

## SUMMARY OF THE ONTARIO LIQUOR ACT, 1902.

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The Ontario Liquor Act 1902 consists of two parts. Part I provides the machinery for taking a vote of the electors on the question of the adoption of the second part, and declares that the second part shall be brought into force if it is approved by a majority of the votes cast upon the question, provided that the number of such approving votes is also a majority of the number of votes that were cast at the general Provincial election of 1898.

Part II of the Act is a law prohibiting the selling, giving or keeping for sale of intoxicating liquor, as far as such prohibition is within the jurisdiction of the Legislature. The principal provisions of this law are as follows:

### Prohibition.

The giving or selling or bartering or keeping for sale of intoxicating liquor is entirely prohibited except under the conditions and for the purposes hereinafter set out.

To make the meaning of the law clear, a sharp distinction is made by the Act between a "private dwelling house" and a place of any other kind. All sale or barter of liquor is prohibited except sale by licensed druggists for certain purposes considered necessary, and all giving of liquor is prohibited except the giving for such purposes or the giving in a private house to an adult friend, of liquor that has not been unlawfully procured.

"A private dwelling house" is a separate dwelling with a separate entrance, used exclusively as a private residence, and not connected by any door or passage with any shop, factory, restaurant, hotel, boarding house or other place of a public character, or office, excepting in the case of the private house of a duly qualified physician, dentist, or veterinary surgeon whose house may contain or communicate with this office.

The expression "liquor" as used in this Act is declared to include any fermented, spirituous or malt liquor, and any drinkable liquor which is intoxicating.

### Permissions.

Sale and keeping for sale are permitted for medicinal, mechanical, scientific and sacramental purposes only, and permitted only by such duly qualified druggists as are specially licensed by the Government to sell.

There are two kinds of licenses: (1) "wholesale druggist's license" and (2) "retail druggist's license."

A wholesale druggist's license can only be granted to a party in exclusively wholesale druggist business. It authorizes sale in quantities of not more than ten gallons for mechanical or scientific purposes, or not more than five gallons to a retail licensed druggist.

A retail licensed druggist's license permits sale only for medicinal purposes, or of wine for sacramental purposes.

A duly qualified physician may have in his possession liquor needful for his practice not exceeding two quarts; a duly registered dentist liquor needful for his practice not exceeding one pint; a duly qualified veterinary surgeon liquor needful for his practice not exceeding one gallon; a clergyman wine for sacramental purposes not exceeding two gallons; and a person engaged in mechanical or scientific pursuits alcohol needful in his business, not exceeding ten gallons. An incorporated public hospital may have liquor for patients, and a sick person may have in his room liquor prescribed by a physician.

#### Licenses.

The law concerning who may be permitted to sell is very strict. All applications from druggists for licenses must be reported upon by inspectors and publicly advertised. Ratepayers living near premises for which licenses are sought may file objections, and a license will be refused if it is shown that the applicant is an improper person, or has not complied with the required conditions, or has been convicted within three years of violating any liquor law. A complaint of ten ratepayers against a license granted may be made to a county judge, who shall investigate, and if any of the disqualifications named are proved the license shall be cancelled. Every licensed druggist must give bonds of himself and two others that he will obey the law.

#### Restrictions.

No wholesale druggist may sell alcohol for mechanical or scientific purposes except on affidavit of applicant describing the lawful purpose for which it is required.

No wholesale druggist may sell between seven Saturday night and seven Monday morning, nor after eight any night, nor before seven any morning.

Every licensed druggist must keep a complete record of every sale made and must file every prescription, certificate and request that he receives, and these documents shall always be open for inspection by any person for at least one year.

Every licensed druggist shall send to the Chief Inspector every six months a sworn statement in detail of all sales that he has made.

No retail licensed druggist shall sell any liquor for medicinal purposes except on prescription of a regularly qualified physician, nor wine for sacramental purposes except on certificate of a clergyman,

No hospital shall allow use of liquor except upon a proper physician's prescription. No dentist, veterinary surgeon or clergyman shall permit use or consumption of liquor except for the lawful purpose for which it was procured. No liquor prescribed by a physician shall be consumed by any person for whom it was not prescribed.

No liquor shall be consumed on a licensed druggist's premises. No person shall deliver liquor unlawfully purchased. No physician shall give a prescription to permit evasion of this law. No person shall purchase liquor from anyone not authorized to sell. No person shall knowingly consume liquor unlawfully procured.

#### Clubs.

Any society or club incorporated or unincorporated, and any member, officer or servant thereof or person resorting thereto, who sells or barter or therein gives liquor to any person, and anyone who directly or indirectly keeps or assists or abets in getting or maintaining any clubhouse or society room or hall or other place where liquor is received or kept to be used, given or sold as a beverage, or distributed among the members by any means whatever, shall be held to have committed an offence against this Act and shall be subject to the maximum penalties which the Act imposes. Proof of consumption or intended consumption of liquor on such premises by any person, shall be conclusive evidence of the violation of the law. Any occupant of premises where liquor is thus illegally used or any person resorting thereto, shall be considered a violator of the law. If the occupant of any private dwelling house, or of any part of such house, is convicted of a violation of the Act, then that house shall not afterwards be considered a private dwelling house as long as he resides there.

#### Penalties.

For selling or giving liquor or keeping for sale, contrary to the law, whether by a person not duly licensed or by a licensed druggist in unlawful places or hours, or to persons to whom it is not lawful to sell, the penalties are:—For a first offence a fine of not less than \$200 nor more than \$1000, and in default of immediate payment, imprisonment for not less than three nor more than six months; for a second or any subsequent offence imprisonment for not less than three nor more than six months.

For consuming or permitting the consumption of liquor on premises on which it has been lawfully sold, or for failure by a licensed druggist to keep or show a record of sales, or the prescriptions or certificates on which sales were made, or for the selling or giving of liquor by a licensed druggist without requiring a proper prescription or certificate, or for giving as a physician a prescription to permit evasion of the law, or for improperly giving liquor to a minor, or for the improper giving of liquor by a physician, dentist, or veterinary

surgeon, the penalties are:—For a first offence a fine of not less than \$50 nor more than \$300, and in default of immediate payment, imprisonment for not less than two nor more than four months; for a second or any subsequent offence a fine of not less than \$100 nor more than \$500, and in default of immediate payment imprisonment for not less than four nor more than eight months.

If any licensed druggist or any person who acted under his instructions or with his consent, is convicted of a second offence, such druggist's license becomes forfeited, and he becomes disqualified for again becoming a licensee for three years. A convicting judge or magistrate may in his discretion declare forfeited the license of any licensed druggist convicted of a first offence of unlawful selling or giving or keeping for sale.

#### Enforcement.

The Government shall appoint a Chief Inspector for the Province and a local inspector for each electoral district in the Province, or more local inspectors if needful, whose duty it shall be to administer the law and to prosecute persons offending against its provisions. All these inspectors will act directly under the Government without any intervening boards of commissioners.

Any policeman, constable or other person has also authority to lay informations, and to prosecute persons who violate the provisions of this Act.

Any inspector, policeman or constable may at any time enter and search any place other than a private house, for the purpose of detecting or preventing violation of this Act.

Any judge or magistrate may on proper information, issue a warrant authorizing any constable or inspector to enter and search, by force if needful, any place in which it is suspected that liquor is unlawfully kept for sale. Such liquor if on unlicensed premises may be seized and if a conviction is made, may be destroyed or sold for proper purposes as the Government may direct.

#### Brewers and Distillers.

Because the authority of the provincial legislature does not extend beyond the limits of the Province, this Act does not prohibit sales of liquor by brewers, distillers or exporters in Ontario to persons outside the Province. It does not prohibit brewers or distillers from selling to licensed druggists. It does prohibit all sale by brewers, distillers or exporters to any other persons, or in any premises connected with any private dwelling. In regard to such prohibited sale and to drinking or permitting drinking on premises, the law is the same for brewers and distillers as for other persons.