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Ontario
CHAPTER 82.

The Horticultural Societies Act.

1. In this Act,

(a) "Department" shall mean Department of Agriculture;

(b) "Minister" shall mean Minister of Agriculture for the Province of Ontario;

(c) "Society" shall mean any horticultural society organized under this Act or under any former Agriculture and Arts Act;

(d) "Superintendent" shall mean Superintendent of Horticultural Societies. R.S.O. 1927, c. 72, s. 1.

2. All horticultural societies organized under The Agriculture and Arts Act, being chapter 43 of the Revised Statutes of Ontario, 1897, shall be continued, except in so far as they may be affected by this Act. R.S.O. 1927, c. 72, s. 2.

3. The Minister may decide all matters of doubt or dispute as to the working or construction of this Act, and his decision shall be final, except that an appeal therefrom may be made to the Lieutenant-Governor in Council. R.S.O. 1927, c. 72, s. 3.

4. The Minister may appoint any person to inspect the books and accounts of any society receiving Government aid under or by virtue of 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 such inspection, and all officials of any such society whenever required to do so shall submit the books and accounts thereof to such inspection, and shall truly, to the best of their knowledge, answer all questions put to them in relation thereto, or to the funds of such society. R.S.O. 1927, c. 72, s. 4.

ORGANIZATION.

5.—(1) A society may be organized in any city, town, township or village, and in a police village having a population of not less than 500.
Cities of 100,000 or over.

(2) Where a city has a population of over 100,000, two societies may be organized; where over 200,000 three societies may be organized; but in such case none of the societies shall be entitled to receive an annual grant of more than $500. R.S.O. 1927, c. 72, s. 5.

6. The mode of organization shall be as follows:

(a) A declaration (Form I) shall be signed by the persons, residents of the municipality in which the society is organized, who desire to organize a society under this Act. In the case of a city having a population of 30,000 or over the number of such persons shall be at least 125; in the case of a city with a population of less than 30,000 the number shall be at least 75. Societies organized in towns having a population of 2,000 or over shall have at least 60 members, and in the case of a village or police village the number shall be at least 50, and in the case of a township 25 members.

(b) No person shall be considered a member of any society for any year unless he shall have paid at least $1 into the funds of that society as membership fee for that year.

(c) Subject to the by-laws of the society, a firm or an incorporated company may become a member of any society organized under this Act, or any former Agriculture and Arts Act, by the payment of the regular fee, but the name of one person only, in any one year, shall be entered as the representative or agent of any firm or company, and that person only shall exercise the privileges of membership in the society or organization.

(d) Within one month after the money has been so paid the declaration, with the names and addresses of the signers of same, shall be transmitted to the Minister, who shall thereupon instruct the Superintendent to authorize a person to call the first meeting for the organization of the society.

(e) The first meeting of the society shall be held between the 8th and 14th days, inclusive, of April next ensuing, of which meeting at least two weeks' public notice shall be given by advertising in one or more newspapers published in the district.
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(f) At the first meeting, and at any subsequent meetings, of any horticultural society, ten members shall constitute a quorum.

(g) At the first meeting there shall be elected a president, a first vice-president, a second vice-president, and not more than ten other directors, five to be elected for two years and five for one year, and thereafter five annually for two years all of whom shall be members of the society in good standing, or become so within fourteen days after their election, who together shall form the board of directors, a majority of which board shall reside in the municipality in which the society is organized.

(h) At the first meeting the society shall appoint two auditors for the ensuing year.

(i) The board of directors 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 the secretary-treasurer, by virtue of his office, shall be a member of each committee appointed and may be given the power of managing director, acting under the control and with the approval of the board of directors.

(j) A report of the organization meeting, certified by the president, the first vice-president, the second vice-president, the secretary and the convener, and containing a statement of the number of members and a list of the officers elected and appointed, shall be sent to the Department within one week after the holding of the meeting. R.S.O. 1927, c. 72, s. 6.

7. Upon the receipt of such report the society so organized shall be deemed a horticultural society, and each society so organized shall be entitled to participate in the legislative grant hereinafter provided, and to enjoy all the privileges granted by this Act. R.S.O. 1927, c. 72, s. 7.

8.—(1) The objects of a society shall be to encourage improvement in horticulture,—

(a) by holding meetings for discussion and for hearing lectures on subjects connected with the theory and practice of improved horticulture;
(b) by holding exhibitions and awarding premiums for the production of vegetables, plants, flowers, fruits, trees and shrubs;

(c) by the distribution of seeds, plants, bulbs, flowers, shrubs and trees in ways calculated to create an interest in horticulture;

(d) by promoting the circulation of horticultural periodicals;

(e) by encouraging the improvement of home and public grounds, by the planting of trees, shrubs and flowers, and by otherwise promoting outdoor art and public beauty;

(f) by offering prizes for essays on questions relating to horticulture;

(g) by importing and otherwise procuring and distributing seeds, plants, shrubs, and trees of new and valuable kinds.

Distribution of expenditure. (2) A society shall not expend more than one-half of its total receipts in any one of the lines of work mentioned, but in estimating such receipts, grants or donations for any specific purpose shall not be considered.

Not to act with agricultural society. (3) No society shall hold an exhibition, or offer premiums, in connection with the exhibition of any agricultural society.

Restrictions on expenditure. (4) None of the funds of a society shall be expended for any purpose inconsistent with those mentioned, and a society which violates any of the provisions of this subsection and subsections 2 and 3 shall forfeit all claim to the Government grant. R.S.O. 1927, c. 72, s. 8.

Annual meetings. 9.—(1) The annual meetings of a society shall be held during the 9th to the 15th days of January, inclusive, of each year, at such time and place as the board of directors may determine.

(2) At any such meeting only those members who have paid their subscriptions for the ensuing year shall be entitled to vote.

Notice of meeting. (3) At least two weeks’ previous notice of any such meeting shall be given by advertisement in one or more newspapers published in the municipality, and also by printed placards
or bills posted in places of common resort, or by sending the same by registered post to the last known post-office address of each member of the society in good standing; such notices shall be mailed at least one week previous to, and shall state the time and place of, the meeting.

(4) In case a society fails to hold its annual meeting during the week from the 9th to the 15th days of January, inclusive, the Minister, on petition of twenty members, may appoint a time for holding the same not later than the 1st day of March in the same year, and the meeting shall be called as for the regular annual meeting and shall be taken in all respects as the annual meeting of the society.

(5) In the event of the annual meeting not being held as provided for in this Act, or in the event of the number of members on the 1st day of July in any year being less than the number required for organization, the society shall not be entitled to receive any further financial aid from this Legislature, and shall be deemed to have been dissolved, but the directors elected at the last properly constituted meeting of the society, prior to the 1st day of July, shall be trustees of the assets of the society until the same are disposed of by order of the Minister.

(6) Upon being notified, or becoming aware of the dissolution of any society under the provisions of subsection 5, the Superintendent may order the directors to deliver over to the Department the assets, if any, remaining after all just debts have been paid. R.S.O. 1927, c. 72, s. 9.

10. At the annual meeting,

(a) the board of directors shall present a report of their proceedings for the past calendar year, in which shall be stated the names of all the members of the society, the amount of money expended in each of the lines of work open to horticultural societies, as outlined in section 8, and when an exhibition or exhibitions have been held and premiums awarded the report shall show the total amount offered in prizes at each, the amount paid in prizes, and the number of entries;

(b) the board shall also present a detailed statement of the receipts and expenditures for the preceding year, and a statement of the assets and liabilities of the society at the end of the year, certified to by the auditors;
Election of officers. 

(c) the officers and other directors specified in clause g of section 6 and to be qualified as therein provided shall be elected by the members, and auditors shall be appointed for the ensuing year. R.S.O. 1927, c. 72, s. 10.

Transmission of reports to Department. 

11.—(1) The reports shall, if approved by the meeting, be placed on record in the books of the society, and shall be sent, not later than the 1st day of March, to the Department, and the Minister may require all such reports to be made out on schedules to be supplied by the Department in such form as he may direct, and failure on the part of the society to comply with these requirements shall be sufficient to forfeit all claim to participation in the legislative grant.

Form of report. 

(2) The Minister may require that any of the statements referred to in the above report shall be attested by affidavit in such form as he may prescribe. R.S.O. 1927, c. 72, s. 11.

Attestation of statements. 

By-laws. 

12. The members of each society may, at any annual meeting, or at a special meeting of which two weeks previous notice has been given in the manner required by subsection 3 of section 9, make, alter and repeal by-laws and regulations for the general management of the society, and subject to such by-laws and regulations the board of directors shall have power to act for and on behalf of the society, and all grants and other funds of the society shall be received and expended under their direction. R.S.O. 1927, c. 72, s. 12.

Meetings of Directors. 

13. The first meeting of the board of directors of a society may be held on the day of the annual meeting, and the subsequent meetings may be held pursuant to adjournment, or called by written notice given by authority of the president, or in his absence of the first vice-president, or in the absence or neglect of the president or vice-president then on the written notice of three of the directors, at least one week before the day appointed, and at any meeting five shall be a quorum. R.S.O. 1927, c. 72, s. 13.

Dissolution of union societies. 

14. Where two or more municipalities have been united under the provisions of any former Act to form a horticultural society a dissolution of such union society may be effected in the following manner; a petition requesting the dissolution and the organization of new societies shall be signed by a majority of the members residing in any one of the municipalities and shall be forwarded to the Minister, and if the number so signing is equal to the number required for the organization of a new society as in section 6 the Minister shall direct that new societies shall be organized in
the manner prescribed in section 6, and the former union society shall thereupon become dissolved and shall cease to exist. R.S.O. 1927, c. 72, s. 14.

15. On the dissolution of a union society the assets of the society shall be equitably apportioned or divided by arbitrators, or a majority of them, one to be appointed by the board of directors of each of the new societies, and another arbitrator to be chosen by the arbitrators so appointed, or, in the event of the arbitrators failing to choose such arbitrator within ten days after being appointed, the senior judge of the county or district court, as the case may be, having jurisdiction in the county or district shall appoint such arbitrator. R.S.O. 1927, c. 72, s. 15.

16. On or before the 1st day of July of each year the officers of every society shall send to the Department an affidavit, stating the number of members in good standing at the time of making the same, and also the amount of money expended for horticultural purposes as defined by this Act. R.S.O. 1927, c. 72, s. 16.

17. Every society organized under or recognized by this Act shall be entitled to receive a grant out of the unappropriated money in the hands of the Treasurer of Ontario, the grant to be paid on the recommendation of the Superintendent, and on condition that,—

(a) the number of paid-up members for the current year is not less than the number required for organization;

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

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

(d) the objects of the society, as set out in section 8, have been strictly adhered to, and none of the funds of the society, from whatever source derived, have been expended in any manner not in harmony with those objects. R.S.O. 1927, c. 72, s. 17.

18.—(1) Such amounts as may be voted by the Assembly shall be subject to division among the horticultural societies as follows:

(a) One-third shall be subject to division among all the societies in proportion to the total number of members of each society in the preceding year.
(b) Two-thirds shall be subject to division among all the societies in proportion to the total amount expended by each society during the preceding year for horticultural purposes, in accordance with the provisions of section 8.

(c) A society in the first year of its existence shall receive a grant at the rate of $1 for each paid-up member on the 1st day of July, but such grant shall not exceed in all $75.

(d) No society shall be entitled to receive an annual grant of more than $500.

(2) Any amount voted by the Assembly in addition to the amounts stated above in this section shall be divided among the societies in the same proportion and in the same manner as prescribed in clauses a and b of subsection 1.

Exhibitions.

19. The exhibitions of any society shall be held within the limits of the municipality in which the society is organized, and shall be held at such place as shall afford sufficient accommodation for such exhibitions. R.S.O. 1927, c. 72, s. 19.

Fraud in obtaining prizes.

20. The board of directors, on being made aware of any fraud having been committed by any member or exhibitor in the entry of any horticultural product in competition for prizes at any exhibition, may withhold the payment of any prizes that may have been awarded by the judges to any members or exhibitors on such fraudulent or any other entries made at any such exhibition. R.S.O. 1927, c. 72, s. 20.

Appointment of constables.

21. Any justice of the peace having jurisdiction in any city, town or village wherein an exhibition is held shall, on request of the president or executive committee of any society, appoint as many policemen or constables as may be required at the expense of the society, whose duty it shall be to protect the property of such society and to eject all persons who may be improperly within the grounds or on the premises, or who may behave in a disorderly manner or otherwise violate any of the rules or regulations of such society. R.S.O. 1927, c. 72, s. 21.

Penalty for interference with officers.

22. If any person wilfully hinders or obstructs the officers or servants of any society in the execution of their duty, or gains admittance to the exhibitions of such society contrary to the rules of the society, he shall incur a penalty of not less than $1 and not more than $20, recoverable under the provisions of The Summary Convictions Act, and to be paid over to such society for its use and benefit. R.S.O. 1927, c. 72, s. 22.
23. Every person not under eighteen years of age who has paid the membership subscription for the year then ensuing to any society to which this Act applies shall have the right of voting at the election of officers and on all other questions submitted to the annual meetings of such societies. R.S.O. 1927, c. 72, s. 23.

24. No membership subscription for the ensuing year paid at the annual meeting after the president or presiding officer has declared the poll open for the election of officers shall entitle any person to vote for such officers. R.S.O. 1927, c. 72, s. 24.

25. Except as otherwise provided a vacancy occurring by the death or resignation of any officer of a society may be filled by the remaining officers thereof, and it shall be the duty of officers to nominate and appoint a fit and proper person to fill the office for the unexpired term of the person so dying or resigning; but in the event of the remaining officers being insufficient to form a quorum, or if for any reason a quorum cannot be obtained, then persons to fill the vacant offices shall be elected in manner provided in section 26. R.S.O. 1927, c. 72, s. 25.

26.—(1) In the event of an election of any officers of a society not being held at the time or place herein directed, or being for any reason illegal or void, the persons in office at the time when such officials should have been elected shall continue to be the officers of such society until their successors are legally appointed.

(2) In the event of any such non-election, or illegal election, a special meeting of the members of such society shall be called, as soon as practicable, for the election of such officers, such meeting to be called in the manner provided in subsection 3 of section 9 by the president, or in his absence or on his neglect by the vice-president, or in the absence or on the neglect of the president and vice-president by three members of the society, and at such meeting the election of officers shall take place, and the persons elected shall thenceforth, until their successors are appointed, be the officers of such society. R.S.O. 1927, c. 72, s. 26.

27.—(1) A special meeting of the directors of any society organized under this Act may be called by the president thereof, or in his absence or on his neglect by the vice-president, or in the absence or on the neglect of the president and vice-president by any three members of such body, of which meeting at least seven days' notice shall be given to each member.
Quorum.

(2) Except as otherwise provided for a majority of the directors of any society shall be a quorum. R.S.O. 1927, c. 72, s. 27.

Security by treasurer.

28.—(1) The treasurer of every society, before entering upon the duties of his office, shall give such security, either by joint or several covenant with one or more sureties or otherwise as the board of directors or other managing officers may deem necessary, for the faithful performance of his duties, and especially for the due accounting for and paying over of all money that may come into his hands.

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

(3) If the officers of a society neglect to procure and maintain proper and sufficient security they shall be personally responsible for all funds of the society in the hands of the treasurer. R.S.O. 1927, c. 72, s. 28.

Municipal grants in aid of society.

29. The municipal council of any city, town, village, county or township may grant or loan money in aid of any society formed within the limits of the municipality when such society has made the returns required by this Act to be made to the Minister. R.S.O. 1927, c. 72, s. 29.

FORM 1.

(Section 6.)

DECLARATION OF ASSOCIATION.

We, whose names are subscribed hereto, agree to form ourselves into a society, under the provisions of The Horticultural Societies Act, to be called the Horticultural Society of (naming the point that will be the headquarters of the society); and we hereby severally agree to pay to the treasurer the sums opposite our respective names; and we further agree to conform to the by-laws and rules of the society:

Names. $ cts.

R.S.O. 1927, c. 72, Form 1.