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272.

3rd Session, 3rd Parliament, 13 & 14 Victoria, 1850.

X.

AGRICULTURAL BILL

AN ACT to Establish a Board of Agriculture, and to provide for the better organization of Agricultural Societies in Upper Canada.

Received and read a first time, Friday, 2nd August, 1850.

Second reading, Saturday, 3rd August, 1850.

HON. MR. LESLIE.

(250 Copies.)

PRINTED AT "THE GLOBE" OFFICE.

BILL.

AN ACT to establish a Board of Agriculture, and to provide for the better organization of Agricultural Societies in Upper Canada.

WHEREAS the improvement of Agriculture is an Preamble, object of the first importance to the people of this Province; and whereas the establishment, by law, of a Board of Agriculture in Upper Canada to collect and disseminate statistical and other useful information concerning the agricultural interests and resources of the country, and the making provision for the better organization of Agricultural Societies in that part of the Province, would greatly promote such improvement, and it is expedient to repeal the laws now in force, in Upper Canada, relating to Agricultural Societies, and to consolidate such provisions thereof as have been found effective, with the amendments which the establishment of the said Board will render necessary;

Be it therefore enacted by &c.,

That the Act of the Legislature of this Province, passed in the eighth year of Her Majesty's reign intituled "An Act for the encouragement of Agricultural Societies and Agriculture in Upper Canada," and such parts of the Act of the said Legislature passed in the tenth and eleventh years of Her Majesty's reign intituled "An Act for the incorporation of the Agricultural Association of Upper Canada," as are inconsistent with this Act, be, and the same are hereby repealed; provided that the proceedings of the said Association and of Agricultural Societies for the current year shall not be interrupted or affected by such repeal.

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BOARD OF AGRICULTURE.

I. Be it enacted, That a Board of Agriculture shall be established in Upper Canada, and may consist of ten members, of whom five shall be a quorum.

Who shall be
ex-officio
members of
the Board.

II. And be it enacted, That the Inspector General of the Province and the Professor of Agriculture in the University of Toronto, shall be ex-officio members of the said Board.

Chairman to
be elected an-
nually by the
Board.

III. And be it enacted, That the Chairman of the said Board shall be elected annually by the members thereof, which election shall be made at the first regular meeting held after the presentation of the Annual Report hereinafter mentioned; provided that the first Chairman may be elected at the first meeting of the members of the Board.

Mode of first
election of the
other seven
members of
the Board.

IV. And be it enacted, That the other seven members of the Board shall be chosen as follows:—The Directors of each County Agricultural Society in Upper Canada, organized according to the provisions of this Act shall at their first regular meeting next after the annual meeting of the Society, elect seven persons residing in the vicinity of, or at convenient distances from the City of Toronto, to be members of the said Board of Agriculture, and their names shall be entered in the journal of the Society, and the Secretary of the Society shall, within one week thereafter, transmit to the Provincial Secretary a list of the said names, certified by the President of the Society, or in his absence by one of the Vice-Presidents, and also by the Secretary, to be a correct list of the names of the persons so elected, to be members of the Board; and the Provincial Secretary shall in the month of June next after he shall have received six county lists, cause to be made a full list, to be called the "Board List," of all the names upon the several county lists, setting opposite each name the number of county lists on which the same shall be found, and placing those receiving a higher number of votes above those receiving a lower number of votes; and the seven persons who shall have received the greatest number of county votes shall be members of the said Board of Agriculture: and if it shall be necessary in order to fill up the Board to choose between persons having an equality of votes, the Provincial Secretary shall make such choice, and shall immediately notify the several members of their election, and name the day for their first meeting. And the said Board List and County Lists shall, after the election of the first Board be transferred to the Secretary of the Board of Agriculture, and together with all future lists shall at all times, during office hours, be open to inspection.

V. And be it enacted, That any person elected to be a member of the said Board, shall be liable to serve during his term, unless he shall signify his refusal to act by written notice to the person who shall have notified him of his election, within ten days after receiving such notice of election, and in case of any such refusal to act the person next highest on the Board List, shall fill the vacancy caused thereby: Provided that if at the first, or any future election, so many refuse to act, that a full Board cannot be had from the persons nominated by the County Societies, it shall be lawful for the Governor in Council to fill up the Board.

Persons elected liable to serve, but may refuse within ten days after notice.

Proviso.

VI. And be it enacted, That the retiring Directors and Officers of the County Societies at the next annual meeting but one of the said Societies, after the election of the first Board, and at each annual meeting thereafter, shall elect two persons in the same manner as is hereinbefore provided for the election of the first members, and shall transmit a list of their names properly certified to the Secretary of the Board of Agriculture, and the two persons who shall have received the greatest number of county votes, or in case of an equality of votes for more than two persons, the two whose surnames begin with letters standing highest in the alphabet, shall be members of the said Board; and their names placed at the top of the Board List, and the two members of the Board standing lowest on the Board List, shall thereupon retire, unless re-elected.

Provision for subsequent elections of members of the Board.

VII. And be it enacted, That if any member of the Board elected as aforesaid, and who shall not within ten days after notice of his election have refused to act as hereinbefore mentioned, shall neglect to attend the regular meetings of the Board twice in succession, without reasonable excuse, of which the Board shall judge, he shall, for every such neglect, forfeit and pay to the funds of the Board the sum of five pounds currency.

Member neglecting to attend two meetings in succession, to pay a fine of £5, unless excused.

VIII. And be it enacted, That it shall be lawful for the said Board, at any meeting from which the Chairman shall be absent, to appoint one of their number Chairman *pro-tempore*; and the said Board may also appoint a Secretary, who need not be a member of the Board, and shall be *ex-officio* Secretary of the Provincial Agricultural Association, and shall have an office in the City of Toronto; and the said Secretary shall have charge of the books and papers of the Board, and shall perform such duties as the Board may direct.

Board may appoint a chairman *pro-tempore* and a secretary.

Time and mode of holding and calling regular meetings.

IX. And be it enacted, That the regular meetings of the Board shall be held pursuant to adjournment, or be called by the Secretary upon the advice of the Chairman, or upon the written request of any three members of the Board, in which latter case the special object of the meeting shall be stated by the members requesting a meeting, and in all cases, besides a written notice to each member of the Board, a notice of each meeting shall be published in some public newspaper in Toronto, at least ten days before the day of such meeting; and the Chairman and members elected as aforesaid, shall be entitled to be repaid out of any of the funds at the disposal of the Board their necessary expences actually incurred in coming to, attending at, and returning from, the regular meetings of the said Board; provided that the amount paid to any member on account of such expenses shall not exceed the sum of 5
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in any one year.

Chairman and members to be paid their expences for such meetings.

Who shall be Directors and Council of the Provincial Agricultural Association.

X. And be it enacted, That the members of the Board elected as aforesaid, and the Presidents of the several County Societies, shall be the Directors of the Provincial Agricultural Association; and the said Board shall be the Council of the Association, and may have and exercise all the powers of the Directors thereof, in the interval between the annual meetings of the said Directors. 20

Board to collect information, &c., and report annually to the Legislature.

XI. And be it enacted, That it shall be the duty of the said Board to examine into, and collect information upon, such questions as concern the agricultural interests of the Province, and to take such means as they may think best to promote those interests. And they shall prepare yearly a report of their transactions, together with such extracts from the reports of the County and Township Societies, and such of the proceedings of the Provincial Agricultural Association, as the Board may deem interesting and useful to the public: and the said report with the suggestions and recommendations of the Board shall at the Session then next be laid before Parliament and published in such manner as the Legislature may direct. 25
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Board to prepare plans of illustrative farm, &c.

XII. And be it enacted, That it shall be the duty of the said Board to prepare as soon as practicable, and present to the Legislature a plan for establishing an experimental or illustrative farm in connection with the Chair of Agriculture in the University of Toronto, or in connection with the Normal School, or otherwise, as they may deem best; and to make any recommendations they may think expedient for extending agricultural education throughout the Province. 40
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COUNTY SOCIETIES.

XIII. And be it enacted, That 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.

Organization of County Agricultural Societies.

XIV. And be it enacted, That 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 practise of improved husbandry, by promoting the circulation of the agricultural periodicals published in the Province, by importing 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 membership, or the public grant, for any object inconsistent with those above mentioned.

Object of County and Township or Branch Societies.

XV. And be it enacted, That the said County Society shall hold its 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 five Directors.

Annual meeting and election of Officers of County Society.

XVI. And be it enacted, That the Presidents of the several Township Agricultural Societies shall 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, exercise all the powers vested in the County Society by this Act.

Who shall be the Directors of the County Society.

XVII. And be it enacted, That the meetings of the Officers and Directors shall be held pursuant to adjournment, or called by written notice to each, at least one week before the day appointed; and at any such meeting five shall be a quorum.

Meetings and quorum of Officers and Directors.

Report of proceedings and statement of receipts and disbursements for the past year, to be laid before annual meeting.

XVIII. And be it enacted, That 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 and 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 Secretary of the Board of Agriculture on or before the first day of June following.

And certified copies thereof forwarded to Secretary of Board.

County Society to receive and transmit reports of Township or Branch Societies.

XIX. And be it enacted, That the County Society shall receive the Reports of the Township or Branch Societies, and shall transmit them along with its own report to the Secretary of 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 said County.

Duty of Officers and Directors.

XX. And be it enacted, That it shall be the duty of the said Officers and Directors to answer such queries, and give such information as the 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 recommendations of the said Board.

TOWNSHIP SOCIETIES.

Organization of Township or Branch Societies.

XXI. And be it enacted, That a Township or Branch Agricultural Society may be organised in each Township of any County, or in any two townships united, whenever twenty-five persons shall become members by signing a declaration in the form of Schedule A to this Act annexed and subscribing each not less than five shillings, annually to the funds thereof.

XXII. And be it enacted, That the said Society shall hold its annual meeting in the month of January in each year, and shall elect a President, Vice-President, Secretary and Treasurer, and three or more Directors.

Annual meeting and election of officers.

5 XXIII. And be it enacted, That 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 is hereinbefore directed, for County Societies and containing the same particulars, 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.

Annual report of proceedings to be prepared and presented, and copy transmitted to Secretary of County Society.

GENERAL PROVISIONS.

15 XXIV. And be it enacted, That when a County Society and Township Societies are organised in any county, it shall be lawful for the Directors of the County Society, if they think proper, to appoint the exhibition of the County Society to be held in any township, of the said county, and the society of the said township, or if two townships be united to form a society, the society of the said two townships shall not hold a show 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 the said 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.

Township Society's show to merge in exhibition of County Society when held in the Township

30 XXV. And be it enacted, That when the Chairman and Secretary of the Board of Agriculture shall certify to the Governor of the Province 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 Schedule B of this Act, and may be sworn to before any Justice of the Peace, who is hereby authorised to take 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 to issue his warrant in favor of such County Society, for a sum to be taken out of the

Public money to be advanced to County Treasurer, equal to three times the amount subscribed and paid to him for the year, but not to be less than £75, nor more than £250.

unappropriated monies in the hands of the Receiver General, equal to three times the amount appearing by the said affidavit to be then in the hands of the Treasurer; provided that no grant shall be made unless twenty-five pounds be first subscribed and paid to the said Treasurer; and provided that the whole amount granted to any County Society shall not exceed £250 a-year. 5

Fund to be apportioned between Township or Branch Societies having reported proceedings and subscribed.

XXVI. And be it enacted, That every Township or Branch Society, organised according to this Act, and sending a report of its proceedings to the County Society, 10 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 15 of July in each year; 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 granted 20 to any County Society, shall be subject to division among Township or Branch Societies.

Proviso.

Penalty for false certificate of subscription, &c.

XXVII. And be it enacted, That the Treasurer, or other Officer of any County, Township, or Branch Society, who shall certify that a subscription, or any sum of money, has 25 been paid to him for the Society, when it has not been so paid, or who shall pay back any such subscription, shall forfeit and pay to Her Majesty the sum of ten pounds for every such offence, and shall be guilty of a misdemeanor. 30

FAIRS OR MARKETS.

County or Township Fairs or Markets may be held.

XXVIII. And be it enacted, That it shall be lawful for the Officers and Directors of any County, Township or Branch Agricultural Society, organized according to this Act to appoint a Fair or Market to be held not 35 oftener than once a month at some specified place within their County, Township or Townships respectively for the sale of stock, agricultural produce and all other commodities whatsoever: Provided that at least one month's notice of the time and place of such fair or 40 market shall be given in some public newspaper, published in the same County, or if no such paper be published

Proviso.

therein, then in the newspaper which shall be published nearest to the said county.

XXIX. And be it enacted, That the said Fair or Market shall be as respects any thing that may be sold lawfully thereat, and which shall be sold in a public manner, between the hours of ten in the forenoon and five in the afternoon, a market overt; and the usual common law incidents shall attach to such sale; Provided always that the property in any animal, article or thing, proved to have been feloniously taken from the owner shall not be altered by any such sale.

Fair or Market to be inarket overt to a certain extent

Proviso.

XXX. And be it enacted, That it shall be lawful for the Officers and Directors of such Society, if they shall think proper, to fix a moderate toll to be paid by the seller of any article at such Fair or Market for the purpose of defraying the necessary expenses of holding the same: Provided that the amount of such toll shall be specified in the public notice hereinbefore required to be given, and any Justice of the Peace, on proof of a sale at such Fair or Market and refusal to pay the said toll, may issue his warrant against the seller, and levy the amount thereof by distress and sale of the seller's goods and chattels, as in ordinary cases of distress.

Tolls may be imposed on sales at Fairs.

Proviso.

XXXI. And be it enacted, That the word "County," as used in this Act, shall be held to include any two or more Counties united for judicial purposes.

Interpretation of the word "County"

SCHEDULE A.

We whose names are subscribed hereto, agree to form ourselves into a Society under the provisions of the Act of the Legislature 13 and 14 Vic., cap. , 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 said Society, (any member being at liberty to retire therefrom, upon giving notice in writing, at any time before the annual meeting to the Secretary of his wish so to do) the sums set 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 _____ } I, A. B., of the Township of _____
to Wit. } , 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 Town-
ship Agricultural Societies of the said County, as and for
the members' subscriptions for this year, and that the sum
of _____ has been paid into my hands as subscrip-
tions for this year by members of 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_____ }
Justice of the Peace for the } A. B.
County of _____ }