

# BILL

No 79 of 1931.

An Act respecting Horticultural Societies

(Assented to \_\_\_\_\_, 1931)

**HIS MAJESTY**, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows

## SHORT TITLE.

1. This Act may be cited as "*The Horticultural Societies Act*".

## INTERPRETATION

2. In this Act, unless the context otherwise requires—

- (a) "Department" shall mean the Department of Agriculture;
- (b) "Minister" shall mean the Minister of Agriculture;
- (c) "Municipality" shall mean any city, town, village or municipal district.
- (d) "Park board" shall mean a committee or board duly appointed by the council of any municipality for the purpose of engaging in public planting and general public park development, and of expending such funds as may be provided by the council making the appointment,
- (e) "Society" shall mean a horticultural society organized under this Act,
- (f) "Superintendent" shall mean any official of the Department of Agriculture charged with the duties of Superintendent under the provisions of this Act.

## ORGANIZATION AND INCORPORATION

3. A horticultural society may be organized in the following manner:

- (a) An application (Form A) shall be signed by not less than twenty-five persons, residents of the Province, who are not members of any other horticultural society in the Province,
- (b) Every person signing the application shall pay at least one dollar as or as part of his first annual subscription to the proposed society, and such moneys shall be paid to and be held by one of the subscribers in trust for the society;
- (c) The application shall be verified by an affidavit (Form A) of one of the subscribers;

(d) The application so verified shall be transmitted to the Minister, who, if he approves thereof, shall declare the subscribers thereto to be organized as a society under the name of The Horticultural Society, and shall issue a certificate of organization (Form B).

4. The said subscribers and such other persons as may thereafter become members of the society shall thereupon become and be a body corporate under the name stated in the certificate of organization.

5. A copy of the certificate of organization shall, forthwith after organization, be sent to the Superintendent by the society.

6. Except with the permission of the Minister, no horticultural society shall be organized under this Act within thirty miles of the chief place of business of any other society so organized.

7. A society may change its name at any time with the consent of the Minister and subject to such conditions as he may impose.

8. As soon as practicable after the formation of a society a meeting of the subscribers and of such other persons as desire to become members shall be held at the call of the Superintendent at such time and place and after such public notice as he directs.

9. Within one week after the meeting the Secretary shall send to the Superintendent a report of the meeting, certified as correct by the president and secretary, and containing a statement of the total membership and a list of the officers elected or appointed.

#### OBJECTS.

10. 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 grounds;

- (f) by encouraging the improvement of public grounds, by the planting of trees, shrubs and flowers and by otherwise promoting outdoor art and public beauty,
- (g) by offering prizes for essays on questions relating to horticulture,
- (h) by importing and otherwise procuring and distributing seeds, plants, shrubs, and trees of new and valuable kinds.

#### FUNDS.

11.—(1) The funds of a society, howsoever derived, shall not be expended for any object inconsistent with the provisions of this Act.

(2) The funds shall be deposited from time to time to the credit of the society in a chartered bank; and all cheques shall be signed by the president or a vice-president and the treasurer.

#### MEMBERSHIP

12.—(1) Any person qualified under this Act to sign an application for the formation of a society may become a member thereof at any time on payment to the treasurer of a membership fee of not less than one dollar.

(2) Payment of the fee shall entitle the person paying it to the privileges of membership for the current year and until the conclusion of the following annual meeting.

(3) Every member shall give to the treasurer a post office address to which all notices shall be sent.

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

#### OFFICERS

13. The officers of the society shall consist of—

- (a) a president;
- (b) two vice-presidents;
- (c) a secretary and a treasurer or a secretary-treasurer; and
- (d) such number of directors as may be determined by the society in addition to the president and vice-presidents, who shall be *ex officio* directors.

14. At the first annual meeting all the officers except the secretary and the treasurer or the secretary-treasurer, who shall be appointed as provided by section 16, shall be elected by ballot.

**15.**—(1) The president and vice-presidents elected at the first, or any subsequent annual meeting, shall hold office until the next following annual meeting.

(2) One-half of the candidates first nominated for directors in the event of a ballot not being necessary, or the one-half of the required number of directors receiving the highest number of votes, as the case may be, shall hold office for two years and the other half shall hold office for one year.

(3) When the required number of directors is an uneven number, it shall be deemed to be divided into two parts, the first of which shall consist of one more director than the other.

**16.** The board of directors may from time to time appoint a secretary and a treasurer or a secretary-treasurer, who may be a director or directors and who shall hold office during pleasure.

**17.** The treasurer shall—

- (a) receive all moneys paid to the society and disburse the same in the manner ordered by the board of directors;
- (b) keep a complete and detailed record of all moneys received and disbursed;
- (c) give and take receipts for all moneys received and paid out, and keep on file all vouchers of expenditure;
- (d) close and balance the books of the society at the end of the financial year, which shall be the thirty-first day of December;
- (e) produce when called for by the directors, the auditor, the Superintendent or any person appointed by the Minister, all books, vouchers, papers and moneys belonging to the society, and hand the same over to the directors or any person named by them on his ceasing to hold office;
- (f) prepare at the end of each financial year such statement of the finances of the society as is required to be submitted to the annual meeting.

**18.** The treasurer or the secretary-treasurer of any society within one month after his appointment shall furnish a bond of a company entitled to transact fidelity insurance in the Province of Alberta, and for such an amount as the directors may deem sufficient, and such bond shall be renewed yearly and shall be sent to the Minister.

**19.** If an officer dies or resigns or otherwise vacates his office, the board of directors shall appoint an eligible person to fill the vacancy for the unexpired term.

**20.** If at any time a society has no officers or if there is an insufficient number of officers and they do not act, the Superintendent may authorize any person to call a meeting of the society for the election of officers or for any other purpose or may take such other action as he deems proper in the interests of the society.

#### MEETINGS.

**21.** Every horticultural society shall hold an annual meeting on or before the twentieth day of January in each year at such time and place as may be decided upon by the directors.

**22.** Prior to the annual meeting the treasurer shall have the books and accounts of the society for the preceding year audited, and the auditor shall certify to the correctness of the same, or otherwise, as the case may require.

**23.** At least two weeks' notice of the time and place of an annual or other meeting shall be given by mail by the secretary to each member of the society, and he shall give such additional notice as the directors may order.

**24.**—(1) If a society fails to hold its annual meeting within the time appointed, the Superintendent may appoint a time for holding the same and the meeting shall be called in accordance with section 23 by the secretary or by some person appointed by the Superintendent for the purpose.

(2) Such meeting shall be deemed to be the annual meeting of the society and shall be conducted as such in every particular.

**25.** The following shall be the order of business at the annual meeting:

- (a) Reading of minutes of previous meeting;
- (b) Addresses and reports of officers;
- (c) Reports of committees;
- (d) Unfinished business;
- (e) New business;
- (f) Addresses and discussions;
- (g) Election of officers;
- (h) Adjournment.

**26.** The board of directors shall at the annual meeting present—

- (a) a report of their proceedings for the preceding financial year, with such remarks and suggestions upon the state of horticultural development in the district as they see fit to offer;

- (b) a statement showing the name, occupation and post office address of each member, with the amount of his subscription to the society for the year opposite his name;
  - (c) a detailed statement of the receipts and expenditures of the society for the preceding financial year, certified by the auditor,
  - (d) a statement of the assets and liabilities of the society certified by the auditor,
  - (e) a statement showing the amount offered and also the amount actually paid in prizes at horticultural exhibitions held by the society during the year, and the number of entries in each class,
  - (f) a report of each meeting held for the discussion of subjects relating to horticulture, giving the names of the speakers, the subjects of their addresses and the number of persons present;
  - (g) a report upon any co-operative horticultural demonstrations or other educational work carried out under the instructions of the Superintendent during the year.
27. Meetings of the society other than the annual meeting may be called at any time by the board of directors.
28. Meetings of the board of directors may be held at any time on the call of the president, or in his absence, a vice-president or any three members of the board, and it shall be the duty of the secretary when instructed so to do, to give by mail to every member of the board at least seven days' notice in writing of any such meeting.
29. Ten members shall constitute a quorum at a meeting of the society and five directors at a meeting of the directors.

#### SUPERVISION OF SOCIETIES

30. The Superintendent shall supervise all societies organized under this Act.
31. In the supervision of societies, it shall be the duty of the Superintendent—
- (a) to visit and inspect horticultural exhibitions and report thereon to the Minister;
  - (b) to visit, inspect and report upon any demonstrations, competitions or other undertakings being carried on by horticultural societies in accordance with this Act,
  - (c) when required by the Minister, to inspect the books, accounts and records of any society and to give such advice and instructions to its officers as he considers necessary to insure the proper carrying on of the affairs of the society,

- (d) to advise the directors of societies with regard to exhibitions, competitions and educational work.

32. The Minister may appoint an inspector to examine the books and accounts of any society, and the Lieutenant Governor in Council may confer on such inspector any or all of the powers which may be conferred on a commissioner appointed under the provisions of *The Public Inquiries Act*.

#### RETURNS.

33.—(1) A list of the officers elected at the annual meeting and a copy or summary of each report and statement required to be presented thereat, shall on or before the thirty-first day of January in each year, be transmitted to the Superintendent by the secretary upon forms provided for the purpose.

(2) If the secretary fails to comply with the provisions of subsection (1) of this section, the society shall not receive any portion of any appropriation made by the Legislature to which it would be entitled if such returns had been properly submitted, unless the Minister is satisfied that any delay was unavoidable or inadvertent, in which case he may authorize the grant to which the society would be entitled after deducting the sum of five dollars for each week of such delay.

#### BY-LAWS

34.—(1) A society may, at its annual meeting or at a special meeting called for the purpose, make, alter or repeal by-laws and regulations for the general management of the society and, subject to such by-laws and regulations, the board of directors may 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.

(2) The secretary shall forthwith transmit a copy of such by-laws and regulations to the Superintendent.

#### REAL PROPERTY.

35.—(1) Every society may acquire and hold land as a site for fairs and exhibitions and may, subject to the approval of the society given at a meeting called for the purpose, sell, mortgage, lease or otherwise dispose of the same or any other property held by such society.

(2) At least a month's notice of such meeting shall be given by mail by the secretary to each member of the society, and the notice shall state the object for which the meeting is called.

#### EXHIBITORS.

36. A society may from time to time hold an exhibition at such time and place as may be decided upon by the directors at a meeting called for that purpose.

37. If prizes are to be awarded, two copies of the prize list shall be sent to the Superintendent at least six weeks before the date upon which the exhibition is to be held, and until approved by the Superintendent, no prize list shall be published.

#### GRANTS

38. Grants to Horticultural Societies shall be those prescribed in section 33 of *The Agricultural Societies Act*

#### DISORGANIZATION OF SOCIETIES.

39. The Minister may, if it appears to him advisable that a society should be disorganized, order that on and after a day to be named by him, the society shall be disorganized, and the society shall thereupon cease to exist.

40. Upon the disorganization of a society the Minister may appoint a liquidator to adjust and settle its assets and liabilities. The liquidator may sell and dispose of the assets and property of the society and shall apply the proceeds, firstly, in payment of his remuneration, which shall be determined by the Minister, and secondly, in payment of the liabilities of the society, and the surplus (if any) shall be paid into the consolidated fund of the Province

#### REGULATIONS.

41.—(1) The Lieutenant Governor in Council may make regulations for the guidance of horticultural societies, not inconsistent with the provisions of this Act, respecting the manner in which their books and records are to be kept and governing the conduct and management of horticultural educational meetings, exhibitions and any other undertakings in which societies are authorized to engage

(2) No society which fails to comply with any of such regulations shall be entitled to participate in any appropriation in aid of horticultural societies provided by the Legislature.



## SCHEDULE

FORM A  
(Section 3)

## APPLICATION FOR ORGANIZATION OF SOCIETY

To the Honorable the Minister of Agriculture for the  
Province of Alberta.

We, the undersigned, hereby apply to be formed into a  
horticultural society under the provisions of *The Horticultural Societies Act, 1931*

The proposed name of the society is "The . . .  
Horticultural Society"

The proposed chief place of business of the society is  
at . . . . . in the Province of Alberta.

And the undersigned, each as to himself, says:

- 1 That his occupation is correctly stated;
- 2 That he is a resident of the Province of Alberta;
3. That he is not a member of any other horticultural society in the Province,
- 4 That he has subscribed to the funds of the society and that he has paid to the said funds the sum set opposite his name in the fourth column hereunder.

SIGNATURE	OCCUPATION	POST OFFICE ADDRESS	AMOUNT PAID

## AFFIDAVIT OF VERIFYING APPLICATION.

## CANADA

PROVINCE OF ALBERTA

TO WIT.

I, . . . . ., of . . . . ., in the  
Province of Alberta (occupation), make oath and say that:

1. I am one of the subscribers to the foregoing (or annexed) application;

2. I verily believe that the statements made in the said application by each of the said applicants are true.

3. The sum of . . . . . dollars, being the total sum paid by said applicants towards the funds of the proposed . . . . . Horticultural Society, is now held by . . . . . in trust for said society.

SWORN to before me at . . . . .  
in the Province of Alberta, }  
this . . . day of . . . . ., } . . . . .  
19 . . . . . } (Signature)

*A Justice of the Peace in and  
for the Province of Alberta.*

FORM B  
(Section 3)

PROVINCE OF ALBERTA

*The Horticultural Societies Act, 1931.*

This is to certify that on the . . . day of . . . . ., 19 . . ., application was made to the Minister of Agriculture for the Province of Alberta by (*here set out names and addresses of applicants*) for the formation of a horticultural society under the provisions of *The Horticultural Societies Act, 1931*, to be known as The . . . Horticultural Society and to have its chief place of business at . . . in the said Province, and, the requirements of the said Act as to matters preliminary having been complied with, it is hereby declared that the persons above mentioned have been this day organized as a horticultural society, under the provisions of the said Act, under the name of "The . . . Horticultural Society," having its chief place of business as aforesaid and subject in all respects to the provisions of the said Act.

Dated at Edmonton, this . . . day of . . . . ., 19

*Minister of Agriculture*

No 79.

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FIRST SESSION

SEVENTH LEGISLATURE

21 GEORGE V

1931

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**B I L L**

An Act respecting Horticultural  
Societies.

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Received and read the

First time . . . .

Second time . . . .

Third time . . . .

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HON MR HOADLEY

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EDMONTON:  
W. D. McLEAY, KING'S PRINTER.

Title: 1931 (7th, 1st) Bill 79, An Act respecting Horticultural Societies