

BILL No. 21 OF 1925.

A BILL TO AMEND THE GOVERNMENT LIQUOR
CONTROL ACT OF ALBERTA.

NOTE.

This Bill seeks to guard against certain evils, the existence of which has made itself known during the course of a year's administration of the Act—

- (a) the use of mashes or other things more of a solid nature than of a liquid nature (section 1(a));
- (b) the use of rooms directly connected with a place of business for the consumption of liquor (section 1(c));
- (c) the want of administrative head, during the absence of the chairman of the Board (section 2);
- (d) the want of sufficient regulation of canteens (sections 3 and 15 (part));
- (e) the apparent right of even undesirable persons to claim the issue of a permit (section 4);
- (f) the too frequent and perhaps unfounded assertion that a permit has been lost (section 5);
- (g) the practice of utilizing premises, as blind pigs, etc., notwithstanding the conviction of their occupant (section 6);
- (h) the want of power of the Board to rectify a mistaken cancellation of a permit (section 7);
- (i) the carrying away of bottled beer from clubs (section 8(a));
- (j) The increase in the number of clubs, often bogus (section 8(b));
- (k) the immunity of employees of licensed persons from responsibility for the conduct of licensed premises (sections 9 and 15 (part));
- (l) the ineffectiveness of stale returns as to beer sold by breweries, as evidence of having beer for sale, etc. (section 10);
- (m) the sale of intoxicating patent medicines in the far north (section 11);
- (n) the want of a definite heavy penalty for having liquor not purchased from a vendor;
- (o) the impracticability of sealing "malt liquor" with an official seal (sections 13 and 14);

- (p) the impracticability of requiring a licensed person to know whether his beer customers have a permit for liquor or not (section 16) ;
- (q) the evil of permits issued in bogus names (section 17) ;
- (r) the canvassing of householders for orders for beer or malt liquor (section 19) ;
- (s) the limited period during which the Attorney General's authorization to search premises is valid ("10 days" extended to "effectiveness until revoked") (section 20) ;
- (t) the powerlessness of a constable to arrest without warrant in cases where he sees an offence committed, or knows that it has been committed (section 21) ;
- (u) the necessity of giving security for costs, when the appellant is the crown (section 23) ;
- (v) the necessity of proving the date when the Act came into force (section 25) ;

The Bill further—

- (i) qualifies a tent used as a residence to be a private residence within the meaning of the Act (section 1(c)) ;
- (ii) denies local option to a hamlet (section 1(b)) ;
- (iii) makes the Act consistent with regard to special permits to hotels (section 18) ;
- (iv) makes it compulsory upon justice to direct forfeiture of liquor, upon conviction (section 22) ;
- (v) gives, as from the coming into force of the Act, fines after prosecution by municipal police to the municipality (section 29).

WALTER S. SCOTT,
Legislative Counsel.

(This note does not form any part of the Bill, and is offered merely as a partial explanation of some of its provisions.)

BILL

No. 21 of 1925.

An Act to amend the Government Liquor Control Act of Alberta.

(Assented to _____, 1925.)

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

1. Section 2 of the *Government Liquor Control Act of Alberta*, being chapter 14 of the Statutes of Alberta, 1924, is amended as follows:

(a) By inserting after the word "liquids" in line 6 of paragraph (n) the following: "and all preparations or mixtures capable of human consumption."

(b) By striking out the word "hamlet" where it occurs in paragraph (o).

(c) By inserting at the end of the first line of section 2, paragraph (v), the words "or tent," and by adding at the end of the said paragraph the following: "Nor any portion of a building used in part for business purposes unless such portion is separated from the part used for business purposes by a wall or walls having no doors or other means of access opening into such part used for business purposes."

2. Section 7 of the said Act is amended by adding thereto the following subsections:

"(3) If there be only one member of the Board, the Lieutenant Governor in Council may appoint an officer or employee of the Board to take the place of that member when absent for any cause; and the person so appointed shall while acting be clothed with all the powers, exercise all the functions and perform all the duties of the Board under this Act or the regulations made hereunder.

"(4) Whenever it appears that an officer or employee of the Board has acted for and in place of the Chairman, it shall be conclusively presumed that he has so acted in the absence or disability of the Chairman."

3. Section 10 of the said Act is amended as to paragraph (e) of subsection (2) by adding after the word "hotels" in the second line the word "canteens."

4. Section 19 of the said Act is amended by adding thereto the following subsection:

"(5) Notwithstanding any other provisions of this Act, the Board may in its discretion cancel any subsisting permit or refuse or direct any official authorized to issue permits to refuse to issue a permit to any person and no official so directed shall issue any such permit."

5. Section 23 of the said Act is amended by adding thereto the words: "for which duplicate permit a fee of 50c shall be paid."

6. Section 24 of the said Act is amended by adding thereto the following subsection:

"(2) If the occupant of a residence or of any part thereof is convicted of keeping a disorderly house or of an offence against any of the provisions of this Act committed in or in respect of such residence or in respect of any liquor kept therein or removed therefrom, the same shall cease to be a residence within the meaning of this Act for a period of one year after the date of such conviction, and shall for such period be deemed to be a public place for the purposes of this Act:

"Provided that the Board may, when satisfied of a *bona fide* change of ownership or occupation of such premises, or when it is desirable to do so, declare such premises to be a residence and may grant a certificate to such effect to the owner or occupant of such premises and such premises shall from the date of the granting of such certificate signed by the Chairman of the Board, be a residence and cease to be a public place within the meaning of the Act."

7. Section 26 of the said Act is amended by adding thereto the following proviso:

"Provided, however, that the Board may direct the issue of a permit within said period of one year, if the person to whom such permit is issued has not been convicted of any offence under this Act."

8. Section 29 of the said Act is amended as follows:

(a) By inserting after the word "club" in the tenth line thereof the words "by the glass or open bottle";

(b) by adding as subsection (10) the following:

"(10) No club license shall be issued to any club after the thirtieth day of April, 1925, other than the issuing of renewal licenses to any clubs which were the holders of subsisting licenses on the said thirtieth day of April, 1925."

9. Section 36 of the said Act is amended as to subsection (4) thereof, by inserting after the word "licensee" in the fifth line thereof the words: "nor any employee of such licensee," and after the word "licensee" in the sixth line of said subsection the words "or of such employee."

10. Section 40 of the said Act is amended: (a) as to subsection (1) by adding at the end thereof the following proviso:

“Provided that the Board may at any time by notice in writing to a brewer or brewer’s agent require such a return of sales by a brewery or any brewer’s agent, as the case may be, for any period mentioned in such notice, and such return shall be made by such brewer or brewer’s agent within three days of the receipt by such brewer or brewer’s agent of such notice.”

(b) As to subsection (2) by adding at the end thereof the following words: “Any brewer or brewer’s agent who makes default in forwarding a return required by the proviso to subsection (1) within the time required by a notice given pursuant to said proviso shall be guilty of an offence under this Act and shall be liable to a fine of twenty dollars per day for each day during which such default continues.”

11. Section 52 of the said Act is amended by adding thereto as subsection (4) the following:

“(4) No person shall hereafter sell or keep for sale any proprietary or patent medicine or any extract, essence, tincture, toilet water, or preparation which contains more than 2½ per cent. of proof spirits within that portion of the Province of Alberta north of a line drawn as follows: Commencing at the point of intersection of the eastern boundary of the Province with the line of the fifty-fifth parallel of latitude, thence westerly along the said line of latitude to the point where the fifth meridian intersects said line, thence north along said meridian line to the line between townships seventy-six and seventy-seven, thence west along the said line to the line between ranges thirteen and fourteen, west of the fifth meridian, thence northerly along said line to the line dividing townships eighty-eight and eighty-nine, thence westerly along said line to the western boundary of the Province of Alberta.”

12. Section 80 of the said Act is amended by adding thereto as subsection (3) thereof the following:

“(3) No person shall have or keep any liquor within the Province which has not been purchased from a Government Vendor of the Alberta Liquor Control Board or from a druggist authorized to sell the same, save and except beer purchased from a brewer licensed to sell the same under the provisions of this Act. This subsection shall not apply to the Board or to the keeping or having of liquor by brewers, distillers and other persons duly licensed by the Dominion of Canada for the manufacture of such liquor.”

13. Section 86 of the said Act is amended by adding at the end thereof the following proviso:

“Provided that the foregoing proviso relating to the official seal prescribed under the Act shall not apply to ‘malt liquor’ as defined in the Act.”

14. Section 87 of the said Act is amended as to paragraph (c) thereof by adding after the word "beer" the word "malt liquor."

15. Section 89 of the said Act is amended by inserting therein after the word "licensee" where it first occurs the words "canteen licensee"; and after the word "licensee" where it last occurs the words "nor any employee of a vendor, beer licensee, canteen licensee or club licensee."

16. Section 91 of the said Act is amended by inserting therein after the word "Act" in the third line the following words: "or of beer sold on premises licensed for the sale of beer under sections 29, 31 and 32 of this Act."

17. Section 95 of the said Act is amended by adding thereto as subsection (2) the following:

"(2) No person shall apply in any name except his own for the issue to him of a permit authorizing the purchase of liquor or beer."

18. Section 98 of the said Act is amended by inserting after the word "hotel" in the third line, the following: "and except in the case of liquor kept and consumed pursuant to a special permit granted under the provisions of section 19 (2) (e) of this Act."

19. Section 99 of the said Act is amended by striking out subsection (1) and substituting the following:

"(1) Canvass for, receive, take or solicit orders for the purchase or sale of any spirits, wines, beer or malt liquor, or act as agent or intermediary for the sale or purchase of any spirits, wines, beer or malt liquor, or hold out himself as such agent or intermediary excepting in the case of beer proposed to be sold to beer licensees, club licensees, or canteen licensees duly licensed to sell beer under the provisions of this Act."

20. Section 113 of the said Act is amended by striking out subsection (2) thereof, and substituting the following:

"(2) Any constable who is authorized in writing for the purpose by the Attorney General, if he believes that liquor is unlawfully kept or had, or kept or had for unlawful purposes, in any building or premises may without warrant enter and search the building or premises and every part thereof and for that purpose may 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. Such authority shall be a general one and shall be effective until revoked."

21. Section 113a is added to the said Act immediately after section 113 as follows:

"**113a.** Any police officer or constable may arrest without warrant any person whom he finds committing, or whom he on reasonable grounds believes to have committed an offence against this Act."

22. Section 115 of the said Act is amended by striking out the word "may" in the third last line, and substituting for it the word "shall."

23. Section 134 of the said Act is amended by adding to paragraph (b) thereof the following proviso:

"Provided that this paragraph shall not apply when the appeal is from a dismissal or order of dismissal of an information."

24. Section 151 is added to the said Act as follows:

"151. All fines levied under this Act shall go to the general revenue fund of the Province:

"Provided, however, in the case of offences against this Act occurring in any municipality and prosecuted to a conviction by the police or any official of the municipality in which the offence was committed, that—

"(a) a separate account of all the fines received by reason of such offences shall be kept, together with the name and office of the prosecutor;

"(b) such account shall be kept by such person or persons as the Attorney General may direct, and in the event of no such direction being given shall be kept by the clerk of the Court of the convicting justice or justices or police magistrate, and in the event of there being no clerk shall be kept by the convicting justice or justices, or police magistrate;

"(c) a statement thereof shall be forwarded by the secretary-treasurer of each municipality to the Attorney General on the first day of June and on the first day of December in each year and at such other time or times as the Attorney General shall direct;

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

"(e) Upon the receipt of a copy of such statement and of the amount of the fines, the Provincial Treasurer shall pay to each of the said municipalities all the moneys derived from the fines set out in this statement."

(2) This section shall be deemed to have been in effect on, from, and after the tenth day of May, 1924.

25. Section 152 is added to the said Act as follows:

"152. This Act is declared to be and to have been in force on, from and after the tenth day of May, 1924."

No. 21.

FIFTH SESSION
FIFTH LEGISLATURE
15 GEORGE V
1925

BILL

An Act to amend the Government
Liquor Control Act of Alberta.

Received and read the

First time.....

Second time.....

Third time.....

HON. MR. BROWNLEE.

EDMONTON:
J. W. JEFFERY, KING'S PRINTER
A.D. 1925