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c 13 Agricultural Societies Act

Ontario

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CHAPTER 13

The Agricultural Societies Act

1. In this Act,

(a) "board" means the board of a society;
(b) "Department" means Department of Agriculture;
(c) "headquarters" means the place named as the headquarters in the declaration forming a new society or the place approved or named as the headquarters by the Minister or the place where a society held its last annual exhibition;
(d) "Minister" means Minister of Agriculture;
(e) "society" means agricultural society or organization under this Act or under any predecessor of this Act;
(f) "Superintendent" means Superintendent of Agricultural Societies. 1939, c. 1, s. 1.

2. The Minister may decide all matters of doubt or dispute arising in the operation or construction of this Act and his decision shall be final, provided that an appeal from any decision of the Minister may be made to the Lieutenant-Governor in Council. 1939, c. 1, s. 2.

3.—(1) Subject to the provisions of this section a society may be organized with headquarters at any place in Ontario.

(2) When it is proposed to organize a society with headquarters within twenty-five miles of an existing society the officers of such existing society shall be afforded a reasonable opportunity to make recommendations to the Minister regarding the advisability of organizing the proposed society, and the Lieutenant-Governor in Council may, upon the recommendation of the Minister, grant permission for the organization of any such proposed society. 1939, c. 1, s. 3.

4. The mode of organization shall be as follows:

(a) A declaration in the form prescribed by the Minister shall be signed by the persons who desire to organize a society, provided that such persons shall be of the
age of eighteen years or over and shall reside within ten miles of the place designated in the declaration as the headquarters of such society.

Signatories to declaration.

(b) The declaration shall be signed by at least sixty persons, provided that in provisional judicial districts and provisional counties the number required to sign the declaration shall be forty.

Fees payable by signatories.

(c) Every person who signs the declaration shall pay to the person having charge thereof, the sum of not less than $1 at the time of signing such declaration and all such sums of money shall become the property of the society upon its organization, provided that where no society is organized such sums shall be repaid to the persons entitled thereto.

Transmitting declaration.

(d) Within one month after the required number of persons have signed the declaration, such declaration shall be forwarded to the Superintendent who may, with the approval of the Minister, authorize any person to call a meeting for the organization of the society.

Calling first meeting.

(e) Such organization meeting shall be held during the month of January, or at such other time as the Superintendent may authorize, upon at least two weeks notice published in a newspaper having a general circulation in the district surrounding the headquarters of the society and by mailing a notice by prepaid post to each person who has signed the declaration.

Quorum.

(f) At the organization meeting and at every annual and special meeting of a society, fifteen members shall form a quorum.

Election of officers.

(g) At the organization meeting there shall be elected a board of twelve directors who shall hold office until the next annual meeting or until their successors are elected, and such directors shall elect a president, a first vice-president and a second vice-president from among themselves.

Board.

(h) The board shall consist of the directors and the president, first vice-president and second vice-president.

Auditors.

(i) At the organization meeting there shall be elected two auditors who shall hold office until the next annual meeting.
(j) A report of the organization meeting, certified by the president, the secretary and the organizer, containing a statement of the members and a list of the officers elected and appointed, shall be sent to the Superintendent within one week after the holding of the meeting. 1939, c. 1, s. 4.

5.—(1) Upon receipt of the report mentioned in clause j of section 4, the Superintendent, with the approval of the Minister, may declare such society to be a society within the meaning of this Act and such society shall bear the name designated in the declaration as the headquarters or such other name as may be determined by the members and approved by the Minister.

(2) In case of a dispute as to the name of any society, or in any case where in the opinion of the Minister the name of a society prejudicially affects the interest of another society he may change the name of the society. 1939, c. 1, s. 5.

6.—(1) Every person of the age of eighteen years or over shall be entitled to become a member of a society.

(2) Subject to the by-laws of a society, a firm or an incorporated company may become a member thereof by the payment of the regular fee, but the name of one person only shall in any one year be entered as the representative or agent of such firm or company, and that person only shall exercise the privileges of membership in the society.

(3) In every society there shall be an annual membership fee of not less than $1. 1939, c. 1, s. 6.

7.—(1) Upon the recommendation of the Superintendent the Minister may authorize any society to elect not more than six additional directors and not more than six junior directors not over thirty years of age.

(2) Any society may appoint not more than six honorary directors, provided that such honorary directors shall not be entitled to vote or take part in meetings of the board. 1939, c. 1, s. 7.

8.—(1) The objects of a society shall be to encourage interest, promote improvements in and advance the standards of agriculture, domestic industry and rural life by,

(a) surveying and studying the agricultural and living conditions and by doing such acts as may assist in
solving the rural economic and social problems of the district surrounding the headquarters of the society;

(b) organizing and holding agricultural exhibitions and awarding premiums thereat;

(c) holding public meetings and demonstrations for the purpose of discussing agricultural problems;

(d) owning pure bred live stock, and by distributing seeds and plants;

(e) taking action to eradicate poisonous and noxious insects, weeds, animal parasites and diseases;

(f) encouraging and promoting reforestation and rural beautification;

(g) providing seed cleaning plants, grading machinery and storage facilities; and

(h) encouraging young people to become interested in and adopt better agricultural and domestic practices and for such purposes to hold competitions.

When grant forfeited. (2) Any society which expends any of its funds in any manner inconsistent with the objects set out in subsection 1 shall forfeit all claims to participate in any legislative grant. 1939, c. 1, s. 8.

Annual meeting. 9.—(1) Every society shall hold an annual meeting during the month of January at such time and place as the board may determine or, subject to the approval of the Superintendant, at such other time and place as may be fixed by the by-laws of the society.

Who may vote. (2) At any such meeting only those members who were members of the society during the previous year and who have paid the membership fee for the current year shall be entitled to vote.

Notice of annual meeting. (3) At least two weeks notice of every annual meeting shall be given by publication of a notice of such meeting in at least one newspaper having a general circulation in the municipality in which the headquarters of the society is situate and by mailing notices of such meeting to every member of the society at the address furnished to the secretary.
(4) When any society fails to hold its annual meeting at the time mentioned in subsection 1, the Minister may appoint a time and place for holding such annual meeting. 1939, c. 1, s. 9.

10. At every annual meeting,

(a) the board shall present a report of the activities and accomplishments of the society since the last annual meeting and a detailed statement of the receipts and expenditures since the last annual meeting and a statement of the assets and liabilities of the society, certified by the auditors, in the form prescribed by the Minister; and

(b) the officers and other members of the board, including the auditors, shall be elected and appointed in the manner provided by section 4 and any additional, honorary and junior directors shall be elected and appointed. 1939, c. 1, s. 10.

11.—(1) A statement of officers and members and a copy of the report and financial statement in the form prescribed by the Minister and certified by the president, secretary and treasurer, or secretary-treasurer and auditors to be true copies shall be forwarded to the Superintendent within one month after the holding of the annual meeting.

(2) The officers of every society shall on or before the 1st day of March in every year forward to the Superintendent a return in the form prescribed by the Minister verified by an affidavit of an officer of the society showing the amount expended during the previous year by such society for agricultural purposes.

(3) Where a society holds a spring stallion show, a spring bull show, a combined spring stallion and bull show, or a field crop or other competition, the officers of the society shall within one month after the holding of such spring show or competition forward to the Superintendent on a form supplied by the Department and verified by affidavit, an itemized statement showing the receipts and expenditures including prizes awarded in connection therewith, together with the number of entries.

(4) Any officer of a society who wilfully makes a false statement in any report or statement required to be furnished under this Act, shall be guilty of an offence and on summary conviction shall be liable to a penalty of not more than $100.
or to imprisonment for not more than thirty days; provided
that no prosecution under this subsection shall be commenced
later than one year after the making of such report or state-
ment. 1939, c. 1, ss. 11, 32 (2).

12. On the petition of thirty members of a society, the
secretary, and in his absence, the president or first vice-

president, shall call a special general meeting for the transac-
tion of the business mentioned in the petition and the meeting
shall be advertised in the manner prescribed by subsection 3
of section 9 and the advertisements shall state the nature of
the business to be transacted. 1939, c. 1, s. 12.

13. The Minister may at any time require any society or
any officer of a society to furnish such information regarding
the society as he may deem necessary or desirable and such
information shall be accompanied by an affidavit of all or any
of the officers of the society deposing to its accuracy. 1939,
c. 1, s. 13.

14.—(1) In the event of failure to hold the annual meet-
ing of a society in accordance with this Act, or in the event of the
number of members of a society on the 1st day of September
in any year, being less than the number required for organi-
sation, such society shall not be entitled to receive any further
government grant and shall be deemed to be dissolved, subject
always to the direction of the Minister, provided that the
persons comprising the board during the last year of the
existence of such society shall be trustees of the assets of the
society and shall forthwith deliver to the Superintendent a
statement of the assets and liabilities of the society.

(2) Subject to the approval of the Minister, the Superin-
tendent may direct the members of the board to pay the debts
of the society out of the moneys and other assets remaining
in their hands and to liquidate any of the assets for such
purpose.

(3) Subject to the approval of the Minister, any moneys
and other assets remaining after the payment of debts shall
be disposed of by the board in such manner as they may
determine.

(4) When a society dissolves or ceases to exist it may be
reorganized 
mutatis
mutandis
in the manner prescribed by
section 4. 1939, c. 1, s. 14.

15. A meeting of the board shall be called by the secretary
upon the direction of the president, or in his absence by the
first vice-president, or in the absence of the president and the first vice-president, by the second vice-president, or by any three members of the board, by sending notice thereof to all the members of the board at least seven days prior to the time fixed for such meeting, provided that a meeting of the board may be held immediately following any annual, regular or special meeting of the society without notice. 1939, c. 1, s. 15.

16.—(1) Subject to the by-laws and regulations of the society, the board shall have power to act for and on behalf of the society in all matters.

(2) Seven of the members of the board shall constitute a quorum.

(3) In the event of a vacancy occurring on the board by the death or resignation of any officer or director or otherwise, the remaining members of the board shall have power to appoint any member of the society to fill such vacancy, provided that when three or more vacancies occur at the same time the Superintendent may order the remaining members of such board to call a special general meeting of such society in the manner prescribed by section 9 and directors shall be elected and appointed at such meeting to fill the vacancies.

(4) The board, from among themselves, may appoint an executive committee of not more than five members to exercise and perform such of its powers and duties as the board may prescribe.

(5) The board may appoint a manager to perform such of its powers and duties as it may prescribe.

(6) The board, from among themselves or otherwise, shall appoint a secretary and a treasurer, or a secretary-treasurer, who shall remain in office during pleasure, and the secretary or secretary-treasurer shall be a member of every committee which may be appointed by the board and may be appointed managing director acting under the control and with the approval of the board.

(7) No officer of a society except the secretary, treasurer, secretary-treasurer or manager shall receive any remuneration, provided that travelling and living expenses may be allowed to any officer while engaged in duties on behalf of such society and the board may fix such remuneration and travelling and living expenses which shall be payable out of the funds of the society. 1939, c. 1, s. 16.
17. Subject to section 9, the board may determine what regular or special meetings of the society shall be held during each year. 1939, c. 1, s. 17.

18.—(1) The treasurer or secretary-treasurer of every society, before entering upon the duties of his office, shall give such security to the society, either by joint or several covenant with one or more sureties, in such form and for such amount as the board may deem necessary for the faithful performance of his duties, and especially for the due accounting for and paying over all moneys which may come into his hands.

(2) It shall be the duty of the board in each and every year to inquire into the sufficiency of the security given by such treasurer or secretary-treasurer and to report thereon to the society, and where the same treasurer or secretary-treasurer for any society is reappointed from year to year his reappointment shall not be considered as a new term of office, but as a continuation of the former appointment, and any security given to the society for the faithful performance of his duties under such reappointment shall continue valid as against the parties thereto.

(3) If the board neglects to procure and maintain proper and sufficient security each member thereof shall be personally responsible for all funds of the society that may have been received by the treasurer. 1939, c. 1, s. 18.

19.—(1) By-laws and regulations of a society may be made, adopted, amended or repealed at any organization, annual or regular meeting of the society or at a special meeting of which notice has been given in the manner provided by subsection 3 of section 9.

(2) The officers of a society may by their rules and regulations prohibit and prevent theatrical, circus or acrobatic performances, exhibitions or shows and may also regulate or prevent the huckstering or trafficking in fruits, goods, wares or merchandise on the exhibition grounds or within three hundred yards thereof on the day of an exhibition, and any person who, after notice of such rules and regulations, violates any provisions thereof shall be liable to be removed by an officer of the society or any constable and shall be liable to the penalties provided in this Act. 1939, c. 1, s. 19.

20.—(1) Every society shall be a body corporate, with power to acquire and hold land as a site or as an enlargement of an existing site and the society shall have and may exercise
the like powers as to lands required for the enlargement of an existing site as in the case of lands required for the original site, for fairs and exhibitions, and, subject to the approval of a meeting of the society called for that purpose may sell, mortgage, lease, or otherwise dispose thereof, or of any other property held by such society, provided that no lands of a society shall be mortgaged without the written approval of the Superintendent.

(2) At least two weeks previous notice of such meeting shall be given by advertisement in not less than one newspaper having a general circulation in the district surrounding the headquarters of the society, and at such meeting only those persons shall be entitled to vote who are members for the current year and who were members for the two previous years. 1939, c. 1, s. 20.

21.—(1) Subject to the approval of the Lieutenant-Governor in Council, if the owner of the land selected as a site for fairs and exhibitions, approved of at a meeting of the society called for that purpose, refuses to sell such land or demands therefor a price deemed unreasonable by the board, such owner and the board shall each forthwith appoint an arbitrator, and the arbitrators so chosen shall appoint a third arbitrator, and such arbitrators or a majority of them shall determine the value of such land.

(2) If the directors or the owner of such land neglect or refuse to appoint an arbitrator, the judge of the county or district court of the county or district in which the land is situate may, on the application of the party who has so appointed an arbitrator and on notice to the opposite party, appoint an arbitrator on behalf of the party so neglecting or refusing to appoint an arbitrator and if the arbitrators appointed as aforesaid fail to agree on, or either of them refuses to appoint a third arbitrator, the judge of the county or district court of the county or district in which the land is situate may, on the application of one or other of the said arbitrators and on notice to the other, appoint a third arbitrator.

(3) The arbitrators so appointed shall have the power to hear and determine all claims or rights of encumbrancers, lessees, tenants or other persons as well as those of the owner of the land required for the purpose of such site upon notice in writing to every such claimant or person.

(4) Upon payment by the board of the amount determined by a majority of the arbitrators, to the owner or other persons.
entitled thereto, the land may be taken and used for the purposes of the society.

(5) Any award for a site for fairs and exhibitions made and published twice in a newspaper having a general circulation in the district surrounding the headquarters of the society, shall, if there be no conveyance, be deemed to vest the title of the site in the society, and the title of the society shall be good against all persons interested in the land in any manner whatever, and shall be registered in the proper registry office, or land titles office, with the affidavit of the secretary and treasurer or secretary-treasurer of such society verifying such award and the publication thereof.

(6) The parties concerned in all such disputes shall pay all the expenses incurred in regard to them, according to the award or decision of the arbitrators or a majority of them. 1939, c. 1, s. 21.

22. Any township society and town or village municipality that had, prior to the 4th day of March, 1868, jointly purchased and held any land or buildings for the purpose of agricultural fairs or exhibitions, may continue jointly to hold such land or buildings, or may sell, mortgage, lease or otherwise dispose thereof, subject to the approval of a meeting of the society as provided in section 20. 1939, c. 1, s. 22.

23. On the recommendation of the Minister, every society shall be entitled to receive a grant out of the moneys appropriated by the Legislature for such purpose on condition,

(a) that the number of paid-up members for the current year is not less than sixty, except in the case of societies organized in provisional judicial districts or unorganized counties, where the number of paid-up members shall not be less than forty;

(b) that all reports and returns required by this Act have been made to the satisfaction of the Superintendent;

(c) that the annual meeting has been held as required and the officers elected, in accordance with section 10;

(d) that the objects of the society as prescribed by section 8 have been strictly adhered to, and that none of the funds of the society, from whatever source derived, have been expended in any manner not in harmony with such objects; and

(e) that all other provisions of this Act have been complied with. 1939, c. 1, s. 23.
24.—(1) Such moneys as may be appropriated by the Legislature for the purposes of grants under this Act, except the moneys appropriated under sections 25 and 26, shall be subject to division among the societies according to the following plan,

(a) a society that has owned and maintained pure bred stock, for the benefit of its members, for a period of at least nine months during the next preceding year, shall receive a grant of $100 for every registered stallion, $25 for every registered bull, $10 for every registered boar and $5 for every registered ram owned by such society, and in the event of a society devoting its funds solely for the maintenance of pure bred stock, such society shall receive a special membership grant of $1 for every member of the society in good standing, up to fifty;

(b) a newly organized society, during the first three years of its existence, shall receive a grant each year equal to $1 per member up to three hundred members;

(c) a society which holds a spring stallion show, a spring bull show, or a combined spring stallion and bull show shall receive a grant equal to one-half the sum expended in the holding of such show, provided that no society shall be entitled to receive a sum in excess of $50 for any such show or competition; and

(d) the balance of moneys remaining after the other grants in this section have been provided for shall be subject to division among the societies, other than new societies, in proportion to the amount such societies expended during the three preceding years for agricultural purposes as shown in the statements forwarded to the Superintendent provided that,

(i) societies in provisional judicial districts and unorganized counties shall be entitled to receive their grants on the basis of double the amount of other societies, and

(ii) no society shall in any year be entitled to receive a grant in excess of $800. 1939, c. 1, s. 24 (1); 1943, c. 28, s. 3; 1950, c. 2, s. 1.

(2) If the Superintendent, upon receiving proof on or before the 31st day of October in any year, by the joint affidavit of the president, secretary and treasurer or secretary-treasurer,
of an agricultural society that rain or snow has fallen at the place of holding an exhibition before three o'clock in the afternoon on any day during which such exhibition was held or that during such exhibition or within thirty days prior thereto, one or more buildings on the exhibition grounds was destroyed by fire or storm, is satisfied that as a consequence of such weather or such destruction the gate receipts were less than the average gate receipts for exhibitions held by the society during three previous normal years, such society shall be entitled to receive a grant of not more than ninety per cent of the difference between the gate receipts of the current year and the average amount of the gate receipts of such three previous years, provided that no society shall in any year receive a grant in excess of $500 for any such loss in gate receipts.

(3) In the event of a society which has been organized for only two years suffering loss in gate receipts owing to wet weather, it shall be entitled to receive a grant equal to seventy-five per cent of the difference between the gate receipts of the current year and those of the previous year, and in case of loss of gate receipts from the above cause during the third year of a society's existence, the grant shall be seventy-five per cent of the difference between the gate receipts of that year and those of the average of the two previous years, provided that no society shall in any year receive a grant in excess of $500 for any such loss in gate receipts. 1939, c. 1, s. 24 (2, 3).

25. Such amount of money as may be appropriated by the Legislature for the purpose of this section shall be subject to division among The Canadian National Exhibition Association of Toronto, The Central Canada Exhibition Association of Ottawa, and The Western Fair Association of London in proportion to the amount of money expended for agricultural purposes by such associations as mentioned in section 8, provided that not more than $2,500 shall be paid to any such association and upon condition,

(a) that returns have been made to the Superintendent similar to those prescribed by section 11 in a manner satisfactory to the Superintendent;

(b) that no other grants have been received under this Act; and

(c) that the Minister has given his approval to such grant;

provided that no such society shall in any year be entitled to receive a grant in excess of fifty per cent of the moneys
appropriated by the Legislature for the purpose of this section for such year. 1939, c. 1, s. 25.

26.—(1) The Minister may make an annual grant to any society on account of capital expenditure out of such moneys as may be appropriated by the Legislature for the purpose.

(2) The amount of an annual grant under subsection 1 shall not exceed,

(a) one-third of the amount of the capital expenditure; or

(b) the amount of the grants received from municipalities on account of the capital expenditure; or

(c) the amount of the grant received from the Government of Canada on account of the capital expenditure. 1950, c. 2, s. 2.

27.—(1) The municipal council of any city, town, village, county or township in Ontario may grant or loan money or grant land in aid of any agricultural society formed within the limits of the municipality or partly within the limits of such municipality and partly within the limits of other municipalities, or wholly within the limits of an adjoining municipality, when such society has made the returns required by this Act, provided that the total amount or value of the money or land heretofore or hereafter granted or loaned by any municipality to an agricultural society under this section shall not exceed, in the case of a city, $5,000, in the case of a town, $2,000, and in the case of a village, $1,000.

(2) If such grant is a loan of money to enable the society to acquire land, such municipality may hold the land so acquired or may take a mortgage thereon, as security for the amount of such grant until the amount of such grant is repaid to the municipality, and any such grant heretofore made in accordance with this Act shall be legal and valid.

(3) Any such municipality owning land or buildings for public purposes shall have the power to make agreements on such terms and for such periods as they may deem expedient with any company formed under chapter 196 of the Revised Statutes of Ontario 1897, or under any enactment that may be substituted therefor, or with any agricultural society for the use of such land or buildings, or either of them or for the privilege of erecting upon such land, subject to such terms as may be agreed upon, such buildings as it may require for...
agricultural and industrial shows, and to give the company the power of renting such grounds and buildings when owned by the company, to any agricultural society formed under this Act for the purposes of the annual show of the society, and to grant to such company or society the power to collect during such show, or at other times, as may be agreed, from any person wishing to go into or upon any such grounds or buildings, or for any privilege thereon, or for any carriage, wagon or other vehicle, or for any horse or other animal that may be taken thereon, such entrance fee or other charge as the company or society may deem necessary or expedient.

(4) Any municipality may pass by-laws providing for the erection of buildings upon parks, fair grounds or other property belonging to any such municipality, for the joint purposes of the municipality and of any agricultural society, or other body, or trustees for any club or society, upon such agricultural society, other body, or trustees undertaking to contribute to the cost of such building, and in such case, the municipality shall have power to grant leases for a term not exceeding twenty-one years, to such agricultural society, other body, or trustees, for the use of such building at such time as to the council may seem proper, and upon such terms as may be arranged with the council, and the powers hereby granted may be exercised in respect of any building erected since the 1st day of January, 1919. 1939, c. 1, s. 26.

Exemption from taxation.

28. The property of an agricultural society shall be exempt from taxation other than taxes for local improvements when in actual occupation by the society, or by its tenants if the rent is applied solely for the purposes of the society. 1939, c. 1, s. 27.

Regulations.

29. The Lieutenant-Governor in Council, upon the recommendation of the Minister, may make regulations,

(a) providing the terms and conditions upon which any society may hold races or trials of speed for horses and the amount of money that any society may award as prizes therefor;

(b) subject to the provisions of section 23, prescribing the terms and conditions upon which societies may be entitled to receive grants out of the moneys appropriated by the Legislature;

(c) limiting the exhibitors of any society to persons residing within defined areas;

(d) prescribing the powers and duties of the officers of a society;
(e) respecting any other matter necessary or advisable to carry out effectively the intent and purpose of this Act. 1939, c. 1, s. 28.

30.—(1) Any justice of the peace having jurisdiction in any city, town, village or township, wherein a fair or exhibition is held, shall, on the request of the president or executive committee of any society, appoint as many constables as may be required.

(2) Such constables shall be paid by the society and it shall be their duty to protect the property of the society within the exhibition grounds, and to eject all persons who may be improperly within the grounds, or behave in a disorderly manner, or violate any of the rules or regulations of such society. 1939, c. 1, s. 29 (1, 2).

(3) Every person who wilfully hinders or obstructs the officers or servants of any society or any constable appointed under this section in the execution of their duties, or who gains admission to the grounds contrary to the rules of the society shall be guilty of an offence and on summary conviction shall be liable to a penalty of not less than $1 and not more than $20, to be paid to such society for its use and benefit. 1939, c. 1, ss. 29 (3), 32 (2).

31. The Minister may appoint a person to inspect the books and accounts of any society receiving government grants under this Act, and may empower such person to summon witnesses and enforce the production of documents before him, and to take evidence upon oath in regard to the matters under inspection, and every officer of a society shall, when required, submit the books and accounts thereof to such inspection. 1939, c. 1, s. 30.

32. Where the board of a society has reason to believe that any member or other person exhibiting any farm product, animal, fowl or other goods at any exhibition of the society has committed a fraud or made any misrepresentation in respect of any such farm product, animal, fowl or other goods, the board may withhold payment or delivery of any premium or prize to such person until such person proves to the satisfaction of the board that no fraud or misrepresentation has in fact been committed or made. 1939, c. 1, s. 31.

33. Every person who violates any of the provisions of this Act or the regulations shall be guilty of an offence and on summary conviction where no other penalty is provided shall be liable to a penalty of not more than $50. 1939, c. 1, s. 32.