

BILL

No. 58 of 1918.

An Act to provide for the Regulation of Liquor Export
Warehouses.

(Assented to , 1918.)

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

SHORT TITLE.

1. This Act may be cited as "*The Liquor Export Act.*" Short title

INTERPRETATION.

2. In this Act the word "liquor" shall have the same Interpretation
meaning as in *The Liquor Act*, being chapter 4 of the
Statutes of Alberta, 1916.

3. Every person who carries on the trade or business of a brewer, distiller, compounder or manufacturer of liquor, within the Province of Alberta, duly licensed by the Government of Canada and every other person who has or keeps in his possession liquor for shipment or export to, or sale in, any other part of Canada or a foreign country; and every person who, in Alberta sells or ships liquor to be delivered at any point outside of Alberta, and every person who has or keeps any liquor heretofore acquired, or which may hereafter be acquired, for any of the aforesaid purposes, shall forthwith after the passing of this Act or upon acquiring or obtaining any liquor for the purposes aforesaid or commencing any such trade or business, register with the Attorney General without further notification, and at the same time give and furnish the Attorney General the particular location and site of the office, shop, warehouse or place of trade or business (hereinafter called "the registered premises") used by such person for or in connection with any of the said purposes, trade or business, together with a detailed statement of all kinds and brands of liquor and the amount and quantity of each kind and brand thereof, and shall also give such other and further particulars as the Attorney General may from time to time require for the purposes of this Act.

- (2) Every such registered premises shall be so constructed and equipped so as not to facilitate any violation of *The Liquor Act*, and not connected by any material way or communication with any other building, or any other portion of the same building, and shall be a place wherein no commodity or goods other than liquor for export from the province are kept, and wherein no trade or business other than an export liquor business, is carried on, and shall be opened only on week days and between the hours of seven o'clock in the forenoon, and six o'clock in the afternoon.

- (3) Every such person shall keep all liquor so brewed, distilled, compounded or manufactured or so held, kept, acquired, or possessed on such premises so registered by

such person in pursuance of this Act until required for transportation or shipment out of Alberta, and when so required shall be taken and conveyed direct by the shortest convenient route from such registered premises where the same has been kept, to the office or place of business of the common carrier receiving the same for transportation and shipment out of the province, to a place where such liquor may legally be consigned.

RETURNS.

4. Every such person shall on the first day of each and every month hereafter make a return to the Attorney General verified by an affidavit showing—

- (a) A statement in detail of all liquor received by such person during the month immediately preceding, the kind and brand of the same, the quality and amount thereof, and the source from which the same was obtained;
- (b) A statement in detail showing the disposition of all liquor disposed of during the month immediately preceding, to whom the sale, shipment or disposition was made, the kind and brand of the same and the amount of each kind and brand of liquor, remaining on hand at the end of such last mentioned month.

INSPECTION.

5. The registered premises of any such person and the contents thereof and the goods stored therein may be inspected by the Attorney General or some person delegated by him in writing or by the Superintendent of the Alberta Provincial Police, or any person by such Superintendent so delegated, and all books, papers, vouchers, receipts, bills of lading, stock sheets and other documents relating to such trade or business or the liquor on hand, manufactured, purchased, acquired, sold, shipped, dealt with or disposed of, may be demanded and inspected on any such inspection.

(2) Any such person refusing to permit a full, proper and free inspection of his or her said registered premises or of the contents thereof or of the goods stored therein, or refusing or neglecting to produce anything demanded under this section, or refusing to permit a full, free and proper inspection of any and all such books, papers, vouchers, receipts, bills of lading, stock sheets and other documents relating to such trade or business or the liquor on hand, manufactured, purchased, acquired, sold, shipped, dealt with or disposed of, shall be liable on summary conviction thereof to a fine not exceeding \$500.00 and costs, and in the case of a natural person in default of immediate payment thereof forthwith after conviction to imprisonment for a term not less than one month nor more than three months.

PENALTIES.

6. Any person who omits or neglects to register as Penalties required by this Act, or to keep said liquor as herein provided, or refuses or neglects to give and furnish such particulars, or to give, furnish or do any other matter, act or thing required by this Act for which no penalty has

been provided shall thereby commit an offence against this Act and on summary conviction shall be liable to a penalty of not less than \$500.00 nor more than \$2,000.00 and costs, and in the case of a natural person, in default of payment forthwith after conviction, to imprisonment for not less than three months nor more than six months with hard labour.

7. The provisions of part 15 of *The Criminal Code* of Canada, *mutatis mutandis*, being chapter 146 of the Revised Statutes of Canada, and any amendments thereto in reference to summary convictions, shall apply to all prosecutions under this Act.

8. 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 any papers, accounts, deeds and other documents in his possession, custody or control relating to any matter connected with the said proceeding, and shall be liable to the same penalties for nonproduction 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 answer any question touching the case.

9. In the event of an incorporated company contravening any of the provisions of this Act the officer or agent of the company in charge of the particular premises upon which the offence is committed, as well as the said company, shall be liable to the penalties prescribed by this Act.

10. It shall not be necessary for the prosecutor in any proceeding under this Act against a corporation to prove the fact of incorporation.

11. In all prosecutions, actions or proceedings under the provisions of this Act against a corporation, every summons, warrant, order, writ or other proceeding may in addition to any other manner of service which may be provided or authorized by law, be served on such corporation by delivering the same to any officer, attorney or agent of the said corporation, or by leaving it at any place where it carries on any business; provided that service in any other way shall be deemed sufficient if the court, judge, magistrate, justice or justices of the peace by or before whom such summons, warrant, order, writ or other proceeding was issued or is returnable, or by or before whom any proceeding subsequent to such notice is to be had or taken, shall be of the opinion that the service has been such as to bring the summons, warrant, order, writ or other proceeding to the notice of such corporation.

12. Whenever any corporation is convicted of any offence against or under this Act and the conviction adjudges a pecuniary penalty or compensation to be paid by such corporation, or an order under this Act requires the payment of a sum of money by a corporation, the court, judge, magistrate, justice or justices of the peace, by his or their conviction or order after adjudging payment of such penalty, compensation or sum of money with or without costs may order and adjudge that in default of payment of such

penalty, compensation or sum of money forthwith or within a limited time, such penalty, compensation, or sum of money shall be levied by distress and sale of the goods and chattels of such corporation.

(2) In any such case and in addition to the other remedies provided a copy of such conviction or order certified to by any judge, magistrate, justice or justices of the peace, or by the officer in whose custody the same is by law required to be kept, may be filed in the office of the clerk of the Supreme Court, and such conviction or order shall thereupon become a judgment of said court and all proceedings may be thereupon taken and had as on any other judgment of said court.

(3) Provided always that nothing in this section contained shall be construed in any way as affecting, limiting or restricting any proceedings which otherwise can or may by law be taken or had for the infliction of punishment by penalty or imprisonment or the modes of enforcement or recovery of fines or penalties.

DISPOSITION OF PENALTIES.

13. The penalties in money under this Act, or any portion of them which may be recovered, shall be paid to the convicting judge, magistrate, justice or justices of the peace, and shall by him be paid to the Provincial Treasurer.

14. All fines levied under this Act shall go to the general revenue fund of the province.

15. The burden of proving the proper registration of any such premises which should be registered under this Act, and the keeping of such liquor as required by this Act, shall be on the person accused of not so registering or not keeping the liquor as required herein.

No. 58.

FIRST SESSION
FOURTH LEGISLATURE
8 GEORGE V.
1918

BILL

An Act to provide for the Regulation
of Liquor Export Warehouses.

Received and read the

First time

Second time

Third time

HON. MR. CROSS.

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