File No. 147821

Series D No. 64.

MEMORANDUM

DEPARTMENT OF NATIONAL REVENUE, CANADA (Customs Division)

OTTAWA, 3rd February, 1937.

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To Collectors of National Revenue:

IMPORTATION OF INTOXICATING LIQUOR

Herewith is printed for the information of Collectors "The Importation of Intoxicating Liquors Act," Chap. 31, Statutes of 1928, assented to 11th June, 1928, and in force on and after that date.

Note that intoxicating liquors are prohibited importation unless consigned to His Majesty, the Provincial Government, or a board, commission, officer or governmental agency vested with the right of selling intoxicating liquor.

To this prohibition there are the following exceptions, viz,-

- (1) Transportation into and through a province by common carrier by water or railway;
- (2) Importations by licensed distiller or brewer for blending purposes only;
- (3) Importations for sacramental or medicinal purposes or for manufacturing or commercial purposes other than for manufacture or use thereof as a beverage.

Collectors are instructed to withhold from delivery any intoxicating liquors imported in contravention of this law and to immediately notify the provincial authorities in order that proceedings may be taken for enforcement of the Act as therein provided.

Memorandum No. 93 is hereby superseded.

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Commissioner of Customs.

18-19 George V. Chap. 31

An Act respecting Interprovincial and International Traffic in Intoxicating Liquors.

(Assented to 11th June, 1928)

HIS MAJESTY, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:-

1. This Act may be cited as The Importation of Intoxicating Liquors Act.

2. In this Act, unless the context otherwise requires,—

- (a) "intoxicating liquor" means any liquor which is, by the law of the province for the time being in force, deemed to be intoxicating liquor, and which it is unlawful to sell or have in possession without a permit or other authority of the Government of the province or any board, commission, officer or other governmental agency authorized to issue such permit or grant such authority;
- (b) "province" means any province of Canada in which there is for the time being in force an Act giving the Government of the province, or any board, commission, officer or other governmental agency control over the sale of intoxicating liquor therein.

3. (1) Notwithstanding the provisions of any other Act or law, no person shall import, send, take or transport, or cause to be imported, sent, taken or transported into any province from or out of any place within or without Canada, any intoxicating liquor, except such as has been purchased by or on behalf of, and which is consigned to His Majesty or the Executive Government of the Government, province into which it is being imported, sent, taken or transported, or any board, commission, officer or other governmental agency commission, which, by the law of the province, is vested with the right of selling intoxicating liquor.

Exceptions.

or

etc.

Transportation into and through a province by common carrier by water or railway.

Importation by licensed distiller or brewer for blending purposes only.

(2) The provisions of subsection one of this section shall not apply to

- (a) the carriage or transportation of intoxicating liquor into and through a province by means only of a common carrier by water or by railway, including any necessary transfer by truck from railway car to ship or vice versa, if during the time the intoxicating liquor is being so carried or transported, the package or vessel containing the intoxicating liquor is not opened or broken or any of the intoxicating liquor drunk or used therefrom; or
- (b) the importation of intoxicating liquor into a province by any person duly licensed by the Government of Canada to carry on the business or trade of a distiller or brewer where the intoxicating liquor so imported is imported solely for the purpose of being used for blending with or flavouring the products of the business or trade of a distiller or brewer

Short title.

Definitions.

"Intoxicat-

ing liquor."

"Province".

Importation into province unless consigned to His Majesty. the Executive

carried on by him in the province, and while kept by him in the province is kept in a place or warehouse which conforms in all respects to the requirements of the law governing such places or warehouses, and is used solely for blending with or flavouring the products of his said business or trade as a distiller or brewer.

(c) The transfer from one distillery to another of any spirits or Transfer liquor which is permitted by any Act or regulation lawfully between distilleries. in force or by special permit of the Department of National Revenue.

4. The burden of proving the right to import intoxicating liquor, Burden of or to cause intoxicating liquor to be imported, or to send, take or proof. transport intoxicating liquor, or to cause intoxicating liquor to be sent, taken or transported into any province shall be on the person accused.

5. Every person who violates any of the provisions of this Act Penalties for shall be guilty of an offence, and shall be liable on summary convic- violation. tion to a penalty for the first offence of not more than two hundred dollars, and in default of payment to imprisonment to any term not exceeding three months, and for a second offence not less than two hundred dollars and not more than one thousand dollars, and in default of payment to imprisonment for any term not less than three months and not more than six months, and for each subsequent offence to imprisonment for any term not less than six months or not more than twelve months.

6. A prosecution for any offence under this Act may be brought Prosecution and carried on, and a conviction had, in the city, town, or place to in place or into which any intoxicating liquor is unlawfully imported, sent, liquor taken or transported, or in the place where the accused resides, or imported. in the city, town or other place from which any intoxicating liquor Where is unlawfully imported, sent, taken or transported, as aforesaid, but accused no prosecution shall be brought in any province against a person resides. not within or residing in such province without the written approval Nonof the Attorney General of such province.

7. If it is proved upon oath before any judge of the sessions of Search the peace, recorder, police magistrate, stipendiary magistrate, two warrants. justices of the peace, or any magistrate having the power or authority of two or more justices of the peace, that there is reasonable cause to suspect that any intoxicating liquor is in any premises or place and that such intoxicating liquor is or has been dealt with contrary to the provisions of this Act, such officer may grant a warrant to search such premises or place, including any Government railway, Liquor and vehicle or steamship, for such intoxicating liquor, and if the same receptacles or any part thereof is there found, to seize and bring the same forfeited and before him; and when any person is convicted of any offence against destroyed any of the provisions of this Act, the officer or officers so convicting conviction. may adjudge and order, in addition to any other penalty, that the intoxicating liquor in respect to 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

resident.

and destroyed, 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.

Sacramental, medicinal and other purposes exempted.

8. Nothing in this Act shall be deemed to forbid the importing, sending, taking or transporting, or causing to be imported, sent, taken or transported into any province from or out of any place within or without Canada of intoxicating liquor for sacramental or medicinal purposes or for manufacturing or commercial purposes other than for the manufacture or use thereof as a beverage.

OTTAWA: Printed by J. O. PATENAUDE, I.S.O., Printer to the King's Most Excellent Majesty, 1937.

5. There' person who visiters any of the provisions of this house and in the matter and an affence and anall the limble of subgraphic conviction to a penalty for the first difference of not more that two hundred dollars and in detault of patience to input contracts to any term not exceeding three months, and first a second of these to any term and the detault of patience to input conducts and the first area and the second of the sec

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