

CHAPTER 8.

An Act to Amend and Consolidate The Nova Scotia
Temperance Act.

(Passed the 26th day of April, A. D., 1918).

Be it enacted by the Governor, Council, and As-
sembly, as follows:—

SHORT TITLE.

Short title.

1. This Act may be cited as the Nova Scotia
Temperance Act.

INTERPRETATION.

Interpretation
ms.2. In this Act, and unless the context or subject
matter otherwise requires—(a) "County" includes every city, incorporated
town and municipality within such county;(b) "Form" means a form in the schedule to
this Act;

Liquors defined

(c) the expressions "liquor," "liquors," and
"intoxicating liquors" and "intoxicating liquor"
mean and include Ethyl alcohol and all drinkable
liquids containing alcohol and all intoxicating
drinks, and in all proceedings under this Act, rum,
brandy, whisky, gin, wine, ale, porter and lager
beer, shall be held to be intoxicating liquors within
the meaning of this Act without proof that the
same contain alcohol;

Magistrate.

(d) "Magistrate" means a stipendiary magis-
trate, or two justices of the peace;

Inspector.

(e) "Inspector" means and includes the In-
spector-in-Chief, a Deputy Inspector or an In-
spector, appointed under the provisions of this
Act;

Municipality.

(f) "Municipality" means and includes a
municipality, a city, or an incorporated town;(g) "Person" includes a firm or corporation; Person.(h) "Occupant" includes a person apparently Occupant.
in charge and exercising control or authority.

PART I.

APPLICATION.

3. This Part shall apply to every part of Nova Scotia in which the Canada Temperance Act is not Extent of application.
in force.4. This Act shall not affect any *bona fide* trans- Extra provin-
cial transac-
tions excluded.
action in respect to liquor between a person in the
Province and a person in another Province or in a
foreign country.

PROHIBITION.

5. (1) Except as hereinafter otherwise provided, Sale of liquor
prohibited.
no person shall by himself, his clerk, servant or agent,
directly or indirectly, on any pretense or upon any
device keep for sale, sell or barter, or in consideration
of the purchase of any other property, or for any other
consideration, give to any other person any intoxi-
cating liquor; provided that, but subject to the re-
strictions hereinafter specified, vendors appointed
under this Act may keep for sale and sell—(a) exclusively for medicinal purposes to any
person at any one sale, spirituous liquors other
than ethyl alcohol in quantities not exceeding
twelve ounces, ale or porter in quantities not
exceeding one gallon, and wine in quantities not
exceeding one quart; and for medicinal purposes
only, to legally qualified physicians, chemists
and druggists, in quantities not exceeding ten
gallons at any one time,

(b) wine for exclusively sacramental purposes;

(c) liquor for exclusive and *bona fide* use in
some art, trade or manufacture; and that legally
qualified chemists and druggists may sell exclu-
sively for medicinal or sacramental purposes to
any person at any one sale, spirituous liquors in

59. (1) Where any inspector, constable or other peace officer finds liquor in transit or in course of delivery upon the premises of any carrier or at any wharf, warehouse or other place, and reasonably 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. Seizure of liquor in transit.

(2) Any inspector, constable or other peace officer, if reasonably believing that liquor intended for sale or to be kept for sale in violation of this Act, is contained in any vehicle on any public highway or elsewhere, or is concealed upon the lands of any person, may enter and search such vehicle, or may enter on such lands, and seize and remove any liquor found there and the vessels in which the same is kept.

(3) Where liquor has been seized under sub-section (1) or sub-section (2) of this section, the person seizing the same shall give information under oath before a magistrate, who shall thereupon issue his summons, directed to the shipper, consignee or owner of the liquor, if known, calling on him to appear at a time and place named in the summons and show cause why such liquor should not be destroyed or otherwise dealt with, as provided by this Act.

(4) It shall be sufficient service of the summons if the same is delivered to the shipper, consignee or owner, or is left with some person apparently over the age of sixteen years in charge of the vehicle or place where the liquor is found, or the owner of the lands on which the same is found.

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

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

(7) If no person claims to be the owner of the liquor or if the magistrate disallows such claim and finds that it was intended 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, and destroyed.

(8) If the magistrate 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.

(9) If it appears to the magistrate 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.

(10) Where the shipper, consignee and owner of liquor seized under sub-section (1) or sub-section (2) of this section are all unknown, and no person, within the period of thirty days after such seizure, claims such liquor as shipper, consignee or owner, a magistrate, upon the production of an affidavit setting out the facts, may order that such liquor, and any vessels containing the same, shall be forfeited to His Majesty and destroyed.

(11) It shall be the duty of every constable making any seizure under this section to forthwith notify the inspector of the Municipality in which such seizure was made of such seizure.

Certiorari
restricted.

60. No conviction, judgment or order under this Act shall be removed by certiorari or otherwise into any of His Majesty's Courts of Record.

Certificate of
conviction.

61. Every Magistrate who makes a conviction under this Act shall, on request, furnish to the in-