

1937

c 336 Transportation of Fowl Act

Ontario

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Bibliographic Citation

Transportation of Fowl Act, RSO 1937, c 336

Repository Citation

Ontario (1937) "c 336 Transportation of Fowl Act," *Ontario: Revised Statutes*: Vol. 1937: Iss. 3, Article 74.

Available at: <http://digitalcommons.osgoode.yorku.ca/rso/vol1937/iss3/74>

CHAPTER 336.

The Transportation of Fowl Act.

Interpreta-
tion.

1. In this Act "fowl" shall mean live fowl and dressed or undressed poultry. 1929, c. 79, s. 2.

Non-appli-
cation of
Act.

2.—(1) Subject to subsection 2 this Act shall not apply to,—

(a) a *bona fide* producer or breeder of fowl;

(b) a *bona fide* purchaser for his own use or a donee of twelve fowl or less;

Rev. Stat.,
c. 290.

(c) a person licensed under *The Commercial Vehicle Act*.

Onus of
proof.

(2) In a prosecution for a contravention of this Act the onus shall be on the person charged to prove that he comes within the provisions of clause *a* or *b* of subsection 1. 1929, c. 79, s. 3.

Permit
required for
transporta-
tion of fowl.

3.—(1) No person shall carry or transport fowl on any highway in Ontario unless he holds a permit for that purpose granted by the clerk of the county in which he resides or carries on business, and where he does not reside or carry on business in any county in Ontario unless he holds such a permit granted by the clerk of that county in Ontario nearest to his place of residence or business. 1929, c. 79, s. 4; 1932, c. 47, s. 2 (1).

In unor-
ganized
territory.

(2) In unorganized territory a permit required under this Act shall be granted by the clerk of the municipality in which the person requiring the same resides or carries on business or where he resides or carries on business in territory without municipal organization he may obtain the necessary permit from the clerk of the municipality nearest to his place of residence or business. 1932, c. 47, s. 2 (2).

Clerk to
issue
permits.

4.—(1) The clerk may grant such permits without the passing of any by-law for that purpose by the council and may revoke any permit granted and shall have the same discretion as to the granting or refusing to grant or the revoking of permits as the council has with reference to licenses under *The Municipal Act*.

Rev. Stat.,
c. 266.

Fee.

(2) The fee for the permit shall be \$1 and shall belong to the county or municipality as the case may be. 1932, c. 47, s. 3.

5. The permit shall contain the name of the person to whom it is granted, the address of his residence or place of business, and set out that the holder is authorized to transport fowl on the highways in Ontario and shall remain in force for the calendar year in which it is issued. 1929, c. 79, s. 6.

Contents of permit.

6. The clerk of the council shall keep a record of all permits issued which shall be open to inspection by any constable or peace officer. 1929, c. 79, s. 7.

Record by clerk.

7. The holder of a permit shall carry with him at all times when he is transporting fowl his permit and a book in which he shall enter at the time he receives them the number and kind of fowl and the name and address of the person from whom he received them, and to whom he is to deliver them, and in case of a purchase the price paid and shall produce the permit and the book when required by a constable or peace officer. 1929, c. 79, s. 8.

Permit and book for entry as to fowl to be carried.

8. Any constable or peace officer may inspect the premises of the holder of a permit and any vehicle in his possession and no person shall obstruct or interfere with such constable or peace officer when making such inspection. 1929, c. 79, s. 9.

Inspection of premises of permit holder.

9. Any constable or peace officer may order any person on the highway to stop for the purpose of ascertaining by search if he thinks it necessary, whether such person is carrying or transporting fowl, and, if he is, of requiring him to produce his permit, and, if he has not a permit, to give his name and address and the name and address of the person from whom the fowl were obtained, and if such person fails to stop when ordered or refuses to give the information required or obstructs or interferes with such constable or peace officer in the performance of his duty under this section he shall be guilty of a contravention of this Act. 1929, c. 79, s. 10.

Right of constable to stop person on highway for purposes of Act.

10. Every person who contravenes any of the provisions of this Act shall be liable to a penalty not exceeding \$50 for the first offence, and not less than \$50 and not more than \$100 or to imprisonment for a period not exceeding six months or to both such penalty and imprisonment for the second or any subsequent offence. 1929, c. 79, s. 11.

Penalties.

11. The penalties imposed by this Act shall be recoverable under *The Summary Convictions Act*, except that an information may be laid within twelve months after the offence was committed. 1929, c. 79, s. 12.

Recovery of penalties. Rev. Stat., c. 136.