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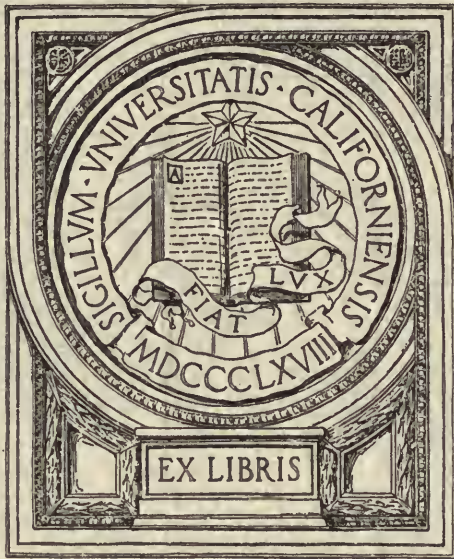


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British Columbia Laws - Statutes etc.

CHAPTER 2.

An Act respecting Agriculture and providing for the Incorporation and Regulation of Agricultural Associations and making Provision for Agricultural Credits.

[6th March, 1915.]

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

Short Title.

1. This Act may be cited as the "Agricultural Act, 1915." Short title.

Interpretation.

2. In this Act, unless the context otherwise requires, the following expressions shall include the meanings hereby assigned to them, that is to say:—

"Minister" means the Minister of Finance and Agriculture and any person for the time being lawfully acting in that capacity: "Minister."

"Auditor-General" means the Auditor-General of British Columbia: "Auditor-General."

"Commission" means the Agricultural Credit Commission constituted under this Act: "Commission."

"Superintendent" means the Superintendent of the Agricultural Credit Commission and any person for the time being acting in that capacity: "Superintendent."

"Association" means an association formed and registered under or which elects to come under this Act, and includes any existing association incorporated under any other Act repealed by section 158 hereof, and shall also mean and include any public irrigation corporation incorporated under the "Water Act, 1914": "Association."

- " Crown land." " Crown land " means all land held by the Crown in right of the Province of British Columbia:
- " Pre-emption." " Pre-emption " means land held by record of pre-emption under the provisions of the " Land Act ":
- " Purchase land." " Purchase land " means land held by certificate of purchase under the provisions of the " Land Act ":
- " Homestead." " Homestead " means land held as homestead or pre-emption or purchased pre-emption in the Province of British Columbia under any Act of the Parliament of Canada:
- " Property." " Property " includes all real and personal estate and property of every kind and nature soever, including choses in action:
- " Securities." " Securities " means every security, bond, debenture, and obligation issued by the Commission under the provisions of this Act:
- " Mortgage." " Mortgage " shall include every security taken by the Commission under the provisions of this Act:
- " Loan." " Loan " means loan made by the Commission under the provisions of this Act:
- " Regulations." " Regulations " means regulations for the time being in force under this Act:
- " Prescribed." " Prescribed " means prescribed by this Act or by regulations.

Division of Act.

Division of Act. **3.** This Act is divided into eight parts, relating to the following subjects:—

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PART I.

LOANS FOR AGRICULTURAL PURPOSES.

Division (1).—Administration.

Agricultural Credit Commission.

Constitution of Commission.

4. There is hereby constituted a Commission for the administration of this Part of this Act, to be called the "Agricultural Credit Commission," which shall consist of a Superintendent, who shall ex officio be a Director, and four other Directors, and which shall be

a body corporate, with perpetual succession and a common seal, with power to contract and be contracted with, sue and be sued, plead and be impleaded, and to stand seised of, hold, purchase, let, lease, and alienate real and personal property, and to do and perform all such things and acts as a corporate body may by Act of the Legislature of the Province of British Columbia be authorized and empowered to do and perform, subject to the provisions of this Part of this Act.

5. (1.) The Superintendent shall be appointed by the Lieutenant-Governor in Council, and shall hold office for ten years from date of appointment unless sooner removed for cause by the Lieutenant-Governor in Council upon an address from the Legislative Assembly.

Superintendent appointed.

(2.) The Superintendent shall devote the whole of his time to the performance of the duties of his office.

6. Two Directors shall be appointed by the Lieutenant-Governor in Council, and shall respectively serve for ten years from date of appointment unless sooner removed for cause by the Lieutenant-Governor in Council upon an address from the Legislative Assembly:

Two Directors appointed.

Provided that no person shall be eligible for appointment under this section unless he has been engaged in the occupation of farming in this Province.

7. The Deputy Minister of Finance and the Deputy Minister of Agriculture for the time being shall ex officio be Directors of the Commission.

Two Directors ex officio.

8. The existing or continuing Directors of the Commission shall have and may execute all the jurisdiction and powers of the Commission notwithstanding any vacancy or vacancies in the membership thereof.

Vacancies.

9. (1.) The Lieutenant-Governor in Council may from time to time appoint some fit and proper person to be and act as Deputy Superintendent. The Deputy Superintendent shall hold office during pleasure of the Commission.

Deputy Superintendent may be appointed.

(2.) On the occurrence from any cause of a vacancy in the office of Superintendent and in case of absence from duty of the Superintendent, the Deputy Superintendent for the time being shall have and may exercise all the powers, duties, and functions of the Superintendent, except that he shall not vote at any meeting of the Commission.

10. (1.) The Commission may, with the approval of the Lieutenant-Governor in Council, from time to time appoint and employ all such persons as may be required for the transaction of the Commission's affairs and business.

Power to appoint officers and clerks.

(2.) All appointees and employees shall hold office during the pleasure of the Commission, and shall be subject to all regulations and to the orders, direction, and control of the Superintendent.

Term of office of staff.

Appraisal.

11. The Commission shall establish a Department of Appraisal and Valuation, which shall be under the control and direction of the Superintendent, and the Commission may by regulations define and prescribe the method of keeping the records thereof; and no loans shall be made except upon the basis of value of property as ascertained and fixed by such Department and shown in and by the records of such Department.

Remuneration of officials.

12. (1.) The remuneration and fees of the Directors, Superintendent, Deputy Superintendent, office staff, Appraisers, and Inspectors, and all other appointees, employees, or agents employed by the Commission, shall be determined from time to time by the Lieutenant-Governor in Council.

(2.) No remuneration for services rendered under this Act shall be paid to ex-officio Directors of the Commission other than the Superintendent, except their actual and reasonable expenses when travelling in the service of the Commission.

Commission to make regulations.

13. (1.) The Commission shall have power to make, amend, vary, repeal, replace, and remake, and shall and may from time to time make, regulations not inconsistent with this Act relating to such matters as—

- (a.) The meetings and proceedings of the Commission;
- (b.) The respective duties of the staff and of other persons employed by the Commission;
- (c.) The fees payable by borrowers under the provisions of this Act;
- (d.) The conditions that may be imposed in regard to loans, and respecting
- (e.) The making of advances in instalments, corresponding to the progress of the work of improvement;
- (f.) The rules of good husbandry;
- (g.) The forms to be used, and the books, accounts, and records to be kept; and
- (h.) Generally to make and enforce such other rules and regulations as may be required for fully and effectually carrying out the provisions of this Part of this Act.

Publication of regulations.

(2.) All such regulations, when confirmed by Order in Council and when published in the British Columbia Gazette, shall have the force of law and the same effect as if they were embodied in this Act, and shall be laid before the Legislative Assembly within ten days after the date of publication, or if the Assembly is not then in session, within ten days from the commencement of the next ensuing session.

Executing and signature of deeds and documents.

14. All deeds, instruments, and other documents and all securities to be executed by the Commission pursuant to this Act may be executed by the Superintendent by signing his name and affixing the seal of the Commission in the presence of one other member of

the Commission, who shall subscribe his name as witness, and when so executed such deeds, instruments, documents, and securities shall be deemed to have been validly and effectually executed and delivered by and on behalf of the Commission.

15. The Commission shall, with the consent of the Lieutenant-Governor in Council, establish a head office, and may with the like consent from time to time establish district offices as may be required, and move the head office or any district office. Meetings of the Commission shall be held at the head office: Provided that by unanimous vote of the Directors of the Commission a meeting of the Commission may be held at any place in British Columbia.

Head office.

16. All transcripts of the instruments, records, registrations, papers, and documents made for the purpose of the establishment of district offices shall prima facie be deemed to be true copies of the several instruments, records, registrations, papers, and documents of which they purport to be transcripts; and such transcripts, or copies thereof, under the seal of the Commission, certified by the Superintendent, shall be admissible in evidence in all Courts in this Province without proof of sealing or signature.

Transcripts of records, etc., made for district offices to be prima facie deemed to be true.

17. The Commission shall have an official seal inscribed with the words "Agricultural Credit Commission of British Columbia," and may prescribe a seal for each district office which shall have in addition the name of the district inscribed thereon. Every paper, writing, or instrument impressed with the seal of the Commission, and signed by or on behalf of the Commission, shall thereupon be admissible in evidence in all Courts in this Province without proof of such sealing, or of the signature of the Superintendent or Director, or deputy, or person signing on behalf of the Commission; and every paper, writing, or instrument sealed with the seal of a district office and purporting to be signed on behalf of the Commission shall be admitted in evidence in like manner.

Official seal.

Evidence.

18. (1.) The Commission shall meet once at least in every month and at such other times as the Superintendent may convene meetings. The Superintendent shall call a meeting of the Commission on the written request of any two Directors of the Commission.

Meetings of the Commission.

(2.) The Directors of the Commission shall at their first meeting, by majority vote, elect one of their number to be Chairman of the Commission for such period as may be fixed by resolution, and thereafter from time to time select a successor in the office of Chairman for any period fixed by resolution: Provided that the Superintendent shall never be selected as Chairman, but shall only sit and vote as a Director of the Commission.

Chairman elected.

(3.) In the absence of the Chairman from any meeting of the Commission, the Directors present shall appoint one of their number to be Chairman for that meeting.

Temporary Chairman.

Casting-vote.

(4.) At every meeting the Chairman shall have a casting-vote in the event of there being an equality of votes in respect of any resolution in addition to his ordinary vote as a Director of the Commission.

Quorum.

(5.) Three Directors of the Commission shall constitute a quorum.

Minute-books of proceedings.

19. The Commission shall at all times cause proper minute-books to be kept, in which shall be entered full and accurate minutes of all the proceedings at each meeting of the Commission.

Commission's resolution binding.

20. A resolution of the Commission shall be binding upon the Superintendent in the conduct of the business and affairs of the Commission.

Statement of the Commission's business.

21. An annual report shall be made by the Commission to the Lieutenant-Governor in Council not later than thirty days after the close of each calendar year, and each annual report shall be laid before the Legislative Assembly not later than the tenth day of February if the Assembly is then in session, and if not, then not later than ten days after the commencement of each ensuing session.

Securities and Loans.

Business of the Commission.

22. (1.) It shall be lawful for the Commission to lend money by making loans for purposes authorized by this Part of this Act to any person or association, subject always to the provisions of said Part.

Incidental powers.

(2.) In addition to all other powers by this Act conferred, the Commission shall be and is hereby authorized and empowered to do and to perform all acts necessary and incidental to the business of lending moneys at interest, and taking mortgages therefor and realizing on the same.

Working capital.

23. (1.) The working capital of the Commission shall be such moneys as may be raised from time to time by the issue of securities under this Part of this Act, and such other moneys as may be appropriated from time to time for the Commission's purposes by the Legislative Assembly, and such money as may otherwise become available from time to time under the operation of this Part of this Act.

Securities.

(2.) The Commission may from time to time, with the approval of the Lieutenant-Governor in Council by Order in Council, make, execute, deliver, and issue securities in such sum, for such period (not exceeding thirty years), and at such rate of interest as the Minister may determine.

Sale of securities.

(3.) All securities shall be sold through the Department of Finance by the Minister, who shall determine the limit of price below which the securities shall not be negotiated, sold, or disposed of.

Guarantee of securities.

(4.) The due payment of all such securities, both as to principal and interest, shall be unconditionally guaranteed by the Crown in right of the Province of British Columbia.

(5.) Every guarantee of securities pursuant to subsection (4) of this section shall be signed by the Minister of Finance for the Province of British Columbia, or such other officer as may be thereto designated by the Lieutenant-Governor in Council, and upon being so signed the Province of British Columbia shall become liable for the payment of the principal and interest of the securities guaranteed according to the tenor thereof; and the Lieutenant-Governor in Council is hereby authorized to make arrangements for supplying the moneys necessary to fulfil the requirements of the said guarantee, and to advance the amount necessary for that purpose out of the general revenue of the Province; and in the hands of any purchaser, pledgee, or other person acquiring any of such securities the said guarantee so signed shall be conclusive evidence that the terms of this Part of this Act with respect thereto have been complied with.

Mode of guarantee and effect thereof.

(6.) Subject to the proviso in this subsection contained, the first or primary deed of trust (hereinafter called "the original instrument") securing the securities provided to be guaranteed under this Part of this Act, and every other deed of trust thereafter made, shall provide for the issue, from time to time, and ranking *pari passu* with said securities and without preference or priority one over the other, of additional securities of similar kind, tenor, and effect: Provided always that before such additional securities are issued to an amount which will make the aggregate amount of outstanding securities exceed fifteen million dollars, the guarantee by the Province of the payment of the principal and interest thereon shall first have been authorized by the Legislature, and that such guarantee shall first have been given pursuant to such authorization.

Guarantee of further securities.

(7.) Supplementary deeds of trust (hereinafter called "supplementary instruments") in form approved by the Lieutenant-Governor in Council shall be taken to the trustees for the time being of the original instrument, and such additional securities shall be issued under the terms of the original instrument and supplementary instruments, which, together with the mortgaged premises and property covered thereby, shall form the security for all the securities.

Supplementary instruments.

(8.) The collective amount of such securities shall be always protected and secured by the total amount of mortgages held by the Commission, and by all the property of the Commission, together with funds awaiting investment in the treasury of the Commission.

(9.) All sums raised as provided in this section shall, as and when raised, be paid into the Agricultural Credit Commission's Account hereinafter referred to.

Agricultural Credit Commission's Account.

24. The principal sum and interest for which any securities as provided in this Part of this Act have been issued shall be chargeable upon and be paid out of moneys arising from the operation of this Part; and so far as funds for the payment of any such principal sum and interest shall not be available for such purpose, any sum of principal or interest shall be chargeable upon and paid out of the

Securities chargeable to Commission's Account.

Consolidated Revenue Fund of the Province, which last-mentioned fund shall in respect of any such payment be reimbursed from the Agricultural Credit Commission's Account, mentioned hereinafter, as and when moneys available for such purpose may have accrued.

The Commission's Account.

Commission's Account.

25. All moneys raised in pursuance of section 23 hereof and all other moneys belonging to or payable to the Commission shall be paid into a bank to be designated by the Lieutenant-Governor in Council to the credit of an account to be called the "Agricultural Credit Commission's Account."

What to be paid out of and charged to the Commission's Account.

26. (1.) There shall from time to time be charged to and be paid out of the Agricultural Credit Commission's Account, without further appropriation than by this Act made,—

- (a.) The cost and expense incurred in raising moneys for the Commission by the Minister:
- (b.) All sums payable in respect of interest on the securities for the moneys raised under authority of this Part of this Act:
- (c.) All moneys required to be set aside for sinking funds and reserve funds:
- (d.) All moneys required for the payment or redemption of securities issued in respect of the moneys raised as aforesaid:
- (e.) All moneys required for the purpose of making loans under this Part of this Act.

Cost of management.

(2.) All cost and expense of management of the Commission's office and of the administration of this Part of this Act, including salaries and fees, shall be payable out of the Agricultural Credit Commission's Account.

Transfer from Sinking Fund.

(3.) Transfers of money may be made from the Agricultural Credit Commission's Sinking Fund Account to the Agricultural Credit Commission's Account whenever and wherever necessary to enable payment or redemption of securities to be effected under subsection (d) of this section.

How the Commission's Account is to be operated upon.

27. All moneys withdrawn from the Agricultural Credit Commission's Account or the Sinking Fund or Reserve Fund shall be withdrawn only by cheque signed by the Superintendent and one other Director of the Commission, or by the Deputy Superintendent and any two Directors of the Commission.

Temporary investment of the Commission's moneys.

28. Any of the moneys in the Agricultural Credit Commission's Account may, until required for use in carrying out the purpose of this Part of this Act, be temporarily invested from time to time in and upon such securities as may be approved by Order in Council, and all moneys received in respect of interest on any such investment shall be paid into the Agricultural Credit Commission's Account.

29. All moneys in the Agricultural Credit Commission's Account or payable to the Agricultural Credit Commission's Account by any person whomsoever, and also all moneys owing under this Act by any mortgagor or borrower, whether the same are accrued due or not, are hereby declared to be the property of the Crown in the right of the Province of British Columbia, represented by and acting through the Commission, and recoverable accordingly as from debtors to the Crown.

All moneys to be property of the Crown.

Reserve Funds.

30. In connection with the Commission's business, and out of funds belonging to the Commission, there shall be established, and invested in and upon such securities as may be approved by Order in Council, a Reserve Fund, to which shall be carried all the net surplus earnings of the Commission until the Reserve Fund shall consist of such sum, not being less than one hundred thousand dollars, as the Lieutenant-Governor in Council may from time to time direct.

Reserve Fund established.

31. (1.) Any losses which may be incurred under the operation of this Part of this Act shall be paid out of the Reserve Fund.

Losses debited to Reserve Fund.

(2.) If at the end of any calendar year there is found to exist a deficiency in the Reserve Fund for the payment of losses, such deficiency shall be made up and paid out of the Consolidated Revenue Fund of the Province, which last-mentioned fund shall be reimbursed whenever sufficient funds have accrued to the Commission's Reserve Fund, and may be available for such reimbursement.

Advances to Reserve Fund.

Sinking Fund.

32. There shall in each year be paid out of the Agricultural Credit Commission's Account and into an account with the bankers of the Commission for the time being, and called the "Agricultural Credit Commission's Sinking Fund Account," all moneys received by the Commission in payment of the principal moneys of loans under this Part of this Act, together with such further amounts from interest collections and from other earnings (if any) on loans as may be necessary in order to provide for the redemption at maturity of all the respective securities from time to time issued under this Part; subject always to payment in the first place of all interest on all guaranteed securities; so that the moneys from time to time received by the Commission under this Part of this Act shall always be applied as follows, that is to say:—

Moneys payable into Sinking Fund.

Firstly: In payment of the interest on all the guaranteed securities for the time being outstanding;

Secondly: In payment of the amounts necessary to keep the Sinking Fund up to the necessary amount and standard to duly and fully provide for the redemption of all guaranteed securities at maturity;

- Thirdly: In payment of all costs and expenses of the management and administration of the Commission;
- Fourthly: In keeping up the Reserve Fund to the amount fixed by Order in Council after making thereout of all necessary reimbursements to the Consolidated Revenue Fund; and
- Lastly: Into the Agricultural Credit Commission's Account for reinvestment as part of the funds of the Commission.

Investment of
Sinking Fund.

33. The moneys standing to the Credit of the Agricultural Credit Commission's Sinking Fund Account shall be invested in and upon such securities as may from time to time be prescribed by Order in Council.

Miscellaneous Accounts.

Miscellaneous
accounts.

34. In connection with the Commission's business there shall be kept within the Commission's records separate accounts showing—

- (a.) The Capital Fund; the securities outstanding;
- (b.) The loans made;
- (c.) The interest received;
- (d.) Other earnings received;
- (e.) Such other particulars as the Minister may from time to time deem necessary in order to show the details of all transactions and the exact financial position of the Commission.

Register of loans
made.

35. (1.) The Commission shall cause to be kept in its office a separate register of all loans made by the Commission.

(2.) The register of loans as aforesaid shall be kept in such form as may be prescribed.

Division (2).—Loan Regulations.

Lands on which
loans may be made.

36. (1.) It shall be lawful for the Commission to accept as security for loans first mortgages upon agricultural land in the Province of British Columbia free from all encumbrances, liens, and interests, other than interests vested in the Crown, except as provided in subsection (3) of this section; that is to say:—

- (a.) Land held by indefeasible title registered under the provisions of the "Land Registry Act"; or
- (b.) Land held by record of pre-emption under the "Land Act"; or
- (c.) Land held by certificate of purchase on the deferred-payment system under the "Land Act"; or
- (d.) Land held as homestead, pre-emption, or purchased homestead under any Act of the Parliament of Canada.

(2.) Provided always that no loan shall be made upon the security of unsurveyed land.

(3.) Provided further that in any case where a prior loan exists, obtained otherwise than from the Commission and secured by a mortgage of land in respect of which a loan from the Commission

is being applied for, and when the total amount of the prior loan and the loan applied for does not exceed the maximum limit of the loaning capacity of such land, based on valuation made by the Appraisal Department, it shall be lawful for the Commission, if it sees fit, and by and with the consent of the holder of the first loan, to grant the loan applied for, and as security for such loan to accept a mortgage concurrent with the mortgage executed and existing in respect of the prior loan.

37. Loans may be made for the following purposes:—

Specific purpose of loans.

- (a.) The acquiring of land for agricultural purposes and the satisfaction of encumbrances on land used for such purposes:
- (b.) The clearing of land, draining, dyking, water-storage, and irrigation-works:
- (c.) The erection of farm buildings:
- (d.) The purchase of live and dead stock, machinery, and fertilizers:
- (e.) Discharging liabilities incurred for the improvement and development of land used for agricultural purposes and any purpose calculated to increase land productiveness:
- (f.) And any purpose which in the opinion of the Commission will increase the productiveness of the land in respect of which the loan is proposed:
- (g.) Carrying out the objects of any association; subject to approval by Order in Council as hereinafter provided:
- (h.) Taking over in whole or in part and with the approval of the Lieutenant-Governor in Council, by Order in Council, any existing loan by the Crown in right of the Province of British Columbia to any association or any debentures issued by any association.

38. Before granting any loan the Commission shall ascertain that the loan is justified on the following grounds:—

Grounds on which loans must be justified.

- (a.) The value of the security offered, estimated on the basis of agricultural productiveness as hereinafter provided:
- (b.) The desirability of the proposed loan for any of the purposes described in the last preceding section:
- (c.) In the case of an individual borrower, the ability of the applicant to make a fair living for himself and his family from the farming of his land, when improved as proposed by means of the loan applied for, and after having paid interest and amortization charges or other payments as required under the mortgage:
- (d.) In the case of an association, that the association is solvent and has adequate earning powers, and that its records, methods, investments, and management are satisfactory to the Commission:

(c.) That the granting of the proposed loan for the specified purpose in the opinion of the Commission will be of economic benefit to the borrower.

Manner of applying for loan.

39. (1.) No loan shall be considered except upon the written application of the borrower.

(2.) Such application shall be in the prescribed form and shall set forth distinctly and definitely the purpose for which the loan is required.

(3.) Each such application shall be accompanied with the prescribed fees.

(4.) An applicant for a loan shall furnish such additional details, references, and information as the Commission may at any time require.

Loans granted by resolution of the Commission.

40. No loan shall be made except upon a recorded resolution of a meeting of the Commission at which the question of granting the loan has been fully considered.

Amount of loan.

41. No loan shall be granted under this Part of this Act for a sum of less than two hundred and fifty dollars or for a greater amount than ten thousand dollars to any one borrower, other than an association: Provided that no loan exceeding ten thousand dollars shall be made to an association except with the sanction of an Order in Council first had and obtained; and provided always that applications shall be recorded and considered in the order of receipt at the head office of the Commission, and that as between applications considered at the same meeting of the Commission applications for loans not exceeding two thousand dollars shall have priority in consideration over applications for larger loans.

Maximum limit of loan.

42. No loan shall be granted for an amount exceeding sixty per cent. of the appraised value of the land offered as security of the loan, calculated on the basis of value and productiveness when the improvements in respect of which the loan is desired shall have been effected: Provided that such loan or part of such loan shall only be paid to the borrower in accordance with the provisions of section 43 hereinafter.

Amount of loan to be paid by instalment.

43. The amount of any loan granted under this Part of this Act may, at the discretion of the Commission, be advanced by instalments, and in no case shall the advance on account of a loan made for the purpose of effecting improvements on agricultural land exceed the proportion which the work done at any time bears to the entire work undertaken in connection with the loan granted for such purpose.

Applicants failing to execute documents.

44. In any case when the granting of a loan has been approved by the Commission, and the applicant fails within three months after notification to him of such approval to execute any documents that

may be required in order to complete the security of the loan to the satisfaction of the Commission, and to file the same with the Commission, together with the title deeds (or certificates, as the case may be) of the property, the Commission may withdraw its approval of the loan. In such event no part of the fees paid in connection with the application shall be refunded.

45. No loan shall be made to any member of the Commission, or to any member of the staff of the Commission, or to any Appraiser, Inspector, or person employed to perform any work on behalf of the Commission. Persons to whom loans may not be granted.

46. No Director in his office as a member of the Commission shall at any meeting take part in the discussion or vote in the following cases, that is to say:— Cases in which a Commissioner shall not sit.

- (a.) Any application for a loan under this Act by any person who is related to that member within the third degree of consanguinity; or
- (b.) Any application for a loan on behalf of any person who is in partnership with or in the employ of that member; or
- (c.) Any application for a loan by any person who is a debtor under a mortgage to any association of which that person is a director or member, or under which he holds any office or position.

Provisions respecting Mortgages.

47. (1.) Every mortgage under this Part of this Act shall be given to the Commission, its successors and assigns, and shall be made and taken in the prescribed form and shall be registered under the provisions of the "Land Registry Act." General provisions respecting mortgages.

(2.) A mortgage under this Part need not be registered under the "Bills of Sale Act" or "Companies Act," or under any other Act than the "Land Registry Act."

(3.) All other records and documents under this Part shall be in the prescribed form.

48. Every mortgage taken by the Commission shall be in security of either a long-dated loan or a short-dated loan, or a single season loan secured by mortgage, as respectively provided hereinafter. Term of loans.

49. The rate of interest charged on loans made under this Part of this Act shall be determined from time to time, and in the case of each respective loan shall be the rate for the time being prescribed, and the basis for fixing the rate shall as nearly as practicable be the adoption of a rate which shall exceed by not more than one per cent. per annum the rate actually paid by the Commission on the net amount realized from the sale of securities by which the funds for the purposes of the Commission have been raised. Rate of interest.

Long-dated Loans.

Term of long-dated loans.

50. (1.) A long-dated loan as authorized in and by section 48 hereof shall be repaid to the Commission, with interest as fixed in the mortgage, within a period to be fixed by the Commission, at either thirty-six and one-half years, thirty years, or twenty years, until the whole loan with interest thereon has been repaid.

(2.) With respect to such repayments the following regulations shall apply, that is to say:—

Amortization charges.

(a.) To the rate of interest shall be added in the case of each long-dated loan a charge sufficient to amortize the loan by the time of its maturity; and

Half-yearly instalments.

(b.) The combined charge for interest and amortization shall be payable half-yearly, each instalment (except the last) being equal.

Short-dated Loans.

Period of short-dated loans.

51. (1.) The Commission may from time to time invest such portion of its available funds as it sees fit in short-dated loans, not exceeding in amount two thousand dollars to an individual or ten thousand dollars to an association, for a period to be determined in each case in the discretion of the Commission, not less than three years and not to exceed ten years: Provided always that any such short-dated loan to an association exceeding in amount two thousand dollars shall be subject to approval by Order in Council.

(2.) Loans granted under the provisions of subsection (1) of this section need not be amortizable, but may be made on such terms and conditions as the Commission deems fit.

(3.) With exception of the provisions in subsection (2) of section 50 hereof relating to amortization, all the provisions of this Part of this Act applying to mortgage loans shall extend and apply to any loan granted under the provisions of this section.

Single Season Loans.

Single season loans.

52. (1.) For the purpose of affording aid for any of the purposes enumerated in section 37 of this Act, in any case where the loan applied for is by the terms of the application to be limited to a specified season, the Commission may make, upon such terms and conditions as may from time to time be prescribed, to any person or association single season loans repayable within twelve months from the date of the application.

(2.) Such loans shall be secured by promissory note and by mortgage in the prescribed form, and no such loan shall exceed the sum of two thousand dollars to any one person or ten thousand dollars to any association: Provided always that any such single season loan to an association exceeding in amount two thousand dollars shall be subject to approval by Order in Council.

Additional Loans.

53. For the purpose of adding to a loan already made, the following provisions shall apply in the case of every loan made by the Commission, that is to say:—

Power to enlarge loans.

- (a.) At any time and from time to time the mortgagor may apply for an additional loan of any sum that with the principal sum owing under the mortgage will not exceed the limits fixed by this Act in the case of an original loan:
- (b.) If the application for such additional loan is granted in whole or in part, the amount granted shall be secured by memorandum of additional loan, which shall be executed by the mortgagor in form prescribed:
- (c.) On and after the execution of the memorandum of additional loan the original mortgage shall operate and apply to the aggregate amount of the original and additional loan in the same manner in all respects and with the same priorities of security and otherwise as if the mortgage had been originally granted in respect of the additional loan, as well as of the original loan:
- (d.) The memorandum of additional loan shall be registered in manner provided for the registration of a mortgage:
- (e.) In no case shall an additional loan be granted unless all instalments on the original loan have been paid up to the commencement of the term of the new loan.

Provisions concerning Repayments made in Advance.

54. Irrespective of the prescribed payments any mortgagor may from time to time on any interest date pay to the Commission any sum of not less than twenty-five dollars, or a multiple of twenty-five dollars, in reduction of his mortgage debt.

Mortgagor may further reduce debt.

55. All moneys paid in advance by a mortgagor as provided in the preceding section shall be disposed of by the Commission in or towards satisfaction of the future instalments in the order of their due date in accordance with the following provisions:—

Mode of disposing of moneys paid in advance.

- (a.) In the case of each instalment of principal which is wholly satisfied and in which no interest has actually begun to accrue the corresponding instalment of interest shall not be payable:
- (b.) The instalments unsatisfied in whole or in part shall, as to both principal and interest, be deemed to be due and payable at half-yearly intervals computed from the due date of the instalment next preceding the instalment that is first satisfied in whole or in part, and there shall be no break in the continuity of the payments to be made by the mortgagor.

Provisions in Case of Default in respect of Freeholds.

Commission may cancel or withdraw loan.

56. If at any time any sum of money, whether principal or interest, due in respect of any loan made by the Commission under the provisions of Part I. of this Act on the security of a mortgage of land held in fee-simple be unpaid; or if in the opinion of the Commission any such loan, or portion of such loan, has not been applied for the purpose for which it was made, or has not been carefully and economically expended; or if the loan be not applied within such time as the Commission may consider reasonable for the purpose for which it has been made, or if any default is made in the observance of any covenant in any mortgage, the Commission may in any and all such cases as aforesaid refuse to pay any unpaid portion of the loan, and one month after demand by registered letter has been made for repayment of the loan, or such portion thereof which may have been advanced, and without recourse to a Court of law, enter upon, seize, and take possession of the whole or any part of the security for the loan; and the Commission may dispose thereof as it sees fit at public auction, public tender, or private sale, upon such terms and conditions as it deems under all the circumstances to be just, and the Commission may transfer such land or other security to any purchaser it sees fit, and give a good and valid title thereto, notwithstanding any encumbrance thereon in favour of any other person.

Disposal of proceeds from sale.

57. The Commission shall apply the proceeds derived from such sale in payment, in the first instance, of all moneys due to the Commission in respect of such loan, and in redemption of any amount charged thereon in favour of the Commission, or so much thereof as remains unpaid, or in making any pro rata division to any other encumbrancer if there be any agreement with the Commission to that effect, and in payment of all expenses incurred by the Commission in relation to such sale, and shall pay the balance (if any) to the persons entitled to receive the same.

Commission may reduce price.

58. (1.) If the Commission is unable to resell any property which it has taken over on account of unsatisfied loan at a price sufficient to repay the moneys due in connection with such loan, then it shall be lawful for the Commission, with the consent of the Lieutenant-Governor in Council, to reduce the amount of the price so as to effect a sale.

(2.) Any loss arising from a resale as provided in the last preceding section, or from any sale in pursuance of the mortgage, shall be debited to the Reserve Fund.

Receiver may be appointed by Commission.

59. In the event of default being made in payment of any moneys due under any mortgage, or for any of the causes under which the Commission may exercise power of sale as set out in section 56 of this Act, the Commission may, in addition to the exercise of all other rights and remedies, and without notice, appoint a receiver of the

mortgaged premises, with full power to enter into and upon and take possession of and to manage and realize upon the mortgaged premises, and to exercise all such further or other powers as may from time to time be prescribed.

60. It shall not be lawful for any member of the Commission, or for any official, appointee, or employee of the Commission, to buy, directly or indirectly, any property sold by the Commission under this Act.

Persons by whom property may not be bought.

61. (1.) When default is made in payment of any instalment due under this Act, or in the observance of any covenant in any mortgage, or for any of the causes under which the Commission may exercise power of sale as set out in section 56 of this Act, the Commission, if it sees fit, may, in lieu of exercising the power of sale conferred by the mortgage, lease the mortgaged land for any term not exceeding ten years.

Commission may lease lands acquired.

(2.) Every such lease shall be in the prescribed form, and shall contain covenants to pay such rent and to observe such terms and conditions as the Commission thinks fit.

(3.) The rent and profits from time to time derived from any such lease shall be applied as follows:—

- (a.) In the payment of the costs and expenses and all outgoings whatsoever from time to time incurred in connection with the lease:
- (b.) In payment of the instalments and other payments (if any) due under the mortgage; and
- (c.) In payment of the balance (if any) to the mortgagor.

Provisions in respect of Securities other than Freeholds.

62. (1.) Notwithstanding anything to the contrary in the "Land Act," it shall be lawful for a pre-emptor or a purchaser of Crown land under the deferred-payment system to mortgage his pre-emption or his purchase land, under the provisions of this Part of this Act, at any time after the issue of the record of pre-emption or certificate of purchase, and a loan may be made by the Commission on the security of any such pre-emption or purchase land: Provided that it shall be proved to the satisfaction of the Commission that such record or certificate is in good standing with respect to settlement duties and all other conditions prescribed by the "Land Act."

Land held under "Land Act" may be mortgaged.

(2.) When an advance has been made upon the security of a mortgage of a holding the grant whereof may under the provisions of the "Land Act" be acquired from the Crown, the deed of grant in respect thereof shall not issue from the Department of Lands while such mortgage is in existence until a mortgage of the freehold has been executed containing such covenants and provisions as are prescribed to secure payment of the amount of the loan, together with all interest and charges then unpaid.

Crown grant not to be issued until Commission is satisfied.

(3.) In the event of any holder of a pre-emption or purchaser of land under the "Land Act" as aforesaid having mortgaged such holding to the Commission under the provisions of this section, and having abandoned or surrendered his holding to the Government, or having forfeited his rights to such holding by decision of the Lands Department on account of non-fulfilment of settlement duties, or failure to comply with other obligations or conditions assumed by such holder under the said Act, then the Department of Lands shall issue Crown grant of such lands in favour of the Commission and consent to forego the fulfilment of such settlement duties, obligations, and conditions, other than payment of the balance of purchase-money and other charges unpaid.

(4.) If the mortgagor of land held as described in paragraphs (b) and (c) of subsection (1) of section 36 hereof shall fail to make payment of principal or interest as prescribed, or fail to fulfil any conditions or covenants contained in or implied under the mortgage in respect of a loan made under this Part of this Act, the Department shall, upon the request of the Commission, notwithstanding anything to the contrary in the "Land Act," issue a Crown grant of such land in favour of the Commission and consent to forego fulfilment of the settlement conditions assumed by such mortgagor, other than payment of the balance of purchase-money and other charges unpaid.

(5.) The Commission may grant, demise, and transfer such lands by sale or lease, upon such conditions as it sees fit, to any person upon the payment of the amount of the loan, with interest due, and all other charges incurred on the security of said land, and the Commission may, if it sees fit, accept a mortgage from the purchaser in any amount. Such sale or lease may be by public auction, by public tender, or by private contract, and in the case of disposal by private contract advertising shall not be necessary.

Provisions relating to Lands held under Acts of the Parliament of Canada.

63. (1.) It shall be lawful for the Commission to grant loans under the provisions of this Part of this Act on security of mortgage of land in the Province of British Columbia held as homestead, pre-emption, or purchased homestead under any Act of the Parliament of Canada in respect of which Crown grants have not been issued: Provided that the Government of Canada shall have agreed to and have carried out provisions embodying the following conditions, that is to say:—

(a.) It shall be lawful for the holder of a homestead, pre-emption, or purchased homestead in British Columbia under any Act of the Parliament of Canada to mortgage to the Commission such homestead, pre-emption, or purchased homestead at any time after the issue of the record of the holding:

(b.) When a loan has been made upon the security of a mortgage of a holding the grant whereof may under the

Conditions on which loans to homesteaders under the Dominion "Lands Act" may be granted.

Homesteaders under Dominion "Lands Act" may give mortgage.

Crown grant of mortgaged land not issued till Commission is satisfied.

provisions of any Act of the Parliament of Canada be acquired from the Crown, a deed of grant in respect thereof shall not issue from the Department of Lands of Canada, or any other department, while such mortgage is in existence until a mortgage of the freehold has been executed containing such covenants and provisions as the Commission deems proper, or as may be prescribed, to secure payment of the amount of the loan, together with all interest and charges then unpaid:

(c.) If the borrower shall make default as to fulfilment of the conditions contained in or implied under the mortgage in respect of such loan, the Lands Department of Canada, or other department thereunto lawfully authorized, shall, at the request of the Commission, issue Crown grant of the lands in respect of which the loan has been made in favour of the Commission, and the Government of Canada shall agree in all such cases to forego fulfilment of the settlement duties and of any obligations whatsoever assumed by such mortgagor under the provisions of any Act of the Parliament of Canada, other than payment of the balance of purchase-money and other charges due:

Grant issued in favour of Commission in case of default.

(d.) In the event of any holder of a homestead, pre-emption, or purchased pre-emption under any Act of the Parliament of Canada as aforesaid having mortgaged such holding to the Commission under the provisions of this section, and abandoning or surrendering his holding or forfeiting his rights to such holding by decision of the Dominion Lands Department on account of non-fulfilment of settlement duties or other obligations and conditions assumed by such holder, then the said Department of Lands shall issue a Crown grant of such lands in favour of the Commission and consent to forego the fulfilment of all settlement duties, obligations, and conditions, other than payment of the balance of purchase-money and other charges due.

Grant issued in favour of Commission in case of forfeiture.

(2.) No loan shall be granted to any holder of a homestead, pre-emption, or purchased homestead under any Act of the Parliament of Canada unless such holder satisfies the Commission that his record of such holding is in good standing with respect to settlement duties and all other conditions implied under said record.

No loan granted unless record is in good standing.

(3.) No loan shall be granted under the provisions in subsection (1) of this section until such a time as the Commission is satisfied that all necessary provisions, whether legislative or otherwise, for properly securing the Commission's interest in respect of such loan have been completed as prescribed herein.

Section not to go into effect until completion of provisions.

(4.) Irrespective of the date of the coming into effect of this Act, the provisions of this section shall not come into effect except upon special Proclamation of the Lieutenant-Governor in Council.

Section to go into effect upon special Proclamation.

Provisions implied to apply.

64. All provisions in this Part of this Act relating to mortgage loans shall be deemed to apply to loans granted on the security of mortgage of other lands than freeholds in fee-simple, unless so far as inconsistent with the special provisions of sections 62 and 63 hereof.

Fees.

Scale of fees.

65. (1.) Fees, costs, and charges shall be payable by any applicant for a loan under this Act according to the scale for the time being prescribed.

All fees payable in advance.

(2.) All fees, costs, and charges payable to the Commission by applicants for loans under the provisions of this Act shall be paid in advance.

Miscellaneous Provisions.

Appropriations for initial expense.

66. For the purpose of putting the provisions of this Part of this Act into effect until such a time as the necessary funds for such purpose shall be available under the operation of said Part, there shall be made an appropriation by the Legislative Assembly, to be charged against the Consolidated Revenue Fund of the Province, of a sum not exceeding fifty thousand dollars, which sum may be expended under the direction of the Minister, and the last-mentioned fund shall be reimbursed from moneys accruing under the operation of this Part of this Act when available for such reimbursement.

By whom declarations may be taken.

67. All declarations authorized to be made under the provisions of this Part of this Act shall be subscribed by the person making the same, and shall be made before a Notary Public, Justice of the Peace, or any other person duly authorized to take declarations, or before the Superintendent, who is hereby fully authorized and empowered to receive the same.

PART II.

INCORPORATION WITHOUT SHARE CAPITAL.

Objects of Associations incorporated under this Part.

Objects of associations.

68. The object of associations shall be generally to promote the progress of agriculture, horticulture, and arboriculture by holding exhibitions at which there may be awarded prizes for live stock, agriculture, horticulture, and arboricultural products, implements, and machinery, and for any excellence in agriculture productions or operations; by importing or otherwise procuring seeds, plants, and pedigree animals of new or valuable kinds, or by offering bonuses for the introduction of the same; by offering prizes for essays on questions relating to agriculture, arboriculture, and horticulture; by disseminating information regarding bee-keeping; by promoting the circulation of agricultural, arboricultural, and horticultural publications; and by holding meetings for discussion and securing the delivery of lectures on subjects connected with agriculture, horti-

culture, and arboriculture; and by co-operation for carrying on any industry, trade, or business, or for any purpose relating to agriculture within the Province.

Application to Existing Associations.

69. The following associations, societies, and organizations already incorporated or now operating in the Province shall be and continue to be bodies corporate, with the powers now enjoyed by them under the respective Statutes under which they were incorporated. Any of such associations, societies, or organizations may, as is hereinafter provided, elect to come within the provisions of Part II. of this Act to the exclusion of the powers taken or conferred under the respective Acts under which they have been incorporated:—

Certain bodies authorized to avail themselves of this Act.

- All co-operative farmers' institutes:
- All co-operative women's institutes:
- All British Columbia fruit-growers' associations:
- All agricultural fairs associations:
- The British Columbia Stock-breeders' Association:
- The British Columbia Dairymen's Association:
- The British Columbia Poultrymen's Association.

70. (1.) Upon the petition of any such association, society, or organization as is mentioned in the last preceding section, or any other similar or kindred corporation not subject to the provisions of this Act, but formed for the purpose of advancing the interests of any branch of agriculture, horticulture, arboriculture, domestic industry, and the useful arts, being presented to the Minister, the said Minister may by order declare that Part II. of this Act shall apply to the association or society so petitioning, and shall issue a certificate as in section 79 to that effect, and thereafter the provisions and sections applicable to associations incorporated under Part II. of this Act shall apply to such association or society in the same manner and to the same extent as if it had been incorporated under this Part.

Organizations referred to in s. 69 to file petition.

(2.) Every such certificate shall, at the expense of such association or society, be published in the Gazette for four weeks following the date of the said order.

(3.) The petition shall be addressed to the Minister and signed by the directors for the time being of the association, society, or organization seeking incorporation hereunder.

Farmers' Institutes.

71. Farmers' institutes shall be entitled to incorporate as associations under Part II. of this Act, with any or all the objects and purposes set forth in section 68 hereof.*

Farmers' Institutes.

72. Every association organized under this Act as a farmers' institute shall be known as the "[here insert the name of the district] Farmers' Institute."

Superintendent of
Farmers' Institutes.

73. The Lieutenant-Governor in Council may appoint an officer, to be known as the "Superintendent of Farmers' Institutes," who shall discharge the duties assigned to him in any rules and regulations passed pursuant to this Act in that behalf.

Aid to farmers'
institutes.

74. The Legislative Assembly may each year set apart a certain sum of money for aiding farmers' institutes and women's institutes whose returns have been transmitted, and who have complied with the provisions of this Act and the rules and regulations that may be passed by the Lieutenant-Governor in Council, and of which sum an allowance may be made to each institute whose membership is shown to amount to from fifteen to one hundred, a sum of fifty cents for each paid-up member up to one hundred, and twenty-five cents for each paid-up member over one hundred: Provided that in case the amount so voted or set apart shall not be sufficient to cover the total amount of apportionment in this manner, then the apportionment shall be made pro rata on the same basis.

Municipal aid.

75. The Council of any municipality may grant money in aid of any duly organized farmers' institute.

Farmers' Central
Institute.

76. The Minister may employ a portion of the legislative grant to farmers' institutes, not to exceed twenty-five per cent. thereof, for the promotion and assisting in the objects and aims of a Farmers' Central Institute for the whole Province, such institute to be formed by delegates from the district institutes, who shall be elected at the annual meetings, as may be provided by any rules and regulations made under authority of this Act, and its meetings shall be held not oftener than once a year, the place of meeting to be designated by the Superintendent.

Advisory Board.

77. The delegates to the Central Institute may each year appoint from among their number members of a Board to be known as the "Advisory Board." The said Board shall consist of six members, two from Vancouver Island, two from the Lower Mainland, and two from the Upper Mainland. The said Board shall meet at the times and places designated by the Minister, and shall advise the Minister upon all matters of interest to the agricultural community. The members of the Board shall receive no remuneration for their services, but shall be paid their actual travelling expenses.

Women's Institutes.

Women's institutes.

78. Women's institutes for the purpose of disseminating information in regard to agriculture and of improving domestic life may be incorporated under Part II. of this Act, and the same shall constitute associations under this Act, and be subject to the provisions governing associations formed under Part II. thereof and to any rules and regulations made under the authority of this Act.

Procedure to obtain Incorporation.

79. (1.) Any number of persons, being not less than twenty-five, may unite themselves into an association under this Part of this Act for any or all the objects and purposes set forth in section 68 of this Act. Procedure to obtain incorporation under Part II.

(2.) Such persons shall make and sign a declaration in writing setting forth the intended corporate name and objects of the association; the county, municipality, or portion of the Province within and for which the association is constituted; the names, addresses, and occupations of the signers of the declaration; the names of those who are to be the first directors; the location of the head office of the association; the amount of the proposed membership fee; and such other particulars and provisions as they may think fit: Provided that the said particulars and provisions are not contrary to law.

(3.) The declaration shall be made and signed in duplicate or in as many parts (not less than two) as may be required, and may be in the form following, that is to say:—

We, whose names are subscribed hereto, being desirous of forming ourselves into an association, to be known as "The Agricultural Association of [*name district*]," under Part II. of the "Agricultural Act," do hereby severally agree to pay to the said Association, yearly, while we continue members of the Association, the membership fee above set forth; and we further agree to conform to the rules and by-laws of the said Association.

Dated this day of , 19 .

(4.) One of the original parts of the declaration, together with the necessary fees, shall be forwarded to the office of the Minister, who may issue a certificate of incorporation setting forth the corporate name of the association; the county, district, municipality, or portion of the Province in which it proposes to do business; the place where the head office is situated; and the amount of the annual membership fee; with such other matters as such Minister may deem advisable.

(5.) Upon the granting of such certificate, the persons who signed the declaration shall thereby become, and they and their successors shall thenceforward become, a body corporate by the name described therein, having perpetual succession and a common seal, with power to sue and be sued, plead and be impleaded, in all Courts in the Province.

80. The membership of every association incorporated under this Part shall consist of annual subscribers. Application for membership shall be made in writing to the directors, who may refuse or postpone such application. No member shall subscribe jointly with another or others. Members.

81. Every such association at its annual general meeting shall elect a Board of Directors, the number of directors and their mode of selection being determined by by-law. Directors.

Business at annual
general meetings.

82. The following business shall be transacted at each annual general meeting: The retiring directors shall present a full report of their proceedings and of the proceedings of the association, together with a detailed statement of the receipts and expenditures for the previous year and of the assets and liabilities, which statement shall be made up to a day not more than three months prior to the meeting and shall be signed by the association's auditor; an auditor and directors shall be elected for the ensuing year; and any other business may be transacted at the meeting of which notice has been given in the notice convening the same.

By-laws.

83. Every such association shall file with the Minister, together with the declaration, a set of by-laws, which shall be signed by the same persons who signed the declaration, and shall set forth generally such rules and regulations as may be deemed advisable for carrying on the business of the association. Such by-laws shall be subject to the approval of the Minister and the provisions of this Act.

Government grant.

84. The Minister may pay to each association formed under Part II. of this Act such moneys as he may think proper out of the sum voted by the Legislature for that purpose, subject to the following conditions:—

- (a.) That the number of paid-up members for the current year is not less than the number required for organization:
- (b.) That all reports and returns required by this Act have been made to the satisfaction of the Minister:
- (c.) That the annual meeting has been held as required and directors elected in accordance with sections 82 and 107 of this Act:
- (d.) That the objects of such association have been strictly adhered to, and that none of the funds of the association, from whatever source derived, have been expended in any manner not in harmony with such objects.

Such moneys may be paid to the association direct or be disposed of in such manner as the Minister may direct.

Union of Associations.

Union of
associations.

85. Two or more associations incorporated under Part II. of this Act may, by agreement made by their respective Boards of Directors, and with the approval of the Minister, unite their funds or any portion thereof for any purpose likely to promote the welfare of such associations for a period not exceeding one year, and may, with the approval of the Minister, renew such union from year to year if desirous of continuing same. In case of such amalgamation the directors of the united associations shall meet as one Board, and shall elect a president and a first and second vice-president from among their directors, and also a secretary and treasurer, or secretary-treasurer.

PART III.

INCORPORATION WITH SHARE CAPITAL.

86. (1.) Any twenty-five persons who desire to associate themselves together under this Part for any or all of the purposes following, that is to say:—

Procedure to
incorporate under
Part III.

- (a.) The manufacturing of cheese, butter, cider, jams, pickles, and spray mixtures, and the drying and canning of fruit and vegetables:
- (b.) The keeping of farm live stock and bees, and the manufacture and sale of the various products arising therefrom:
- (c.) The dealing in all farm live stock, eggs, milk, cream, and all other agricultural and horticultural products, and the materials, implements, or articles requisite and necessary for the production, packing, and distribution thereof, as the same may be from time to time required by the members, including the establishment of a public market:
- (d.) The dealing in flour, feed, fertilizers, explosives, spray materials, and foods of all kinds for farm live stock, and the component parts or materials from which the same are made:
- (e.) The erection and maintenance of buildings requisite and necessary for the carrying-out of the purposes of the association:
- (f.) The erection and maintenance of a cold-storage plant and the sale of ice:
- (g.) The purchase of and dealing in farm implements and machinery for sale or hire to members of the association:
- (h.) For any purpose which may be approved by the Minister having for its object the development of agriculture,—

shall make and each of them sign a declaration in writing, setting forth the following particulars:—

- (a.) The intended name of the association:
- (b.) The address of its head office:
- (c.) The purposes of the association:
- (d.) The county, municipality, or portion of the Province within which the association intends to carry on business:
- (e.) The names, addresses, and occupations of the signers of the declaration:
- (f.) The names, addresses, and occupations of the first directors of the association:
- (g.) The amount of the capital of the association, the number of shares into which the same is divided, and the par value of each share:
- (h.) The number of shares agreed to be taken by each of the signers and the terms of payment for the same:
- (i.) Such other particulars and provisions as are not contrary to law.

Form of declaration. (2.) The declaration shall be made and signed in duplicate or in as many parts as may be necessary, and shall contain the following:—

We, whose names are subscribed hereto, being desirous of forming ourselves into an association under Part III. of the "Agricultural Act," to be known as _____, do hereby severally agree to take and pay for the shares herein set opposite our respective names, and we further agree to be bound by and conform to the by-laws of the said Association.

Dated this _____ day of _____, 19 _____.

Declaration to be produced to Minister.

(3.) The declaration shall be forwarded to the Minister, together with the fees hereinafter mentioned, and if the same appears to him to be in conformity with this Act he shall endorse thereon a certificate to that effect.

Minister may issue certificate of incorporation.

(4.) When these directions have been complied with and the fees as provided in the Second Schedule to this Act paid, the Minister may issue a certificate setting forth the corporate name of the association; the fact that it is incorporated; the county, district, municipality, or portion of the Province in which it proposes to do business; the location of its head office; the amount of the capital of the association; the number of shares into which the same is divided and the par value thereof; and that the liability of each member is limited to the amount unpaid on the shares held or subscribed for by him.

Corporate body to be formed.

87. Upon the granting of such certificate, the persons who signed the declaration shall thereby become, and they and their successors shall thenceforward become, a body corporate by the name described therein, having perpetual succession and a common seal, with power to sue and be sued, plead and be impleaded, in all Courts in the Province.

By-laws.

88. The by-laws contained in the First Schedule to this Act shall be the by-laws of every association incorporated under the provisions of Part III. of this Act: Provided that if at any time the directors deem that for the proper working of the business of any such association additions or alterations to suit the particular case would be advisable and in the best interests of the association as a whole, and provided the Minister certifies in writing that in his opinion such additions and alterations are advisable, the directors may, on being sanctioned by a resolution passed by a two-thirds majority of the members present at a general meeting, of which notice as required by this Act has been duly given, setting out the proposed additions or alterations, make the alterations or additions so certified to; and upon the same being filed with the Minister the by-laws of the association shall be deemed to be added to or altered accordingly.

Certificate to be evidence.

89. A certificate under the seal of the association specifying any shares held by any member shall be prima facie evidence of the title of the member to the shares.

90. Shares of an association shall not be issued or held jointly nor shall shares be issued at a discount.

Shares not to be issued at a discount or held jointly.

91. Subject to any provisions regarding the creation of a reserve fund, the members of an association incorporated under this Part shall be entitled to and shall be paid a share in the profits of the association in proportion to the value of the produce respectively supplied by them after payment of a dividend, not exceeding six per centum per annum, upon the amount paid up upon their respective shares.

Members entitled to share in profits.

92. The following business shall be transacted at each annual general meeting: The retiring directors shall present a full report of their proceedings and of the proceedings of the association, together with a detailed statement of the receipts and expenditures for the previous year and of the assets and liabilities, which statement shall be made up to a day not more than three months prior to the meeting and which shall be signed by the association's auditor; an auditor and directors shall be elected for the ensuing year; dividends if recommended by the directors may be sanctioned; and other business may be transacted at the meeting of which notice has been given in the notice convening the same.

Business to be transacted at annual general meetings.

93. A copy of the directors' report and of the statement signed by the auditor, together with a list of the members, directors, and officers, and any further information which the meeting may deem in the interests of the association advisable, shall be filed with the Minister within thirty days after the holding of the meeting.

Directors' report and auditor's statement to be filed.

PART IV.

DISTRICT AND CENTRAL EXCHANGES.

94. (1.) It shall be lawful for two or more associations incorporated under Part III. of this Act to group themselves together for the purpose of forming a district exchange.

Formation.

(2.) Each district exchange shall consist of a representative or representatives from the different associations forming such group, and shall be elected by the respective directors of each association out of the members thereof or from their own body, but so that each association shall elect an equal number of representatives, and no association shall be represented in more than one exchange.

(3.) The representatives so elected, irrespective of their number, shall be entitled to incorporate themselves under Part II. of this Act as "[name district] District Exchange."

95. The sum of money required for payment of the costs, charges, and expenses in connection with the incorporation of such exchange shall be stated in the declaration of incorporation, and shall be

Costs of incorporation.

levied by the directors of each district exchange upon the group of associations forming such exchange. The amount to be paid by each association to be in proportion to the amount of its subscribed capital.

Objects.

96. The objects of a district exchange shall be to develop and improve the industries of agriculture and horticulture by the introduction of improved methods, the supplying of agricultural requirements on the best terms by economizing in the marketing of agricultural produce and stock, by carrying on the business of dealers and agents, and by doing all things necessary or expedient for the accomplishing of its objects.

Method of incorporation.

97. (1.) The procedure to be adopted by a district exchange in order to obtain a certificate of incorporation from the Minister shall be the same as that in force for the incorporation of an association under Part II. of this Act, and the provisions of this Act applicable to an association incorporated under Part II. shall apply to a district exchange: Provided that its objects shall be confined to those set out in sections 68 and 96 of this Act, and that the declaration and certificate shall set out the names of the associations seeking to incorporate such district exchange.

Corporate body when formed.

(2.) Upon the granting of such certificate, the persons who signed the declaration shall thereby become a body corporate by the name therein described, having perpetual succession and a common seal, with power to sue and be sued, plead and be impleaded, in all Courts in the Province.

Right to hold land.

(3.) Every such district exchange may acquire and hold by purchase, donation, lease, devise, or otherwise, for the use and purpose of the exchange, all kinds of real and personal property, and may sell, mortgage, lease, or otherwise dispose of the same.

Accounts.

98. Accurate accounts properly audited in accordance with the provisions of this Act shall be kept by each district exchange of its transactions and dealings with the different associations of its group; and the directors shall pass by-laws and regulations governing the keeping of such accounts, the times at which balances shall be struck, the times when and in what proportion profits shall be paid, the method of packing and grading by associations, and generally such rules and regulations as shall in the discretion of the directors be deemed best for carrying out the objects of the district exchange in relation to the different local associations forming its group: Provided that a first charge upon the profits of the district exchange shall be the refunding of moneys advanced by the associations for incorporation expenses. Copies of all such rules and regulations signed by the president and secretary of the district exchange shall be filed with the Minister and shall be subject to his approval before they shall be enforced, and a further copy shall be sent to the secretary of each association represented in such district exchange.

99. The district exchange shall have the right to appoint an inspector or inspectors for the purpose of supervising and directing the uniform packing and grading of produce by each association in its group, and the directors may make, and from time to time alter at their discretion, rules and regulations governing the appointment and duties of such inspector or inspectors.

Directors may make rules and regulations.

Central Exchange.

100. The Lieutenant-Governor in Council may make rules and regulations governing the creation of a Central Exchange for the Province, to be formed of delegates from the different district exchanges, and defining the objects thereof and its government and management.

Central Exchange.

PART V.

GENERAL CLAUSES GOVERNING ASSOCIATIONS INCORPORATED UNDER PARTS II. AND III.

101. Every association may acquire and hold by purchase, donation, lease, devise, or otherwise, for the use and purpose of the association, all kinds of real and personal property, and may sell, mortgage, or lease or otherwise dispose of the same, and may borrow money upon mortgage, bond, or otherwise for the purposes of the association, and may invest any moneys in their hands upon the security of mortgages upon real estate.

Right to hold and deal in real and personal property.

102. A copy of every certificate of incorporation issued by the Minister under this Act shall be published, at the expense of the association, in the British Columbia Gazette for one month forthwith after the same is granted.

Publication of certificate of incorporation.

103. Upon the filing of a copy of a resolution of a general meeting of any association to that effect, the Minister may change the name of the association: Provided that such change of name shall forthwith, at the expense of the association, be advertised in the British Columbia Gazette for a period of not less than thirty days.

Change of name.

104. No association shall be registered under a name identical with that by which any other existing association has been registered, or so nearly resembling such name as to be likely to deceive the public.

Similar names not permitted.

105. The directors may by resolution from time to time change the location of the head office, and every such change shall forthwith be filed with the Minister.

Change of head office.

106. Every association shall be entitled to have any number of branch offices and places of business within the territory set forth in its certificate of incorporation.

Branch offices.

Annual general meeting.

107. A general meeting of every association shall be held once at the least in every calendar year within the Province, and not more than fifteen months after the holding of the last annual general meeting, at such time and place as may be decided upon by the directors, and if no time and place is so decided, then such meeting shall be held at the head office of the association on the second Tuesday in March in each year. Such meeting shall be called the "annual general meeting." All other general meetings shall be called "extraordinary general meetings." A general meeting shall in any event be held within three months from the date of the certificate of incorporation.

Convening of general meeting on requisition.

108. An extraordinary general meeting of the members of an association may be called by the president; or, in his absence, by the vice-president; or in the absence of the president and vice-president, or in the event of their refusal to call a meeting when called upon so to do by any fifteen members, then such meeting shall be called by the secretary on the written requisition of any fifteen members of the association, of which meeting at least seven days' notice shall be given to each member, and such notice shall state the business to be transacted.

Notice of general meetings.

109. Save where otherwise specifically directed, notice of any general meeting of an association shall be given to each member in writing by the secretary at least fourteen clear days before the date of such meeting, and such notice shall state generally the nature of the business to be transacted thereat.

Voting.

110. (1.) Every question submitted to a meeting shall be decided in the first instance by a show of hands, and in case of an equality of votes the chairman shall have a second or casting vote. The decision of the chairman on the result in such case shall be final. Any three members who are dissatisfied with the decision of the chairman may demand that the vote be taken by a written ballot, and the chairman shall direct that the vote be so taken accordingly. Members shall not be entitled to vote by proxy.

Members to have one vote.

(2.) No member shall have more than one vote upon any question arising at any general meeting.

Majority save in certain cases to govern.

(3.) Save where otherwise prescribed by the by-laws or this Act, all questions shall be decided by a majority of votes.

Members shall not vote until overdue calls paid.

(4.) No member attending any general meeting shall be entitled to vote at such meeting unless and until all overdue calls upon his shares shall have been paid in full.

Disqualification of voter.

(5.) No member shall be entitled to vote at any general meeting who has not sold his main crop through the local association for the past year, or who has not signed a contract to do so during the ensuing year, unless he has received the consent of the local Board of Directors, in writing, to dispose of his main crop otherwise.

111. (1.) At each annual general meeting all the directors save the managing director (if any) shall retire from office, the retiring directors being eligible for re-election: Provided, however, that fourteen days' previous notice in writing shall be given to the secretary of the intention of any member to propose any person, other than a retiring director, for election as a director: Provided always that, if the members present at any annual general meeting unanimously consent, the chairman may waive such notice and submit to the meeting the name of any proper person. Appointment of directors.

(2.) Provided always that any association incorporated under this Part of this Act may enact in its by-laws provisions to the effect that one-third of the number of directors elected at the next ensuing election shall retire from office one year after elected, one-third two years after elected, and one-third three years after elected; and that their respective successors in office shall serve for a period of three years, one-third of their number retiring each year.

112. Subject to this Act and to the by-laws of the association, the directors shall have full power to act for and on behalf of the association, and all grants of money and other funds of the association shall be received and expended under their direction. Powers of directors.

113. The directors named in the declaration of incorporation of any association shall be the first directors of the association, and shall hold office until the first annual general meeting. First directors.

114. (1.) The members may elect as director a person not a member of the association, but the person so elected must within ten days become a member, otherwise at the expiration of such ten days his office as director shall become vacant. Such person shall be entitled to act as director only after he has become a member of the association. Election of non-member as director.

(2.) Any director of a local association who disposes of his main crop otherwise than through the local association, except by the written consent of the local Board of Directors, shall immediately cease to be a director, and his vacancy on the Board shall be filled according to the Act. Disqualification of director.

115. Except as otherwise provided by the by-laws, three directors shall form a quorum. Directors' quorum.

116. The directors shall cause minutes to be made in books provided for the purpose— Minutes to be kept.

- (a.) Of all appointments of officers made by the directors:
- (b.) Of the names of the directors present at each meeting of the directors and of any committee of the directors:
- (c.) Of all resolutions and proceedings at all meetings of the association, and of the directors, and of committees of directors;

and every director present at any meeting of directors or committee of directors shall sign his name in a book to be kept for that purpose.

Election of officers by directors.

117. (1.) The directors shall from among themselves elect a president and one or more vice-presidents, and shall also from among themselves or otherwise elect a secretary and a treasurer, or a secretary-treasurer, and subject to the by-laws may appoint from their own body or elsewhere a manager.

Remuneration of directors.

(2.) With the approval of the shareholders at any previous general meeting, the directors may be paid a maximum fee of three dollars per day as compensation for time and expenses in attending directors' meetings.

Security to be given by treasurer.

118. (1.) The treasurer or secretary-treasurer of every association, before entering upon the duties of his office, shall give such security, either by joint and several covenant with one or more sureties, or otherwise, as the Board of Directors may deem necessary for the faithful performance of his duties.

Directors to inquire into sufficiency of security.

(2.) It shall be the duty of the Board of Directors, prior to the annual general meeting in each and every year, to inquire into the sufficiency of such security and to report thereon to such meeting.

On neglect directors to be personally liable.

(3.) If the directors of an association neglect to procure and maintain proper and sufficient security, they shall be personally and jointly and severally responsible for all funds of the association in the possession of the treasurer or secretary-treasurer.

Auditor.

119. Every association governed by this Act shall each year appoint an auditor who shall be elected by the members, and in the case of an association incorporated under Part III. and which has obtained a loan under the provisions of Part I. of this Act such appointment shall be subject to the approval of the Auditor-General being first obtained.

Minister may at any time inspect books.

120. The books and accounts of every association shall at all times be open to inspection by the Minister or a person appointed by him therefor, and the Minister may give directions as to any particulars which he deems necessary to be shown therein; and all officers of the association shall furnish the Minister with such information as may from time to time be requested with respect to the working and management of the affairs of the association.

Association shall affix its name on registered office.

121. Every association—

(a.) Shall paint or affix, and keep painted or affixed, its name on the outside of every office or place in which its business is carried on, in a conspicuous position in letters easily legible:

On seal.

(b.) Shall have its name engraven in legible characters on its seal:

- (c.) Shall have its name mentioned in legible characters in all notices, advertisements, and other official publications of the association, and in all bills of exchange, promissory notes, endorsements, cheques, and orders for money or goods purporting to be signed by or on behalf of the association, and in all bills of parcels, invoices, and receipts of the association. On documents.

122. Depreciation shall be calculated at the following rates upon the cost of the buildings and plant of every association, and shall be annually chargeable in the accounts against the trade of the association:— Depreciation.

- (a.) On buildings constructed of concrete, brick, or stone, and with slate, tile, or iron roofs, not less than two and a half per cent.:
- (b.) Buildings of wood, machinery, vans, and carts, and all other plant, not less than five per cent.:

Provided that—

- (c.) When any building or plant is discarded, the undischarged balance of its first cost, with the cost of any subsequent additions or renewals, shall also be written off:
- (d.) When the first cost of any building or plant and its additions or renewals has been completely written off by the annual depreciation charges, no further depreciation shall be charged on account of such building or plant, except in respect of any later additions or renewals made thereto.

123. Any dispute arising between any association and any member or members, and found incapable of amicable adjustment, shall be referred to a Board of Arbitration composed of three arbitrators (all being members of the association, who are willing to serve in that capacity without fee), of whom one shall be nominated by the president, one by the aggrieved member or members, and the third chosen by the two nominated arbitrators. The award made by a majority of the arbitrators shall be final. Arbitration.

124. A member of any association may be expelled if found guilty of conduct detrimental to the association, provided— Expulsion of members.

- (a.) That he shall have received in writing one month previously complete particulars of the charge alleged against him; and
- (b.) That two-thirds of the members present at a general meeting vote for his expulsion; and
- (c.) That the notice convening the meeting shall set forth the fact that a motion to expel such member is to be voted upon:

Provided that in the case of an association incorporated under Part III. of this Act the full amount paid or credited upon the

shares held by an expelled member shall be paid to him on expulsion, and an entry of the cancellation of his shares shall be made thereupon in the share register.

Readmission.

125. An expelled member shall only be readmitted by the vote of two-thirds of the members present at an annual general meeting, and on a motion of which at least six months' previous notice has been given to the secretary.

Register of members and directors.

126. There shall be kept at the head office of every association a register of the members and directors, which shall be open to inspection by the members and the public.

Directors' power to borrow.

127. The directors may from time to time, at their discretion, raise or borrow or secure the payment of any sum or sums of money for the purpose of the association.

Copies of all mortgages and charges to be filed.

128. A true copy, certified to be such by the secretary, of all mortgages or charges upon any of the real or personal property or assets of every association, and which are executed under its seal, shall be filed with the Minister forthwith after execution thereof.

Minister may wind up association on certain contingencies.

129. If an association ceases for six consecutive months to do business as required by this Act and its by-laws, or if the Minister is satisfied, after any inquiry at which the association was given due notice to appear, that the business of the association is not being properly conducted, or that the provisions of this Act or of its by-laws or any of them are not being carried out in accordance with the terms thereof, or if the auditor's annual reports are not filed in accordance with the provisions of this Act, the Minister may declare the corporate powers of the association forfeited, and the association shall thereupon be wound up; and a notice to that effect shall be published in the British Columbia Gazette forthwith for one month thereafter.

Winding-up to be same as in case of companies.

130. The procedure for the liquidation, winding-up, and disposal of the business of any association shall be as far as possible the same as in the case of companies incorporated under the "Companies Act, 1911."

PART VI.

INSPECTORS OF CREAMERIES.

Appointment.

131. The Lieutenant-Governor in Council may appoint for the Province, or for any portion thereof, and to hold office at pleasure, one or more competent persons, especially qualified by practical experience in dairying, who shall be known as "Provincial Dairy Inspectors."

Inspectors of Creameries.

Duties.

132. It shall be the duty of a Provincial Dairy Inspector to visit the creameries and cheese-factories of the Province, or of the portion thereof for which he is appointed, as frequently as possible, to render whatever assistance he is able to the owners of said creameries or factories, or the persons in charge thereof, in regard to the making and marketing of their products, and to inspect their stables, live stock, dairies, and utensils to see that they are kept in a sanitary and cleanly condition, and to render all the aid and advice possible in order to improve the dairy conditions of the Province.

Duties of Inspector.

Powers.

133. An Inspector shall have the power to condemn any stock, stable, creamery, factory, or premises which he considers unfit for the production or manufacture of wholesome milk, cream, butter, or cheese; and the owner of any such live stock or premises so condemned may be prohibited by the Inspector from offering for sale any milk, cream, butter, or cheese, the produce of such stock or manufactured on said premises; and, upon summary conviction before a Justice of the Peace, shall be liable to a penalty not to exceed fifty dollars for each violation of such prohibition. An Inspector shall also have power and it shall be his duty to enforce, as far as possible, the provisions of the "Milk Fraud Act."

Powers of Inspector.

134. In every creamery association, all butter manufactured by such creamery shall be plainly stamped on its covering or wrapper so as to indicate the creamery where the same is made.

Marking of butter.

135. The creamery shall be open to inspection by an officer of the Department of Agriculture and by any person appointed by the Provincial Board of Health.

Inspection.

PART VII.

BOARD OF HORTICULTURE.

Horticultural Board created.

136. There is hereby created a Provincial Board of Horticulture to advise the Minister regarding matters of interest to the horticultural industry. The Lieutenant-Governor may by Order in Council direct how the Board shall be constituted, and may prescribe the duties and powers of the Board, and generally regulate and direct the members and officers of the Board.

Board to make regulations.

137. (1.) For the purpose of preventing the spread of contagious diseases in orchards and gardens and among fruits, fruit-trees, hops, hop-plants, grain, peas, beans, roots, tubers, vegetables, and seeds; and for the prevention, treatment, cure, and extirpation of fruit pests and the diseases of fruit, fruit-trees, hops, hop-plants, grain, peas, beans, roots, tubers, vegetables, and seeds; and for the disinfection of grafts, scions, or orchard debris, empty fruit boxes or packages, and other suspected material or transportable articles dangerous to orchards, fruits, fruit-trees, hops, hop-plants, grain, peas, beans, roots, tubers, vegetables, and seeds, the Lieutenant-Governor in Council may make regulations for the inspection and disinfection or destruction thereof, or of non-fruit-bearing trees or shrubs which may carry contagion, and for compelling the owners or caretakers of such orchards, gardens, fruit, and fruit-trees to forward to the Minister affidavits proving compliance by them with the regulations in regard to disinfection by spraying, or otherwise as such regulations may prescribe, and also for requiring all cases of contagious diseases or pests as aforesaid to be reported to the Board, which regulations shall be circulated in printed form by the Board among the fruit-growers and fruit-dealers of the Province, and shall be published in the Gazette and, at the discretion of the Board, in papers of general circulation in the Province, and shall be posted in three conspicuous places in each district, one of which shall be a Court-house therein; and every such regulation, when published in the Gazette, shall, so far as the same shall not have been in like manner repealed or varied, be deemed to be and have the force of law, and be so recognized in all Courts in the Province.

To be circulated and published.

Regulations to have force of law.

Power to make regulations for inspection to include quarantining.

(2.) The power to make regulations for inspection shall include the power to establish and vary places and quarantine-stations where such inspection shall be carried out, and to make regulations in regard to the forwarding thereto and detention thereof of articles requiring inspection:

Fines.

(a.) In and by any such regulations the Lieutenant-Governor in Council may fix and impose any fine or penalty for the enforcement of the provisions thereof, and may fix a scale of fees to be taken for inspection, or other services under

the regulations, by officers carrying out the same, from the owners or persons in possession of any premises or property:

- (b.) All fines and penalties imposed or fees fixed by any such regulations may be recovered, with costs, in accordance with the provisions of the "Summary Convictions Act," and when collected shall be paid into the Consolidated Revenue Fund. Recovery thereof.

138. The Lieutenant-Governor in Council shall appoint, from the number of the Board or from without their number, to hold office at the pleasure of the Lieutenant-Governor in Council, a competent person especially qualified by practical experience in horticulture, who shall be known as "Inspector of Fruit Pests." Inspector of Fruit Pests to be appointed.

139. (1.) Any member of the Board, their Inspector or agent, upon the complaint of interested parties, or upon his own motion, may inspect, or cause to be inspected, fruit-trees, plants, grafts, scions, nursery stock of all description, hops, hop-plants, grain, peas, beans, roots, tubers, vegetables, and seeds, orchard debris, empty fruit boxes or packages and other material, orchards, nurseries, and other places, suspected or believed to be infested with pests, or infected with contagious diseases injurious to trees, plants, fruits, hops, hop-plants, grain, peas, beans, roots, tubers, vegetables, and seeds; and for the purposes thereof he shall have full power and authority to enter in and upon any farm, orchard, nursery, or garden, or any barn, warehouse, storehouse, shop, or other place or building, and if he shall find that the said fruit-trees, plants, grafts, scions, nursery stock of all description, hops, hop-plants, grain, peas, beans, roots, tubers, vegetables, and seeds, orchard debris, empty fruit boxes or packages, and other material, orchards, nurseries, and other places are infested with pests or affected with contagious diseases injurious to trees, plants, or fruits, hops, hop-plants, grain, peas, beans, roots, tubers, vegetables, and seeds, as aforesaid, such member, or Inspector, or agent shall notify, in writing, the owner or person having charge of such premises or property, within a time to be prescribed in such notice, to treat and disinfect said premises or property in the manner prescribed in such notice; and such property shall not be removed after the owner or person in charge of the same shall have been notified in writing, as aforesaid, without the written permission of a member of the Board or the Inspector; and if the person so notified shall neglect or refuse to treat and disinfect the said premises or property in the manner and within the time prescribed in the said notice such person shall be deemed guilty of a violation of this Act; and if it appears on any prosecution for such violation that any orchard, trees, nursery, building, or any other structures, premises, or property in charge of or belonging to the defendant referred to in said

Member of Board or Inspector may inspect.
And may enter premises, etc.
To notify owner of infected premises to disinfect.
Infected property not to be removed.
Person disobeying deemed guilty of violation of Act.

notice, or any part of such structures, premises, or property, is infested or affected as aforesaid, the Court of summary jurisdiction may order whatsoever of the same is so infested or affected to be disinfected or destroyed within a time to be mentioned in said order, or may make any other order that it shall deem fit; and if such order be not obeyed within the time therein specified, it shall be the duty of the Board, or of some member thereof, or of their Inspector or agent, to execute such order, and the costs and disbursements of the prosecution shall be adjudged against the party convicted as aforesaid.

Court may order infested property to be disinfected or destroyed.

(2.) In case, upon inspection as herein provided, the member of the Board, Inspector, or agent finds any of the premises to be infested with pests or affected with contagious disease, but is unable to take the proceedings herein provided by reason of there being no person in charge, or either the owner or his whereabouts being unknown, he shall be at liberty to cause the same to be disinfected, and the costs and expenses thereon shall be a lien upon the property, which may be enforced by seizure and sale of a sufficient quantity thereof to satisfy the same: Provided, however, that no property shall be destroyed under this subsection until an order therefor has been obtained from a Justice of the Peace, which order any Justice is hereby authorized to make, upon proof of the urgency of the case, or of reasonable efforts having been made to ascertain the owner or person who would be in charge of the infested property.

If owner unknown or absent, Inspector or member may disinfect at owner's expense.

But not until order from Justice.

140. The power of members of the Board, their Inspectors and agents, to inspect and enter premises and destroy infested property shall be deemed to extend to and include the inspection, rejection, and destruction of trees, plants, fruits, hops, hop-plants, grain, peas, beans, roots, tubers, vegetables, and seeds which have been damaged by frost or otherwise injured.

Inspection, etc.

141. The members of the Board shall receive no remuneration for their services, but shall be paid their actual travelling expenses.

Members to be paid travelling expenses.

142. No person shall sell within the Province, as principal, agent, or otherwise, fruit-trees, plants, or nursery stock without the licence therefor by this Part of this Act required.

No person to sell fruit-trees, etc., without a licence.

143. Any person may obtain from the Minister a licence to sell within the Province fruit-trees, plants, and nursery stock upon payment of the licence fee hereinafter provided, and upon depositing with the Minister a certified cheque drawn on any chartered bank in the Province for a sum not exceeding two thousand dollars, or upon filing with the said Minister a bond to His Majesty, satisfactory to said Minister, in a penal sum not exceeding two thousand dollars, conditional that the obligor shall pay all damages that may be occasioned to any person in the Province through the sale to such person by the licensee, his agent or agents, of any infested fruit-trees, plants, or nursery stock, or of any fruit-trees, plants, or

Granting of licence and security to be given by licensee.

nursery stock that are not of the variety and character represented by the licensee, his agent or agents, at the time of sale.

144. Any person in this Province who shall sustain damage through the sale to him by the licensee, his agent or agents, of any infected fruit-trees, plants, or nursery stock, or of any fruit-trees, plants, or nursery stock that are not of the variety and character represented by the licensee, his agent or agents, at the time of sale, shall have a right of action in the Courts of this Province upon said bond for such damages, notwithstanding the provisions of any contract or agreement to the contrary.

Person sustaining damage may recover.

145. A licence under section 143 hereof shall not be for a longer period than one year, and shall expire on the thirty-first day of December of the year in which it is issued.

Duration of licence.

146. The fee for such a licence shall be five dollars for nursery-men and five dollars for each agent.

Fee for licence.

147. Any licence granted under the foregoing sections may be suspended or cancelled by the Minister, upon evidence satisfactory to the Minister that the holder of the licence has sold infected fruit-trees, plants, or nursery stock, or fruit-trees, plants, or nursery stock that were not of the variety or character represented at the time of sale.

Suspension or cancellation of licence.

148. Any person who shall sell or import for sale any fruit-trees, plants, or nursery stock, without having obtained a licence under this Act, shall be liable to a fine not exceeding fifty dollars and costs, upon summary conviction before any Police Magistrate, Stipendiary Magistrate, or Justice of the Peace.

Penalty.

149. All fees and fines collected under the provisions of sections 142 to 148 hereof shall be paid into and form part of the Consolidated Revenue Fund.

Fees, etc., to form part of Consolidated Revenue Fund.

150. Nothing contained in sections 142 to 148, both inclusive, of this Act shall be held to apply to dealings in—

Application of Act.

- (a.) Greenhouse plants, including roses:
- (b.) Herbaceous bedding plants:
- (c.) Herbaceous perennials:
- (d.) Bulbs and tubers.

151. The Lieutenant-Governor in Council may by Order in Council declare a quarantine against any district in or out of the Province of British Columbia infected with an injurious disease of any agricultural or horticultural product.

Quarantine of infected area may be proclaimed.

152. All constables and other peace officers shall, when called upon by any member of the Board or any authorized agent thereof, or the Inspector, aid and assist such member, agent, or Inspector in carrying out the provisions of this Act.

Constables to assist.

PART VIII.

MISCELLANEOUS.

Business may be extended by dairy associations.

153. Any association formed under the provisions of the "Dairy Associations Act, 1895," or the "Dairy Associations Act" of the "Revised Statutes, 1897," may extend its business so as to include the purposes and objects mentioned in subsections (b), (c), (d), (e), and (f) of section 86 of this Act: Provided the members, by a vote of at least two-thirds of the members present in person at a special general meeting of the association duly called for considering the subject, of which fourteen days' previous notice shall have been given, shall determine to extend its business to any one or more of the said objects.

Associations formed under repealed Act to come under this Act.

154. All associations incorporated under the provisions of the "Agricultural Associations Act, 1914," or any amendments thereto, shall on the passing of this Act be subject to and governed by the provisions of this Act: Provided that nothing in this section shall be deemed to alter the terms upon which any such association or associations obtained a Government loan.

Fees.

155. The table of fees in the Second Schedule to this Act shall apply to all associations governed by this Act.

Lieut.-Governor in Council may make rules.

156. The Lieutenant-Governor in Council may from time to time make such rules, orders, and regulations as may be required for the purpose of effectually carrying out the provisions of this Act; and every such rule, order, or regulation shall have the same force and effect as if it had been enacted herein.

Saving clause.

157. Societies and organizations which have the right but which do not elect to come within the provisions of this Act may continue their corporate existence under the provisions of the Acts under which they were respectively incorporated.

Repeal.

158. The following Acts are hereby repealed:—

(a.) Chapter 8 of the "Revised Statutes of British Columbia, 1911," being the "Agricultural and Trade Credit Societies Act":

(b.) Chapter 1 of the Statutes of 1914 of British Columbia, being the "Agricultural Associations Act":

Provided that every certificate or other instrument made subject to the said Acts shall hereafter be subject to this Act: Provided further that such repeal shall not affect any rights acquired, or any liabilities or penalties incurred, or any act or thing done under any of the said Acts.

Act to go into effect.

159. This Act shall come into force on such day as may be fixed by the Lieutenant-Governor in Council by Order in Council.

SCHEDULES.

FIRST SCHEDULE.

REGULATIONS FOR MANAGEMENT OF AN ASSOCIATION UNDER PART III.

Preliminary.

1. In these by-laws, unless the context otherwise requires, words importing the singular shall include the plural, and vice versa, and words importing the masculine gender shall include females, and words importing persons shall include bodies incorporate.

“Act” shall mean the “Agricultural Act, 1915.”

“Minister” shall mean the Minister of Finance and Agriculture.

Call on Shares.

2. The directors may from time to time make calls upon the members in respect of any moneys unpaid on their shares: Provided that, in the case of an association which has obtained a loan from the Agricultural Credit Commission, no call shall be made upon any member unless and until the consent of the Commission shall have first been had and received by the directors. Any call made without such consent shall be invalid.

3. If a sum called in respect of a share is not paid before or on the day appointed for payment thereof, the person from whom the sum is due shall pay interest upon the sum at the rate of eight per cent. per annum from the day appointed for the payment thereof to the time of the actual payment, but the directors shall be at liberty to waive payment of that interest wholly or in part.

Transfer and Transmission of Shares.

4. The instrument of transfer of any shares in the association shall be executed both by the transferor and transferee, and the transferor shall be deemed to remain a holder of the share until the name of the transferee is entered in the register of members in respect thereof.

5. Shares in the association shall be transferable and transferred in any usual or common form which the directors shall approve.

6. The instrument of transfer must be accompanied by the certificate of the shares to which it relates.

7. The executors or administrators of a deceased sole holder of a share shall be the only persons recognized by the association as having any title to the share.

Forfeiture of Shares.

8. If a member fails to pay any call or instalment of a call on the day appointed for the payment thereof, the directors may at any time thereafter serve a notice on him requiring payment within fourteen days from the date of the notice of so much of the call or instalment as is unpaid, together with any interest which may have accrued.

9. If the requirements of any such notice as aforesaid are not complied with, any share in respect of which the notice has been given may at any time thereafter, before the payment required by the notice has been made, be forfeited by a resolution of the directors to that effect.

10. A forfeited share may be sold or otherwise disposed of on such terms and in such manner as the directors think fit, and at any time before a sale or disposition the forfeiture may be cancelled on such terms as the directors think fit.

11. A person whose shares have been forfeited shall cease to be a member in respect of the forfeited shares, but shall, notwithstanding, remain liable to the association for all moneys which at the date of forfeiture were presently payable by him to the association in respect of the shares.

Alteration of Capital.

12. The directors may, on the consent of the Minister, and with the sanction of a resolution of an extraordinary general meeting of the association, increase the share capital by such sum, to be divided into shares of such amount, as the resolution shall prescribe.

13. The new shares shall be subject to the same provisions with reference to the payment of calls, transfer, transmission, forfeiture, and otherwise as the shares in the original share capital.

General Meetings.

14. A general meeting shall be held once in every year in accordance with the provisions of section 107 of the Act.

15. Fourteen days' notice at the least, specifying the place, the day, and the hour of meeting, and the general nature of the business, shall be given of a general meeting to every member.

16. No business shall be transacted at any general meeting unless a quorum of members is present at the time when the meeting proceeds to business; save as herein otherwise provided, seven members personally present shall be a quorum.

17. The president or, failing him, the vice-president shall preside as chairman at every general meeting of the company.

18. If there is no such chairman, or if at any meeting he is not present within thirty minutes after the time appointed for holding the meeting, or he is unwilling to act as chairman, or if being present after the expiration of said period of thirty minutes, but before another chairman has been elected, and he is then unwilling to act, the members present shall choose some one of their number to be chairman.

19. The chairman may, with the consent of any meeting at which a quorum is present (and shall if so directed by the meeting), adjourn the meeting from time to time and from place to place, but no business shall be transacted at any adjourned meeting other than the business left unfinished at the meeting from which the adjournment took place.

20. In the case of an equality of votes, the chairman of the meeting shall be entitled to a second or casting vote.

Directors.

21. The number of directors shall not be less than three nor more than seven.

Powers and Duties of Directors.

22. The management of the business of the association shall be vested in the directors, who, in addition to the powers and authorities by these presents or otherwise expressly conferred upon them, may exercise all such powers and do all such acts and things as may be exercised or done by the association and are not hereby or by Statute expressly directed or required to be exercised or done by the association in general meeting, but subject, nevertheless, to the provisions of the Statutes and of these presents.

23. The Board of Directors shall at their first meeting elect a president and vice-president from their number.

24. The Board of Directors shall appoint a secretary and treasurer or a secretary-treasurer and such other employees as they may deem necessary, and shall fix their salaries, and may from time to time dismiss the same.

25. The directors may from time to time appoint a manager or managers for such term, and with such powers, and at such remuneration (whether by way of salary, or commission, or participation in profits, or partly in one way and partly in another) as they may think fit: Provided, however, that nothing herein contained shall prevent the directors from appointing one of their own body as manager, but a director so appointed shall not be subject to retirement each year, and shall hold office as manager subject to the will of the directors.

26. The directors may delegate any of their powers to committees consisting of such member or members of their body as they think fit; any committee so formed shall, in the exercise of the powers so delegated, conform to any regulations that may be imposed on them by the directors.

Disqualification of Directors.

27. The office of director shall be vacated if the director—

- (a.) Holds any other office of profit under the association except that of manager, secretary, or treasurer:
- (b.) Is concerned or participates in the profits of any contract with the association:
- (c.) Is absent from three consecutive regular meetings of the directors without the consent of the directors:
- (d.) Disposes of his main crop otherwise than through the local association, except by the written consent of the local Board of Directors:

Provided, however, that no director shall vacate his office by reason of his being a member of any company which has entered into contracts with or done any work for the association of which he is director; but a director shall not vote in respect of any such contract or work, and if he does so vote his vote shall not be counted. But the director shall have the right at all times to sell or consign for sale to the company all or any live stock, fruit, or farm produce grown or owned by him.

Rotation of Directors.

28. If at any meeting at which an election of directors ought to take place the places of the vacating directors are not filled up, the meeting shall stand adjourned till the same day in the next week, at the same time and place; and, if at the adjourned meeting the places of the vacating directors are not filled up, the vacating directors shall be deemed to have been re-elected at the adjourned meeting.

29. The association may from time to time in general meeting increase or reduce the number of directors, but so that the number is never less than three.

30. Any casual vacancy occurring in the Board of Directors may be filled up by the directors, but the person so chosen shall be subject to retirement at the same time as if he had become a director on the day on which the director in whose place he is appointed was last elected a director.

31. The association may, by resolution of a general meeting passed by a majority of two-thirds of the members present, remove any director before the expiration of his term of office, and may by a similar resolution appoint another person in his stead.

Proceedings of Directors.

32. The directors may meet together for the dispatch of business, adjourn and otherwise regulate their meetings, as they think fit. Questions arising at any meeting shall be decided by a majority of votes. In case of an equality of votes the chairman shall have a second or casting vote. A director may, and the secretary on the requisition of a director shall, at any time summon

a meeting of the directors. A resolution signed by all the directors shall have the same force and effect as if passed at a duly constituted meeting of the directors.

33. The quorum necessary for the transaction of the business of the directors may be fixed by the directors, and unless so fixed shall be three.

Dividends and Reserve.

34. The association in general meeting may declare dividends, but no dividend shall exceed the amount recommended by the directors.

35. No dividend shall be paid otherwise than out of profits, and no dividend shall be at a rate in excess of six per cent. per annum.

36. All dividends shall be declared and paid according to the amounts paid on the shares.

37. The directors may, before recommending any dividend, set aside out of the profits of the association such sums as they think proper as a reserve or reserves, which shall, at the discretion of the directors, be applicable for meeting contingencies or for equalizing dividends, or for any other purpose to which the profits of the association may be properly applied; and pending such application may, at the like discretion, either be employed in the business of the association or be invested in such investments (other than shares of the association) as the directors may from time to time think fit.

Accounts.

38. The directors shall cause true accounts to be kept—

(a.) Of the sums of money received and expended by the association and the matter in respect of which such receipt and expenditure takes place; and

(b.) Of the assets and liabilities of the association.

39. The books of accounts shall be kept at the registered office of the association, or at such other place or places as the directors think fit, and shall at all reasonable times be open to the inspection of the directors and members.

40. Once at least in every year the directors shall lay before the association in general meeting a profit and loss account signed by the auditor for the period since the preceding account or (in the case of the first account) since the incorporation of the association, made up to a date not more than three months before such meeting.

41. A balance-sheet signed by the auditor shall be made out in every year and laid before the association in general meeting, made up to a date not more than three months before such meeting. The balance-sheet shall be accompanied by a report of the directors as to the state of the association's affairs, and the amount which they recommend to be paid by way of dividend, and the amount (if any) which they propose to carry to a reserve fund.

Notices.

42. A notice required to be given by the Act or these by-laws shall be given by the association to any member by sending it by post to his registered address.

43. Where a notice is sent by post, service of the notice shall be deemed to be effected by properly addressing, prepaying, and posting a letter containing the notice, and, unless the contrary is proved, to have been effected at the time at which the letter would be delivered in the ordinary course of post.

44. Each member on being registered shall receive free of charge a copy of the by-laws and of any rules and regulations issued by the directors.

45. The directors may make rules and regulations, and from time to time alter and amend the same, governing the collection and delivery of produce, the testing of its quality, the inspection of members' premises, and the rejection

tion and refusal to collect produce of members which is in the opinion of the directors unsatisfactory for any reason: Provided that such rules and regulations or any alterations or amendments thereto shall not come into force until filed with the Minister.

The Seal.

46. The seal of the association shall not be affixed to any instrument except by the authority of a resolution of the Board of Directors, and in the presence of at least two directors and of the secretary or such other person as the directors may appoint for the purpose; and these two directors and secretary or other person as aforesaid shall sign every instrument to which the seal of the company is so affixed in their presence.

SECOND SCHEDULE.

TABLE OF FEES TO BE PAID TO THE MINISTER UNDER PARTS II. AND III.
OF THIS ACT.

For any certificate of incorporation under Part III.	\$10 00
For filing original rules or by-laws	2 50
For filing alterations or additions to by-laws or rules	1 00
For filing any other document under this Act	1 00
For any certificate under Part II.	5 00
For each search	25
Publication in the Gazette, according to the scale of charges as defined in Schedule A of the "Statutes and Journals Act."	

VICTORIA, B.C.:

Printed by WILLIAM H. CULLIN, Printer to the King's Most Excellent Majesty.

1915.

YD 08179

