

BILL

No. 17 of 1918.

An Act to amend The Liquor Act.

(Assented to _____, 1918.)

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, as amended, is amended as follows:

1. Section 2: By adding thereto the following:

“(n) The expression ‘privileged person’ shall include all druggists, all persons engaged in mechanical business or scientific or manufacturing pursuits, all incorporated public hospitals, physicians, dentists, veterinary surgeons and ministers of the gospel.”

2. Section 11: By adding after the word “purposes” in the second and seventh lines thereof the words “or for use in manufacturing pursuits”.

3. Section 12: By deleting all the words between “Act” in the second line and “but” in the third line thereof.

4. Section 14: By deleting the word “personally” in the first line thereof.

5. Section 17: By repealing the same and substituting therefor the following:

“17. Every vendor or privileged person shall keep a separate record of each purchase, sale or disposal of liquor which under the provisions of this Act he is empowered to make in his capacity as vendor or privileged person. Each record shall state the quantity bought, sold or otherwise disposed of, the names of all other parties to the transaction, and a number or other mark whereby the prescription or other authority, if any, for the purchase, sale or disposal, can be identified.”

6. Sections 18 and 18a: By repealing the same and substituting therefor the following:

“18. Every vendor or privileged person shall keep on file for production to and inspection by the Attorney General or any other person authorized thereunto by him in writing, or any member of the Alberta Provincial Police, all documents authorizing the sale, disposal or receipt of liquor to or by him.”

7. Section 19: By repealing the same and substituting therefor the following:

“19. Every vendor and privileged person shall within ten days after delivery to him of a notice signed by the Attorney General or anyone duly authorized by him verify his records by affidavit, which shall also state his belief in the *bona fides* of the documents filed under the provisions of section 18 of this Act, or, where there are no such records

or no such documents, shall state that no sales, disposals, purchases or receipts of liquor have been made to or by him:

“Provided that sections 17, 18 or 19 shall not apply to any combination of alcohol referred to in section 23 (1) of this Act.”

8. Section 23 (1): By adding after the words “registered practitioner” in the seventh line thereof the words “or dentist”.

(2) By repealing the second proviso thereof and substituting therefor the following:

“Provided that nothing in this section contained shall prevent any chemist or druggist duly registered as such from having in his possession or selling for medicinal or household purposes or for external use any combination of alcohol with any other liquid, prepared according to any formula which has been approved of for this purpose by the Lieutenant Governor in Council:

“Provided further that nothing in this section contained shall prevent any grocer who has a fixed place of business in this province, from having in his possession or selling at such place of business for household purposes (other than for use as a beverage) or for external use any combination of alcohol with any other liquid prepared according to any formula approved of by the Lieutenant Governor in Council.”

9. Section 24 (1): By adding after the word “scientific” in the second and third lines thereof the words “or manufacturing”.

10. By inserting as section 32a the following:

“**32a.** Every privileged person shall purchase all such alcohol or liquor, which as a privileged person he or it is permitted by this Act to keep or have in his or its possession for purposes specifically authorized thereby, from a vendor and from no other person:

“Provided always that this section shall not apply to the purchase by a chemist or druggist of any combination of alcohol referred to in section 23 (1) of this Act.”

11. Section 32 (2): By deleting the same and by inserting the following:

“(2) Any dentist in regular practice may, where he deems it necessary, administer to a patient under treatment a necessary amount of liquor and may prescribe

for any such patient a quantity of liquor, for external use only, not to exceed two ounces of alcohol, and for the purpose of such administration as aforesaid he may keep in his office a quantity of liquor not exceeding one pint at any one time."

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

"**40.** Any person offending against the provisions of section 23 of this Act shall be liable upon a summary conviction to the following penalties, that is to say:

"1. Upon a first conviction to—

"(a) A fine of not less than \$100 nor more than \$200 and costs, and in default of payment thereof to imprisonment with hard labour for a period of not more than three months; or, alternatively, to—

"2. Upon conviction for any offence committed subsequently to a first conviction under this section, to imprisonment with hard labour for a period of not less than three months nor more than six months and without the option of a fine."

13. Section 40a: By repealing the same and by substituting the following:

"**40a.** For every offence against this Act or any of the provisions thereof for which some other penalty has not been specifically provided by this Act the person committing the offence shall be liable on summary conviction to the following penalties, that is to say:

"1. Upon a first conviction to a fine of not less than \$10 nor more than \$100 and costs and in default of payment to imprisonment with hard labour for a period of not less than ten days nor more than two months;

"2. Upon conviction for any offence committed subsequently to a first conviction (in this section called a second offence) to a fine of not less than \$100 nor more than \$300 and costs and in default of payment thereof to imprisonment with hard labour for a period of not less than four months nor more than eight months;

"3. Upon conviction for any offence committed subsequently to a conviction for a second offence to imprisonment with hard labour for a period of not less than three months nor more than six months, without the option of a fine."

14. Section 60: By repealing the same.

15. Section 61: By deleting the words "chief inspector" therein and substituting therefor the words "Attorney General".

16. Section 62: By repealing the same and by substituting the following:

"**62.** No conviction, order or warrant for enforcing the same or other process shall upon any application by way of *certiorari* or for a *habeas corpus* or upon any appeal be held insufficient or invalid for any irregularity, informality or insufficiency therein or by reason of any defect of form or substance therein, if the court or judge hearing the

application or appeal is satisfied by a perusal of the depositions that there is evidence on which the justice might reasonably conclude that an offence against a provision of this Act has been committed.

“(2) In particular the words ‘any defect in form or substance’ shall include any excess or defect in the punishment imposed or order made, but such inclusion shall not affect the generality of the said words.”

17. Section 63: By repealing the same and by substituting therefor the following:

“**63.** The court or judge hearing any such application or appeal, may upon being satisfied as aforesaid confirm, reverse or modify the decision which is the subject of the application or appeal or may amend the conviction or other process or may make such other conviction or order in the matter as he thinks just, and may by such order exercise any power which might have been exercised at the trial and may make any order as to costs.

“(2) Such conviction or order or such amended conviction shall have the same effect and may be enforced in the same manner as if it had been made at the trial or by process of the court hearing the application or appeal.”

18. Section 64: By deleting the words “chief inspector” therein and substituting therefor the words “Attorney General.”

19. Section 69: By adding the following proviso:

“Provided, however, in the case of offences against this Act occurring in any of the Cities of Edmonton, Calgary, Lethbridge or Medicine Hat, and prosecuted to a conviction by the police or any official of the city in which the offence was committed, that—

“(a) A separate account of the fines received by reason of all such offences shall be kept in each of the police courts of the said cities;

“(b) Such account shall be kept by the clerk of each police court or such person as the Attorney General shall direct;

“(c) A quarterly statement thereof shall be forwarded to the Attorney General at such time as he shall direct;

“(d) Upon receipt of the statement the Attorney General shall, upon being satisfied by the certificate of the magistrates or justices imposing the fines, or by such further or other evidence as he may require that the fines mentioned in the statement were for the offences in this section described, forward a copy of the same to the Provincial Treasurer;

“(e) Upon the receipt of a copy of such statement and after the receipt of the amount of the fines the Provincial Treasurer shall pay to each of the said cities one equal third part of the moneys derived from the fines set out in its statement.”

20. Section 71: By adding thereto the following words: “and in particular but without limiting the generality of this section, may arrest without warrant any person whom he has good reason to suspect is committing any offence under this Act.”

21. Section 80: By repealing subsection 1 and substituting therefor the following:

“80. Where any liquor has been seized under this Act or any other Act and no other provision is made for the disposal of same information shall be laid under oath before a magistrate, whereupon such magistrate shall issue a summons directed to the shipper, assignee or owner of the liquor calling upon him to appear at a time and place named and show cause why such liquor and vessels containing the same should not be ordered to be forfeited or otherwise dealt with as provided by this Act or the regulations made or to be made thereunder.”

(2) By deleting subsection 6 thereof.

No. 17.

FIRST SESSION
FOURTH LEGISLATURE
8 GEORGE V
1918

BILL

An Act to amend The Liquor Act.

Received and read the

First time.....

Second time.....

Third time.....

HON. MR. CROSS.

EDMONTON:
J. W. JEFFERY, KING'S PRINTER
A.D. 1918