; or

(c) the licensing thereof is not required in the neighborhood, or the premises are in the immediate vicinity of a place of public worship, hospital, or school, or the quiet of the place in which such
premises are situate will be disturbed if a license is granted.

(8) Any person who has signed a petition against the granting of a license may, in person or by his agent, be heard in opposition to such granting.

(9) The council of any city, town, village or township may authorize any person to appear in a similar manner on behalf of the ratepayers of such city, town, village or township, as to the granting of a license, and the person so authorized shall be heard in opposition to the granting of such license.

(10) Except at the instance of the Board, no objection in respect of the character of any applicant shall be entertained until three days' notice in writing has been given to the applicant, which may be served personally or left at his usual place of residence or business; and the service may be proved orally or by affidavit.

(11) Notwithstanding anything in this Act, the Board may of its own motion take notice of any matter or thing which in its opinion would be an objection to the granting of a license, although no notice or objection has been given or made as prescribed by this Act; and in any such case the Board shall notify the applicant and shall adjourn the hearing of the application, if requested by him, for any period not exceeding fourteen days, in order that any person affected by the objection may have an opportunity of answering the same. R.S.O. 1897, c. 245, s. 11 (1-12).

(12) The decision of the Board, in regard to the application mentioned in subsection 1, when once announced by the chairman, shall not be questioned or reconsidered, but where the decision of the Board has not been unanimous, or where the person or persons affected by such decision petition the Board and allege facts or grounds for its consideration not formerly before it, the Board may by resolution, in which all of the Commissioners concur, decide to rehear the case; and where a re-hearing is allowed, notice thereof shall be given by the Inspector to the applicant and to at least one of the petitioners opposing the granting of the license or to his agent. R.S.O. 1897, c. 245, s. 11 (13); 9 Edw. VII. c. 82, s. 3.

(13) (a) Where application is made for a tavern or shop license by a person who is not, at the time of making such application, a licensee under this Part in the municipality within which such license is sought to be obtained, or in the case of an application for such license for or transfer thereof to premises which are not then licensed, the application shall be accompanied by a certificate according to Form 1 or to the like effect signed by a majority of the electors entitled to vote at elections for the Legisla-
tive Assembly in the polling subdivision in which the premises sought to be licensed are situate and such majority shall include at least one-third of such electors who are at the time of such application resident within such polling subdivision.

(b) The requirement of a certificate shall not apply to the transfer of a license from the holder thereof to some other person for the same premises with the consent of the Board, nor to a licensee applying for permission of the Board to remove with his license to other premises in the same polling subdivision, if such permission does not increase the number of licensed premises in such polling subdivision, but such transfer or removal shall not be allowed if a majority of the electors duly qualified as aforesaid petition against the same on the grounds hereinbefore set forth or on any of such grounds; nor shall such requirement apply to an applicant for a six months' license under section 17 where the person applying therefor was the holder of a similar license for six months or some part thereof in the preceding year for the same premises. R.S.O. 1897, c. 245, s. 11 (14); 1 Geo. V. c. 64, s. 19.

i. If a question arises as to whether the number of electors who have signed a certificate or petition comprises a majority of the duly qualified electors of the subdivision, or includes one-third of the resident electors, or as to whether any one or more persons who have signed the certificate or petition are duly qualified voters, or are residents of the polling subdivision, the clerk of the municipality in which the polling subdivision is situate, shall take evidence upon oath, or otherwise, and determine the question in dispute, and he shall in such case report to the Board in writing, signed by him, the number of duly qualified electors and of resident electors respectively for the subdivision and the number of duly qualified electors who have signed the certificate or petition as the case may be, and the number of such last mentioned electors who are resident as aforesaid, and if he has disallowed any of the names upon such certificate he shall in such report state such names and his reasons for such disallowance, and unless appealed against as hereinafter mentioned, his report shall be final and conclusive; and for such report the clerk shall be entitled to a fee of $5, payable out of the License Fund.

ii. The clerk shall give to the applicant for the license, and to at least one of the persons signing any petition against the license, written notice of the time and place at which he will determine the question and the procedure to be adopted by the
clerk in giving such notice and determining such question shall be in accordance with any general regulations made in that behalf by the Lieutenant-Governor in Council.

iii. From every such decision and report of the clerk an appeal shall lie to the Judge of the County or District Court of the county or district in which the premises sought to be licensed are situate, under and subject to such regulations as may be made by the Lieutenant-Governor in Council in that behalf.

As to un-organized districts.

(c) In localities not under municipal organization the certificate shall be signed by at least eleven out of the twenty householders residing nearest to the premises in which the applicant proposes to carry on the business for which the license is required. 7 Edw. VII. c. 46, s. 10.

Time for filing.

(14) Every petition against the granting of a license shall be lodged with the Inspector at least four days before the first meeting of the Board to consider the applications; and the Inspector shall present the same to the Board at its meeting.

Posting list of petitions, etc.

(15) The Inspector shall keep a list posted in his office for three days previous to the meeting of the Board of all applications, certificates and petitions lodged with him as aforesaid, and every such application, certificate or petition shall be open to public inspection without fee.

Hearing and determining objections.

(16) Every application for a license, and all objections to every such application, shall be heard and determined at a meeting of the Board.

Proceedings at hearings.

(17) Every such hearing shall be open to the public, and the Board may summon and examine on oath such witnesses as it may think necessary, and as nearly as may be in the manner directed by The Ontario Summary Convictions Act; and any member of the Board may administer the oath; but nothing herein contained shall prevent the Board from retiring or sitting with closed doors while considering or preparing their decision or judgment in respect of any application.

Adjourning meetings.

(18) Any meeting of the Board for the consideration of applications may, at the discretion of the Board, be adjourned from time to time to the same or any other place or building within the License District.

Office of Inspector.

(19) Where the Inspector has not taken or set apart premises especially for the purposes of an office, the room or rooms in which he usually conducts his official business, whether at his residence or place of business, shall be deemed to be his office for the purposes of this Act.

Duty of Board and Inspector.

(20) The foregoing subsections of this section are declared to be obligatory on the Board and Inspector, but non-com-
pliance therewith shall not invalidate the action of the Board or Inspector.

(21) Nothing in subsection 20 shall authorize the granting of a license contrary to the provisions of subsection 13.

R.S.O. 1897, c. 245, s. 11 (15-21).

13.—(1) If, upon application of any person requiring a tavern or shop license, it appears that such applicant is the true owner of the business of such tavern or shop and has complied with the requirements of the law and of any municipal by-laws in force in that behalf and also with the regulations and requirements of the Board, and is one of the persons designated or otherwise approved of by it, the Board may grant such applicant a certificate under the hands of any two of its members stating that he is entitled to a license for the period named therein, for the certain tavern or shop within the municipality, specified in the certificate. R.S.O. 1897, c. 245, s. 12 (1).

(2) (a) Before any tavern or shop license is granted the person applying for the same shall enter into a bond to His Majesty in the sum of $200, with two good and sufficient sureties, to be approved of by the Inspector, in the sum of $100 each, with the condition and in other respects according to the form or to the effect of such one of Forms 2 and 3 as is applicable to the case; and when executed the bond shall be delivered to the Inspector, to be by him transmitted to the office of the Minister.

(b) Members of municipal councils and constables shall be ineligible as sureties in the bond to be given under clause (a) of this subsection. R.S.O. 1897, c. 245, s. 17.

(c) In lieu of the security to be given as provided by clause (a) of this subsection the Lieutenant-Governor in Council may by Order in Council direct that an agreement may be entered into between His Majesty and any guarantee company or other company authorized to enter into contracts of suretyship or to issue policies for guaranteeing the good behaviour of persons required to furnish such security, by which such company may undertake, in consideration of a fixed annual payment or otherwise, to indemnify His Majesty or any municipal corporation against non-payment of any fines or penalties or costs which the person applying for any license or to whom any license is transferred may be ordered to pay during the term for which the license is granted or during which such person is the holder of a tavern or shop license, to the amount stated in such agreement or in any schedule attached thereto.

(d) It shall not be necessary that a separate agreement be entered into for each applicant for a license or transfer of a license, but the agreement with such company may provide that upon notice being given in writing by an officer
of the Government of Ontario at Toronto to the company that the company is required to furnish security for any such applicant or transferee, and upon the acknowledgment in writing of receipt of such notice by the company, the company shall become liable to the extent of the amount stated in such notice.

(c) The amount chargeable to each applicant for such guarantee shall be stated in the agreement and shall be paid by the applicant to the Inspector before the issue of the license, and shall be by him forthwith deposited to the credit of the License Fund of the License District. 6 Edw. VII. c. 47, s. 4.

(3) Subject to subsection 6 the license fee shall be paid by the applicant into such bank as may be designated by the Minister to the credit of the "License Fund Account," for the license district; and upon production by the applicant to the Inspector of the certificate of the Board, together with a receipt showing payment in full of the fee to the credit of the License Fund Account, the Inspector may issue the license authorized by the Board. R.S.O. 1897, c. 245, s. 12 (2).

(4) (a) Subject to clause (b), the following license fees shall be payable, and save as provided in subsection 5 shall be in lieu of all others, Provincial or municipal, that is to say:

In a city having a population exceeding 200,000:

<table>
<thead>
<tr>
<th>License Type</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tavern</td>
<td>$1,600</td>
</tr>
<tr>
<td>Shop</td>
<td>1,000</td>
</tr>
</tbody>
</table>

and in addition thereto there shall be paid for each such shop license for the exclusive use of the Province a further sum of $600.

9 Edw. VII. c. 82, s. 38; 3-4 Geo. V. c. 54, s. 2.

In a city having a population of more than 100,000 and not more than 200,000:

<table>
<thead>
<tr>
<th>License Type</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tavern</td>
<td>$1,200</td>
</tr>
<tr>
<td>Shop</td>
<td>1,000</td>
</tr>
</tbody>
</table>

6 Edw. VII. c. 47, s. 10 (1), part.

In a city having a population of more than 30,000 and not more than 100,000:

<table>
<thead>
<tr>
<th>License Type</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tavern</td>
<td>$700</td>
</tr>
<tr>
<td>Shop</td>
<td>700</td>
</tr>
</tbody>
</table>

In a city or town having a population of more than 10,000 and not more than 30,000:

<table>
<thead>
<tr>
<th>License Type</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tavern</td>
<td>$500</td>
</tr>
<tr>
<td>Shop</td>
<td>500</td>
</tr>
</tbody>
</table>
In a city having a population of 10,000 or less and in a town having a population of more than 5,000 and not more than 10,000:

For a tavern license $450
For a shop license 450

In a town or village having a population of more than 2,000 and not more than 5,000:

For a tavern license $350
For a shop license 350

In a town or village having a population of 2,000 or less:

For a tavern license $250
For a shop license 270

In a township:

For a tavern license $120
For a shop license 200

In any locality in a provisional judicial district other than a city, town or village:

For a tavern license $120

(b) In a city, town, village or other municipality or in a locality without municipal organization, in a provisional judicial district there shall be payable:

For a shop license $500

(c) For a beer and wine license the fee shall be three-fourths of that imposed for a tavern license in the municipality or unorganized district in which the beer and wine license is issued.

(d) For every transfer of a tavern or shop license there shall be payable a fee amounting to one-third of the fee payable for the license transferred. 6 Edw. VII. c. 47, s. 10 (1), part.

(e) The Lieutenant-Governor in Council may increase the duties payable for tavern or shop licenses in any provisional judicial district or in any municipality or locality situated therein to such an amount as may be deemed proper, and such increase shall take effect as may be directed by Order-in-Council or from the date of the publication thereof in the Ontario Gazette. 6 Edw. VII. c. 47, s. 10 (1), part.

(5) (a) The council of any municipality may by by-law increase the fees to be paid for tavern or shop licenses therein beyond the amounts provided by subsection 4, but every such proposed by-law shall, before the final passing thereof, be submitted to and approved by the electors in the
(b) Such by-law shall take effect from the passing thereof unless passed later than the 1st day of March in any year, in which case it shall come into force on the 1st day of May of the next succeeding year.

(c) Any by-law so approved shall not be varied or repealed unless the varying or repealing by-law has been in like manner submitted to and approved of by the electors of the municipality.

(d) Where the council of any municipality, by by-law duly passed prior to the 27th day of April, 1906, has provided that license fees in excess of the amount fixed by subsection 4 shall be payable and the total amount payable for a tavern or shop license in such municipality is by reason of such by-law increased to an amount in excess of that fixed by subsection 4 the fees payable in such municipality shall be those fixed by that subsection with such an amount added thereto as will, together with the amount fixed by that subsection, equal the amount payable at the date aforesaid in such municipality, but the whole of such fees shall be payable into the License Fund of the License District, and shall be dealt with and apportioned as provided by section 122.

(e) Any by-law heretofore passed for increasing such license fee beyond the amount payable under subsection 4, may be repealed or amended as hereinbefore provided, but in no case shall such license fee be reduced below the amount fixed by that subsection.

(f) In any city where by section 10 of the Act passed in the 6th year of the reign of His late Majesty King Edward the Seventh an increase was made in the fee payable for a tavern or shop license, no further increase shall be made under this subsection by the council of such city. 6 Edw. VII. c. 47, s. 11.

(6) (a) If the applicant for a tavern or shop license so desires, the annual license fee payable to the Province may be paid in two equal instalments, one on the 1st day of May and the other on or before the 31st day of October following. 62 Vict. (2), c. 31, s. 28, part; 1 Edw. VII. c. 12, s. 26, part.

(b) In such case the Board may grant the certificate specified in the preceding clause, and upon the applicant paying in to the bank to the credit of the License Fund Account for the License District one-half of such license fee then, upon the production by the applicant of the certificate of the Board or any two of its members, together with a receipt showing payment of one-half of such fee to the credit of the License Fund Account, the Inspector may
issue to the applicant a permit which shall remain in force for a period of six months, that is to say, from the 1st day of May in the year in which it is issued until the 31st day of October of the same year and no longer, and while in force shall confer on the holder the same privileges and authority as if he had obtained a license.

(c) Upon payment in similar manner of the second installment of such fee on or before the 31st day of October, and on surrender of his permit the license may be delivered to the applicant by the Inspector but not before. 62 Vict. (2), c. 31, s. 28, part.

(d) Where the annual license fee payable for a tavern or shop license under this Part is not less than $1,000, the same may be paid in four equal instalments, on the first day of the months of May, August, November and February, and in any case to which this clause applies, a permit may, notwithstanding anything in this subsection, be issued for a period of three months to the person having paid any such instalment, and subject in all other respects to the same conditions and stipulations applicable to the holder of an annual license issued under this Part, and such permits shall be in the form prescribed by Order in Council, and shall be dated on the day of issue. 9 Edw. VII. c. 82, s. 45.

(e) The Lieutenant-Governor in Council may direct the issue of permits in such form as he may provide to be used in place of licenses where the license fee is paid by instalments; and such permits shall be signed by the Minister and dated as of the 1st day of May in each year, and shall be absolutely void and of no effect after the 31st day of October in the year in which they are issued.

(f) All the provisions of this Part with regard to licenses and offences and penalties shall apply to persons holding permits in the same manner and to the same extent as if such persons were licensees, and a permit may be revoked or cancelled on the same grounds on which a license may be revoked or cancelled under section 81, and for the purpose of proceeding under that section the permit and any license subsequently granted shall be treated as one and the same.

(g) Where a person to whom a permit has been granted sells liquor or otherwise offends against this Part after the time mentioned in his permit has expired he shall incur the same penalties as are provided under this Part in the case of a person who sells liquor without the license therefor by law required or otherwise so offends; and proceedings may be taken against him in the same manner and as though no license had been granted or issued.

(h) It shall not be necessary in any proceedings under this Part to specify or particularize the permit, but the same shall be included for all such purposes in the word "license." 62 V. (2), c. 31, s. 28, part.

64 s.—II
14. Subject to the provisions of this Act as to renewals and the transfer of licenses, every license for the sale of liquor shall be held to be a license only to the person therein named and for the premises therein described, and shall remain valid only so long as such person continues to be the occupant of the said premises and the true owner of the business there carried on. R.S.O. 1897, c. 245, s. 16.

15.—(1) A tavern or shop license shall not be granted to or for the benefit of any person who is a License Commissioner or Inspector, and every license so issued shall be void.

(2) A tavern or shop license shall not be issued for premises within any License District of which any of the License Commissioners or of the Inspectors for such district is the owner, and every License Commissioner who knowingly grants a certificate for a license, and every Inspector who knowingly issues a license for any such premises, contrary to the provisions of this subsection, shall incur a penalty of $500.

(3) The preceding subsection shall not extend or apply to premises owned or occupied by an incorporated company in which a License Commissioner is a shareholder, but in every such case and in every case where a License Commissioner is the mortgagee of any premises or agent for the collection of rents in respect of any such premises, such License Commissioner shall not vote upon any question affecting the granting of a license to the company or for premises owned or occupied by it, or for premises in respect of which he is such mortgagee or agent; and any License Commissioner who contravenes the provisions of this subsection shall incur a penalty of $500. R.S.O. 1897, c. 245, s. 15.

(4) No tavern or shop license shall be issued to or held by any person who is a member of a municipal council, nor shall any license be issued to or transferred to or held by any person who is the wife, or partner in business, or agent, or the son or daughter (if such son or daughter is resident with his or her father), of a member of the municipal council of a municipality within the License District in which the licensed premises or the premises for which a license is sought, or the premises to which the license is sought to be transferred, as the case may be, are situate.

(5) No person who is the manager of any company to which a tavern or shop license is issued or transferred under this Act or who is employed in any capacity in the business of any person, firm or company holding a tavern or shop license under this Act, and no person whose wife, or partner in business, or agent, or whose son or daughter (if such son or daughter is resident with his or her father) is the holder of a tavern or shop license shall be qualified to be elected a member of the council or to sit or vote in the council in any municipality comprising or forming part of
the License District in which the licensed premises are situated, but no person shall be disqualified or rendered ineligible to sit and vote in a municipal council by reason only of such person being a shareholder in a company to which a tavern or shop license is issued or transferred under this Act. 6 Edw. VII. c. 47, s. 3; 7 Edw. VII. c. 46, s. 1.

16.—(1) If a petition in writing signed by at least ten per cent. of the total number of persons appearing by the last revised voters’ list of a city to be qualified to vote at municipal elections is filed with the clerk of the city on or before the 1st day of November in any year, praying for the submission of a by-law to the electors limiting the number of tavern or shop licenses or both tavern and shop licenses to be issued in the city for the next ensuing license year, beginning on the 1st day of May and for subsequent years until such by-law is repealed, and if the number of such licenses stated in the petition is within the limit fixed by this Act, the council shall submit such proposed by-law to the vote of the electors of the municipality qualified to vote at municipal elections in the city in the manner provided by The Municipal Act.

(2) The day fixed for taking the vote of the electors on the proposed by-law shall be the day upon which under The Municipal Act, or any by-law passed under that Act, a poll is held for the annual election of members of the municipal council.

(3) If a majority of the electors voting upon such proposed by-law assent to the same, the council shall within six weeks thereafter finally pass the by-law, and this section shall be construed as compulsory and the duty so imposed upon the council may be enforced at the instance of any municipal elector by mandamus or otherwise.

(4) After the passing of such by-law, no proposed by-law for the repeal or amendment of the same shall be submitted to the electors before the day of polling for the third annual election to be held after that at which the voting on the first mentioned by-law took place, but this shall not affect the submission at any municipal election of a Local Option By-law.

(5) The clerk of the city shall deliver a certified copy of every by-law passed under this section to the Board immediately after the passing thereof. 1 Geo. V. c. 64, s. 21.

17.—(1) Where the Board of any License District does not think fit, or is unable to grant a new license to any applicant who has been licensed during the preceding twelve months or any part thereof, it may nevertheless by resolution, provide for extending the duration of the existing license for any specified period of the year, not exceeding three months at its discretion, upon payment by the appli-
cant of a sum not exceeding the proportionate part of the
duty payable for such license for the then next ensuing
license year; and such license, when a certificate of the
extension aforesaid has been indorsed thereon, under the
hand of the Inspector for the License District, shall remain
valid for the period specified in the resolution of the Board,
and no longer. R.S.O. 1897, c. 245, s. 21, part.

(2) Nothing in subsection 1 shall confer on the Board any
authority to exceed the limit prescribed by this Act as to
the number of tavern licenses to be granted in any year,
except in a locality largely resorted to in summer by visi-
tors, where the Board may, if it thinks fit, grant one ad-
tional tavern license, for a period not exceeding six months,
commencing on the 1st day of May in each year. R.S.O.
1897, c. 245, s. 21, part; 9 Edw. VII. c. 82, s. 5.

LICENSES TO FIRMS.

18.—(1) Subject to the conditions and regulations in
this section and in any Order in Council respecting the
granting of such licenses, a tavern or shop license may
be granted or transferred to a firm registered under The Part-
nership Registration Act.

(2) The application for such license shall be signed by the
firm under its name as registered, and by every person
registered as a member of such firm in his own name, and
the bond or other security to be furnished as provided by
section 13 shall be executed and entered into or furnished
by each registered member of the firm severally.

(3) Every registered member of the firm shall be severally
liable to the fines and penalties imposed by this Act in the
same manner and to the same extent as if he were the holder
of the license, and any prosecution for contravention of this
Part in or upon premises the license for which is held by a
firm may be carried on against the individual members of
the firm or any one or more of them jointly or severally;
but not more than one of the members of the firm shall be
convicted of the same offence, and the conviction of one of
them shall be a bar to the conviction of the other or others
of them.

(4) If during the term of the license any change takes
place in the firm by death, dissolution of partnership, or the
retirement of any member, the remaining member or mem-
ers and the legal representatives of any such deceased
member shall within one month thereafter obtain the written
consent of the Board to the continuance of the business, and
if such consent is not obtained or the license is not trans-
ferred as provided by section 21, such license shall be void.

(5) The license granted or transferred to any firm may
be revoked or cancelled under the circumstances and in the
manner provided by section 81 or by any other section of this Act, and those sections shall apply to firms in the same manner and to the same extent as to individuals, and the conviction of any member of the firm shall for the purposes of those sections be deemed to have been the conviction of the firm. 6 Edw. VII. c. 47, s. 7.

19.—(1) Subject to the conditions and regulations in this section and in any Order in Council respecting the granting of such licenses, a tavern or shop license may be granted or transferred to an incorporated company. 6 Edw. VII. c. 47, s. 8 (1); see 9 Edw. VII. c. 82, s. 36; and see also Part II. of this Act.

(2) The application for such license shall be signed by the president and secretary of the company and the corporate seal of the company shall be affixed thereto, and in lieu of the security required by section 13 such security shall be furnished by the company as shall be determined by Order in Council.

(3) The company shall, before such license is issued and from time to time thereafter as a vacancy may occur, appoint some person to be manager of the licensed premises and shall file with the Board a certificate of the appointment of every such manager under the hands of the president and secretary and the corporate seal of the company. 6 Edw. VII. c. 47, s. 8 (2-3).

(4) Every manager of an incorporated company holding a tavern or shop license shall be responsible for the proper and lawful conduct of the business carried on on the licensed premises and shall perform the same duties and be liable to the same fines and penalties for any contravention of this Part or any regulation or by-law made or passed thereunder, and shall furnish the same security as if the license for such premises had been issued to him in his own name. 6 Edw. VII. c. 47, s. 8 (4); see 9 Edw. VII. c. 82, s. 37; and see also Part II. of this Act.

(5) The license granted to any company may be revoked or cancelled under the circumstances and in the manner provided by section 81, or by any other section of this Act, and those sections shall apply to companies in the same manner and to the same extent as to individuals, and the conviction of the manager of the company for the time being shall for the purpose of the said sections be deemed to have been the conviction of the company. 6 Edw. VII. c. 47, s. 8 (5-8).
20. — (1) No holder of a license for the sale of liquor by retail in a tavern or shop shall hereafter, in consideration of an advance of money or other financial assistance to such license holder, make or enter into, directly or indirectly, or be or become a party to, any contract, covenant, agreement, undertaking, stipulation or bargain, written or verbal, which has the effect of imposing or is intended or purports to impose any restriction whatsoever upon such license holder as to the person from whom or the locality in which liquor shall be purchased or supplied for sale in such tavern or shop.

(2) Every covenant, contract, agreement, undertaking, stipulation or bargain, whether written or verbal, entered into by the holder of a tavern or shop license, or by any other person acting for or on his behalf, with any brewer, distiller, manufacturer or wholesale merchant which has the effect of imposing or is intended or purports to impose upon any such license holder any restriction whatsoever as to the person from whom or the locality in which liquor shall be purchased or supplied for sale in any tavern or shop shall be absolutely void and of no effect to all intents and purposes whatsoever.

(3) Every holder of a tavern or shop license, and every brewer, distiller, manufacturer or wholesale merchant who either by himself or by any person acting on his behalf hereafter gives or enters into or demands or requires or requests any other person to give or enter into any such covenant, contract, agreement, undertaking, stipulation or bargain, shall be guilty of an offence against this Act, and shall incur a penalty of $500, besides costs.

(4) Nothing in this section shall in any way affect any covenant, contract, agreement, undertaking, stipulation, or bargain heretofore entered into by a license holder or hereafter entered into by a transferee of any license, where on the 27th day of April, 1906, the then holder of the license in question was indebted to any brewer, distiller, manufacturer or wholesale merchant for money advanced, and the amount of such indebtedness or any part thereof is assumed by such transferee at the time of the transfer of the license. 6 Edw. VII. c. 47, s. 29.

TRANSFER OF LICENSES.

21. — (1) If any person having lawfully obtained a license under this Part before the expiration of his license dies, or sells, or by operation of law or otherwise assigns his business, or removes from the house or place in respect of which the said license applies, his license shall, ipso facto, become forfeited, and be absolutely null and void to all intents and
purposes whatsoever, unless such person, his assigns or legal representatives within one month after the death, assignment or removal of the original holder of such license, or other period, in the discretion of the Board of the License District in which the license has effect, obtains its written consent, either to the continuance of the business, or to the transfer of such license to any other person, and thereupon forthwith transfers the same to such other person, who, under such transfer, may exercise the rights granted by such license, subject to all the duties and obligations of the original holder thereof, until the expiration thereof, in premises for which such license was issued and to which it applies, but in no other place.

(2) In every such case of a transfer of a tavern license, the person in whose favour any such transfer is to be made, shall first produce to the Board a report of the Inspector similar to that mentioned in section 12. R.S.O. 1897, c. 245, s. 37 (1-2).

(3) Upon receipt by the Inspector of an application for a transfer of a license, and pending the consideration and consent thereto by the Board, the Inspector may, subject to the regulations of the License Branch, within one month thereafter issue to the proposed transferee a provisional consent in writing, Form 4, under which the proposed transferee may exercise the rights granted by the license issued for the premises, until the consent in writing of the Board is obtained; but such provisional consent shall not operate or extend beyond one month from the time of the death of the original licensee or from the sale or transfer by the licensee or by operation of law, and shall not have any force or effect unless the same is countersigned by one member of the Board. R.S.O. 1897, c. 245, s. 37 (3); 9 Edw. VII. c. 82, s. 7.

(4) Where an application is made for a transfer of a license issued to a tavern or shop situate in a remote part of the License District, or where for any other reason the Board sees fit, it may dispense with the report of the Inspector, and act upon such information as may satisfy it in the premises. R.S.O. 1897, c. 245, s. 37 (4).

REMOVAL OF LICENSE.

22.—(1) Any Inspector may, after resolution of the Board allowing the same, and subject to the provisions of subsection 13 of section 12, issue to the holder of any license, or his assigns or legal representatives, in the form provided by the Minister, a permit to remove from the licensed premises to other premises, to be described in an endorsement to be made by the Inspector on the license, and situate within the same municipality and possessing all the accommodation required by law.
(2) Such permit shall authorize the holder of the license to sell the same liquor in the premises mentioned in the endorsement during the unexpired portion of the term for which the license was granted, in the same manner, and upon the same terms and conditions; but no such permission shall be granted unless and until the person applying therefor has filed with the Board a report of the Inspector containing the information required by law in case of application for a license.

(3) Any bond or security which such holder of a license may have given for any purpose relative to such license, shall apply to the premises to which such removal is authorized, but such permission shall not entitle him to sell at any other than such premises. R.S.O. 1897, c. 245, s. 38.

23.—(1) Where the Inspector is required, in the case of an application for leave to transfer or remove a license, to make an inspection, under the next preceding two sections and to travel, in order to make such inspection, a distance of more than three miles from his office or residence, the person making such application for a transfer or removal shall pay to the Inspector, in addition to all other fees, the sum of ten cents per mile, one way, for his travelling expenses, and the same shall be deposited by the Inspector to the credit of the License Fund; but the Inspector may be allowed the same, or so much thereof as is necessary to pay the actual cost of his travelling expenses in order to make such inspection, upon his accounts being rendered and approved in the ordinary manner.

(2) This section shall not apply to city license districts. R.S.O. 1897, c. 245, s. 39.

WHERE LICENSE LAPSES.

24. In case for any cause the license becomes void, or in case the term or interest of the holder of a license in the premises licensed ceases before the expiry of the license, or if the licensee absconds or abandons the premises, or becomes insolvent, the Board may grant a new license for the same premises, subject to the provisions of this Part, and upon such terms as to the payment or refund by the new licensee of the duty for the unexpired period to the person entitled thereto under the original license, or to his legal representatives, as to the Board may seem just. R.S.O. 1897, c. 245, s. 40.

FRAUD IN THE SALE OF LIQUORS.

25.—(1) Bottled liquors procured by the keeper of a licensed tavern for the purpose of supplying the same to customers or guests shall be kept while on the licensed premises in the bottles in which such liquors are delivered to such keeper and in no case shall any other liquor or any substance or liquid be put into any such bottle and no bot-
Unedited
26.—(1) The Board shall not grant any certificate for a license or any certificate whatsoever whereby any person can obtain or procure any license for the sale of liquor, on the days of the Exhibition of the Industrial Exhibition of Toronto, or of any exhibition held by any society formed under The Agricultural Associations Act, The Agricultural Societies Act, The Horticultural Societies Act, or The Agriculture and Arts Act, either on the grounds of such society, or within the distance of three hundred yards from such grounds.

(2) No license shall be granted under the provisions of this Act for the sale of liquor upon any premises, for which a license has not heretofore been granted, within 300 feet of a building occupied exclusively as a church or as a high school, public school, separate school, university, college or other public educational institution, to be measured from and to the main entrances, along the street or streets, or across the same at right angles, as the case may be. R.S.O. 1897, c. 245, s. 14.

TAVERN LICENSES.

Number.

27.—(1) The number of tavern licenses to be granted in the respective municipalities shall not in each year exceed:

In a city, town or village,

(a) For the first 250 of the population, one tavern license;

(b) For each full 250 of the population above the first 250, one tavern license; but not more than three such licenses shall be granted for the first 1,000 of the population;

(c) For each full 600 over the first 1,000 of the population, one tavern license;

(2) Subsection 1 shall not apply to county towns having a population of 2,500 or less, as to which the limit shall be one for each full 250 for the first 1,000 of the population, and one for each full 400 over 1,000 of the population; but in any such county town the number of licenses which may be issued shall not be reduced by reason of any increase of the population of such town above the number of 2,500. R.S.O. 1897, c. 245, s. 18 (1), part; 6 Edw. VII. c. 47, s. 34.

(3) Where a Local Option By-law has been in force in any municipality and is subsequently repealed, the number of tavern licenses which may in the year following such repeal be issued in the municipality, until a by-law is passed reducing such number, shall be limited as provided by subsections 1 and 2.
(4) In villages, being county towns, the limit may be five in number. R.S.O. 1897, c. 245, s. 18; 9 Edw. VII. c. 82, s. 4.

(5) Nothing in any special Act shall authorize the issue of any greater number of tavern licenses in any municipality than is permitted by this section. 7 Edw. VII. c. 46, s. 7.

28.—(1) The council of every town, village or township may, by by-law to be passed before the 1st day of March in any year, limit the number of tavern licenses to be issued therein for the then ensuing license year beginning on the 1st day of May, or for any future license year until such by-law is altered or repealed, provided such limit is within the limit imposed by this Part. R.S.O. 1897, c. 245, s. 20 (1); 1 Geo. V. c. 64, s. 20.

(2) No such by-law shall in a township or village be quashed or set aside on the ground only that a monopoly has been created by such limitation. 1 Geo. V. c. 64, s. 10, part.

(3) The council shall cause a certified copy of such by-law to be sent immediately after the passing thereof to the Board of the License District in which the municipality is situate, and during the time such by-law is in force no greater number of licenses shall be issued than as therein limited. R.S.O. 1897, c. 245, s. 20 (2); 1 Geo. V. c. 64, s. 10, part.

(4) Notwithstanding the division of the municipality of the Township of York into East and West York, with a separate Board of License Commissioners for each, the council of the township shall have the same powers under this Act that it would have were the municipality not so divided, and the council may pass a by-law limiting the number of licenses in each of the two said subdivisions of East and West York respectively and for the carrying out of the provisions of the said Act in so far as it affects the Township of York. 3 Edw. VII. c. 7, s. 44.

SUSPENSION OF LICENSE IN CASE OF FIRE.

29.—(1) If the premises for which any tavern license has been granted are destroyed or so damaged by fire or otherwise that it is impossible for the holder of such license to provide the accommodation required by this Part, or by any by-law or regulation in force in the municipality in which such premises are situate, the license for such premises shall ipso facto be suspended and be of no force or effect as to the premises so destroyed or damaged until the Inspector has reported to the Board that the said premises have been rebuilt or repaired to the extent necessary to provide such accommodation; but in that event a portion of the share received by the Province of the license fee paid by the holder of such license may be refunded to him out of the Consolidated Revenue Fund.
(2) Nothing in subsection 1 shall prevent the transfer or removal of such license in the manner provided by this Part. 6 Edw. VII. c. 47, s. 27.

PETITION AGAINST RENEWAL OF LICENSE IN RESIDENTIAL LOCALITY.

30.—(1) Any ten persons, being electors resident in the same polling subdivision in any city, may apply, in writing signed by them, to the Board requiring the Board to decide whether or not any premises for which a tavern license has been issued are situate in a residential and not a business locality.

(2) Notice of such application shall be personally served upon the owner and, if the owner is not the occupant, also upon the occupant, of such licensed premises at least two weeks before the application is delivered to the Board.

(3) The Board, upon proof by statutory declaration of the service of the notice of application, shall, by resolution to be passed within one week after receiving the application, determine whether or not such licensed premises are situate in a residential and not in a business locality.

(4) If the Board decides in the affirmative a petition signed by not less than seventy-five persons, being at least a majority in number of the electors in the polling subdivision, may, subject to subsection 5, be presented to the Board, praying that any tavern license issued for premises situate in such polling subdivision be not renewed, on the ground that the locality in which the same are situate is a residential and not a business locality.

(5) At least one month before any petition is presented under this section a notice in writing, setting forth the substance of the petition, signed by at least ten electors resident in the polling subdivision, shall be personally served upon the owner of such licensed premises, and, if the owner is not also the occupant, then upon the occupant also of such licensed premises; and such notice shall, before the petition is presented, be published at least once a week for two successive weeks in some daily newspaper published in the city.

(6) Service and publication of the notice shall be proved by statutory declaration attached to the petition.

(7) The petition shall be presented within two months after the service of notice of the intention to present the same and before the 1st day of April in the year in which such notice was served, and there shall be annexed thereto a certificate under the hand of the clerk and seal of the corporation, setting forth that the clerk has examined the petition and that there are subscribed thereto the names of at least a majority of the whole number of the electors in the polling subdivision.
(8) The signatures to the petition shall also be verified by the statutory declaration of at least one attesting witness.

(9) The Board shall meet within one week after the receipt of the petition, and upon being satisfied that the provisions of the preceding subsections have been complied with, shall by resolution declare that the license for such premises shall not be renewed after the expiration of the next ensuing license year, and such license shall not be renewed, nor any other license in lieu thereof be granted to premises in the same locality, so long as the same is a residential locality.

(10) Nothing in this section shall affect any powers which the Board has to cancel any license or refuse the renewal thereof, nor affect any right of petition, in respect of a license.

(11) The word "electors," where it occurs in this section, shall mean and include all persons whose names are entered in the last revised voters' list of the municipality as entitled to vote at municipal elections. R.S.O. 1897, c. 245, s. 13.

Accommodation.

31.—(1) Subject to section 34 every tavern authorized to be licensed under the provisions of this Part shall contain and during the continuance of the license shall continue to contain in addition to what may be needed for the use of the family of the tavern-keeper, not less than four bedrooms, and in cities six bedrooms, together with, in every case, a suitable complement of bedding and furniture, and, except in cities and towns, there shall also be attached to the said tavern, proper stabling for at least six horses.

(2) Such tavern shall form no part of, and shall not communicate by any entrance with any shop or store wherein goods or merchandise known as groceries or provisions are kept for sale; but this subsection shall not apply to taverns in townships unless so provided by by-law of the township council. R.S.O. 1897, c. 245, s. 27.

(3) No tavern license shall be granted in respect of any house in any city, town or village not already licensed, unless such house has a separate front entrance, in addition to the entrance to the bar or place where liquors are sold. R.S.O. 1897, c. 245, s. 66.

32.—(1) In addition to the accommodation required by the last preceding section, each tavern shall be shown, to the satisfaction of the Board, to be a well-appointed and sufficient eating-house, with the appliances requisite for daily serving meals to travellers; and the requirements of this section shall apply to every tavern, without any exception whatever, and continuously for the whole period of the license. R.S.O. 1897, c. 245, s. 28.
(2) No more than one bar shall be kept in any house or premises licensed under this Act. R.S.O. 1897, c. 245, s. 65.

33. The council of any city or town may, by by-law to be passed before the 1st day of March in any year, prescribe for the then ensuing license year beginning on the 1st day of May, any requirements in addition to those prescribed by the next preceding two sections, as to accommodation to be possessed by taverns, as the council may see fit; and the Board upon receiving a copy of such by-law shall be bound to observe the provisions thereof; and such by-law shall continue in full force for such year and any future year until repealed. R.S.O. 1897, c. 245, s. 29.

34. No tavern license shall be issued to any tavern or other premises not having all the hotel accommodation required by law, but this shall not apply to an eating-house at or in a railway station for which a license has been issued and is now in force, and such license may hereafter in the discretion of the Board be issued although the premises in respect of which it is issued have not the hotel accommodation required by law. 9 Edw. VII. c. 82, s. 6.

35. Upon application to any Board by any one or more persons within any municipality within the jurisdiction of such Board for a beer and wine license the Board may, before the 1st day of May in any year, by resolution declare that any one or more of the tavern licenses which may be lawfully issued, and which are to be issued for the license year beginning on the 1st day of May of such year not exceeding the number so applied for, may be beer and wine licenses, and the Board may thereafter cause beer and wine licenses to be issued in any such municipality, not exceeding the number mentioned in such resolution; but nothing in any such resolution shall so limit the number of tavern or shop licenses as to prohibit within any municipality the sale of spirituous liquors; and nothing in such beer and wine license, or by reason of the granting thereof, shall authorize the holder thereof, his servants or agents, to sell, barter or otherwise dispose of any kind of intoxicating liquors other than those mentioned in such beer and wine license. R.S.O. 1897, c. 245, s. 22.

36. A beer and wine license shall be construed to mean a tavern license for selling lager beer, ale, beer and porter and also native wines, manufactured in Ontario, containing not more than fifteen per cent. of alcohol, and light foreign wines containing not more than fifteen per cent. of alcohol but not including port, sherry or Madeira wine, in quantities of not more than one quart, to be drunk in the tavern in which the same is sold. R.S.O. 1897, c. 245, s. 23.
37. The holder of any such beer and wine license shall hold the same upon the terms and subject to all the conditions and penalties that apply to the holder of other tavern licenses; but such holder of a beer and wine license shall not sell, barter or give, or keep in the house or upon the premises for which such last mentioned license has been granted, any liquor for sale other than those thereby authorized; and as to such other liquor, the holder of such beer and wine license shall be deemed to be unlicensed, and section 132 shall apply. R.S.O. 1897, c. 245, s. 24.

38.—(1) If any holder of a beer and wine license, his servant, or agent, sells or barters, gives, or keeps in the house, or upon the premises, for which a license has been granted, liquor other than those mentioned in his license, for sale, or knowingly sells, or barters, gives or keeps in the house, or upon the premises for which a beer and wine license has been granted, native wine containing a greater quantity of alcohol than fifteen per cent. thereof, or light foreign wines containing a greater quantity of alcohol than fifteen per cent. thereof, or port, sherry, or Madeira wine, he shall incur the penalties provided by section 65; and in addition thereto upon a conviction for a second offence the Board may, by resolution, revoke and cancel his beer and wine license; and in the event of failure on its part so to do, application may be made by any resident of the municipality to the Judge of the County Court in the manner prescribed by section 81, which shall apply to such application, for an order to revoke and cancel the license, and if it appears to such Judge that the holder of any such beer and wine license has been twice convicted of having sold or given liquors other than those mentioned in the license, or of having kept the same upon or in the licensed premises, for sale, or of having knowingly sold or given native wine containing a greater percentage of alcohol than fifteen per cent. thereof, or light foreign wines containing a greater percentage of alcohol than fifteen per cent. thereof, or port, sherry or Madeira wine, as hereinbefore mentioned, or of having knowingly kept the same upon or in the licensed premises, the Judge shall make an order revoking and cancelling the license, and it shall be revoked and cancelled from the date of such order, or from the passing of the resolution by the Board.

(2) The percentage mentioned in the preceding subsection shall be determined by weight. R.S.O. 1897, c. 245, s. 25.

(3) Any holder of a beer and wine license who has been convicted of selling liquor without the license therefor required by law, or contrary to the terms of his license, or of this Act, shall, in addition to any other penalty provided, if the Magistrate before whom the prosecution was heard, certifies that the offence was in his opinion, a wilful one, be disqualified from having or holding a liquor license for and
during the then next succeeding license year, and any license granted to or obtained by any such person during such period shall be void. R.S.O. 1897, c. 245, s. 84.

(4) The Inspector may from time to time take from the liquors kept by a person holding a beer and wine license upon the premises sufficient thereof to determine whether they are of a different kind from those mentioned in the license, or contain more alcohol than is by law allowed. R.S.O. 1897, c. 245, s. 26.

39.—(1) In addition to the license fees payable for a tavern license, other than a beer and wine license, there shall be payable by the license holder a sum in the case of each license equal to five per cent. of the amount by which the gross receipts from sales under the license, wherever made, together with sales of cigars, cigarettes, tobacco or drinks or drinkable liquids other than liquor, or of any service or privilege, when made over, at, in or from the bar or bar-room of the licensed premises or for use or consumption at or in such bar or bar-room, in each day exceed the sum of $60, in the case of cities having a population of over 100,000 and $50 in all other cases. 1 Geo. V. c. 64, s. 1.

(2) On or before the tenth day of each month the holder of each such license shall file with the Minister a statement verified by affidavit, made by such person or persons and in such form as may be directed by the Minister, of the amount of his gross sales as aforesaid for each day of the preceding month and shall accompany such statement with payment of the amount, if any, due for such month under the provisions of subsection 1, and the affidavit may be taken before a commissioner for taking affidavits, a notary public or a justice of the peace, or the License Inspector for the License District in which such license holder resides. 1 Geo. V. c. 64, s. 2; 2 Geo. V. c. 55, s. 11.

(3) Notwithstanding anything in this section any holder of a tavern license who makes default in the filing of any statement or in the making of any payment required by this section shall incur a penalty of $10 for each day during which such default continues, and so for each such default, though running concurrently with other defaults, but such penalty or any portion thereof may be remitted by the Minister in his discretion.

(4) Upon the report of the Minister that any such default has continued for more than thirty days or that the statement filed by the license holder is false or that the license holder has failed after notice to comply with any regulation made pursuant to subsection 5, an Order in Council may be passed cancelling his license and it shall thereupon become null and void to all intents and purposes whatsoever; and such Order in Council may further provide for the disquali-
Sec. 39 (6). LIQUOR LICENSES. Chap. 215. 2879

Liquor Licenses.

Sec. 39 (6). LIQUOR LICENSES. Chap. 215. 2879

(Applicable to the Act of June 10, 1868, ch. 215.)

Sec. 39 (6). LIQUOR LICENSES. Chap. 215. 2879

Section 39 (6) states that any period not exceeding three years of the holder of such license from obtaining any further or other license under this Act. 1 Geo. V. c. 64, s. 3.

(5) The Lieutenant-Governor in Council may from time to time make regulations which shall have all the effect of a statute and shall take effect from the date of the making thereof and may, amongst other things,

(a) require the keeping of accounts and the handling of cash by the license holder in such manner as may be directed and the furnishing by him of such further evidence as may be directed as to the correctness of the statement to be filed pursuant to this section;

(b) provide for the holding of investigations into the correctness of such statement with such provisions as to the taking of evidence on oath, the summoning of witnesses, the enforcing of their attendance and the giving of testimony by them and the compelling of the production of books and documents, the disposition of the costs of the investigation and otherwise as may be thought desirable;

(c) authorize entry upon the licensed premises, the examining and auditing of the accounts thereof and the taking over in whole or in part and for such time as may be required of the conduct of the business therein carried on for the purpose of enquiring as to the correctness of statements filed or to be filed pursuant to the provisions of this section, the whole with or without the consent of the holder of such license, and, if so directed, at his expense; and,

(d) without being limited to the particulars above set forth, contain such provisions as shall be deemed desirable for ensuring the better enforcement of this section, and also contain provisions applicable to the holders of any license under this Act of the same general character as the provisions above specified though not required for the purposes above stated; and

(e) provide for the enforcement of any of the regulations herein mentioned by suspension of the license of the holder in question until such holder has complied with such regulations. 1 Geo. V. c. 64, s. 4.

(6) The addition to the license duties made by this section shall not be taken into account in arriving at the sum payable for the transfer of a tavern license. 1 Geo. V. c. 64, s. 5.

65 s.—II
(7) Except as regards the total amount of license fees received under this section for each license district, information obtained under this section shall not be disclosed except to officers of the Government in the exercise of their duties. 1 Geo. V. c. 64, s. 6.

(8) Subsection 5 of section 13 shall be read as applying to and having reference to the license fees otherwise payable and without the addition provided for in this section, and shall have full force and effect accordingly. 1 Geo. V. c. 64, s. 7.

(9) All sums payable under the provisions of this section shall be payable to the Treasurer of Ontario to and for the exclusive use of the Province. 1 Geo. V. c. 64, s. 8.

**BARTENDERS’ LICENSES.**

**(40)**—(1) The expression "bartender" as used in this section shall mean and include any person who sells or supplies liquor in the bar-room or other place from which liquor is dispensed to any person whomsoever in or upon any premises in respect of which a tavern license has been issued under this Part.

(2) No keeper of a licensed tavern in any city or town or in any locality in territory without county organization (called in this section a licensee) shall employ any bartender, or permit any person to act as such in or upon his licensed premises, who is not, during the whole time he is employed, or permitted so to act, the holder of a bartender’s license, as provided by this section.

(3) Any licensee who contravenes the preceding subsection shall, for every day or portion of a day, during which such contravention continues, incur a penalty of not less than $10 nor more than $20 or imprisonment for a period not exceeding one month.

(4) Any person acting as a bartender in any city or town or in any locality in territory without county organization without first having obtained a license, as in this section provided, shall incur the same penalties as those prescribed in the case of a licensee, in the next preceding subsection; and in any prosecution brought under this subsection the onus of proving that he holds a bartender’s license shall rest upon the defendant.

(5) Any person holding a bartender’s license who sells or delivers, or causes to be sold or delivered, any liquor in contravention of any of the provisions of this Act, or of any by-law or regulations made under this Act, to any person whomsoever, shall incur a penalty not exceeding $20 or imprisonment for one month.
Sec. 40 (9). LIQUOR LICENSES. Chap. 215. 2881

(6) In addition to any other penalty which may be imposed upon a bartender for any offence under this Act, the Board may forthwith cancel the license of such bartender, who shall not thereafter be eligible to receive another license under this Act for any purpose whatever during the current license year and upon a conviction for a second offence of any nature within two years the license of such bartender shall ipso facto become void and he shall not thereafter be eligible to hold any license under this Act for two years.

(7) No bartender’s license shall be issued to any person who is not of the full age of twenty-one years and of good character.

(8) No bartender’s license shall be issued to any woman.

(9) The bartender’s license may be according to Form 14 and may, subject to the conditions in this section mentioned, be obtained at any time on application to the Inspector, on payment therefor of the sum of $2; and the Inspector may for any cause which he may consider sufficient refuse to issue such license, but the issue or refusal of a license to a bartender shall in all cases be subject to the approval of the Board.

(a) Such license shall only be valid during the currency of the license year in which it is issued and shall expire on the 30th day of the month of April then next ensuing.

(b) All fees received for bartenders’ licenses shall be paid into the License Fund of the License District in which the same are issued.

(c) No bartender’s license shall be valid in any License District other than that in which the same was issued, unless and until it has been endorsed by the Inspector of some other License District, and such endorsement (for which no charge shall be made) shall give validity to such license in the License District in which the Inspector, who has endorsed the same, has jurisdiction, if such license has not been cancelled prior to the endorsement, but such Inspector may for any cause which he may consider sufficient withhold such endorsement, subject to the approval of the Board.

(d) Every Inspector who issues or endorses a bartender’s license shall enter a memorandum of the same in a book to be provided for the purpose, and such entry, as well as the entry of a memorandum that any such license has been cancelled, shall be prima facie evidence of the facts therein stated; and instead of the production of the book containing such entry, the presiding justice may
receive a certificate of any such entry as aforesaid, purporting to be signed by the proper Inspector, without requiring proof of the signature of such Inspector.

(e) Every licensed bartender shall produce his license forthwith on request of any Inspector or other official appointed by the Crown, or to any constable or police officer; and if such bartender refuses or neglects to make such production when required he shall incur a penalty not exceeding $10 and costs and in default of payment shall be liable to imprisonment in the common jail of the county or district in which the offence was committed for any period not exceeding ten days, with or without hard labour.

(10) Nothing in this section shall apply to or affect the sale or delivery of any liquor by the keeper of a licensed tavern, or by any male member of his family of the full age of twenty-one years, other than a domestic servant or other person in the employment of the licensee, nor shall anything in this section apply to or affect the delivery of liquor by any person in any place in a licensed tavern other than the bar-room or place from which liquor is dispensed.

(11) Notwithstanding anything in this section, a licensee may, in a case of temporary emergency, employ as bartender any male person of the full age of twenty-one years; but such employment shall not be upon more than two days, not necessarily consecutive, in any one month. 6 Edw. VII. c. 47, s. 6.

SHOP LICENSES.

41. A shop license shall not be granted to any person unless he has filed his application with the Inspector on or before the 1st day of April in that year, and has given the security required by section 13, and the Inspector has reported to the Board that he is a person of good character and that his shop and premises are suitable for carrying on a reputable business. R.S.O. 1897, c. 245, s. 31.

42.—(1) The council of every town, village or township may, by by-law to be passed before the 1st day of April in any year, limit the number of shop licenses to be granted therein for the then ensuing license year, beginning on the 1st day of May, and, by such by-law or any other by-law passed before the 1st day of April, may impose any restrictions upon the mode of carrying on such traffic as the council may think fit, and such last-mentioned by-law may be made to come into force on the 1st day of May then next ensuing or on the 1st day of May of the succeeding year; and any such by-law so passed shall not be repealed during the three years next after the year in which the same comes into force. R.S.O. 1897, c. 245, s. 32 (1); 2 Geo. V. c. 55, s. 3.
(2) The clerk of a municipality in which such a by-law has been passed shall immediately after the passing of such by-law, send a certified copy thereof to the Board within whose License District the municipality is situate, and such by-law shall be binding upon the Board, and any shop license to be issued shall conform to the provisions thereof; and such by-law shall remain in force for any future year until repealed.

(3) Any clerk who neglects, omits or refuses to send such certified copy shall incur a penalty of not less than $40 nor more than $100.

(4) All the provisions regarding the closing of licensed taverns and regarding sales and evidences of sales therein during prohibited hours shall apply to shops licensed in any municipality after the by-law secondly provided for in subsection 1 has come into force. R.S.O. 1897, c. 245, s. 32 (2-4).

43.—(1) No shop license shall be granted to any person to sell liquor in any store, shop, place, or premises where groceries or other merchandise, other than mineral or aerated waters not containing spirits, ginger ale, liquor cases, bottles or liquor baskets, or packages, taps or faucets, are sold or exposed for sale, or in any store, place or premises connected by any internal communication with such first-mentioned store, shop, place or premises.

(a) Nothing in this subsection shall prevent the holder of a shop license from keeping and selling cigars in unbroken packages of not less than fifty cigars or fifty cigarettes, or five pounds of tobacco, to be taken away, and not to be used or consumed upon the premises.

(2) If any commodity or goods, save as aforesaid, are sold or exposed for sale in any premises for which a shop license has been issued the license shall be void, and the holder of the license may be convicted of selling liquor without a license, upon proof that any commodity or goods, save as aforesaid, are exposed for sale or sold at such shop; and such conviction shall be conclusive evidence that such person has ceased to be the holder of a license. R.S.O. 1897, c. 245, s. 33 (1-2).

(3) The aforesaid mineral or aerated waters or ginger ale shall only be sold in original packages, and shall not be allowed to be consumed upon the licensed premises, under the same penalty as is provided for a breach of section 58. R.S.O. 1897, c. 245, s. 33 (3); 10 Edw. VII. c. 94, s. 1.

44.—(1) No liquor shall be sold or supplied by any incorporated society, association, or club, heretofore or hereafter formed, or by any member, officer or servant thereof, to any

CLUBS.
member of such society, association or club, or to any other person unless and until a license for the sale of liquor by such society, association or club has been duly issued as hereinafter provided. 6 Edw. VII. c. 47, s. 28 (1).

(2) A license to be known as a "Club License" may upon application therefor be issued at any time by the Board to any such society, association or club which is not by its charter of incorporation or otherwise prohibited from selling liquor to its members, upon payment of a fee of $50, and such license shall remain in force until the 30th day of April then next ensuing, but the provisions of this Part, not expressly made applicable to such societies, associations or clubs, shall not apply thereto. 6 Edw. VII. c. 47, s. 28 (2); 9 Edw. VII. c. 82, s. 46.

(3) Nothing in this Act shall authorize the sale of liquor upon the premises of any such society, association or club to any person who is not a member thereof, nor to any person who is not of the full age of twenty-one years. 6 Edw. VII. c. 47, s. 28 (3).

(4) No license shall be granted under this section to any society, association or club, which is prohibited by this Act, or by its charter of incorporation, or otherwise, from selling or supplying liquor to its members; nor shall any such license be granted to any society, association or club formed or incorporated under The Act respecting Benevolent, Provident and other Societies, being Revised Statutes of Ontario, 1897, chapter 211, and no license under this section shall be granted to any society, association or club not incorporated under the laws of the Province of Ontario until the consent in writing of the Minister to the granting of such license has been filed with the Board. 6 Edw. VII. c. 47, s. 28 (4); 7 Edw. VII. c. 46, ss. 2 and 9.

45.—(1) Any unincorporated society, association or club and any member, officer or servant thereof, or person resorting thereto, that sells liquor to any member thereof or to any other person without the license prescribed therefor by this Part, shall be held to have violated section 48 and shall incur the penalties provided for the sale of liquor without license. R.S.O. 1897, c. 245, s. 53 (1); 7 Edw. VII. c. 46, s. 4.

(2) The keeping or having in any house or building, or in any room or place occupied or controlled by such club, association or society, or any member or members thereof, or by any person resorting thereto, of any liquor for sale shall be a violation of section 49.

(3) Proof of consumption or intended consumption of liquor in such premises by any member of such club, association or society, or person who resorts thereto, shall be conclusive evidence of sale of such liquor, and the occupants of the premises or any member of the club, association or society, or
person who resorts thereto, shall be taken conclusively to be the person who has or keeps therein such liquor for sale; and any liquor found upon such premises shall be liable to seizure in the manner provided by this Act. R.S.O. 1897, c. 245, s. 53 (2-3).

REGULATIONS AND PROHIBITIONS.

46. Every license shall be constantly and conspicuously exposed in the shop or in the bar-room of the tavern in respect of which it has been granted under a penalty of $5 for every day's wilful or negligent omission so to do, to be recovered with costs from the license holder so making default. R.S.O. 1897, c. 245, s. 47.

47.—(1) Every person who keeps a tavern in respect of which a tavern license, except a beer and wine license, is in force, shall exhibit over the door of such tavern a sign bearing in large letters the words, "Licensed to sell wine, beer and other spirituous or fermented liquors." R.S.O. 1897, c. 245, s. 48, part.

(2) In the case of the holder of a beer and wine license such sign shall bear in large letters the words, "Licensed to sell beer and wine."

(3) Any person failing to comply with this section shall incur a penalty of $5 with costs. R.S.O. 1897, c. 245, s. 48, part.

48.—(1) No person shall sell by wholesale or retail any liquor without having first obtained a license under this Act authorizing him to do so; but this section shall not apply to sales under legal process or for distress, or sales by assignees in insolvency.

(2) No person unless duly licensed shall by any sign or notice hold himself out to the public as so licensed; and the use of any sign or notice for this purpose is hereby prohibited.

(3) Subject to the provisions of section 21 and pending the proceedings therein mentioned, no penalty shall be incurred under this section by the heirs, executors, administrators or assigns of any licensed person who dies before the expiration of his license, or by the assignee or trustee of any licensed person who is insolvent or whose affairs are in process of liquidation during the currency of his license, in respect of the sale or exposure for sale of any liquor, if such sale or exposure for sale is made on the premises specified in such license and in the quantities therein authorized. R.S.O. 1897, c. 245, s. 49.
49. No person shall keep or have in any house, building, shop, eating-house, saloon, or house of public entertainment, or in any room or place whatsoever, any liquor for the purpose of selling therein, unless duly licensed under the provisions of this Act; nor shall the occupant of any such shop, eating-house, saloon, or house of public entertainment, or any livery stable or other building to which the public are in the habit of resorting, unless duly licensed, permit any liquor whether sold by him or not, to be consumed upon the premises, by any person other than members of his family or employees, or guests not being customers. R.S.O. 1897, c. 245, s. 50; 3-4 Geo. V. c. 54, s. 3.

PROHIBITED SALES.

50. Subject to the provisions hereinafter contained, in every place where liquor is authorized to be sold by wholesale or retail, no sale or other disposal of liquor shall take place therein, or on the premises thereof, or out of or from the same, to any person whomsoever from or after the hour of seven o'clock in the afternoon of Saturday until eight of the clock in the forenoon of Monday thereafter, save and except in cases where a requisition for medical purposes, signed by a legally qualified medical practitioner, is produced by the vendee or his agent; nor shall any liquor, whether sold or not, be permitted or allowed to be drunk in any such place during the time prohibited for the sale of the same except by the occupant or some member of his family, or lodger in his house. 6 Edw. VII. c. 47, s. 13, part; 8 Edw. VII. c. 54, s. 1; 3-4 Geo. V. c. 54, s. 4.

51. No sale or other disposal of liquor shall take place in any place where liquor is authorized to be sold by wholesale or retail, or on the premises thereof, or out of or from the same to any person whomsoever, save and except in cases where a requisition for medical purposes, signed by a legally qualified medical practitioner, is produced by the vendee or his agent, nor shall any such liquor whether sold or not, be permitted or allowed to be drunk in any such place, except by the occupant or some member of his family or lodger in his house, during the hours and upon the days following, that is to say:—

(a) Between the hour in villages, townships and unorganized territory of ten o'clock, and in cities and towns of eleven o'clock, in the afternoon of any day of the week other than Saturday and Sunday and the hour of eight o'clock in the forenoon of the next day upon which liquor may be lawfully sold in such place;

(b) During Christmas Day or any day on which a poll is being held throughout the municipality or in the electoral district or ward in which such place
is situate for or at any Parliamentary election or election of a member of the Legislative Assembly, or any municipal or school election, or under any Act of the Parliament of Canada, or of this Legislature or any municipal by-law respecting the prohibiting, restricting, regulating or affecting in any manner the sale of liquor. 6 Edw. VII. c. 47, s. 13, part; 8 Edw. VII. c. 54, s. 2; 10 Edw. VII. c. 94, s. 4; 3-4 Geo. V. c. 54, s. 5.

52.—(1) The keeper of any licensed tavern in a city, town or village, shall keep the bar-room or room in which liquor is trafficked in, closed as against all persons, other than those permitted to enter the same under clauses (a) and (b) of this section, during the hours or on the days in which the sale of liquor is prohibited by sections 50 and 51; and any keeper of such licensed tavern who allows or suffers any person or persons to frequent or to be present in such bar-room or room in which liquor is trafficked in during such hours or on such days, shall be guilty of an offence under this Act, unless it is established to the satisfaction of the police magistrate or other justice or justices before whom the prosecution is heard

(a) that the person so found frequenting, or present in the bar-room where liquor is trafficked in, as aforesaid, was at the time he or she so frequented or was present in such bar-room, a member of the family or household (other than a lodger, boarder, or guest) or a servant, or employee of such keeper actually engaged in necessary domestic occupation or service within the said bar-room; or

(b) that such person was present therein lawfully engaged in receiving or supplying liquor which might lawfully be sold during said prohibited hours. 6 Edw. VII. c. 47, s. 13, part; 9 Edw. VII. c. 82, s. 8.

(2) The word "keeper" when used in this section shall include the person actually contravening the provisions of this section, whether acting on behalf of himself or of another or others, and the actual offender as well as the keeper of the licensed tavern shall personally incur the penalties imposed for the contravention of this section; and at the prosecutor's option the actual offender may be prosecuted jointly with or separately from the keeper, but both of them shall not be convicted of the same offence, and the conviction of one of them shall be a bar to the conviction of the other of them therefor. 6 Edw. VII. c. 47, s. 13, part.

(3) The keeper of any licensed tavern who knowingly permits any liquor sold or otherwise disposed of on the licensed premises to be removed from such premises shall be guilty of an offence against this Part.
(4) Any person who having purchased or received any liquor at, or in a licensed tavern removes the same from the licensed premises in which the said liquor was so sold or received shall be guilty of an offence against this Part.

(5) The provisions of the next two preceding subsections shall not apply in any case in which a requisition for medical purposes signed by a legally qualified medical practitioner is produced by the vendee or his agent, but such requisition shall not authorize the sale or delivery of more than six ounces. 3-4 Geo. V. c. 54, s. 6.

53. Any person so found in the bar-room, or who has been present therein during the prohibited hours mentioned in the preceding section, and who does not come within the exceptions stated in that section, shall be guilty of an offence under this Act, and upon conviction thereof shall be liable to a penalty for each offence of not less than $2 nor more than $10, with costs and in default of payment thereof the defendant may be imprisoned for a period not exceeding thirty days. R.S.O. 1897, c. 245, s. 57.

54. Every person, whether licensed or unlicensed, who, by himself, his servant, or agent canvasses for, or receives, or solicits orders for liquor within any municipality in which a Local Option By-law is in force shall be guilty of an offence against this Act and shall incur the penalties provided for the sale of liquor without the license required by this Act. 6 Edw. VII. c. 47, s. 19; 9 Edw. VII. c. 82, s. 39.

55.—(1) Every person, not being the occupant or a member of his family or a lodger in his house, who buys or obtains, or attempts to buy or obtain intoxicating liquor during the time prohibited by this Act for the sale thereof, in any place where the same is or may be sold by wholesale or retail, shall be guilty of an offence under this Act, and shall incur a penalty for each offence of not less than $2 nor more than $10, besides costs. R.S.O. 1897, c. 245, s. 59 (1).

(2) Notwithstanding anything in this Act, any magistrate before whom any information or complaint is laid or made for the prosecution of any offence against any of the provisions of this Act, may, having regard to the demeanour of any witness and his mode of giving his evidence, by certificate in that behalf exempt such witness from the operation of subsection 1 and from all proceedings and penalties thereunder in respect of the subject matter of such information or complaint. R.S.O. 1897, c. 245, s. 59 (2); 9 Edw. VII. c. 82, s. 10.

56. The purchaser of any liquor from a person who is not licensed to sell the same, or any person who drinks upon the premises liquor so purchased, at the time of the purchase
Sec. 59 (2). LIQUOR LICENSES. Chap. 215. 2889

thereof, shall be guilty of an offence under this Act. R.S.O. 1897, c. 245, s. 60.

57.—(1) If it is made to appear to the magistrate before whom any complaint under this Act is heard, that the person charged with the violation of section 55 or section 56 was acting as an officer whose duty it was to enforce the liquor license laws, or was acting under the instructions or authority of any Board, Inspector or Provincial officer, for the purpose of detecting a known or suspected offender against the liquor license laws, and of obtaining evidence upon which he might be brought to justice, the defendant shall not be convicted. R.S.O. 1897, c. 245, s. 61; 9 Edw. VII. c. 82, s. 11.

(2) If upon any prosecution under this Act or under any regulation or by-law made or passed under this Act it appears from the evidence of any witness that such witness was unlawfully present at the time or place at which the offence was committed or did unlawfully procure or attempt to procure liquor at such time or place the magistrate before whom the prosecution is brought may, having regard to the demeanour of the witness and his mode of giving evidence, by certificate in that behalf exempt such witness from prosecution for such unlawful act; but no such exemption shall be granted to any person charged with the unlawful keeping for sale or other disposal of liquor nor to the keeper or occupant of premises upon which the offence in respect of which the prosecution is brought is alleged to have been committed. 6 Edw. VII. c. 47, s. 18.

58.—(1) No person holding a shop license shall allow any liquor sold by him or in his possession to be consumed within his shop, or within the building of which such shop forms part, or which communicates by any entrance with such shop, either by the purchaser thereof, or by any other person not usually resident within such building.

(2) Every person who contravenes the provisions of this section shall incur the penalty imposed by section 65. R.S.O. 1897, c. 245, s. 62, part.

59.—(1) No person shall by himself or his partner, servant, clerk, agent or otherwise, sell or deliver liquor of any kind to any person not entitled to sell liquor and who sells such liquor, or who buys for the purpose of re-selling, and any contravention of the foregoing provision shall be an offence under this Act.

(2) No person shall be convicted under this section who establishes to the satisfaction of the magistrate before whom the prosecution is heard that he had reason to believe and did believe that the person to whom the liquor was sold or delivered was licensed to sell such liquor, or did not sell liquor
unlawfully, or did not buy to re-sell. R.S.O. 1897, c. 245, s. 64 (1-2).

60.—(1) If any person holding a license purchases from any person any wearing apparel, tools, implements of trade or husbandry, fishing gear, household goods, furniture, or provisions either by way of sale or barter, directly or indirectly, the consideration for which, in whole or in part, is any liquor or the price thereof, or receives from any person any goods in pawn, any police magistrate, or any two justices of the peace, on sufficient proof on oath being made before him or them of the facts, may issue his or their warrant for the restitution of all such property, and for the payment of costs; and in default thereof the warrant shall contain directions for the levying by sale of the offender's goods to the value of such property so pawned, sold, or bartered, and costs, and the offender shall also incur a penalty not exceeding $20. R.S.O. 1897, c. 245, s. 67.

(2) No tavern or shop licensee shall by himself or by any one on his behalf take or receive in payment or part payment for liquor, or cash or convert into money any time cheque, pay cheque, or order for money or money's worth issued in payment of wages or as a voucher therefor to any person not in the employment of such licensee. 2 Geo. V. c. 55, s. 5.

OFFENCES AND PENALTIES.

61.—(1) No Board of any License District, nor any member of such Board, nor any Inspector, either directly or indirectly, shall receive, take, or have any money whatsoever, for any certificate, license, report, matter or thing connected with or relating to any grant of any license, other than the sum to be paid therefor as the fee under the provisions of this Part, or receive, take or have any note, security or promise for the payment of any such money or any part thereof from any person whomsoever.

Penalty.

(2) Any person guilty of, or concerned in, or party to any act, matter or thing contrary to the provisions of this section, or of subsections 1 and 3 of section 13 and section 26 shall for every such offence incur a penalty to and for the use of His Majesty, of not less than $50, nor more than $100, besides costs. R.S.O. 1897, c. 245, s. 68.

62. Any member of a Board or any Inspector, officer or other person, who, contrary to the provisions of this Act, knowingly issues, or causes or procures to be issued, a tavern or shop license, or a certificate therefor, shall, for each offence incur a penalty of not less than $40, or more than $100, and in default of payment the offender may be
imprisoned in the common gaol of the county in which the conviction takes place for a period not exceeding three months. R.S.O. 1897, c. 245, s. 69.

63. If an officer of any municipal corporation is convicted of having knowingly committed any offence under this Act, he shall, in addition to any other penalty to which he may be liable under this Act, thereby forfeit and vacate his office and shall be disqualified from holding any office in any municipality in Ontario for two years thereafter. R.S.O. 1897, c. 245, s. 70.

64.—(1) If a member of any municipal council is convicted of having knowingly committed any offence under this Act, he shall, in addition to any other penalty which he may incur under this Act, thereby forfeit and vacate his seat, and shall be ineligible to be elected to or to sit or vote in any municipal council for two years thereafter.

(2) If any such person, after such forfeiture, sits or votes in any municipal council, he shall incur a penalty of $40 for every day he so sits or votes. R.S.O. 1897, c. 245, s. 71.

65.—(1) Any person who keeps for sale or sells or bar ters liquor without the license to sell the same required by law, shall for the first offence, on conviction thereof, incur a penalty of not less than $100, besides costs, and not more than $500 besides costs; and in default of payment thereof shall be imprisoned in the common gaol of the county in which the offence was committed, for a period of not less than three months, and be kept at hard labour, in the discretion of the convicting magistrate.

(2) For a second or any subsequent offence any person so offending shall upon conviction be imprisoned for a period of four months, to be kept at hard labour in the discretion of the convicting magistrate. R.S.O. 1897, c. 245, s. 72; 9 Edw. VII. c. 82, s. 12; 2 Geo. V. c. 55, s. 2.

66.—(1) Offences against section 50 shall be punishable

(a) for the first offence by a fine of not less than $50 nor more than $100, or imprisonment for one month;

(b) for the second offence by a fine of not less than $100 nor more than $200, or imprisonment for three months;

(c) for the third offence by a fine of not less than $200 nor more than $400, or imprisonment for five months.

(2) Offences against section 51 shall be punishable at other unlawful times.
Sec. 66 (2).

(a) for the first offence by a fine of not less than $40 nor more than $60, or imprisonment for twenty days;

(b) for the second offence by a fine of not less than $60 nor more than $100, or imprisonment for forty days;

(c) for the third offence by a fine of not less than $100 nor more than $200, or imprisonment for three months. 6 Edw. VII. c. 47, s. 14.

67. Any medical practitioner who colourably gives a certificate or requisition for medical purposes, without which liquor could not be lawfully obtained to enable or for the purpose of enabling any person to obtain liquor to drink as a beverage, shall, for the first offence, incur a penalty of not less than $10 nor more than $20, and for a second or any subsequent offence, of not less than $20 nor more than $40. R.S.O. 1897, c. 245, s. 74; 6 Edw. VII. c. 47, s. 25 (5); 9 Edw. VII. c. 82, s. 13.

68.—(1) No holder of a tavern or shop license and no druggist shall sell or give, or supply liquor to any person upon the requisition of a medical practitioner unless such requisition is dated and addressed to him by name and states the kind and quantity of liquor and the purpose for which it is to be supplied and the name and address of the person to whom it is to be delivered, and if such person is not the person for whose use the liquor is to be procured, then the name and address of such last mentioned person. 6 Edw. VII. c. 47, s. 25 (1); 9 Edw. VII. c. 82, ss. 14, 40, part.

(2) No such requisition shall authorize the sale or delivery to any person by a druggist or by the holder of a tavern or shop license of more than six ounces of liquor. 9 Edw. VII. c. 82, s. 41; 1 Geo. V. c. 64, s. 12.

(3) Every medical practitioner who gives any such requisition without stating therein the particulars required by subsection 1 shall be guilty of an offence against this Act and shall incur the penalties provided by section 67. 6 Edw. VII. c. 47, s. 25 (2); 9 Edw. VII. c. 82, ss. 14, 40, part.

(4) Every holder of a tavern or shop license and every druggist who sells or supplies liquor to any person upon any such requisition in contravention of subsection 1 shall be guilty of an offence against this Act, and shall incur the same penalties as if such liquor had been sold or supplied without the requisition of a legally qualified medical practitioner. 6 Edw. VII. c. 47, s. 25 (3); 9 Edw. VII. c. 82, ss. 14, 40, part.
(5) Every requisition given under this Act by a medical practitioner shall be filed by the holder of a tavern or shop license or druggist to whom the same is delivered and shall at all times be open to inspection by the Inspector or by any Provincial officer on demand and to the inspection of any other person appointed by the Minister who produces the written authority of the Minister appointing him or directing such inspection. 6 Edw. VII. c. 47, s. 25 (4); 9 Edw. VII. c. 82, ss. 14, 40, part, 42.

69.—(1) Every tavern keeper failing or refusing, either personally or through any one acting on his behalf, except for some valid reason, to supply lodging, meals, or accommodation to travellers, shall for each offence incur a penalty not exceeding $20. R.S.O. 1897, c. 245, s. 75.

(2) No tavern keeper shall be compellable to supply liquor to any person whomsoever except upon the order of a legally qualified medical practitioner. 2 Geo. V. c. 55, s. 6.

(3) Every tavern keeper failing or refusing to obey the written directions of a Provincial Inspector given under the provisions of section 126 shall, for each day during which such failure or refusal continues, incur a penalty of $5 and costs, and upon the report of such Provincial Inspector that any such tavern keeper has for a period of thirty days neglected to comply with such written directions or any of them an Order in Council may be passed cancelling the license held by such tavern keeper, and the same shall thereupon become null and void to all intents and purposes whatsoever. 9 Edw. VII. c. 82, s. 15.

70.—(1) If any person licensed under this Act permits drunkenness, or any violent, quarrelsome, riotous or disorderly conduct to take place on his premises, or sells, or delivers liquor to any drunken person, or permits and suffers any drunken person to consume any liquor on his premises or permits and suffers persons of notoriously bad character to assemble or meet on his premises, or suffers any gambling or any unlawful game to be carried on on his premises, he shall incur a penalty of not less than $10 nor more than $50. R.S.O. 1897, c. 245, s. 76.

(2) Any person so licensed may, if he has reasonable ground to suspect from the conduct of any person who has come upon his licensed premises, although not of notoriously bad character, that such person is present for some improper purpose, may request him or her to immediately leave such premises, and unless the request is forthwith complied with such person may be forcibly removed. 2 Geo. V. c. 55, s. 7.

71.—(1) Every person who makes or uses, or allows to be made or used, any internal communication between any licensed premises and any unlicensed premises which are used for public entertainment or resort or as a refreshment house shall be fined and be open for inspection.

Penalty for refusing lodging, etc.

Penalty for refusing to supply liquor.

Penalty for permitting drunkenness, etc.

When tavern keeper may request persons to leave premises.

Penalty for internal communications with unlicensed premises used for public resort.
shall incur a penalty of not less than $10 nor more than $50 for every day during which such communication remains open.

(2) Any licensed shop-keeper who makes or uses or allows to be made or used, any internal communication between his licensed premises and any shop or premises in which other goods are sold, shall incur a penalty upon conviction for the first offence of not less than $20 nor more than $50 for every day, or part of a day, upon which such communication remains open, and in default of payment thereof, shall be imprisoned in the common gaol of the county in which the offence was committed, for a period of not less than one month, to be kept at hard labour in the discretion of the convicting Justice, and for a second offence upon conviction thereof his license shall, ipso facto, become forfeited and void. R.S.O. 1897, c. 245, s. 77.

(3) Where upon any prosecution under this section for selling or supplying liquor it has been proved that liquor has been sold or supplied to a person under the age of twenty-one years, such person shall be compellable to disclose upon oath the name of the person from whom such liquor was obtained and the date when the same was so sold or supplied, and in case of a refusal he shall be guilty of an offence and may upon the order of the magistrate before whom the prose-
Sec. 75. LIQUOR LICENSES. Chap. 215. 2895

cution is brought be forthwith imprisoned for any period not exceeding three months unless he sooner discloses such information and pays the costs of his committal; and for the purpose of making such disclosure, he may at any time be brought before the same or any other magistrate or may disclose the said information by affidavit. 9 Edw. VII. c. 82, s. 16.

73.—(1) If any person having a license to sell liquor not to be drunk on the premises, himself takes or carries or employs or suffers any other person to take or carry, any liquor out of or from the premises of such licensed person for the purpose of being sold on his account or for his benefit or profit, and of being drunk or consumed in any other house, tent, shed or other building of any kind whatever, belonging to such licensed person or hired, used or occupied by him, or on or in any place whether enclosed or not, and whether or not a public thoroughfare, such liquor shall be deemed to have been consumed by the purchaser thereof, on the premises of such licensed person, with his privity and consent, and such licensed person shall incur the penalty provided by this Act.

(2) In any proceeding under this section it shall not be necessary to prove that the premises, or place, or places to which such liquor is taken to be drunk belonged to or were hired, used or occupied by the seller, if proof be given to the satisfaction of the court hearing the case, that such liquor was taken to be consumed thereon or therein with intent to evade the conditions of the license. R.S.O. 1897, c. 245, s. 79.

74.—(1) If any purchaser of any liquor from a person who is not licensed to sell the same to be drunk on the premises, drinks, or causes or permits any other person to drink such liquor on the premises where the same is sold, the seller of such liquor shall, if it appears that such drinking was with his privity or consent, incur for the first offence a penalty of not more than $20, and for a second and any subsequent offence a penalty of not less than $10 nor more than $50.

(2) Any purchaser of liquor in a house or premises to which a shop license or wholesale license applies, who drinks or causes any one to drink, or allows liquor to be drunk in the shop or premises where the same has been purchased, shall be liable to a penalty of not less than $10 nor more than $20.

(3) For the purpose of this section the expression "premises where the same is sold" shall include any premises adjoining or near the premises where the liquor is sold, if belonging to the seller of the liquor, or under his control, or used by his permission. R.S.O. 1897, c. 245, s. 80.

75. The mayor or police magistrate of a town or city, or the reeve of a township or village with any one justice of the peace, or any two justices of the peace having jurisdiction 66 s.—II.
in the township or village, upon information to them, or one of them respectively, that any keeper of any tavern situate within their jurisdiction, sanctions or allows gambling or riotous or disorderly conduct on such premises, may summon the keeper of such tavern to answer the complaint, and may investigate the same summarily, and either dismiss the complaint with costs to be paid by the complainant, or without costs, or convict the keeper of having an improper or a riotous or disorderly house, as the case may be, and annul his license, or suspend the same for not more than sixty days, with or without costs, as in his or their discretion may seem just; and if the keeper of any such tavern is convicted under this section, and his license annulled, he shall not be eligible to obtain a license for the period of two years thereafter and shall also incur the penalties prescribed by section 79. R.S.O. 1897, c. 245, s. 81.

76. Any person licensed to sell liquor, or any keeper of the house, shop, room, or other place for the sale of liquor, who knowingly harbours or entertains any constable belonging to any police force, or suffers such person to abide or remain in his shop, room or other place during any part of the time appointed for his being on duty, unless for the purpose of quelling any disturbance, or restoring order, or otherwise in the execution of his duty, shall, for each of such offences, upon a first conviction incur a penalty of not less than $50 nor more than $100 and costs, and in default of payment shall be liable to imprisonment for one month, and upon a second conviction under this section his license shall be cancelled in the manner provided by section 81. R.S.O. 1897, c. 245, s. 82; 8 Edw. VII. c. 54, s. 3.

77.—(1) Any person who, having contravened any of the provisions of this Act, compromises, compounds or settles, or offers or attempts to compromise, compound or settle the offence with any person or persons, with the view of preventing any complaint being made in respect thereof, or if a complaint has been made with the view of getting rid of such complaint, or of stopping or having the same dismissed for want of prosecution or otherwise, shall be guilty of an offence under this Act, and on conviction thereof shall be imprisoned at hard labour in the common gaol of the county in which the offence was committed for the period of three months.

(2) Every person who is concerned in, or is a party to, the compromise, composition or settlement mentioned in subsection 1 shall be guilty of an offence, and on conviction thereof shall be imprisoned in the common gaol of the county in which the offence was committed for the period of three months. R.S.O. 1897, c. 245, s. 83.

78. Any person who, on any prosecution under this Act, tampers with a witness, either before or after he is summoned or appears as such witness on any trial or proceeding
Sec. 81 (1).  LIQUOR LICENSE.

under this Act, or by the offer of money, or by threats, or in any other way, either directly or indirectly, induces or attempts to induce any such person to absent himself, or to swear falsely, shall incur a penalty of $50 for each offence. R.S.O. 1897, c. 245, s. 85.

79. Any person who contravenes any other provision of this Act, in respect of which contravention no other punishment is prescribed, shall for the first offence incur a penalty of not less than $20 nor more than $50, besides costs; and in default of payment thereof he shall be imprisoned in the common gaol of the county in which the offence was committed for a period not exceeding one month, and may be kept at hard labour in the discretion of the convicting magistrate; and for the second offence, on conviction thereof, such person shall incur a penalty of not less than $40, nor more than $60, besides costs, and in default of payment thereof he shall be imprisoned in the county gaol of the county in which the offence was committed, for a period not exceeding two months, and may be kept at hard labour, in the discretion of the convicting magistrate; and for the third or any subsequent offence, on conviction thereof, such person shall be imprisoned in such gaol for the period of three months, and may be kept at hard labour, in the discretion of the convicting magistrate. R.S.O. 1897, c. 245, s. 86.

80. In the event of the imprisonment of any person upon several warrants of commitment under different convictions in pursuance of this Act, whether issued in default of distress for a penalty or otherwise, the terms of imprisonment under such warrants shall be consecutive and not concurrent. R.S.O. 1897, c. 245, s. 87.

REVOCATION OF LICENSES BY COUNTY JUDGE.

81.—(1) Upon the complaint of the Inspector or the Board or the Crown Attorney that a license has been issued contrary to any of the provisions of this Act or of any by-law in force in the municipality in which or in any part of which the license granted is intended to take effect or that such license has been obtained by fraud, or that the person licensed has been convicted on more than one occasion of any contravention of the provisions of section 75 or has been convicted on three several occasions of any contravention of any of the provisions of this Act, whether the offences in respect of which such convictions were made were the same or different in their character, provided such convictions were for offences committed on different days, or that any licensee has been guilty of a second offence under section 76, the Judge of the County Court of the county in which such municipality is situate, shall summon the person to whom such license was issued to appear, and shall hear and determine the matter of such complaint in a summary manner, and may upon such hearing, or in default of appear-
ance of the person summoned, adjudge that such license, for any of the causes aforesaid, ought to be revoked, and thereupon shall order that the same be revoked and cancelled accordingly; and thereupon the license shall be and become inoperative and of no effect, and the person to whom such license issued shall thereafter, during the full period of two years, be disqualified from obtaining any further or other license under this Act. R.S.O. 1897, c. 245, s. 91; 8 Edw. VII. c. 54, s. 4.

(2) The complaint in the preceding subsection mentioned, may be by a petition, concisely expressed, to the Judge entitled "In the County Court of the County of —" and "In the matter of the license granted to (naming the defendant)" praying for the revocation of such license; and upon hearing the evidence adduced, or upon default of appearance of the prosecutor or defendant, the Judge may dismiss the matter of the complaint or make such order as he deems just, with or without costs to be paid by the prosecutor or defendant, and the order on the adjudication of the Judge shall be final. R.S.O. 1897, c. 245, s. 92.

CANCELLATION OF LICENSES BY THE BOARD.

82.—(1) After three several convictions within a period of two years for offences against sections 25, 50, 51 or 52 or any other section of this Act for the contravention of which the penalty or punishment is provided by section 65 or section 79, whether such convictions were for the same offence or for different offences provided the second of such convictions was for an offence committed after the first of such convictions and the third of such convictions was for an offence committed after such second conviction, the Board shall within one month from the date of the last of such convictions, or, in the event of an appeal from such conviction and the confirmation thereof upon such appeal then within one month from the date of the judgment in such appeal, by resolution declare that the license held by any license holder so convicted is cancelled and revoked; and thereupon such license shall become inoperative and void and such license holder shall thereafter for the full period of three years be disqualified from obtaining or holding any further or other license under this Act; but nothing in this section shall affect the liability to forfeiture of a license in any other case provided for by this Act, nor relieve the offender from any other penalty imposed by this Act.

(2) If the Board refuses or neglects to declare such license cancelled after having been notified in writing so to do by the Minister or by any municipal elector of the municipality in which the license premises are situate, the members of the Board shall severally incur a penalty of $100 which may be recovered with full costs of suit in an action by any person who may sue therefor, to be tried by a Judge
without a jury; and one-half of every penalty so recovered shall be paid to His Majesty for the uses of the Province and one-half shall be paid to the person bringing such action; but no member of the Board shall incur such penalty and costs, if he shows to the court at the trial of such action that he voted for the cancellation of such license or did all that could be done by him to procure such cancellation.

(3) The Inspector shall report to the Board every conviction of a holder of a tavern or shop license for a contravention of this Act, and in such report shall state the section of this Act under which such license holder was convicted and the penalty imposed, and the Board shall cause a book to be kept in which shall be recorded against the name of each license holder the report of every such conviction.

(4) If the Inspector knowingly or willfully contravenes the provisions of the preceding subsection he shall incur a penalty of not less than $50 nor more than $100 besides costs.

(5) If the Minister receives information that the holder of any license for premises situated in a provisional judicial district is habitually disregarding the law by keeping such premises in an unclean, unsanitary or unsuitable condition or by allowing drunken, dishonorable or disorderly persons to resort thither, or by any other contravention of the provisions of this Act, or by supplying or allowing liquor to be supplied to Indians contrary to any Act of the Parliament of Canada, the Minister may detail a special officer or some officer of his Department to enquire into the matter; and upon the report of such officer that such licensed premises are so kept, or that it appears that habitual contraventions of this Act or of any such Act of the Parliament of Canada are being committed by the license holder, the Minister may cancel the license, and such license holder shall thereafter be disqualified for a period of two years from receiving or holding any license under this Act. 6 Edw. VII. c. 47, s. 22.

PROSECUTIONS.

83. Any person may be prosecutor or complainant in prosecutions under this Act. R.S.O. 1897, c. 245, s. 94.

84. All informations or complaints for the prosecution of any offence against any of the provisions of this Act, shall be laid or made in writing, within thirty days 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 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 5, or to the like effect. R.S.O. 1897, c. 245, s. 95.
85. No License Commissioner or Inspector who is a justice of the peace shall try or adjudicate upon any complaint for a contravention of any of the provisions of this Act committed within the limits of the License District for which he is a License Commissioner or Inspector; but this section shall not be construed to apply to a Judge, or Junior Judge or Deputy Judge of a county. R.S.O. 1897, c. 245, s. 96.

86.—(1) Except as otherwise expressly provided, all prosecutions for the punishment of any offence against this Act alleged to have been committed by a licensee or on or with respect to premises for which a license has been issued and in force may take place before a justice of the peace in and for the county in which the offence was committed.

(2) All prosecutions under this Act, other than those provided for in subsection 1, whether for the recovery of a penalty or otherwise, shall take place before two or more justices of the peace or a police magistrate having jurisdiction. R.S.O. 1897, c. 245, s. 97.

87.—(1) The Magistrate shall cause the depositions of the witnesses examined before him to be written in a legible hand and on one side only of the sheet of paper on which they are written, and shall read the same over to the witnesses, who shall sign the same.

(2) Instead of proceeding as provided in subsection 1 a stenographer may, with the consent of the Magistrate, be employed to take down the evidence or any part thereof in shorthand, and the stenographer before acting shall take oath that he will truly and faithfully report the evidence.

(3) Where evidence is taken in shorthand it shall not be necessary that the same shall be read over to or be signed by the witness, but it shall be sufficient if the transcript is signed by the Magistrate and is accompanied by an affidavit of the stenographer that it is a true report of the evidence. 9 Edw. VII. c. 82, s. 19.

PROCEDURE IN CASES WHERE PREVIOUS CONVICTIONS CHARGED.

88.—(1) Upon any information for committing an offence against any of the provisions of this Act, in case of a previous conviction or convictions being charged, the Magistrate shall in the first instance inquire concerning such subsequent offence only, and if the accused be found guilty thereof, he shall then, if present, be asked whether he was so previously convicted, as alleged in the information, and if he answers that he was so previously convicted, he may be sentenced accordingly; but if he denies that he was so
Sec. 88 (5). LIQUOR LICENSES. Chap. 215. 2901

previously convicted, or stands mute of malice, or does not answer directly to such question, or if he is not present, the magistrate shall then inquire concerning such previous conviction or convictions. R.S.O. 1897, c. 245, s. 101, par. 1; 9 Edw. VII. c. 82, s. 20; 1 Geo. V. c. 64, s. 14.

(2) The number of such previous convictions shall be proved by the production of a certificate under the hand of the convicting magistrate, or of the clerk of the peace, without proof of his signature or official character, or by other satisfactory evidence.

(3) Convictions for several offences 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 recoverable in the case of offences committed on different days, and after conviction for a first offence.

(4) In the event of a conviction for any second or subsequent offence becoming void or defective, after the making thereof, by reason of any previous conviction being set aside, quashed, or otherwise rendered void, the magistrate by whom such second or subsequent conviction was made, may by warrant under his hand summon the person convicted to appear at a time and place to be named in such warrant, and may thereupon, upon proof of the due service of such warrant, if such person fails to appear, or on his appearance, amend such second or subsequent conviction, and adjudge such penalty or punishment as might have been adjudged had such previous conviction never existed, and such amended conviction shall thereupon be held valid for all intents and purposes, as if it had been made in the first instance.

(5) If any person who has been convicted of a contravention of any provisions of any of the sections of this Act, numbered 48, 49 or 175, or any section for the contravention of which a penalty or punishment is prescribed by section 65 or section 79, is afterwards convicted of an offence against any provision of any of the said sections, such conviction shall be deemed a conviction for a second offence, within the meaning of section 65 or section 79, as the case may be, and may be dealt with and punished accordingly, although the two convictions may have been under different sections; and if any such person is afterwards again convicted of a contravention of any provision of any of the said sections, whether similar or not to the previous offences, such convictions shall in like manner be deemed a conviction for a third offence, within the meaning of section 65 or section 79, as the case may be, and may be dealt with and punished accordingly. R.S.O. 1897, c. 245, s. 101, pars. 2, 4, 5 and 6.
89.—(1) Whenever a prosecution is brought against any person under this Act for an offence of which he has been previously convicted and for which a different or greater penalty is imposed in the case of a second or any subsequent offence, the Inspector shall prosecute as for a second or subsequent offence according to the fact.

(2) Any Inspector who knowingly or wilfully contravenes the provisions of this section shall incur a penalty of not less than $20 nor more than $50. 6 Edw. VII. c. 47, s. 17 (1-2).

FORM OF INFORMATION AND OTHER PROCEEDINGS—AMENDMENTS.

90. In describing offences respecting the sale or other disposal of liquor, or the keeping, or the consumption of liquor, in any information, summons, conviction, warrant, or proceeding under this Act, it shall be sufficient to state the sale, disposal, keeping or consumption of liquor simply, without stating the name or kind of such liquor, or the price thereof, or any person to whom it was sold or disposed of, or by whom it was consumed; and it shall not be necessary to state the quantity of liquor so sold, disposed of, kept, 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. 1897, c. 245, s. 102.

91. The Forms appended to this Act, or any forms to the like effect, shall be sufficient in the cases thereby respectively provided for, and, where no forms are prescribed, new ones may be framed to meet the circumstances of the case, conforming as nearly as may be to those employed in proceedings under The Ontario Summary Convictions Act such forms being made short and concise in the mode indicated by the Forms appended to this Act. R.S.O. 1897, c. 245, s. 103.

92.—(1) Notwithstanding anything in this Act, the magistrate, at any time before judgment, may amend or alter any information, and may substitute for the offence charged therein any other offence against the provisions of this Act; but if it appears that the defendant has been prejudiced by such amendment, the magistrate shall thereupon adjourn the hearing of the case to some future day, unless the defendant waives such adjournment. R.S.O. 1897, c. 245, s. 104.

(2) Where a person is charged with a sale of liquor in contravention of this Act, and it appears to the magistrate that there is no evidence of sale of liquor having taken place, but that liquor was found upon the premises of or in posses-
sion or control of the person charged, and that the same was kept for sale in contravention of this Act, he may amend the information and may convict the defendant for keeping liquor for sale in contravention of this Act. 9 Edw. VII. c. 82, s. 21.

93. Notwithstanding anything in this Act where a pecuniary penalty is imposed, the magistrate may in his discretion order that in default of payment the penalty distress shall issue for the recovery thereof or he may if he sees fit order that in default of immediate payment the offender shall be committed to gaol for such period as may be allowed by law. 9 Edw. VII. c. 82, s. 22.

INFORMALITIES IN CONVICTIONS, ETC.

94.—(1) No conviction or warrant enforcing the same or other process or proceeding under this Act shall be held insufficient or invalid by reason of any variance between the information or conviction, or by reason of any other defect in form or substance, if it can be understood from such conviction, warrant, process or proceeding that the same was made for an offence against some provision of this Act, within the jurisdiction of the magistrate who made or signed the same, and if there is evidence to prove the commission of such offence. 6 Edw. VII. c. 47, s. 30, part; 9 Edw. VII. c. 82, s. 23.

(2) Upon any application to quash such conviction, or warrant enforcing the same or other process or proceeding, whether in appeal or upon habeas corpus, or otherwise, the Court or Judge to which such appeal is made or to which such application has been made upon habeas corpus or otherwise, shall dispose of such appeal or application upon the merits, notwithstanding any such variance or defect as aforesaid, and in all cases where it appears that the merits have been tried, and that the conviction, warrant, process or proceeding is sufficient and valid under this section or otherwise, such conviction, warrant, process or proceeding shall be affirmed, or shall not be quashed, as the case may be, and such Court or Judge may, in any case, amend the same if necessary, and any conviction, warrant, process or proceeding so affirmed or affirmed and amended, shall be enforced in the same manner as convictions affirmed on appeal, and the costs thereof shall be recoverable as if originally awarded. 6 Edw. VII. c. 82, s. 30, part.

(3) If it appears to the Court or Judge that the magistrate before whom any complaint or other proceeding under this Act was heard or taken, refused to receive evidence which might have been material, the Court or Judge, instead of quashing the conviction or other proceeding, may remit the same to the magistrate with direction to re-hear the case.
and with such other directions as the Court or Judge may think proper, and the magistrate shall re-hear the complaint accordingly. 9 Edw. VII. c. 82, s. 24, part.

95. No motion to quash a conviction or order made under this Act shall be heard by the Court or Judge to which such application is made unless notice of such motion has been served within twenty days from the date of the conviction or order. 9 Edw. VII. c. 82, s. 25.

EVIDENCE, ETC.

96. In any prosecution or proceeding under this Act, in which proof is required respecting any license, a certificate under the hand of the Inspector of the License District shall be prima facie proof of the existence of a license, and of the person to whom the same was granted or transferred; and the production of such certificate shall be sufficient prima facie evidence of the facts therein stated and of the authority of the Inspector, without any proof of his appointment or signature. R.S.O. 1897, c. 245, s. 106.

97. Any resolution of the Board passed under section 6 shall be sufficiently authenticated by being signed by the chairman of the Board which passed the same; and a copy of any such resolution certified to be a true copy by any member of such Board, shall be deemed authentic and be received in evidence in any Court without proof of any such signature, unless it is specially pleaded or alleged that the signature to any such original resolution has been forged. R.S.O. 1897, c. 245, s. 107.

98. Any house, shop, room or other place, in which are proved to exist a bar counter, beer pumps, kegs, jars, decanters, tumblers, glasses or any other appliances or preparations similar to those usually found in taverns and shops where spiritual or fermented liquors are accustomed to be sold or trafficked in, shall be deemed to be a place in which liquor is kept or had for the purpose of being sold, bartered or traded in, within the meaning of section 49, unless the contrary is proved by the defendant in any prosecution; and the occupant of such house, shop, room or other place shall be taken conclusively to be the person who has, or who keeps therein, such liquor for sale, barter or traffic therein. R.S.O. 1897, c. 245, s. 108.

99. Where upon a prosecution of any person under this Act for the sale or keeping for sale of liquor without the license required by law the magistrate before whom such prosecution is brought finds that liquor exceeding two gallons in quantity was kept upon the premises occupied by such person, the keeping or having upon such premises of
any beer pump or other appliance commonly used in a bar-
room shall be conclusive evidence that such liquor was kept
upon the premises for sale. 6 Edw. VII. c. 47, s. 15.

100. In proving the sale or disposal, gratuitous or other-
wise, or consumption of liquor for the purpose of any pro-
ceeding relative to any offence under this Act, it shall not
be necessary to show that any money actually passed, or any
liquor was actually consumed, if the magistrate or Court
hearing the case is or are satisfied that a transaction in the
nature of a sale or other disposal 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 under license or in respect to which a license is re-
quired under this Act, by some person other than the occupier
of said premises, shall be evidence that such liquor was sold
to the person consuming or being about to consume or carry
away the same, as against the holder of the license or the
occupant of the said premises. R.S.O. 1897, c. 245, s. 109;
9 Edw. VII. c. 82, s. 26.

101. In cities, towns and villages, in all cases where gas
or other light is seen burning in the bar-room of a tavern
where liquor is trafficked in, at any time during which the
sale or other disposal of liquors is prohibited by any pro-
vision of this Act, any such fact, when proved, shall be
deemed and taken as prima facie evidence that a sale or
other disposal of liquor by the keeper of such tavern or other
place has taken place contrary to the provisions of this Act.
R.S.O. 1897, c. 245, s. 110.

102.—(1) Any person, not being the holder of a license
under this Part, keeping up any sign, writing, painting or
other mark, in or near to his house or premises, or having
such house fitted up with a bar or other place containing
bottles or casks displayed so as to induce a reasonable belief
that such house or premises is or are licensed for the sale of
any liquor, or that liquor is sold or served therein, or that
there is on such premises more liquor than is reasonably
required for the persons residing therein, shall be guilty of
an offence against this Act. R.S.O. 1897, c. 245, s. 111 (1);
2 Geo. V. c. 55, s. 9.

(2) Proof that any person, not being a licensed person,
who furnishes food or lodging to lodgers, boarders or guests
or who conducts a house or other place in which persons
reside who are not in his employment or members of his
family, has upon the premises occupied by him a greater
quantity of liquor than may be reasonably supposed to be
intended for the use of such person and his family, shall be
conclusive evidence that such liquor is kept for sale in con-
travention of this Act. 9 Edw. VII. c. 82, s. 27.
103.—(1) The occupant of any house, shop, room or other place in which any sale, barter or traffic of spirituous, fermented or manufactured liquors, or any matter, act or thing in contravention of any of the provisions of this Act, has taken place, shall personally incur the penalties prescribed by this Act, notwithstanding that such sale, barter or traffic is made by some other person, who cannot be proved to have so acted under or by the directions of such occupant, and proof of the fact that such sale, barter or traffic, or other act, matter or thing, by any person in the employ of such occupant, or who is suffered to be or to remain in or upon the premises of such occupant, or to act in any way for such occupant, shall be conclusive evidence that such sale, barter or traffic, or other act, matter or thing, took place with the authority and by the direction of such occupant.

(2) The person actually selling, or otherwise contravening any of the provisions of this Act, as in this section mentioned, is for the purposes hereof styled "the actual offender," whether acting on behalf of himself or of another or others, and the actual offender, as well as the occupant, shall personally incur the penalties prescribed by this Act; and at the prosecutor's option the actual offender may be prosecuted jointly with, or separately from, the occupant, but both of them shall not be convicted of the same offence, and the conviction of one of them shall be a bar to the conviction of the other therefor. R.S.O. 1897, c. 245, s. 112 (1-2).

(3) For the purposes of this section, any person being an owner or lessee in actual occupation and possession of the premises, or anyone who, being in actual occupation and possession, leases or sub-lets any part thereof in which liquors are kept for sale, barter or trading therein, or in which they are sold or consumed, shall be deemed to be an occupant, unless such leasing or sub-letting shall have received the consent in writing of the Board; and in the event of the premises being an unlicensed tavern, the owner or lessee, or other person having control of the premises, whether in or out of possession, who sub-lets to or permits to be occupied by any other person any part of the premises in which liquor is sold or kept for sale, shall be conclusively held to be an occupant within the meaning of this section and may be prosecuted jointly with or separately from the actual offender, but both of them shall not be convicted of the same offence, and the conviction of one of them shall be a bar to the conviction of the other therefor. R.S.O. 1897, c. 245, s. 112 (3); 7 Edw. VII. c. 46, s. 5; 8 Edw. VII. c. 54, s. 6.

104. In any prosecution under this Act for the sale or other disposal of liquor without the license required by law, it shall not be necessary that any witness depose directly to the precise description of the liquor sold or bartered or the precise consideration therefor, or to the fact of the sale or other disposal having taken place with his participation or to his own personal and certain knowledge, but the magis-
trate trying the case, so soon as it appears to him that the circumstances in evidence sufficiently establish the contravention of this Act complained of, shall put the defendant on his defence, and in default of his rebuttal of such evidence shall convict him accordingly. R.S.O. 1897, c. 245, s. 113.

105.—(1) In any prosecution under this Act, whenever it appears that the defendant has done any act or been guilty of any omission in respect of which, were he not duly licensed, he would incur a penalty under this Act, it shall be incumbent upon the defendant to prove that he is duly licensed, and that he did the said act lawfully.

(2) The production of a license which on its face purports to be duly issued, and which, were it duly issued; would be a lawful authority to the defendant for such act or omission, shall be prima facie evidence that the defendant is so entitled, and in all cases the signature to and upon any instrument purporting to be a valid license shall prima facie be taken to be genuine. R.S.O. 1897, c. 245, s. 114.

106. In any prosecution under this Act the production by the Inspector or any officer of the Crown of a certificate signed or purporting to be signed by the Government analyst as to the analysis of any liquor and of an affidavit attesting the signature of such analyst, shall be conclusive evidence of the facts stated in such certificate. 6 Edw. VII. c. 47, s. 16.

Witnesses.

107. In any prosecution under this Act the magistrate, trying the case may summon any person represented to him as a material witness in relation thereto; and if such person refuses or neglects to attend pursuant to such summons, the magistrate may issue his warrant for the arrest of such person; and he shall thereupon be brought before the magistrate, and if he refuses to be sworn or to affirm, or to answer any question touching the case, he may be committed to the common gaol of the county, there to remain until he consents to be sworn or to affirm and to answer. R.S.O. 1897, c. 245, s. 115.

108. Any person summoned as a party to, or as a witness in any proceeding under this Act, may, by the summons, be required to produce, at the time and place appointed for his attendance, all books and papers, accounts, deeds and other documents in his possession, custody or control, relating to any matter connected with the said proceeding, saving all just exceptions to such production; and shall incur the same penalties for non-production of such books, papers or documents, as he would incur by refusal or neglect to attend, pursuant to such summons, or to be sworn or to answer any question touching the case. R.S.O. 1897, c. 245, s. 116.
Inspector's expenses to be allowed for attending court. 27-28 Vict. c.15. R. S. C., c. 152.

109.—(1) In any prosecution under this Act, or The Temperance Act of 1864, or the second part of The Canada Temperance Act, if the Inspector attends the court as prosecutor or witness and travels to attend such court a distance of more than three miles from his place of residence, the Magistrate trying the case may tax against the defendant, in case of conviction, as costs in the cause to cover railway fare or hire of conveyance of the Inspector in attending the said prosecution,

(a) if the Inspector travels by railway or stage, the fares actually required to be paid by him;

(b) if by a hired conveyance, the sums actually required to be paid for a horse, conveyance and tolls;

(c) if in his own conveyance, ten cents per mile one way;

(d) to cover all other expenses $1 per day; and

(e) in cases of adjournment at the instance of the defendant, similar additional allowances, where the Inspector is actually in attendance.

Railway or stage fare.

Hired conveyance.

His own conveyance.

Other expenses.

Adjournments.

Verification.

(2) The mileage or other expenses shall be verified by the affidavit of the Inspector.

Inspector to make quarterly returns.

(3) The Inspector shall make quarterly returns in detail under oath to the Minister of all sums received by him for mileage, and other expenses, in this section provided for. R.S.O. 1897, c. 245, s. 117.

APPEALS.

110.—(1) In any prosecution for any offence against any provision of this Act for which any penalty or punishment is prescribed, a conviction or order of the Magistrate, except as hereinafter mentioned, shall be final and conclusive.

Conviction of Justice. final except as otherwise provided.

(2) Subject to the provisions of the following subsections an appeal shall lie to the Judge of the County Court of the county in which the conviction is made, sitting in Chambers without a jury, in all cases where the person convicted is a licensee or the conviction is for any offence committed on or with respect to premises licensed under this Act, if a notice of such appeal is given to the prosecutor or complainant within five days after the date of the conviction.

Procedure on appeals.

(3) The person convicted, in case he is in custody, shall either remain in custody until the hearing of such appeal before the Judge, or, where the penalty of imprisonment with or without hard labour is adjudged, shall enter into a recognizance with two sufficient sureties, in the sum of $200 each, before the convicting magistrate, conditioned personally to appear before the Judge, and to try such appeal and abide by his judgment thereupon, and to pay

Appellant to enter into a recognizance.
such costs as he may order; and if the appeal is against a conviction whereby only a penalty or sum of money is adjudged to be paid, the appellant may, although the order directs imprisonment in default of payment, instead of remaining in custody as aforesaid, enter into such recognizance, or may deposit, with the magistrate convicting, the amount of the penalty and costs, and a further sum of $25 to answer the respondent's costs of appeal.

(4) Upon such recognizance being entered into or deposit made, the magistrate shall liberate such person if in custody and shall forthwith deliver or transmit by registered post, the depositions and papers in the case, with the recognizance or deposit, as the case may be, to the clerk of the County Court of the county wherein such conviction was had.

(5) The appellant shall pay to the clerk of the County Court, for his attendance and services in connection with such appeal, the sum of $1, and the same may be taxed as costs in the cause.

(6) An appeal shall lie to the Judge of the County Court of the county in which an order of dismissal is made, sitting in Chambers without a jury, where the Attorney-General of Ontario so directs in all cases in which an order has been made by a magistrate dismissing an information or complaint laid by an Inspector or any one on his behalf for contravention of any of the provisions of this Act if notice of such appeal is given to the defendant or his solicitor within fifteen days after the date of such order of dismissal.

(7) Within ten days after service of the notice of appeal the Judge shall grant a summons calling upon the defendant and the magistrate making the order to show cause why the order of dismissal should not be reversed and the case re-heard.

(8) Upon the return of the summons the Judge, upon hearing the parties, may either affirm or quash the order, or if he thinks fit may hear the evidence of such other witnesses as may be produced before him, or the further evidence of any witnesses already examined, and may make an order affirming the order of dismissal, or may reverse such order and convict the defendant and may impose such fine and costs or other penalty as is provided by this Act, and the order so made shall have the same effect and shall be enforced in the same manner as is provided in the case of a conviction before a magistrate under this Act.

(9) The practice and procedure upon such appeals, and all the proceedings thereon, shall thenceforth be governed by Rev. Stat. c. 90 to apply. The Ontario Summary Convictions Act, so far as the same is not inconsistent with this Act. R.S.O. 1897, c. 245, s. 118.
(10) Nothing in The Summary Convictions Act shall confer any right of appeal which is not expressly given by this Act, and every appeal from a conviction or order made under this Act shall be taken, heard and determined as provided by this Act and not otherwise. 10 Edw. VII. c. 94, s. 2.

111. On an appeal from a conviction or order, to the County Judge under this Act, or to the General Sessions of the Peace under The Temperance Act of 1864, or The Canada Temperance Act, where costs are directed to be paid by either party, no greater costs shall be taxable by or against either party as between party and party than the sum of $10, and the actual and necessary disbursements in procuring the attendance of witnesses and the fees to which the clerk of the peace is lawfully entitled; and the fees chargeable by the Clerk of the Peace upon any such appeal to the General Sessions, shall not exceed the sum of $2. R.S.O. 1897, c. 245, s. 119.

112.—(1) An appeal by the Inspector, or other prosecutor, shall lie to a Divisional Court from the decision, judgment, or order of any Judge of a County Court upon an appeal from any conviction or order made in a case arising out of or under this Act in which a conviction or order has been quashed, or set aside, upon the ground, directly or indirectly, of the invalidity of any Act of this Legislature, or of any part thereof, or from the decision, judgment or order of the Judge of a County Court in any other case arising out of or under this Act in which the Attorney-General of Ontario 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 within eight days, or where the certificate of the Attorney-General is necessary and is obtained, within fifteen days after such judgment, decision or order has been made.

(3) The clerk of the County Court shall certify the judgment, conviction, orders and all other proceedings, to the proper officer of the Supreme Court, at Toronto, for use upon the appeal.

(4) The Divisional Court shall thereupon hear and determine the appeal, and shall make such order for carrying into effect the judgment of the Court as the Court shall think fit. R.S.O. 1897, c. 245, s. 120.

113.—(1) An appeal to a Divisional Court shall lie from any judgment or decision of a Judge of the Supreme Court, upon any application to quash a conviction made under this Act, or to discharge a prisoner who is held in custody under any such conviction, whether such conviction is quashed or the prisoner discharged, or the application is refused; but
no such appeal shall lie, unless the Attorney-General of Ontario certifies that he is of opinion that the point in dispute is of sufficient importance to justify the case being appealed.

(2) Upon such certificate being produced to one of the Registrars of the High Court Division, he shall certify under the seal of the Supreme Court the proceedings returned to or had before or in the said Court, to the Registrar of the Appellate Division, and a Divisional Court shall thereupon hear and determine the appeal, without any formal pleadings, and shall make such order for carrying into effect the judgment of the said Court as the circumstances of the case may require. R.S.O. 1897, c. 245, s. 121.

CIVIL REMEDIES AGAINST TAVERN KEEPERS, ETC.

114.—(1) Where, in any tavern, or in any place wherein liquor of any kind is sold, whether legally or illegally, any person has drunk to excess of liquor, therein furnished to him, and while in a state of intoxication from such drinking has come to his death by suicide, or drowning, or perishing from cold or other accident caused by such intoxication, the keeper of such tavern, or other place, and also any other person who for him or in his employ delivered to the deceased person the liquor whereby such intoxication was caused, shall be jointly and severally liable to an action as for personal wrong by the legal representatives of the deceased person; and such legal representative may bring either a joint and several action against them or a separate action against either or any of them, and by such action or actions, may recover such sum not less than $100 nor more than $1,000, in the aggregate, of any such actions, as may therein be assessed by the Court or jury as damages.

(2) Any such action shall be brought within three months limitation from the date of death of such deceased person. R.S.O. 1897, c. 245, s. 122.

115. If a person in a state of intoxication assaults any person, or injures any property, the person who furnished him with the liquor which occasioned his intoxication, if such furnishing was in violation of this Act, or otherwise in violation of law, shall be jointly and severally liable to the same action by the person injured as the person intoxicated may be liable to; and the person injured, or his legal representatives, may bring either a joint and several action against the person intoxicated and the person or persons who furnished such liquor, or a separate action against either or any of them. R.S.O. 1897, c. 245, s. 123.

116. Any payment or compensation for liquor furnished in contravention of this Act, or otherwise in violation of law, whether made in money or securities for money, or in labour or property of any kind, shall be held to have been received.
without any consideration, and against justice and good conscience, and the amount or value thereof may be recovered from the receiver by the party who made the same; and every sale, transfer, conveyance, lien and security, in whole or part, made, granted, or given, for or on account of liquor so furnished in contravention of this Act, or otherwise in violation of law, shall be wholly null and void, save only as regards subsequent purchasers or assignees for value, without notice; and no action of any kind shall be maintained, either in whole or in part, for or on account of any liquor so furnished in contravention of this Act, or otherwise in violation of law. R.S.O. 1897, c. 245, s. 126.

117. No action shall be brought by the holder of a tavern license to recover the price or value of liquor drunk in any tavern. 8 Edw. VII. c. 54, s. 12.

RESTRICTION ON SALE TO INEBRIATES.

By Order of Magistrate.

118.—(1) Where it is made to appear in open Court sitting in the county in which he resides, that any person, summoned before such Court, by excessive drinking of liquor, misspends, wastes or lessens his estate, or greatly injures his health, or endangers or interrupts the peace and happiness of his family, the police magistrate or justices holding such Court, shall, by writing under the hand of such police magistrate, or under the hands of two of such justices, forbid any holder of a license to sell to such person any liquor for the space of one year, and such police magistrate, justices, or any other two justices of the county in which such person resides, may, at the same or any other time, in like manner, forbid the selling of any such liquor to such person by any person holding a license in any other locality, to which he resorts or may be likely to resort for the same. R.S.O. 1897, c. 245, s. 124 (1).

(2) The person in respect of whom any such notice has been given, may, at any time while the same is in force, apply to the Judge of the County Court of the county in which he resides, after having given seven days’ notice of his intention so to do to the police magistrate or justices who signed the said prohibition or notice, and the crown attorney for the county in which such person resides, to set aside such prohibition or notice.

(3) The Judge may, upon hearing the said person and any witnesses, either _viva voce_ or upon affidavit, set aside the said prohibition or notice, or dismiss the said application, as in his discretion may seem best; but before any such prohibition or notice is set aside by the Judge evidence shall be furnished that the wife or husband of such person, if such
Sec. 119 (3). LIQUOR LICENSES. Chap. 215. 2913

person is married and residing with such wife or husband, has knowledge of such application and consents thereto. R.S.O. 1897, c. 245, s. 124 (4).

On Notice by Family, etc.

119.—(1) The husband, wife, parent, child of twenty-one years or upwards, brother, sister, master, guardian or employer of any person who has the habit of drinking liquor to excess, or the parent, brother or sister of the husband or wife of such person, or the guardian of any child or children of such person, may give notice in writing, signed by him, or may require the Inspector to give notice to any person licensed to sell, or who sells or is reputed to sell, liquor of any kind, not to deliver liquor to the person having such habit.

(2) The notice given under subsection 1 may be in the form Form of notice.

NOTICE.

Given under section 119 of The Liquor License Act.

To A.B., (Insert name of holder of license).

I, (Name of the person giving notice), License Inspector, (or wife, or, as the case may be, of the person hereinafter named) of the County of , in the County of , being a person who has the habit of drinking liquor to excess.

Take notice that for the contravention of this prohibition, or in case you suffer or permit the said to linger or loiter in the bar room or other place upon your premises in which liquor is dispensed, you will incur the penalties provided by section 120 of The Liquor License Act.

C.D.,

(Signature of the person giving notice.)

Dated at this day of A.D. 191

6 Edw. VII. c. 47, s. 33, part.

(3) The Inspector or other person giving notice under subsection 1 shall forthwith give notice to the person having the habit, such habit in the form or to the effect following:

NOTICE.

Given under section 119 of The Liquor License Act.

To E.F. (insert the name of the person having habit of drinking liquor to excess).

I (name of person giving notice), License Inspector (or other occupation), of the County of , hereby notify you that I have this day given notice to the license holders of the License District...
of any particular licensee holder or other person, naming him) not to deliver liquor to you, you having the habit of drinking liquor to excess.

Take notice that should you directly or indirectly purchase or procure, or attempt to purchase or procure liquor from or upon the premises of any such licensee holder (or from or upon the premises of the said (naming the person notified) or from or upon the premises of any other person, or be found with liquor in your possession or under the influence of liquor, or lingering or loitering in any place where liquor is sold within twelve months after the service of this notice upon you, you will incur the penalties provided by section 120 of The Liquor License Act.

(Signature of person giving notice.)

8 Edw. VII. c. 54, s. 7.

(4) The notices mentioned in the two preceding subsections shall be deemed prima facie evidence of the allegations therein set out. 10 Edw. VII. c. 94, s. 5.

120. In cases within either of the next two preceding sections the following provisions shall apply:—

(a) Proof of the mailing of a registered letter containing any notice or prohibition given under those sections and addressed to the person notified at his proper post office address shall be conclusive evidence of the service of such notice or prohibition.

(b) (i.) If any person so notified or ordered not to deliver liquor, either himself or by his clerk, servant or agent, otherwise than in terms of a special requisition for medicinal purposes, signed by a legally qualified medical practitioner, delivers within twelve months after such notice or prohibition on, in or from any building, booth or place occupied by him, and wherein and wherefrom any such liquor is sold, or suffers to be delivered, any liquor to the person having such habit, he shall incur a penalty not exceeding $50.

(ii.) Upon the conviction of any person under this clause, the person giving or requiring the notice, or in the case of an order by a police magistrate or by the justices, then anyone who would have been entitled to give, or require to be given, the notice mentioned in section 119, may, in an action as for personal wrong recover from the person notified such sum, not less than $20 nor more than $500, as may be assessed by the Court or jury as damages.

(iii.) Any married woman may bring such action in her own name without authorization by her husband; and all damages recovered by her shall in that case go to her separate use.
In case of the death of either party, the action and right of action given by this section shall survive to or against his legal representatives, but the defendant shall not be liable for both penalties for the same offence.

Any such action must be brought within six months after such delivery of liquor.

If any keeper of a licensed tavern after service upon him of a notice or prohibition under either of the two preceding sections suffers or permits the person named in such notice or prohibition as having the habit of drinking liquor to excess, to loiter or linger in or about the bar-room or other place in which liquor is dispensed, upon the licensed premises, such keeper shall incur a penalty of not less than $10 nor more than $20. 6 Edw. VII. e. 47, s. 33, part amended.

If the person having the habit of drinking liquor to excess served with such notice or prohibition by himself or by any other person within twelve months after service of such notice purchases or procures or attempts to purchase or procure liquor, or is found with liquor in his possession or under the influence of liquor or lingering or loitering in any place where liquor is sold or dispensed he shall incur a penalty of not less than $10 nor more than $20, and costs, and shall upon conviction be liable to imprisonment for a period not exceeding one month. 8 Edw. VII. e. 54, s. 8.

After service of such notice or prohibition, if any person with a knowledge of the notice or prohibition gives, sells or purchases for or on behalf of the person with regard to whom the notice or prohibition has been served, or for his or her use, any liquor, such other person shall upon conviction incur for every such offence a penalty of not less than $25 nor more than $50. 6 Edw. VII. e. 47, s. 33, part.

In all cases of conviction under this section in which a money penalty is imposed, the defendant in default of payment of such penalty shall be liable to imprisonment for a period not exceeding one month. 7 Edw. VII. e. 46, s. 3.

Every Inspector shall when so required serve, within his own License District, any notice or order under the next two preceding sections. See 1 Geo. V. e. 64, s. 15.

121.—(1) Every person with respect to whom an order has been made under subsection 1 of section 118, or who has been served with a notice under subsection 3 of section 119, may upon any prosecution under this Act be compelled to divulge upon oath the name of any person from whom he has obtained liquor during the period for which such order or notice was in force, and the place where, and the date when the liquor was supplied to him, and if such information is
within his knowledge and he wilfully refuses to disclose or in
the opinion of the magistrate is withholding the same, he
shall be guilty of an offence and may on the order of the
magistrate be forthwith imprisoned for any period not exceed-
three months, unless he sooner discloses such information and
pays the costs of his committal. 8 Edw. VII. c. 54, s. 9;
9 Edw. VII. c. 82, s. 23, part.

(2) For the purpose of making such disclosure such per-
son may at any time be brought before the same or any other
magistrate or may disclose the said information by affidavit.
9 Edw. VII. c. 82, s. 28, part.

LICENSE FUND.

122.—(1) All sums received for fees for tavern, shop and
cub licenses issued under this Part, and for transfers there-
of, and for bartenders' licenses in any License District, and
all sums received by the Inspector for fines and penalties for
offences against this Act committed therein shall form the
License Fund of the License District; but such fines and pen-
alties, and all sums received for transfers, shall belong to and
be appropriated for the exclusive use of the Province.

(2) So much of the License Fund as is not specially appro-
priated otherwise, shall be set apart, under regulations of the
Lieutenant-Governor in Council, for the payment of the
salary and expenses of the Inspector, and for the expenses of
the office of the Board and of officers, and otherwise in giving
effect to the provisions of this Act; and the residue, at such
times as may be prescribed by the regulations of the Lieu-
tenant-Governor in Council shall be paid over, one-half to the
Treasurer of Ontario to and for the use of the Province,
and one-half to the treasurer of the city, town, village or
township municipality in which the licensed premises are
situate.

(3) Subject to the regulations of the Lieutenant-Governor
in Council, cheques upon the License Fund account shall be
drawn by the Inspector, and countersigned by the chairman
of the Board or any two of the License Commissioners; but
no cheque shall be issued upon the License Fund until
authority therefor has been given by the License Branch.
6 Edw. VII. c. 47, s. 12 (1-3).

(4) All accounts against the License Fund shall be audited
by the proper officer of the License Branch at Toronto, and
the same shall be final unless the Treasurer of Ontario other-
wise directs. 6 Edw. VII. c. 47, s. 12 (4); 8 Edw. VII.
c. 54, s. 13.

LAW ENFORCEMENT.

123.—(1) Any money appropriated by this Legislature
for the purpose of preventing the contravention of the provi-
sions of this Act or of any regulation or by-law made or passed
thereunder, shall be set apart and be known as the Liquor Law Enforcement Fund; and the money to the credit of the said fund from time to time shall be paid out under the direction of the Minister to such officers and persons as he may think proper, to be expended in the enforcement of this Act and of such regulations and by-laws or the detection of offences against this Act or any such regulation or by-law.

(2) The certificate or order of the Minister that any sum of money is required to be paid out of the said fund shall be sufficient authority for the issuing of a cheque by the Treasurer of Ontario for the amount named in such certificate or order, and the officer or other person to whom such cheque is issued shall account to the Minister for the proper disbursement of the amount received by such officer or other person. 6 Edw. VII. c. 47, s. 20.

124. No magistrate, Board of License Commissioners, Inspector, municipal council or municipal officer shall have any power or authority to remit, suspend or compromise any penalty or punishment imposed under this Act. R.S.O. 1897, c. 245, s. 88.

125.—(1) The penalties in money imposed under this Act, or any portion of them which may be recovered, shall be paid to the convicting magistrate in the case, and shall by him, or them, in case the Inspector or any officer appointed by the Lieutenant-Governor or by the Board is the prosecutor or complainant, be paid to the Inspector, 'to be thereupon paid in by him to the credit of the License Fund Account. R.S.O. 1897, c. 245, s. 90 (1), part; s. 46 (1), part.

(2) Where the Inspector or officer has prosecuted and obtained a conviction and has been unable to recover the amount of costs, the same shall be made good out of the License Fund.

(3) Where the Inspector has prosecuted and failed to obtain a conviction he shall be indemnified against all costs out of the License Fund if the magistrate certifies that the Inspector had reasonable and probable cause for preferring a complaint. R.S.O. 1897, c. 245, s. 46 (2), (3).

(4) In all cases in which prosecutions under this Act are brought by an Inspector or other officer appointed by the Crown under this Act, the penalty when collected shall belong to the Province. 5 Edw. VII. c. 30, s. 3.

(5) Where any other person or an officer appointed under section 127 is the prosecutor or complainant, then the same shall be paid to the treasurer of the municipality wherein the offence was committed. R.S.O. 1897, c. 245, s. 90 (1), part; 9 Edw. VII. c. 82, s. 18.
(6) The council of every municipality shall set apart not less than one-third part of the fines or penalties received by such municipality for a fund to secure the prosecutions for infractions of this Act, and of any by-law passed in pursuance thereof. R.S.O. 1897, c. 245, s. 90 (2).

OFFICERS TO ENFORCE THE LAW, THEIR DUTIES AND POWERS.

126.—(1) The Lieutenant-Governor may appoint one or more Provincial officers whose duty it shall be to enforce the provisions of this Act, and especially those for the prevention of traffic in liquor on unlicensed premises. R.S.O. 1897, c. 245, s. 127 (1).

(2) Any of such officers may be designated "Provincial Inspector" and it shall be the duty of a Provincial Inspector, whenever required so to do, to

(a) make a personal inspection of each License District;
(b) see that the books of each Inspector are properly kept, and that all entries are properly made, and examine into his accounts and into his mode of inspection, and ascertain that the duties of the office are faithfully and efficiently performed;
(c) hold investigations into the conduct of Inspectors and License Commissioners when required so to do by the Minister;
(d) report upon all such matters as expeditiously as may be to the Lieutenant-Governor for his information and decision. R.S.O. 1897, c. 245, s. 127 (2), part; 9 Edw. VII. c. 82, s. 29 (1).
(e) visit and inspect any tavern for which a license has been issued under this Act and the accommodations provided therein and the utensils, bedding and other furniture therein and see that the laws of the Province providing for the protection, safety and health of guests and other inmates are complied with and give directions in writing to the license holder as to providing other or additional accommodations, furniture and appliances or as to any other matter he may deem necessary for the safety, comfort and convenience of guests. 9 Edw. VII. c. 82, s. 30.

(3) Where a Provincial Inspector inquires or causes an inquiry to be made into the conduct of any Inspector or License Commissioner or into the manner in which the law is enforced by an Inspector, or into the accounts of an Inspector, the Provincial Inspector may require evidence to be given under oath, which oath he is hereby empowered to administer; and he may also summon witnesses, and enforce
their attendance and compel the production of books and
documents, in the same manner and to the same extent as
the Inspector of Division Courts. R.S.O. 1897, c. 245, s. 127
(2), part; 9 Edw. VII. c. 82, s. 29 (2).

127. The council of any municipality in which a Local
Option By-law is in force, may by by-law appoint an officer
whose duty it shall be to enforce the provisions of this Act
and of any such prohibitory by-law within the municipality,
and such council may by by-law provide for the payment
of such officer or officers and for payment of any expenses
incurred in such enforcement out of the general funds of
the municipality and every officer so appointed shall have
within the municipality for which he is appointed all the
powers possessed by a Provincial officer appointed under
section 126 and all the provisions of this Act applicable to
any such Provincial officer shall apply as to any officer
appointed under this section and acting within the municipi-
ality for which he is appointed in the same manner and to
the same extent as if such municipal officer were expressly
mentioned in such provisions. 6 Edw. VII. c. 47, s. 21.

128. The Board, with the sanction of the Lieutenant-
Governor in Council, may appoint one or more officers to
enforce the provisions of this Act, and especially those for the
prevention of traffic in liquor by unlicensed houses, and shall
fix the security to be given by such officers for the efficient
discharge of the duties of their office, and every such officer
shall, within the License District for which he is appointed,
possess and discharge all the powers and duties of Provincial
officers appointed under section 126 other than those of the
Provincial Inspectors. R.S.O. 1897, c. 245, s. 128.

129. Every officer so appointed under this Act and every
policeman or constable, or Inspector, shall be deemed to be
within the provisions of this Act; and where any informa-
tion is given to any such officer, policeman, constable, or In-
spector that there is cause to suspect that some person is
contravening any of the provisions of this Act, it shall be
his duty to make diligent inquiry into the truth of such
information, and to enter complaint of such contravention
before the proper Court, without communicating the name
of the person giving such information; and it shall be the
duty of the Crown Attorney, within the county in which the
offence is committed to attend to the prosecution of all
cases committed to him by an Inspector or officer ap-
pointed under this Act by the Lieutenant-Governor. R.S.O.
1897, c. 245, s. 129.

130.—(1) Any officer, policeman, constable or Inspector may,
Right of
search.
for the purpose of preventing or detecting the contra-
vention of any of the provisions of this Act which it is his
duty to enforce, at any time enter into any and every part
of any inn, tavern, or other house or place of public entertainment, shop, warehouse or other place wherein refreshments or liquors are sold, or reputed to be sold whether under license or not, and may make searches in every part thereof and of the premises connected therewith, as he may think necessary for such purpose.

(2) Every person being therein, or having charge thereof, who refuses or fails to admit such officer, policeman, or constable, or Inspector demanding to enter in pursuance of this section in the execution of his duty, or who obstructs or attempts to obstruct the entry of such officer, policeman, constable, or Inspector, or any such searches as aforesaid, shall incur the penalties and punishments prescribed by section 65, and the provisions of subsection 2 of section 103 shall apply to offences under this section. R.S.O. 1897, c. 245, s. 130; 7 Edw. VII. c. 46, s. 6.

131. Any magistrate having jurisdiction upon information by any officer, policeman, constable or Inspector that there is reasonable ground for belief that any liquor is being kept for sale or disposal contrary to the provisions of this Act in any unlicensed house or place within the jurisdiction of such magistrate, may issue a warrant under his hand, by virtue whereof the person named in such warrant or any constable to whom it is directed or delivered, at any time or times within ten days from the date thereof, may enter, and, if need be, by force, the place named in the warrant, and every part thereof, or of the premises connected therewith, and examine the same and search for liquor therein; and for this purpose the person executing the warrant may, with such assistance as he deems expedient, break open any door, lock, or fastening of such premises, or any part thereof, or of any closet, cupboard, box or other receptacle likely to contain any such liquor; and in the event of any liquor being so found on the said premises, the occupant thereof shall, until the contrary is proved, be deemed to have kept such liquor for the purpose of sale contrary to the provisions of section 49. R.S.O. 1897, c. 245, s. 131; 9 Edw. VII. c. 82, s. 31.

132.—(1) Where any Inspector, policeman, constable or officer in making or attempting to make any search under or in pursuance of the authority conferred by the next preceding two sections or under the warrant mentioned in the next preceding section, finds in an unlicensed house or place any liquor which in his opinion is unlawfully kept for sale or disposal contrary to this Act, he may forthwith seize and remove the same, and the vessels in which the same is kept, and upon the conviction of the occupant of such house or place, or of any other person for keeping spirituous or fermented liquor for sale in such house or place without license, the magistrate making such conviction, may in and
by such conviction, or by a separate or subsequent order, declare such liquor and vessels, or any part thereof, to be forfeited to His Majesty, to be destroyed or otherwise dealt with in such manner as the Minister may direct. R.S.O. 1897, c. 245, s. 132 (1). Amended.

(2) Any Inspector, policeman, constable or officer having in pursuance of the next two preceding sections or either of them entered any unlicensed premises in which he seized or from which he removes any liquor, may demand the name and address of any person found therein, and if such person refuses to give his name and address, or if the Inspector, policeman, constable or officer has reasonable ground to suppose that the name or address given is false, may examine such person further as to the correctness of such name or address, and may if such person fails upon such demand to give his name or address or to answer satisfactorily the questions put to him by the Inspector, policeman, constable or officer, apprehend him without warrant and carry him, as soon as practicable, before a Justice of the Peace.

(3) Any person so found on the premises who in answer to the Inspector, policeman, constable, or officer, refuses to give his name and address or gives a false name or address, or gives false information with respect to such name or address, or fails to answer satisfactorily the questions put to him by the Inspector, policeman, constable or officer, shall incur a penalty of not less than $10 nor more than $20 besides costs, and in default of payment shall be imprisoned for a period of not less than twenty and not more than forty days. R.S.O. 1897, c. 245, s. 132.

133. If the occupant or other person as aforesaid be not convicted of keeping the liquor or any part thereof for sale, the Inspector, policeman, constable or officer so seizing the liquor, shall return the same to the place where such seizure was made; and he and any other person acting with him, or by or under his direction, and the policeman, constable or other officer so acting shall be a public officer within the meaning of The Public Authorities Protection Act. R.S.O. 1897, c. 245, s. 133.

134.—(1) Where an Inspector, policeman, constable or officer finds liquor in transit or in course of delivery upon the premises of any railway company, or at any wharf, railway station, express office, warehouse or other place, and believes that such liquor is to be sold or kept for sale in contravention of this Act, he may forthwith seize and remove the same. 9 Edw. VII. c. 82, s. 32, part.

(2) Any Inspector, policeman, constable or officer, if he believes that liquor intended for sale or to be kept for sale in contravention of this Act, is contained in any vehicle on a
public highway or elsewhere, or is concealed upon the land of any person, may enter and search such vehicle, and may enter upon and search such land and seize and remove any liquor found there and the vessels in which the same is kept; or if he finds either upon the public highway or elsewhere, any trunk, box, valise, bag or other receptacle whatever which he believes contains liquor for sale in contravention of this Act he may forthwith seize and remove the same together with the package or packages in which such liquor is contained whether in the custody of or under the control of any person or not. 9 Edw. VII. c. 82, s. 32, part; 1 Geo. V. c. 64, s. 18.

(3) Where liquor has been seized under subsection 1 or subsection 2 the person seizing the same shall give information under oath before a justice of the peace, who shall thereupon issue his summons directed to the shipper, consignee or owner of the liquor if known, calling on him to appear at a time and place named in the summons and show cause why such liquor should not be destroyed or otherwise dealt with as provided by this Act.

(4) It shall be sufficient service of the summons if the same is delivered to the shipper, consignee or owner, or be left with some grown-up person at the express office, railway station or other place in which the liquor is found or to the owner of the lands on which the same is found.

(5) The summons shall be made returnable within thirty days after the service thereof.

(6) At the time and place named in the summons any person who claims that the liquor is his property and that the same is not intended to be sold or kept for sale in violation of this Act may appear and give evidence before the justice, and the justice shall receive such evidence and the evidence of the person who seized the liquor and such other evidence as may be adduced in the same manner as upon a complaint or information made under this Act.

(7) If no person claims to be the owner of the liquor, or if the justice disallows such claim, and finds that it was intended that such liquor was to be sold or kept for sale in contravention of this Act he may order that such liquor and any vessels containing the same shall be forfeited to His Majesty to be destroyed or otherwise dealt with in such manner as the Minister may direct.

(8) If the justice finds that the claim of any person to be the owner of the liquor is established, and that it does not appear that it was intended to sell or keep such liquor for sale in contravention of this Act he shall dismiss the complaint and order that such liquor be restored to the owner.
(9) If it appears to the justice that such liquor or any part thereof was consigned to some person in a fictitious name or was shipped as other goods, or was covered or concealed in such manner as would probably render discovery of the nature of the contents of the vessel, cask or package in which the same was contained more difficult, it shall be prima facie evidence that the liquor was intended to be sold or kept for sale in contravention of this Act. 9 Edw. VII. c. 82, s. 32, part.

(Note.—Liquor seized under this Act cannot be replevied. Rev. Stat. c. 69. See The Replevin Act.)

135. Any liquor forfeited under this Act to His Majesty and directed by the Minister to be sold shall be sold to a license holder only and the proceeds after the payment of any lawful costs of carriage and the expenses of the seizure and sale shall be paid to the Treasurer of Ontario for the use of the Province. See 9 Edw. VII. c. 82, s. 32, part.

136. (1) Every Inspector, policeman, constable or officer in each municipality shall see that the several provisions of this Act are duly observed, and proceed by information and otherwise prosecute for the punishment of any offence against the provisions of this Act; and in the case of wilful neglect or default in so doing in any case, such officer, policeman, constable or Inspector shall incur a penalty of $10, besides costs, for every such neglect or default.

(2) The Board of Commissioners of Police, if any, and the Chief of Police shall enforce the provisions of this section, and any officer or policeman convicted of contravening the provisions thereof may be summarily dismissed. R.S.O. 1897, c. 245, s. 134.

LOCAL OPTION.

137.—(1) The council of every city, town, village and township may pass by-laws for prohibiting the sale by retail of liquor, in any tavern, and for prohibiting the sale thereof, except by wholesale, in shops and places other than houses of public entertainment: Provided that the by-law, before the final passing thereof, has been duly approved of by the electors of the municipality in the manner provided by the sections in that behalf of The Municipal Act. R.S.O. 1897, c. 245, s. 141 (1).

(2) No person shall vote upon any proposed by-law submitted to the electors under this section who is not at the date of taking the vote and has not been for three months before that date a bona fide resident of the municipality to which the proposed by-law relates and as to such persons the certi-
The day fixed for taking the votes of the electors on the proposed by-law shall be the day upon which under The Municipal Act, or any by-law passed under that Act, a poll would be held at the annual election of members of the council of the municipality. 6 Edw. VII. c. 47, s. 24, part.

(4) If a petition in writing signed by at least twenty-five per cent. of the total number of persons appearing by the last revised voters' list of the municipality to be qualified to vote at municipal elections is filed with the clerk of the municipality, on or before the 1st day of November next preceding the day upon which such poll would be held, praying for the submission of such proposed by-law it shall be the duty of the Council to submit the same to a vote of the municipal electors as aforesaid. 6 Edw. VII. c. 47, s. 24, part; 7 Edw. VII. c. 46, s. 11.

(5) If three-fifths of the electors voting upon such proposed by-law approve of the same the council shall within six weeks thereafter finally pass such by-law, and this subsection shall be construed as compulsory and the duty so imposed upon the council may be enforced at the instance of any municipal elector by mandamus or otherwise.

(6) If such proposed by-law does not receive the approval of at least three-fifths of the electors voting thereon the council shall not pass the same; and no proposed by-law for the same purpose shall be submitted to the municipal electors before the date of polling for the third annual election of members of the council to be held after that at which the voting on the first mentioned by-law took place. 6 Edw. VII. c. 47, s. 24, part.

(7) No by-law passed under the provisions of subsection 1 shall be repealed by the council passing the same until after a proposed by-law for that purpose has been submitted to the electors and approved by three-fifths of the electors voting thereon, in the same manner as in the case of the original by-law, on the polling day at the third or some subsequent annual municipal election held after the passing of such original by-law; and if such proposed repealing by-law is not so approved, no other repealing by-law shall be submitted to the electors until the polling at the third annual municipal election thereafter. 6 Edw. VII. c. 47, s. 24, part.

(8) The provisions of subsection 4 shall apply to a repealing by-law. 3-4 Geo. V. c. 54, s. 7.

(9) Any by-law passed under subsection 1 before the 27th day of April, 1906, may be so repealed with the approval of
a majority of the electors voting upon such repeal. 6 Edw. VII. c. 47, s. 24, part.

(10) Every by-law passed under this section shall come into force and take effect as from the 1st day of May next after the passing thereof. 6 Edw. VII. c. 47, s. 24, part.

(11) The form of the ballot paper to be used for voting on a proposed by-law under this section or any subsection thereof shall be as follows:

For Local Option.

Against Local Option.

8 Edw. VII. c. 54, s. 10.

(12) Notwithstanding anything in this section or in The Municipal Act, the oath to be taken by any person offering to vote upon any such by-law shall be as follows:—

You swear (or solemnly affirm) that you are the person named (or intended to be named) by the name of in the list (or supplementary list) of voters now shown to you (showing the list to the voter);

And in the case of an unmarried woman or widow claiming to vote,

That you are unmarried (or a widow, as the case may be);

And in the case of a freeholder,

That at the date of this election you are in your own right (or your wife is) a freeholder within this municipality.

And in the case of a tenant,

That you were (or your wife was) actually, truly and in good faith possessed to your (or her) own use and benefit as tenant of the real estate in respect of which your name is entered on the said list;

That you are (or your wife is) a tenant within this municipality;

[And in the case of a person claiming to vote in respect of income,

That on the day of 19 (the day certified by the clerk as the date of the final revision and correction of the assessment roll upon which the voters' list used at the election is based, or at the option of the voter the day certified by the clerk as the last day for making complaint to the county judge with respect to such voters' list) you were and thenceforward have been continuously and still are a resident of this municipality.
That at the said date and for twelve months previously you were in receipt of an income from your trade (office, calling or profession, as the case may be) of a sum of not less than $400;]

[And in the case of a person claiming to vote as a farmer's son,]

That on the day of 19 (the day certified by the clerk as the date of the final revision and correction of the assessment roll upon which the voters' list used at the election is based, or at the option of the voter the day certified by the clerk as the last day for making complaint to the county judge with respect to such voters' list), A.B. (naming him or her) was actually truly and in good faith possessed to his (or her) own use and benefit as owner (or as tenant under a lease, the term of which was not less than five years), as you verily believe, of the lands in respect of which your name was entered on the said list.

That you are a son (or stepson) of the said A.B.

That you resided on the said property for twelve months next before the said day, not having been absent during that period, except temporarily and for not more than six months in all.

That you are not a citizen or subject of any foreign country.

That you are a natural born (or naturalized) subject of His Majesty and of the full age of twenty-one years.

That you have not voted before upon this by-law, either at this or at any other polling place.

That you are a bona fide resident of this municipality and have continuously resided therein for three months prior to this date.

[And in the case of a municipality divided into polling subdivisions.

That you reside in this polling sub-division (or that you are not entitled to vote in the polling sub-division in which you reside),]

That you have not directly or indirectly received any reward or gift, nor do you expect to receive any, for the vote which you tender upon this by-law.

That you have not received anything, nor has anything been promised to you directly or indirectly, either to induce you to vote upon this by-law, or for loss of time, travelling expenses, hire of team, or any other service connected with the submission of the by-law.

That you have not directly or indirectly paid or promised anything to any person, either to induce him to vote or to refrain from voting upon this by-law.

So help you God.

(1) No tavern or shop license shall be issued or take effect within any municipality in which there is in force any Local Option By-law; but the sale or keeping for sale of liquor without license in any such municipality shall nevertheless be a contravention of sections 48 and 49, and all the provi-
sions of this Act respecting the sale or keeping for sale of liquor in contravention of those sections, and the penalties and procedure in reference thereto, shall be of full force and effect in such municipality, notwithstanding such prohibitory by-law. R.S.O. 1897, c. 245, s. 143.

(2) Whenever an appropriation is made by this Legislature for enforcing the provisions of this Act in municipalities in which Local Option By-laws are in force, the Minister, in any case in which such a by-law is in force in any municipality in any License District in Ontario, may by his order direct the payment out of such appropriation of any sum which he may think necessary to enforce this Act in such License District or any part thereof, including the payment of the salary and expenses or any part thereof of the Inspector for such district. 1 Geo. V. c. 64, s. 17.

See also section 16 (4).

139.—(1) Where a Local Option By-law is declared by the Clerk of the municipality or other Returning Officer to have received the assent of three-fifths of the electors voting thereon, and is after such declaration quashed or set aside, or held to be invalid or illegal, or where such a by-law after having been declared not to have received the assent of three-fifths of the electors, is held upon a scrutiny to have received such assent, and is subsequently quashed or held to be invalid or illegal, no tavern or shop license, as the case may be, shall be issued in the municipality in which the by-law was submitted after the date of such submission and until the first day of May in the year in which a repealing by-law might have been submitted to the electors if the first-mentioned by-law had been declared valid, without the written consent of the Minister first had and obtained.

(2) This section shall be held to apply to all by-laws submitted to the electors since the 31st day of December, 1906. 8 Edw. VII. c. 54, s. 11.

140.—(1) In any municipality in which a Local Option By-law is in force or in which no tavern license is issued, and in any locality without municipal organization, one or more permits under this section may be granted to a suitable person or persons to establish and carry on an hotel for the accommodation of the travelling public and other guests, and such permit or permits may be granted by the Board of the License District in which the premises in respect of which the permit is desired are situate, and, except as herein varied, all the provisions of this Act, so far as the same are applicable, shall apply to holders of permits under this section, and the premises in respect of which any such permit is granted shall be subject to inspection in the same way and to the same extent as are premises licensed under any other provisions of this Act, and the permit may be revoked for any cause which may by the Board be deemed sufficient.
(2) An hotel for which a permit is granted shall be known as an inspected hotel.

(3) The annual fee to be paid for any such permit shall be $5, and the same may be granted at any time during the year on payment of the fee, and may be transferred without charge by the Board on application by the holder thereof.

(4) The permit shall be in such form as may be approved by the Lieutenant-Governor in Council, and no greater number of permits shall be issued in any municipality than are reasonably sufficient in the opinion of the Board to meet the public needs of the locality.

(5) The accommodation to be provided by the holder of any such permit shall correspond as nearly as may be to the accommodation required to be provided under sections 31 and 32; but in cases in which in the opinion of the Board stabling is not necessary the same may be dispensed with by resolution of the Board. 9 Edw. VII. c. 82, s. 35, part.

(6) Nothing in this section shall require the keeper of an hotel of the class mentioned in subsection 1 to obtain a permit, but any Provincial License Inspector may, nevertheless at any time, inspect any hotel situate in any municipality or locality to which subsection 1 applies, and if the Inspector finds that the accommodation provided in any such hotel falls below the standard usually provided in licensed hotels in other similar municipalities or localities, he shall report the facts to the Minister for his information. 9 Edw. VII. c. 82, s. 35, part; 2 Geo. V. c. 55, s. 10.

141. Where in a municipality in which a Local Option By-law is in force, a person is found upon a street or in any public place in an intoxicated condition owing to the drinking of liquor, he shall be guilty of an offence against this Act, and upon any prosecution for such offence he shall be compelled to state the name of the person from whom and the place in which he obtained such liquor, and in case of his refusal to do so he shall be imprisoned for a period not exceeding three months or until he discloses such information. 2 Geo. V. c. 55, s. 13.

MUNICIPALITIES UNDER THE TEMPERANCE ACTS.

142. Nothing in the foregoing provisions of this Act shall be construed to affect or impair any of the provisions of The Temperance Act 1864, of the late Province of Canada, and the second part of The Canada Temperance Act, and no tavern or shop license shall be issued or take effect within any county, or other municipality in Ontario within which any by-law for prohibiting the sale of liquor under The Temperance Act of 1864, or the second part of The Canada Temperance Act is in force. R.S.O. 1897, c. 245, s. 144.
143. The Lieutenant-Governor in Council may, notwithstanding that any such by-law affects the whole or any part of any county, or that the second part of The Canada Temperance Act is in force in the whole or part of any county, nominate a Board of License Commissioners of the number, and for the period mentioned in section 5, and also an Inspector; and such Board and Inspector shall have, discharge and exercise all such powers and duties respectively for preventing the sale, traffic or disposal of liquor contrary to the said Acts or this Act as they respectively have or should perform under this Act. R.S.O. 1897, c. 245, s. 145.

144. The Board and the Inspector appointed under this Act shall exercise and discharge all their respective powers and duties for the enforcement of the provisions of The Temperance Act of 1864, and the second part of The Canada Temperance Act as well as of this Act, so far as the same apply, within the limits of any county, city, or other municipality within which any Local Option By-law or any by-law under The Temperance Act of 1864, or The Canada Temperance Act is in force. R.S.O. 1897, c. 245, s. 146.

145. All the provisions of sections 126 and 128 shall be applicable to municipalities in which the second part of The Canada Temperance Act is in force. R.S.O. 1897, c. 245, s. 149.

146. The council of any county or city in which the second part of The Canada Temperance Act is in force, may, from time to time, set apart any sum or sums of money for the purpose of paying any officer or officers, person or persons, for enforcing, or assisting to enforce The Canada Temperance Act within their respective jurisdictions, and for the payment of any costs or expenses incurred in and about enforcing, or attempting to enforce the same; and such councils are hereby authorized and empowered to appoint one or more officers or persons to enforce, or assist in enforcing, the provisions of that Act, and to pass by-laws for the government and control of such officers or persons, and defining their duties and mode and amount of payment. R.S.O. 1897, c. 245, s. 150 (1).

147. In license districts where the second part of The Canada Temperance Act is in force, the council of any city, town, village or township may, at any time after a petition to the Governor in Council, as required by that Act, praying for the revocation of the Order in Council passed for bringing the second part of that Act into force, has been deposited in the manner provided by that Act, pass by-laws under subsection 5 of section 13, or sections 28 or 42; and all by-laws so passed shall take effect upon from and after the repeal of the second part of The Canada Temperance Act in any such municipality, and shall remain in force as provided by R.S.C. c. 152.
those sections; and no by-law already passed in any municipality under those sections or any of them or under any provision for which any of them has been substituted subsequently to the deposit of the said petition during the year 1889, shall be invalid by reason only of the same having been passed while the second part of The Canada Temperance Act was in force or after the dates mentioned in any of the said sections respectively. R.S.O. 1897, c. 245, s. 151 (1).

148. (1) The expenses of carrying into effect such of the provisions of this Act, or of the Acts or by-laws hereinafter mentioned, as may be in force in municipalities where a by-law prohibiting the sale of liquor under The Temperance Act of 1864, or where the second part of The Canada Temperance Act is in force, except as is hereinafter provided, shall be borne and paid by the county or city within which any by-law for prohibiting the sale of liquor under The Temperance Act of 1864, or within which the second part of The Canada Temperance Act, is in force; and where the by-law is that of a minor municipality, such expenses shall be paid by the minor municipality.

(2) The expenses payable under this section by a county or city, or by a minor municipality, shall be paid by it into the bank in which the License Fund is kept to the credit of the License Fund Account for the District, and shall become due and payable within one month after an estimate of the amount of the expenses for the current license year has been made by the Board for the License District, and approved by the Minister (which approval shall be final and conclusive) and after a copy or duplicate of such estimate and approval, together with a notice in writing by the Board, requesting payment of the amount payable by the municipality has been served upon the clerk of the county or city, or minor municipality, on such days and times as by the said request or notice are named for that purpose; and in case any estimate proves insufficient for the payment of the expenses of the license year any deficiency may be provided for in the estimate for the succeeding year; and in case any sums remain unexpended in any year, the same may be applied on account of the expenses of the succeeding year.

(3) Payment may be enforced against any county, city or minor municipality, by the Board by action or proceedings in the name and by the title of “The Board of License Commissioners for the License District of ”, and it shall not be necessary to mention or include the names of the License Commissioners in the proceedings; and the action or proceedings may be carried on in the name of such Board as fully and effectually as though such Board were incorporated under such name or title; and in the event of the death or resignation of any of the License Commissioners, or of the expiry of their commission and of the re-ap-
pointment of the same, or of the appointment of other License Commissioners, the action or proceedings shall not cease, abate or determine, but shall proceed as though no change had been made in the Board or License Commissioners, and, in the event of the Board being condemned in costs, the same may be payable out of the License Fund.

(4) In cities which are separate License Districts in which the second part of The Canada Temperance Act is in force the expenses of enforcing or carrying into effect the provisions of that Act shall be borne by the city, as in the case of counties in which the second part of that Act is in force and such expenses of the city shall be estimated and ascertained, and become due and payable, and payment may be enforced against the city in the same manner or under like circumstances as are provided in the case of county municipalities and all of the provisions of this Act, having reference to such expenses and the mode of ascertaining, fixing and collecting them, which are applicable to counties in which the second part of The Canada Temperance Act is in force shall also apply to cities in which the same is in force.

(5) In any License District in which the second part of The Canada Temperance Act is in force and the License District, in addition to other portions of the county, embraces a city or town withdrawn from the county for municipal purposes wherein that Act is not in force, the License Fund of such city or town withdrawn from the county for municipal purposes shall be kept as a separate License Fund for such city or town; and such city or town shall pay a just share of the expenses of such License District to be determined by the Board and, after approval by the Minister, paid out of the License Fund for such city or town; and in determining such share of expenses the Board shall take into account with other circumstances, as far as may be, the proportion of the expenses incurred in such city or town.

(6) Where a city in which the second part of The Canada Temperance Act is in force and which is not a separate License District but forms part of a License District in which the second part of The Canada Temperance Act is also in force as to the whole or part of such License District, and where a town is separated from the county and forms part of a License District in which the second part of The Canada Temperance Act is in force, as to the whole or part thereof, the council of such city and of such town, respectively, shall pay a just share of the expenses of the License District of which it forms a part, to be separately estimated and determined by the Board, and after approval by the Minister, paid into the License Fund of the License District of which such city or town forms part; and in
determining such share of expenses the Board shall take into account with other circumstances as far as may be the proportion of the expenses of the district incurred in such city or town.

(7) Where a License District is formed of part of a county in which the second part of The Canada Temperance Act is in force, or of parts of two counties in which the second part of that Act is in force, or of part of a county in which it is in force, and of a county or part of a county in which it is not in force, the Board shall estimate the amount of the expenses for the license year required for any License District or portion of a License District in which the second part of that Act is in force, and after approval thereof by the Minister and the service of a copy or a duplicate thereof, and of a notice in writing requesting payment of the same, upon the clerk of the municipality, the amount so estimated and approved shall become due and payable into the License Fund by the county at the time or times and in the same manner as is provided for payment of the amount of the estimates in other cases, and the same may be recovered by the Board for the License District as in other cases. R.S.O. 1897, c. 245, s. 152 (1-7).

(8) When the council has been called upon to pay a proportion of the expenses of the enforcement of the second part of The Canada Temperance Act, the Inspector shall, at the close of each year, send to the council a statement in detail of the receipts and expenses of the year. R.S.O. 1897, c. 245, s. 150 (2).

(9) The words "minor municipality" in this section shall be held to mean any municipality, other than a county, union of counties or a city. R.S.O. 1897, c. 245, s. 152 (9).

149. All sums received as fees for licenses issued in municipalities in which the second part of The Canada Temperance Act is in force, and any sum paid by a municipality for or on account of such expenses, or by the Province, shall form the License Fund of the city, county or License District respectively in which the second part of The Canada Temperance Act is in force, and shall be applied under regulations of the Lieutenant-Governor in Council, towards payment of the salary and expenses of the Inspector, and for the expenses of the office of the Board and of officers, and otherwise in carrying the provisions of the second part of The Canada Temperance Act into effect, and the residue, if any, on the 30th day of June in each year, and at such other times as may be prescribed by the regulations of the Lieutenant-Governor in Council, may be applied on account of the expenses of the succeeding year. R.S.O. 1897, c. 245, s. 154.
150. The Lieutenant-Governor in Council shall have the same power and authority to create License Districts when and where the second part of The Canada Temperance Act is in force, as under this Act. R.S.O. 1897, c. 245, s. 156.

PROHIBITING LIQUOR NEAR PUBLIC WORKS AND OTHER PLACES.

151.—(1) The Lieutenant-Governor in Council whenever he deems it expedient, owing to the construction of any public work in Ontario, or for any other reason, may declare by proclamation that upon and after a day named therein no liquor shall be sold or kept for sale within the limits of any place or locality designated in the proclamation by any person licensed to sell liquor by retail, and the license of any such person shall thereupon become suspended and be of no effect during the time any such proclamation is in force; but the proportionate part of any license duty paid by such person having regard to the period during which such license is suspended, shall be returned to such license holder out of any moneys available for that purpose.

(a) In this section “public work” shall mean and include any railway, canal, road, bridge or other work of any kind, and any lumbering or mining operation carried on by the Government of Canada or of Ontario or by any municipal corporation or by any incorporated company or by private enterprise.

(2) Such proclamation may also declare that while it remains in force no unlicensed person shall have in his possession within the limits of any such place or district, except under the order of a legally qualified medical practitioner, any liquor whatever; but this provision shall not be deemed to apply to a chemist or druggist carrying on business as such within the said limits nor to any person whose license has been temporarily suspended.

(3) The Lieutenant-Governor in Council may, in like manner, from time to time, declare such proclamation to be no longer in force in any such place or locality or any part thereof.

(4) Every proclamation issued under this section shall be published in the next following issue of the Ontario Gazette.

(5) No such proclamation shall have effect within the limits of any city.

(6) While such proclamation remains in force every person who sells or keeps for sale or has in his possession any liquor in contravention of the terms thereof shall be guilty of an offence and shall incur a penalty of not less than $100 nor more than $500, or may upon conviction for such offence be imprisoned for any period not less than one month and not exceeding four months. 2 Geo. V. c. 55, s. 12.
152. In this Part

(a) "Brewer" shall, in addition to private persons and partnerships, include any incorporated company carrying on the business of a brewer within Ontario;

(b) "Distiller" shall, in addition to private persons and partnerships, include any incorporated company carrying on the business of a distiller within Ontario;

(c) "Wholesale License" shall mean a license for selling, by wholesale only, liquor in warehouses, stores, shops, or places other than taverns, in quantities of not less than five gallons in each cask or vessel at any one time; or where such selling by wholesale is in respect of bottled ale, porter or beer, wine or other fermented liquor, in quantities of not less than one dozen bottles of at least three half-pints each, or two dozen bottles of at least three-fourths of a pint each, at any one time, or where such selling is in respect of distilled liquor, in quantities of not less than five gallons when sold in bulk or one dozen reputed quart bottles or a quantity equivalent thereto when in flasks or bottles of a smaller size, at any one time. R.S.O. 1897, c. 245, s. 2, par. 4; 2 Geo. V. e. 55, s. 1.

153.—(1) No brewer or distiller shall sell any spirituous or fermented liquors unless he is the holder of a Provincial License for the sale of liquor manufactured by him, nor unless the license is in force at the time of such sale. 62 V. (2), c. 31, s. 2.

(2) The license to be taken out by a brewer shall be styled a "Brewer's Provincial License" and that to be taken out by a distiller a "Distiller's Provincial License." 62 V. (2), c. 31, s. 3.

154. Where a brewer or distiller carries on the business of a brewer or distiller on premises at two separate places, a separate license shall be taken out for each place. 62 V. (2), c. 31, s. 25.

155.—(1) A Brewer's Provincial License shall be an authority for the holder thereof to sell to persons who are holders of licenses under Part 1 ale and beer on the premises
in or on which they are manufactured, in the quantities hereinafter mentioned, and shall authorize him to sell the same in such quantities to such persons in any part of Ontario for future delivery. 62 V. (2), c. 31, s. 4 (1) part.

(2) Such license shall also be an authority for the holder thereof to sell ale and beer in the quantities specified in subsection 4, on such premises to others than licensees, but no such last mentioned sale shall be made either directly or indirectly within any municipality in which a Local Option by-law is in force. 62 V. (2), c. 31, s. 4 (1) part; 9 Edw. VII. c. 82, s. 47; 1 Geo. V. c. 64, s. 16.

(3) In a municipality in which no tavern or shop license is in force, no liquor shall be stored or kept by any brewer or other person whomsoever, for future delivery to any customer or other person notwithstanding that such liquor or some part thereof may have been previously ordered or appropriated to a customer or other person and any brewer or other person contravening this provision shall be deemed conclusively to have kept liquor for sale without the license therefor by law required.

(a) Liquor not actually delivered into the possession of the person for whom it purports to be intended in any such municipality shall be deemed to be kept for sale by the person in whose possession such liquor is found.

(b) Any person who suffers or permits any liquor, of which he is not the bona fide owner, to be stored or kept on his premises in any such municipality shall be guilty of an offence against Part 1. 2 Geo. V. c. 55, s. 4.

(4) Ale, and beer other than lager beer, shall not be sold, bartered or trafficked in by any brewer in quantities less than ten gallons, wine measure, in each vessel at any one time, and lager beer shall not be sold, bartered or trafficked in by any brewer in quantities less than four gallons, wine measure, in each vessel at any one time; and if such selling is in respect of bottled ale, beer or other fermented liquors no sale shall be made in quantities less than one dozen bottles of at least three half pints each or two dozen bottles of at least three-fourths of one pint each at any one time. 62 V. (2), c. 31, s. 4.

156. A Distiller's Provincial License shall be an authority for the holder thereof to sell in quantities authorized by whole-sale license, spirits manufactured by him, if the sale is made on the premises in which such spirits are manufactured, and also to sell in any municipality in Ontario for future delivery in such quantities. 62 V. (2), c. 31, s. 5.
WAREHOUSE LICENSES.

Chap. 215.  Sec. 157 (1).  

(1) A brewer or distiller holding a Brewer’s or a Distiller’s Provincial License, respectively, may upon payment of the additional fee prescribed by this Part take out one or more licenses to be known as a Brewer’s Warehouse License or Licenses or a Distiller’s Warehouse License or Licenses, respectively. 5 Edw. VII. c. 31, s. 1.

(2) A Brewer’s or Distiller’s Warehouse License shall be authority for the holder thereof to maintain and keep in any city or town for which such license may be issued a warehouse for the storage of unbroken packages of beers or spirits manufactured by him, and to sell and supply therefrom to customers in such city or town such beers or spirits in the quantities authorized by this Part to be sold under Provincial Licenses; but no such beers or spirits shall be sold to any unlicensed person in any municipality having a population of less than 4,000, nor shall any such beers or spirits be sold or delivered by or on behalf of any holder of a Brewer’s Warehouse License within any municipality in which a Local Option By-law is in force. 5 Edw. VII. c. 31, s. 2, part; 9 Edw. VII. c. 82, s. 43.

(3) No shop or premises wherein any liquor is sold by retail or wherein is kept any broken package of any liquor shall communicate by any entrance with any brewery or distillery. 62 V. (2), c. 31, s. 6.

158. The Minister may in any case refuse to issue a Brewer’s or Distiller’s Warehouse License if he deems such refusal expedient in the public interest. 1 Geo. V. c. 64, s. 13, part.

159.—(1) The annual fee to be paid for a Brewer’s Provincial License shall be:

<table>
<thead>
<tr>
<th>Amount Invested</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>$10,000 or less</td>
<td>$250</td>
</tr>
<tr>
<td>$20,000 or less</td>
<td>$400</td>
</tr>
<tr>
<td>$50,000 or less</td>
<td>$500</td>
</tr>
<tr>
<td>$100,000 or less</td>
<td>$750</td>
</tr>
<tr>
<td>$150,000 or less</td>
<td>$1,000</td>
</tr>
<tr>
<td>$200,000 or less</td>
<td>$1,500</td>
</tr>
<tr>
<td>$200,000 or more</td>
<td>$2,000</td>
</tr>
</tbody>
</table>

62 V. (2), c. 31, s. 7.

(2) (a) If the applicant for a Brewer’s Provincial License so desires the annual license fee or duty payable to the Province may be paid on or before the 1st day of October in each
year; and in that event the Minister may issue to the applicant a permit which shall remain in force for a period of five months, that is to say from the 1st day of May in the year in which it is issued until the 1st day of October in the same year and no longer, and while in force shall confer on the holder the same privileges and authority as if he had obtained a license.

(b) The Lieutenant-Governor in Council may direct the issue of permits in such form as he may provide to be used in place of licenses and such permits shall be signed by the Minister and dated as of the 1st day of May in each year and shall be absolutely void and of no effect after the 1st day of October in the year in which the same is issued.

(c) All the provisions of Part 1 with regard to licenses and offences and penalties shall apply to persons holding of permits in the same manner and to the same extent as if such persons were licensees.

(d) It shall not be necessary in any proceedings under "License" to Part 1 to specify or particularize the permit, but the same shall be included for all such purposes in the word "license."

63 V. c. 42, s. 3.

(3) The annual fee to be paid for a Brewer’s Warehouse License shall be:

In cities or towns having a population under 20,000. $100
In cities or towns having a population of 20,000 and under 100,000 ........................................ 200
In cities or towns having a population of over 100,000 .................................................... 300

5 Edw. VII. c. 31, s. 2, part.

160.—(1) The annual fee to be paid for a Distiller’s Provincial License shall be as follows:

Where the amount invested in the business of the distiller obtaining the license is $50,000 or less ....... $1,000
Where the amount so invested exceeds $50,000, but is not more than $125,000 .............................. 3,000
Where the amount so invested exceeds $125,000, but is not more than $200,000 .......................... 4,000
Where the amount so invested exceeds $200,000, but is not more than $500,000 .......................... 5,000
Where the amount so invested exceeds $500,000 ... 6,500

(2) The Lieutenant-Governor in Council, where it is shown that the sales made by any distiller were during the preceding year less than 10,000 gallons of proof spirits and that the sale will not exceed that quantity during the calendar year in which the license is to be issued, may issue a Distiller’s Provincial License at a sum not less than one-third the minimum charge for such a license. 62 V. (2), c. 31, s. 8.
(3) The amount of the annual fee to be paid for a Distiller’s Warehouse License shall be double the amount herein fixed to be paid for a Brewer’s Warehouse License. 5 Edw. VII. c. 31, s. 3.

161. Where a new brewery or distillery business is commenced subsequently to the 1st day of May of any year, the Minister may issue a license on payment of a just proportion of the fee, having regard to the time for which such license is to run, and where a brewer or distiller has given up business during the currency of a license year so that neither manufacture nor sales will take place for the residue of such year, the Treasurer may in his discretion, on surrender of the license, refund a just proportion of the license fee paid. 62 V. (2), c. 31, s. 9.

162.—(1) In ascertaining the amount invested in the business of a brewer or distiller for the purpose of determining the sum to be paid for a Brewer’s or Distiller’s Provincial License, there shall be included the value of the land, buildings and plant used or occupied by a brewer or distiller for the purpose of his business as such brewer or distiller, the value of the goods, chattels, personal property and other assets belonging to the business or used in connection therewith and the value of the stock in trade on hand and of all land and buildings, plant, goods and chattels and personal property connected with or belonging to the business of such brewery or distillery; and the aggregate of such values shall be deemed to be the amount invested in the business of the brewer or distiller for the purpose of determining the amount to be paid for such a license.

(2) In making such valuation the debts owing to the brewer or distiller in respect of his business shall not be taken into account nor shall his liabilities or debts owing by him be deducted, nor shall it be necessary to specify in the affidavit hereinafter mentioned the value of the building and plant used in malting, or in fattening of cattle or swine, or of any other like business carried on in connection with the brewery or distillery, either in proximity thereto or elsewhere, or of the stock of malt on hand. 62 V. (2), c. 31, s. 10 (1), part; 63 V. c. 42, s. 1.

(3) Such value of the investment shall be ascertained as it was on the 31st day of December preceding the issue of the license, unless, upon the report of the Minister, the Lieutenant-Governor in Council by general regulation or in any particular case designates some other date. 62 V. (2), c. 31, s. 10 (2).

163.—(1) Brewers’ Provincial Licenses, Distillers’ Provincial Licenses and Brewers’ and Distillers’ Warehouse Licenses shall be issued in such form as the Lieutenant-Gover-
Sec. 165 (1).  LIQUOR LICENSES.  Chap. 215.  2939

165.-(1) If the required information is not furnished or the Minister is not satisfied therewith, the Lieutenant-Governor in Council may direct inquiry to be made by a commis-

nor in Council directs.  62 V. (2), c. 31, s. 11 (1); 5 Edw. VII. c. 31, s. 4.

(2) The license shall be signed and issued by the Minister, and shall, except where it is issued for a part of the year, be dated as of the 1st day of May in each year, and shall continue in force until and including the 30th day of April in the next ensuing year and no longer.

(3) A brewer or a distiller desiring to obtain a license shall apply therefor to the Minister on or before the 1st day of April next preceding the license year for which the same is required, except in the case of a new business which begins subsequently to that date.  62 V. (2), c. 31, s. 11 (2-3).

164.—(1) Every brewer and distiller shall, on or before the 15th day of February of each year, file with the Minister an affidavit, Form 15, 16, or 17 as may be applicable, or in such other form as may be directed or provided by the Minister.

(2) If the Minister in order to enable him to determine whether he should accept the affidavit as correct, desires to obtain further information, any brewer or distiller who is, by registered letter, requested by the Minister to furnish further information as to the amount invested in his business or as to the value of any lands, buildings, plant, goods or chattels, or property mentioned in section 162 shall within twenty days of his being so requested furnish such further information, verified by affidavit.

(3) Where the business is carried on by an incorporated company the affidavit and information required by this section shall be made and furnished by the president and manager, or by the manager and secretary of the company, or if there are no such officers, then by such persons as the Minister may designate.

(4) Where a brewer or distiller has paid or is willing to pay for a license the maximum fee imposed by this Part the Minister may dispense with the filing of such affidavit.  62 V. (2), c. 31, s. 12.

(5) If a brewer or distiller fails to file the statement required by this section within the time therein specified and thereafter applies for a license he shall, besides the fee prescribed, pay for such license in addition the sum of $10 for each day’s delay in filing such statement, unless the Lieutenant-Governor in Council, upon the report of the Minister, sees fit, upon proof of extenuating or mitigating circumstances, to relieve the applicant in whole or in part from such additional payment.  62 V. (2), c. 31, s. 18.

165.—(1) If the required information is not furnished or the Minister is not satisfied therewith, the Lieutenant-Governor in Council may direct inquiry to be made by a commis-
Chap. 215. LIQUOR LICENSES. Sec. 165 (1).

Costs of commission of inquiry.

The Public Inquiries Act, and the determination of such commissioner or commissioners, after giving the brewer or distiller an opportunity to be heard, shall be final for the purposes of this Part, as to the amount invested in the business. 62 V. (2), c. 31, s. 13.

(2) If the inquiry is occasioned by the failure of the brewer or distiller to furnish the information required by the Minister, the brewer or distiller shall pay the costs of the inquiry, but if the statement is found to be correct and the commissioner or commissioners find that the required information was duly furnished, the cost of the inquiry shall be borne by the Province.

(3) If the commissioner or commissioners find that the statement filed has understated the amount invested in the business, the brewer or distiller in addition to paying the costs of the inquiry shall pay for his license the sum chargeable on the basis of the amount invested in the business as reported by the commissioner or commissioners, and fifty per cent. added to such sum. 62 V. (2), c. 31, s. 14.

(4) If in any case the Minister is unwilling to accept the statement filed as correct, and contemplates the issue of a commission of inquiry, or if such a commission is issued and the commissioner or commissioners have not reported, the Minister may notify the applicant for a license that the license will be issued to him upon the basis of the statement filed, but that the right to make inquiry is reserved; and in such case, notwithstanding the issue of the license, the inquiry may be proceeded with in the same manner and with the like effect as if the license had not been issued.

(5) If in any such case the commissioner or commissioners find that the statement filed has understated the amount invested in the business then, unless the licensee, within ten days of his being notified of the said finding, pays to the Treasurer of Ontario, such an amount as with the amount previously paid by him for license fees will make up the sum of money which would be payable for a license on the basis of the amount invested in the business as reported by the commissioner or commissioners and fifty per cent. added to such sum the said license so issued shall become ipso facto void. 62 V. (2), c. 31, s. 15.

(6) If the commissioner or commissioners find that the statement so filed understates the amount on which the fee should be paid, but also certify that the understatement was not made with the intent and for the purpose of evading the payment of the proper amount but was made in good faith and with no improper motive, the Lieutenant-Governor in Council may upon the recommendation of the Minister direct the remission of so much of the added percentage and of so much of the costs as to him in his discretion may seem meet. 62 V. (2), c. 31, s. 16.
(7) The costs of the commission shall be ascertained by the Minister who, where the same are payable to the Crown, may by warrant under his hand and seal direct the sheriff of the county or the bailiff of any division court in the county to levy the same with costs by distress upon any goods or chattels, wherever found, of the brewer or distiller, or upon any goods or chattels in or upon the brewery or distillery premises or on lands used in connection therewith. 62 V. (2), c. 31, s. 17.

166.—(1) If a brewer or a distiller sells, barter, or otherwise disposes of any liquor without having a Brewer's or Distiller's Provincial License, as the case may be, he shall for each such sale forfeit to His Majesty double the amount he would have been required to pay for such a license, to be recovered with costs in an action at the suit of the Crown, to be tried by a judge without a jury. 62 V. (2), c. 31, ss. 19, 20.

(2) In any action brought under this section it shall be presumed that the defendant would have been required to pay the maximum license fee applicable to his business unless he proves to the satisfaction of the judge who tries the case the amount actually invested in his business. 62 V. (2), c. 31, s. 21 (1).

(3) The penalties imposed by this section shall be recovered only at the instance or under the authority or by the consent of the Attorney-General of Ontario. 62 V. (2), c. 31, s. 23.

(4) In any such action the Attorney-General of Ontario shall have the same right either before or after the trial to require the production of documents, to examine parties or witnesses, or to take such other proceedings in aid of the action as a plaintiff has or may take in an ordinary action. 62 V. (2), c. 31, s. 21 (2).

167.—(1) If the amount for which action is brought under section 166 is paid or levied the Minister may direct the issue of a license to the defendant without the payment of any other license fee, but no such license shall be issued if the license year has expired.

(2) The issue of such license shall not affect any prosecution or other proceeding then pending, and nothing in section 166 shall relieve any brewer or distiller from any penalty or punishment which may be imposed summarily under Part I, nor shall the imposition of any such penalty or punishment relieve any brewer or distiller from liability under the provisions of this Part. 62 V. (2), c. 31, ss. 22, 24.

Wholesale Licenses.

168.—(1) Wholesale licenses may be issued at any time during the year, by the Minister, upon a written requisition.
Liquor licenses.

(2) A wholesale license shall be for selling liquor, by wholesale only, in the warehouse, store, shop, or place of the applicant, to be designated in such license. R.S.O. 1897, c. 245, s. 34 (2).

(3) In case the applicant for a wholesale license is not a resident of Ontario and has no permanent place of business in Ontario, it shall not be necessary to designate the premises in which the business is to be carried on. 10 Edw. VII. c. 94, s. 3.

(4) The fee for a wholesale license shall be $500. 10 Edw. VII. c. 94, s. 6.

(5) The fee may be paid in two equal instalments, one on the 1st day of May and the other on or before the 31st day of October following, and upon payment of the first instalment the Minister may issue a permit to which the provisions of subsection 6 of section 13 shall mutatis mutandis apply. See 62 V. (2), c. 31, s. 28, part; and 1 Edw. VII. c. 12, s. 26.

(6) A wholesale license may be granted to an incorporated company, and for that purpose, section 19 shall mutatis mutandis apply. New.

169. The Minister may in any case refuse to issue a wholesale license if he deems such refusal expedient in the public interest. 1 Geo. V. c. 64, s. 13, part.

170. A wholesale license shall be granted only to a person who carries on the business of selling by wholesale or in unbroken packages, and shall be and become void in case the holder thereof, at any time during the currency of the said license, directly or indirectly, or by or with any partner, clerk, agent or other person, carries on, upon the premises to which such license applies, the business of a retail dealer in any other goods, wares or merchandise. R.S.O. 1897, c. 245, s. 35.

171. No person holding a license to sell by wholesale, shall allow any liquor sold by him or in his possession for sale, and for the sale or disposal of which such license is required, to be consumed within his warehouse or shop, or within any building which forms part of or is appurtenant to, or which communicates by any entrance with any warehouse, shop or other premises wherein any article to be sold or disposed of
under such license is sold by retail or wherein there are kept any broken packages of such articles. R.S.O. 1897, c. 245, s. 63.

172. Subject to any regulations or restrictions which the Lieutenant-Governor in Council may impose, manufacturers of native wines, from grapes grown and produced in Ontario, shall be exempt from the payment of any license fee under this Act, if such wines are sold upon the premises in which they are manufactured and by wholesale quantities as defined by this Part, such wines to be wholly removed and not drunk upon the premises. R.S.O. 1897, c. 245, s. 36; 1 Geo. V. c. 64, s. 11. Amended.

Sample and Commission Licenses.

173.—(1) No person shall act in Ontario as the agent or employee of any person not a resident of Ontario for the purpose of selling liquor by sample or on commission or otherwise in Ontario or for soliciting or receiving orders for delivery of liquor to any person, whether licensed or unlicensed, unless the person so acting has taken out and is the holder of a “Sample and Commission License,” but nothing in this subsection shall apply to the holder of a wholesale license under this Part.

(2) Every person contravening the provisions of subsection 1 shall incur the penalties provided by Part 1 for the sale of liquor without the license required by law.

(3) A sample and commission license shall authorize the holder thereof to sell liquor not the property of such license holder by sample or on commission and to solicit and receive orders for such liquor from persons who are the holders of licenses under Part 1 in the quantities authorized by a wholesale license whether such liquor is in Ontario or is held in bond or otherwise elsewhere.

(4) The annual fee to be paid for a sample or commission license shall be $300 and shall be payable to the Treasurer on or before the first day of May in each year.

(5) Sample and commission licenses shall be issued annually by the Minister on the 1st day of May, upon the production of the receipt of the Treasurer of Ontario for the amount of the license fee. 9 Edw. VII. c. 82, s. 44.
PART III.

SALE OF LIQUOR BY DRUGGISTS, AND SALE OF PATENT AND OTHER MEDICINES, AND OF ALCOHOL FOR THE PURPOSES OF THE ARTS AND MANUFACTURES.

Interpretation.

174. In this Part,

"Alcohol."

(a) "Alcohol" shall mean "ethylic" or absolute alcohol; 1 Geo. V. c. 65, s. 1;

"Manufacturer."

(b) "Manufacturer" shall mean a manufacturer for sale by wholesale; 61 V. c. 30, s. 1, part.

"Original and unbroken package."

(c) "Original and Unbroken Package" shall mean the package in which the patent or proprietary medicine is put up by the manufacturer; 61 V. c. 30, s. 1, part; and

"Wholesale druggist."

(d) "Wholesale Druggist" shall mean a person, firm or company engaged in supplying druggists with drugs, patent or proprietary medicines, compounds, preparations or other articles and commodities usually kept and dealt in by druggists. 1 Geo. V. c. 65, s. 1, part.

175.—(1) Nothing in Part I. shall prevent a druggist from keeping liquor for sale for strictly medicinal purposes, or from selling liquor for strictly medicinal purposes in packages of not more than six ounces at any one time, or from selling for strictly medicinal purposes any mixture containing liquors, mixed with any other drug or medicine in packages of not more than one pint at any one time, but in either case only under a bona fide prescription of such liquor or mixture duly signed by a legally qualified medical practitioner. R.S.O. 1897, c. 245, s. 52 (1).

(2) Every druggist shall record in a book to be kept for that purpose every sale or other disposal by him of liquor sold under and forming an ingredient in such prescription; and such record shall show as to every such sale or disposal, the time when, and the person to whom the same was made, the quantity sold and the prescription, when one is required, of such medical practitioner; and in default of such sale or disposal being so placed on record, every such sale shall be held to be in contravention of the provisions of sections 48 and 49. R.S.O. 1897, c. 245, s. 52 (2); 61 V. c. 30, s. 6.

(3) Such book shall be kept open to the inspection of the License Commissioners, Inspector, Provincial Inspector, or any other person appointed by the Minister, and producing
his written authority in that behalf, and may be in the following form:

<table>
<thead>
<tr>
<th>Date</th>
<th>Name.</th>
<th>Residence.</th>
<th>Kind and quantity.</th>
<th>Purpose or use.</th>
<th>Price.</th>
<th>Name of medical practitioner.</th>
</tr>
</thead>
</table>

(4) In a township a druggist who is also a legally qualified medical practitioner may himself give the certificate provided for in this section, and may also give such certificate in any village or police village where there is no other legally qualified medical practitioner resident and practising therein, but not otherwise. R.S.O. 1897, c. 245, s. 52 (3), (5).

(5) Any druggist who sells or otherwise disposes of any liquor to be consumed within his shop, or within the building of which such shop forms part or which communicates by any entrance therewith, either by the purchaser or by any other person not usually resident therein, as a beverage, or with soda water, seltzer, apollinaris, ginger ale, ginger beer, sarsaparilla, or any aerated, mineral or effervescent drink, shall incur the penalties imposed by section 65. R.S.O. 1897, c. 245, s. 52 (7), and s. 62, part.

(6) Nothing in this section shall restrict the sale of methylated alcohol or oil of whiskey, or other medicines for cattle or horses. R.S.O. 1897, c. 245, s. 52 (4).

176. Nothing in Part I. shall apply to or prevent the sale by a druggist of any drug or medicine for strictly medicinal purposes, notwithstanding the mixture with such drug or medicine of alcohol as one of the necessary and bona fide ingredients thereof, if the quantity of alcohol so sold at any one time does not exceed six ounces. 61 V. c. 30, s. 4.

177. Nothing in Part I. shall prevent a druggist from selling, without the certificate of a legally qualified medical practitioner, liquor in quantities of not more than six ounces at any one time when the same is required owing to a serious injury or to the fainting of a person who may be brought or shall come into the premises of the druggist or into contiguous premises, or in or upon premises adjacent to them, and the same is urgently required for the relief of such person. 61 V. c. 30, s. 5.

178. Nothing in Part I. shall prevent the sale by a druggist or a merchant or company dealing in drugs and medicines, or a merchant or company dealing in patent or

---
proprietary medicines of any such medicine in the original and unbroken package, if such medicine contains only sufficient alcohol to hold the medicinal constituents thereof in solution or to prevent fermentation. 61 V. c. 30, s. 2.

179.—(1) Nothing in Part I. 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 the formula of the British Pharmacopoeia or other recognized standard work on pharmacy, or

(ii) medicine or other similar officinal compound or preparation, or

(iii) a perfume, or,

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

(b) by a merchant who deals in drugs and medicines, of such compounds, mixtures and preparations as are in this subsection hereinbefore mentioned and are so made or put up by a druggist or manufacturer, by reason only that the same contain alcohol; nor

(c) by a druggist, of alcohol in quantities of not more than one gallon at any one time for use in the arts or manufactures. 61 Vict. c. 30, s. 3.

(2) If any such compound, mixture or preparation contains more than two and one-half per cent. of alcohol and is not prepared according to the formula of the British Pharmacopoeia or other recognized standard work as hereinbefore mentioned the same shall not be sold or offered for sale in Ontario, unless the formula in accordance with which it is prepared is either printed plainly upon a label or wrapper affixed to the bottle or package in which such compound, mixture or preparation is contained or a copy of such formula, verified by affidavit in the form prescribed by the Provincial Secretary has been deposited in the office of the Provincial Secretary.

(3) Any neglect or omission to comply with the requirements of subsection 2 shall be an offence against Part I.; and the sale of any such compound, mixture or preparation during the continuance of such neglect or omission shall be conclusively deemed a colourable device for the evasion of Part I. within the meaning of section 180 and may be dealt with accordingly.
(4) If any such compound, mixture or preparation purporting to be prepared in accordance with any formula appearing upon the label or wrapper affixed to any bottle or package or so filed in the office of the Provincial Secretary is found to contain a larger amount of alcohol than is required to hold the medicinal constituents thereof in solution or to prevent fermentation, or to contain a larger percentage of alcohol than is set out in such formula, the person selling the same shall be conclusively deemed to be guilty of a colourable device for the evasion of Part I. within the meaning of section 180. 1 Geo. V. c. 65, s. 2.

(5) If a druggist is charged with a contravention of any of the provisions of subsection 2 but proves that he sold the compound, mixture or preparation in question in the same state as when he purchased it and that he could not with reasonable diligence have obtained knowledge of the fact that the provisions of that subsection had not been complied with he shall not be found guilty; but the magistrate hearing the case may order that such compound, mixture or preparation found in the possession of such person be forfeited to the Crown; and the Minister may make such disposition of it as he may think fit. 1 Geo. V. c. 65, s. 3.

180.—(1) Where the magistrate before whom a complaint is heard finds that any patent or proprietary medicine mentioned or referred to in section 178 or any other medicine, preparation or mixture mentioned or referred to in sections 176, 177 or 179, has been put up, manufactured or sold as a colourable device for the evasion of the provisions of Part I., the offender shall incur the penalties imposed by Part I. as in the case of sale of liquor without the license required by law.

(2) It shall not be necessary in the information, summons, warrant, conviction, 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 was put up, manufactured or sold as a colourable device for the evasion of Part I., but it shall be sufficient if the complaint and all other necessary statements of the offence allege or refer to the sale of liquor without the license required by law. 61. V. c. 30, s. 7.

181.—(1) A druggist or other person who keeps patent or proprietary medicines for sale shall, upon request made in writing, signed by an officer of the License Branch, to be named for that purpose by the Minister, permit an Inspector, or such other person as shall be named therein, to take away a sample sufficient for the purpose of analysis of any patent or proprietary medicine kept by him for sale.
Chap. 215.  LIQUOR LICENSES.  Sec. 181 (2).

(2) Any person who refuses to comply with such request shall incur a penalty of not less than $10 nor more than $40. 61 V. c. 30, s. 8.

182.—(1) Any druggist may keep or have upon his premises, for his own domestic use, a reasonable quantity of beer, ale, porter, or lager beer, and may keep or have upon his premises or elsewhere for use in his business "ethylic" or absolute alcohol, and may keep or have upon his premises or elsewhere for domestic use or for use in his business any other kind of liquor to the extent of ten gallons, but not more.

(2) Except as permitted by subsection 1 no druggist shall, without the license required by law keep or have upon his premises or elsewhere any liquor whatever, and the keeping or having upon his premises or elsewhere by a druggist, without such license of any liquor save as aforesaid shall be conclusive evidence that the same was kept by him for sale in contravention of this Act, and such liquor may in such case be seized and dealt with in all respects as liquor unlawfully kept for sale on licensed premises; and in the case of "ethylic" or absolute alcohol kept by such druggist upon his premises or elsewhere, if a magistrate having jurisdiction finds that the quantity kept was larger than was reasonably required, having regard to the circumstances of the case, such druggist may be found guilty of keeping liquor for sale in contravention of this Act. 1 Geo. V. c. 65, s. 4, part.

183. Any druggist who keeps for sale or who sells or barterers any liquor without the license required by law except when authorized to do so by this or any other Act shall for the first offence on conviction thereof incur the penalties imposed by section 65 for selling, and for a second or any subsequent offence shall on conviction thereof incur the penalty imposed by section 65 as for a second offence for selling; and in addition thereto his certificate authorizing him to carry on the business of a "chemist and druggist" in Ontario shall ipso facto be void and be of no force or effect whatever for a period of two years from the date of his conviction, a copy of which shall forthwith be sent to the Registrar of the Ontario College of Pharmacy, or until the Council of such College shall see fit in its discretion, after the expiration of such period of two years to reinstate such druggist, who shall not in the meantime be eligible as a member, director or shareholder of any incorporated company dealing in drugs or medicine in Ontario. 1 Geo. V. c. 65, s. 4, part.

184.—(1) Every druggist shall within seven days after demand by the Minister supply the Minister with a written statement verified by affidavit of the amount and kind of liquor sold.
purchased by him during the period specified in such demand, the dates when and the persons from whom such liquor was purchased.

(2) Any person who makes default in supplying such statement shall incur a penalty of $20 for each day during which such default continues. 1 Geo. V. c. 65, s. 4, part.

185. A wholesale druggist may, notwithstanding anything in Part I., sell to a druggist "ethylie" or absolute alcohol for use in his business as such druggist; but this provision shall only apply to wholesale druggists who have filed with the License Branch at Toronto a certificate, which shall be annually renewed not later than the first day of May in each year, signed by the Registrar of the Ontario College of Pharmacy, that the holder of such certificate is a wholesale druggist within the meaning of this Part. 1 Geo. V. c. 65, s. 4, part.


FORM 1.

(Section 12.)

CERTIFICATE.

To the Board of License Commissioners of the License District of

We, the undersigned electors of polling subdivision number of the wherein are situate the premises in respect of which X.Y. is applying for a license for the ensuing license year, do hereby certify that X.Y., the applicant for the said license, is a fit and proper person to be licensed to sell liquors and to keep a , and that the premises in which the said X.Y. proposes to carry on the business for which he seeks a license are, in our opinion, suitable therefor, and that the same are situate in a place where the carrying on of the said business will not be an annoyance to the public generally.

And we have hereto appended our names and the distances, approximately, at which we respectively reside, or own property, from the said premises for which the license is sought.

 signatures, } Distance of premises respectively from premises sought to be licensed.

R.S.O. 1897, c. 245, Sched. A.
FORM 2.

(Section 13.)

FORM OF BOND BY APPLICANT FOR A TAVERN LICENSE.

Know all men by these presents, that we, T.U., V.W., of , and X.Y., of , are held and firmly bound unto His Majesty King George the Fifth, His Heirs and Successors, in the penal sum of $400 of good and lawful money of Canada—that is to say, the said T.U. in the sum of $200, the said V.W. in the sum of $100, and the said X.Y. in the sum of $100 of like good and lawful money, for payment of which well and truly to be made, we bind ourselves and each of us, our heirs, executors and administrators, firmly by these presents.

Whereas the above bounden T.U. is about to obtain a license to keep a tavern or house of entertainment in the of ; the condition of this obligation is such, that if the said T.U. pays all fines and penalties which he may be condemned to pay for any offence against any statute or other provision having the force of law, now or hereafter to be in force, relative to any tavern or house of public entertainment, and does, performs and observes all the requirements thereof, and conforms to all rules and regulations that are or may be established by competent authority in such behalf, then this obligation shall be null and void, otherwise to remain in full force, virtue and effect.

In witness whereof we have signed these presents with our hands, and sealed them with our seals, this day of A.D. 19.

Signed, sealed and delivered

in the presence of us

R.S.O. 1897, c. 245, Sched. B.

FORM 3.

(Section 13.)

FORM OF BOND BY APPLICANT FOR A SHOP LICENSE.

Know all men by these presents, that we, T.U., of V.W., of , and X.Y., of , are held and firmly bound unto His Majesty King George the Fifth, His Heirs and Successors, in the penal sum of $400 of good and lawful money of Canada—that is to say, the said T.U. in the sum of $200, the said V.W. in the sum of $100, and the said X.Y. in the sum of $100, of like good and lawful money, for payment of which well and truly to be made, we bind ourselves and each of us, our heirs, executors and administrators, firmly by these presents.

Whereas the above bounden T.U. is about to obtain a license to keep a shop wherein liquor may be sold by retail in the of ; the condition of this obligation is such, that if the said T.U. pays all fines and penalties which he may be condemned to pay for any offence against any statute or other provision having the force of the law, now or hereafter to be in force, relative to any shop wherein liquor may be sold by retail, and does, performs and observes all the requirements thereof, and conforms to all rules and regulations that are or may be established by competent authority in such behalf, then this obligation shall
be null and void, otherwise to remain in full force, virtue and
effect.

In witness whereof we have signed these presents with our hands
and sealed them with our seals, this day of

Signed, sealed and delivered in the presence of us.

Signed:
X. Y. [L.S.]
T. U. [L.S.]
V. W. [L.S.]

R.S.O. 1897, c. 245, Sched. C.

---

FORM 4.

(Section 21.)

PROVISIONAL CONSENT TO TRANSFER OF LICENSE BY THE INSPECTOR
PENDING THE DECISION OF THE BOARD OF COMMISSIONERS.

In pursuance of section 21 of The Liquor License Act, I hereby
consent that the Licensee named in the annexed license, his assigns
or legal representatives, may provisionally transfer the hereunto
annexed license, and all his and their interests therein to
be held by him subject to all the provisions of the
said Act; the written consent to such transfer by the Board of
License Commissioners, to be hereafter obtained within the time
prescribed by law.

Dated this day of A.D. 19

Inspector.

N.B.—This provisional consent shall remain in force for
days from the date hereof, and no longer.

Countersigned.

Commissioner.

R.S.O. 1897, c. 245, Sched. D.

---

FORM 5.

(Sections 84 and 91.)

GENERAL FORM OF INFORMATION.

ONTARIO.

The Information of A.B., of the township of
County of York, York, in the County of York, License In-
spector, laid before me, C.D., Police Magis-
trate, in and for the City of Toronto, [or one of His Majesty's
Justices of the Peace, in and for the County of York], the
day of A.D. 19.

The said informant says, he is informed and believes that X.Y.
on the day of A.D. 19, at the Township
of York, in the County of York, unlawfully did sell liquor without
the license therefor by law required [or as the case may be—See
forms in Schedule F.]

Laid and signed before me the day and year, and at the
place first above mentioned.

C.D.

P.M. or J.P.

A.B.

R.S.O. 1897, c. 245, Sched. E.
FORM 6.
(Sect. 91.)
FORMS FOR DESCRIBING OFFENCES.

1. Neglecting to keep license exposed. (Sect. 46.)
   "That X.Y., having a license by wholesale [or shop or tavern license] on
   [or at] unlawfully and wilfully (or negligently) omitted to expose the said license in his warehouse
   [or shop, or in the bar-room of his tavern, as the case may be.]

2. Neglecting to exhibit notice of license. (Sect. 47.)
   "That X.Y., being the keeper of a tavern [or inn or house or place of public entertainment] in respect of which a tavern license
   has duly issued and is in force, on [at] unlawfully did not exhibit over the door of such tavern, [or inn, etc.,] in large letters, the words, "Licensed to sell wine, beer, and
   other spirituous or fermented liquors," or "Licensed to sell beer and wine," as required by The Liquor License Act."

3. Sale without license. (Sect. 48.)
   "That X.Y., on the day of A.D. 19 ,
   [or at] unlawfully did sell liquor without the license therefor by law required."

4. Keeping liquor without license. (Sect. 49.)
   "That X.Y., at
   [or at] unlawfully did keep liquor for the purpose of sale, barter and traffic therein, without the license therefor by law required."

5. Sale of liquor on licensed premises during prohibited hours. (Sects. 50 and 51.)
   "That X.Y., on [or at] in his premises [or on, or out of, or from, his premises] being a place where liquor may be sold, unlawfully did sell [or dispose of] liquor during the time prohibited by The Liquor License Act, for the sale of the same."

6. Allowing liquor to be drunk on licensed premises during prohibited hours. (Sects. 50, 51 and 66.)
   "That X.Y., on [or at] in his premises, being a place where liquor may be [or is] sold, by retail [or wholesale] unlawfully did allow [or permit] liquor to be drunk in such place during the time prohibited by The Liquor License Act for the sale of the same.

7. Sale of less than lawful quantity. (Sect. 2.)
   "That X.Y., having a shop license on [or at] unlawfully did sell liquor in a less quantity than allowed by law."

8. Sale under wholesale license in less than wholesale quantities. (Sect. 52 (c).)
   "That X.Y., having a license to sell by wholesale on [or at] unlawfully did sell liquor in a less quantity than allowed by law.

9. Sale (or keeping for sale) under beer and wine license of liquor other than authorized by the license. (Sect. 35.)
   "That X.Y., being the holder of a Beer and Wine License on [or at] did unlawfully sell [or give, or keep for sale] other liquor than is authorized by his license, in the house and upon the premises for which such license has been granted."

10. Allowing liquor to be consumed in a shop. (Sect. 53.)
    "That X.Y., having a shop license on [or at] unlawfully did allow liquor to be consumed within his shop [or within the building of which his shop forms a part, or within a building which communicates by an entrance with his shop]."
11. Allowing liquor to be consumed on premises under wholesale license. (Section 171.)

"That X.Y., having a license by wholesale on , unlawfully did allow liquor to be consumed within his warehouse [or shop, or within a building which forms part of, (or is appurtenant to or which communicates by an entrance with a warehouse or shop, or premises) wherein an article to be sold (or disposed of) under such license, is sold by retail (or wherein there is kept a broken package of an article for sale under such license)]"

12. Illegal sale by druggists. (Section 175.)

"That X.Y., being a druggist on , did unlawfully sell liquor for other than strictly medicinal purposes [or sell liquor in packages of more than six ounces at one time without a certificate from any legally qualified medical practitioner, or sell liquor without recording the same], as required by The Liquor License Act.

13. Keeping a disorderly house. (Section 75.)

"That X.Y., being the keeper of a tavern [or ale-house, or beer-house, or house of public entertainment], situate in the City [or Town, or Village, or Township] of in the County of on in his said tavern [or house] unlawfully did sanction [or allow] gambling, [or riotous, or disorderly conduct] in his said tavern [or house].

14. Harbouring constables on duty. (Section 76.)

"That X.Y., being licensed to sell liquor on , unlawfully and knowingly did harbour [or entertain or suffer to abide and remain on his premises] O.P., a constable belonging to a police force.

15. Compromising or compounding a prosecution. (Section 77.)

"That X.Y., having violated a provision of The Liquor License Act, on , unlawfully did compromise [or compound, or settle, or offer, or attempt to compromise, compound, or settle], the offence with A.B., with the view of preventing any complaint being made in respect thereof [or with the view of getting rid of, or of stopping, or of having the complaint made in respect thereof dismissed, as the case may be]."

16. Being concerned in compromising a prosecution. (Section 77.)

"That X.Y., on , at , unlawfully was concerned in [or a party to] a compromise [or a composition, or a settlement] of an offence committed by O.P., against a provision of The Liquor License Act."

17. Tampering with a witness. (Section 78.)

"That X.Y., on a certain prosecution under The Liquor License Act, on , at , unlawfully did tamper with O.P., a witness in such prosecution, before [or after] he was summoned [or appeared] as such witness on a trial [or proceeding] under the said Act, [or unlawfully did induce, or attempt to induce O.P., a witness in such prosecution, to absent himself, or to swear falsely]."

18. Refusing to admit policeman. (Section 130.)

"That X.Y., on the , at , being in (or having charge of) the premises of O.P., being a place where liquor is sold [or reputed to be sold unlawfully] did refuse [or fail] to admit [or did obstruct or attempt to obstruct] E.F., an officer demanding to enter in the execution of his duty [or did obstruct or attempt to obstruct E.F., an officer making searches in said premises, and in the premises connected with such place]."

19. Officer refusing to prosecute. (Sections 129 and 136.)

"That X.Y., being a police officer [or constable, or Inspector of Licenses] in and for the , in the County
knowing that O.P. had on committed an offence against the provisions of The Liquor License Act, unlawfully and willfully did, and still does, neglect to prosecute the said O.P. for his said offence.

R.S.O. 1897, c. 245, Sched. F.

FORM 7.

(Section 91.)

FORM OF INFORMATION FOR SECOND, THIRD OR FOURTH OFFENCE.

ONTARIO, } THE INFORMATION of A.B., of, etc., License In-  }
County of York, } Inspector, laid before me, C.D., Police Magis-  }
To Wit: of } trate in and for the [or one of His Majesty’s Justices of the Peace in and for the County of ] the day of A.D. 19 .

The said Informant says he is informed and believes that X.Y., on [describe last offence],

And further that the said X.Y. was previously, to wit: on the day of A.D. 19 , at the City of Toronto, before C.D., Police Magistrate in and for the [or at the of ], in the County of York, before E.F. and G.H., two of His Majesty’s Justices of the Peace in and for the County of , duly convicted of having, on the day of 19 , at the of , in the County of , unlawfully sold liquor without the license therefor required by law [or as the case may be].

And further, that the said X.Y. was previously, to wit: on the day of , A.D. 19 , at the of , in the County of , before, etc. [as in preceding paragraph], again duly convicted of having, on the day of , A.D. 19 , at the of , in the County of , having a shop license, unlawfully allowed liquor to be consumed within a building which communicates by an entrance with his shop.

And further, that the said X.Y. was previously, to wit: on the day of , A.D. , at the of , in the County of , before, etc. (see above), again duly convicted of having, on the day of , A.D. , at the of , in the County of (being in charge of the premises of O.P., a place where liquor was reputed to be sold), unlawfully failed to admit E.F., an officer demanding to enter in the execution of his duty.

And the informant says the offence hereinafter first charged against the said X.Y. is his fourth offence against The Liquor License Act.

Laid and signed before me the day and year, and at the place first above mentioned.

C.D.,
J.P.

R.S.O. 1897, c. 245, Sched. G.
ONTARIO,
County of York, To J.K., of the City of Toronto, in the County of York.

Whereas, information has been laid before me, C.D., one of His Majesty's Justices of the Peace in and for the County of , that X.Y. being a druggist, on the day of , 19 , at the Township of , in the County of , unlawfully did sell liquor for other than strictly medicinal purposes, and it has been made to appear to me that you are likely to give material evidence on behalf of the prosecutor in this behalf.

These are to require you, under pain of imprisonment in the Common Gaol, personally to be and appear on Tuesday, the day of , A.D. 19 , at ten o'clock in the forenoon, at the of , in the presence of me or such Justice or Justices of the Peace as may then be there, to testify what you shall know in the premises [and also to bring with you and there and then produce all and every invoices, cash books, day books, or ledgers and receipts, promissory notes, or other security relating to the purchase or sale of liquor by the said X.Y., and all other books and papers, accounts, deeds, and other documents in your possession, custody or control, relating to any matter connected with the said prosecution].

Given under my hand and seal this day of , A.D. 19 , at the of , in the County of .

C.D.,

J.P. (L.S.)

R.S.O. 1897, c. 245, Sch. H.

FORM 9.

FORM OF CONVICTION FOR FIRST OFFENCE.

ONTARIO,
County of York, Be it Remembered that on the day of A.D. 19 , at the of , in the said County of York, X.Y. was convicted before me, C.D., Police Magistrate in and for the of (or before us, E.P. and G.H., two of His Majesty's Justices of the Peace in and for the said County), for that he, the said X.Y., on the day of A.D. 19 , at the of , in the said County, in his premises, being a place where liquor may be sold, unlawfully did sell liquor during the time prohibited by the Liquor License Act for the sale of the same, without any requisition for medicinal purposes, as required by said Act, being produced by the vendee or his agent (or as the case may be). A.B. being the informant, and I (or we) adjudge the said X.Y., for his said offence, to forfeit and pay the sum of $ , to be paid and applied according to law, and also to pay to the said A.B. the sum of $ for his costs in this behalf, and if the said several sums be not paid forthwith, then [I or we] order the said sums to be levied by distress and sale of the goods and chattels of the said X.Y., and in default of sufficient distress in that behalf [or if distress is not ordered omit the foregoing words and proceed] I (or we) adjudge the said X.Y. to be imprisoned in
the Common Gaol for the County of , at , in the said County, and there to be kept for the space of fifteen days, unless the said sums and the costs and charges of conveying the said X.Y. to the said Common Gaol shall be sooner paid.

Given under my hand and seal [or our hands and seals] the day and year first above mentioned, at the of , in the County aforesaid.

C.D., (L.S.)
Police Magistrate.

or E.F.,
J.P., (L.S.)

G.H.,
J.P., (L.S.)
R.S.O. 1897, c. 245, Sched. I.

---

FORM 10.

(Section 88.)

FORM OF CONVICTION FOR A THIRD OFFENCE.

ONTARIO, Be it remembered that on the day County of York, of A.D. 19 , in the of To Wit: , in the said County, X.Y. is convicted before the undersigned C.D., Police Magistrate in and for the of , in the said County [or C. D. and E.F., two of His Majesty's Justices of the Peace in and for the said County], for that he, the said X.Y., on the day of A.D. 19 , at the of [or of ], in said County (as the case may be), having violated a provision of The Liquor License Act, unlawfully did attempt to settle the offence with A.B., with the view of having the complaint made in respect thereof dismissed. And it appearing to me [or us] that the said X.Y. was previously, to wit: on the day of A.D. 19 , at the City of Toronto, before, etc., duly convicted of having, on the day of A.D. 19 , at the of , unlawfully sold liquor without a license therefor by law required. And it also appearing to me [or us] that the said X.Y. was previously, to wit: on the day of A.D. 19 , at the of , before, etc., (see above) again duly convicted of having, on the day of A.D. 19 , at the of , being the keeper of a tavern situate in the said of , unlawfully allowed gambling in his said tavern [or as the case might be].

I [or we] adjudged the offence of said X.Y., hereinbefore firstly mentioned to be his third offence against The Liquor License Act (A.B. being the informant), and I [or we] adjudged the said X.Y., for his said third offence, to be imprisoned in the Common Gaol of the said of , in the said County of , to be kept without hard labour [or with hard labour, as the case may be] for the space of three calendar months (or as the case may be).

Given under my hand and seal [or our hands and seals] the day and year first above mentioned, at Toronto, in the County of York.

C.D. (L.S.)

or

C.D. (L.S.)
E.F. (L.S.)
R.S.O. 1897, c. 245, Sched. J.
FORM 11.

(Warrant of Commitment for First Offence where a Penalty is Imposed.)

Ontario, County of

To all or any of the Constables or other Peace Officers in the said County of ,

To Wit: and to the Keeper of the Common Gaol of the said County at in the County of

Whereas X.Y., late of the of , in the said County, was on this day convicted before the undersigned, C.D., Police Magistrate in and for the of [or C.D. and E.F.], two of His Majesty's Justices of the Peace in and for the of or County of (as the case may be), for that he, the said X.Y., on , at , unlawfully did sell liquor without the license therefor by law required (state offence as in the conviction), (A.B. being the informant), and it was thereby adjudged that the said X.Y., for his offence, should forfeit and pay the sum of (as in conviction), and should pay to the said A.B. the sum of for his costs in that behalf.

And it was thereby further adjudged that if the said several sums should not be paid forthwith, the said X.Y. should be imprisoned in the Common Gaol of the said County at , in the said County of , there to be kept at hard labour (or as the case may be) for the space of , unless the said several sums and the costs and charges of conveying the said X.Y. to the said Common Gaol should be sooner paid.

And whereas the said X.Y. has not paid the said several sums, or any part thereof, although the time for payment thereof has elapsed.

[If a distress warrant issued and was returned, no goods, or not sufficient goods, say, "And whereas, afterwards on the day of , A.D. 19 , I the said Police Magistrate (or we, the said Justices), issued a warrant to the said Constables or Peace Officers, or any of them, to levy the said several sums of and by distress and sale of the goods and chattels of the said X.Y.;

"And whereas it appears to me (or us) as well, by the return of the said warrant of distress by the Constable who had the execution of the said or otherwise, that the said Constable has made diligent search for the goods and chattels of the said X.Y., but that no sufficient distress whereon to levy the said sums could be found."

These are, therefore to command you, the said Constables or Peace Officers, or any one of you, to take the said X.Y., and him safely convey to the Common Gaol aforesaid, at , in the County of , and there deliver him to the Keeper thereof, together with this precept.

And I (or we) do hereby command you, the said Keeper of the said Common Gaol, to receive the said X.Y. into your custody in the said Common Gaol, there to imprison him and keep him for the space of (without hard labour or with hard labour, as the case may be) unless the said several sums and all costs and charges of the said distress, amounting to the sum of and of the commitment and conveying of the said X.Y. to the said Common Gaol, amounting to the further sum of , shall
LIQUOR LICENSES.

Form 11.

be sooner paid unto you, the said Keeper, and for so doing this shall be your sufficient warrant.

Given under my hand and seal (or our hands and seals) this day of , at , in the said County of 

C.D. (L.S.)

or

C.D. (L.S.)

E.F. (L.S.)

R.S.O. 1897, c. 245, Sched. K.

FORM 12.

(Section 91.)

WARRANT OF COMMITMENT FOR SECOND (OR THIRD) OFFENCE, WHERE PUNISHMENT IS BY IMPRISONMENT ONLY.

ONTARIO, To ALL OR ANY OF THE CONSTABLES OR OTHER PEACE OFFICERS IN THE SAID COUNTY OFYork, and to the keeper of the Common Gaol of the said County at , in the County of

Whereas X.Y., late of the said County, was on this day convicted before the undersigned, C.D., etc., (or C.D. and E.F., etc., as in preceding form); for that he, the said X.Y., on (state offence, with previous convictions, as set forth in the conviction for the second or third offence, or as the case may be, and then proceed thus): "And it was thereby adjudged that the offences of the said X.Y., hereinbefore firstly mentioned, was his second (or third) offence against The Liquor License Act (A.B. being the informant). And it was thereby further adjudged that the said X.Y., for his said second (or third) offence should be imprisoned in the Common Gaol of the said County of , at , in the said County of , and there to be kept without hard labour (or with hard labour, as the case may be) for the space of three calendar months.

These are, therefore, to command you, the said Constables, or any one of you, to take the said X.Y., and him safely convey to the said Common Gaol, at , aforesaid, and there deliver him to the Keeper thereof, with this precept. And I (or we) do hereby command you, the said Keeper of the said Common Gaol, to receive the said X.Y. into your custody in the said Common Gaol, there to imprison him and to keep him without hard labour (or with hard labour, as the case may be) for the space of three calendar months.

Given under my hand and seal (or our hands and seals) this day of , A.D. 19 , at , in the said County of 

C.D. (L.S.)

or

C.D. (L.S.)

E.F. (L.S.)

R.S.O. 1897, c. 245, Sched. L.
FORM 13.

(Section 132.)

FORM OF DECLARATION OF FORFEITURE AND OF ORDER TO DESTROY LIQUOR SEIZED.

If in conviction, after adjudging penalty or imprisonment, as in Form 7, proceed thus:

"And I [or we] declare the said liquor and vessels in which the same is kept, to wit: two barrels containing beer, three jars containing whiskey, two bottles containing gin, four kegs containing lager beer, and five bottles containing native wine [or as the case may be], to be forfeited to His Majesty, and I [or we] do hereby order and direct that T.D., License Inspector of the do forthwith destroy the said liquor and vessels."

Given under my hand and seal the day and year above mentioned, at, etc.

If by separate or subsequent Order:

"COUNTY OF YORK, } We, E.F. and G.H., two of His Majesty's
To Wit: } Police Magistrate of the said County,
[ or C.P., ] having on the day of 19, at the Township of , in said County, duly convicted X.Y. of having unlawfully kept liquor for sale without license, do hereby declare the said liquor and vessels in which the same is kept, to wit: [describe the same as above], to be forfeited to His Majesty, and we do hereby order and direct that J.I'.W., License Inspector of the do forthwith destroy the said liquor and vessels.

Given under our [or my] hands and seals, this day of , A.D. 19, at the Township of Scarboro, in the said County.

E.F. (L.S.)
G.H. (L.S.)
C.D. (L.S.)

R.S.O. 1897, c. 245, Sched. M.

FORM 14.

(Section 40.)

CANADA.

PROVINCE OF ONTARIO.

This is to certify that , of the , having paid into the License Fund the statutory duty of two dollars, is hereby authorized to act as a bar tender within the License District of for the current license year of , subject to the provisions of the law in that behalf. This license shall expire on the last day of April next ensuing.

Dated this day of , A.D.,

License Inspector

for the License District of

6 Edw. VII. c. 47, s. 6 (9).
FORM 15.

(Section 164.)

To be used in the case of a Company.

We, of the of , each (or ourselves) make oath and say:

1. That I, the said , am the President (or as the case may be) of the company, licensed by the Government of the Dominion of Canada as a brewer (or distiller, as the case may be), and that I, the said , am the Manager (or as the case may be) of the said company.

2. That the said company carries on business as a brewer (or distiller) in the of , in the County of

3. That the amount invested in the said business on the day of last was as nearly as I can ascertain, after careful investigation and computation, and to the best of my knowledge, and as I verily believe, $ .

4. That, in ascertaining the said amount so invested in the said business, there has been, and is, included the value of all the lands, buildings and plant used or occupied in the said business of brewer (or distiller) for the purpose of such business as such brewer (or distiller) and the value of the goods, chattels, personal property and other assets belonging to the business or used in connection therewith, and the value of the stock in trade on hand on the day aforesaid, except malt, without the deduction therefrom of the liabilities of the said company.

Sworn before me at the in the County of this day of , A.D. 19.

62 V. (2), c. 31, Sched. N., Form No. 1; 63 V. c. 42, s. 2.

FORM 16.

(Section 164.)

To be used in the case of a Partnership.

I, of the , of , in County of make oath and say:

1. That I am a member of the partnership firm of licensed by the Government of the Dominion of Canada as brewers (or distillers), and have personal knowledge of the details of the said business and with all facts hereinafter set out.

2. That the said partnership firm is composed of the following members: (Give names of all members of the partnership firm).

3. That the said partnership firm carries on business as brewers (or distillers) in the of , in the County of

4. That the amount invested in the said business of the said partnership firm on the of last was as nearly as I can ascertain, after careful investigation and computation and to the best of my knowledge and as I verily believe, $ .
5. That, in ascertaining the said amount so invested in the said business, there has been, and is, included the value of all the lands, buildings and plant used or occupied in the said business of brewer (or distiller), for the purposes of such business as such brewer (or distiller), and the value of the goods, chattels, personal property, and other assets belonging to the business or used in connection therewith, and the value of the stock in trade on hand on the day aforesaid, except malt, without the deduction therefrom of the liabilities of the said partnership firm.

Sworn before me at the
in the County of , this
day of , A.D. 19.

62 V. (2), c. 31, Sched. N., Form No. 2; 63 V. c. 42, s. 2.

---

FORM 17.

(Section 164.)

To be used in the case of an Individual.

I, , of the
and say:

1. That I am a brewer (or distiller), licensed by the Government of the Dominion of Canada (or as the case may be).

2. That I carry on my business as a brewer (or distiller) in the
of
in the County of

3. That the amount invested in my said business on the
day of last was as nearly as I can ascertain after careful investigation and computation, and to the best of my knowledge and as I verily believe, $.

4. That, in ascertaining the said amount so invested in the said business, there has been and is included the value of all the lands, buildings and plant used or occupied in the said business of brewer (or distiller) for the purpose of such business as such brewer (or distiller) and the value of the goods, chattels, personal property and other assets belonging to the business or used in connection therewith, and the value of the stock in trade on hand on the day aforesaid, except malt, without the deduction therefrom of any liabilities of the said business.

Sworn before me at the
in the County of , this
day of , A.D. 19.

63 V. (2), c. 31, Sched. N., Form No. 3; 63 V. c. 42, s. 2.
6. PUBLIC MORALS.

Chapter 246 of the Revised Statutes of Ontario, 1897, known as "An Act to Prevent the Profanation of the Lord's Day, is omitted from the present Revision.

In Attorney-General for Ontario v. The Hamilton Street Railway Company and others, [1903] A. C. 524.—it was Held that "An Act to prevent the Profanation of the Lord's Day" (Revised Statutes of Ontario, 1897, c. 246) treated as a whole is ultra vires of the Ontario Legislature. The criminal law in its widest sense is reserved by s. 91, sub-s. 27 of the British North America Act, 1867, for the exclusive authority of the Dominion Parliament; and an infraction of the above Act is an offence against criminal law.

Chapter 104 of the Consolidated Statutes for Upper Canada, An Act to Prevent the Profanation of the Lord's Day in Upper Canada, which was embodied in the subsequent revisions, Revised Statutes of Ontario, 1877, chapter 189, Revised Statutes of Ontario, 1887, chapter 203, and Revised Statutes of Ontario, 1897, chap. 216, is as follows:—

Whereas it is expedient to enact a law against the profanation of the Lord's Day, commonly called Sunday, which day ought to be duly observed and kept holy: Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

1. It is not lawful for any merchant, tradesman, artificer, mechanic, workman, labourer or other person whatsoever, on the Lord's Day to sell or publicly show forth, or expose, or offer for sale, or to purchase any goods, chattels, or other personal property, or any real estate whatsoever, or to do or exercise any worldly labour, business or work of his ordinary calling (conveying travellers or Her Majesty's mail, by land or by water, selling drugs and medicines and other works of necessity, and works of charity, only excepted). 8 V. c. 45, s. 1.

2. It is not lawful for any person on that day to hold, convene, or to attend any public political meeting, or to tipple, or to allow or permit tippling in any inn, tavern, grocery or house of public entertainment, or to revel, or publicly exhibit himself in a state of intoxication, or to brawl or use profane language in the public streets or open air, so as to create any riot or disturbance, or annoyance to Her Majesty's peaceable subjects.

3. It is not lawful on that day to play at skittles, ball, foot-ball, racket, or any other noisy game, or to gamble with dice or otherwise, or to run races on foot, or on horseback, or in carriages, or in vehicles of any sort. 8 V. c. 45, s. 2.

4. Except in defence of his property, from any wolf or other ravenous beast or a bird of prey, it is not lawful for any person on that day to go out hunting or shooting, or in quest of, or to take, kill or destroy, any deer or other game, or any wild animal.
or any wild fowl or bird, or to use any dog, gun, rifle or other engine, net or other trap, for the above mentioned purpose. 8 V. c. 45, s. 1.

5. It is not lawful for any person on that day to go out fishing or to take, kill or destroy any fish, or to use any gun, fishing rod, net or other engine for that purpose. 8 V. c. 45, s. 1.

6. It is not lawful for any person on that day to bathe in any exposed situation i.e. any water within the limits of any incorporated city or town, or within view of any place of public worship, or private residence. 8 V. c. 45, s. 1.

7. Any person convicted before a Justice of the Peace of any act hereinbefore declared not to be lawful, upon the oath or affirmation of one or more than one creditable witness, or upon view had of the offence by the said justice himself, shall, for every such offence, be fined in a sum not exceeding forty dollars, nor less than one dollar, together with the costs and charges attending the proceedings and conviction. 8 V. c. 45, s. 3.

8. All sales and purchases, and all contracts and agreements for sale or purchase, of any real or personal property whatsoever, made by any person or persons on the Lord's Day shall be null and void. 8 V. c. 45, s. 2.

9. When any person has been charged upon oath or otherwise, in writing, before any Justice of the Peace, with any offence against this Act, the said Justice shall summon the person so charged to appear before him, at a time and place to be named in such summons, and if such person fails or neglects to appear accordingly, then (upon proof of due service of the summons upon such person, by delivering or leaving a copy thereof at his house, or usual or last place of abode, or by reading the same over to him personally,) the said Justice may either proceed to hear and determine the case ex parte, or issue his warrant for apprehending such person, and bringing him before himself, or some other Justice of the Peace having jurisdiction within the same county or municipality; and the justice before whom the person charged appears or is brought, shall proceed to hear and determine the case, or the said justice, on view of the offence, may verbally order, or if on the complaint of a third party, then may, in writing, order the offender to be at once committed (although it be on the Lord's Day) to the common gaol of the place, or into other safe custody, there to remain until the morrow, or some other day, according to circumstances, until the case be heard and disposed of. 8 V. c. 45, s. 4.

10. The justice before whom any person is convicted of any offence against this Act, may cause the conviction to be drawn up in the following form, or in other form of words to the same effect, as the case may require, that is to say: 8 V. c. 45, s. 5.

Be it remembered, that on the day of , in the year of our Lord, eighteen , at , in the County of , (or at the City of , as the case may be;) A.R. of , is convicted before me, C.D., one of Her Majesty's Justices of the Peace for the said county, (or city, as the case may be;) for that he, the said A.B., did (specify the offence and the time and place, when and where the same was committed, as the case may be;) and I, the said C.D., adjudge the said A.B., for his offence to pay, (immediately, or on or before the day of ,) the sum of , and also the sum of , for costs; and in default of payment of the said sums respectively, to be imprisoned in the common gaol of the said county (or city, as the case may be;) for the space of months, unless the said sums be sooner paid; and I direct that the said sum of
THE PENALTY) shall be paid as follows, that is to say; one moiety thereof to the party charging the offence, and the other moiety to the Treasurer of the County, ( naming the one in which the offence was committed, or Chamberlain, of the said city, as the case may be) to be by him applied according to the provisions of the Act, ( insert the title of this Act).

Given under my hand and seal, the day and year first above mentioned.

C.D., J.P. (L.S.)

11. A conviction under this Act shall not be quashed for want of form; nor shall any Warrant of Commitment be held void by reason of any defect therein, if it be therein alleged that the party has been convicted, and there be a good and valid conviction to sustain the commitment. 8 V. c. 45, s. 6.

12. In default of payment of any fine imposed under this Act, together with the costs attending the same, within the period by the Justice of the Peace before whom such conviction takes place, specified for the payment thereof at the time of conviction, such Justice of the Peace ( if he deems it expedient so to do) may issue his Warrant directed to any Constable to levy the amount of such fine and costs within a certain time, to be in the said Warrant expressed; and in case no distress sufficient to satisfy the amount be found, he may commit the offender to the common gaol of the county wherein the offence was committed, for any term not exceeding three months, unless the fine and costs be sooner paid. 8 V. c. 45, s. 7.

13. The prosecution for any offence punishable under this Act, must be commenced within one month after the commission of the offence, and not afterwards; and the evidence of any inhabitant of the county or municipality in which the offence has been committed, shall be admitted and receivable, notwithstanding the fine incurred by the offence may be payable for the benefit of such municipality; but the party who makes the charge in writing before the Justice, shall not be admitted as a witness in the case. 8 V. c. 45, s. 8.

14. In case a person thinks himself aggrieved by any conviction or decision under this Act, then, in case such person, within six days after such conviction or decision, and ten days at least before the first Court of General Quarter Sessions of the Peace, or in cities before the first Recorder's Court, ( if there be a Recorder's Court) to be held not sooner than twelve days next after such conviction or decision, may appeal in the manner provided in and subject to the provisions of the Act respecting Appeals in cases of Summary Conviction. 8 V. c. 45, s. 9.

15. Every Justice of the Peace before whom any person is convicted of any offence against this Act, shall transmit the conviction to the next Court of General Quarter Sessions, or Recorder's Court (as the case may be) to be held for the county or city wherein the offence was committed, there to be kept by the proper officer among the records of the court. 8 V. c. 45, s. 10.

16. All actions and prosecutions to be commenced against any person for anything done in pursuance of this Act, shall be laid and tried in the county where the fact was committed, and must be commenced within six months after the fact committed, and not afterwards; and notice in writing, of such action, and of the cause thereof, must be given to the defendant one month at least before the action; and in any such action the defendant may plead the general issue, and give this Act and the special matter in evidence at any trial to be had thereupon. 8 V. c. 45, s. 11.
17. No plaintiff shall recover in such action, if tender of sufficient
amends be made before such action brought, or if a sufficient sum
of money be paid into court after such action brought, by or on
behalf of the defendant; and if a verdict passes for the defendant,
or the plaintiff becomes non-suit, or discontinues any such action
after issue joined, or if upon demurrer or otherwise judgment be
given against the plaintiff, the defendant may recover his full costs,
as between attorney and client, and have the like remedy for the
same as any defendant hath by law in other cases. 8 V. c. 45, s. 11.

18. All sums of money awarded or imposed as fines or penalties,
by virtue of this Act, shall be paid as follows, that is to say, one
moiety thereof shall be paid to the party charging the offence in
writing before the Justice, and the other moiety to the treasurer
of the county or city wherein the offence was committed, to be
by him accounted for in the same manner as for other moneys
deposited with or paid over to him. 8 V. c. 45, s. 12.

19. This Act is not to extend to the people called Indians. 8 V.
c. 45, s. 14.