

BILL

No. 33 of 1917.

An Act to amend The Liquor Act.

(Assented to _____, 1917.)

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

The Liquor Act, being chapter 4 of the Statutes of Alberta, 1916, is amended as follows:

1. Section 2: By adding thereto the following:

“(k) The expression ‘sale’ shall include an agreement to sell as well as a sale.

“(l) The expression ‘gallon’, ‘quart’, ‘pint’, or other expression denoting a quantity of liquor in this Act shall mean a ‘gallon’, ‘quart’, ‘pint’, or other quantity of liquor as contained in or defined by *The Weights and Measures Act* of the Dominion of Canada, and the tables made thereunder.

“(m) The expression ‘permit drunkenness to take place’ shall mean and include permitting a drunken person to be on the premises.”

2. Section 12: By striking out the words “before such vendor” in the fifth line thereof and substituting therefor the words “before a person authorized to administer oaths within the Province of Alberta”.

3. Section 13: By striking out the words “duly signed and sworn before said vendor” in the fourth line thereof and substituting therefor the following words: “duly made before a person authorized to administer oaths within the Province of Alberta,” and by substituting for the word “liquor” in the tenth line thereof the word “liquid”.

4. Section 18: By adding the following subsection:

“(2) Every dentist and veterinary surgeon shall on the first day of each and every month send to the Attorney General for the province a statement verified by his affidavit showing name and address of each and every person to whom or on whose account liquor was supplied during the month, also quantity supplied and date on which supplied, and such affidavit shall state that no liquor was supplied during such month except as mentioned in such statement.”

5. Section 23: By striking out the first nine lines of said section and substituting therefor the following:

“No person shall, within the Province of Alberta, by himself, his clerk, servant or agent, expose or keep for sale or directly or indirectly or upon any pretence, or device, sell, barter, or offer to any other person any liquor except as authorized by this Act.”

6. Section 23: By adding thereto the following new subsection:

“(3) The fact that any person has in his private dwelling house a quantity of liquor exceeding one quart of spirits and two gallons of malt liquor shall be *prima facie* evidence of the fact that such person is keeping such liquor for sale contrary to the provisions of this section.”

7. Section 25: By striking out the words “or from a place where such liquor may be lawfully kept and delivered within the province to another place within the province where the same may be lawfully received and lawfully kept,” where they appear therein.

8. Section 27: By repealing the same.

9. Section 29: By striking out the words “and every liquor exporter mentioned in section twenty-seven (27) hereof who makes a sale of liquor in the province” in the third, fourth and fifth lines thereof.

10. Section 31: By striking out the words “nor in any liquor warehouse mentioned in section twenty-seven (27) hereof” in the second and third lines thereof.

11. Section 40: By repealing the same and by substituting therefor the following:

“40. For every offence referred to in section 23 of this Act, or any of the provisions hereof, the person committing the offence shall be liable on summary conviction to a penalty—

“For the first offence, of not less than \$100 nor more than \$200 and costs; and in default of payment of such penalty to imprisonment for a term not exceeding three months;

“For a second offence, to a fine of not less than \$250 nor more than \$500 and costs; and in default of payment of such penalty to imprisonment for a term not exceeding three months;

“For each subsequent offence, to imprisonment for not less than three months, nor more than six months, without the option of a fine;

“and the imprisonment in each case shall be with hard labour.”

(12) By adding after Section 40 the following new section:

“40a. For every offence against this Act or any of the provisions hereof, for which a penalty or penalties has not been specially provided by this Act, the person committing the offence shall be liable on summary conviction to a penalty—

“For a first offence, of not less than ten dollars nor more than one hundred dollars and costs, and in default of immediate payment to imprisonment for a period of not less than ten days nor more than two months;

“For the second offence to a penalty of not less than \$100 nor more than \$300 and costs, and in default of immediate payment to imprisonment for a period of not less than four months nor more than eight months; and

“For any subsequent offence to imprisonment for a period of not less than six months nor more than one year without the option of a fine;

and the imprisonment in each case shall be with hard labour.”

12. Section 55: By repealing same.

13. By adding thereto the following new sections:

“75. Everyone is a party to and guilty of an offence against this Act who—

“(a) Actually commits it;

“(b) Does or omits any act for the purpose of aiding any person to commit the offence; or

“(c) Abets any person in commission of the offence; or

“(d) Counsels or procures any person to commit the offence.

“76. The Attorney General or any person appointed by him for the purpose in writing, or any member of the Alberta Provincial Police Force, may inspect the freight and express books and records and any documents in the possession of a railway or express company doing business within Alberta for the purpose of obtaining information in connection with matters dealt with by this Act.

“(2) Any company and any officer or employee of a company who neglects or refuses to produce such books, records or documents for inspection when required to do so by the Attorney General, or by a person appointed by him for the purpose in writing, or by any member of the Alberta Provincial Police Force, shall be guilty of an offence and liable on summary conviction to a penalty of \$200 and costs for each offence. In case of an officer or employee of the company so neglecting or refusing such officer or employee in default of immediate payment shall be liable to imprisonment for thirty days.

“77. Where a person is found upon a street, highway or in any public place in this province in an intoxicated condition he shall be guilty of an offence against this Act, and upon any prosecution for such offence he shall be compellable to state the name of the person from whom and the place in which he obtained the liquor which caused the intoxication, and in case of refusal to do so he shall be imprisoned for a period not exceeding three months or until he discloses such information.

“78. It shall be unlawful for any person to canvas for, receive, take or solicit orders for the purchase or sale of any intoxicating liquor or to act as agent for the purchase or sale of same.

“(2) It shall be unlawful for any person to distribute, publish or display any advertisement, sign, circular, letter, poster, handbill, card or price list, naming, representing, describing or referring to any intoxicating liquor or the quality or qualities thereof or giving the name or address of any person manufacturing or dealing in intoxicating liquor, or stating where any such liquor may be obtained.

“79. A magistrate, if satisfied by information on the oath of an officer, that there is reasonable ground for belief that liquor is being kept for sale or disposal contrary to this Act in a house or place within his jurisdiction, may, in his discretion, grant a warrant under his hand authorizing the person therein named, or any member of

the Alberta Provincial Police Force, 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 search for liquor therein.

“(2) For such purpose the person named, or any member of the Alberta Provincial Police Force may, if necessary, 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 article suspected to contain liquor.

“(3) In the event of liquor being found unlawfully kept on the premises the occupant thereof may be arrested by the officer named in the warrant, and the person so arrested may be charged, proceeded against and punished as provided in this Act.

“(4) When an officer, in making or attempting to make search under or in pursuance of any authority conferred upon him or under the warrant mentioned in this section, finds in the house or place 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 conviction of the occupant of such house or place or any other person for keeping liquor for sale therein contrary to law, the magistrate dealing with the case may, in and by the said conviction or by a separate and subsequent order, declare the liquor and vessels or any part thereof to be forfeited to His Majesty, to be sold or otherwise disposed of as the Attorney General may direct.

“(5) An officer who has, in pursuance of this or the next preceding section, entered premises upon which he seizes or from which he removes liquor, may demand the name and address of any person found there, and if such person refuses the information or if the officer has reasonable grounds to suppose that the name or address given is false, he may examine such person further and may, if such person fails upon demand to give his name and address or to answer satisfactorily the questions put to him, apprehend him without warrant and bring him as soon as possible before a magistrate.

“(6) Any person found upon such premises, who upon the demand of the officer refuses to give his name or 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, shall be liable on summary conviction to a penalty of \$20 and costs, and in default of immediate payment to imprisonment for a period of twenty days.

“80. Where liquor has been seized under this Act, or any other Act in the Province of Alberta, the person seizing the same shall lay information under oath before a magistrate, who shall thereupon issue his summons directed to the shipper, consignee, or owner of the liquor, if known, calling upon him to appear at a time and place named, and show cause why such liquor should not be destroyed or otherwise dealt with as provided by this Act or the regulations to be made hereunder.

“(2) It shall be sufficient service of the summons if the

same is delivered to the shipper, consignee or owner, or is left with some grown-up person at the express office, railway station or other place at which the liquor is found, or with the owner or occupant of the house or place on which it is found.

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

“(4) At the time and place named in the summons, any person who claims that the liquor is his property and is not intended to be sold or kept for sale in violation of this Act may appear and give evidence before the magistrate; and the magistrate 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.

“(5) If no person claims to be the owner of the liquor or if the magistrate 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 sold or otherwise dealt with in such manner as the Attorney General may direct.

“(6) If the magistrate 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.

“(7) When an officer seizes liquor under any of the provisions of this Act he shall immediately invoice same and forward the invoice to the Attorney General.

“81. If it appears to the magistrate 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 a 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.

“82. In any prosecution under *The Liquor Act*, or amendments thereto or regulations made thereunder, production by a police officer, policeman, constable or inspector of a certificate or report signed or purporting to be signed by a Dominion or provincial analyst as to the analysis or ingredients of any liquor or other fluid or any compound or substance, such certificate or report shall be conclusive evidence of the facts stated in such certificate or report and of the authority of the person giving or making the same without any proof of appointment or signature.

“83. No writ or order of *certiorari* shall issue for the purpose of quashing any conviction for any violation or contravention of any of the provisions of this Act unless the party applying therefor shall produce to the judge to whom the application is made an affidavit that he did not by himself or by his agent, servant, or employee or by any other person, with his knowledge or consent, commit the offence for which he has been convicted, which affidavit

shall negative the charge in the terms used in the conviction and shall further negative the commission of the offence by the agent, servant or employee of the accused, or by any other person with his knowledge or consent.

“84. If for any reason any section or provision of *The Liquor Act* be questioned in any court and shall be held to be unconstitutional or invalid, no other section or provision of the said Act shall be affected thereby.”

14. This Act shall come into force and operation on the first day of July, 1917.

No. 33.

FIFTH SESSION
THIRD LEGISLATURE
7 GEORGE V
1917

BILL

An Act to amend The Liquor Act.

Received and read the

First time.....

Second time.....

Third time.....

HON. MR. SIFTON.

EDMONTON:
W. JEFFERY KING'S PRINTED
1917