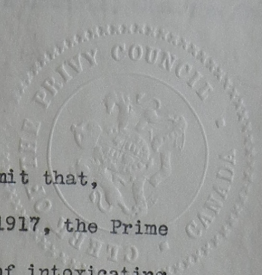


113. 14
Ottawa, February 19th, 1919.

TO HIS EXCELLENCY,
THE GOVERNOR GENERAL IN COUNCIL.



The undersigned has the honour to submit that,

WHEREAS on the 22nd day of December, 1917, the Prime Minister announced that the importation of intoxicating liquor into Canada would be prohibited, that the transportation of such liquor into any part of Canada wherein the sale of intoxicating liquor was illegal would be prohibited on and after April 1st, 1918, and that the manufacture of intoxicating liquor within Canada would be prohibited on and after a date to be determined upon further investigation and consideration of the actual conditions of the industry; and

WHEREAS on the recommendation of the War Committee, in order to give full effect to such declaration of policy, and in order to prevent waste, to promote thrift, to conserve resources, and to increase national efficiency, certain Orders of Your Excellency ^{His Excellency} have been made, prohibiting the importation of intoxicating liquor into Canada, the manufacture of such liquor in Canada, and forbidding the transportation of such liquor into any part of Canada wherein the sale of such liquor is by law prohibited, and the sale of such liquor for delivery in any such part of Canada, and the delivery in any such part of Canada of liquor sold in any other part of Canada; and

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WHEREAS in the opinion of the undersigned it is expedient to consolidate the said Orders, he, therefore, humbly recommends that under and by virtue of the War Measures Act, 1914, and all other powers vested in Your Excellency in Council, that the following regulations be made and enacted:

REGULATIONS.

1. In these regulations:

- (a) "person" includes any body, corporate and politic;
- (b) "Province" means any Province of Canada and also includes the North West Territories and the Yukon Territory;
- (c) "Prohibited area" means any province, territory, municipality, district, county, or other area wherein the sale of intoxicating liquor is under or by any law, Federal or Provincial, prohibited, and shall include any such area wherein the sale of native wine is prohibited;
- (d) "Licensee" means a person authorized by the law of a province to sell within that province intoxicating liquor for use within that province;
- (e) "Manufacturer" means a person licensed by the Minister of Inland Revenue of Canada to manufacture intoxicating liquor for sacramental, industrial, mechanical, artistic, scientific or medicinal purposes;
- (f) "Intoxicating liquor" means and includes any liquor or beverage which contains more than two and one-half per centum of proof spirits.

2. (1) No intoxicating liquors shall be imported or brought into Canada on or after the twenty-fourth day of December, one thousand nine hundred and seventeen, unless actually purchased for importation into Canada before that day, and actually shipped by the vendor or consignor on or before the thirty-first day of January, one thousand nine hundred and eighteen, and unless evidence satisfactory to the Minister of Customs of the purchase and shipment having been so made is submitted to the said Minister.

(2) The provisions of this regulation shall not apply (a) to wine for use in Divine Service; (b) to intoxicating liquor for medicinal purposes; or (c) to intoxicating liquor for manufacturing or commercial purposes other than for the manufacture or use thereof as a beverage; provided that in any such case a special license permitting the importation into Canada of such wine or intoxicating liquor for such purpose has been granted by the Minister of Customs, based upon a formal written evidence of permission, granted by the competent provincial authority to the importer, to possess and use or deal in such wine or intoxicating liquor for such purpose, or, if the Government of the province to which such wine or intoxicating liquor is destined has made no provision for such formal procedure, upon other evidence of such purpose satisfactory to the said Minister.

3. (1) No person shall make or manufacture intoxicating liquor or cause intoxicating liquor to be made or manufactured within the Dominion of Canada after the first day of April, one thousand nine hundred and eighteen: Provided, that in case the sale of intoxicating liquor of any class for beverage purposes is permitted in any province, this

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regulation shall not apply to the manufacture of such intoxicating liquor in such province until the thirty-first day of December, one thousand nine hundred and eighteen.

(2) Nothing in these regulations shall prevent a manufacturer from making or manufacturing intoxicating liquor for sacramental, industrial, artistic, mechanical, scientific and medicinal purposes, in accordance with the terms of his license.

(3) No person after the first day of April, 1918, shall send, take, transport into, or deliver in any prohibited area any intoxicating liquor, or cause any intoxicating liquor to be so sent, transported or delivered. Provided that any intoxicating liquor actually shipped before the first day of April, 1918, may be delivered in such prohibited area by a common carrier within such period of time as is required for such delivery under the ordinary and usual conditions governing the business of such common carrier, but not later than the first day of May, A.D. 1918. Provided, that this regulation shall not apply to the sending, taking, transporting or delivering of native wines in the Province of Ontario until the thirtieth day of April, 1919.

(4) No person after the first day of April, 1918, shall either directly or indirectly sell or contract or agree to sell any intoxicating liquor which is in, or which is to be delivered within any prohibited area.

(5) Nothing in this regulation contained shall prevent a licensee or manufacturer from selling, sending, taking or transporting intoxicating liquor to a licensee in any prohibited area, or prevent a common carrier by water or by railway, from transporting or carrying intoxicating liquor from any licensee or manufacturer to a licensee in a prohibited area, or prevent any intoxicating liquor from being so carried

carried through a prohibited area, nor prevent a licensee in a prohibited area from selling and delivering intoxicating liquor for sacramental, industrial, artistic, mechanical, scientific and medicinal purposes, in accordance with the terms of his license.

(6) The Governor-in-Council may, in any prohibited area, authorize one or more persons to receive, sell and deliver intoxicating liquors for sacramental purposes only, and if in any prohibited area there should be no licensee authorized to receive, sell and deliver intoxicating liquor for sacramental, industrial, artistic, mechanical, scientific and medicinal purposes, the Governor-in-Council may authorize one or more persons in any such prohibited area to receive, sell and deliver intoxicating liquor for such purposes, and any person authorized under this paragraph shall be deemed a licensee within the meaning of this regulation.

(7) The carriage of intoxicating liquor from a licensee or manufacturer to a licensee in a prohibited area, and carriage through any prohibited area shall be only by means of a common carrier by water or by railway, and not otherwise.

(8) During the time any intoxicating liquor is being transported or carried into or through a prohibited area as aforesaid, no person shall open, or break, or allow to be opened or broken, any package or vessel containing it, or drink or use, or allow to be drunk or used, any intoxicating liquor therefrom.

4. (1) The burden of proving the right to import, make or manufacture intoxicating liquor, or cause intoxicating liquor to be imported, made or manufactured, or to send, carry or deliver intoxicating liquor, or cause intoxicating liquor to be sent, carried

or delivered into or in a prohibited area, shall be on the person accused.

(2) Every person who violates any of the provisions of these regulations shall be guilty of an offence, and shall be liable on summary conviction to a penalty for the first offence of not less than \$200.00, and not more than \$1,000, and in default of immediate payment to imprisonment for not less than three, nor more than six months, and for a second offence to imprisonment for not less than six months nor more than twelve months.

(3) If it is proved upon oath before any judge of the sessions of the peace, recorder, police magistrate, stipendiary magistrate, two justices of the peace, or any magistrate having the power of authority of two or more justices of the peace, that there is reasonable cause to suspect that any intoxicating liquor is being imported, taken, transported or carried in violation of these regulations, or is in any premises or place, and that such intoxicating liquor has been imported, manufactured or dealt with contrary to the provisions of these regulations, such officer may grant a warrant to search premises, or place, including any Government railway, vehicle or steamship, for such intoxicating liquor, and if the same or any part thereof is there found, to seize and bring the same before him; and when any person is convicted of any offence against any of the provisions of these regulations the officer or officers so convicting shall adjudge and order, in addition to any other penalty, that the intoxicating liquor in respect of which the offence was committed, and which has been seized under a search warrant as aforesaid, and all kegs, barrels, cases, boxes, bottles, packages, and other receptacles of any kind whatsoever, found containing the same, be forfeited to the Crown, and such order shall thereupon be carried out by the constable or peace officer who executed the said search warrant, or by such other person as may be thereunto authorized by the officer or officers who have made such conviction.

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5 ~~4~~ After the first day of May, 1918, the Yukon Territory shall be a prohibited area within the meaning of these regulations, provided that any intoxicating liquor actually shipped before the first day of May, 1918, may be delivered in the Yukon Territory by a common carrier within such period of time as is required for such delivery, under the ordinary and usual conditions governing the business of such common carrier, but not later than the first day of June, 1918; provided further that nothing in these regulations shall prevent the sale or other disposal within the Yukon Territory of intoxicating liquor by any person under a license issued under the authority of any ordinance of the Governor-in-Council relating to the Yukon Territory.

6 ~~5~~ These regulations shall be construed as supplementary to the prohibitory laws now in force, or that may be hereafter in force in any province or territory, and shall continue in force during the continuance of the present war, and for twelve months thereafter.

7 ~~6~~ The following Orders-in-Council and the regulations by them enacted are hereby repealed and rescinded:-

P. C. 3473, dated December 22nd, 1917.

P. C. 3484, dated December 26th, 1917.

P. C. 134, dated January 19th, 1918.

P. C. 224, dated January 26th, 1918.

P. C. 589, dated March 11th, 1918.

P. C. 733, dated March 22nd, 1918.

P. C. 830, dated April 8th, 1918.

P. C. 1096, dated May 7th, 1918.

P. C. 1418, dated June 10th, 1918.

P. C. 3209, dated December 31st, 1918.

8 ~~7~~ The provisions of Sections Six and Seven of An Act respecting the Revised Statutes, 1906, 6-7 Ed. Vll cap 43,

shall, insofar as applicable, apply mutatis mutandis to this consolidation, as if the word "regulations" were therein substituted for the words "Acts" or "Statutes" where the latter words therein respectively occur.

The whole respectfully submitted.

Acting Prime Minister.

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