

Provincial Statutes of Canada, passed in the year 1845. Montreal: Stewart Derbishire & George Desbarats, 1845.

8 Victoria – Chapter 53

All Act to repeal certain Acts therein mentioned, and better to encourage Agriculture in Lower Canada, by the establishment of Agricultural Societies therein. (29th March, 1845.)

MOST GRACIOUS SOVEREIGN,

Whereas there is no subject in which all the inhabitants of this Province are more deeply interested, than the improvement of Agriculture, and the prosperity of those engaged in that pursuit; and it is expedient to provide more effectually for the encouragement of such improvement, by giving more ample aid, and making better provision for the establishment and efficient working of County and District Agricultural Societies in Lower Canada, and for that purpose to repeal the Acts there in force touching such Societies, and to consolidate those provisions thereof which have been found effective with such amendments as experience hath shewn to be necessary: May it therefore please Your Majesty that it may be enacted, and be it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, "An Act to Re-unite, the Provinces of Upper and Lower Canada, and for the Government of Canada," and it is hereby enacted by the authority of the same, That the Act of the Legislature of Lower Canada, passed in the fifty-eighth year of the Reign of His Majesty King George the Third, and intituled, "An Act for the encouragement of Agriculture in this Province,"—and the Act of the said Legislature, passed in the first year of the Reign of His late Majesty King George the Fourth, and intituled, "An Act further to encourage Agriculture in this Province,"—and the Act of the said Legislature, passed in the ninth year of the Reign last aforesaid, and intituled, "An Act to appropriate a certain sum of money therein mentioned for the encouragement of Agriculture" – and the Act of the said Legislature, passed in the fourth year of the Reign of His late Majesty King William the Fourth, and intituled, "An Act to make more ample provision for the encouragement of Agriculture," shall be and the said Acts are hereby repealed: Provided always, that notwithstanding the repeal of the Act last mentioned, any County Agricultural Society, regularly organized under the authority thereof, shall continue to be the Agricultural Society of such County for all the purposes of this Act, until the day hereinafter appointed for the first election of the members of an Agricultural Society for such County.

II. And be it enacted, That an Agricultural Society may be organized in and for each of the Counties of Lower Canada, such Society being composed of a President, Vice-President, a Secretary, a Treasurer, and twelve other Members, taken from the persons subscribing the sum of five shillings, currency, per annum, or upwards, towards the funds of the said Society, and elected at a public meeting of the said subscribers to the funds of the Society; and any live Members of such Society shall be a quorum, and any majority of any such quorum, at any meeting of the Society, may exercise all the powers hereby vested in such Society.

III. And be it enacted, That the said elections shall be held every two years, in the course of the month of February, except that such election shall take place for the first time during the month of June next, on any day in the said month, (Sundays and Holidays excepted,) and at such first election, the senior Justice of the Peace in the County, present at the meeting, shall preside, or in default of a Justice of the Peace, such person as the majority of the persons present at the meeting shall appoint; and such election shall be announced on the two Sundays immediately preceding the same, at the door of each Church in such County, or at the most public place in those parts thereof in which there shall be no Church, by a public notice, to be given by an order or orders to be issued for that purpose by some Justice of the Peace in the County, mentioning the place, day and hour, of such election; of which meeting, and the election of President, Vice-President, Secretary, Treasurer, and Members then made, an authentic Acte shall be drawn up, and transmitted to the Secretary of the Province, by the person who shall have presided at the meeting, for the information of the Governor, Lieutenant-Governor, or person then administering the Government of the Province.

IV. And be it enacted, That the President of each such Agricultural Society so organized, shall annually transmit to the Governor of this Province, a list, sworn to before any Justice of the Peace, (who is hereby authorized to administer the necessary oath,) of the names of the subscribers, mentioning the amount of their respective subscriptions actually paid in current money to the Treasurer, opposite to the names of each of them; and at any time after the receipt of such list, it shall be lawful for the Governor of this Province to issue his Warrant in favor of such President, for a sum to be taken out of the unappropriated monies which now are or hereafter may be in the hands of the Receiver General of this Province, and which sum shall be only equal to three times the sum which shall appear by the said list to have been subscribed and paid by the subscribers, in such County: Provided that such sum so advanced shall not, for any County, exceed the sum of one hundred and fifty pounds, currency; and if the Treasurer, or any Officer of such Society, shall report any subscription as paid in money when it is not so paid, or shall pay back to the subscriber any money so paid, he shall forfeit to Her Majesty the sum of twenty pounds, currency, and be guilty of a misdemeanor.

V. And be it enacted, That the President of each such Society shall annually transmit to the three branches of the Legislature, within fifteen days after the opening of each Session of the Provincial Parliament, a report of its proceedings, shewing the amount of the subscriptions received in the course of the year, and the amount received out of the Public Chest, the expenses of the Society, the names of the persons to whom it shall have granted premiums, the objects for which such premiums were obtained, and all such other observations and information as lie shall deem likely to tend to the improvement of Agriculture; and if such report be made for any period during which such Society shall have been also the District Society as hereinafter mentioned, such report shall extend to all things done by such Society, as a District Society, but shall distinguish the same from its doings as a County Society.

VI. And be it enacted, That it shall be lawful for the President, or in case of his death or absence, the Vice-President of each such Society, to call a meeting of the Members thereof, from time to

time, for the purpose of deliberating upon the objects with reference to which it was instituted, and of determining and regulating the expenses and the management of the business of the Society; and all the proceedings which shall take place at any such meeting, shall be entered in the Journal of the Society, and signed by the President and Secretary, and the provisions of this section shall extend to any such Society, acting as a District Society in the same manner as when acting as a County Society.

VII. And be it enacted, That all Clergymen or Ministers, of any religious denomination, resident in the County, and duly authorized to keep Registers of Baptisms, Marriages and Burials, the Legislative or Executive Councillors resident in the County, and the Member representing the County, City or Town within which such County is situated, shall be Honorary Members of such Society: and may vote at the meetings thereof.

VIII. And be it enacted, That the President of each such Society shall be and is hereby authorized to name the person or persons to be the judge or judges at each exhibition held in the County: Provided always, that no person or persons, resident in the County, or being a competitor or competitors for any premium at such exhibitions, shall act as a judge or judges.

IX. And be it enacted, That the President, (or in case of his death or absence, the Vice-President,) elected at the time of the election of the Members of the Society, shall be bound to announce the then next ensuing election, in the manner prescribed by the second section of this Act: Provided always, that it shall be lawful to re-elect the President, and all or any of the Members elected at any preceding election.

X. And be it enacted, That there shall also be in each of the following Districts, that is to say, in the District of Montreal, in the District of Three-Rivers, (which, for the purposes of this Act, shall include the District of St. Francis,) and the District of Quebec, a District Agricultural Society, to be constituted in the manner hereinafter mentioned.

XI. And be it enacted, That each County Agricultural Society in any District, shall be in its turn, and for one year at a time, the District Agricultural Society for the District in which such County is situate, and its Office Bearers shall be the Office Bearers of such District Society.

XII. Provided always, and be it enacted, That the County Agricultural Society of longest standing in each District, shall be the District Agricultural Society thereof, from the passing of this Act until the month of February, one thousand eight hundred and forty-six, from which time until the month of February, one thousand eight hundred and forty-seven, the County Agricultural Society of next longest standing shall be the District Agricultural Society; and so on, each of the said County Societies becoming in its order of seniority, and for one year, the District Society, and commencing and proceeding again as often as the whole number shall be gone through: Provided also, that if at any time any doubt shall arise as to which County Society is to be the District Society for the then present or the then next year, according to the true intent and meaning of this Act, the Governor of this Province shall decide the question, and his decision shall be conclusive.

XIII. Provided also, and be it enacted, That no County Society shall, after the first day of February, one thousand eight hundred and forty-seven, be entitled to become a District Society as aforesaid, unless the subscriptions for the purposes thereof shall, during each of the two years then last past, have amounted to at least twenty-live pounds, currency.

XIV. And be it enacted, That it shall be lawful for the Governor of this Province, by Warrant under his hand, to be issued in the month of July in each year, to authorize the payment of the sum of five hundred pounds, currency, to the President of each District Society, for the time then being, out of any unappropriated monies in the hands of the Receiver General, which said sum shall be employed by such District Society for the purposes and according to the provisions of this Act: Provided always, that any balance in the hands of the Treasurer of any such Society at the time it shall cease to be the District Society, shall be forthwith paid over to the Treasurer of the then next District Society, for the purposes of such Society, who, if the same be not paid over, may recover the same at law, from the Treasurer or other person in whose possession it may be; and any money, property, books or accounts, in the hands of any Treasurer, or other Officer of any County or District Society going out of office, may be recovered from him in like manner by his successor in office.

XV. And be it enacted, That the monies hereby appropriated, as well as those raised by any Agricultural Society by subscription, shall be expended by such Society in premiums and rewards for excellence in the raising or introduction of grain, vegetable and other agricultural produce, or in the rearing or introduction of animals for agricultural purposes, or in the performance of any agricultural operations or labour, or in the invention, introduction or extended use of any improved agricultural implement or machine, or for any essay or treatise upon any assigned subject connected with agriculture, or for any other purpose connected with the encouragement of agricultural improvement, in such manner as to such Society may seem most expedient and best calculated for the attainment of the purposes of this Act: Provided always, that of the monies received under this Act by any District Agricultural Society, the sum of one hundred pounds, currency, and by any County Agricultural Society, the sum of fifty pounds, currency, may be annually appropriated for the importation of animals, grain or seeds of improved kinds; and such animals shall be in the charge and custody of the County or District Society, as the ease may be, for the time being, and shall be by them delivered over to the Society succeeding them: And provided also, that no single premium or prize shall exceed the sum of twelve pounds ten shillings, currency.

XVI. And be it enacted, That for the distribution of the prizes or premiums aforesaid, each Society shall appoint two Public Shows or Competitions in each year, neither of which shall last longer than two days, and one of which shall be in the month of September or October, and the other in the months, of January or February, within which months they shall be held at such time and at such places as the President of the Society shall appoint: Provided always, that nothing herein contained shall be construed to prevent the Society from giving a premium for any growing crop, or any work or thing to be done by any person on his own farm, or from inspecting and judging thereof on such farm.

XVII. Provided always, and be it enacted, That of each such Shows or Competitions, at least six weeks public notice shall be given by notice published in some one or more public newspapers in the District, and affixed on the door of each Church or place of Public Worship in the County, whereof the Minister is a Member of the Society, such notice containing a detailed statement of the premiums to be given, and the conditions of competition, and all other information requisite for the competitors.

XVIII. And be it enacted, That the judge or judges at each such Competition or Show, to be appointed by the President aforesaid, shall be guided by such Bylaws and Rules as the Society shall have made for that purpose; but such judges shall not be directly or indirectly competitors for any premium.

XIX. Provided always, and be it enacted, That such Society shall cause separate Pens to be erected at the place of competition for the competing animals, and free of charge upon the owners thereof; but the expense of providing such Pens shall not be paid out of any monies appropriated by this Act, or out of the subscriptions raised to obtain such monies.

XX. And be it enacted, That in every case where the animal obtaining a first premium shall have been imported from the United Kingdom, such premium shall be doubled.

XXI. And be it enacted, That no part of the monies appropriated by this Act, or received for subscription by any Agricultural Society, shall be paid for or on account of any salary or allowance to any Secretary, Officer or Writer, beyond an allowance to the Secretary from the premiums not exceeding five per cent, and the actual disbursements for Stationery, Printing, Postages, and all other Contingencies, shall not, in the whole, annually exceed the sum of twenty-five pounds, currency.

XXII. And be it enacted, That all Tolls paid at any Bridge or on any Road within the County, not belonging to any private party or Company, for any animal going to or returning from any such Show or Competition as aforesaid, shall be abated or refunded on the certificate of the President of the Agricultural Society for the County, that such animal was really one of the competing animals at such Show or Competition.

XXIII. And be it enacted, That each District or County Agricultural Society shall be and is hereby constituted a body politic and corporate by the name of "The District (or County) Agricultural Society, for the District (or County) of _____," (as the case may be,) and by that name shall have perpetual succession, and a Common Seal, and may sue and be sued, and in any acquire and hold personal and real property to the value of six hundred pounds, currency, and may from time to time dispose of such property, and acquire other property instead thereof, not exceeding the value aforesaid, and shall have such other corporate powers as may be necessary for carrying this Act into effect, but no other; and service of Process at the residence of the President, or Secretary of such Society for the time being, shall be valid service thereof upon such Society.

XXIV. And be it enacted, That the due application of the monies hereby appropriated, shall be accounted for to Her Majesty, Her Heirs and Successors, through the Lords Commissioners of Her Majesty's Treasury, in such manner and form as Her Majesty, Her Heirs and Successors, shall be pleased to direct.

XXV. And be it enacted, That immediately after the passing of this Act, all sums of money appropriated by any previous Act of the Provincial Legislature, for the encouragement of Agriculture, by means of premiums, and "which at the time shall be still in the hands of the Receiver General, shall cease to be applicable to the said object, and shall remain in the hands of the Receiver General of the Province, for the public uses thereof, except such sums only as shall at the time of the passing of this Act be lawfully due by any such Agricultural Society.

XXVI. And be it enacted, That the words "Governor of this Province," wheresoever they occur in this Act, shall include the Lieutenant-Governor, or person administering the Government; and that the words "Lower Canada" shall mean all that part of the Province which formerly constituted the Province of Lower Canada.

XXVII. And be it enacted, That this Act shall continue and be in force for four years from and after the passing of the same, and from thence until the end of the then next ensuing Session of the Legislature of this Province, and no longer.