

Laws of His Majesty's Province of Upper Canada, passed in the year 1857. Toronto: Stewart Derbshire & George Desbarats, 1857.

20 Victoria – Chapter 29

An Act to amend and consolidate the Laws relating to the organization of Agricultural Societies in Lower Canada. Assented to 10th June, 1857.

Whereas it is expedient to amend, and to consolidate into one Act as amended, the Act passed in the sixteenth year of Her Majesty's Reign, intituled, *An Act to provide for the better organization of Agricultural Societies in Lower Canada*, and also the Act passed 'in the Session held in the nineteenth and twentieth years of Her Majesty's Reign, intituled, *An Act to amend the Act to provide for the better organization of Agricultural Societies in Lower Canada*, and for other purposes connected with Agriculture in Upper and Lower Canada: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

- I. The Acts cited in the Preamble of this Act, are hereby repealed; save and except the second and third sections of the Act last above mentioned, which sections shall continue in force and be read as forming part of this Act.
- II. From and after the first day of January, one thousand eight hundred and fifty-eight, a County Agricultural Society may be organized in each of the Counties of Lower Canada, whenever forty persons shall become members thereof, and shall have paid a sum not less than twenty pounds, and shall have signed a declaration in the form of the Schedule A to this Act annexed.
- III. The object of the said Societies shall be to encourage improvement in Agriculture, Horticulture, Manufactures, and Works of Art, by holding meetings for discussion, and for hearing lectures on subjects connected with the theory and practice of improved husbandry, by promoting the circulation of the Agricultural periodicals published in this Province; by importing, or otherwise procuring, seeds, plants, and animals of new and valuable kinds; by offering prizes for essays be questions of scientific enquiry relating to Agriculture; and by awarding premiums for excellence in the raising or introduction of stock, the invention or improvement of Agricultural Implements and Machines, the production of grain and all kinds of vegetables, for excellence in any Agricultural or Horticultural production or operation, and generally for improvements in any articles of, Manufacture or works of Art; and it shall not be lawful to expend the funds of the Societies derived from the subscriptions of members, or the public grant, for any object inconsistent with this Act.
- IV. The said Societies shall hold their annual meeting in the third week of the month of January in each year, in compliance with section five of this Act, and each such Society shall, at such meeting, elect a President, a Vice President and a Secretary-Treasurer, and not more than seven Directors, all of whom shall form the Board of Directors for such Society; but with a view to encourage improvements in articles of Manufacture and works of Art, it is hereby provided that the President of each Mechanics' Institute, if any, within the limits of such Society, which shall contribute two pounds ten shillings for the year to the funds of said Society, or some fit person to be appointed by each such Institute, shall be ex

officio a member of the said Board; Provided that the first meeting in each County shall be called by the Warden of the County, at the chef-lieu where there is but one Society and at the most frequented place. within the territorial limits where there are two Societies, in the third week of January, one thousand eight hundred and fifty-eight, after notice of the object, and the time and place of such meeting publicly given in the newspapers of the County, or by placards posted up in different places in the County for at least one week previously, and the Society, then and there organized, shall be, and be held to be, the County Agricultural Society: Provided further, that in those Counties in which there is only one Agricultural Society in operation at the time of the passing of this Act, and organized prior to the nineteenth of June, one thousand eight hundred and fifty-six, it shall and may be lawful for the Agricultural Society of such County to re-organize under this Act through the President: or Vice-President of such Society giving notice as required by this Act; and in such case a statement of such organization shall be transmitted through the Warden of the County to the Board of Agriculture.

V. The Officers and Directors of the said Society shall and may, for the year next following the annual meeting, and until the election of their successors, exercise all the powers vested in the Society by this Act, and they shall hold their meetings, pursuant to adjournment or written notice, to each from the President, or, in his absence, from the Vice-President or a President appointed *pro tempore*, which shall be given, at least, one week before the day appointed for such meeting, and at such meeting five shall be a quorum, and the said Officers and Directors shall have power, at every such meeting, to make, alter and repeal By-laws and Rules for the management of the Society.

VI. The said Officers and Directors shall, in addition to the ordinary duties of management, cause to be prepared, and shall present, at the annual meeting, a report of their proceedings during the year, in which shall be stated the names of all the members of the Society, the amount paid by each, the names of all persons to whom premiums were awarded, the amount of each premium respectively, and the name of the animal, article or thing in respect to which the same was granted, together with such remarks upon the Agriculture of the County, the improvements which have been or may be made therein as the Directors shall be enabled to offer; there shall also be presented, to the second annual meeting, a detailed statement of the receipts and disbursements of the Society during the year, which report and statement, if approved by the meeting, shall be entered in the Society's journal to be kept for such purposes, and signed by the President, or Vice-President, as being a correct entry, and a true copy thereof certified by the President, Vice-President, or Secretary for the time being, shall be sent to the Board of Agriculture on or before the first day of April following.

VII. It shall be the duty of the said Officers and Directors to answer such queries, and give such information relating to Agriculture as the Minister of Agriculture or Board of Agriculture may from time to time, by circular, letter or otherwise, require, touching the interests or condition of Agriculture in their County, and generally to act as far as practicable upon the recommendation of the said Board.

VIII. Each County Society or of part of a County established as above mentioned shall, be required in each year to hold at least one Show, for the exhibition of Agricultural produce, Farm stock, and all other objects relative to Agriculture, and also articles of Manufacture generally, and works of Art; and prizes shall be granted at the said Shows for the best specimens produced in the manner to be prescribed by the Board of Officers and Directors, and whereof notice shall have been publicly posted in each parish

and township of the County; and the said prizes may be distributed in money, books on Agriculture, Agricultural Implements of an improved description, or grain of superior quality, on the award of at least two Judges, who shall be appointed; by the officers and Board of Directors of the Society; the said Judges, however, shall not receive any of the prizes so awarded, and shall not be allowed more than ten shillings for inspecting at a Show, nor more than four pounds for the inspection of growing crops.

IX. In case the Board of Officers and Directors of any County Society shall consider that any other system might be substituted for that of Shows, and that the sum allotted to each County might, be better applied either to the establishment of one or two Economical Model Farms or Agricultural Schools for a public Granary, or to any other purpose for the improvement of Agriculture, or the encouragement generally of improvements in articles of Manufacture and works of Art, then it shall be lawful for such Society, through its Board of Officers and Directors, so to apply the said sum; Provided that notice thereof shall have been given to the Board of Agriculture, And its approval of such proposition obtained.

X. No portion of the moneys belonging to any such Society shall be applied to the payment of any salary or allowance; except, however, that a sum not exceeding seven per cent shall be allowed to the Secretary-Treasurer on all moneys expended by such Society under this Act, in lieu of salary and allowance for Stationery and other contingent expenses.

XI. Whenever a memorial, or memorials, from different parts of any County, any one, or all of which shall be signed by twenty persons, representing to the Board of Agriculture that it is inconvenient, on account of distance, for the farmers of their section to attend the Exhibitions of the County Society, and that a sufficient number of persons are willing to subscribe the amount necessary to form an Agricultural Society under the provisions of this Act, it shall be the duty of the said Board to examine such request, and if the Board be of opinion that another Society may be advantageously organized in the said County, it may authorize the same to be organized accordingly, with the sanction and approval of the Minister of Agriculture, after such notice as he may advise, and shall prescribe the limits or section of the County within which its operations shall be confined, and the first County Society shall confine its operations to the other or remaining section of the County; Provided that a sum not less than ten pounds shall be paid before any such separate Society shall be formed, and that no more than one such Society in addition to the said County Society shall be so organized, excepting the County of Gaspé, with relation to which special provision may be made during the present Session of Parliament.

XII. The Society so organized shall be known as the County of _____ Society, number Two and the declaration or instrument of organization shall be the same as is hereby required for County Societies, except that the prescribed limits of its operations shall be specified therein, and every such additional County Society shall be entitled, to a share of the public grant in the ratio of its paid up subscription to those of the rest of the County, and shall have all the powers of a County Society, and shall be subject to all the provisions of this Act relating to County Societies; Provided that no such separate or additional County Society shall be entitled to any share of the public grant for the year in which it shall be formed, unless such formation shall have taken place before the first day of May in such year.

XIII. The several Societies which may be organized according to the provisions of this Act, shall be and become bodies politic and corporate with power to acquire and hold land as a site for Fairs and Exhibitions or for a Model or School Farm, and to sell, lease, or otherwise dispose of the same; Provided that not more than two hundred acres shall be so held at any one time; And provided always that one or more County or separate Societies may unite their funds, or any part thereof, for purchasing land and all requisites for a Model Farm or for land on which to erect buildings for exhibitions or for giving prizes for Agricultural produce, Animals, articles of Manufacture and works of Art, or for any other purpose calculated to encourage the welfare of the Province, not inconsistent herewith.

XIV. When the President, Vice-President and Secretary, of the Board of Agriculture shall certify to the Minister of Agriculture that any Society has sent, to the said Board, Reports and Statements as required by this Act for the year then last previous, and shall also certify that the Treasurer or other officer of the said Society has transmitted to the said Board an affidavit which may be in the form of Schedule B of this Act, and may be sworn to before any Justice of the Peace, who is hereby authorized to administer the same, stating the number of numbers then belonging to the said Society whose subscriptions for the then current year have been paid up and are in the hands of the Treasurer, it shall be lawful for the Governor of this Province to issue his Warrant in favor of such Society for a sum to be taken out of any unappropriated moneys in the hands of the Receiver General, equal to three times the amount appearing, by the said affidavit, to be in the hands of the Treasurer; Provided that no grant shall be made unless twenty pounds be first subscribed and paid to the Treasurer; And provided that the whole amount granted to any County Society or to the Societies of any County, if more than one be organized therein, shall not in any year be more than two hundred pounds; And provided always that the separate Society constituted as per section eleven, shall not be authorized to receive more than one half of the grant given to the County Society.

XV. The Board of Agriculture, shall receive from Government, and pay over to the Societies, the public money to which they are respectively entitled, and if two Societies be organized in any County and they together raise a sum exceeding twenty pounds, the Board shall divide the County Grant between them in proportion to the amount subscribed and paid by each, and it shall be lawful for the said Board to retain, for the use of the Agricultural Association, one tenth part of all such grants.

XVI. Any Treasurer or other Officer of a Society who shall make affidavit before any person authorized by Law to administer an oath, that a subscription, or any sum of money has been paid to him for the Society, when it has not been so paid, or who shall return any such subscription as a *bonâ fide* subscription, knowing the same not to be *bonâ fide*, shall be held to have committed perjury.

XVII. Every Electoral Division shall be deemed a County within the meaning of this Act, and all the provisions hereof anti of former Acts in force relating to Agriculture in Lower Canada, shall apply to such Electoral Division; Provided that such Electoral Division whenever it shall not embrace the limits of a County proper, shall not be entitled to more than one half of the amount, of the public Grant for a County.

XVIII. All sums of money paid to Agricultural Societies before the taking effect of this Act, and remaining unexpended in the hands of any person, or his heir or representative, who may have been Treasurer of a former Society, shall by him be paid over to the Treasurer of the new County or other Society, comprising the territory out of which the former Society was formed, and shall be applied by the Treasurer to whom the money shall be so paid, or by his successor, to the purposes of such new Society, and if not so paid may be sued for and recovered by the new Society as a debt due to the same; Provided also that if there shall be any property real or personal in the hands of any one Society organized under this Act, which belonged wholly, or in part, to any other Society organized under former Acts or under this Act, and comprising the territory or part thereof, out of which the said Society, not enjoying possession of said property, was formed; then, and in that case, the said property, or the value thereof, may be equitably divided by arbitration to be arranged between the parties, and if the Society so holding such property shall refuse, or neglect to arbitrate or to divide the same, or the value thereof, or to comply with any award made upon any such arbitration, it shall be lawful for the Society aggrieved to sue at law and recover its proportion of the same, or the amount to which it may be entitled by any such award, in any Court of Civil Jurisdiction, and the Minister of Agriculture may order the grant of public money payable to such defaulting Society to be withheld while such default continues.

XIX. This Act shall take effect on the first day of January, one thousand eight hundred and fifty-eight, and the County Societies heretofore established in Lower Canada shall receive, for the year one thousand eight hundred and fifty-seven, the full grant to which they would have been entitled if this Act had not been passed, and as so organized shall continue to exist during the said year.

XX. The provisions of this Act with regard to Grants, Counties and Electoral Divisions, conditions of Grants, &c., &c., &c., shall extend to any new Counties or new Electoral Divisions which may hereafter be formed in Lower Canada: Provided always, that no new Electoral Division shall be entitled to more than Two Hundred Pounds.

XXI. The word "subscription," in this Act, shall be held to include payment of the amount subscribed as well as the mere act of subscription, and the words "Electoral Division" shall be held to mean a Division for purposes of representation in the Legislative Assembly.

XXII. This Act shall refer to Lower Canada alone.

Schedule A.

We, whose names are subscribed hereto, agree to form ourselves into a Society under the provisions of the Act of the Legislature (here state the title and date of this Act) to be called the County of (name of County) Agricultural Society, (or if there be a Society already organized under this Act in the said County, add the words "number two," "three" or "four," as the case may be, and state the part or section of the County to which its operations are, intended to be confined.)

And we hereby severally agree to pay to the Treasurer, yearly, while we continue Members of the Society, the sum set opposite our respective names, and we agree to give written notice to the

Secretary whenever we may wish to withdraw from the Society, and we further agree to conform to the Rules and By-laws of the said Society.

	Names.	£ s. d.

Schedule B.

County of _____, to wit:

I, A. B., of the County of _____, Treasurer (or other officer) of the County of _____ Agricultural Society (number two, three or four, as the case may be,) make oath and say that there are forty (or as the case may be) Members belonging to D.'s Society who have paid their subscriptions for the present year, and that there is now in my hands the sum of £ _____ being the produce of such subscriptions, ready to be disposed of according to Law.

A. B.

Sworn before me, this _____ day of _____, one thousand eight hundred and fifty-

C. D.
Justice of the Peace.