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c 15 Agricultural Societies Act

Ontario
CHAPTER 15

The Agricultural Societies Act

1. In this Act,

(a) "board" means the board of a society;

(b) "Department" means the Department of Agriculture and Food;

(c) "headquarters" means the place named as the headquarters in the declaration forming a new society or the place approved or named as the headquarters by the Minister or the place where a society held its last annual exhibition;

(d) "Minister" means the Minister of Agriculture and Food;

(e) "society" means an agricultural society organized under this Act or under any predecessor of this Act;

(f) "Superintendent" means the Superintendent of Agricultural Societies. R.S.O. 1960, c. 11, s. 1; 1970, c. 70, s. 1 (1).

2. The Minister may decide all matters of doubt or dispute arising in the operation or construction of this Act and his decision is final, subject to an appeal to the Lieutenant Governor in Council. R.S.O. 1960, c. 11, s. 2.

3.—(1) Subject to subsection 2, a society may be organized with headquarters at any place in Ontario.

(2) When it is proposed to organize a society with headquarters within twenty-five miles of an existing society, the officers of the existing society shall be afforded a reasonable opportunity to make recommendations to the Minister regarding the advisability of organizing the proposed society, and the Lieutenant Governor in Council may, upon the recommendation of the Minister, grant permission for the organization of the proposed society. R.S.O. 1960, c. 11, s. 3.

4. The mode of organization shall be as follows:

1. A declaration in the form prescribed by the Minister shall be signed by the persons who desire to organize a society, but such persons must be of the age of eighteen years or over and must reside within ten miles of the place designated in the declaration as the headquarters of such society.
2. The declaration shall be signed by at least sixty persons, but, in a provisional judicial district or provisional county, the number required to sign the declaration shall be forty.

3. Every person who signs the declaration shall pay to the person having charge thereof the sum of not less than $1 at the time of signing the declaration and all such sums of money become the property of the society upon its organization, but, where no society is organized, such sums shall be repaid to the persons entitled thereto.

4. Within one month after the required number of persons have signed the declaration, the declaration shall be forwarded to the Superintendent who may, with the approval of the Minister, authorize any person to call a meeting for the organization of the society.

5. Such organization meeting shall be held during the month of January, or at such other time as the Superintendent may authorize, upon at least two weeks notice published in a newspaper having a general circulation in the district surrounding the headquarters of the society and by mailing a notice by prepaid mail to each person who has signed the declaration.

6. At the organization meeting and at every annual and special meeting of a society, fifteen members shall form a quorum.

7. At the organization meeting there shall be elected a board of twelve directors who shall hold office until the next annual meeting or until their successors are elected, and such directors shall elect a president, a first vice-president and a second vice-president from among themselves.

8. The board shall consist of the directors and the president, first vice-president and second vice-president.

9. At the organization meeting there shall be elected two auditors who shall hold office until the next annual meeting.

10. A report of the organization meeting, certified by the president, the secretary and the organizer, containing a statement of the members and a list of the officers elected and appointed, shall be sent to the Superintendent within one week after the holding of the meeting. R.S.O. 1960, c. 11, s. 4.
5. — (1) Upon receipt of the report mentioned in paragraph 10 of section 4, the Superintendent, with the approval of the Minister, may declare such society to be a society within the meaning of this Act and such society shall bear the name designated in the declaration as the headquarters or such other name as is determined by the members and approved by the Minister.

(2) In case of a dispute as to the name of a society or in a case where in the opinion of the Minister the name of a society prejudicially affects the interest of another society, he may change the name of the society. R.S.O. 1960, c. 11, s. 5.

6. — (1) Every person is entitled to be a member of a society, but no person under eighteen years of age is eligible to vote at any meeting of the society or to hold office in the society.

(2) Subject to the by-laws of a society, a firm or an incorporated company may become a member thereof by the payment of the regular fee, but the name of one person only shall in any one year be entered as the representative or agent of such firm or company, and that person only shall exercise the privileges of membership in the society.

(3) In every society there shall be an annual membership fee of not less than $1. R.S.O. 1960, c. 11, s. 6.

7. — (1) Upon the recommendation of the Superintendent, the Minister may authorize any society to elect not more than six additional directors and not more than six junior directors not over twenty-six years of age.

(2) Where a society is authorized to elect more than twelve directors, it may elect all of its directors in rotation, but in that case no director shall be elected for a term of more than three years.

(3) Any society may appoint not more than six honorary directors, but no such honorary director is entitled to vote or take part in meetings of the board. R.S.O. 1960, c. 11, s. 7.

8. — (1) The objects of a society are to encourage interest, promote improvements in, and advance the standards of, agriculture, domestic industry and rural life by,

(a) surveying and studying the agricultural and living conditions and by doing such acts as may assist in solving the rural economic and social problems of the district surrounding the headquarters of the society;

(b) organizing and holding agricultural exhibitions and awarding premiums and exhibiting displays of farm products thereat;
(c) holding public meetings and demonstrations for the purpose of discussing agricultural problems;
(d) taking action to eradicate poisonous and noxious insects, weeds, animal parasites and diseases;
(e) encouraging and promoting reforestation and rural beautification;
(f) encouraging young people to become interested in and adopt better agricultural and domestic practices and for such purposes to hold competitions;
(g) holding races or trials of speed for horses.  R.S.O. 1960, c. 11, s. 8 (1); 1970, c. 70, s. 2.

(2) A society that expends any of its funds in a manner inconsistent with the objects set out in subsection 1 forfeits all claims to participate in any legislative grant.  R.S.O. 1960, c. 11, s. 8 (2).

9. — (1) Every society shall hold an annual meeting during the month of January at such time and place as the board determines or, subject to the approval of the Superintendent, at such other time and place as are fixed by the by-laws of the society.
(2) At any such meeting only those members who were members of the society during the previous year and who have paid the membership fee for the current year are entitled to vote.
(3) At least two weeks notice of every annual meeting shall be given by publication of a notice of the meeting in at least one newspaper having a general circulation in the municipality in which the headquarters of the society is situate and by mailing notices of the meeting to every member of the society at the address furnished to the secretary.
(4) Where a society fails to hold its annual meeting at the time mentioned in subsection 1, the Minister may appoint a time and place for holding it.  R.S.O. 1960, c. 11, s. 9.

10. At every annual meeting,
(a) the board shall present a report of the activities and accomplishments of the society since the last annual meeting and a detailed statement of the receipts and expenditures since the last annual meeting and a statement of the assets and liabilities of the society, certified by the auditors, in the form prescribed by the Minister; and
(b) the officers and other members of the board, including the auditors, shall be elected and appointed in the
manner provided by section 4 and any additional, 
honorary and junior directors shall be elected and 
appointed. R.S.O. 1960, c. 11, s. 10.

11.—(1) A statement of officers and members and a copy of 
the report and financial statement in the form prescribed by the 
Minister and certified by the president, secretary and treasurer, 
or secretary-treasurer and auditors to be true copies shall be 
forwarded to the Superintendent within one month after the 
holding of the annual meeting.

(2) The officers of every society shall, on or before the 1st day 
of March in every year, forward to the Superintendent a return in 
the form prescribed by the Minister verified by an affidavit of an 
officer of the society showing the amount expended during the 
previous year by the society for agricultural purposes. R.S.O. 
1960, c. 11, s. 11 (1, 2).

(3) Where a society exhibits a display of a farm product that is 
produced on a commercial basis or holds a field-crop or other 
competition and such display or competition is approved by the 
Superintendent, the officers of the society shall within ninety 
days thereafter forward to the Superintendent on a form supplied 
by the Department a statement showing the particulars of the 
display or the competition, the number of entries, and the 
expenses, including prizes awarded, in connection there- 
with. R.S.O. 1960, c. 11, s. 11 (3); 1970, c. 70, s. 3.

(4) Any officer of a society who wilfully makes a false state-
ment in any report or statement required to be furnished under 
this Act is guilty of an offence and on summary conviction is liable 
to a fine of not more than $100 or to imprisonment for not more 
than thirty days, but no prosecution under this subsection shall 
be commenced later than one year after the making of such report 
or statement. R.S.O. 1960, c. 11, s. 11 (4).

12. On the petition of thirty members of a society, the 
special secretary, and in his absence, the president or first vice-president, 
shall call a special general meeting for the transaction of the 
business mentioned in the petition and the meeting shall be 
advertised in the manner prescribed by subsection 3 of section 9 
and the advertisements shall state the nature of the business to be 
transacted. R.S.O. 1960, c. 11, s. 12.

13. The Minister may at any time require any society or any 
officer of a society to furnish such information regarding the 
society as he considers necessary or desirable and such informa-
tion shall be accompanied by an affidavit of all or any of the 
oficers of the society deposing to its accuracy. R.S.O. 1960, 
c. 11, s. 13.
14.—(1) In the event of failure to hold the annual meeting of a society in accordance with this Act, or in the event that the number of members of a society on the 1st day of September in any year is less than the number required for organization, the society is not entitled to receive any further legislative grant and shall be deemed to be dissolved, subject always to the direction of the Minister, and the persons comprising the board during the last year of the existence of the society shall be trustees of the assets of the society and shall forthwith deliver to the Superintendent a statement of the assets and liabilities of the society.

(2) Subject to the approval of the Minister, the Superintendent may direct the members of the board to pay the debts of the society out of the moneys and other assets remaining in their hands and to liquidate any of the assets for such purpose.

(3) Subject to the approval of the Minister, any moneys and other assets remaining after the payment of debts shall be disposed of by the board in such manner as they determine.

(4) When a society dissolves or ceases to exist, it may be reorganized mutatis mutandis in the manner prescribed by section 4. R.S.O. 1960, c. 11, s. 14.

15. A meeting of the board shall be called by the secretary upon the direction of the president, or in his absence by the first vice-president, or in the absence of the president and the first vice-president, by the second vice-president, or by any three members of the board, by sending notice thereof to all the members of the board at least seven days before the time fixed for the meeting, but a meeting of the board may be held without notice immediately following any annual, regular or special meeting of the society. R.S.O. 1960, c. 11, s. 15.

16.—(1) Subject to the by-laws and regulations of the society, the board has power to act for and on behalf of the society in all matters.

(2) Seven of the members of the board constitute a quorum.

(3) In the event of a vacancy occurring on the board by the death or resignation of any officer or director or otherwise, the remaining members of the board have power to appoint any member of the society to fill the vacancy, but, when three or more vacancies occur at the same time, the Superintendent may order the remaining members of the board to call a special general meeting of the society in the manner prescribed by section 9 and directors shall be elected and appointed at such meeting to fill the vacancies.

(4) The board, from among themselves, may appoint an executive committee of not more than five members to exercise and perform such of its powers and duties as the board prescribes.
(5) The board may appoint a manager to perform such of its powers and duties as it prescribes.

(6) The board, from among themselves or otherwise, shall appoint a secretary and a treasurer, or a secretary-treasurer, who shall remain in office during pleasure, and the secretary or secretary-treasurer shall be a member of every committee that is appointed by the board and may be appointed managing director acting under the control and with the approval of the board.

(7) No officer of a society, except the secretary, treasurer, secretary-treasurer or manager, shall receive any remuneration, but travelling and living expenses may be allowed to any officer while engaged in duties on behalf of the society and the board may fix such remuneration and travelling and living expenses, which shall be payable out of the funds of the society. R.S.O. 1960, c. 11, s. 16.

17. Subject to section 9, the board may determine what regular or special meetings of the society are to be held during each year. R.S.O. 1960, c. 11, s. 17.

18.—(1) The treasurer or secretary-treasurer of every society, before entering upon the duties of his office, shall give such security to the society, either by joint or several covenant with one or more sureties, in such form and for such amount as the board considers necessary for the faithful performance of his duties, and especially for the due accounting for and paying over of all moneys that come into his hands.

(2) It is the duty of the board in each year to inquire into the sufficiency of the security given by the treasurer or secretary-treasurer and to report thereon to the society, and, where the same treasurer or secretary-treasurer is reappointed from year to year, his re-appointment shall not be considered as a new term of office but as a continuation of the former appointment and any security given to the society for the faithful performance of his duties under such reappointment continues valid as against the parties thereto.

(3) If the board neglects to procure and maintain proper and sufficient security, each member thereof is personally responsible for all funds of the society that may have been received by the treasurer. R.S.O. 1960, c. 11, s. 18.

19.—(1) By-laws and regulations of a society may be made, adopted, amended or repealed at any organization, annual or regular meeting of the society or at a special meeting of which notice has been given in the manner provided by subsection 3 of section 9.
(2) The officers of a society may by their rules and regulations prohibit and prevent theatrical, circus or acrobatic performances, exhibitions or shows and may also regulate or prevent the huckstering or trafficking in fruit, goods, wares or merchandise on the exhibition grounds or within three hundred yards thereof on the day of an exhibition, and any person who, after notice of such rules and regulations, contravenes any provisions thereof is liable to be removed by an officer of the society or a constable and is liable to the penalties provided in this Act. R.S.O. 1960, c. 11, s. 19.

20.—(1) Every society is a body corporate with power to acquire and hold land as a site or as an enlargement of an existing site, and the society has and may exercise the like powers as to lands required for the enlargement of an existing site as in the case of lands required for the original site, for fairs and exhibitions, and, subject to the approval of a meeting of the society called for that purpose, may sell, mortgage, lease or otherwise dispose thereof or of any other property held by the society, but no lands of a society shall be mortgaged without the written approval of the Superintendent.

(2) At least two weeks previous notice of such meeting shall be given by advertisement in at least one newspaper having a general circulation in the area surrounding the headquarters of the society, and at such meeting only those persons are entitled to vote who are members for the current year and who were members for the two previous years. R.S.O. 1960, c. 11, s. 20.

21. Subject to the approval of the Minister, a society may expropriate land selected as a site for fairs and exhibitions or as an enlargement of an existing site, and approved therefor at a meeting of the society called for that purpose, in accordance with The Expropriations Act, and the provisions of that Act apply to any expropriation under this section. 1970, c. 70, s. 4.

22. Any township society and town or village municipality that had, before the 4th day of March, 1868, jointly purchased and held any land or building for the purpose of agricultural fairs or exhibitions may continue jointly to hold the land or building, or may sell, mortgage, lease or otherwise dispose thereof, subject to the approval of a meeting of the society as provided in section 20. R.S.O. 1960, c. 11, s. 22.

23. On the recommendation of the Minister, every society is entitled to receive a grant out of the moneys appropriated by the Legislature for that purpose on condition,

(a) that the number of paid-up members for the current year is not less than sixty, except in the case of societies
organized in provisional judicial districts and a provisional county where the number of paid-up members shall not be less than forty;

(b) that all reports and returns required by this Act have been made to the satisfaction of the Superintendent;

(c) that the annual meeting has been held as required and the officers elected in accordance with section 10;

(d) that the objects of the society as prescribed by section 8 have been strictly adhered to, and that none of the funds of the society, from whatever source derived, have been expended in any manner not in harmony with such objects; and

(e) that all other provisions of this Act have been complied with. R.S.O. 1960, c. 11, s. 23, amended.

24.—(1) Grants shall be paid to societies out of moneys appropriated for the purpose by the Legislature, except the moneys appropriated under sections 25 and 26, according to the following plan:

1. A newly-organized society, during the first three years of its existence, shall receive a grant each year equal to $1 per member up to 300 members.

2. Where a society complies with subsection 3 of section 11 and its statement is satisfactory to the Superintendent, it shall receive a grant equal to one-half the sum expended by the society, as shown by the statement of its expenditures, for the display or competition, but in no case shall the grant be more than $200 for a display or more than $75 for a competition.

3. Where a society complies with subsections 1 and 2 of section 11 and its statement is satisfactory to the Superintendent, it shall receive a grant equal to one-third of the average amount expended by the society during the three preceding years for agricultural purposes, as shown in the statements forwarded to the Superintendent, but,
   i. societies in provisional judicial districts and a provisional county shall receive their grants on the basis of double the amount of other societies, and
   ii. no society shall in any year receive a grant in excess of $1,500. 1961-62, c. 2, s. 1, amended.

(2) If the Superintendent, upon receiving proof on or before the 31st day of October in any year, by the joint affidavit of the president, secretary and treasurer or secretary-treasurer of an agricultural society, that rain or snow fell at the place of holding
an exhibition before 3 o’clock in the afternoon on any day during which the exhibition was held or that during the exhibition or within thirty days prior thereto one or more buildings on the exhibition grounds was destroyed by fire or storm, is satisfied that as a consequence of such weather or such destruction the gate receipts were less than the average gate receipts for exhibitions held by the society during three previous normal years, the society is entitled to receive a grant of not more than 90 per cent of the difference between the gate receipts of the current year and the average amount of the gate receipts of such three previous years, but no society shall in any year receive a grant in excess of $1,000 for any such loss in gate receipts. R.S.O. 1960, c. 11, s. 24 (2); 1970, c. 70, s. 5 (1).

(3) In the event of a society that has been organized for only two years suffering loss in gate receipts owing to wet weather, it shall receive a grant equal to 75 per cent of the difference between the gate receipts of the current year and those of the previous year, and, in case of loss of gate receipts from the above cause during the third year of a society’s existence, the grant shall be 75 per cent of the difference between the gate receipts of that year and those of the average of the two previous years, but no society shall in any year receive a grant in excess of $1,000 for any such loss in gate receipts. R.S.O. 1960, c. 11, s. 24 (3); 1970, c. 70, s. 5 (2).

(4) Where the moneys appropriated by the Legislature are insufficient to pay the grants under subsections 2 and 3, the grants shall be decreased pro rata. 1970, c. 70, s. 5 (3).

25. The money that is appropriated by the Legislature for the purpose of this section shall be divided among The Canadian National Exhibition Association of Toronto, The Central Canada Exhibition of Ottawa, and The Western Fair Association of London in proportion to the amount of money expended for agricultural purposes by such associations as mentioned in section 8, provided,

(a) that not more than $2,500 shall be paid to any such association;
(b) that returns have been made to the Superintendent similar to those prescribed by section 11 in a manner satisfactory to the Superintendent;
(c) that no other grants have been received under this Act; and
(d) that the Minister has approved such grant,

but no such society shall in any year receive a grant in excess of 50 per cent of the moneys appropriated by the Legislature for the purpose of this section for such year. R.S.O. 1960, c. 11, s. 25.
26. The Minister may make annual grants on account of capital expenditure to any society or class of society in such amounts and on such terms and conditions as the regulations prescribe out of such moneys as are appropriated therefor by the Legislature. R.S.O. 1960, c. 11, s. 26.

27.—(1) Any municipal council may grant or loan money or grant land in aid of any agricultural society formed within the limits of the municipality, or partly within the limits of such municipality and partly within the limits of other municipalities, or wholly within the limits of an adjoining municipality, when such society has made the returns required by this Act, but the total amount or value of the money or land granted or loaned by any municipality to an agricultural society under this section shall not exceed $5,000 in the case of a city, $2,000 in the case of a town, and $1,000 in the case of a village.

(2) If the grant is a loan of money to enable the society to acquire land, the municipality may hold the land so acquired or may take a mortgage thereon as security for the amount of the grant until the amount of the grant is repaid to the municipality.

(3) Any such municipality owning land or buildings for public purposes may make agreements on such terms and for such periods as it considers expedient with any company formed under chapter 196 of the Revised Statutes of Ontario, 1897, or under any enactment that may be substituted therefor, or with any agricultural society for the use of such land or buildings, or either of them, or for the privilege of erecting upon such land, subject to such terms as may be agreed upon, such buildings as it may require for agricultural and industrial shows, and to give the company the power of renting such land and buildings, when owned by the company, to any agricultural society formed under this Act for the purposes of the annual show of the society, and to grant to such company or society the power to collect during such show, or at other times, as may be agreed, from any person wishing to go into or upon any such land or buildings, or for any privilege thereon, or for any carriage, wagon or other vehicle, or for any horse or other animal that may be taken thereon, such entrance fee or other charge as the company or society considers necessary or expedient.

(4) Any municipality may pass by-laws providing for the erection of buildings upon parks, fair grounds or other property belonging to the municipality for the joint purposes of the municipality and of any agricultural society, or other body, or trustees for any club or society, upon such agricultural society, other body, or trustees undertaking to contribute to the cost of such buildings, and in such case the municipality may grant leases for a term not exceeding twenty-one years to such agricultural
society, other body, or trustees, for the use of such buildings at such time as to the council seems proper, and upon such terms as may be arranged with the council, and the powers hereby granted may be exercised in respect of any building erected since the 1st day of January, 1919. R.S.O. 1960, c. 11, s. 27.

Exemption from taxation

28. The property of an agricultural society is exempt from taxation, other than taxes for local improvements, when in actual occupation by the society or by its tenants if the rent is applied solely for the purposes of the society. R.S.O. 1960, c. 11, s. 28.

Regulations

29. The Lieutenant Governor in Council may make regulations,

(a) providing the terms and conditions upon which societies may hold races or trials of speed for horses and the amount of money that societies may award as prizes therefor;

(b) subject to section 23, prescribing the terms and conditions upon which societies may receive grants out of the moneys appropriated by the Legislature;

(c) limiting the exhibitors of any society to persons residing within defined areas;

(d) prescribing the powers and duties of the officers of societies;

(e) classifying societies that are societies within the meaning of this Act and designating the class to which each society belongs;

(f) prescribing the terms and conditions on which grants may be made to any society or class of society on account of capital expenditure and prescribing the amounts of such grants or the minimum or maximum amounts of such grants;

(g) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act. R.S.O. 1960, c. 11, s. 29.

Appointment of constables

30.—(1) Any justice of the peace having jurisdiction in a city, town, village or township in which a fair or exhibition is held, shall, on the request of the president or executive committee of a society, appoint as many constables as may be required.

(2) Such constables shall be paid by the society and it is their duty to protect the property of the society within the exhibition grounds and to eject all persons who may be improperly within the grounds or behave in a disorderly manner or violate any of the rules or regulations of the society.
(3) Every person who wilfully hinders or obstructs the officers or servants of a society or a constable appointed under this section in the execution of their duties, or who gains admission to the grounds contrary to the rules of the society, is guilty of an offence and on summary conviction is liable to a fine of not less than $1 and not more than $20 to be paid to the society for its use and benefit. R.S.O. 1960, c. 11, s. 30.

31. The Minister may appoint a person to inspect the books and accounts of any society receiving legislative grants under this Act, and may empower such person to summon witnesses and enforce the production of documents before him and to take evidence upon oath in regard to the matters under inspection, and every officer of a society shall, when required, submit the books and accounts thereof to such inspection. R.S.O. 1960, c. 11, s. 31.

32. Where the board of a society has reason to believe that any member or other person exhibiting any farm product, animal, fowl or other goods at an exhibition of the society has committed a fraud or made any misrepresentation in respect of any such farm product, animal, fowl or other goods, the board may withhold payment or delivery of any premium or prize to such person until such person proves to the satisfaction of the board that no fraud or misrepresentation has in fact been committed or made. R.S.O. 1960, c. 11, s. 32.

33. Every person who contravenes any of the provisions of this Act or the regulations is guilty of an offence and on summary conviction, where no other penalty is provided, is liable to a fine of not more than $50. R.S.O. 1960, c. 11, s. 33.