

Laws of Her Majesty's Province of Upper Canada, passed in the year 1849. Montreal: Stewart Derbyshire & George Desbarats, 1849.

12 Victoria – Chapter 153

An Act to incorporate The Horticultural Society of Montreal. 30th May, 1849.

Whereas the establishment of a Society, in the City of Montreal, for the encouragement and advancement of Horticulture and the Arts and Sciences therewith connected, would greatly promote that branch of science: And whereas the persons hereinafter mentioned have associated themselves for the purpose of forming such a Society, under the name of The Canadian Horticultural Society, and have represented that they cannot effectually carry out the object they have in view without an Act of Incorporation vesting in them such powers as may be necessary for the purposes aforesaid, and have prayed that such Act be passed, and it is right and expedient to grant their prayer: Be it therefore 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 John S. McCord, L. Villeneuve, Honorable W. Badgley, Honorable A. N. Morin, George Desbarats, John Boston, George Shepherd, Taucrede Bouthillier, Joseph Savage, John Torrance, John Frothingham, S. Jones Lyman, William Lyman, Jas. Cowper, James Ferrier the younger, George Garth, and such other persons as are now Members of the Society aforesaid, together with all such persons as shall hereafter from time to time become Members of the Corporation hereby constituted, according to the provisions of this Act and of the By-laws of the said Corporation, shall be and are hereby declared to be a Body Corporate and Politic in name and in fact, by the name and style of The Horticultural Society of Montreal, and all corporate rights and powers which by any Actor Law are vested in bodies corporate generally, shall vest in such Corporation to all intents, constructions and purposes as if the same had been specially mentioned in this Act.

II. And be it enacted, That the said Corporation shall have power to acquire and hold real property to the extent of two thousand pounds in value, and no more, and the same, and also all their moveable property shall be held by the said Corporation for the purposes herein mentioned, or for other objects and uses legitimately connected with such purposes, and for no other.

III. And be it enacted, That all the property of the Society mentioned in the Preamble to this Act, moveable and immoveable, and all the rights, claims and debts active thereof, shall be transferred to and are hereby vested in the Society hereby incorporated, and all the liabilities and debts passive of the said first mentioned Society shall be and are hereby transferred to and shall be borne by the Society hereby incorporated, which shall be in the place and stead of the said first mentioned Society to all intents and purposes whatsoever.

IV. And be it enacted, That the By-laws of the said first mentioned Society, in so far as they may not be inconsistent with this Act, shall be the By-laws of the Corporation hereby created, until repealed or altered in (he manner hereinafter provided; and that the Officers of the said first mentioned Society shall be the Officers of the Corporation hereby created until others shall be appointed or elected in their stead, according to the By-laws of the Corporation.

V. And be it enacted, That the objects and purposes of the said Corporation shall be,—the improvement of the system of Horticulture and garden produce and of Horticultural implements,—the introduction of useful inventions applicable to Horticulture, and of such new plants and seeds as may he adapted to Lower Canada,—and also the diffusion of sound and useful knowledge on all subjects connected with Horticulture and the Sciences and Arts connected therewith,—the holding of Horticultural Shows and Meetings, and the awarding and giving of prizes at such shows and meetings, or for the doing of any thing relative to the objects aforesaid for which they shall think proper to award such prizes, and generally to do all such things as may he legitimately and fairly adapted to improve the science and practice of Horticulture.

VI. And be it enacted, That the affairs and property of the Society shall be managed by twenty Directors, to be elected every year by and from among the Members of the Corporation, and who shall, as soon as may be after their election, elect from among, themselves one President, four Vice-Presidents, a Secretary and a Treasurer, who shall remain in office until the next yearly election of Directors; and of the said Directors, any four of whom the President or one of the Vice-Presidents shall be one, at any meeting of the Directors held according to the By-laws of the Corporation then in force, shall be a *quorum* for the transaction of business of the Society, and any majority of such *quorum* may exercise all the powers hereby or by the By-laws of the Corporation vested in the Directors; and the said Directors may empower the President or any Vice-President to sign and the Secretary to countersign any *Acte* or Document, and to affix the Common Seal of the Corporation thereto; and any *Acte* or Document so signed and sealed shall he deemed the *Acte* of the said Corporation, nor shall the authority of the persons signing or affixing the Seal of the Corporation thereto, to sign or seal the same, be liable to be called in question except by the Corporation, or some Director thereof.

VII. And be it enacted, That the said Directors shall have full power to fill any vacancy which may exist or may happen among the Officers or Directors between the annual elections aforesaid, by electing or appointing such Officer or Officers from among themselves, and such Director or Directors from among the Members of the Corporation as the case may require.

VIII. And be it enacted, That all elections under this Act shall be by ballot, and the person or persons having the majority of votes of the persons present and entitled to vote at the election, shall (if duly qualified as Members) be deemed to be the person or persons elected.

IX. And be it enacted, That it shall be the duty of the Directors from time to time to frame such By-laws as they shall deem best adapted to advance the interests of the Corporation, and the object for which it is established,—and to submit the By-laws so framed to an annual or special general meeting of the Members of the Corporation by whom the same may be allowed,

disallowed or amended at such general meeting; and such By-laws as shall be passed at any such general meeting shall be put into writing, and signed by the person having presided thereat, and shall thereafter be binding on all Members and Officers of the Corporation until repealed or altered by other By-laws to be made and passed in like manner; and any copy of any By-law or By-laws, in print or in writing, purporting to be certified by the Secretary of the Corporation for the time being, and to bear the Seal of the Corporation, shall be *primâ facie* evidence of such By-law or By-laws to all intents and purposes, and in all Courts and places whatsoever.

X. And be it enacted, That by such By-laws the said Corporation may assign to the Directors any power not inconsistent with this Act hereby vested in the Corporation, and may direct the manner in which such powers shall be exercised, and may appoint the times and places of the annual general meetings of the Corporation, the mode of calling special general meetings, and the mode of auditing and examining the accounts of the Corporation, and may appoint the Common Seal and motto or device thereof.

XI. And be it enacted, That the said Corporation shall annually, during the three first weeks of each Session of the Provincial Legislature, lay before the Governor and each House thereof, a report of their doings under the authority of this Act since their then last report.

XII. And be it enacted, That this Act shall be a Public Act, and as such shall be judicially noticed by all Judges, Justices of the Peace and others, without being specially pleaded.