

1914

c 191 Cheese and Butter Exchanges Act

Ontario

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CHAPTER 191.

An Act respecting Cheese and Butter Exchanges.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title.

1. This Act may be cited as *The Cheese and Butter Exchanges Act*.

Incorporation of cheese and butter exchanges.

2.—(1) Any five or more persons each of whom shall be

(a) Engaged in the manufacture and sale of cheese or butter, or a member of some firm or partnership carrying on the business of manufacturing cheese or butter, or a person appointed in writing to represent any person, firm or partnership or the patrons of a factory so engaged, or

(b) A person elected or appointed by the shareholders of any cheese or butter manufacturing association or company, or

(c) Engaged in the business of buying cheese or butter for export or re-sale, or appointed in writing to represent any person, firm or corporation engaged in such business,

who desire to associate themselves together for the purpose of carrying on a cheese and butter exchange may make, sign and acknowledge before a notary public, a commissioner for taking affidavits, or a justice of the peace, in duplicate, and file in the office of the registrar of the registry division in which such exchange is to be carried on a certificate in writing, Form 1, or to the same effect, together with the rules and regulations signed by such persons respectively.

Certificate of Association.

(2) The signatures to the rules shall be verified by the affidavit of the subscribing witness thereto made before a notary public, justice of the peace or commissioner authorized to take affidavits, or before the registrar or deputy-registrar.

Verifying signature to rules.

(3) Before the filing of the certificate and rules they shall be approved by the Minister of Agriculture of Ontario in writing signed by him and endorsed thereon.

Approval of rules by Minister.

(4) Upon the filing of the certificate and rules, the persons signing such declaration and rules shall become a body corporate by the name described with the power to hold such land and other real and personal property as are

Corporate powers.

required for the convenient management of the business of such exchange. 62 V. (2), c. 20, s. 1.

3.—(1) The registrar shall, if desired by the person filing the certificate, endorse on the other duplicate certificate and upon the duplicate of the rules, certificates of the other duplicates having been filed in his office with the date of filing, and every such certificate shall be *prima facie* evidence of the facts set out therein and of the incorporation of the exchange. Endorsement of registrar—effect of as evidence.

(2) The certificate so to be filed shall designate the place where the business of the exchange is to be carried on. 62 V. (2), c. 20, s. 2.

4. The fees to be charged by the registrar for filing any certificate shall be fifty cents, and for every search relating thereto ten cents. 62 V. (2), c. 20, s. 3. Fees of registrar.

5. The rules to be filed as hereinbefore mentioned shall contain regulations respecting,— Rules, what to be dealt with.

- (a) The mode of convening general and special meetings of the members of the exchange; Meetings.
- (b) Provisions for the auditing of the accounts of the exchange. Audit.
- (c) The power and mode of withdrawal of members and the admission, suspension and expulsion of members; Admission, etc., of members.
- (d) The appointment of officers and their respective duties, including provisions for filling vacancies caused by death, resignation and other causes; Officers.
- (e) The mode of conducting the purchase and sale of cheese and butter at the exchange, and contracts for the purchase and sale thereof by members of the exchange; Conduct of business.
- (f) The inspection, weighing and shipment of cheese and butter and the time and mode of payment for cheese or butter bought or sold on the exchange; Inspection, etc., of cheese and butter.
- (g) Imposing penalties for the infraction of the rules of the exchange by members thereof; Penalties for infraction of rules.
- (h) The annual and other fees to be payable by members of the exchange; and Fees of members.
- (i) The settlement by arbitration of disputes respecting contracts made on the said exchange. 62 V. (2), c. 20, s. 4. Arbitrations.

Rules to bind members.

6. The rules of every exchange registered under this Act shall bind the exchange and members thereof to the same extent as if each member had subscribed his name and affixed his seal thereto, and all money payable by any member to the exchange in pursuance of any such rule shall be deemed to be a debt due from such member to the exchange and shall be recoverable by action. 62 V. (2), c. 20, s. 5.

Changes in rules not to take effect until approved by minister.

7. All rules made by the exchange may be repealed, altered or amended by other rules passed at any meeting of the members of the exchange specially called for that purpose, but no new rules shall have any force or effect until a copy, proved by the affidavit of the president or other head officer of the exchange to be a true copy of the rules passed by the members of the exchange at a meeting specially called for the purpose of considering the same, has been approved in writing endorsed thereon by the Minister of Agriculture and has been filed in the registry office in which the certificate of incorporation was filed. 62 V. (2), c. 20, s. 6.

Annual return to Minister of Agriculture.

8. The secretary, or other officer appointed for this purpose by any exchange incorporated under this Act, shall once in every year transmit to the Minister of Agriculture a list of the officers of such exchange and a statement of the business transacted by the exchange during the year in such form as the Minister may direct and on such schedules as he may provide. 62 V. (2), c. 20, s. 7.

FORM 1.

(Section 2.)

CERTIFICATE OF ASSOCIATION.

Province of Ontario, } We (insert names of subscribers not less than
to wit: } five) do hereby certify that we desire to
form an association pursuant to the provisions of *The Cheese and
Butter Exchanges Act*.

The corporate name of the Exchange is to be (insert name of the Exchange), and the name of the place (or places) where the operations of the said Exchange are to be carried on is (or are) (insert name of place or places where the operations of such Exchange are to be carried on).

Dated the _____ day of _____ (Signatures.)

On the _____ day of _____ A.D. 19 ____ before me personally appeared (insert names of subscribers to the certificate) to me known to be the individuals described in the foregoing certificate and they severally before me signed such certificate and acknowledged that they signed the same for the purposes therein mentioned.

A. B.,
Justice of the Peace, or
Commissioner for taking Affidavits, or Notary Public.