

An Act to Amend The Liquor License Laws

The portions of this Act which especially affect municipalities and their officials are sections 1, 10 and 11.

Section 1 makes it clear that the persons by section 3 of chapter 47 of The Ontario Statutes, 1906, disqualified to hold licenses, or for election to municipal councils, are holders of "tavern or shop licenses."

Section 10 repeals clauses (a), (b) and (c) of subsection 14 of section 11 of The Liquor License Act (R. S. O., 1897, chapter 245) and substitutes therefor five new clauses. These relate to the certificate required to be given by the clerk of the municipality in cases where applicants for liquor licenses are not already licensees.

Section 11 provides that the petition to the council for the submission of a local option by-law shall be filed with the clerk of the municipality on or before the 1st day of November, etc., instead of being presented to the council, as was required by subsection 3 of section 141 of The Liquor License Act as enacted by section 24 of chapter 47 of The Ontario Statutes, 1906.

The Act is as follows :

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

Holders of Licenses Disqualified for Election to Councils.

1. Sub-section 2 of section 3 of the Act passed in the sixth year of His Majesty's reign, chaptered 47, is amended by inserting before the word "license" in the second, fourth and fourteenth lines of the said sub-section the words "tavern or shop."

No License to be Granted to Benevolent or Provident Societies.

2. Section 28 of the said Act passed in the sixth year of His Majesty's reign is amended by adding at the end of sub-section 4 of said section the following words : "Nor shall any such license be granted to any society, association or club formed or incorporated under *The Act Respecting Benevolent, Provident and Other Societies*."

Punishment for Sale to Inebriates.

3. Section 33 of the said Act passed in the sixth year of His Majesty's reign is amended by adding thereto the following sub-section :

(9) In all cases of conviction under any of the sub-sections of this section in which a money penalty is imposed, the defendant in default of payment of such penalty shall be liable to imprisonment for a period not exceeding one month.

Certain Societies or Clubs Not to Sell Liquors.

4. Sub-section 1 of section 53 of *The Liquor License Act* is amended by striking out the first twenty-one words of said sub-section.

Liability of Occupants for Illegal Sale.

5. Sub-section 3 of section 112 of *The Liquor License Act* is amended by adding thereto the following words :

"And in event of the premises being an unlicensed tavern, the owner or lessee hereinbefore mentioned who sublets to or permits to be occupied by any other person any part of the premises in which liquor is sold or kept for sale shall be conclusively held to be an occupant within the meaning of this section and may be prosecuted jointly with or separately from the actual offender, but both of them shall not be convicted of the same offence and the conviction of one of them shall be a bar to the conviction of the other of them for the same offence."

Penalty for Refusing to Admit Officer.

6. Sub-section 2 of section 130 of *The Liquor License Act* is amended by adding thereto the following words :

"And the provisions of sub-section 2 of section 112 of this Act shall apply to offences under this sub-section."

General Provision as to Number of Licenses to Prevail.

7. Nothing contained in any special act shall be construed to authorize the issue of any greater number of tavern licenses in any municipality than is permitted by section 18 of *The Liquor License Act*.

Penalty for Supplying Liquor to Minors.

8. Sub-section 1 of section 78 of *The Liquor License Act* is repealed and the following substituted therefor :—

78.—(1) Any person who gives, seils or otherwise supplies liquor to any person apparently or to the knowledge of the person giving, selling or otherwise supplying the same under the age of twenty-one years shall incur a penalty of not less than \$10 and not exceeding \$50, besides costs, or imprisonment for a period not exceeding three months, but nothing in this section contained shall apply to the supplying of liquor to a person under the age of twenty-one years by the parent, guardian or physician of such person.

Licenses to Clubs.

9. Subsection 4 of section 28 of the said Act passed in the sixth year of His Majesty's reign is amended by adding at the end thereof the words following : "and no license under this section shall be granted to any society, association or club not incorporated under the laws of the Province of Ontario until the consent in writing of the Minister to the granting of such license has been filed with the Board."

Clerk of Municipality to Certify in Case of Disputes.

10. Clauses (a), (b) and (c) of subsection 14 of section 11 of *The Liquor License Act* are repealed and the following substituted therefor :

(a) In case of any dispute as to whether the number of electors who have signed the certificate or petition hereinbefore mentioned compose a majority of the duly qualified electors of the sub-division, or include one-third of the resident electors, or, in case of a dispute as to whether any one or more persons who have signed the certificate or petition are duly qualified voters, or are residents of the sub-division, the clerk of the municipality in which sub-division is situate, shall take evidence upon oath, or otherwise, and determine the question in dispute, and he shall in such case, report to the Board in writing, signed by him, the number of duly qualified electors and of resident electors respectively for the sub-division and the number of duly qualified electors who have signed the certificate or petition as the case may be, and the number of such last mentioned electors who are resident as aforesaid, and in case he has disallowed any of the names upon such certificate he shall in such report give such names and state his reasons for such disallowance and unless appealed against as herein-after mentioned, his report shall be final and conclusive. For such report the said clerk shall be entitled to a fee of \$5, payable out of the License Fund.

(b) The clerk shall give written notice of the time and place at which he will determine the said question to the applicant for the license, and to the person applying for such certificate, and to at least one of the persons signing any petition against the license, and the procedure to be adopted by the clerk in giving the said notice and determining the said question shall be in accordance with any general regulations made in that behalf by the Lieutenant-Governor in Council.

(c) From every such decision and report of the clerk an appeal shall lie to the Judge of the County Court of the county in which the premises sought to be licensed are situate under and subject to such regulations as may be made by the Lieutenant-Governor in Council in that behalf.

As to Unorganized Districts.

(d) In localities not under municipal organization, the said certificate shall be signed by at least eleven out of the twenty householders residing nearest to the premises in which the applicant proposes to carry on the business for which the license is required.

(e) Such certificate shall be according to the form given in Schedule "A" hereto, or to the like effect, in respect of the fitness of the applicant to have such license, and the premises in which it is proposed to carry on the business, and the desirability, on the ground of public convenience of having a license granted therefor.

Petition for Local Option By-law to be Filed With the Clerk.

11. Subsection 3 of section 141 of *The Liquor License Act* enacted by section 24 of the Act passed in the sixth year of His Majesty's reign, chaptered 47, is amended by striking out the words "is presented to the council" in the 4th and 5th lines of the said sub-section and inserting in lieu thereof the words "is filed with the clerk of the municipality."