

cense in the municipalities in which such hy-laws are in operation.

No club licenses have been issued by commissioners in Local Option municipalities. The Government will not issue wholesale or warehouse licenses to take effect in Local Option municipalities. A commission license will not authorize sale to any person excepting a person holding a license. A brewer's or distiller's license will not authorize sale in a Local Option municipality. It follows that a Local Option hy-law, while nominally prohibiting only sale under tavern and shop licenses, is actually effective to prohibit all liquor-selling.

A Local Option hy-law does not supersede the License Act. It is a part of the Liquor License Act. Where Local Option is carried the License Law is still in force. The simple effect of a Local Option hy-law is, therefore, to prevent the issuing of tavern and shop licenses. All the machinery and authority of the Liquor License Law still remain, and are available under Local Option for the prevention of any liquor-selling or the keeping of liquor for sale, just as they are available for the prevention of unlicensed liquor-selling or keeping for sale in places where licenses are issued. This is made very clear in Section 143 of the Liquor License Act, which is in the following terms:

143. No tavern or shop license shall be issued or take effect within any municipality in which there is in force any hy-law passed in pursuance of Section 141, or in pursuance of any of the provisions mentioned in Section 142; but the sale or keeping for sale of liquor without license in any such municipality shall nevertheless be a contravention of Sections 49 and 50 of this Act, and all the provisions of this Act respecting the sale or keeping for sale of liquor in contravention of said

sections, and the penalties and procedure in reference thereto shall be of full force and effect in such municipality, notwithstanding such prohibitory hy-law.

The Ontario law which prohibits the sale of liquor without license is the law that is in force where Local Option hy-laws are adopted. It is the result of many years of study and experience, its provisions are strong, its penalties are severe, and where Local Option hy-laws are adopted, it becomes one of the most effective prohibitory laws in operation in any community. It prohibits selling, and it prohibits keeping for sale. The sections of the Liquor License Act which embody these prohibitions are 49 and 50. They read as follows:

49. (1) No person shall sell by wholesale or retail any spirituous, fermented or other manufactured liquors without having first obtained a license under this Act authorizing him so to do; but this section shall not apply to sales under legal process or for distress, or sales by assignees in insolvency.

(2) No person unless duly licensed shall by any sign or notice hold himself out to the public as so licensed; and the use of any sign or notice for this purpose is hereby prohibited.

50. No person shall keep or have in any house, building, shop, eating-place, saloon, or house of public entertainment, or in any room or place whatsoever, any spirituous, fermented, or other manufactured liquors for the purpose of selling, bartering or trading therein, unless duly licensed thereto under the provisions of this Act; nor shall the occupant of any such shop, eating-house, saloon, or house of public entertainment, unless duly licensed, permit any liquors, whether sold by him or not, to be consumed upon the premises, by any person other than members of his family or employees, or guests not being customers.

Some Mistakes

There seems to be prevalent in some