

Memorial

File No. 147821

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MEMORANDUM

DEPARTMENT OF NATIONAL REVENUE, CANADA

(CUSTOMS DIVISION)

OTTAWA, 3rd February, 1937.

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Memorandum No. 93 is hereby superseded.

H. J. Finley

Commissioner of Customs.

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:—

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

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

“Intoxicating liquor.” (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;

“Province”. (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.

Importation into province forbidden unless consigned to His Majesty. the Executive Government, or commission, etc. 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 province into which it is being imported, sent, taken or transported, or any board, commission, officer or other governmental agency which, by the law of the province, is vested with the right of selling intoxicating liquor.

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

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

Importation by licensed distiller or brewer for blending purposes only. (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

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 liquor which is permitted by any Act or regulation lawfully in force or by special permit of the Department of National Revenue.

Transfer between distilleries.

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

Burden of proof.

5. Every person who violates any of the provisions of this Act shall be guilty of an offence, and shall be liable on summary conviction 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.

Penalties for violation.

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

Prosecution in place where liquor imported.

Where accused resides.

Non-resident.

7. 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 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, 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 this Act, the officer or officers so convicting 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

Search warrants.

Liquor and receptacles to be forfeited and destroyed upon conviction.

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.