

(Under Dominion legislation the enforcement of the law might be under an unfriendly Provincial Government and enforcement might not be sympathetic. Provincial legislation must be reasonably enforced by the Provincial Government.)

THE MUCH DISCUSSED SECTION 119

WHAT IT IS

It allows only interprovincial and international trade, not liquor trading within the Province.

HOW IT EXISTS

Because the Judicial Committee of the Privy Council has declared the Province has not the power to prevent such trade.

(See Atty.-Gen. v. R., 4 v. Atty.-Gen. for Dom. of Can., 65 Law Journal Reports, P. C., 26.)

The fact is, it is a splendid safeguarding section of the Act, and was especially commented upon in the Judgment of the Privy Council respecting the Act. It takes nothing away from the other sections of the Act that was intended to be there, but it does save the Act from (perhaps) being rendered ultra vires and useless by in some way unintentionally going beyond Provincial powers.

ENFORCEMENT

1. Penalties (Secs. 65, 67, 97, etc.).

First offences.—Graded fines, \$10.00 to \$1,000, according to offence.

Second offences.—Heavier punishments and for serious offences six to twelve months' imprisonment without option of a fine. If a license—license void and no new license for at least three years.

N.B.—Lieutenant-Governor in Council alone has power to remit "fines"—**magistrates cannot do so**—nor can they suspend or compromise punishment." (Secs. 110-111.)

2. Evidence and Prosecutions.

(a) Records of sales must be kept—failure to keep records is evidence of illegal sale (Secs. 42, 43, 54).

(b) Liquor appliances, signs, bars, etc., are declared prima facie evidence (Secs. 85, 92).

(c) Proof of consumption or intended consumption on premises is evidence of sale, etc. (Sec. 86).

(d) Occupant of premises prima facie liable for contraventions of the Act by others on his premises (Sec. 87).

(e) Burden of proof of right to do the act charged lies on accused (Secs. 88, 90, 91).

(f) Any one may prosecute and the Attorney-General's Department must not prevent prosecution (Sec. 68).

(g) Inspectors and policemen may enter any place except private dwelling (Sec. 112), and, on warrant, may search anywhere (Sec. 113).