

BILL

No. 14 of 1924.

An Act to provide for Government Control and Sale of
Alcoholic Liquors.

(Assented to _____, 1924.)

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 "*Government Liquor Control Act of Alberta.*"

INTERPRETATION.

2. Notwithstanding the terms and provisions of *The Interpretation Act*, unless the context otherwise requires, in this Act, and in any regulations made hereunder,—

- (a) "Board" means the Board created by this Act under the name of the "Alberta Liquor Control Board";
- (b) "Beer" means any beverage obtained by the alcoholic fermentation of an infusion or decoction of barley, malt and hops or of any other similar products in drinkable water and not containing more than four and one-half (4½) per centum of alcohol by weight;
- (c) "Beer license" means a license granted to sell beer under section 32 of this Act, and a "Beer licensee" means a person to whom a "Beer license" has been granted;
- (d) "Club" means a corporation created by competent authority, which is the owner or lessee of premises not operated for pecuniary gain, and the property, as well as the advantages of which, belongs to all the members, and shall also mean the premises so operated, and which was in operation on the first day of January, 1923, or which being hereafter created was in continuous operation as such a club for at least one year immediately prior to the date of its application for a license to sell beer;
- (e) "Club license" means a club license granted to a club to sell beer under section 29 of this Act, and "Club licensee" means a club which has been granted a license under said section;

- (f) "Dentist" means a member of The Alberta Dental Association, who is registered under *The Dental Association Act*, and is not in default in respect of any fees payable by him by virtue of said Act;
- (g) "Druggist" means a member of The Alberta Pharmaceutical Association who is registered as a pharmaceutical chemist under *The Alberta Pharmaceutical Association Act* and is entitled to assume and use the title of "chemist" and "druggist" under said last mentioned Act;
- (h) "Dining car" means a railway car owned and operated by a railway company within the Province, which is equipped, used and operated to serve meals to passengers on such railway, while the same is *en route* within or through the Province;
- (i) "Government" means His Majesty in right of the Province acting by the Lieutenant Governor in Council;
- (j) "Government store" means a Government Liquor Store established under this Act;
- (k) "Hotel" shall have the meaning assigned to that term by the interpretation section of *The Houses of Public Accommodation Act*;
- (l) "Interdicted person" means a person to whom the sale of liquor is prohibited by an order under this Act;
- (m) "Justice" means a justice of the peace, and shall include two or more justices, if two or more justices act or have jurisdiction, and also a stipendiary or police magistrate, or any person having the powers or authority of two or more justices of the peace;
- (n) "Liquor" or "Liquors" means and includes any alcoholic, spirituous, vinous, fermented, malt or other intoxicating liquor or combination of liquors, and mixed liquor, a part of which is spirituous, vinous, fermented or otherwise intoxicating, and all drinks or drinkable liquids which are intoxicating and any liquor which contains more than two and one half (2½) per cent. of proof spirits shall be conclusively deemed to be intoxicating;
- (o) "Municipality" means any area known as a city, town, village or municipality, or municipal district, incorporated, organized and subsisting as a municipality under any general or special Act of the Legislature or which may hereafter be so incorporated or organized, and includes the corporation and the council of a municipality, or municipal district, and "Municipal" shall have a like meaning;
- (p) "Member of a club" means a person who, whether as a charter member or admitted in accordance with the by-laws or rules of the club, has become a member thereof, who maintains his membership by the payment of his regular periodic dues in the

manner provided by such rules and by-laws and whose name and address is entered on the list of members supplied to the Board at the time of the application for a club license under this Act, or if admitted thereafter, within ten days after his admission;

- (q) "Package" means any container or containers, or receptacle or receptacles used for holding liquor;
- (r) "Permit" means a permit for the purchase of liquor issued under this Act;
- (s) "Physician" means a member of the College of Physicians and Surgeons of the Province of Alberta who is registered under *The Medical Profession Act*, and is a "duly qualified medical practitioner" as construed in said Act;
- (t) "Prescription" means a memorandum in the form prescribed by the regulations made under the authority of this Act, signed by a physician, and given by him to a patient for the obtaining of liquor pursuant to this Act for use for medicinal purposes;
- (u) "Public place" includes any place, building, or conveyance to which the public has or is permitted to have access and any place of public resort;
- (v) "Residence" means the premises where a person resides, either temporarily or permanently, which has a separate door for ingress and egress, and actually and exclusively occupied and used as a private residence, but without restricting the generality of the foregoing which the word "residence" does not include or mean, "residence" shall not include or mean, and shall not be construed to include or mean, any house, or building occupied or used, or partially occupied or used, as an office, other than a duly registered physician's, dentist's, or veterinary surgeon's office, or as a shop, or as a place of business, or as a factory, or as a workshop, or as a warehouse, or as a club-house, or club-room, public hall, or hall of any society or order, or as a livery stable, or any house or building where, for money or other valuable consideration, any goods or chattels are kept for sale, or sold, nor shall it include or mean, or be construed to include or mean, any house or building connected by a doorway, or covered passage way, or way of internal communication, except by telephone, with any place where liquor is authorized to be sold under this Act, or with any office except a duly registered physician's, dentist's, or veterinary surgeon's office, or with any place of business, factory, warehouse, club, club-house, club-room, public hall, or hall of any society or order, or livery stable;
- (w) "Regulations" means regulations made by the Board and approved by the Lieutenant Governor in Council under the powers contained in this Act;

- (x) "Sale" and "Sell" include exchange, barter, and traffic; and include the selling or supplying or distributing by any means whatsoever of liquor or of any liquid known or described as beer or near-beer or by any name whatever commonly used to describe malt or brewed liquor by any partnership or by any society, association, or club, whether incorporated or unincorporated and whether heretofore or hereafter formed or incorporated, to any partnership, society, association or club;
- (y) "Spirits" means any beverage which contains alcohol obtained by distillation mixed with drinkable water and other substances in solution and includes, among other things, brandy, rum, whisky and gin;
- (z) "Vendor" means a person appointed as a vendor under this Act;
- (aa) "Veterinary" means a member of The Veterinary Association of Alberta who is registered under the provisions of *The Veterinary Act* and is a veterinary surgeon as styled in said Act;
- (bb) "Wine" means any alcoholic beverage obtained by the fermentation of the natural sugar contents of fruits (grapes, apples, etc.) or other agricultural products containing sugar (honey, milk, etc.);
- (cc) *The Alberta Election Act* means chapter 3 of the Statutes of Alberta, 1909, and the amendments thereto, or such Act as may be passed in substitution thereof respecting the election of members to the Legislative Assembly of the Province.

DIVISION OF ACT.

3. This Act is divided into six parts. Part I relates to the creation of a Board to administer this Act and the powers and functions of the Board. Part II relates to the establishment of the Government Stores and the keeping and selling of liquors. Part III relates to the formation of "Local Option Areas" and the taking of plebiscites therein, and the effect thereof. Part IV relates to prohibitions, interdiction, penalties and procedure on prosecution and on appeal. Part V relates to property acquired by the Board, and the financing and accounting by the Board and application of the profits. Part VI relates to general and miscellaneous matters.

PART I.

ADMINISTRATION OF THIS ACT, CREATION OF BOARD,
AND ITS POWERS AND FUNCTIONS.

4. There shall be a Board known as the "Alberta Liquor Control Board" consisting of not more than three members, with the powers and duties herein specified, and the administration of this Act, including the general control, management and supervision of all Government Liquor Stores, shall be vested in such Board.

5. The principal office of the Board shall be in the City of Edmonton.

6. The Lieutenant Governor in Council shall—

- (a) Appoint the member or members of the Board;
- (b) Specify what number of members shall constitute a quorum of the Board;
- (c) Fix the salaries of members of the Board.

7. The Lieutenant Governor in Council shall designate one of the members of the Board to be chairman thereof, who shall devote his whole time and attention to the business of the Board, and shall follow no other occupation whatsoever.

(2) If there be only one member of the Board he shall be deemed to be the chairman thereof for the purposes of this Act.

8. Every member of the Board shall hold office during good behaviour, but he may be removed at any time for cause, or by acceptance of his resignation from office, and the Lieutenant Governor in Council shall, from time to time, fill any vacancy occurring on the Board; provided that no vacancy in the membership of the Board shall impair the right of the remaining member or members to act.

9. The Board shall have the following functions, duties and powers:

- (a) To buy, import, and have in its possession for sale, and sell, liquors, in the manner set forth in this Act;
- (b) To control the possession, sale and delivery of liquors in accordance with the provisions of this Act;
- (c) To determine the municipalities within which Government Liquor Stores shall be established throughout the Province, and the situation of the stores within every such municipality;
- (d) To grant, refuse or cancel permits for the purchase of liquor;
- (e) To lease, furnish and equip any building or land required for the operation of this Act;
- (f) To buy or lease all plant and equipment it may consider necessary and useful in carrying into effect the objects and purposes of this Act;
- (g) To appoint vendors, and also every officer, inspector, clerk or other employee, required for the operation or carrying out of this Act, and to dismiss the same, fix their salaries or remuneration, assign them their titles, define their respective duties and powers, and to engage the service of experts and persons engaged in the practice of a profession, if deemed expedient;
- (h) In the discretion of the Board to authorize and empower other persons to issue permits under this Act;

- (i) To determine the nature, form and capacity of all packages to be used for containing liquor kept or sold under this Act;
- (j) To grant club licenses and beer licenses under this Act.

10. The Board, with the approval of the Lieutenant Governor in Council, may make such regulations, not inconsistent with this Act, as to the Board seems necessary, for carrying out the provisions of this Act, and for the efficient administration thereof, and such regulations shall be published in *The Alberta Gazette*, and upon being so published they shall have the same force as if they formed a part of this Act, and any such regulations may be repealed by the Board, subject to the like approval, and notice thereof shall be published in the Gazette.

(2) Without thereby limiting the generality of the provisions contained in subsection 1 hereof, it is declared the power of the Board to make regulations in the manner set out in that subsection shall extend to and include the following:

- (a) Regulating the equipment and management of government stores and warehouses in which liquor is kept or sold and prescribing the books and records to be kept therein;
- (b) Prescribing the duties of the officers, clerks and servants of the Board, and regulating their conduct while in the discharge of their duties;
- (c) Governing the purchase of liquor and the furnishing of liquor to government stores established under this Act;
- (d) Determining the classes, varieties and brands of liquor to be kept for sale at any government store;
- (e) Prescribing, subject to section 17 of this Act, the hours during which Government Liquor Stores, clubs and other premises licensed to sell beer, shall be kept open for the sale of liquor;
- (f) Providing for the issuing and distributing of price lists showing the price to be paid by purchasers for each class, variety or brand, of liquor kept for sale under this Act;
- (g) Prescribing an official seal and official labels and determining the manner in which such seal or label shall be attached to every package of liquor sold or sealed under this Act, including the prescribing of different official seals or different official labels for different classes, varieties and brands of liquor;
- (h) Prescribing forms to be used for the purposes of this Act or of the regulations made thereunder, and the terms and conditions in permits and licenses issued and granted under this Act;
- (i) Prescribing the nature of the proof to be furnished, and the conditions to be observed in the issuing of duplicate permits in lieu of those lost or destroyed;
- (j) Prescribing the kinds and quantities of liquor which may be purchased under permits of any class, including the amount which may be purchased at any one time or within any specified period of time;

- (k) Prescribing the form of records of purchases of liquor by the holders of permits, and the reports to be made thereon to the Board, and providing for inspection of the records so kept;
- (l) Prescribing the manner of giving and serving notices required by this Act or the regulations made thereunder;
- (m) Designating the official or officials who may issue permits under this Act;
- (n) Prescribing the fees payable in respect of permits and licenses issued under this Act for which no fees are prescribed in this Act, and prescribing the fees for anything done or permitted to be done under the regulations made thereunder;
- (o) Prescribing the conditions and qualifications necessary and requisite for the obtaining of club licenses and the books and records to be kept and the returns to be made by clubs, and the number of licensed clubs in any municipality, and providing for the inspection of clubs;
- (p) Prescribing the conditions and qualifications necessary and adequate for the obtaining of a beer license, and the books and records to be kept and the returns to be made by the licensees and the number of such licensed premises in any municipality and providing for the inspection of such licensed premises;
- (q) Specifying and describing the place where and the manner in which liquor lawfully kept or stored may be so kept or stored;
- (r) Specifying how and in what manner liquor may be lawfully carried and delivered under this Act;
- (s) Prescribing all necessary regulations for carrying out the provisions of subsection 2 of section 52 hereof and in particular prescribing, determining and fixing the price at which any of the products, combinations, substances, or preparations, referred to in said subsection, may be sold and the size of the bottle, container or package, in which the same may be contained, kept and sold, and the conditions under which a person may obtain a license under said subsection;
- (t) Permitting any or all the acts, matters or things, mentioned in subsection 1 of section 101 hereof and prescribing the time when and the manner and method in which such acts, matters or things, may be done or carried out.

PART II.

ESTABLISHMENT OF GOVERNMENT STORES AND THE KEEPING AND SELLING OF LIQUORS.

11. The Government shall establish and maintain at the cities of Calgary and Edmonton, and at such other places throughout the Province as are considered advisable, stores, to be known as "Government Liquor Stores" for the sale of liquor in accordance with the provisions of this Act, and

the regulations made thereunder, and the Board may from time to time fix the price at which the liquor may be sold, which price shall be the same at all such Government Stores.

12. The sale of liquor at each Government Liquor Store shall be conducted by a person appointed under this Act, to be known as a "Vendor" who shall, under the directions of the Board, be responsible for the carrying out of this Act, and the regulations made thereunder, so far as they relate to the conduct of such store and the sale of liquor thereat.

13. A vendor may sell to any person, who is the holder of a subsisting permit, such liquor as that person is entitled to purchase under such permit, in conformity with the provisions of this Act and the regulations made thereunder.

(2) No liquor sold under this section shall be delivered until—

- (a) The purchaser has given a written order to the vendor, dated and signed by such purchaser, and stating the number of his permit, and the kind and quantity of the liquor ordered; and
- (b) The purchaser has produced his permit for inspection and endorsement by the vendor; and
- (c) The purchaser has paid for the liquor in cash; and
- (d) The vendor has endorsed on the permit the kind and quantity of the liquor sold and the date of the sale.

14. A vendor may sell liquor to any person under the prescription of a physician given pursuant to this Act, but no more than one sale and one delivery shall be made on any one prescription.

15. No spirits or wine shall be sold to any purchaser, except in a package, sealed with the official seal prescribed by this Act, which package shall not be opened on the premises of a Government Store.

16. No officer, clerk or servant of the Board, employed in the Government Store, shall allow any liquor to be consumed on the premises of a Government Store, nor shall any person consume any liquor on such premises.

17. No sale or delivery of liquor shall be made on or from the premises of any Government Liquor Store, nor shall any store be open for the sale of liquor—

- (a) During a longer period than eight hours in any twenty-four hours, or after the hour of eight o'clock in the afternoon of any day;
- (b) On any holiday;
- (c) On any day on which polling takes place at any Dominion or Provincial election held in the electoral district in which the store is situated;
- (d) On any day on which polling takes place at any municipal election held in the municipality in which the store is situated;

- (e) During such other periods and on such other days as the Board may direct.

18. It shall be lawful to carry or convey liquor to any Government Store, and when permitted so to do by this Act and the regulations made thereunder, and in accordance therewith, it shall be lawful for any common carrier, or other person, to carry or convey liquor sold by a vendor from a Government Store, or beer, when lawfully sold by a brewer, from the premises wherein such beer was manufactured, or from such premises as the beer may be lawfully kept and sold, to such place as the same may be delivered under this Act and the regulations:

Provided that no such common carrier or other person, or purchaser, shall open, or break, or allow to be opened or broken, any package or vessel containing the same, or drink or use, or allow to be drunk or used, any liquor therefrom, while being so carried or conveyed.

PERMITS

19. There shall be two classes of permits under this Act:

- (a) Individual permits;
 (b) Special permits.

(2) Upon application in the prescribed form being made to the Board, or to any official authorized by the Board to issue permits, accompanied by payment of the prescribed fee, and upon the Board, or such official being satisfied that the applicant is entitled to a permit for the purchase of liquor under this Act, the Board or such official may issue to the applicant a permit of the class applied for, as follows:

- (a) An "individual permit" in the prescribed form may be granted to an individual of the full age of twenty-one years, who has resided in the Province, for the period of at least one month immediately preceding the date of his making the application, and who is not disqualified under this Act, entitling the applicant to purchase liquor for beverage, medicinal or culinary purposes, in accordance with the terms and provisions of the permit, and the provisions of this Act, and the regulations made thereunder;
- (b) An "individual permit" in the prescribed form may be granted to an individual of the full age of twenty-one years, who is temporarily resident or sojourning in the Province, and who is not disqualified under this Act, entitling the applicant during a period not exceeding one month to purchase liquor for beverage, medicinal, or culinary purposes, in accordance with the terms and provisions of the permit, and the provisions of this Act and the regulations made thereunder;
- (c) A "special permit" in the prescribed form may be granted to a druggist, physician, dentist, or veterinary, or to a person engaged within the Province in mechanical or manufacturing business, or in scientific pursuits, requiring liquor for use therein, entitling the applicant to purchase liquor for the purpose named in such "special permit," and in accordance with the terms and provisions of such

“special permit” and in accordance with the provisions of this Act, and the regulations made thereunder;

- (d) A “special permit” in the prescribed form may be granted to a minister of the Gospel, entitling the applicant to purchase wine for sacramental purposes only in accordance with the terms and provisions of such “special permit”;
 - (e) A “special permit” in the prescribed form may be granted, upon the express direction and authorization of the Board, in any other case where the Board deems it necessary and advisable, entitling the applicant to purchase liquor for the purpose named in the permit and in accordance with the terms and provisions of such permit, and of this Act, and the regulations made thereunder.
- (3) (a) For an individual permit under clause (a) of subsection 2 hereof—
- Entitling holder to purchase spirits, wine, beer and malt liquor, the fee shall be two dollars;
 - Entitling holder to purchase beer only, the fee shall be one dollar;
 - Entitling holder to make a single purchase, whether of spirits, wine, beer or malt liquor, the fee shall be fifty cents.
- (b) For an individual permit under clause (b) of subsection 2 hereof—
- Entitling holder to purchase spirits, wine, beer or malt liquor, the fee shall be one dollar;
 - Entitling holder to make a single purchase whether of spirits, wine, beer or malt liquor, the fee shall be fifty cents.
- (c) The fees for a “special permit” under clauses (c), (d) and (e) of subsection 2 hereof shall be as fixed and determined by the regulations made hereunder.

20. Unless sooner cancelled, every permit shall expire at midnight on the thirty-first day of December of the year in respect to which the permit is issued, except in the case of—

- (a) Special permits issued under clause (e) of section 19, which shall expire in accordance with the terms contained therein;
- (b) A permit which, according to its terms, sooner expires.

21. Every permit shall be issued in the name of the applicant therefor, and no permit shall be transferable, nor shall the holder of any permit allow any other person to use the permit.

22. No permit shall be delivered to the applicant, until he has, in the presence of the vendor, or official to whom the application is made, written his signature thereon in the manner prescribed for the purposes of his future identification as the holder thereof, and the signature has been attested by a member of the Board, vendor or other official, authorized to issue the same, under his hand.

23. No person, who is the holder of an unexpired individual permit under this Act, shall make application for or be entitled to hold any other individual permit whether of the same or another class; provided, however, that the holder of a subsisting and unexpired individual permit may, without any claim to, or for rebate, return his said permit to the Board or official authorized to issue permits and then be entitled to make application for a new permit under this Act, and any person whose permit has been lost or destroyed may apply to the Board or other official by whom the permit was issued, and upon proof of the loss or destruction of the permit and subject to the conditions contained in the regulations may obtain a duplicate permit in lieu of the permit so lost or destroyed.

24. Liquor purchased by any person pursuant to a permit held by him may be had, kept, given and consumed, only in the residence in which he resides, or as provided in the permit, and in conformity with this Act and the regulations made thereunder.

25. Where the holder of any permit issued under this Act violates any of the provisions of this Act, or any regulations made thereunder, or is an interdicted person, or is otherwise disqualified from holding a permit, the Board, upon proof to its satisfaction of the facts, or of such violation, interdiction or disqualification, and in its discretion, with or without any hearing, may, by writing under the hand of any member of the Board, suspend the permit and all rights of the holder thereunder for such period as the Board sees fit, or may cancel the permit.

(2) The justice before whom any holder of a permit issued under this Act is convicted of a violation of any provision of this Act, or of the regulations made thereunder may cancel or suspend the permit for a period not exceeding one month, and thereupon the justice shall forthwith notify the holder and the Board of the suspension of the permit.

26. Upon receipt of notice of the suspension or cancellation of his permit, the holder of the permit shall forthwith deliver up the permit to the Board, and if the holder of a permit, which has been suspended, fails or neglects to deliver the same up to the Board, in accordance with the regulations made hereunder the Board shall forthwith cancel the same. Where the permit has been suspended only the Board shall return the permit to the holder at the expiration or determination of the period of suspension. Where the permit has been cancelled, the Board shall notify all vendors of the cancellation of the permit, and no vendor or official shall issue to the person whose permit is cancelled any permit under this Act within the period of one year from the date of such cancellation.

27. Where a permit is produced at a Government Store by a person who is not the holder of such permit, or where any permit is suspended or cancelled, or a permit, a duplicate of which has been issued, is produced at a Gov-

ernment Store, the vendor shall retain such permit in his custody and shall forthwith notify the Board of the fact of its retention, and the Board may forthwith cancel the same:

Provided nevertheless the proper holder of any lost subsisting permit which may be improperly produced as aforesaid may, upon satisfactory proof to the Board that he was not privy to such improper use, obtain a return of such permit.

28. No permit shall be issued under this Act to any person to whom the sale of intoxicants is prohibited under the provisions of any Act of the Dominion of Canada, or of the Province of Alberta, nor except under subsection (e) of section 19 to any corporation, association, society or partnership.

CLUB LICENSES.

29. Upon application in the prescribed form and accompanied by the prescribed fee, the Board may, in accordance with this Act and the regulations made thereunder, grant a club license in respect of any premises kept or operated by a club, and specified in the license, entitling the club to keep on the premises, beer, and subject to the provisions of this Act and the regulations made thereunder to sell the same for consumption on the club premises.

(2) No club shall be granted a license to sell beer unless the club premises be constructed, equipped, conducted, managed, and operated, in accordance with this Act and the regulations made thereunder, and to the satisfaction of the Board.

(3) Every club license shall be issued in the name of the applicant club, and no club license shall be transferable, nor shall the holder of a club license allow any other club or person to use the license.

(4) For the purpose of considering an application for a club license, the Board may cause an inspection of the club premises to be made, and may enquire into all matters in connection with the constitution and operation of the club. The Board may, in its discretion, grant or refuse the license applied for; and may from time to time in the exercise of like discretion, with or without any hearing, or assigning any reason therefor, suspend or cancel any club license, and all rights of the club to keep or sell beer thereunder shall be suspended or determined as the case may be.

(5) Upon receipt of notice of the suspension or cancellation of a club license, the licensee club shall forthwith deliver up the license to the Board, and in the case of suspension, if the said club fails or neglects to deliver up the license in accordance with the regulations made hereunder, the Board shall forthwith cancel the same. Where the license has been suspended only, the Board may return the

license to the licensee at the expiration or determination of the period of suspension, and the Board shall notify all vendors in the municipality where the club has its premises, and such other persons as may be provided in the regulations made hereunder, of the suspension or cancellation of such club license.

(6) Unless sooner cancelled, every club license issued by the Board shall expire at midnight on the thirty-first day of December, in the year in respect of which the license is issued, but a club license shall become void and determined if and when the club, to which it was issued, ceases to carry on operations or ceases to be qualified as a club within the meaning of this Act or the regulations made thereunder.

(7) Every club license issued under this section shall be subject to all conditions and restrictions imposed by this Act, or by the regulations made thereunder.

(8) Every licensed club shall post and keep posted its club license in a prominent position on the club premises.

(9) The premises of every club which does not hold a valid and subsisting club license under this section shall be deemed to be a public place within the meaning of this Act.

30. Notwithstanding any provisions of this Act, no liquor, other than beer, shall be kept by any person in any club premises under any device, pretence or excuse whatsoever.

(2) No beer shall be sold or delivered to, or consumed by, any person in a club unless such person holds a subsisting permit entitling such person to purchase the same under this Act, and the regulations made thereunder.

31. Notwithstanding any general or special Act to the contrary, no municipality shall have any power or authority to license any club holding a subsisting license under this Act.

BEER LICENSES.

32. The Board may, in accordance with this Act and the regulations made thereunder, grant a beer license in respect of premises kept or operated by the licensee, and specified in the license.

(2) Every applicant for a beer license shall, before filing his application with the Board, give notice of his intention to apply for a beer license, by advertisement in the form prescribed by the regulations made hereunder, once a week for four consecutive weeks preceding the application, in a newspaper published in the municipality in which the premises proposed to be kept or operated under the license are situate, or if no newspaper is published in that municipality, then in a newspaper circulating in that municipality.

(3) The applicant shall make application for the license in the form prescribed by the regulations made hereunder and shall file the same with the Board accompanied by the prescribed fee.

(4) Upon receipt of the application and fee, and upon being satisfied of the truth of the statements in the application, and that the applicant is a proper person to be licensed, and that the premises in respect of which the application is made are suitable, and that the application is otherwise in order, the Board may issue to the applicant a license authorizing him to purchase beer from a vendor or brewer, and to sell by the glass or open bottle, the beer so purchased, to persons holding a subsisting permit entitling such person to purchase beer, for consumption on the premises in accordance with the terms of the license, and the provisions of this Act and the regulations made thereunder.

(5) For the purpose of considering any application for a beer license the Board may cause an inspection of the premises to be made, and may consider any objections to the granting of the license filed with the Board by any person. The Board may, in its discretion, grant or refuse the license applied for; and may, at any time, in the exercise of like discretion, with or without any hearing, suspend or cancel any beer license, for such reason as the Board may deem sufficient.

33. No beer license shall be granted unless the premises are constructed and equipped so as not to facilitate any breach of this Act, or the regulations made thereunder, and to the satisfaction of the Board.

34. Unless sooner cancelled, every beer license issued by the Board, shall expire at midnight on the thirty-first day of December, in the year in respect of which the license is issued. In case the licensee applies for a new license for the following year in respect to the same premises, he shall not, unless so required by the Board, be required to give notice by advertisement of his intention to apply for a new license.

35. Every beer license issued under this section shall be subject to all conditions and restrictions imposed by this Act and the regulations made thereunder in force from time to time.

(2) No beer shall be sold or delivered to, or consumed by, any person on the premises in respect to which a beer license has been granted, unless such person holds a subsisting permit entitling such person to purchase the same under this Act, and the regulations made thereunder.

(3) No holder of a beer license under this Act shall keep or maintain, or permit to be kept or maintained, in any part of the premises in respect of which the license is issued, any bar or counter over, or at which, any alcoholic or non-alcoholic beverage is sold.

(4) No person shall have, keep or consume any liquor other than beer in any part of the premises in respect of which a beer license is issued under this Act, except where such premises form a part of a hotel and then only in a private guest room as provided in section 99 hereof.

36. Notwithstanding any general or special Act to the contrary no municipality shall have any power to license any premises in respect of which a beer license has been granted.

BREWERS

37. Any brewer duly licensed by the Government of Canada for the manufacture of beer as defined by this Act, in the Province of Alberta, may sell beer to any person who is the holder of a subsisting beer license, and to deliver the said beer to such licensee at the premises where he is entitled to sell the same under his license, and to a club, which is the holder of a subsisting license to sell beer and to deliver the same to such club premises so licensed; and to any person to whom a permit has been issued, entitling such person to purchase the same under the provisions of this Act, and to deliver the same to such person in accordance with the terms of this Act and the regulations made thereunder; all such deliveries to be made from the premises wherein such manufacture is carried on, and from such other places as may be fixed by the regulations of the Board.

38. Every brewer shall make to the Board in every month a return in the form which the Board shall provide showing the gross amount of the sales of beer made by such brewer to persons within the province.

39. Any brewer who fails to make such returns to the Board within twenty days following the expiration of any calendar month for which it should be made, shall be guilty of an offence and shall be liable to a fine of twenty dollars per day for each day it is delayed, counting from the expiration of such twenty days.

40. The Board may also examine the books of any brewer making or required to make any such return, or may otherwise verify the accuracy of any such return.

41. Any brewer who refuses to allow such examination or who fails to make returns in accordance with the regulations of the Board shall be liable to a fine of one hundred dollars for each offence.

42. Every person within the Province who purchases any beer from a brewer within the Province, shall pay a tax equal to five (5) per cent. of the gross amount of his purchase, and the brewer making such sale shall collect the said tax and pay the same to the Board, as the Board may direct, and in accordance with the regulations made hereunder, and for such purposes such brewer shall be

deemed the agent of the Board; provided that the amount paid, or to be paid by the purchaser in each case for the beer purchased shall be deemed the gross amount of such sale, and the tax aforesaid shall not be levied or payable upon the amount paid or to be paid for any such purchase in respect of the packages, bottles, or other containers, within which the beer is contained.

(2) Every brewer who fails to collect the said tax from the purchaser as aforesaid, before the delivery of the beer so sold, or to pay such tax over to the Board, shall be guilty of an offence under this Act in addition to paying the amount of the tax to the Board.

43. Every brewery shall be constructed and equipped so as not to facilitate any breach of this Act, or the regulations made thereunder.

44. Every brewer shall from time to time, as he may be required by the Board, furnish samples of his beer to be sold within the Province, and the Board shall be entitled and is hereby authorised to require of any brewer samples of any beer then being sold within the Province, or in stock by the brewer, or which may be in the course of manufacture, for sale within the Province and the said brewer shall forthwith furnish the same to the Board, and every brewer failing to do so as herein required by the Board, shall be guilty of an offence and liable to a penalty not exceeding one hundred dollars.

RAILWAY DINING CAR LICENSE.

45. Subject to the provisions of this Act and the regulations made thereunder, the Board, upon application by any railway company, operating a railway within or through the Province, may grant to such railway company, a license entitling the railway, within the Province, and while such license is subsisting, to sell beer on dining cars operated by such railway, for consumption during meals only, to any passenger, possessing railway transportation and while such passenger is actually travelling as such on such transportation on the train to which is attached such dining car. The fee for such license shall be one hundred dollars for each dining car so operated, and such license shall expire on the thirty-first day of December of the year in which it is granted.

LIQUOR KEPT AND SOLD UNDER SPECIAL PERMITS

46. Any druggist may keep for sale and may sell for strictly medicinal purposes liquor purchased by him under a special permit pursuant to this Act, but no sale of liquor shall be made by a druggist except upon a *bona fide* prescription signed by a physician, and no more than one sale and one delivery shall be made on any one prescription.

47. Any physician who deems liquor necessary for the health of a patient of his whom he has seen or visited professionally may give to such patient a prescription therefor in the prescribed form, signed by the physician, or the physician may administer the liquor to the patient, for which purpose the physician shall administer only such liquor as was purchased by him under special permit pursuant to this Act, and may charge for the liquor so administered; but no prescription shall be given nor shall liquor be administered by a physician except to a *bona fide* patient in cases of actual need, and when in the judgment of the physician the use of liquor as medicine in the quantity prescribed or administered is necessary.

(2) Every physician who gives any prescription or administers any liquor in evasion or violation of this Act, or who gives to or writes for any person a prescription for or including liquor for the purpose of enabling or assisting any person to evade any of the provisions of this Act, or for the purpose of enabling or assisting any person to obtain liquor as a beverage, or to be sold or disposed of in any manner in violation of the provisions of this Act, shall be guilty of an offence against this Act.

48. Any dentist who deems it necessary that any patient being then under treatment by him should be supplied with liquor as a stimulant or restorative may administer to the patient the liquor so needed, and for that purpose the dentist shall administer liquor purchased by him under special permit pursuant to this Act, and may charge for the liquor so administered; but no liquor shall be administered by a dentist except to a *bona fide* patient in case of actual need, and every dentist who administers liquor in evasion or violation of this Act shall be guilty of an offence against this Act.

49. Any veterinary who deems it necessary may in the course of his practice administer or cause to be administered liquor to any dumb animal, and for that purpose the veterinary shall administer or cause to be administered liquor purchased by him under special permit pursuant to this Act, and may charge for the liquor so administered or caused to be administered; but no veterinary shall himself consume, nor shall he give to or permit any person to consume, as a beverage any liquor so purchased, and every person who consumes as a beverage any liquor so purchased by a veterinary shall be guilty of an offence against this Act.

50. Any person in charge of an institution regularly conducted as a hospital or sanatorium for the care of persons in ill-health, or as a home devoted exclusively to the care of aged people, may, if he holds a special permit under this Act for that purpose, administer liquor purchased by him under his special permit to any patient or inmate of the institution who is in need of the same, either by way of external application or otherwise for emergency medicinal purposes, and may charge for the liquor so administered;

but no liquor shall be administered by any person under this section except to *bona fide* patients or inmates of the institution of which he is in charge and in cases of actual need, and every person in charge of an institution who administers liquor in evasion or violation of this Act shall be guilty of an offence against this Act.

APPLICATION OF ACT

51. Nothing in this Act shall prevent any brewer, distiller, or other person duly licensed, under the provisions of any Statute of the Dominion of Canada, for the manufacture of liquor, from having or keeping liquor in a place and in the manner authorized by or under any such Statute, nor from selling to a manufacturer in bond, duly licensed as such under any statute of the Dominion of Canada, such liquor as may be required by him for the manufacture of such products as are permitted under his license; provided the consent of the Board has been given in writing to the issue of said license to the manufacturer in bond, and that the liquor so sold shall not contain less than eighty-five and fifty-nine one-hundredths per centum by volume of absolute alcohol, or a strength of fifty per centum over proof spirits by Sykes' hydrometer.

52. Subject to subsection (2) hereof nothing in this Act contained shall prevent —

- (a) Any druggist from having in his possession or selling solely for medicinal or household purposes or for external use any combination of alcohol with any other liquid or substance, or any lotion, perfume or tincture, prepared according to a formula which has been approved of for this purpose by the Board;
- (b) The manufacturer, having in possession, selling, or otherwise handling as merchandise in the usual and ordinary course of business, any flavouring, or fluid extracts, or essences, made for culinary purposes only, prepared according to a formula which has been approved of for this purpose by the Board, notwithstanding that such extracts or essences contain more than two and one half per cent. of proof spirits; provided that no such extracts or essences shall be sold by retail otherwise than in sealed bottles;
- (c) Any person conducting a retail mercantile business in any town, village or hamlet, within the Province, where there is no drug store, from possessing, or selling, such patent or proprietary medicines as a druggist is permitted to possess and sell under the provisions of this Act.

(2) Notwithstanding the provisions of this section, the Board, with the approval of the Lieutenant Governor in Council, may determine and fix the size of any bottle, container or package, in which any of the products, combinations, substances or preparations, enumerated in subparagraphs (a) and (b) of subsection (1) of this section, may be sold by retail or possessed for such purpose, and may fix and determine the price at which the same may be so sold, and

may order that the bottle, container, or package, in which any of such products, combinations, substances or preparations, is sold or possessed for sale, by retail, shall bear a label setting out the price so fixed or determined, the contents of the bottle, container or package and such other matter as the Board deems necessary:

Provided that the Board, if of opinion that any of such products, combinations, substances or preparations, which contain alcoholic liquor, are being used for beverage purposes, may, with the approval of the Lieutenant Governor in Council, prohibit the sale by retail, or the possession of the same for sale by retail, of any of such products, combinations, substances or preparations, except through a Government Store, or by persons licensed by the Board to keep and sell the same by retail in accordance with the regulations made hereunder, and may prescribe the price at which, and the manner in which, any of such products, combinations, substances or preparations so prohibited may be sold or kept for sale. After the publication of such prohibition by the Board in *The Alberta Gazette* any person selling or keeping for sale any such product, combination, substance or preparation, contrary to the provisions of this section commits an offence under this Act.

PART III.

FORMATION OF LOCAL OPTION AREAS AND PROCEEDINGS FOR TAKING PLEBISCITE THEREIN.

53. Upon receipt of a petition addressed to the Lieutenant Governor in Council signed by not less than twenty-five (25) per centum of the names which appear on the last revised assessment roll of a municipality, or of the voters whose names appear on the last voters' list revised under *The Alberta Election Act* of any electoral division, as defined in said last mentioned Act, praying that the said municipality or electoral division, as the case may be, be created a "Local Option Area," the Lieutenant Governor in Council may create such municipality or electoral division, as the case may be, into a "Local Option Area," for the purpose of taking a local option plebiscite in said area under the provisions of this part.

(2) In the event of petitions being received from adjoining municipalities or electoral divisions, the Lieutenant Governor in Council may combine such municipalities or electoral divisions into one "Local Option Area."

(3) Notice of the creation of such "Local Option Area" shall be published in *The Alberta Gazette*.

54. Upon the creation of a "Local Option Area" the Lieutenant Governor in Council may proceed to take a plebiscite in said area under this part, and may issue a proclamation, which shall be inserted at least twice in *The Alberta Gazette*, and copies thereof posted in every post office in such "Local Option Area."

55. In such proclamation there may be set forth—

- (a) The day on which the plebiscite will be held;
- (b) That the votes will be taken by ballot between the hours of nine o'clock in the forenoon and seven o'clock in the afternoon of that day;
- (c) The name of a resident of said "Local Option Area" to be returning officer, for the purpose of taking the votes in respect to such plebiscite, and of afterwards summing up the same and making a return of the result to the Lieutenant Governor in Council;
- (d) The power of the returning officer to appoint a deputy returning officer, clerks and constables if necessary, at and for each polling place or station;
- (e) The place where, the day and the hour when the returning officer will appoint persons to attend at the various polling stations;
- (f) The place where, and the day and hour when, the votes of the electors will be summed up, and the result of the plebiscite declared by the returning officer;
- (g) Any such further particulars with respect to the nature and object of the said plebiscite, or with respect to the holding of the plebiscite and taking and summing up of the votes of the electors as the Lieutenant Governor in Council sees fit to insert therein.

56. The naming of any person in any proclamation issued, as set out in the next preceding paragraph, shall be sufficient appointment and sufficient evidence of the appointment of such person as returning officer for the purposes mentioned in the proclamation.

(2) On receiving a copy of the proclamation the returning officer shall forthwith endorse thereon the date on which he receives the same, and before taking any further action thereon he shall take, before a justice of the peace, the oath of office in form A hereto.

57. The returning officer shall at least eight days before the day on which the plebiscite is to be taken, indicate, with reference to such plebiscite, the several polling stations fixed by him and the territorial limits to which they shall respectively apply, and shall cause the said notice to be posted up at four of the most prominent and conspicuous places in each polling station.

58. The voting shall be by ballot and each voter shall indicate his vote by marking it on the ballot in accordance with the directions given therein.

(2) The ballot shall be in form B in the schedule hereto, with such variations as are necessary and shall be prepared by the King's Printer, and be forwarded to the returning officer appointed, in sufficient number, by the Clerk of the Executive Council, together with such forms, notices and instructions as the Lieutenant Governor in Council may prescribe.

59. Any person, resident in a "Local Option Area" who would be entitled to vote at an election for a member of the Legislative Assembly of the Province shall be entitled to vote at a plebiscite taken in such area under the provisions of this part.

60. All the provisions of *The Alberta Election Act* respecting the election of members of the Legislative Assembly shall, subject to the provisions of this part, and of any regulations that may be made by the Lieutenant Governor in Council pursuant hereto, as near as applicable, apply *mutatis mutandis* to the taking of any plebiscite hereunder.

61. The returning officer shall appoint by writing, under his hand, from among the applicants for such appointment, or on behalf of persons applying to have such appointments made, two agents, to attend at each polling station at the final summing up of the votes, on behalf of those desirous of obtaining negative answers, and two agents to so attend on behalf of those desirous of obtaining affirmative answers, but no such agent shall be entitled to any remuneration from the Public Treasury.

(2) Before any person so appointed enters upon his duties as agent, he shall make and subscribe before the returning officer, or any deputy returning officer, a declaration to the effect that he is interested in and desirous of obtaining an affirmative or negative answer, as the case may be, to the question, which declaration may be in form C in the schedule to this Act.

(3) Every person so appointed before being admitted to the polling station, or to the final summing up of the votes, as the case may be, shall produce to and file with the deputy returning officer, his written appointment.

(4) In case no person has been appointed as aforesaid, to attend at any polling station, or at the final summing up of the votes, or in the absence of any person so appointed, any electors, not exceeding two in the same interest, may, upon making and subscribing a declaration to the above effect before the deputy returning officer, or the returning officer, as the case may be, be admitted to the polling station or to the final summing up of the votes, as agents on behalf of that interest.

62. If any person offering to vote at any plebiscite taken under this part be challenged by any legal voter as being disqualified, the deputy returning officer shall require the party so offering to vote to take the following oath or affirmation, to be administered by the deputy returning officer, as follows:

"You swear (or do solemnly affirm) that you are twenty-one years of age and a subject of His Majesty by birth or naturalization; that you have not received anything or accepted any promise, directly or indirectly, to induce you to vote or to indemnify you for your loss of time or any services connected with the taking of this plebiscite; that you are entitled to vote at this plebiscite and that you have not been guilty of any act of corruption disqualifying you from voting. So help you God. (Omit last four words if party affirms.)"

63. In any plebiscite taken under this part, an affirmative vote shall be made by placing the figure 1 (thus, 1) in the upper right hand space opposite the words "For Local Option," and a negative vote by placing a like figure, in the lower right hand space opposite the words "Against Local Option."

64. At the close of the poll, the deputy returning officer, in the presence of such agents as attend, shall count the ballots, placing them in three parcels: affirmative ballots, negative ballots and rejected ballots, and shall give to one agent representing the affirmative, and to one agent representing the negative, a statement showing the number of affirmative and negative votes respectively, and the number of rejected ballots, and shall seal the three parcels, and forthwith forward or deliver to the returning officer in his ballot box the three parcels, and also all unused ballot papers, and a statement of the result of the poll.

65. A ballot shall be rejected in each of the following cases:

- (a) If it is not authenticated by the initials of the deputy returning officer, unless he has inadvertently omitted to initial the same;
- (b) If it is not marked with the figure 1;
- (c) If it has any other mark in addition to the figure 1, by which the deputy returning officer thinks it was intended to be identified.

66. The returning officer at the place, day and hour, appointed by the proclamation, and after having received all the ballot boxes, shall proceed to open them in the presence of the agents, if present, and of at least three electors if the agents are not present, and to add together the number of votes given in each interest from the statements contained in the ballot boxes returned by the deputy returning officers.

(2) After the summing up as set out in the preceding subsection, the returning officer shall within ten days thereof prepare a return and therein certify—

- (a) The number of votes in the affirmative;
- (b) The number of votes in the negative;
- (c) The number of ballots rejected—

and shall transmit the return, together with all sealed parcels of ballots, and unused ballot papers, to the Clerk of the Executive Council.

67. The Clerk of the Executive Council shall prepare from the return so transmitted to him by the returning officer a statement of the number of votes in the affirmative, of the number of votes in the negative, and of the number of ballots rejected, and shall sign the statement, and shall publish a copy of the same in *The Alberta Gazette*, within thirty days after the taking of the vote.

(2) The statement so published shall be conclusive evidence of the result of the vote unless a scrutiny or recount is demanded.

68. Any elector within the area, for which a plebiscite has been taken, may within ten days from the date of the publication in *The Alberta Gazette*, of said statement by the said clerk, obtain an appointment from any Judge of the Supreme Court for a recount or scrutiny, or both, of the vote in the said area.

(2) Subject to any regulations made under section 73 hereof as to such recount or scrutiny, and subject to section 74, the said judge shall give all necessary directions, and shall conduct the scrutiny or recount or both, and shall certify the result of the said recount and such certificate shall be conclusive evidence as to the result.

69. After a plebiscite has been taken in any "Local Option Area" under this part, the Lieutenant Governor in Council, upon receiving a petition from at least twenty-five per centum in number of the resident electors of such area, whose names appear on the list of voters last made and revised, in pursuance of *The Alberta Election Act*, praying that a vote or plebiscite again be taken on the question of local option, shall proceed to take the said plebiscite and all of the provisions of this part as far as the same may be applicable, shall apply *mutatis mutandis* to taking the said plebiscite.

70. A petition necessary to take a second or subsequent plebiscite in any "Local Option Area," or the different sections or parts of such a petition, if in more than one section or part, shall be verified by affidavit or statutory declaration of a witness or witnesses present when the said petition or part or section of petition was signed by the persons respectively signing the same, setting forth his name, place of residence and calling, and proving—

- (a) That he was present and saw the petition, or section or part of petition, signed by the persons respectively whose names appear thereon and which are set forth in such affidavit or declaration;
- (b) That the said persons are resident electors of the area in which the vote or plebiscite is to be taken;
- (c) That he has made a personal examination of the voters' list last made and revised of the voters of the said area under *The Alberta Election Act*;
- (d) That from the said examination and his personal knowledge of the said petitioners, he can positively state that the names of said persons appear upon the said voters' list, and that the said persons reside within the said area.

(2) Every such affidavit or statutory declaration shall be *prima facie* proof to the Lieutenant Governor in Council, and before all judges, courts, and other bodies and elsewhere of the facts stated therein. The following form or one to the like effect, or any form which in effect states the above facts, may be used:

"PROVINCE OF ALBERTA. }
 TO WIT: }
 "I, of the of
 in the Province of Alberta,
 (*Occupation*), make oath and say—
 "1. That I was present and saw
 sign the annexed petition, and
 that the signatures of the said petitioners are in the re-
 spective handwriting of each;
 "2. Each of the said petitioners is a resident elector of
 the 'Local Option Area' wherein it is desired by the said
 petition to take a plebiscite or vote;
 "3. That I have personally examined the voters' list
 made and revised of the voters of the said area under *The
 Alberta Election Act*, and from said examination and my
 personal knowledge of said petitioners, I can positively
 state that the name of each of said petitioners appears on
 the said voters' list.
 "Sworn before me at }
 in the Province of Alberta, }
 A.D 19.... }
 'A Commissioner for Oaths, or a Justice of the Peace.'

71. After a plebiscite has been taken under this part and whether the same be decided in the affirmative or negative, no petition shall be presented or received by the Lieutenant Governor in Council, nor any vote or plebiscite taken in pursuance to this part at any time prior to the expiration of two years after the taking of a prior plebiscite under this part.

72. In any vote or plebiscite taken under this part, such plebiscite shall be deemed to be in the affirmative if a majority of the qualified voters so voting shall vote for Local Option, otherwise the same shall be deemed to be in the negative.

73. The Lieutenant Governor in Council may make regulations not inconsistent with this Act, for the proper taking of any plebiscite hereunder, and particularly for regulating the procedure prior to, at and after the said voting, the advertising and the taking of the said vote, the publication and distribution of literature pertaining to the subject matter voted upon and such other matters or things as he may deem advisable, and the procedure as to a recount.

74. No plebiscite or vote taken under this part shall be declared invalid by reason of non-compliance with the provisions of this part governing the case, as to the taking of

the vote, or the counting of the votes, or by reason of any mistake in the use of forms, or by reason of any irregularity, if it appears to the tribunal having cognizance of the question that the proceedings on the vote were conducted substantially in accordance with the requirements of the provisions of this part respecting the same, and that such non-compliance, mistake or irregularity did not affect the result of the voting.

75. Any act done in relation to, or in connection with, any of the proceedings under this part, which is similar to or of a like character with any act made punishable when done in relation to, or in connection with, any of the proceedings under *The Alberta Election Act*, shall be an offence against this Act, and also against *The Alberta Election Act*, with all amendments in force at the time of the taking of any plebiscite hereunder, and shall be punishable in the same manner and to the same extent as the corresponding similar offence would be under *The Alberta Election Act* and such amendments.

76. Any petition praying for a "Local Option Area" or for a plebiscite under this part must be signed by all the petitioners, within the calendar year in which it is presented, and no such petition, or any portion thereof, when presented as herein provided, shall be afterwards re-presented to the Lieutenant Governor in Council.

77. The returning officer and other officials engaged in the taking of a plebiscite under this part shall be entitled to be paid the same fees and disbursements as are provided for in like cases by *The Alberta Election Act* in an election under the last mentioned Act, and such fees and disbursements, and all other expenses of the plebiscite shall, in the first instance, be paid out of the Public Revenue of the Province, and charged against the Board in respect of moneys received by it under this Act, and the Board shall deduct the total cost of the plebiscite from the amounts payable under section 148 hereof, to the municipality which includes the said "Local Option Area" and when such "Local Option Area" includes the whole or parts of more than one municipality, then such total cost shall be borne proportionately by such municipalities, based on the number of electors appearing on the list of voters last made and revised under *The Alberta Election Act* and deducted accordingly.

78. Whenever in any "Local Option Area" a plebiscite has been taken and has been decided in the affirmative, until a plebiscite has been taken and decided in the negative—

- (a) No Government Liquor Store shall be established, maintained or operated in such area, and any existing store therein shall be forthwith discontinued;
- (b) No beer license or club license to sell beer shall be granted or issued in such area.

79. Notwithstanding that a plebiscite has been taken in any "Local Option Area" and decided in the negative, the Board shall not be bound to establish, maintain or operate, a Government Liquor Store in such area, or to grant or issue beer or club licenses to sell beer in such area.

80. Notwithstanding anything to the contrary in this Act contained, neither the city of Edmonton or Calgary shall be included in any "Local Option Area," and this part shall not apply to either of said cities.

PART IV.

PROHIBITIONS, INTERDICTION, PENALTIES AND PROCEDURE IN PROSECUTIONS AND ON APPEAL.

PROHIBITIONS

81. Except as provided by this Act, no person shall, within the Province, by himself, his clerk, servant, or agent, expose or keep for sale, or directly or indirectly or upon any pretence, or upon any device, sell or offer to sell, or in consideration of the purchase or transfer of any property, or for any other consideration, or at the time of the transfer of any property, give to any other person any liquor.

82. No brewer, distiller, or manufacturer of liquor shall, within the Province, by himself, his clerk, servant or agent, give to any person any liquor, except as may be permitted by and in accordance with the regulations made hereunder.

83. No vendor, and no person acting as the clerk or servant of or in any capacity for any vendor, shall sell liquor in any other place or at any other time or otherwise than as authorized by this Act and the regulations.

84. No member or employee of the Board shall be directly or indirectly interested or engaged in any other business or undertaking dealing in liquor, whether as owner, part owner, partner, member of syndicate, shareholder, agent or employee, and whether for his own benefit or in a fiduciary capacity for some other person.

(2) No member or employee of the Board or any employee of the Government shall solicit or receive directly or indirectly any commission, remuneration or gift whatsoever from any person or corporation having sold, selling or offering for sale to, or purchasing liquor from, the Government or Board in pursuance of this Act.

(3) No person selling or offering for sale to, or purchasing liquor from, the Government or the Board, shall either directly or indirectly offer to pay any commission, profit or remuneration, or make any gift to any member or employee of the Board or to any employee of the Government, or to anyone on behalf of such member or employee.

85. Except as provided in this Act, no person shall, within the Province, by himself, his clerk, servant, or agent, attempt to purchase, or directly or indirectly or upon any pretence or upon any device purchase, or in consideration of the sale or transfer of any property, or for any other consideration, or at the time of the transfer of any property, take or accept from any other person any liquor.

86. No person, within the Province of Alberta, shall consume any liquor on any premises where liquor is kept for sale by a druggist, nor shall any druggist permit any liquor to be consumed on such premises.

87. Except in the case of wine taken and consumed for sacramental purposes, no person shall consume liquor within the Province, unless the same has been acquired under the authority of a permit issued under this Act, and unless the package in which the liquor is contained and from which it is taken for consumption has, while containing that liquor, been sealed with the official seal prescribed under this Act, and the regulations made thereunder.

88. Except in the case of—

- (a) liquor imported by the Government; or
- (b) liquor had and kept by a person, and in a place and manner referred to in section 51; or
- (c) beer lawfully had or kept under this Act; or
- (d) any liquor kept for sale by a druggist under section 46 hereof—

no liquor shall be kept or had by any person within the Province unless the package, not including a decanter or other receptacle containing the liquor for immediate consumption, in which the liquor is contained has, while containing that liquor, been sealed with the official seal prescribed under this Act.

(2) Any inspector or constable who finds liquor which in his opinion is had or kept by any person in violation of the provisions of this Act may, without laying any information or obtaining any warrant, forthwith seize and remove the same and the packages in which the liquor is kept, and upon conviction of the person for a violation of any provisions of this section the liquor and all packages containing the same shall, in addition to any other penalty prescribed by this Act, *ipso facto* be forfeited to His Majesty, in the right of the Province.

89. Except in the case of liquor purchased and consumed in accordance with a special permit for a purpose permitting its consumption in a public place, no person shall consume liquor in a public place.

90. No vendor, beer licensee or club licensee shall sell any liquor, or permit any liquor to be sold, to any person apparently under the influence of liquor.

91. Except in the case of liquor given to a person under the age of twenty-one years by his parent or guardian for

beverage or medicinal purposes, or administered to him by his physician or dentist for medicinal purposes, or sold to him by a vendor or druggist upon the prescription of a physician, no person shall sell, give, or otherwise supply liquor to any person under the age of twenty-one years, or permit any person under that age to consume liquor.

92. Except in the case of liquor administered by a physician or dentist or sold upon a prescription in accordance with the provisions of this Act, no person shall procure or supply, or assist directly or indirectly in procuring or supplying, liquor for or to any one whose permit is suspended or has been cancelled.

93. Except in the case of liquor sold to an interdicted person upon the prescription of a physician, or administered to him by a physician or dentist pursuant to this Act, no person shall procure for or sell, or give, to any interdicted person, any liquor, nor directly or indirectly assist in procuring or supplying any liquor to any interdicted person.

94. No permit shall be issued to any interdicted person, and every interdicted person who makes application for a permit, or who enters or is found upon the premises of any Government Liquor Store, or the premises for which a beer license has been granted, shall be guilty of an offence against this Act.

95. No person whose permit has been cancelled shall, within a period of twelve months, after the date of such cancellation, make application for another permit under this Act.

96. No person shall purchase or attempt to purchase liquor under a permit which is suspended, or which has been cancelled, or of which he is not the holder.

97. No person shall—

- (a) Permit drunkenness to take place in any house or on any premises of which he is owner, tenant, or occupant; or
- (b) Permit or suffer any person apparently under the influence of liquor to consume any liquor in any house or on any premises of which the first-named person is owner, tenant, or occupant; or
- (c) Give any liquor to any person apparently under the influence of liquor.

98. Except as authorized by this Act, no person, not holding a permit under this Act, entitling him so to do, shall have any liquor in his possession within the Province.

(2) A holder of an individual permit may have in his possession and consume in his residence, or in a private guest room occupied by him in a hotel only the liquor acquired by him under his individual permit.

99. Except in the case of beer kept or consumed in premises for which a beer license has been granted under this Act, and which form a part of a hotel, no person—

- (a) shall keep or consume liquor in any part of a hotel other than a private guest room;
- (b) shall keep or have any liquor in any room in a hotel unless he is a *bona fide* guest of the hotel and is duly registered in the office of the hotel as an occupant of that room and has baggage and personal effects belonging to him in the hotel:

Provided that there shall not be kept or had in any such room a greater quantity of liquor than one person is entitled to acquire at one time under an individual permit.

100. Except in the case of Government Liquor Stores, no owner or occupier of any building shall permit any sign displaying any of the words "bar," "bar-room," "saloon," "tavern," "wines," "beer," or "liquors" or words of like import to be upon the outside of or kept up near to or otherwise displayed from the building or any shop or room therein:

Provided that this section shall not apply where the sign is maintained by any person referred to in section 51 for the purpose of advertising the premises or business of that person, and is not displayed on or from any shop or room in which any beverage containing alcohol is sold by retail.

101. Unless permitted so to do by the regulations made hereunder and then only in accordance therewith, no person within the Province shall canvass for, receive, take, or solicit orders for the purchase or sale of any liquor, or act as agent for the purchase or sale of liquor or distribute, publish, or display any advertisement, sign, circular, letter, poster, hand-bill, card, or price-list naming, representing, describing, or referring to any liquor or to the quality or quantities thereof, or giving the name or address of any person manufacturing or dealing in liquors, or stating where liquor may be obtained, and any such advertisement, sign or poster shall state, in the manner indicated by the Board, that it is not published or displayed by the Alberta Liquor Control Board, or by the Government of the Province of Alberta.

(2) Nothing in subsection (1) contained shall apply to agents dealing with the Government or the Board or to the receipt or transmission of a telegram or letter by any telegraph agent or operator or post-office employee, in the ordinary course of his employment as such agent, operator, or employee.

102. Every person manufacturing or brewing malt liquor shall put upon all bottles containing malt liquor so manufactured or brewed for sale within the Province a distinctive label showing the nature of the contents, the name of the person by whom the malt liquor is manufactured or brewed, and the place where the malt liquor was brewed; and shall show clearly on all barrels or other receptacles containing malt liquor so manufactured or brewed, whether bottled or otherwise, the nature of the contents, the name of the person by whom the malt liquor is manufactured or brewed, and the place where the malt liquor was brewed. For the purposes of this section, the contents of bottles, barrels, and other receptacles containing malt liquor shall be shown by the use of the word "beer," "ale," "stout," or "porter," on the outside of all bottles, barrels and other receptacles.

INTERDICTION.

103. Where it is made to appear to the satisfaction of any justice that any person, resident or sojourning within the province, by excessive drinking of liquor, misspends, wastes, or lessens his estate, or injures his health, or endangers or interrupts the peace and happiness of his family, the justice may make an order of interdiction directing the cancellation of any permit held by that person, and prohibiting the sale of liquor to him until further order; and the justice shall cause the order to be forthwith filed with the Board.

(2) Every interdicted person keeping or having in his possession or under his control any liquor shall be guilty of an offence against this Act, and, on summary conviction thereof, the justice making the conviction may in and by the conviction declare the liquor and all packages in which the same is contained to be forfeited to His Majesty in the right of the Province:

Provided that on the making of an order of interdiction the interdicted person may forthwith deliver to the Board all liquor then in his possession or under his control to be kept for him by the Board until the order of interdiction is revoked or set aside, or to be purchased by the Board at a price to be fixed by it.

104. Upon receipt of the order of interdiction, the Board shall cancel any permit held by the interdicted person, and shall notify the interdicted person and all vendors, and all licensees and clubs holding beer licenses under this Act, of the cancellation of the permit, and of the order of interdiction so made and filed prohibiting the sale of liquor to the interdicted person.

105. The justice by whom an order of interdiction is made under this Act, upon being satisfied that the justice of the case so requires, may revoke the order of interdiction by an order filed with the Board; and upon the filing of the

order of revocation, the interdicted person shall be restored to all his rights under this Act, and the Board shall forthwith notify all licensees, holding beer licenses or club licenses under this Act, and vendors accordingly.

106. Upon the application to the judge of any District Court by any person in respect of whom an order of interdiction has been made under this Act, and upon it being made to appear to the satisfaction of the judge that the circumstances of the case did not warrant the making of the order of interdiction, or upon proof that the interdicted person has refrained from drunkenness for at least twelve months immediately preceding the application, the judge may by order set aside the order of interdiction filed with the Board, and the interdicted person shall be restored to all his rights under this Act, and the Board shall forthwith notify all vendors accordingly.

(2) On every application to a judge under this section, the applicant shall be given ten clear days' notice of the hearing by notice in writing served upon the Board, and upon such other persons as the judge may direct.

PENALTIES AND PROCEDURE.

107. Every person who violates any provision of this Act or the regulations made thereunder shall be guilty of an offence against this Act, whether otherwise so declared or not.

108. Every person who violates any provision of section 83 shall be liable, on summary conviction, for a first offence to imprisonment with hard labor for not more than six months, and for a second or subsequent offence to imprisonment with hard labor for not more than twelve months.

(2) Every person who violates any provisions of section 84 hereof shall be liable on summary conviction to imprisonment with hard labor for not more than twelve months.

109. Every person who violates any provision of sections 82, 90, 91, and 93 shall be liable, on summary conviction, for a first offence to imprisonment, with hard labour, for not less than one month, nor more than three months, and for a second or subsequent offence, to imprisonment with hard labour for not less than four months, nor more than twelve months.

110. Every person who violates any provision of section 81 shall be liable on summary conviction for a first offence, in the discretion of the justice—

- (a) to a fine of not less than two hundred dollars, nor more than one thousand dollars, and costs, and in default of payment thereof to imprisonment with hard labour for a period of not more than three months; or
- (b) to imprisonment with hard labour for a term of not more than six months, without the option of a fine.

(2) Every person who, after a previous conviction for an offence against any of the provisions of section 81 of this Act, is convicted of an offence against the provisions of section 81 of this Act, shall be liable on summary conviction 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.

(3) If the offender convicted of an offence referred to in this section is a corporation it shall be liable to a penalty of not less than one thousand dollars, nor more than three thousand dollars.

111. Every person guilty of an offence against this Act for which no penalty has been specifically provided shall be liable, on summary conviction, for a first offence to a penalty of not less than fifty dollars nor more than two hundred dollars, and in default of immediate payment, to imprisonment for not less than thirty days nor more than two months, with or without hard labour; for a second offence to imprisonment for not less than two months nor more than four months, with or without hard labor, or to a penalty of not less than two hundred dollars nor more than five hundred dollars, and, in default of immediate payment, to imprisonment for not less than two months nor more than four months with or without hard labour; and for a third or subsequent offence to imprisonment for not less than three months nor more than six months with or without hard labour, without the option of a fine. If the offender convicted of an offence referred to in this section is a corporation, it shall for a first offence be liable to a penalty of not less than one thousand dollars nor more than two thousand dollars, and for a second or subsequent offence to a penalty of not less than two thousand dollars nor more than three thousand dollars.

112. Upon information on oath by any inspector appointed under this Act or by any constable that he suspects or believes that liquor is unlawfully kept or had, or kept or had for unlawful purposes, in any building or premises, it shall be lawful for any justice by warrant under his hand to authorize and empower the inspector or constable, or any other person named therein, to enter and search the building or premises and every part thereof; and for that purpose to break open any door, lock, or fastening of the building or

premises or any part thereof, or any closet, cupboard, box, or other receptacle therein which might contain liquor. It shall not be necessary for any inspector or constable to set out in the information any reason or grounds for his suspicion or belief.

(2) Where any inspector or constable is authorized in writing by the Attorney General to exercise the powers conferred by this subsection, the inspector or constable, if he believes that liquor is unlawfully kept or had, or kept or had for unlawful purposes, in any building or premises, shall have power, without warrant, to enter and search the building or premises and every part thereof, and for that purpose to break open any door, lock, or fastening of the building or premises or any part thereof, or any closet, cupboard, box, or other receptacle therein which might contain liquor.

(3) Every person being in the building or premises or having charge thereof who refuses or fails to admit any inspector or constable 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 inspector or constable, or any such search by him, shall be guilty of an offence against this Act.

113. Any inspector appointed under this Act or any constable, if he believes that liquor is unlawfully kept or had, or kept or had for unlawful purposes, and is contained in any vehicle, motor-car, automobile, vessel, boat, canoe, or conveyance of any description, or is unlawfully kept or had, or kept or had for unlawful purposes, on the lands or person of any person, shall have power without warrant to search for such liquor wherever he may suspect it to be, and, if need be, by force, and may search the person himself, and may seize and remove any liquor found and the packages in which the same is kept.

114. Where the inspector or constable, in making or attempting to make any search under or in pursuance of the authority conferred by sections 112 or 113 of this Act, finds in any building or place any liquor which in his opinion is unlawfully kept or had, or kept or had for unlawful purposes, contrary to any of the provisions of this Act, he may forthwith seize and remove the same and the packages in which the same is kept, and may seize and remove any book, paper or thing found in the building or place which in his opinion will afford evidence as to the commission of any offence against this Act; and upon the conviction of the occupant of such house or place or any other person for keeping the liquor contrary to any of the provisions of this Act in such building or place, the justice making the conviction may in and by the conviction declare the liquor and packages or any part thereof to be forfeited to His Majesty, in the right of the Province.

115. Where the inspector or constable, in making or attempting to make any search under or in pursuance of the

authority conferred by section 113, finds in any vehicle, motor-car, automobile, vessel, boat, canoe, or conveyance of any description liquor which in his opinion is unlawfully kept or had, or kept or had for unlawful purposes, contrary to any of the provisions of this Act, he may forthwith seize the liquor and the packages in which the same is contained, and the vehicle, motor-car, automobile, vessel, boat, canoe, or conveyance in which the said liquor is so found; and upon the conviction of the occupant or person in charge of the vehicle, motor-car, automobile, vessel, boat, canoe, or conveyance, or of any other person, for having or keeping the said liquor contrary to any of the provisions of this Act in such vehicle, motor-car, automobile, vessel, boat, canoe, or conveyance, the justice making the conviction may in and by the conviction declare the liquor or any part thereof so seized and the packages in which the same is contained to be forfeited to His Majesty; and the justice may in and by the conviction further declare the vehicle, motor-car, automobile, vessel, boat, canoe, or conveyance so seized to be forfeited to His Majesty, in the right of the Province.

116. Where liquor is found by any inspector or constable on any premises or in any place in such quantities as to satisfy the inspector or constable that such liquor is being had or kept contrary to any of the provisions of this Act, it shall be lawful for the inspector or constable to forthwith seize and remove, by force if necessary, any liquor so found, and the packages in which the liquor was had or kept.

(2) Where liquor has been seized by an inspector or constable under any of the provisions of this Act, under such circumstances that the inspector or constable is satisfied that such liquor was had or kept contrary to any of the provisions of this Act, he shall, under the provisions of this section, retain the same and the packages in which the same was had or kept.

(3) If within thirty days from the date of its seizure no person by notice in writing filed with the Board claims to be the owner of the liquor, the liquor and all packages containing the same shall *ipso facto* be forfeited to His Majesty, in the right of the Province, and shall forthwith be delivered to the Board.

(4) If within the said time any claimant appears, it shall be incumbent upon him within that time, and after three days' notice in writing filed with the Board stating the time and place fixed for the hearing, to prove his claim and his right under the provisions of this Act to the possession of such liquor and packages to the satisfaction of any justice, and on failure within that time to prove and establish his claim and right the liquor and packages shall *ipso facto* be forfeited to His Majesty, in the right of the Province.

117. In every case in which a justice makes any order for the forfeiture of liquor under any of the provisions of this Act, and in every case in which any claimant to liquor

under the provisions of section 116 hereof, fails to establish his claim and right thereto, the liquor in question and the packages in which the liquor is kept shall forthwith be delivered to the Board. The Board shall thereupon determine the market value of all forfeited liquor which is found to be suitable for sale in the Government Liquor Stores, and the Board shall pay the amount so determined in to the Provincial Treasurer, after deducting therefrom the expenses necessarily incurred by the Board for transporting the forfeited liquor to the Government Liquor Warehouses, and the liquor suitable for sale shall be taken into stock by the Board and sold under the provisions of this Act. All forfeited liquor which is found to be unsuitable for sale in Government Liquor Stores shall be destroyed under competent supervision as may from time to time be directed by the Attorney General.

(2) In every case in which liquor is seized by a constable it shall be his duty to forthwith report the same to the chief of police, who shall forthwith report in writing to the Board the particulars of such seizure.

118. For the purpose of obtaining information concerning any matter relating to the administration or enforcement of this Act, the Attorney General or any person appointed by him in writing for the purpose may inspect the freight and express books and records and all way-bills, bills of lading, receipts, and documents in the possession of any railway company, express company, or other common carrier doing business within the Province containing any information or record relating to any goods shipped or carried or consigned or received for shipment or carriage within the Province.

(2) Every railway company, express company, or common carrier, and every officer or employee of any such company or common carrier, who neglects or refuses to produce and submit for inspection any book, record, or document referred to in this section when requested to do so by the Attorney General or by a person so appointed by him shall be guilty of an offence against this Act.

119. Any constable or police officer may, without laying any information or obtaining any warrant, arrest any interdicted person whom he finds in a state of intoxication or with liquor in his possession, or any person whom he finds in a public place in a state of intoxication, and may detain him and without any unnecessary delay bring him before a justice having jurisdiction in the locality in which the arrest is made; and thereupon the justice may forthwith proceed to examine the person arrested as to the person from whom, the place where, and the time when he obtained the liquor which caused his intoxication or which was so found in his possession; and if the person arrested refuses, upon examination by the justice, to state on oath the name or give information of the person from whom, the place where, and the time when he obtained the liquor, he shall be guilty of

an offence against this Act, and shall be liable, upon summary conviction, to imprisonment for a period not exceeding three months, with or without hard labour, or until he sooner discloses the name or gives information of the person from whom and the place where and the time when he obtained the liquor. No statement made or information given pursuant to this section by any person so arrested shall be used or be receivable in evidence against him upon any prosecution for an offence arising out of or in respect of the violation of the provisions of any other section of this Act or of the regulations made thereunder.

120. Upon the prosecution of any person for an offence against this Act by reason of his being in a state of intoxication in a public place, the person prosecuted shall be a competent and compellable witness, to state on oath the name or give information of the person from whom, the place where, and the time when he obtained the liquor which caused his intoxication; and if he refuses, upon examination when called as a witness, to state on oath the name or give information of the person from whom, the place where, and the time when he obtained the liquor which caused his intoxication, he shall, in addition to any penalty otherwise provided by this Act, be liable, upon summary conviction, for his said offence to imprisonment for a period not exceeding three months, with or without hard labour, or until he sooner discloses the name or gives information of the person from whom and the place where and the time when he procured the liquor. No statement made or information given pursuant to this section by any person so prosecuted shall be used or be receivable in evidence against him upon any prosecution for an offence arising out of or in respect of the violation of the provisions of any other section of this Act or of the regulations made thereunder.

121. Upon any prosecution for an offence against this Act relating to the procuring of liquor for, or the selling or giving of liquor to, an interdicted person, the interdicted person shall be a competent and compellable witness; and if he refuses, upon examination when called as a witness, to state on oath the name or give information of the person from whom, the place where, and the time when he obtained the liquor so procured for or sold or given to him, he shall be guilty of an offence against this Act, and shall be liable, upon summary conviction, to imprisonment for a period not exceeding three months, with or without hard labour, or until he sooner discloses the name or gives information of the person from whom and the place where and the time when he obtained the liquor. No statement made or information given pursuant to this section by any interdicted person shall be used or be receivable in evidence against him upon any prosecution for an offence arising out of or in respect of the violation of the provisions of any other section of this Act or of the regulations.

122. In describing the offence respecting the sale or keeping for sale or other disposal of liquor, or the having, keeping, giving, purchasing or the consumption of liquor in any information, summons, conviction, warrant, or proceeding under this Act, it shall be sufficient to state the sale or keeping for sale or disposal, having, keeping, giving, purchasing, 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 taken or consumed, or from whom it was purchased or received, and it shall not be necessary to state the quantity of liquor so sold, kept for sale, disposed of, had, kept, given, purchased, 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.

123. The description of any offence under this Act in the words of this Act or in any words of like effect, shall be sufficient in law; and any exception, exemption, provision, excuse, or qualification, whether it occurs by way of proviso or in the description of the offence in this Act, may be proved by the defendant, but need not be specified or negatived in the information; but if it is 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.

124. In any prosecution under this Act for the sale or keeping for sale or other disposal of liquor, or the having, keeping, giving, purchasing, or consuming of liquor, it shall not be necessary that any witness should depose to the precise description or quantity of the liquor sold, disposed of, kept, had, given, purchased, or consumed, or the precise consideration (if any) received therefor, or to the fact of the sale or other disposal having taken place with his participation or to his own personal or certain knowledge; but the justice trying the case, so soon as it appears to him that the circumstances in evidence sufficiently establish the offence complained of, shall put the defendant on his defence, and, in default of his rebuttal of such evidence to the satisfaction of the justice, convict him accordingly.

125. In proving the sale, disposal, gift, or purchase, gratuitous or otherwise, or consumption of liquor, it shall not be necessary in any prosecution to show that any money actually passed or any liquor was actually consumed, if the justice hearing the case is satisfied that a transaction in the nature of a sale, disposal, gift, or purchase 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 on which such consumption is prohibited, by some person not authorized to consume liquor thereon, shall be evidence that such liquor was sold or given to or purchased by the person consuming, or being about to consume, or carrying away the same, as against the occupant of the said premises.

126. A certificate purporting to be signed by any person appointed or designated by the Board in writing as an analyst for the purposes of this Act, as to the percentage of alcohol contained in any liquid, drink, liquor, or combination of liquors, when produced in any Court or before any justice, shall be *prima facie* evidence of the percentage of alcohol contained therein, without proof of the signature or official position of the analyst by whom the certificate is made.

127. The justice trying a case shall, in the absence of proof to the contrary, be at liberty to infer that the liquor in question is intoxicating from the fact that a witness describes it as intoxicating, or by a name which is commonly applied to an intoxicating liquor.

128. Upon the hearing of any charge of selling or purchasing liquor, or of unlawfully having or keeping liquor, contrary to any of the provisions of this Act, the justice trying the case shall have the right to draw inferences of fact from the kind and quantity of liquor found in the possession of the person accused, or in any building, premises, vehicle, motor-car, automobile, vessel, boat, canoe, conveyance, or place occupied or controlled by him, and from the frequency with which liquor is received thereat or therein or is removed therefrom, and from the circumstances under which it is kept or dealt with.

129. If, on the prosecution of any person charged with committing an offence against this Act, in selling or keeping for sale or giving or keeping or having or purchasing or receiving of liquor, *prima facie* proof is given that such person had in his possession or charge or control any liquor in respect of or concerning which he is being prosecuted, then, unless such person proves that he did not commit the offence with which he is so charged, he may be convicted of the offence.

130. The burden of proving the right to have or keep or sell or give or purchase or consume liquor shall be on the person accused of improperly or unlawfully having or keeping or selling or giving or purchasing or consuming such liquor.

(2) The burden of proving that any prescription or administration of liquor is *bona fide* and for medical purposes only shall be upon the person who prescribes or administers such liquor, or causes such liquor to be administered, and the justice trying a case shall have the right to draw inferences of fact from the frequency with which similar prescriptions are given and from the amount of liquor prescribed or administered, and from the circumstances under which it is prescribed or administered.

131. The proceedings upon any information for an offence against any of the provisions of this Act, in a case where a previous conviction or convictions are charged, shall be as follows:

- (a) The justice shall in the first instance inquire concerning such subsequent offence only, and if the accused is 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;
 - (b) Such previous convictions may be proved *prima facie* by the production of a certificate purporting to be under the hand of the convicting justice or the Clerk of the District Court to whose office the conviction has been returned, without proof of signature or official character;
 - (c) 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 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 to all intents and purposes as if it had been made in the first instance;
 - (d) In case any person who has been convicted of a violation of any provision of this Act is afterwards convicted of a violation of any other provision of this Act, such a conviction shall be deemed a conviction for a second offence within the meaning of this Act, and shall be dealt with and punished accordingly, although the two convictions may have been under different sections.
- (2) (a) Charges of several offences against this Act committed by the same person may be included in one and the same information, if the information and the summons or warrant issued thereon contain specifically the time and place of each offence.
 - (b) One conviction for several offences, and providing a separate penalty or punishment for each, 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 incurred or awarded in the case of offences committed on different days and after information laid for a first offence.

132. 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 the corporation by delivering the same to any officer, attorney, or agent, of the

corporation within the Province, or by leaving it at any place within the Province, where it carries on any business:

Provided that service in any other way shall be deemed sufficient if the Court or justice 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 service is to be had or taken, is of the opinion that the service has been such as to bring the summons, warrant, order, writ, or other proceeding to the notice of the corporation.

(2) In any prosecution, action or proceeding under this Act in which it is alleged that a corporation is or has been guilty of an offence against this Act, the fact of the incorporation of that corporation shall be presumed without it being proved by the prosecutor, unless satisfactory proof is produced to the contrary.

133. Whenever any corporation is convicted of any offence against or under this Act, and the conviction adjudges a pecuniary penalty to be paid by the corporation, the justice, by his conviction, after adjudging payment of such penalty with costs, may order and adjudge that, in default of payment of such penalty forthwith or within a limited time, such penalty shall be levied by distress and sale of the goods and chattels of the corporation, within the Province.

(2) In any such case, and in addition to the other remedies provided hereby, a copy of the conviction or order certified to by any justice 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 Trial Division of the Supreme Court of Alberta, and the conviction or order shall thereupon become a judgment of that Court, and all proceedings may be thereupon taken and had as on any other judgment of that Court.

(3) Nothing in this section contained shall be construed as in any way affecting, limiting, or restricting any proceedings which otherwise may be taken or had for the recovery of fines or penalties.

134. Where an offence against this Act is committed by a corporation, the officer or agent of the corporation in charge of the premises in which the offence is committed shall *prima facie* be deemed to be a party to the offence so committed, and shall be personally liable to the penalties prescribed for the offence as a principal offender; but nothing in this section shall relieve the corporation or the person who actually committed the offence from liability therefor.

135. Upon proof of the fact that an offence against this Act has been committed by any person in the employ of the occupant of any house, shop, room, or other premises in which the offence is committed, or by any person who is suffered by the occupant to be or remain in or upon such house, shop, room, or premises, or to act in any way for the occupant, the occupant shall *prima facie* be deemed to be a party to the offence so committed, and shall be liable to the penalties prescribed for the offence as a principal offender, notwithstanding the fact that the offence was committed by a person who is not proved to have committed it under or by the direction of the occupant; but nothing in this section shall relieve the person actually committing the offence from liability therefor.

136. No conviction or order made in any matter arising under this Act, either originally or on appeal, shall be quashed for want of form; and no information, summons, conviction, order, or other proceeding shall be held to be bad or quashed on account of its charging two or more offences, or charging an offence disjunctively, or in the alternative.

137. Every action, order, or decision of the Board as to any matter or thing, in respect of which any power, authority, or discretion is conferred on the Board under this Act shall be final, and shall not be questioned, reviewed, or restrained by injunction, prohibition, or other process or proceeding in any Court, or be removed by *certiorari* or otherwise in any Court.

APPEALS

138. An appeal shall lie from any conviction or order made in the prosecution of any offence against any provision of this Act and the practice and procedure on any appeal from any such conviction or order, and all the proceedings thereon, shall be governed by and in accordance with the provisions of part XV of *The Criminal Code* relating to appeals:

Provided that—

- (a) No appeal shall lie from a conviction for any violation or contravention of any of the provisions of this Act unless the party appealing shall, within the time limited for giving notice of such appeal, make an affidavit before the justice, or one of the justices who tried the cause, that he did not by himself or by his agent, servant, or employee, or any other person, with his knowledge or consent commit the offence charged in the information; and such 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 any other person, with his knowledge or consent, which affidavit shall be transmitted with the conviction to the Court to which the appeal is given. Where the party appealing is a corporation, the affidavit may be made by any officer or director of the corporation having a personal knowledge of the facts;
- (b) The appellant shall also at the time of filing his notice of appeal deposit along with such notice with the Clerk of the Court appealed to, the sum of fifty dollars, as security for the costs of said appeal.

139. If he deems it advisable for the purpose of the due enforcement of this Act, the Attorney General may appoint one or more inspectors or prosecuting officers, who, under his direction, shall perform such duties as he may require, and who shall be paid such salaries, fees and expenses as the said Attorney General may fix.

PART V.

OWNERSHIP OF PROPERTY ACQUIRED BY THE BOARD,
FINANCING AND ACCOUNTING BY THE BOARD
AND APPLICATION OF PROFITS.

140. All property, whether real or personal, all moneys acquired, administered, possessed or received by the Board and all profits earned by it in the administration of this Act, shall be the property of the Government, and all expenses, debts and liabilities incurred by the Board shall be paid by the Board.

141. The Board shall from time to time make reports to the Attorney General covering such matters in connection with the administration or enforcement of this Act as he may require, and shall annually make to the Lieutenant Governor in Council, through the Attorney General, a report for the twelve months ending on the thirty-first day of December in the year in which the report is made, which shall contain—

- (a) A statement of the nature and amount of the business transacted by each vendor under this Act during the year;
- (b) A statement of its assets and liabilities including a profit and loss account, and such other accounts and matters as may be necessary to show the result of operations of the Board for the year;
- (c) General information and remarks as to the working of the law within the Province;
- (d) Any other information requested by the Attorney General.

(2) Every annual report made under this section shall be forthwith laid before the Legislature if the Legislature is then in session, and if not then in session, shall be laid before the Legislature within fifteen days after the opening of the next session.

(3) The books and records of the Board shall at all times be subject to examination and audit by the Provincial Auditor, and to such other person as the Lieutenant Governor in Council may authorize in that behalf.

142. The Board may, with the approval of the Provincial Treasurer, borrow money from any chartered bank upon such terms and conditions and with such times of repayment as the Board thinks advisable and necessary.

(2) The Lieutenant Governor in Council may from time to time, and subject to such terms and conditions as he may deem expedient, authorize the guarantee, by the Government, of moneys borrowed by the Board under this section and the guarantee when given shall render the Province liable for the moneys so borrowed and shall be conclusive evidence of the liability of the Province for the payment of the moneys so borrowed.

(3) The Lieutenant Governor in Council is hereby authorized to make arrangements for supplying the money required

to fulfil the said guarantee, and to advance the sums necessary for such purpose out of the General Revenue Fund of the Province, and any money so advanced shall be repaid by the Board in such amounts and at such times as the Board, subject to the regulations made hereunder, may decide, and until paid shall bear interest, for credit to the General Revenue Fund, at such current rate as may be determined by the Lieutenant Governor in Council.

143. The Lieutenant Governor in Council may make all arrangements necessary or requisite to enable the Board to acquire, take over and possess for the purpose of this Act, all or any part of the liquor, property or assets, held, possessed, purchased, or agreed to be purchased or acquired by the Government or Liquor Vendor, under or in pursuance of *The Liquor Act*, chapter 226 of The Revised Statutes of Alberta, 1922, or amendments thereto, and to transfer such liquor, property or assets, or any part thereof, to the Board, for the purposes of this Act, upon such terms and conditions of payment, or accounting therefor, as the Lieutenant Governor in Council deems advisable.

144. The Board shall make all payments necessary for the administration of this Act, including the payment of the salaries of the members of the Board and its staff, and all expenditures incurred in establishing and maintaining Government Liquor Stores and in the administration of this Act, and including the payment of the expenses of transporting and maintaining all prisoners convicted of any offence under this Act, whether the conviction took place within a municipality or elsewhere.

145. All moneys received from the sale of liquor at Government Liquor Stores, or from license fees, or taxes, or otherwise arising in the administration of this Act, other than from permit fees, shall be paid to the Board. All moneys received from permit fees shall be paid to the Provincial Treasurer to be accounted for as part of the general revenue of the Province, and shall not be included in any statement of profit and loss of the Board.

146. The accounts of the Board shall be made up to the thirty-first day of December in each year, and at such other times as may be determined by the Lieutenant Governor in Council; and in every case the Board shall prepare a balance sheet and statement of profit and loss and submit the same to the Provincial Auditor for his certification.

147. From the profits arising under this Act, as certified by the Provincial Auditor, there shall be taken such sums as may be determined by the Lieutenant Governor in Council for the creation of a Reserve Fund to meet any loss that may be incurred by the Government in connection with the administration of this Act, or by reason of its repeal.

148. The net profits remaining from time to time, after providing the sums required for purposes of the reserve fund shall for the year 1924 be paid into the General Revenue Fund for the public service of the Province, and thereafter disposed of as follows:

- (a) Sixty-five per cent. of the net amount shall be paid into the General Revenue Fund for the public service of the Province; and
- (b) thirty-five per cent. of the net amount shall be apportioned and paid to the several municipalities of the Province in the proportion which the total amount of the Supplementary Revenue Tax levied in each municipality under *The Supplementary Revenue Act*, chapter 40 of the Revised Statutes of Alberta, 1922 and amendments thereto, bears to the total Supplementary Revenue Tax levied in all the municipalities of the Province, under said last mentioned Act and amendments thereto.

149. Every order for the purchase of liquor shall be authorized by the chairman or acting chairman of the Board, and no order shall be valid or binding unless so authorized. A duplicate of every such order shall be kept at the principal office of the Board. All cancellations of orders shall be executed in the same manner and a duplicate thereof kept as aforesaid.

PART VI.

GENERAL PROVISIONS

150. Every provision of this Act which may affect transactions in liquor between a person in this Province and a person in another Province or in a foreign country shall be construed to affect such transactions so far only as the Legislature has power to make laws in relation thereto. Nothing in this Act shall be construed as forbidding, affecting or regulating any transaction which is not subject to the legislative authority of the Province.

151. Every vendor and every official authorized by the Board to issue permits under this Act may administer any oath and take and receive any affidavit or declaration required under this Act or the regulations.

152. No action or proceeding shall be taken against any member or members of the Board for anything done or omitted to be done in or arising out of the performance of his or their duties under this Act.

153. The Acts mentioned in the schedule are repealed.

154. This Act shall come into force and operation on proclamation of the Lieutenant Governor in Council.

FORM A, SECTION 56.

OATH OF THE RETURNING OFFICER.

I, the undersigned *A. B.*, returning officer under the *Government Liquor Control Act of Alberta* for Local Option Area (*Give brief description of the said Area*), solemnly swear (*or, if he be one of the persons permitted by law to affirm in civil cases, solemnly affirm*), that I will act faithfully in that capacity, in the plebiscite about to be taken, without fear, favour or affection. So help me God.

A. B.,
Returning Officer.

CERTIFICATE OF RETURNING OFFICER HAVING TAKEN
 OATH OF OFFICE.

I, the undersigned, hereby certify that on the.....day of the month of....., 19... , *A. B.*, the returning officer, under the *Government Liquor Control Act of Alberta* for Local Option Area (*shortly describe*) in the plebiscite about to be taken in said area, took and subscribed before me the oath (*or affirmation*) of office, in such case required of a returning officer by section 56 of the *Government Liquor Control Act of Alberta*.

(*Signature*) *C. D.*,
Justice of the Peace.

FORM B, SECTION 58

PROVINCE OF ALBERTA.

Plebiscite under the *Government Liquor Control Act of Alberta*.

BALLOT.

DIRECTIONS TO VOTER.—The voter shall indicate his vote as follows: If he is in favour of Local Option he should make the figure 1 in the *upper right hand* blank space or square which appears after the words "For Local Option." If he is against Local Option he should make the figure 1 in the *lower right hand* space or square which appears after the words "Against Local Option."

FOR LOCAL OPTION	
AGAINST LOCAL OPTION	

FORM C, SECTION 61.

FORM OF DECLARATION BY AGENT.

In the matter of a Plebiscite in pursuance of the *Government Liquor Control Act of Alberta*.

I,....., do solemnly declare that I am interested in and desirous of obtaining an affirmative (or, a negative, as the case may be) result in the Plebiscite now being taken.

.....
(Signature of Agent.)

Solemnly declared at..... }
the.....day of.....19... }

Before me—

A. B.,
Returning Officer (or Deputy Returning Officer,
as the case may be).

SCHEDULE.

ACTS AND SECTIONS REPEALED UNDER SECTION 153.

The Liquor Act, chapter 226 of the Revised Statutes of Alberta, 1922, and all amendments thereto.

Including but not limiting the foregoing—

Chapter 5 of the Statutes of Alberta, 1922.

Sections 20 and 44 of *The Statute Law Amendment Act*, 1923, being chapter 5 of the Statutes of Alberta, 1923.

No. 14.

FOURTH SESSION
FIFTH LEGISLATURE
14 GEORGE V
1924

BILL

An Act to provide for Government
Control and Sale of Alcoholic
Liquors.

Received and read the

First time.....

Second time.....

Third time.....

HON. MR. BROWNLEE.

EDMONTON:
J. W. JEFFERY, KING'S PRINTER
A.D. 1924