

UNEDITED

The Saskatchewan Temperance Act

being

Chapter 194 of *The Revised Statutes of Saskatchewan, 1920*
(assented to November 10, 1920).

FOR HISTORICAL REFERENCE ONLY

NOTE:

This consolidation is not official. Amendments have been incorporated for convenience of reference and the original statutes and regulations should be consulted for all purposes of interpretation and application of the law. In order to preserve the integrity of the original statutes and regulations, errors that may have appeared are reproduced in this consolidation.

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SCHEDULE

CHAPTER 194

An Act regulating the Sale of Liquor

SHORT TITLE

Short title

1 This Act may be cited as *The Saskatchewan Temperance Act*.

1919–20, c.70, s.1; R.S.S. 1920, c.194, s.1.

INTERPRETATION

Interpretation

2 In this Act, unless the context otherwise requires, the expression:

“Boarding house”

1. “**Boarding house**” means and includes every hotel (not being a public hotel), boarding house, lodging house or rooming house in which there are at least six bedrooms or beds used by or set apart for the use of boarders, lodgers or inmates and for the use of which a charge is made by the owner, tenant, occupant, proprietor or manager;

“Commission”

2. “**Commission**” means The Liquor Commission appointed under the provisions of this Act;

“Druggist”

3. “**Druggist**” means a duly registered pharmaceutical chemist or chemist and druggist under *The Pharmacy Act*;

“License”

4. “**License**” means a license or authority to practise a profession or carry on a profession, trade or calling;

“Liquor” “liquors”

5. “**Liquor**” or “**liquors**” means every spirituous and every fermented and every malt liquor, and every wine, and any and every combination of liquors and drinks or preparations or mixtures capable of human consumption, which is intoxicating, and any mixed liquor or liquid capable of being used as a beverage and part of which is spirituous or otherwise intoxicating;

Any liquor which contains more than 1.13 per centum by weight of alcohol shall be conclusively deemed to be intoxicating;

“Municipality” “municipal”

6. “**Municipality**” means a city, town, village or rural municipality, and “**municipal**” has a corresponding meaning;

“Municipal clerk” “clerk”

7. “**Municipal clerk**” or “**clerk**” means a clerk of a city or town or the secretary or secretary treasurer of a village or rural municipality;

“Package”

8. “**Package**” means a bottle, jug, jar, keg, cask, barrel or other receptacle used for holding liquor;

“Physician”

9. **“Physician”** means a legally qualified medical practitioner;

“Prescription”

10. **“Prescription”** means a memorandum in writing containing the name and address of the physician by whom it is given, the name and address of the person to whom it is given, the nature and quantity of liquor prescribed, the date upon which the prescription is written, and directions for use of the liquor so prescribed;

“Restaurant”

11. **“Restaurant”** means and includes every building or part of a building used as a restaurant, cafe, or lunch counter, or used for the purpose of providing meals for the public, which has and regularly used seating accommodation for serving more than eight paying guests at any one meal;

“Wholesaler”

12. **“Wholesaler”** means a person, firm or incorporated company authorised under the provisions of this Act to sell liquor to physicians, retail druggists and to any of the classes of persons mentioned in section 100.

1919–20, c.70, 2; R.S.S. 1920, c.194, s.2.

 PART I

Organisation and Administration

COMMISSION

Constitution

3(1) There shall be a commission (to be styled The Liquor Commission) to be composed of three members to be appointed by the Lieutenant Governor in Council, one of whom shall be appointed as chairman.

(2) In the case of the absence of any member of the commission or his inability to act, or in case of a vacancy in the office, the two remaining shall concur in exercising the powers of the commission.

(3) In the absence of the chairman all permits and other documents may be signed by any one member, and when so signed shall have the like effect as if signed by the chairman. Whenever it appears that a member, other than the chairman, has acted for and in place of the chairman, it shall be conclusively presumed that he has so acted in the absence or disability of the chairman.

(4) The members shall devote their whole time to the duties of the office and shall receive such remuneration as is provided by the Lieutenant Governor in Council.

(5) The head office of the commission shall be at the city of Regina.

1919–20, c.70, s.3; R.S.S. 1920, c.194, s.3.

Compliance with Act

4 All liquor had, kept, obtained or sold in Saskatchewan for medicinal, mechanical, sacramental and scientific purposes shall be so had, kept, obtained or sold in accordance with the provisions of this Act.

1919–20, c.70, s.4; R.S.S. 1920, c.194, s.4.

Control of liquor

5 The commission shall have the control of all liquor brought into the province by wholesalers, and sold in the province in accordance with the provisions of this Act and the regulations made hereunder.

1919-20, c.70, s.5; R.S.S. 1920, c.194, s.5.

Official seal

6 The commission shall adopt a distinctive official seal for all packages containing liquor to be sold under the provisions of this Act, and no liquor shall be sold unless the package in which it is contained bears the seal or the commission.

1919-20, c.70, s.6; R.S.S. 1920, c.194, s.6.

Inspectors

7(1) The chairman of the commission shall appoint such inspectors as he considers necessary, whose duty it shall be to see that the provisions of this Act and the regulations made hereunder with respect to wholesalers, druggists and physicians authorised to sell liquor hereunder, are duly complied with; the salaries of such inspectors shall be approved by the Lieutenant Governor in Council. The chair of the commission shall be *ex officio* chief inspector.

(2) The inspector so appointed shall have all the powers and authority conferred by this Act upon an officer as defined in section 67 and may call upon any municipal or provincial police officer at any time for the purpose of obtaining assistance in the enforcement of the provisions of this Act.

1919-20, c.70, s.7; R.S.S. 1920, c.194, s.7.

Office staff

8(1) The commission shall appoint such clerical and other office help as is required; the salaries of such employees shall be approved by the Lieutenant Governor in Council.

(2) All expenses of the commission including salaries shall be chargeable to and payable out of the consolidated fund.

1919-90, c.70, s.8; R.S.S. 1920, c.194, s.8.

Inventories

9(1) The commission shall require any person, holding a permit under *The Saskatchewan Temperance Act, 1917*, to furnish the commission with:

- (a) an inventory showing the kinds and quantities of all liquors in his possession at the date of the coming into force of this Act;
- (b) a statement showing the kinds and quantities of all liquors ordered by him for delivery, but not received by him at the date of the coming into force of this Act.

(2) In the case of any druggist having on hand a greater quantity of liquor or any kind of liquor than is authorized by section 30, such surplus shall be held or disposed of in such manner as may be determined by the commission, subject to the approval of Lieutenant Governor in Council.

1919-20, c.70, s.9; R.S.S. 1920, c.194, s.9.

PART II

Regulations as to Sales

PHYSICIANS AND DRUGGISTS

Transactions forbidden

10 No person shall expose, keep or offer for sale, barter or exchange or sell, barter or exchange liquor in Saskatchewan except as provided by this Act.

1919-20, c.70, s.10; R.S.S. 1920, c.194, s.10.

Manufacturers

11 Nothing herein contained shall prevent any brewer, distiller, compounder or other person duly licensed by the Government of Canada for the manufacture or compounding of liquors from keeping or having in any building wherein such manufacture or compounding is carried on, or used by such brewer, distiller, compounder or other person, any liquors for sale to any person in another province or in a foreign country for use and consumption outside of Saskatchewan or from selling therefrom to such persons.

1919-20, c.70, s.11; R.S.S. 1920, c.194, s.11.

Records of sales

12 For the purpose of evidence, every brewer, distiller, compounder or other person licensed by the Government, of Canada and mentioned in section 11 and every liquor exporter, who makes a sale of liquor in the province shall immediately enter in a book to be kept for that purpose the date of such sale, the name and address of the person to whom such sale was made, the kind and quantity sold, and the person or carrier to whom the same was delivered for carriage and shall, prior to the delivery of the liquor, give a written return of such particulars to the chief inspector or any one named by him for receiving such returns; and the failure of such person to make, keep and produce as evidence the said entry and record of such sale shall, in any prosecution under this Act of such person for illegally making such sale of liquor, be *prima facie* evidence against such person of having illegally sold such liquor.

1919-20, c.70, s.12; R.S.S. 1920, c.194, s.12.

Prescriptions

13(1) Any physician who is lawfully and regularly engaged in the practice of his profession; and who after actual personal diagnosis deems any intoxicating liquors necessary for the health of a patient, may give such patient a written prescription therefor; or administer the liquor himself; for which purpose he may have liquor in his possession not exceeding in quantity one quart at any one time, when visiting in the discharge of his professional duties, but no such prescription shall be given or liquors administered, except in cases of actual need, and when in the judgment of such physician, the use of liquor is necessary.

(2) Any physician, or person claiming to be a physician, who gives such prescription or administers such liquors in evasion or violation of this Act, or who gives to or writes for any person a prescription for or including intoxicating liquor for the purpose of enabling or assisting any person to obtain liquor for use as a beverage, or to be sold or disposed of in any manner in violation of the provisions of this Act, shall be guilty of an offence under this Act, and shall be liable on summary conviction for the first offence to a penalty of not less than \$200 nor 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, and to the cancellation of his license.

(3) It shall be an offence for any person applying to a physician to make any false statement with a view to obtaining a prescription for liquor.

1919-20, c.70, s.13; R.S.S. 1920, c.194, s.13.

Permits

14(1) The commission may issue permits (form A) to physicians and druggists, authorising them to sell certain liquors for medicinal purposes as hereinafter provided.

(2) No such permit shall be issued to a physician residing in a city, town or village except where there is no drugstore authorised to sell liquor.

1919-20, c.70, s.14; R.S.S. 1920, c.194, s.14.

Applications

15 No such permit shall be granted except upon a written application of a physician or druggist and every such application shall be accompanied by:

(a) a bond in form satisfactory to the Attorney General in the sum of \$500, conditioned that neither the applicant nor anyone in his employ will purchase, sell, barter or otherwise dispose of liquor in breach of the provisions of this Act or of any regulation made thereunder or of any other Act of Saskatchewan from time to time in force governing the sale or other disposal of liquors;

(b) a recommendation (form B) signed by five reputable persons residing in the city, town or village where the applicant carries on business.

1919-20, c.70, s.15; R.S.S. 1920, c.194, s.15.

Permit annual

16(1) Every permit shall expire on the thirty-first day of December of the year in which it is issued, but may be renewed annually on the written application of the holder thereof.

(2) Every application for an original permit or for a renewal shall be accompanied by a fee of \$1.

1919-20, c.70, s.18; R.S.S. 1920, c.194, s.16.

Cancellation and suspension

17 The commission may cancel any permit, or may suspend it for any period of time it may deem advisable. Every cancelled permit shall be forthwith returned to the commission.

1919-20, c.70, s.17; R.S.S. 1920, c.194, s.17.

Notice where no permit

18 Every druggist who has not a permit to sell liquor under this Act shall keep displayed in some conspicuous place in his store, a notice in the following form: "Intoxicating liquors not for sale."

1919-20, c.70, s.18; R.S.S. 1920, c.194, s.18.

Liquors kept by physician

19(1) Every physician who receives a permit as herein provided may keep on hand and sell for medicinal purposes the following liquors only, namely, brandy and rye whiskey.

(2) No physician shall have on his premises for sale for medicinal purposes more than one quart of brandy and one quart of rye whiskey.

(3) Every physician who receives a permit as herein provided may have on his premises for use only in the practice of his profession not more than one quart of liquor.

1919-20, c.70, s.19; R.S.S. 1920, c.194, s.19.

Liquors kept by druggist

20 Every druggist who receives a permit as herein provided may keep on hand and sell liquors for medicinal purposes only.

1919-20, c.70, s.20; R.S.S. 1920, c.194, s.20.

Restrictions on sale by physician

21 No physician shall sell any liquor except for *bona fide* medicinal purposes, and every physician shall keep a record of each sale he makes.

1919-20, c.70, s.21; R.S.S. 1920, c.194, s.21.

Records

22 On the first day of each month every physician shall deliver or forward by registered mail to the commission every such record made by him for the sale of liquor during the previous month.

1919-20, c.70, s.22; R.S.S. 1920, c.194, s.22.

Restrictions on sale by druggists

23(1) Except as provided by this Act or by any regulations made thereunder, no druggist shall sell liquor except for *bona fide* medicinal purposes and upon the prescription of a physician stating that the liquor prescribed is liquor within the meaning of *The Saskatchewan Temperance Act*.

(2) No such prescription shall be used for more than one sale of liquor.

(3) All such prescriptions received by a druggist shall be kept on file.

1919-20, c.70, s.23; R.S.S. 1920, c.194, s.23.

Records

24 Every druggist shall forthwith enter in a book to be kept for the purpose a record of each prescription, showing the date thereof, the quantity and kind of liquor sold, the name and address of the purchaser, the name of the physician who issued the prescription and the name of the person who sold the liquor. Such record shall be open to inspection by all persons during business hours.

1919-20, c.70, s.24; R.S.S. 1920, c.194, s.24.

Druggist's lists

25 Every druggist shall, on the first day of each month, prepare a list in separate detail of all such purchases (form C) numbering them and showing the date of each sale, the kind and quantity of liquor sold and the names of the purchasers and physicians and of the persons making sale, and certify that such list is an accurate and complete record of all the sales made during the previous month and shall forthwith forward the list to the commission.

1919-20, c.70, s.25; R.S.S. 1920, c.194, s.25.

Mixtures and compounds

26 No druggist and no physician who keeps and sells or disposes of drugs shall sell any mixture, compound or prescription containing liquor except as permitted by regulations of the Lieutenant Governor in Council.

1919-20, c.70, s.26; R.S.S. 1920, c.194, s.26.

Limit of sales: by physician

27 No physician shall sell for the use of any one person on any day for medicinal purposes more than eight ounces of brandy or rye whiskey.

1919-20, c.10, s.27; R.S.S. 1920, c.194, s.27.

By druggist

28 No druggist shall sell for medicinal purposes for the use of any one person on any day more than eight ounces of alcohol, brandy, rum, gin or whiskey on a prescription from a physician.

1919-20, c.70, s.28; R.S.S. 1920, c.194, s.28.

Prescriptions

29(1) No physician shall issue a prescription for a greater quantity of any of the liquors mentioned in section 28 than a druggist is authorised by that section to sell.

(2) Every prescription for liquor issued by a physician shall state that the liquor prescribed is liquor within the meaning of *The Saskatchewan Temperance Act*.

(3) Every physician who prescribes liquor otherwise than for a *bona fide* medicinal purpose shall be guilty of an offence.

1919-20, c.70, s.29; R.S.S. 1920, c.194, s.29.

Amount kept by druggist

30(1) No druggist shall keep or store in his premises or elsewhere for sale at any one time:

- (a) alcohol, brandy, rum, gin or whiskey exceeding in quantity 10 gallons in the aggregate;
- (b) wines exceeding in quantity 10 gallons;
- (c) malt liquors exceeding in quantity 20 gallons:

Provided that the commission may, by order, reduce any of the above quantities.

(2) The commission may also make provision for the keeping by druggists of alcohol in bulk for compounding purposes only.

1919-20, c.70, s.30; R.S.S. 1920, c.194, s.30.

Quality and inspection

31 All liquors sold under the provisions of this Act shall be of pure quality, and in order to insure the same all liquors kept on hand for sale by wholesalers, physicians and druggists shall at all times be subject to examination or inspection by any person duly authorised by the commission for such purpose.

1919-20, c.70, s.31; R.S.S. 1920, c.194, s.31.

Purchases from wholesaler

32 Every physician, druggist or other person, firm or incorporated company authorised by this Act to purchase liquor, shall purchase the same from a wholesaler upon receiving the approval of the commission to such purchase.

1919-20, c.70, s.32; R.S.S. 1920, c.194, s.32.

Method

33 Every druggist or other authorised person desiring to purchase liquor shall forward an application in writing addressed to the commission stating the kinds and quantities of liquor required and the name and address of the wholesaler from whom he desires to purchase the same.

1919-20, c.70, s.33; R.S.S. 1920, c.194, s.33.

Fees

34(1) A fee to be prescribed by the commission and approved by the Lieutenant Governor in Council shall accompany every application for liquor.

(2) All fees collected by the commission in respect of permits or renewals thereof for applications for liquor shall be paid into the consolidated fund.

1919-20, c.70, s.34; R.S.S. 1920, c.194, s.34.

Approval of application

35(1) The commission may either approve or reject any application for liquor.

(2) In the event of the approval by the commission of any application, the same shall forthwith be forwarded to the wholesaler named therein.

(3) In the event of the rejection by the commission of any application, notice thereof shall forthwith be mailed to the applicant.

1919-20, c.70, s.35; R.S.S. 1920, c.194, s.35.

Sales by druggist

36 No druggist having a permit shall sell liquor except in person or by an assistant or clerk appointed by him for the purpose and approved by the commission. Notice of every such appointment (form D) shall be forthwith forwarded to the commission by registered mail on the day of the date thereof.

1919-20, c.70, s.36; R.S.S. 1920, c.194, s.36.

Penalties

37(1) Any physician or any druggist who fails or neglects to make or keep or forward any statement, list or record required to be made, kept or forwarded by this Act shall be liable to a fine of \$100 and in default of payment of such fine to imprisonment for period of thirty days.

(2) Any physician or any druggist, or any assistant or clerk appointed by a druggist, or any other person whatever who falsifies any statement, list or record required to be made, kept or forwarded by this Act, shall be liable to a fine of \$500 or to imprisonment for three months for a first offence (and in default of payment of such fine to imprisonment for a further period of three months), and to imprisonment for a period of six months for a second or any subsequent offence.

1919-20, c.70, s.37; R.S.S. 1920, c.194, s.37.

WHOLESALEERS

Authorisation

38(1) Such persons only as are authorised so to do by order of the Lieutenant Governor in Council may sell liquor by wholesale to physicians or retail druggists, and to any of the classes of persons mentioned in section 100. The terms and conditions upon which liquor is authorised to be sold shall be determined by the Lieutenant Governor in Council.

(2) Such authority shall be granted only upon a written application accompanied by a bond in such sum and subject to such conditions as may be satisfactory to the Attorney General for the due fulfilment of the terms and conditions determined by the Lieutenant Governor in Council.

1919-20, c.70, s.38; R.S.S. 1920, c.194, s.38.

Sealed packages

39 All sales of alcohol, brandy, rum, gin or whiskey by a wholesaler shall be by sealed package, each package to contain not more than eight ounces.

1919-20, c.70, s.39; R.S.S. 1920, c.194, s.39.

Regulations

40 Notwithstanding the provisions of the preceding sections of this Act the Lieutenant Governor in Council shall have power by regulation to modify such provisions or to make such further provisions as are deemed advisable for the purpose of the better regulation and control of the purchase and sale of liquor for medicinal purposes, it being the intention of this Act that the commission shall have effectual control and supervision over all liquor brought into Saskatchewan and kept or disposed of therein for medicinal purposes in order to insure a proper enforcement of this Act.

Notice of all such regulations shall be published in *The Saskatchewan Gazette*, and they shall have full force and effect from the date of the first publication thereof.

1919-20, c.70, s.40; R.S.S. 1920, c.194, s.40.

PART III

Offences and Penalties

ILLEGAL SALE OR BARTER

Penalty

41(1) Every person, including any physician or druggist who, in contravention of the provisions of this Act, exposes, keeps or offers for sale, barter or exchange, or sells or barter or exchanges any liquor in Saskatchewan shall be guilty of an offence and liable at the option of the justice:

- (a) to a fine of not less than \$400 nor more than \$1,000 and in default of immediate payment to imprisonment for the full term of sixty days; or
 - (b) to a fine of not less than \$100 nor more than \$300 and in addition, to imprisonment for a period of not less than two weeks nor more than two months, and in default of immediate payment to imprisonment for a further period of thirty days; or
 - (c) to imprisonment for the full term of four months without fine.
- (2) In the case of a second or subsequent offence the offender shall be liable to imprisonment for a term of not less than three nor more than six months.
- (3) If the offender is an incorporated company it shall be liable to a fine of the full sum of \$1,000 for each offence.

1919-20, c.70, s.41; R.S.S. 1920, c.194, s.41.

PHYSICIANS AND DRUGGISTS

Cancellation of license

42 In the case of a conviction of any physician or druggist for any offence against this Act, the commission may cancel the license of the offender to practise as a physician or druggist, as the case may be, or it may suspend such license for such a time as it deems advisable, and in case of a conviction for a second offence, the commission shall cancel the license or authority of the offender to practise as a physician or druggist in Saskatchewan.

1919-20, c.70, s.42; R.S.S. 1920, c.194, s.42.

Prohibitions of prescriptions

43(1) Should the commission ascertain, upon inquiry or otherwise, that any physician has issued prescriptions for liquor, or which contain liquor, in such numbers as are in the opinion of the commission clearly in excess of what can reasonably be required by him in the exercise of his professional duties, the commission may forward a notice to such physician that, from and after a date to be specified in the notice, no prescription shall be issued by such physician for liquor or which contains liquor as one of its ingredients.

(2) An physician who has received a notice as provided in this section, and who, after the date specified therein, issues any prescription for liquor, or which contains any liquor as one of its ingredients, shall be guilty of an offence under this Act.

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(3) Nothing contained in this section shall prevent the prosecution of any such physician under any other provision of this Act in respect of the issuing of such excessive prescription for liquor, or which contains any liquor as one of its ingredients.

1919–20, c.70, s.43; R.S.S. 1920, c.194, s.43.

ILLEGAL PURCHASE OR BARTER

Penalty

44(1) Any person who purchases liquor from anyone in Saskatchewan not authorised to sell the same, or who obtains liquor from such unauthorised person by barter or exchange, or who requests or solincits any person to sell liquor to him in violation of this Act shall be guilty of an offence and liable to a penalty of \$100 and in default of payment of the said sum, to imprisonment for a period of thirty days.

(2) If it is made to appear to the justice before whom a complaint under this Act is heard, that the person charged with the violation of this section was acting as an officer whose duty it was to enforce this Act, or was acting under the instructions or authority of any peace officer for the purpose of detecting a known or suspected offender against this Act, and of obtaining evidence upon which he might be brought to justice, the defendant shall not be convicted.

1919–20, c.70, s.44; R.S.S. 1920, c.194, s.44.

CANVASSING

Penalty

45 Every person whether licensed or unlicensed who, by himself, his servant, or agent canvasses for, or receives or solicits orders for liquor for beverage purposes within this province, shall be guilty of an offence and liable to the penalties provided in section 59.

1919–20, c.70, s.45; R.S.S. 1920, c.194, s.45.

COMMON CARRIERS

Delivery to other than consignee

46 Any officer, agent or employee of a railway company, express company or other common carrier who delivers liquor to a person other than the consignee without a written order from such consignee shall be liable to a penalty of not less than \$100 or more than \$500, and in default of immediate payment to imprisonment for a period of not less than thirty days nor more than ninety days.

1919–20, c.70, s.46; R.S.S. 1920, c.194, s.46.

Delivery to fictitious consignee

47(1) No railway company, express company or other common carrier, and no officer, agent or employee of such company or carrier shall deliver liquor to any person to whom such liquor has been consigned under a fictitious name nor shall such company, carrier, officer, agent or employee deliver to any person liquor which has been consigned to a fictitious person.

(2) Any company or common carrier making delivery contrary to the provisions of this section, and every officer, agent or employee acting for the company or carrier in making such delivery shall be guilty of an offence and liable, in case of a first offence to a penalty of \$100, in case of a second offence to a penalty of \$200, and in the case of a third or subsequent offence to a penalty of \$500, and the officer, agent or employee making such delivery may also be imprisoned for a period of sixty days.

1919–20, c.70, s.47; R.S.S. 1920, c.194, s.47.

Inspection of records

48(1) The commission or any person appointed by it for the purpose may inspect the freight and express books and any documents in the possession of a railway or express company doing business within Saskatchewan for the purpose of obtaining information in connection with matters dealt with by this Act.

(2) Any company and any officer or employee of a company neglects or refuses to produce such books, records or documents for inspection when required to do so by the commission or by a person named by it for the purpose in writing, shall be guilty of an offence and liable to a penalty of \$200 for each offence. In case of an officer or employee of the company so neglecting or refusing such officer or employee in default of immediate payment after conviction shall be liable to imprisonment for thirty days.

1919–20, c.70, s.48; R.S.S. 1920, c.194, s.48.

ILLEGAL CONSUMPTION

Prohibitions and penalty

49(1) No person shall consume liquor at any place except in a dwelling house.

(2) The expression “**dwelling house**” means and includes every house or other building or any part of a house or building which is *bona fide* occupied and used solely as a place of abode.

(3) Notwithstanding anything contained in this section no liquor except such liquor as may be purchased under the provisions of this Act shall be kept or consumed:

(a) other than by the person on whose behalf it was lawfully purchased:

Provided that this prohibition shall not extend to liquor lawfully in the possession of a person for beverage purposes;

(b) upon the premises of any club, whether incorporated or not, or of any hotel, boarding house or restaurant or any other place of public accommodation, whether licensed or not;

(c) in any building any part of which is used as a livery or feed stable, lumber office, grain elevator, or grain elevator office or engine room or automobile garage;

(d) in any basement, hall or room occupied and used as a bowling alley or for playing pool or billiards, or in any room directly connected by an interior entrance with any such basement, hall or room.

(4) Any person infringing the provisions of this section shall be liable to a fine of \$100 for the first offence, and in default of payment to imprisonment for thirty days; in case of a second offence to a penalty of \$200, and in default of payment to imprisonment for sixty days; and in case of any subsequent offence to imprisonment for a term of three months without the option of a fine.

1919–20, c. 70, s. 49; R.S.S. 1920, c. 194, s. 49.

OFFENCES

Offences

50 Every one is a party to and guilty of an offence against this Act, who:

- (a) does or omits any act for the purpose of aiding any person to commit the offence; or
- (b) abets any person in commission of the offence; or
- (c) counsels or procures any person to commit the offence; or
- (d) gives any information or direction to any person by which he may secure liquor contrary to the provisions of this Act.

1919–20, c. 70, s. 50; R.S.S. 1920, c. 194, s. 50.

Arrest without warrant

51 A constable, police or peace officer may arrest, without warrant, any person whom he finds committing, or whom he, on reasonable grounds, believes to have committed an offence against this Act.

1919–20, c. 70, s. 51; R.S.S. 1920, c. 194, s. 51.

Seller of soft drinks

52(1) In case any person engaged in the business of selling soft drinks or nonintoxicating liquors keeps or has with his stock of such drinks or liquors or on his business premises any liquor as defined by this Act, such person shall be guilty of an offence and liable, in case of a first offence to a penalty of \$400, and in default of payment of such sum to imprisonment for a period of three months; and to a penalty of \$500 and three months' imprisonment for any subsequent offence, and in default of payment of such sum to imprisonment for a further period of three months.

(2) Any police officer, policeman or constable who finds liquor in the stock or upon the business premises of such person, shall seize and dispose of his total stock of soft drinks or nonintoxicating liquors in the manner provided for the seizure and disposal of liquor by section 69.

(3) The provisions of this section shall not apply to a druggist who receives a permit for the sale of liquor as herein provided.

(4) For the purpose of this section the term “**business premises**” means and includes a room, closet or cupboard opening from or into or giving access to the room or place where soft drinks or nonintoxicating liquors are sold.

1919–20, c. 70, s. 52; R.S.S. 1920, c. 194, s. 52.

Dwelling house

53 If the occupant of any private dwelling house or of any part thereof is convicted of an offence against any of the provisions of this Act committed in or in respect of such house the same shall cease to be a private dwelling house within the meaning of this Act during the time the person so convicted occupies the said house or any part thereof.

1919-20, c.70, s.53; R.S.S. 1920, c.194, s.53.

Death of intoxicated person

54 Whenever any person has drunk liquor to excess and while in a state of intoxication from such drinking has come to his death by suicide, or drowning, or perishing from cold or other accident caused by such intoxication, the person or persons who furnished or gave the liquor to such person when in a state of intoxication, or on whose premises it was obtained by such intoxicated person while intoxicated, shall be liable to an action for a wrongful act and as a personal wrong, and the amount which may be recovered as damages shall be not less than \$100 nor more than \$1,500.

1919-20, c.70, s.54; R.S.S. 1920, c.194, s.54.

Avoiding arrest

55 An one knowing or having reason to believe that an order to commit to gaol has been issued against any person under this Act, who prevents the arrest of such person, or facilitates by any act or counsel or in any other manner whatsoever his avoidance of arrest, or who provides such person with the means of avoiding arrest, shall be guilty of an offence and liable to a penalty of \$100, and in default of immediate payment, to imprisonment for two months, in addition to any other penalty provided by law.

1919-20. c.70, s.55; R.S.S. 1920, c.194, s.55.

Bribery

56(1) No police officer, policeman or constable shall, directly or indirectly receive, take or have any money for reporting or not reporting any matter or thing connected with the administration of this Act, or for performing or omitting to perform his duty in that behalf, except the remuneration and allowance assigned him in virtue of his office.

(2) Any police officer, policeman or constable receiving, or any person offering money contrary to the provisions of this section shall be guilty of an offence and liable to a penalty of \$500, and, in default of immediate payment, to imprisonment for six months.

1919-20, c.70, s.56; R.S.S. 1920, c.194, s.56.

Compounding

57 Any person who has violated or who is charged with having violated any of the provisions of this Act and who compromises, compounds or settles, or offers or attempts to compromise, compound or settle the offence with a view to preventing a complaint being made in respect thereof, or, if a complaint has been made, with a view of preventing or delaying the prosecution of such complaint or of having the same withdrawn or dismissed for want of prosecution or otherwise, shall be guilty of an offence and liable to a penalty of \$300, and in default of immediate payment to imprisonment for three months.

1919-20, c.70, s.57; R.S.S. 1920, c.194, s.57.

Parties concerned

58 Every person who is concerned in, or is a party to, the compromise, composition or settlement mentioned in section 57 shall be guilty of an offence, and liable to a penalty of \$100 and in default of immediate payment to one month's imprisonment.

1919-20, c.70, s.58; R.S.S. 1920, c.194, s.58.

General penalty

59 Any person violating any of the provisions of this Act for the violation of which no penalty is herein specifically provided shall be guilty of an offence and liable to a penalty of \$200, and in default of immediate payment to imprisonment for three months.

1919-20, c.70, s.59; R.S.S. 1920, c.194, s.59.

Municipalities receive half fines

60 In cities, towns or villages where any person has been convicted and fined for violation of any of the provisions of this Act upon the information of a policeman or constable or other official employed and paid by the municipality and not a member of a force directly or indirectly employed and paid by the province, the municipality shall receive one-half of the fine imposed, and the convicting justice shall make distribution of such fine accordingly.

1919-20, c.70, s.60; R.S.S. 1920, c.194, s.60.

PART IV

Enforcement of the Law**DIRECTOR OF REGULATIONS****Appointment**

61 To provide for the enforcement of penalties under this Act the Lieutenant Governor in Council may appoint an officer who shall be a member of the bar of Saskatchewan, to be known as the "Director of Prosecutions" (hereinafter referred to as the "director"), who shall receive such remuneration as is determined by the Lieutenant Governor in Council.

1919-20, c.70, s.61; R.S.S. 1920, c.194, s.61.

Legal advisor

62 The director shall act in the capacity of legal adviser to the commission and to all inspectors.

1919-20, c.70, s.62; R.S.S. 1920, c.194, s.62.

Employees

63(1) Subject to the approval of the Lieutenant Governor in Council the director shall have power to appoint such officers, clerks and employees as are necessary for the efficient carrying out of the duties of his office.

(2) All expenses incurred in connection with the office of the director, including salaries, shall be chargeable to, and payable omit of the consolidated fund.

1919–20, c. 70, s.63; R.S.S. 1920, c.194, s.63.

Duties

64(1) It shall be the duty of the director and he shall have power to take all such steps as he deems necessary or advisable to provide for the prosecution of all offenders against this Act.

(2) The director may when necessary attend personally or by agent on the trial of any person charged with an offence against this Act.

1919–20, c. 70, s.64; R.S.S. 1920, c.194, s.64.

Proceedings

65 Proceedings for the imposition of punishment by fine, penalty or imprisonment for violation of any of the provisions of this Act shall be brought summarily before a justice.

1919–20, c. 70, s.65; R.S.S. 1920, c.194, s.65.

Record and report

66(1) The director shall keep a record of all trials and convictions under the provisions of this Act, and he shall annually make to the Lieutenant Governor in Council a report of the work of his office.

(2) A copy of such annual report shall be transmitted to the Legislative Assembly within the first fifteen days of each session thereof.

1919–20, c. 70, s.66; R.S.S. 1920, c.194, s.66.

POWERS OF POLICE OFFICERS

“Officer”

67 In sections 68 to 70, the word “**officer**” means a police officer, policeman, constable, and also any person that may be appointed by the commission for the purpose of enforcing the provisions of this Act.

1919–20, c. 70, s.67; R.S.S. 1920, c.194, s.67.

Right of access

68(1) Any officer or inspector shall, for the purposes of preventing or detecting the violation of any of the provisions of this Act, at any time, have the right to enter into any and every part of any place, other than a private dwelling house, whether under license or not, and make searches in every part thereof, and of the premises connected therewith as he thinks necessary for the purposes aforesaid.

(2) Every person therein or in charge thereof who refuses or fails to admit the officer on his demand to enter, or who obstructs or attempts to obstruct his entry or prevent him from searching, shall be guilty of an offence and liable to a fine of \$50, and in default of immediate payment to thirty days’ imprisonment, in addition to any other punishment in such case provided.

1919–20, c. 70, s.68; R.S.S. 1920, c.194, s.68.

Search warrant

69(1) A justice, if satisfied by information on the oath of an officer, that there is reasonable ground for belief that liquor is being kept for sale or disposal contrary to this Act in a house or place within his jurisdiction, may, in his discretion, grant a warrant under his hand authorising the person therein named, at any time or times within ten days from the date thereof, to enter, if necessary by force, the place named in the warrant and every part thereof and of the premises connected therewith, and to examine the same and search for liquor therein.

Breaking open doors

(2) For such purpose the person named, may, if necessary, with such assistants 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 suspected to contain liquor.

Occupant deemed guilty

(3) In the event of liquor being found unlawfully kept on the premises, the occupant thereof shall, until the contrary is proved, be deemed to have kept such liquor for the purposes of sale contrary to the provisions of this Act, and may be arrested by the officer named in the warrant, and the person so arrested may be charged, proceeded against and punished as provided in this Act.

Seizure and forfeiture

(4) When an officer, in making or attempting to make a search under or in pursuance of the authority conferred by subsection (1) of section 68 or under the warrant mentioned in this section, finds in a house or place liquor which in his opinion is unlawfully kept for sale or disposal contrary to this Act, he may forthwith seize and remove the same and the vessels in which the same is kept, and upon conviction of the occupant of such house or place or any other person for keeping liquor for sale or disposal contrary to law, the justice dealing with the case may, in and by the said conviction or by a separate and subsequent order (form E) declare the liquor and vessels or any part thereof to be forfeited to His Majesty, to be sold or otherwise disposed of as the commission, under regulations to be approved by the Lieutenant Governor in Council, directs.

Demand names

(5) An officer who has, in pursuance of this or section 68, entered premises upon which he seizes or from which he removes liquor, may demand the name and address of any person found there; and if such person refuses the information or if the officer has reasonable ground to suppose that the name or address given is false, he may examine such person further and may, if such person fails upon demand to give his name and address or to answer satisfactorily the questions put to him, apprehend him without warrant and take him as soon as possible before a justice.

Penalty

(6) Any person found upon such premises, who upon the demand of the officer refuses to give his name and address or gives a false name or address or gives false information with respect to such name and address or fails to answer satisfactorily the questions put to him, shall be liable to a penalty of \$20, and in default of immediate payment to imprisonment for a period of twenty days.

Liquors to transit

(7) Where an officer finds liquor in transit or in course of a delivery upon the premises of a railway company or at a wharf, railway station, express office, warehouse or other place, and believes that such liquor is to be sold or kept for sale in contravention of this Act, he may forthwith seize and remove the same.

Power to search

(8) An officer, if he believes that liquor intended for sale or to be kept for sale in violation of this Act, is contained in any vehicle on a public highway or elsewhere or is concealed upon the lands of any person, may without warrant search for such liquor wherever he suspects it to be, and, if necessary by force, may search the person himself, and may seize and remove any liquor found and the vessels in which the same is kept.

Summons

(9) Where liquor has been seized under subsection (7) or (8) the person seizing the same shall lay an information under oath before a justice who shall thereupon issue his summons directed to the shipper, consignee or owner of the liquor, if known, calling upon him to appear at a time and place named and show cause why such liquor should not be destroyed or otherwise dealt with as provided by this Act as the regulations to be made hereunder.

Service

(10) It shall be sufficient service of the summons if the same is delivered to the shipper, consignee or owner, or is left with some grown up person at the express office, railway station or other place in which the liquor is found or with who owner or occupant of the lands on which it is found.

Returnable

(11) The summons shall be made returnable within thirty days after the service thereof.

Adjudications

(12) At the time and place named in the summons, any person who claims that the liquor is his property and is not intended to be sold or kept for sale in violation of this Act may appear and give evidence before the justice; and the justice shall receive such evidence and the evidence of the person who seized the liquor and such other evidence as is adduced, in the same manner as upon a complaint or information made under this Act.

Disposition of liquor

(13) If no person claims to be the owner of the liquor or if the justice disallows such claim and finds that it was intended that such liquor was to be sold or kept for sale in contravention of this Act, he may order that such liquor and any vessels containing the same shall be forfeited to His Majesty to be sold or otherwise dealt with in such manner as the commission under regulations as aforesaid, directs.

Restored in certain cases

(14) If the justice finds that the claim of any person to be the owner of the liquor is established and that it does not appear that it was intended to sell or keep such liquor for sale in contravention of this Act, he shall dismiss the complaint and order that such liquor be restored to the owner.

Fictitious shipment

(15) If it appears to the justice that such liquor or any part thereof was consigned to some person in a fictitious name or was shipped as other goods or was covered or concealed in such a manner as would probably render discovery of the nature of the contents of the vessel, cask or package in which the same was contained more difficult, it shall be *prima facie* evidence that the liquor was intended to be sold or kept for sale in contravention of this Act.

Invoice forwarded

70 When an officer seizes liquor under any of the provisions of this Act, he shall immediately invoice the same and forward the invoice to the commission.

1919-20, c.70, s.70; R.S.S. 1920, c.194, s.70.

PROSECUTIONS

Time

71 Prosecutions for offences created by this Act shall be instituted within six months after the commission of the alleged offence.

1919-20, c.70, s.71; R.S.S. 1920, c.194, s.71.

Description of offence

72 The description of any offence under this Act in the words of the Act or in the words of like effect shall be sufficient in law and any exception, exemption, proviso, excuse or qualification whether it does or does not accompany the description of the offence in this Act may be proved by the defendant, but need not be specified or negatived in the information or proved by the informant or complainant.

1919-20, c.70, s.72; R.S.S. 1920, c.194, s.72.

Burden of proof

73 The burden of proving the right to have or keep or sell or give liquor, or the good faith of a prescription, shall be on the person accused of improperly or unlawfully having or keeping or selling or giving or prescribing the liquor.

1919-20, c.70, s.73; R.S.S. 1920, c.194, s.73.

Affidavit of merits on appeal

74 No appeal shall lie from a conviction for any violation or contravention of any of the provisions of this Act unless the party appealing shall, within the time limited for giving notice of such appeal, deposit with the justice who tried the cause, an affidavit that he did not by himself or by his agent, servant or employee or any other person with his knowledge or consent commit the offence charged in the information; and such affidavit shall negative the charge in the terms used in the conviction; and shall further negative the commission of the offence by the agent, servant or employee of the accused or any other person with his knowledge or consent; which affidavit shall be transmitted with the conviction to the court to which the appeal is given.

1919-20, c.70, s.74; R.S.S. 1920, c.194, s.74.

Appeal

75(1) An appeal shall, lie from an order or conviction by a justice hereunder to a judge of the Court of King's Bench sitting without a jury at the sittings of the court which shall be held in the judicial district in which the cause of the information or complaint arose, and the appellant shall give notice of his intention to appeal by filing, in the office of the local registrar of the court appealed to, a notice in writing setting forth with reasonable certainty the conviction or order appealed against and the court appealed to, within ten days after the conviction or order complained of, and by serving the respondent and the justice who tried the case each with a copy of such notice, but save as is provided in this section all the provisions of Part XV of *The Criminal Code* shall apply to such appeal.

(2) No appeal save as is provided in this section shall be had from any such order or conviction.

1919–20, c.70, s.75; R.S.S. 1920, c.194, s.75.

Affidavit of merits on *certiorari*

76(1) No writ of *certiorari* in aid of *habeas corpus* or otherwise shall issue for the purpose of quashing any conviction for any violation or contravention of any of the provisions of this Act unless the party applying therefor shall produce to the judge to whom the application is made an affidavit that he did not by himself or by his agent, servant or employee or by any other person with his knowledge or consent commit the offence for which he has been convicted.

(2) Such affidavit shall negative the charge in the terms used in the conviction and shall further negative the commission of the offence by the agent, servant or employee of the accused or by any other person with his knowledge or consent.

1919–20, c.70, s.76; R.S.S. 1920, c.194, s.76.

Amendment of information

77 In any prosecution for violation of any of the provisions of this Act, in the event of any variance between the information and the evidence adduced in support thereof the justice hearing the case may amend such information and may substitute for the offence charged therein any other offence against the provisions of this Act; but if it appears that the person charged has been materially misled by such variance he shall be granted an adjournment of the hearing if he applies therefor.

1919–20, c.70, s.77; R.S.S. 1920, c.194, s.77.

Several offences charged in one complaint

78 Several charges of contravention of this Act committed by the same person may be included in one and the same information or complaint; provided that such information and complaint and the summons issued thereon contain specifically the time and place of each contravention.

1919–20, c.70, s.78; R.S.S. 1920, c.194, s.78.

Describing offences in information

79(1) In describing offences respecting the sale or information other disposal of liquor or the keeping or the consumption of liquor in any information, summons, conviction, warrant or proceeding under this Act it shall be sufficient to state the sale, disposal, keeping or consumption of liquor simply without stating the name or kind of such liquor or the price thereof or the name of any person to whom it was sold or disposed of or by whom it was consumed, and it shall not be necessary to state the quantity of liquor so sold, disposed of, kept or consumed except in the case of offences where the quantity is essential; and then it shall be sufficient to allege the sale or disposal of more or less than such quantity as the case requires.

(2) Where, upon a prosecution of any person for the violation of any of the provisions of this Act, the justice hearing the case finds that liquor exceeding two gallons in quantity was kept upon the premises occupied by such person, the keeping or having upon such premises of any beer pump or other appliance commonly used in a bar room shall be conclusive evidence that such liquor was kept upon the premises for sale.

(3) No justice making a conviction for violation or contravention of any of the provisions of this Act shall transmit the conviction to the court to which an appeal is given unless and until the affidavit required by section 74 has been deposited with him; and, unless such affidavit is deposited within the time limited by the said section, any notice of appeal or other proceeding respecting appeal which is given or taken shall be absolutely null and void and of no effect whatever; and the justice shall proceed in respect of such conviction as if no such notice of appeal had been given or proceeding taken.

1919–20, c.70, s.79; R.S.S. 1920, c.194, s.79.

Application of *The Criminal Code*

80 The provisions of Parts XV and XXII of *The Criminal Code* shall apply *mutatis mutandis* to proceedings under this Act.

1919–20, c.70, s.80; R.S.S. 1920, c.194, s.80.

Forms

81 The forms set out in the schedule to this Act or any forms to the like effect shall be sufficient in the cases thereby respectively provided for, and when no forms are prescribed by the said schedule they may be framed in accordance with Part XV of *The Criminal Code*.

1919–20, c.70, s.81; R.S.S. 1920, c.194, s.81.

Conviction not void

82(1) No conviction or warrant enforcing the same or other process or proceeding under this Act shall be held insufficient or invalid by reason of any variance between the information and conviction, or by reason of any other defect in form or substance, provided it can be understood from such conviction, warrant, process or proceeding that the same was made for an offence against some provision of this Act within the jurisdiction of the justice who made or signed the same, and provided there is evidence to prove such offence.

(2) Upon any application to quash such conviction or warrant enforcing the same or other process or proceeding whether in appeal or upon *habeas corpus* by way of *certiorari* or otherwise, the court or judge to whom such appeal is made, or to which such application has been made upon *habeas corpus* or by way of *certiorari* or otherwise, shall dispose of such appeal or application upon the merits, notwithstanding any such variance or defect as aforesaid; and in all cases where it appears that the merits have been tried and that the conviction, warrant, process or proceeding is sufficient and valid under this section or otherwise, such conviction, warrant, process or proceeding shall be affirmed or shall not be quashed (as the case may be); and such court or judge may in any case amend the same if necessary, and any conviction, warrant, process or proceeding so affirmed or affirmed and amended shall be enforced in the same manner as convictions affirmed on appeal, and the costs thereof shall be recoverable as if originally awarded.

(3) If it appears to the court or judge that there has been defect or irregularity in the service of process or in the procedure upon which the conviction is founded, or that there has been an absence of service, the court or judge may nevertheless, instead of quashing the conviction, hear and determine the charge or complaint on which such conviction has been had or made, upon the merits, and may confirm, reverse or modify the decision of the justice, or may make such other conviction or order as seems just, and may by such order exercise any power which the justice might have exercised, and may make such order as to costs as is deemed expedient; or may remit the conviction to the justice with such directions as are in subsection (4) mentioned, and thereupon the justice shall rehear the case accordingly.

(4) If it appears to the court or judge that the justice before whom any complaint or other proceeding under this Act was heard or taken refused to receive evidence which might have been material, the court or judge instead of quashing the conviction or other proceeding may remit the same to the justice with directions to rehear the case and with such other directions as the court or judge thinks proper, and the justice shall rehear the case accordingly.

(5) Nothing in this section contained shall prevent the operation of any provision of *The Criminal Code* or of any Act which would otherwise apply, but this subsection shall not be construed to confer any right of appeal which is not expressly given by this Act and every appeal from a conviction or order made hereunder shall be taken, heard and determined in the manner provided for by this Act and not otherwise.

1919–20, c. 70, s. 82; R.S.S. 1920, c. 194, s. 82.

Proceedings to quash

83 No motion to quash a conviction or order made under this Act shall be heard by the court or judge to which such application is made unless notice of such motion has been served within twenty days of the date of the conviction or order.

1919–20, c. 70, s. 83; R.S.S. 1920, c. 194, s. 83.

Proceedings where previous conviction charged

84 The proceedings upon information for an offence against any of the provisions of this Act in a case where a previous conviction is charged shall be as follows:

1. The justice shall in the first instance inquire concerning such subsequent offence only. If the accused is found guilty thereof, he shall then and not before be asked whether he was so previously convicted as alleged in the information, and if he answers that he was so previously convicted he shall be sentenced accordingly; but, if he denies that he was so previously convicted or does not answer such question, the justice shall then inquire concerning such previous conviction or convictions;
2. Such previous conviction may be proved *prima facie* by the production of a certificate purporting to be under the hand of a convicting justice or the clerk of the court to whose office the conviction has been returned, or by the certificate of the Attorney General, without proof of signature or official character and without proof of identity of the person charged with the person named in such certificate;

3. In the event of any conviction for a second or subsequent offence becoming void or defective after the making thereof by reason of any previous conviction being set aside, quashed or otherwise rendered void, the justice by whom such second or subsequent conviction was made shall summon the person convicted to appear at a time and place to be named and shall thereupon upon proof of the due service of such summons, if such person fails to appear, or on his appearance amend such second or subsequent conviction and adjudge such penalty or punishment as might have been adjudged had such previous conviction never existed; and such amended conviction shall thereupon be held valid to all intents and purposes as if it had been made in the first instance.

1919–20, c.70, s.84; R.S.S. 1920, c.194, s.84.

Conviction for several offences

85 Convictions for several offences may be made under this Act although such offences have been committed on the same day; but the increased penalty or punishment hereinbefore imposed shall be incurred or awarded only in the case of offences committed on different days and after information laid for a first offence.

1919–20, c.70, s.85; R.S.S. 1920, c.194, s.85.

Maximum penalty

86 Whenever in any section of this Act any penalty is provided by way of fine or imprisonment and no minimum sum of money or period of time is set out in such section, the amount of the fine or the term of imprisonment so provided shall be the maximum penalty which may be imposed, and the sentence may, in the discretion of the justice delivering the same, be for any smaller amount or any shorter term, provided that the same is not less than one-half of the maximum fine or term of imprisonment so provided.

1919–20, c.70, s.86; R.S.S. 1920, c.194, s.86.

EVIDENCE

Certificate of analyst

87 In any prosecution under this Act a certificate as to the analysis of any liquor signed or purporting to be signed by the Provincial Analyst, or by any other person appointed for the purpose, shall be *prima facie* evidence of the facts stated in such certificate.

1919–20, c.70, s.87; R.S.S. 1920, c.194, s.87.

Appliances of liquor trade

88 Any house, shop, room, or other place in which it is proved that there exists a bar, counter, beer pumps, kegs, lars, decanters, tumblers, glasses or any other appliances or preparations similar to those usually found in hotels and shops where liquors formerly were accustomed to be sold or trafficked in shall be deemed to be a place in which liquors are kept or had for the purpose of being sold, bartered or traded in, in contravention of this Act, unless the contrary is proved by the defendant in any prosecuting on; and the occupant or person who appears to be the occupant or keeper of such house, shop, room or other place shall be taken to be the person who has or keeps therein such liquors for sale, traffic or barter therein.

1919–20, c.70, s.88; R.S.S. 1920, c.194, s.88.

Proof of contravention

89 In proving the sale or gratuitous or other disposal or consumption of liquor for the purposes of any proceeding relative to an offence under this Act, it shall not be necessary to show that money passed or that liquor was consumed, if the justice hearing the case is satisfied that a transaction in the nature of a sale or other disposal took place or that any consumption of liquor was about to take place.

1919–20, c.70, s.89; R.S.S. 1920, c.194, s.89.

Precise description unnecessary

90 In any prosecution under this Act for the sale or other disposal of liquor in contravention hereof it shall not be necessary that any witness should depose directly to the precise description of the liquor sold or bartered or the precise consideration therefor.

1919–20, c.70, s.90; R.S.S. 1920, c.194, s.90.

Prima facie evidence of sale

91 The fact of any person keeping up any sign, writing, painting or other mark in or near to his house or premises or having such house fitted up with a bar or other place containing bottles or casks displayed so as to induce a reasonable belief that liquor is sold or served therein or that there is on such premises more liquor than is reasonably required for the persons residing therein, shall be deemed *prima facie* evidence of the unlawful keeping for sale of liquor by such person.

1919–20, c.70, s.91; R.S.S. 1920, c.194, s.91.

INTERDICTION

Interdiction

92 Notwithstanding the provisions of section 49, when complaint under oath is made to a justice that any person by excessive drinking of liquor misspends, wastes or lessens his estate or greatly injures his health or endangers or interrupts the peace or happiness of his family, the said justice shall institute proceedings under Part XV of *The Criminal Code* against such person and on finding the complaint well founded shall by order (form F) forbid any such person to have or consume liquor for the space of two years.

1919–20, c.70, s.92; R.S.S. 1920, c.194, s.92.

Notice

93(1) Immediately after granting the order provided for in section 92 the justice making the same shall transmit it, together with the complaint and the evidence taken thereon before him, to the commission.

(2) The complainant shall give notice of the interdiction to the residents of the municipality in which such interdicted person resides by preparing a notice (form G) signed by him and by posting up such notice in the office of the secretary treasurer of the said municipality.

Penalty

(3) Whenever the having or consuming of liquor by any such person has been so prohibited, anyone with a knowledge of such prohibition who gives, sells, purchases or procures any liquor to, for or on behalf of such prohibited person or for his or her use during the period of such prohibition, shall be guilty of an offence and liable upon summary conviction for every such offence to a penalty of not less than \$50 nor more than \$200, and in default of payment forthwith after conviction to not less than two nor more than twelve months' imprisonment.

1919-20, c.70, s.93; R.S.S. 1920, c.194, s.93.

Examination of interdict

94 In any prosecution or proceedings under any of the sections relating to interdiction, no interdicted person required to be examined as a witness shall be excused from being so examined or from answering any question put to him touching the sale or delivery to him of any liquor on the ground that his evidence will tend to criminate himself and any such person so required to be examined as a witness who refuses to make oath accordingly or to answer any such question shall be subject to be dealt with in all respects as any person appearing as a witness before any justice or court and refusing without lawful cause or excuse to be sworn or give evidence may by law be dealt with; and every such person so required to be examined as a witness who upon such examination makes true disclosure to the best of his knowledge of all things as to which he is examined shall receive from the justice before whom such proceeding is had, a certificate in writing to that effect and shall be freed from all prosecutions and from all penalties and punishments to which he has become liable for anything done before that time under the provisions of section 95 in respect of the matters regarding which he has been examined; and any prosecution or proceeding pending or brought against such witness under the provisions of section 95 in respect of any matter regarding which he has been so examined shall be stayed upon the production and proof of such certificate if the said certificate states that such witness made a true disclosure in respect to all things as to which he was examined.

1919-20, c.70, s.94; R.S.S. 1920, c.194, s.94.

Interdict obtaining liquor

95 Any person to whom the having or consuming of liquor has been prohibited under this Act who either directly or indirectly in any way has, procures or permits the sale, disposal, gift or delivery to him by any person of any intoxicating liquor during the period of such prohibition shall be liable on summary conviction to a fine of not more than \$50 and in default of payment forthwith after conviction to imprisonment for not more than one month; in any prosecution under this section if intoxication on the part of the defendant is proved he shall be held to have been guilty of an offence and to be liable to a penalty of \$25 and in default of payment thereof to imprisonment for a period of thirty days, and in any such case it shall not be necessary in any proceedings to state the name of the person from whom the liquor has been procured, or by whom the sale, disposal, gift or delivery of liquor has been made.

1919-20, c.70, s.95; R.S.S. 1920, c.194, s.95.

Judge may set aside

96(1) Any person to whom the having or consuming of liquor has been prohibited under any of the provisions of this Act may at any time during the period of such prohibition apply to the judge of the district court for the judicial district in which such person resides to set aside such order or notice; and the judge may upon hearing the said person and any witnesses either *viva voce* or upon affidavit set aside the said prohibition or notice or dismiss the said application as in his discretion seems best.

(2) Ten clear days' notice of intention to so apply shall be served upon the justice who gave the order and upon the person who made the complaint before the justice, and also upon such other person or persons as the judge directs.

1919-20, c.70, s.96; R.S.S. 1920, c.194, s.96.

PART V

Miscellaneous Provisions

Regulations

97 Where regulations are referred to in this Act they are, unless otherwise provided, regulations to be made by the Lieutenant Governor in Council.

1919-20, c.70, s.97; R.S.S. 1920, c.194, s.97.

Penalties

98 Where any regulations are made by the Lieutenant Governor in Council under the provisions of this Act the Lieutenant Governor in Council may prescribe penalties for violations of the same.

1919-20, c.70, s.98; R.S.S. 1920, c.194, s.98.

Flavouring extracts

99 Nothing in this Act contained shall prohibit any person from buying or selling flavouring extracts for the ordinary purposes for which such extracts are used.

1919-20, c.70, s.100; R.S.S. 1920, c.194, s.99.

Regulations

100 The Lieutenant Governor in Council may make regulations governing the sale of liquors to the classes of persons hereafter mentioned, and the kind and quantities of liquor that may be bought, kept on hand and used by:

- (a) the governing boards of hospitals for medicinal purposes;
- (b) persons holding licenses to practise dentistry for use in the practice of their profession;
- (c) the authorities of educational institutions for scientific and other purposes;
- (d) manufacturers and others for use in the mechanical arts and for manufacturing, preserving and other purposes;
- (e) any religious body for sacramental purposes.

1919-20, c.70, s.101; R.S.S. 1920, c.194, s.100.

Sacramental wines

101 Nothing contained in this Act shall be deemed to prevent or to authorise the prevention of the use of wines for sacramental or other religious purposes in accordance with the rites of any church.

1919-20, c.70, s.102; R.S.S. 1920, c.194, s.101.

Certain transactions not affected

102(1) While this Act restricts and regulates transactions in liquor and the use thereof within the limits of Saskatchewan it shall not affect and is not intended to affect *bona fide* transactions in liquor between a person in Saskatchewan and a person in any other province or in a foreign country and the provisions of this Act shall be construed accordingly.

(2) Nothing in this Act shall be construed to interfere with the right of the authorities or clergy of any religious body or church to import from without the province wines for sacramental purposes.

1919-20, c.70, s.103; R.S.S. 1920, c.194, s.102.

Coming into force

103 This Act shall come into force upon proclamation of the Lieutenant Governor in Council.

1919-20, c.70, s.105; R.S.S. 1920, c.194, s.103.

Note.—Until the above Act is brought into force by proclamation, as provided in the last section, chapter 23 of the statutes of 1917 continues to be the law.

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SCHEDULE

FORM A

(Section 14)

PERMIT FOR SALE OF LIQUOR

Under the provisions of *The Saskatchewan Temperance Act*

I hereby authorise (*name of person*), (*profession*), of (*address*), to sell liquor as provided by law under the provisions of *The Saskatchewan Temperance Act*. This permit shall expire at midnight on the thirty-first day of December, 19_____.

Dated at Regina this _____ day of _____ 19_____.

Chairman of Liquor Commission.

.....

SALE OF LIQUOR

FORM B

(Section 15)

RECOMMENDATION FOR PERMIT

We the undersigned residents of _____ hereby declare that we personally know (*name and profession of person*) who is making application for a permit to sell liquor under the provisions of *The Saskatchewan Temperance Act*, and that we are confident that if such permit is granted its privileges will not be abused. We therefore recommend the granting of the said permit.

Dated at _____ this _____ day of _____ 19____.

(Signatures)

FORM C

(Section 25)

LIST OF LIQUOR PRESCRIPTIONS AND SALES FOR THE MONTH
 OF _____ 19____.

No.	Date of sale	Kind and quantity of liquor sold	Name of purchaser	Name of physician	Name of person making sale

I hereby certify that this list contains a complete and accurate record of all sales of liquor made by me during the month of _____ 19____ under the provisions of *The Saskatchewan Temperance Act*.

.....
Signature.

SALE OF LIQUOR

c. 194

FORM D

(Section 36)

Date

To the Liquor Commission,
Regina.

I hereby certify that I have appointed _____ to sell liquor in my
drug store, as provided by *The Saskatchewan Temperance Act*.

.....
Name of druggist.

.....
Name of city, town or village.

FORM E

(Section 69(4))

FORM OF DECLARATION OF FORFEITURE OF LIQUOR SEIZED

(If in conviction, after adjudging penalty or imprisonment proceed thus):

And if declare the said liquor and vessels in which the same is kept to wit: Two
barrels containing beer, three jars containing whiskey, two bottles containing gin,
four kegs containing lager beer and five bottles containing native wine (or as the
case may be) to be forfeited to His Majesty.

Given under my hand and seal this _____ day of _____ 19____,
at the _____ of _____ in the said Province.

.....
*A Justice of the Peace in and for
the Province of Saskatchewan.*

OR

(If by separate or subsequent order, thus):

I, _____ a justice of the peace in and for the Province of
Saskatchewan, having on the _____ day of _____ one thousand nine
hundred and _____ at the _____ of _____ in the said Province of
Saskatchewan duly convicted, X. Y. of having unlawfully kept liquor for the purpose
of sale or disposal contrary to the provisions of *The Saskatchewan Temperance Act*,
do hereby declare the said liquor and vessels in which the same is kept, to wit:
(describe the same as above) to be forfeited to His Majesty.

Given under my hand and seal this _____ day of _____ 19____,
at the _____ of _____ in the said Province.

.....
*A Justice of the Peace in and for
the Province of Saskatchewan.*

SALE OF LIQUOR

FORM F

(Section 92)

Canada:
Province of Saskatchewan.

Be it remembered that on the _____ day of _____ 19____, complaint was made before the undersigned, a justice of the peace in and for the Province of Saskatchewan.

That (*state name and occupation and set out the facts as stated in the complaint*) and now having duly heard the matter of the said complaint I do order that during the period of two years from the date hereof it shall be unlawful for the said _____ to have or consume liquor within the limits of the said Province.

Given under my hand and seal this _____ day of _____ 19____, at the _____ of _____ in the said Province.

.....
*A Justice of the Peace in and for
the Province of Saskatchewan.*

FORM G

(Section 93(2))

NOTICE OF INTERDICTION

Canada:
Province of Saskatchewan.

To whom it may concern:

Take notice that under the provisions of section 93 of *The Saskatchewan Temperance Act*, you are hereby notified that you are not during the period of two years from the date of this notice to directly or indirectly sell, give or deliver or suffer to be sold, given or delivered to (*here insert name and description of person*) any intoxicating liquor under the penalty of one hundred dollars.

Dated at _____ this _____ day of _____ 19____.

.....
Signature of Complainant.

FOR HISTORICAL REFERENCE ONLY

FORM H

FORMS FOR DESCRIBING OFFENCES

1. *Illegal sale.*

That X. Y. on _____ at _____ unlawfully did sell liquor contrary to the provisions of *The Saskatchewan Temperance Act*.

2. *Illegal keeping.*

That X. Y. on _____ at _____ unlawfully did keep liquor for the purpose of sale, barter or exchange contrary to the provisions of *The Saskatchewan Temperance Act*.

3. *Drinking in a place other than a dwelling house.*

That X. Y. on _____ at _____ unlawfully did consume liquor in a place other than a dwelling house, contrary to the provisions of *The Saskatchewan Temperance Act*.

4. *Compromising or compounding a prosecution.*

That X. Y., having violated a provision of *The Saskatchewan Temperance Act* on _____ at _____ unlawfully did compromise (or compound or settle or offer or attempt to compromise, compound or settle) the offence with A. B. with a view of preventing any complaint being made in respect thereof (or of having the complaint made in respect thereof dismissed, *as the case may be*), contrary to the provisions of *The Saskatchewan Temperance Act*.

5. *Being concerned in compromising a prosecution.*

That X. Y., contrary to the provisions of *The Saskatchewan Temperance Act*, on _____ at _____ unlawfully was concerned in (or a party to) a compromise (or a composition or a settlement) of an offence committed by O. P. against a provision of *The Saskatchewan Temperance Act*.

6. *Refusing to admit officer.*

That X. Y. on _____ at _____ being in (or having charge of) certain premises to wit, _____ being an hotel or place wherein meals or refreshments are sold, unlawfully did refuse (or fail) to admit (or did obstruct or attempt to obstruct) E. F., an officer demanding to enter in the execution of his duty (or did obstruct or attempt to obstruct E. F., an officer making searches in the said premises and in the premises connected with such place).

7. *Offence by seller of soft drinks.*

That X. Y., being a person engaged in the business of selling soft drinks or nonintoxicating liquors on _____ at _____ unlawfully did have liquor as defined by *The Saskatchewan Temperance Act* with his stock of soft drinks, contrary to the provisions of *The Saskatchewan Temperance Act*.

8. *Illegal delivery by officer of railway.*

That X. Y., being an officer (or agent or employee) of a railway company (or of an express company or of a common carrier) on _____ at _____ unlawfully did deliver liquor to a person other than the consignee without a written order from such consignee, contrary to the provisions of *The Saskatchewan Temperance Act*.

FORM I

INFORMATION AND COMPLAINT.

Canada:
Province of Saskatchewan.

The information and complaint of *A. B.* of the _____ of _____, in the Province of Saskatchewan (*occupation*), taken this _____ day of _____ in the year 19____ before the undersigned _____, one of His Majesty's justices of the peace in and for the said province, who saith that he is informed and believes that *X. Y.*, of _____ on or about the _____ day of _____ 19____, at the _____ in the Province of Saskatchewan, unlawfully did sell liquor contrary to the provisions of *The Saskatchewan Temperance Act (or as the case may be)*.

.....
(Signature of Informant.)

Sworn before me the day and year first above mentioned at _____ in the said province.

.....
A Justice of the Peace in and for the Province of Saskatchewan.

FOR HISTORICAL REFERENCE ONLY