

An Act respecting the Sale of Intoxicating Liquors.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the province of Alberta, enacts as follows:

1. This Act may be cited as "The Liquor Dispensary Act". . . .

2. In this Act, unless the context otherwise requires—

(a) "Liquor" or "Liquors" means and includes every spirituous, ~~vinous~~ vinous or malt liquor, and any and every combination of such liquors as are intoxicating, and any mixed liquor, capable of being used as a beverage, and part of which is spirituous or otherwise intoxicating, and for the purpose of this Act, any liquor which contains more than two and one-half (2 1/2) per cent. of proof spirits shall be conclusively deemed to be intoxicating.

Without restricting the generality of the foregoing, "Liquor" or "Liquors" shall mean and include brandy, whiskey, absinthe, rum, gin, ale, porter, lager beer, hard cider and wines.

(b) "Board" means the board of Commissioners.

(c) "Electors" means the persons entitled to vote at an election for a member of the Legislative Assembly of the Province of Alberta.

3. Nothing in this Act shall apply to —

(a) To the sale of beer in any canteen of the Royal North-West Mounted Police, established by proper authority; such sale to be restricted to the members of the Royal North-West Mounted Police.

(b) To the mess of any portion of the militia of Canada, established by proper authority; such sale to be restricted to the members of the militia of Canada.

(c) To the sale by any licensed distiller or brewer <sup>whose distillery or brewery is situated in</sup> ~~within the~~ Province of Alberta, of the liquor manufactured at his distillery or brewery, provided such sale is to the board, to some person, firm or corporation obtaining a permit to purchase the same, under the provisions of this Act, or for export without the Province and shipped to some point without the Province, and such distiller or brewer shall keep a record of such sales and shipments, which record shall be open at all reasonable times to the inspection of the board, its servants or agents.

4. No licenses shall be granted under the provisions of the

"The Liquor License Ordinance" and the amendments thereof, to extend beyond the 1st day of July, A.D. 1909.

5. At least six months before the said 1st day of July, 1909, there shall be constituted a board of commissioners, to be composed of three members, who shall be appointed, and whose remuneration shall be fixed, by the Lieutenant Governor in Council, and who shall hold office during the pleasure of the Lieutenant Governor in Council.

6. It shall be the duty of the board to establish, by the 1st day of July, 1909, wholesale and retail liquor dispensaries, as hereinafter provided, to engage and discharge dispensers, to manage through such dispensers, the dispensaries established, and generally to enforce the provisions of this Act.

7. The board shall establish and maintain one wholesale dispensary in the City of Calgary, and one in the City of Edmonton, from which wholesale dispensaries, the retail dispensaries throughout the Province shall be supplied.

8. No liquor shall be supplied from the wholesale dispensaries to any person, firm or corporation, other than to the retail dispensaries except as hereinafter provided.

9. The board may establish and maintain one retail liquor dispensary in every city, town or incorporated village, where immediately before the 1st day of July, 1909, there shall have been one or more hotel licenses, unless it receives a petition as in form "A" of the schedule, signed by three-fifths of the electors, praying that no such dispensaries be established. In every such city, town or incorporated village, the board may establish one additional <sup>retail</sup> dispensary for every 4000 of the population after the first 500, up to 20,000; thereafter, the board may establish one additional dispensary for every 6000 of the population; but the establishment of all such retail dispensaries shall be wholly in the discretion of the board.

10. In any city, town or incorporated village, where immediately before the said 1st day of July, 1909, there shall have been no hotel license, the board may establish one retail dispensary upon the receipt of a petition as in form "A" of the schedule hereto, signed by three-fifths of the electors of such city, town or incorporated village. In such cities, towns or incorporated villages, the provisions of the last preceding section as to additional dispensaries, shall apply.

11. In any city, town or incorporated village where one or more

retail dispensaries shall have been established under the provisions of this Act, the board shall discontinue such dispensary or dispensaries upon the receipt of a petition as in Form "B" of the schedule hereto, signed by three-fifths of the electors of such city, town or incorporated village.

12. Retail dispensaries, shall so far as possible be placed upon the main streets or thoroughfares of the places where they are situate, and shall have but one means of entrance or exit, by a door facing the street upon which the dispensary fronts. <sup>No</sup> Such dispensaries shall have any interior communication with any other building or room, save that every such dispensary may have a cellar or wareroom connected therewith for the storing of liquor; but such cellar or wareroom shall have no communication with any house or room, save the dispensary.

13. Every <sup>retail</sup> dispensary shall have a plate glass window front, reaching from within two feet of the floor to within two feet of the ceiling and such window shall not be obstructed by blinds, curtains screens or any other contrivance to obstruct the full and unimpeded view of the interior of the dispensary from the street.

14. Every dispenser appointed under the provisions of this Act shall hold a third class certificate as defined by the regulations of the <sup>the</sup> Department of Education of the Province of Alberta, or shall have an education equivalent to the requirements for such certificate. For the purpose of determining the educational qualification of applicants for the position of dispensers, the board shall appoint three competent persons as an examining body and shall prepare a standard for examination and make all necessary arrangements as to the time of holding and the conduct of such examinations. <sup>Provided</sup> that no applicant holding the said certificate or any certificate deemed by the examiners equivalent ~~thereto~~ thereto shall be required to undergo an examination as to his educational qualification.

15. Every dispenser shall, before entering upon the duties of his position, subscribe an oath (or affirmation) of office as in Form " " in the schedule hereto and shall enter into a bond to the approval of the board in the penal sum of \$500, conditioned for the faithful performance of his duties and the enforcement of the provisions of this <sup>Act</sup> Act, in so far as they relate to the duties of such dispenser.

16. Every dispenser employed under the provisions of this Act shall be a peace officer, for the Province of Alberta, for the purpose of enforcing of this Act and of enforcing order in the dispensaries.

17. In any retail dispensary no greater quantity of liquor shall be sold to any one person at any one time than half a gallon of Ale, Beer or Porter, or one quart of Wine or Spirits.

18. Books shall be kept at both the wholesale dispensaries and the retail dispensaries showing in the case of the wholesale dispensaries the particulars of all liquor purchased and distributed to the retail dispensaries, and in the case of the retail dispensaries of the liquor received from the wholesale dispensaries and dispensed. In addition, in every retail dispensary, there shall be kept a register, in which shall be entered the name and post office address of every customer purchasing of the kind furnished by the Board for each particular kind of liquor, so ~~dispensed~~ a larger quantity of liquor than one glass. Monthly written reports shall be compiled from such books and shall be forwarded to the Board.

19. No liquor shall be furnished in any retail dispensary to any person other than the person purchasing and paying therefor, and the dispenser shall not permit any liquor to be drunk within the dispensary by any person other than the person paying therefor.

20. No liquor shall be supplied to any person in any retail dispensary on credit but all liquors purchased shall be paid for before being furnished to the purchaser thereof.

21. It shall be the duty of every dispenser in case any person becomes intoxicated in the dispensary under his charge, to immediately, or as soon as possible, appear before a Justice of the Peace and lay an information against the person so having become intoxicated; and the Justice shall on the sworn statement of the dispenser and one other reliable person issue an injunction, under his hand and seal as in form of the schedule, against the person so having become intoxicated prohibiting such person from obtaining liquor any retail liquor dispensary

for the term of six months for the first offence, and for each subsequent offence, for a period twice as long as for the previous offence.

22. The dispenser shall at once forward a copy of such injunction to the person against whom the injunction is issued and to the office of the Board; which shall cause a copy thereof to be forwarded to every retail dispensary in the Province.

23. No liquor shall be furnished in any retail dispensary to any person of either sex under the age of twenty-one years.

24. The business hours of the retail dispensaries shall be from 8 o'clock A.M. to 7 o'clock P.M., and no liquor shall be dispensed between the hours of 7 o'clock P.M. ~~to~~ 8 o'clock A.M.

25. From and after the the said 1st day of July 1909, no person shall within the Province of Alberta, except as in this Act otherwise provided, by himself, his clerk, servant, or agent, expose or keep for sale, or directly or indirectly, upon any pretence or upon any device, sell or barter or in consideration of the purchase of any other property, give to any other person any intoxicating liquor.

26. No railway operating within the bounds of the Province shall by their servants or agents sell to any person or serve or cause to be served to any person any liquor while within the bounds of the Province.

27. Any duly registered druggist in the Province carrying on business in any place where there is not a retail dispensary may, upon receiving a permit from the Board, purchase from a wholesale dispensary, and carry<sup>in</sup> stock, liquor in quantity not exceeding one gallon, to be used exclusively in the filling of prescriptions of duly licensed medical practitioners licensed under the Medical Act of the Province of Alberta.

28. Any person residing in the Province of Alberta may apply to the Board for a permit to purchase from a wholesale dispensary for his own use any quantity of liquor, not exceeding five gallons, and the Board upon receipt of a bond from the applicant of himself in the penal sum of \$2000 and of two satisfactory sureties in the sum of \$150.00 each, conditioned that the applicant will not expose or offer for sale, sell or barter the liquor obtained under such.

29. Any person, firm or corporation using liquor in some Art Trade or Manufacture may obtain a permit from the Board for the purchase or importation of the same, upon furnishing the Board with a statutory declaration of the applicants, or of one of them, or of some officer thereof if the applicants is a corporation, specifying the purpose of which the

liquor is to be used, and a bond of the applicants and sufficient sureties in a sum to be fixed by the Board, but not to be less than \$200.00 for the applicant and \$150.00 each for the sureties.

30. Subject to the provisions of this Act no person, firm or corporation shall impart any liquor into the Province of Alberta.

31. Everyone who by himself, his clerk, servant or agent, exposes or keeps for sale, or directly or indirectly, upon any pretence or upon any device, sells or barter, or in consideration of the purchase of any other property, gives to any other person any liquor, in contravention of section 25 of this act shall on summary conviction be liable to imprisonment for the term of one year, and upon each subsequent conviction shall be liable to imprisonment for a term one year longer than that to which he was liable in the last previous conviction.

32. Everyone supplying liquor to any person enjoined from obtaining liquor under the provisions of section 21 of this Act, during the term each injunction is in force, and every person purchasing liquor for the purpose of its being supplied to any such person shall be liable to the penalties prescribed in the last preceding section.

33. Any duly certified Medical Practitioner who fraudulently gives any person a prescription for liquor for any other than strictly medical purposes shall on summary conviction be liable for a first offence to a penalty of twenty-five Dollars, and for every subsequent offence to a penalty of fifty dollars.

34. Every dispenser in any wholesale or retail dispensary violating any of the provisions of this Act shall, in addition to any liability under his bond, be liable to a penalty of Fifty Dollars.

35.

If any premises of any description is proved, on the trial, of an information for a violation of any of the provisions of this Act, to have been used for the purposes of selling, bartering, or otherwise disposing of liquor the Justice trying the information shall make an order ordering that such premises be closed for a period of three months; and if at any time thereafter the same premises are proven to have been again used for the said purpose, the Justice shall order the confiscation of the same

to the Board for the period of twelve months and during the said period the Board shall have full power to use, let, or otherwise deal with the said premises as if they were the absolute owners thereof. ¶ Provided that all parts of the one building under the one occupancy shall be deemed to be parts of the same premises for the purposes of this section.

37. Prosecutions for offences created by this Act shall be instituted within six months after the commission of the alleged offence.

38. The description of any offence under this Act in the words of this Act or in words of like effect shall be sufficient in law; and any exceptions, exemption, provision, excuse or qualification, whether it does or does not accompany the description of the offence in this Act, may be proved by the defendant, but need not be specified or negatived in information, but if it be so specified or negatived no proof in relation to the matter so specified or negatived shall be required on the part of the informant or complainant.

39. In describing the 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 the name of 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 as the case may require.

40. Such prosecution may be brought before any police magistrate, stipendiary magistrate, two justices of the peace, or any magistrate

having the power or authority of two or more justices of the peace, having jurisdiction where the offence was committed.

40. Every violation of this Act may be prosecuted and the penalties and punishments therefor enforced in the manner directed by part 15 of the Criminal Code so far as no provision in this Act made for any matter or thing which is required to be done with respect to any prosecution; and all the provisions <sup>contained</sup> ~~enacted~~ in part 15 of the Criminal Code shall be applicable to such prosecutions and to the judicial and other officers before whom the same are by this Act authorized to be brought, in the same manner as if they were incorporated in this Act, and as if all such judicial and other officers were named in this Act.

41. The proceedings upon informations for an offence against any of the provisions of this Act, in a case where a previous conviction is shall be as follows:

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

2. Such previous conviction may be proved "prima facie" by the production of a certificate purporting to be under the hand of a convicting justice or the clerk of the court to whose office the conviction has been returned without proof of signature or official character and without proof of the identity of the person charged with the person named in such certificate.

3. In the event of any conviction for any second or subsequent offence becoming void or defective after the making thereof by reason of any previous conviction being set aside, quashed or otherwise rendered void the justice by whom such second or subsequent conviction was made shall summon the person convicted to appear at a time and place to be named and shall thereupon upon proof of the



due service of such summons if any 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 held valid to all intents and purposes, as if it had been made in the first instance.

42. When in any house, shop, room or other place a bar, counter, beer pumps, kegs or any other appliances or preparations similar to those usually found in taverns and shops where intoxicating liquors are usually sold or trafficked in, are found, and intoxicating liquors are also found in such house, shop, room <sup>or</sup> ~~and~~ place, such liquor shall be deemed to have been kept for sale contrary to the provisions of this Act, 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 keeps therein such liquor for sale.

43. Any justice if satisfied by information on oath of any police officer, policeman, constable or inspector that there is reasonable ground for belief that any spirituous or fermented liquor is being kept for sale or disposed contrary to the provisions of this Act in any place within his jurisdiction may in his discretion grant a warrant under his hand by virtue whereof it shall be lawful for the person named in such warrant at any time or times within ten days from the date thereof to enter if need be by force the place named in the warrant and every part thereof and of the premises connected therewith and to examine the same and to search for liquor therein and for such purpose such person may if necessary with such assistance as he deems expedient break open any door lock or fastenings of such premises or any part thereof or of any closet, cupboard, box or other article suspected to contain any such liquor; and in the event of any such liquor being so found unlawfully kept on the said premises the occupant thereof shall until the contrary is proved be deemed to have kept such liquor for the purposes of sale contrary to the provisions of section 25 of this Act and may be arrested by such officer or person having the warrant for search as aforesaid.

(2) When any inspector, policeman, constable or officer in making or

attempting to make a search under the warrant mentioned in this section finds in an house or place any liquor which is 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 any other person for keeping liquor for sale in any such house or place the justice making such conviction may in and by the said conviction or by a second or subsequent order declare the said liquor and vessels or and part thereof to be forfeited to the Board.

44. Police officers, policemen and constables shall have full authority to enforce any of the provisions of this Act.

45. No conviction, judgment or order, in respect of any offence against this Act, shall be removed by "certiorari" or otherwise into any of His Majesty's courts of record.

(2) No appeal shall be allowed from any such conviction, judgment or order to any court of general sessions or other court whatsoever, if the conviction has been made by a stipendiary magistrate, judge of the session of the peace, police magistrate, or any magistrate or officer having the power and authority of two or more justices of the peace.

~~(3) The provisions of this section, taking away an appeal, shall not apply to any conviction made against any legally qualified physician on a charge of having given a certificate under section 33 of this Act for any other than strictly medicinal purposes, affirming that the liquor specified therein has been prescribed for the person named therein.~~

46. To further carry into effect the provisions of this Act the commissioners shall employ private detectives to see that the  
of this Act

intoxicating liquor  
dispensaries.

47. The funds for the proper carrying out of this Act shall be provided out of the general revenues of the Province of Alberta.

S C H E D U L E.

Form A.

To the Board of Commissioners appointed under the provisions of "The Liquor Dispensary Act":

The petition of the undersigned electors of the city ( or Town or incorporated village) of \_\_\_\_\_ entitled to vote at an election for a member of the Legislative Assembly of the Province of Alberta in the said city ( or Town or incorporated village),  
Respectfully shews, that your petitioners are desirous that a retail liquor dispensary be established in the said city ( or as the case may be) under the provisions of "The Liquor Dispensary Act."

Wherefore your petitioners humbly pray that your board will establish a retail liquor dispensary within the said city (or as the case may be).

And your petitioners will ever pray etc.

(Signatures of witnesses)

(Signatures)

Affidavit of witness.

Canada : I, \_\_\_\_\_ of the  
Province of Alberta } of \_\_\_\_\_ in the Province of  
To Wit: } Alberta make oath and say:

That I was present and did see  
whose name appear as signatories to the within petition, sign the same,  
and that the said petition was signed by  
at the \_\_\_\_\_ of \_\_\_\_\_ in the said Province of Alberta.  
Sworn etc.

Form B.

To the Board of Commissioners appointed under the provisions of "The Liquor Dispensary Act":

The petition of the undersigned electors of the city (or town or incorporated village) of \_\_\_\_\_ entitled to vote at an election of a member of the Legislative Assembly of the Province of Alberta in the said city (or town or incorporated village),

~~Form B continued.~~

Respectfully shows: that your petitioners are desirous that the retail dispensary~~s~~ (or the retail dispensaries established by your board under the provisions of "The Liquor Dispensary Act," in the said city (or town or incorporated village) be discontinued.

Wherefore your petitioners humbly pray that your board discontinue the said dispensary ( or dispensaries).

And your petitioners will ever pray etc.

(Signatures of witnesses)

(Signatures)

(Affidavit of witness as in form A.)

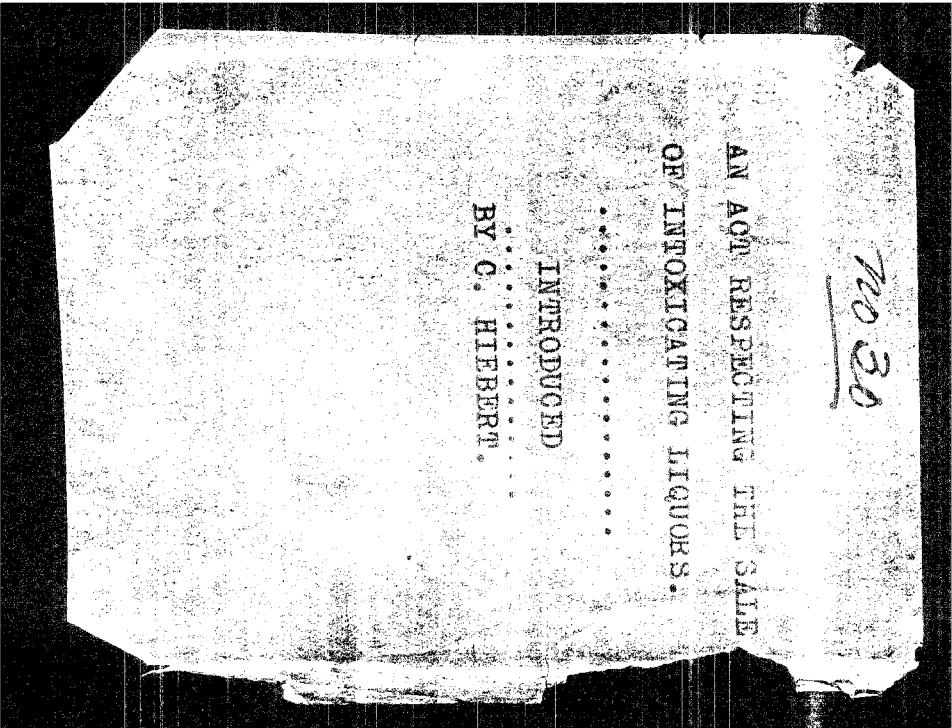
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Form C.

I, \_\_\_\_\_ appointed a(wholesale or retail) dispenser, under the provisions of "The Liquor Dispensary Act" do swear that I will truly and faithfully discharge and perform all the duties prescribed for the said office by the said Act and by the Board of Commissioners; and that I will ~~use my~~ endeavour as far as possible to enforce the provision of the said Act.

Sworn, etc.

(Signature)



Title: 1908 (1st, 3rd) Bill 30, An Act respecting the Sale of Intoxicating Liquors