

Laws of Her Majesty's Province of United Canada, passed in the year 1851. Quebec: Stewart Derbyshire and George Desbarts, 1852.

16 Victoria – Chapter 11

An Act to provide for the establishment of a Bureau of Agriculture, and to amend and consolidate the Laws relating to Agriculture. 10th November., 1852.

Whereas the improvement of Agriculture is an object of great importance to the people of this Province, and whereas the erection of Central Boards and the organization of Local Societies have been found eminently useful in promoting such improvement, but in the absence of a suitable provision for the collection and dissemination in an authentic form of facts and statistics relating to Agriculture, the full benefit of these Associations is not attained, and it is therefore expedient to provide for the establishment of a Bureau of Agriculture in connection with one of the Public Departments; and it is also expedient to amend and consolidate the laws now in force relating to Agriculture: 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 from and after the passing of this Act, the Act passed in the Session held in the tenth and eleventh years of Her Majesty's Reign, and intituled, *An Act to incorporate The Lower Canada Agricultural Society*, and the Act passed in the same Session, and intituled, *An Act for the incorporation of The Agricultural Association of Upper Canada*, and the Act passed in the Session held in the thirteenth and fourteenth years of Her Majesty's Reign, and intituled, *An Act to establish a Board of Agriculture in Upper Canada*, and the Act passed in the Session held in the fourteenth and fifteenth years of Her Majesty's Reign, and intituled, *An Act to provide for the better organisation of Agricultural Societies in Upper Canada*, shall be, and the same are hereby repealed, but all Agricultural Societies, Associations and Boards of Agriculture incorporated or otherwise, which have been lawfully organized or established under the said Acts, or any, or either of them, shall continue as if the said Acts were still in force, except in so far as such Societies, Associations or Boards may be altered or affected by this Act.

Bureau of Agriculture.

II. It shall be lawful for the Governor in Council to establish and organize a Bureau of Agriculture, which shall be attached to one of the Public Departments, and the Head of such Department shall be charged with the direction of the said Bureau, and shall in respect thereof be known as the Minister of Agriculture.

III. The said Minister shall be *ex officio* Member of all Boards of Agriculture which now are or hereafter may be established in this Province. It shall and may be lawful for the Members of the Board of Agriculture to elect, from among themselves a President and Vice President at their first meeting and every annual meeting thereafter.

IV. The said Minister shall also receive all applications, drawings, descriptions, specifications and models for or relating to Patents for Inventions in this Province, and shall keep the records thereof; and all Acts now in force relating to Patents for Inventions and which direct any thing to be done by or through the Provincial Secretary, shall be held to have directed the same to be done by or through the said Minister.

V. The said Minister shall also be a Member of the Board of Registration and Statistics, in the place of the Inspector General and shall be the Chairman thereof, and shall under the general direction of the said Board, have charge of the Census and other Statistical Returns.

VI. It shall be the duty of the said Minister to institute inquiries and collect useful facts and statistics relating to the Agricultural interests of the Province, and to adopt measures for disseminating or publishing the same in such manner and form as he may find best adapted to promote improvement within the Province, and to encourage immigration from other Countries; and he shall annually prepare and submit to Parliament within ten days after the opening of each Session thereof a detailed and succinct Report of his proceedings.

VII. All Boards of Agriculture, Agricultural Societies, Associations, Municipal Councils, Mechanics' Institutes, Public Institutions, and Public Officers in this Province, shall promptly answer official communications from the said Bureau of Agriculture, and shall make diligent efforts to supply correct information on all questions submitted to them respectively; and any Officer of any such Board, Society, Association, Council, or other Public Institution who shall refuse, or wilfully neglect to answer any question, or to furnish any information relating to the Agricultural interests, or the Statistics of this Province, whenever required so to do, either by the said Minister, or by any person duly authorized by such Minister in that behalf shall for every such offence incur a penalty of ten pounds currency, which penalty shall be recoverable by any person suing for the same before any Court of competent jurisdiction and shall be paid to Her Majesty.

Boards of Agriculture.

VIII. Whereas a Board of Agriculture has been established in Upper Canada under the authority of an Act of the Legislature of this Province, intituled, *An Act to establish a Board of Agriculture in Upper Canada*, and it is expedient to provide for the establishment of a similar Board in Lower Canada, and to simplify and reduce into one Act all provisions for the future operation and management of the said Boards respectively — Be it enacted, That it shall be lawful for the Governor in Council to constitute and appoint a Board of Agriculture for Lower Canada, to be composed of eight Members, exclusive of the *ex officio* members thereof; and it shall be the duty of the Lower Canada Agricultural Society established under and by virtue of the Act tenth and eleventh Victoria, chapter sixty hereby repealed, to take immediate steps to wind up its affairs, and so soon as the said Board shall be constituted, all the property moveable and immoveable which may remain and belong to the said Society after payment of its just debts, shall be transferred to and become the property of the said Board, and all actions or suits now pending or

which may be brought by or against the said Society before the said Board shall be constituted, shall proceed to termination as if the said Act tenth and eleventh Victoria had not been repealed.

IX. The Presidents, for the time being, of the Agricultural Associations hereinafter mentioned, and all Professors of Agriculture in chartered Colleges, Universities and other public educational institutions, shall respectively be Members *ex officio* of the Board for that section of the Province in which they reside.

X. Four Members of each Board shall annually retire and cease to be Members thereof, unless re-elected; and the names of the first four Members, who shall so retire, shall on or before the First day of October, in the year of our Lord one thousand eight hundred and fifty-three, be ascertained by lot in such manner as the said Boards may respectively determine, and the names of the retiring Members shall forthwith be published in the Agricultural Journals of the section of the Province in which they reside.

XI. The remaining Members (except *ex officio* Members who shall be exempt from the operation of this and the previous section) shall vacate their seats at the expiration of a year from the retirement of the said first four Members, and so on in rotation, each seat being vacated every alternate year, but retiring Members may continue to exercise all their functions until their successors have been duly elected as hereinafter provided.

XII. The County Agricultural Societies in Upper and Lower Canada respectively, shall, at their annual Meetings in February, in the year of Our Lord, one thousand eight hundred and fifty-four, and at each annual Meeting thereafter, nominate four fit and proper persons to be Members of the said Boards of Agriculture respectively, and shall forthwith transmit the names of the persons so nominated to the Bureau of Agriculture, and the four persons who shall have been nominated by the greatest number of Societies shall be Members of the said Boards respectively, in the place of the Members vacating their seats as aforesaid. Vacancies which may at any time happen through death, resignation or otherwise, may be filled up by the Governor in Council.

XIII. In case of an equality of votes for one or more of the persons so nominated, the Minister of Agriculture shall decide which shall be the Member, and he shall cause the persons so nominated, and the Boards to which they are nominated respectively, to be immediately notified of the result.

XIV. It shall not be lawful for either of the said Boards to pay or allow any sum to a Member thereof, for acting as such Member, except the amount of his actual necessary expenses in attending the regular meetings of the Board, but each of the said Boards may appoint a Secretary from among themselves or otherwise, and may pay him a reasonable salary for his services.

XV. The regular Meetings of the said Boards shall be held pursuant to adjournment, or be called by the Secretary at the instance of the President or Vice-President, or upon the written request of any three Members, and at least five days' notice of such Meeting shall be given to each Member, and it shall be lawful for the Board, in the absence of the President and Vice-President, to appoint a Chairman *pro tempore*, and five Members shall be a *quorum*.

XVI. It shall be the duty of the said Boards to receive the Reports of Agricultural Societies, and before granting the certificates hereinafter mentioned, to see that they have complied with the law; to take measures, with the approbation of the Minister of Agriculture, to procure and set in operation a model, illustrative or experimental farm or farms in their respective sections of the Province, and in connection with any public school, college or university, or otherwise, and to manage and conduct the same; to collect and establish, at Toronto and Montreal respectively, an Agricultural Museum and an Agricultural and Horticultural Library; to take measures to obtain from other countries animals of new or improved breeds; new varieties of grain, seeds, vegetables or other agricultural productions; new or improved implements of husbandry or new machines which may appear adapted to facilitate agricultural operations; and to test the quality, value and usefulness of such animals, grain, seeds, vegetables or other productions, implements or machines, and generally to adopt every means in their power to promote improvement in the agriculture of this Province; and the said Boards shall keep a Record of their respective transactions, and shall from time to time publish, in such manner and form as to secure the widest circulation among the Agricultural Societies and farmers generally, all such Reports, Essays, Lectures and other useful information as the said Boards respectively may procure and adjudge suitable for publication; and, if the said Boards or either of them shall publish a monthly Journal, or adopt as their channel of communication with Agricultural Societies the Agricultural Journals now published in Upper and Lower Canada respectively, it shall be the duty of all Agricultural Societies receiving any share of the Public Grant to give at least one month's notice of the time and place of holding their Exhibitions in the Journals so published or adopted by the said Boards respectively.

XVII. The said Boards shall transmit to the Bureau of Agriculture a copy of all their resolutions, By-laws or other formal proceedings, immediately after the adoption thereof, and every resolution, By-Law, or other proceeding of the said Boards, respectively which may involve an expenditure of money to an amount exceeding ten pounds, shall not be passed except with the assent of a majority of the members thereof.

XVIII. Each of the said Boards shall be and become a Body Corporate, and shall have power to acquire and hold land and personal property, and to sell, lease or otherwise dispose of the same.

Agricultural Associations.

XIX. Whereas an Agricultural Association has existed for some time past in Upper Canada, and by means of annual exhibitions of the productions of that section of the Province, has effected much good and whereas it is expedient to organize a similar Association in Lower Canada, and to make provision for the future support and management of the said Associations: Be it therefore enacted as follows:

The Members of the Boards of Agriculture, the Presidents and Vice-Presidents of all lawfully organized County Agricultural Societies, and all subscribers of Five Shillings annually, shall in their respective sections of the Province, be and constitute an Agricultural Association for that section.

XX. The Members of the Board of Agriculture and the Presidents and Vice-Presidents of County Societies, (or any two Members whom a County Society may have appointed Directors instead of its President and Vice-President) shall be the Directors of such Agricultural Association, and it shall be lawful for the Agricultural Association to elect a Treasurer.

XXI. The said Associations shall each hold an Annual Fair or Exhibition, which shall be open to competitors from any part of the Province, and the said Directors shall hold an annual meeting during the week of the annual Exhibition, and may at such meeting elect a President and Vice-Presidents, and appoint the place for holding the next meeting and Exhibition of the Association, and may make rules and regulations for the management of such Exhibition, and may appoint a local Committee at the place where such Exhibition is appointed to be held, and prescribe the powers and duties of the said Committee.

XXII. The Board of Agriculture shall be the Council of the Association, with full power to act for and on behalf of the Association between the annual meetings thereof, and all grants of money, subscriptions, or other funds made or appropriated to or for the use of the Association, (except money collected by or granted to any local Committee for the local expenses of an Exhibition) shall be received by and expended under the direction of the said Board, and the Secretary of the Board shall be *ex officio* Secretary of the Association.

XXIII. All contracts and all legal proceedings by, with, or concerning the Association, shall be made and had with the Board of Agriculture in its Corporate capacity, and no other contracts, agreements, actions or proceedings shall bind or affect the Association.

XXIV. It shall be lawful for the Municipality of any City, Town, Village, County, Township or Parish in this Province, to grant money in aid of the Agricultural Association for that part of the Province to which the Municipality belongs.

Agricultural Societies, Upper Canada.

XXV. Whereas the Act to provide for the better organization of Agricultural Societies in Upper Canada, passed during the now last Session, requires some amendments, and it is expedient to re-enact the same, and to embody therein the said amendments; Be it therefore enacted as follows:

County Societies.

A County Agricultural Society may be organized in each of the Counties of Upper Canada, whenever fifty persons shall become Members thereof, by signing a Declaration in the form of the Schedule A to this Act annexed, and subscribing each not less than Five Shillings annually to the Funds of the said Society, and a true copy of the said Declaration shall within one month after being so signed be transmitted to the Board of Agriculture.

XXVI. The object of the said Societies, and of the Township or Branch Societies in connection therewith, shall be to encourage improvement in Agriculture, 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 the Province; by importing or otherwise procuring Seeds, Plants and Animals of new and valuable kinds; by offering prizes for Essays on 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, and generally for excellence in any Agricultural Production or Operation; and it shall not be lawful to expend the Funds of the Societies, derived from- subscriptions of Members, or the Public Grant, for any object inconsistent with those above mentioned; and the Directors of every such County Society at any meeting which shall be called by written notice as hereinafter mentioned, and in which notice the object of the meeting shall have been specified, shall have full power to make, alter and repeal By-laws and Rules for the regulation of such Society and the carrying out of its objects.

XXVII. The said Societies shall hold their annual Meeting in the month of February in each year, and shall at such Meeting, elect a President, two Vice-Presidents, a Secretary and Treasurer, and not more than seven Directors.

XXVIII. The Presidents of the several Township Agricultural Societies, within the County, shall, in addition to those before mentioned, be *ex officio* Directors of the County Society, and the said Officers and Directors 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 County Society by this Act.

XXIX. The Meetings of the Officers and Directors shall be held pursuant to adjournment, or called by written notice to and given by authority of the President, or in his absence the Senior Vice-President, at least one week before the day appointed; and at any Meeting five shall be a *quorum*.

XXX. 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 set opposite his name, the names of all persons to whom Premiums were awarded, the amount of such Premiums respectively, and the name of the Animal, Article or thing in respect of 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 said 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 a Vice-President, as being a correct entry, and a true copy thereof certified by the President or Secretary for the time being, shall be sent to the Board of Agriculture, on or before the first day of April following.

XXXI. The County Society shall receive the Reports of the Township or Branch Societies, and shall transmit them to the Board of Agriculture, with such remarks thereon as may enable the said Board to obtain a correct knowledge of the progress of Agricultural Improvement in the County.

XXXII. It shall be the duty of the said Officers and Directors to answer such queries, and give such information as the Board of Agriculture, or Minister 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 recommendations of the said Board.

Township Societies.

XXXIII. A Township or Branch Agricultural Society may be organized in each Township of any County, or in any two or more Townships together, whenever a sufficient number of persons shall become Members, by signing a declaration in the form of the Schedule A. to this Act annexed, and subscribing each not less than Five Shillings annually to the funds thereof, to raise an aggregate sum of not less than Ten Pounds, and a true copy of the said Declaration certified by the President or Vice-President of such Society, shall be forthwith transmitted to the County Society.

XXXIV. The said Societies shall hold their Annual Meeting in the month of January in each year, and shall elect a President, Vice-President, Secretary and Treasurer, and not fewer than three or more than nine Directors.

XXXV. The said Officers and Directors shall prepare and present to the Annual Meeting of the Society, a Report of their proceedings during the year, in the same manner as hereinbefore directed for County Societies, and containing information under the same heads; and shall transmit a true copy thereof, certified by the President or Vice-President, to the Secretary of the County Society, in time for the Annual Meeting thereof in the month of February.

General Provisions.

XXXVI. The Exhibition of the County Society shall be held at the County Town, but it shall be lawful for the Directors of the County Society, from time to time if they think fit, on the Petition of the Directors of the Society, of any Township (or Townships united for the purposes of this Act) other than the Township in which the County Town stands to appoint an Exhibition of the County Society, to be held within such other Township or United Townships, and in such case the Township Society so petitioning, shall not hold an Exhibition for that year, but the same shall merge in the Exhibition of the County Society, and the Funds of the Township or Branch Society for that year's Exhibition, shall be paid over to the Treasurer of the County Society: Provided that any Township or Branch Society shall not forfeit any right to a share of the Public Grant for not making a full Report for such year; Provided also, that the Directors of the Society of the Township in which the County Exhibition shall be held, shall for that year be *ex officio* Directors of the County Society.

XXXVII. When the President and Secretary of the Board of Agriculture shall certify to the Minister of Agriculture, that any County 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 the Schedule B to this Act annexed, and may be sworn to before any Justice of the Peace who is hereby authorized to receive the same, stating the amount subscribed for that year, and paid to the Treasurer of the County Society by the Members thereof, and by the several Township Societies of the said County, it shall be lawful for the Governor of this Province to issue his Warrant in favor of such County 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-five Pounds be first subscribed and paid to the Treasurer; and provided that the whole amount granted to any County Society, shall not exceed Two hundred and fifty pounds in any year; and provided also that it shall not be necessary that any County Society should have sent Reports and Statements as above mentioned to the Board of Agriculture, in order to obtain the Government allowance under this section for the first year in which it shall be established, but it shall be sufficient that such Society has complied with the other requirements of this Act.

XXXVIII. Provided always, That in the case of Counties united for judicial purposes, a County Society may be formed for the said United Counties, or for any one or two of such Counties, but the amount granted from the Public Fund to the Society for any two of such United Counties, shall not exceed two hundred and fifty pounds, and the amount granted to the Society for any one of the said United Counties, shall not exceed one hundred and fifty pounds.

XXXIX. Every Township or Branch Society, organized according to this Act, and sending a report of its proceedings to the County Society, as hereinbefore required, shall be entitled to a share of the grant to the County Society, in proportion to the amount which shall have been subscribed by the Members of such Township or Branch Society, and deposited with the Treasurer of the County Society, on or before the first day of May, in each year, as compared with the amounts so deposited by the other Township and Branch Societies of the said County; and the sum so deposited by any Township or Branch Society shall be repaid, along with its share of the Public Grant, so soon as the said grant shall have been received by the County Society: Provided always, that not more than three fifths of the sum so received by any County Society shall be subject to division among Township or Branch Societies; And provided that the declaration mentioned in section thirty-four, shall be deemed a sufficient report for the first year in which any Township or Branch Society may have been organized; And provided, that nothing in this Act contained shall be construed as admitting any Member of a Township Society in virtue of his subscription thereto, and without further subscription to the County Society to any of the privileges of a Member of such County Society.

XL. The Board of Agriculture shall receive from government, and pay over to the County Societies, the Public Grants to which they are respectively entitled, 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.

XLI. Any Treasurer or other Officer of any County, Township or Branch Society, who shall make affidavit 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, shall forfeit and pay to Her

Majesty the sum of Ten Pounds for every such offence, and shall be guilty of perjury and be held liable to all the penalties with which the law may visit that crime.

XLII. The several County Societies organized according to the provisions of this Act, or of the said Act of the 14th and 15th Victoria, intituled, *An Act to provide for the better organization of Agricultural Societies in Upper Canada*, shall be and become Bodies Corporate, with power to acquire and hold land as a site for Fairs and Exhibitions, or for a School Farm, and to sell, lease, or otherwise dispose of the same; and any; Township or Branch Society lawfully organized as aforesaid, may at any regular Meeting adopt a Resolution that the said Society is desirous of being incorporated, and upon filing the said resolution with the Secretary of the Board of Agriculture, such Society shall thenceforth be and become a Body Corporate, and shall have like powers with County Societies.

XLIII. It shall and may be lawful for any County or Township Society, or the Municipal Council of any County or Township of Upper Canada, to purchase and hold land for the purpose of establishing a School-Farm to instruct pupils in the science and practice of Agriculture, and any Society and any Municipal Council may purchase and hold such School-Farm conjointly or otherwise, and may conjointly or otherwise make all necessary rules and regulations for the management thereof, provided that not more than one hundred acres of land shall be so held by any Society or Council, whether conjointly or otherwise.

Schedule A.

We, whose names are subscribed hereto, agree to form ourselves into a Society, under the provisions of the Act of the Legislature, (title and date of this Act,) to be called the "County (Township or Branch, as the case may be,) Agricultural Society of the County of _____" (or Township of _____); and we hereby severally agree to pay to the Treasurer yearly, while we continue Members of the Society, (any member being at liberty to retire therefrom upon giving notice in writing to the Secretary, at any time before the annual meeting, of his wish so to do,) the sums opposite our respective names, 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 Township of _____, Treasurer of the County Agricultural Society of _____, make oath and say, that the sum of _____ has been paid into my hands, since the first day of February last, by the Township Agricultural Societies of the said County, as and for the Members' subscription for this year; and that the sum of _____ has been paid into my hands, as subscriptions for this year, by members of the said County Society; and that the said sums, making in the whole the sum of _____, now remain in my hands, ready to be disposed of, according to law.

Sworn to before me
this _____ day of _____ }
A. D. 185____. }