

ONTARIO'S LIQUOR LAW.

A Synopsis Thereof and of Certain Other Acts Affecting Hotel-Keepers.

COMPILED BY F. SAUNDERS.

Interpretative Law, One of the Council in the Prohibition Conference now pending before the Supreme Court.

Article No. 1.

The Liquor License Act of the Province of Ontario was last consolidated in 1887, and is to be found in the Revised Statutes of that year, being Chapter 194. Since then a large number of amendments have been made, the constant tendency of which has been to surround the traffic with more stringent regulations.

For obvious reasons no change will be made in this law during this the last session of the present legislature; but next year it may be expected that a fresh and vigorous campaign will be instituted by those opposed to the traffic, for the purpose of rendering it still more difficult to carry out the trade.

Under these circumstances it is proposed to present to the readers of this paper a synopsis of the law as it stands at present, with the hope that the information which it contains will be useful to those for whose benefit it has been specially prepared.

Synopsis.

1. *Liquors or Liquor* includes all spirituous and malt liquors and all compounds of liquors and drinks, and drinkable liquids which are intoxicating.

2. *Tavern License* means a license for selling fermented, spirituous, or other liquors in quantities of less than one quart, which may be drunk on the premises in which the said liquor is sold, and no greater quantity than that above-mentioned can be sold under a tavern license, even when it is taken off the premises to be drunk.

3. *Shop License* means a license for selling by retail, in quantities not less than three half-pints, at any one time, to one person, to be totally removed and taken away from the premises before being drunk.

4. *Wholesale License* means a license to sell liquors in places other than inns, ale or beer houses, or other houses of public entertainment, in quantities not less than five gallons in each cask or covelet at any one time; or in bottles not less than one dozen, containing three half-pints each, or two dozen, containing three-fourths of a pint each.

5. *The License Commissioners* may at any time before May 1st in each year pass resolutions for regulating the matters following, that is to say:

(a) For defining the conditions upon which tavern and shop licenses will be granted.

(b) For limiting the number of tavern and shop licenses respectively.

(c) Exempting a certain number of persons from having the accommodation usually required.

(d) For regulating the taverns and shops to be licensed.

(e) For fixing and defining the duties, powers and privileges of the Inspector of the district.

6. *The License Commissioners* may impose penalties for infractions of their regulations.

7. *Every License* is to be issued by the Inspector of the district, under direction of the Board of License Commissioners.

8. *No License* can now be issued for the sale of liquor on any vessel navigating any of the great lakes, or rivers St. Lawrence, or Ottawa, or any of the inland waters of Ontario, nor can any liquor be legally sold or kept for sale on any such vessel.

9. *Every petition* for a tavern license which is to take effect on May 1st in any year must be filed with the inspector on or before April 1st.

10. *The License Commissioners* are required on or before April 1st to fix a day for considering applications for licenses, being not less than three weeks before May 1st in each year, and the inspector must publish in at least two issues of a newspaper published in the license district, the date and place of such meeting at least fourteen days before the day of such meeting. The Inspector must also at least fourteen days before the first meeting of the Commissioners publish in at least two issues of some newspaper published in the district the name of each applicant for a license.

11. *Rights of Electors.*—Any ten or more electors of any polling sub-division may by petition object to the granting of any license within such sub-division. The license commissioners may fix a time for hearing the objections and the decision of the commissioners is to be final.

12. *Petitions against.*—Any petition against the granting of a license is to be lodged with the Inspector at least four days before the first meeting of the Board of Inspectors called to consider the application.

13. *Petty Booths.*—No license is to be granted to or for a petty booth.

14. *Consent of the electors.*—No license is to be granted either to a Commissioner or Inspector or for any premises owned by his officers or either of them.

15. *Every license* is to be held to be a license only to the person therein named and to the premises therein described.

16. *In cities, towns and incorporated villages* the number of tavern licenses which are granted is not to exceed one for every 250 of the first thousand of the population and one for every 400 over one thousand of the population. There are some exceptions to this rule but they are not of sufficient consequence to require special reference to them.

17. *Limitation of Licenses.*—The council of every city, town, village or township may by a by-law passed before March 1st limit the number of tavern licenses to be issued therein.

18. *Beer and Wine Licenses.*—The Commissioner may issue beer and wine licenses, and holders of such licenses are not to sell liquors, and the Inspector may be notified to make a test at any time.

19. *Accommodation Required.*—Every tavern sold to one person for one thousand of the accommodation required for the family of the tavern-keeper, not less than four bedrooms, and in cities six bedrooms together with suitable bedding and furniture and curtains and other incorporated townships) standing for six horses.

20. *Mails.*—Every tavern is to be an eating house.

21. *Inefficient Accommodation.*—The council of any city or town may by a by-law passed before March 1st in any year require further accommodation to be provided.

22. *Security.*—Before any tavern license is granted the applicant must give security for the payment of all fines and penalties, himself in \$200 and two securities in \$100 each.

23. *Shop Licenses.*—Applications for shop licenses must be made on or before April 1st and the applicant is required to give security.

24. *Shop Restrictions.*—The council of every city, town, village or township may by a by-law passed before April 1st in any year limit the number of shop licenses to be granted therein for the ensuing year, and may also impose any restrictions they see fit, and no such by-law can be repealed for three years.

25. *Wholesale Licenses.*—The Inspector is required to issue a wholesale license to any applicant therefor.

26. *Notice Wines.*—Manufacturers of wines from grapes grown and produced in Ontario and who sell such wines in quantities of not less than one gallon or two bottles of not less than three half-pints each at one time to be wholly removed and not drunk on the premises are not required to obtain any license for such sale.

27. *Transfer.*—For every transfer or removal of a license a fee of \$5 is payable to the Inspector and his mileage at the rate of ten cents per mile, one way.

28. *Penalty.*—The council of any municipality may increase the license fees beyond the amounts mentioned in this Act, the excess to go to the use of the municipalities.

Local Option.

29. In 1800 the following section, which revives an old provision of law in force at the time of Confederation, was passed by the Ontario Legislature.

"The Council of every township, city town and incorporated village may pass by-laws for prohibiting the sale by retail of spirituous, fermented or other manufactured liquors in any tavern, inn or other house or place of public entertainment, and for prohibiting altogether the sale thereof in shops and places other than houses of public entertainment. Provided that the by-law before the final passing thereof, has been duly approved of by the electors in the municipality in the manner provided by the sections in that behalf contained in this Act. Provided further that nothing in this section contained shall be construed with the exercise of jurisdiction by the legislature of the Province of Ontario beyond the repeal of the provisions of law which were in force at the time of Confederation, and the British North American Act, and which the subsequent legislation of this Province purports to repeal. To the foregoing has since been added the following amendments: No by-law passed under the provisions of this section shall be repealed by the Council passing the same until after the expiration of three years from the day of its coming into force: nor until a by-law for that purpose shall have been submitted to the electors and approved by them in the same manner as the original by-law, and if any such repealing by-law (upon being submitted to the electors) is not so approved no other repealing by-law shall be submitted for the like approval within the full term of three years thereafter.

NOTE.—The Ontario Court of Appeal has already held the foregoing provisions to be in force, and the Ontario Legislature and the question has now been referred to the Supreme Court.

30. In the case of prosecutions in which the Inspector is the prosecutor or complainant, the fine imposed does not go to the municipality, but is to be paid over by the convicting Magistrate to the Inspector for the "License Fund."

31. *Expense of License.*—Licenses must be kept continually exposed to the public view at the penalty of \$5 for every day's wilful neglect.

32. *Inscriptions.*—Every hotel-keeper must exhibit over the door of his tavern the following notice in large letters: "Licensed to sell wine, beer, and other spirituous or fermented liquors," otherwise he will be liable to a penalty of \$5 and costs.

33. *Druggists* can sell only six ounces of liquor for strictly medicinal purposes

without the certificate of a medical practitioner and between the prohibited hours (seven o'clock on Saturday night to 10 o'clock on Monday morning). A drug dist cannot lawfully sell even six ounces with the certificate of a doctor.

34. *Incorporated Societies.*—Any society incorporated under The Act respecting Incorporated, Friendly and other Societies is forbidden to sell liquor.

35. *Guests.*—It has been held that a hotel-keeper cannot sell liquor to a guest in his house between the prohibited hours. (Query.—It is very doubtful if this was the intention of the Legislature.)

36. *No consumption in shops.*—No person having a shop license to sell by retail and no chemist or druggist shall allow any liquor sold by him or in his possession to be consumed of which a license is required to be consumed within his shop. A license is not required for the sale by a chemist or druggist of six ounces for strictly medicinal purposes.

37. *Bar.*—Not more than one bar shall be kept in any house or premises licensed under this Act.

38. *The Entrance to hotel* must be separate from entrance to bar.

39. *Black and White.*—Any person who sells or barters spirituous or fermented liquors of any kind without having first obtained a license is liable to a fine of from \$50 to \$100 and costs, or the first offence, and for the second offence to imprisonment.

40. *Drunks.*—Every tavern keeper failing or refusing, except for some valid reason to supply lodging, meals and other accommodation to travellers is liable to a fine of \$20, but a tavern keeper is not required to receive into his house a man who is drunk, whether brought there by a policeman or not.

41. *Games.*—Every tavern keeper who allows any unlawful game to be carried on in his license is liable to a fine of from \$10 to \$50.

42. *Minors.*—For allowing liquor to be supplied to any one apparently under the age of 18 years a tavern keeper is liable to a penalty of from \$10 to \$20.

43. *In Shops.*—In the case of a person who buys liquor from the holder of a shop license and drinks it on the premises both the seller and purchaser are liable to a fine of from \$10 to \$20.

44. *Carriers.*—Any person who has violated any of the provisions of the Liquor License Act, comprises, compounds or settles the offence for the purpose of getting rid of the complaint is liable to imprisonment.

45. *Witches.*—Any person who takes persons with a witness is liable to a fine of \$50.

46. *Imprisonment.*—In the event of the imprisonment of any person under several warrants for different convictions the terms of imprisonment are to be consecutive not concurrent.

47. *Prosecutors.*—Any person may be appointed a complainant in prosecutions under the Liquor License Act.

48. *Complaints.*—All complaints under the Act are to be made in writing within thirty days after the commission of the offence.

49. *Convictions.*—A conviction may be made as he had for a first offence, notwithstanding that there may have been a prior conviction or conviction for the same or any other offence.

50. *Proof of Places of Sale.*—Any house, shop, room or other place in which it is proved to exist a bar, counter, beer pumps, kegs, jars, decanters, tumblers, glasses, or any other appliances or preparations similar to those usually found in taverns and shops, where spirituous or fermented liquors are accustomed to be sold or trafficked in, shall be deemed to be a place in which spirituous, fermented or other manufactured liquor are kept or had for the purpose of being sold, sold,

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