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No. 50.

5th Session, 8th Parliament, 63 Victoria, -

BILL.

An Act to amend the Canada Temperance Act.

First reading, February 26, 1900.

MR. FLINT

OTTAWA

Printed by S. E. DAWSON

Printer to the Queen's most Excellent Majesty

1900

An Act to amend the Canada Temperance Act.

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows :—

1. Subsection 1 of section 100 of *The Canada Temperance Act*, chapter 106 of the Revised Statutes, is repealed and the following is substituted therefor :—

R.S.C., c. 106,
s. 100 amend-
ed.

“100. Every one who, by himself, his clerk, servant or agent exposes or keeps for sale, or directly or indirectly, on any pretense or by any device, sells or barter, or in consideration of the purchase of any other property, gives to any other person any intoxicating liquor, in violation of the second part of this Act shall, on summary conviction, be liable to a penalty, for the first offence of not less than fifty dollars or imprisonment for a term not exceeding two months with or without hard labour, and for the second offence to a fine of not less than one hundred dollars or imprisonment for four months with or without hard labour, and for the third and every subsequent offence, to imprisonment for a term not exceeding six months with or without hard labour.”

Punishment
of sale, etc.,
in violation
of second part
of this Act.

2. The section substituted for section 108 of the said Act by section 10 of chapter 34 of the statutes of 1888 is repealed, and the following is substituted therefor :—

New section
108.

“108. Any one of the officers named in section 103 of this Act, if satisfied by information on the oath of a credible witness that there is reasonable ground for belief that intoxicating liquor is sold or being kept for sale contrary to the provisions of the second part of this Act, or of *The Temperance Act of 1864*, in any dwelling house, store, shop, warehouse, outhouse, garden, yard, croft, vessel or other place, may, in his discretion, grant to any constable or other peace officer a warrant under his hand by virtue whereof it shall be lawful for the person named in such warrant, at any time or times within ten days from the date thereof, to enter, by force if necessary, the dwelling house, store, shop, warehouse, outhouse, garden, croft, vessel or place named in the warrant, and every part thereof, or of the premises connected therewith, and to examine the same and search for intoxicating liquor therein ; and for such purpose such person may, with such assistance as he deems expedient, break open any door, lock or fastening of such premises or any part thereof, or of any closet, cupboard, box or other article likely to contain such liquor ; and in the event of any intoxicating liquor being found in any such

Search
warrant.

Presumption,
if liquor is
found.

dwelling house, store, shop, warehouse, outhouse, garden, yard, croft, vessel or place, the owner or occupant or person in possession thereof, shall, until the contrary is proved, be deemed to have such intoxicating liquor for the purpose of sale, contrary to the provisions of the second part of this Act; and any information to obtain a warrant under this section may be in the form M in the schedule to this Act, and any search warrant under this section may be in the form N in the said schedule.”

Form-
Section 109
repealed.

3. The section substituted for section 109 of the said Act by section 11 of chapter 34 of the statutes of 1888, is repealed, and the following substituted therefor:—

Seizure of
liquor and
vessels.

“109. When any constable or officer, acting under the warrant mentioned in section 108, finds in any such dwelling house, store, shop, warehouse, outhouse, garden, yard, croft, vessel or place, or in the possession of any person or his servants, any intoxicating liquor which, in his opinion, is unlawfully kept for sale or disposal contrary to the provisions of the second part of this Act, he may forthwith seize and remove such liquor and the vessels in which it is kept; and upon the conviction of the owner, tenant or occupant of such house or place, or any dweller therein, or of any other person employed in or about it, for selling intoxicating liquor or for keeping intoxicating liquor for sale contrary to the provisions of the second part of this Act, the officer making such conviction may, in and by the said conviction, or by a separate or subsequent order, declare the said liquor and vessels to be forfeited to Her Majesty, and may order and direct that the said constable, or other officer, shall destroy such liquor, and the said constable, or other officer as aforesaid, shall forthwith destroy it, as directed by such conviction or order; and in case no conviction is made and no person establishes his ownership thereof, within two months after the seizure, to the satisfaction of the officer so convicting, then the said officer may, at any time after the expiration of the said period of two months, order and direct that the said constable or other officer shall destroy the said liquor and the vessels in which it is kept, and the latter shall thereupon forthwith destroy the said liquor accordingly.”

Upon conviction, Magistrate may order destruction of liquor.
Destruction of liquor if ownership not established.

Section 115
amended.

4. Paragraph (a) of section 115 of the said Act is amended by adding the following words at the end thereof:—“If the accused is not present, the justices or magistrate or other officer shall proceed in the same manner as if he were present and denied that he was so previously convicted.”

Form N
amended.

5. Form N in the schedule to the said Act is amended by 45 striking out the words “in the day time” in the eighteenth line.