

1927

c 256 Travelling Shows Act

Ontario

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3. LICENSING OF SHOWS, CIRCUSES, ETC.

CHAPTER 256.

The Travelling Shows Act.

Circuses,
etc., not to
be exhibited
without a
license.

1. No menagerie, circus, wild west show, travelling carnival show, trained animal show or show of any kind whatsoever shall be exhibited at any place in Ontario unless the owner, proprietor, manager, agent or person in charge of such show first obtains a license for that purpose from the Treasurer of Ontario. R.S.O. 1914, c. 214, s. 2; 1922, c. 84, s. 2.

License fee.

2.—(1) Every applicant for a license shall make and file in the office of the Treasurer a statutory declaration setting forth the number of days upon which the show is to be exhibited in Ontario and the localities in which the performances or exhibitions are to be held, and for such license shall pay in advance to the Treasurer the sums following for every day upon which the show is to be exhibited in Ontario:—

For every circus, menagerie, wild west show, travelling carnival show and not more than one side show, if travelling with over twenty cars.....	\$150.00
With twenty cars or less	75.00
For every trained animal show	25.00
For each additional side show	10.00

And for every other show such sum as may be determined by the Treasurer for every day upon which the show is licensed to be exhibited. R.S.O. 1914, c. 214, s. 3; 1922, c. 84, s. 3.

Refund of
license fee
where per-
formance
not given.

(2) Where the Treasurer is satisfied that owing to unforeseen circumstances a performance or exhibition has not been held on any day for which the license fee has been paid, he may direct the repayment to the licensee out of the Consolidated Revenue Fund of a proportionate part of the license fee so paid in advance. 1914, c. 21, s. 45.

License fee
for certain
shows to be
fixed by
Provincial
Treasurer.

3. If any such show is exhibited as part of an industrial exhibition or agricultural fair the applicant shall pay such license fee as the Treasurer may impose, but not in excess of the fees fixed by section 2 for the particular class of show, and the Treasurer may have regard to any special circumstances of the case and may if he deems it advisable impose a nominal fee. R.S.O. 1914, c. 214, s. 4.

4.—(1) Upon receiving the statutory declaration hereinbefore mentioned and upon payment of the license fee the Treasurer may, in his discretion, issue a license and may at any time revoke the same upon being satisfied that the show is made the occasion for violation of the law or that gambling or any game of chance has been carried on in connection therewith.

Power to issue and revoke license.

(2) In case of the revocation of a license the amount received for the same shall be refunded to the licensee, less the sum paid per day for every day during which exhibitions have been given under such license prior to the revocation thereof. R.S.O. 1914, c. 214, s. 5.

Refund on revocation.

5. Any person in charge of a show, or the owner, proprietor, manager or person having control thereof, who exhibits the same or any part thereof without obtaining a license shall incur a penalty of not less than \$200 and not more than \$300 for every day upon which such show or any part thereof has been exhibited at any place in Ontario. R.S.O. 1914, c. 214, s. 6.

Penalty for unlicensed exhibitions.

6. No municipal corporation shall issue a license to any show to which section 1 applies until the applicant produces a license from the Treasurer of Ontario authorizing the exhibition in the municipality, and any member or officer of a municipal corporation who is a party to the issue of a license in violation of the provisions of this section shall incur a penalty of \$20. R.S.O. 1914, c. 214, s. 7.

License, when municipal corporation to issue.

7. The members of the Ontario Provincial Police Force and the members of the Dominion Police Force shall have access free of all charge to all shows mentioned in section 1, and to every horse race, agricultural, horticultural or industrial exhibition, ball game, theatre or public gathering, and to the grounds, tents and buildings in which such shows, races, exhibitions and gatherings are held, during the hours in which the public are admitted thereto, and any person hindering, preventing or refusing such free access after any such officer has demanded admission and displayed his badge of office shall incur a penalty of not less than \$50 and not more than \$100, or in the discretion of the convicting magistrate may be imprisoned for any term not exceeding three months. R.S.O. 1914, c. 214, s. 8.

Provincial and Dominion detectives and constables to have free access to all shows.

Penalty.

8. The penalties imposed by this Act shall be recovered under *The Summary Convictions Act*, but any prosecution for an offence under this Act may be commenced at any time within twelve months after the committing of the offence. R.S.O. 1914, c. 214, s. 9; 1920, c. 77, s. 3.

Prosecutions. Rev. Stat. c. 121.

Fees and penalties to be paid to Treasurer.

9. All penalties recovered under this Act, and all fees paid for licenses under the provisions of this Act, shall be paid over to the Treasurer of Ontario for the use of the Province. R.S.O. 1914, c. 214, s. 10.

License fees to be in addition to fees of municipalities.

10. The license fees payable under this Act shall be in addition to any fees imposed by municipalities. R.S.O. 1914, c. 214, s. 11.

Certain agreements declared invalid.

11. Any contract or agreement whereby any person undertakes to procure a license under this Act for the owner, proprietor, manager, agent or person in charge of a menagerie, circus, wild west show, carnival company, trained animal show or show of any kind whatsoever, to which this Act applies, or to provide for payment of or to pay for such license or to indemnify such owner, proprietor, manager, agent or person in charge of such show, against payment for the same as a condition of the exhibiting of any such show or of any performance thereof or which relieves or purports to relieve such owner, proprietor, manager, agent or person in charge from any liability or responsibility with respect to such license shall be unlawful and shall be null and void. 1920, c. 77, s. 4, *part*.

Defence to action brought when unlawful contract made.

12. It shall be a good defence to any action brought by the owner, proprietor, manager, or other person in charge of the show in respect to any exhibition or performance or intended or proposed exhibition or performance or in respect to any matter arising out of the same that such owner, proprietor, agent or other person has with respect to such exhibition or performance or intended or proposed exhibition or performance entered into a contract declared by the preceding section to be unlawful. 1920, c. 77, s. 4, *part*.
