

equity against him; and nothing in this Act contained shall affect or prejudice any agreement entered into or security given by any Trustee, having for its object the restoration or repayment of any trust property misappropriated.

Convictions shall not be received in evidence in civil suits.

- 5 XIII. No proceeding or prosecution for any offence included in the first section, but not included in any other section of this Act, shall be commenced without the sanction of Her Majesty's Attorney General, for Upper or for Lower Canada, as the case may be, or in case that office be vacant, of Her Majesty's Solicitor General for Upper or for
 10 Lower Canada, as the case may be; Provided, that when any civil proceeding shall have been taken against any person to whom the provisions of the said first section, but not of any other section of this Act may apply, no person who shall have taken such civil proceeding shall commence any prosecution under this Act without the sanction of the
 15 Court or Judge before whom such civil proceeding shall have been had or shall be pending.

Sanction of Attorney General requisite to certain prosecutions.

Or the sanction of a Judge in certain cases.

XIV. If upon the trial of any person under this Act it shall appear that the offence proved amounts to larceny, he shall not by reason thereof be entitled to be acquitted of a misdemeanor under this Act.

If offence amounts to larceny person not to be acquitted of a misdemeanor.

- 30 XV. No misdemeanor against this Act shall be prosecuted or tried at any Court of General or Quarter Sessions of the Peace.

Misdemeanors not triable at sessions.

- XVI. The word "Trustee" shall in this Act mean a Trustee on some express trust created by some deed, will, commission, letters patent, appointment to office, or instrument in writing, and shall also
 25 include the heir and personal representative of such Trustee, and also all executors and administrators, and all assignees in Bankruptcy and Insolvency under any Act of this Province now or hereafter to be in force; and in Lower Canada the word "Trustee" shall also include any person who is by law an "*Administrateur*," and the word
 30 "Trust" whatever is by law an "*administration*."

Interpretation of certain terms.

The expression "Court of Law" shall include any Court having civil jurisdiction in Lower Canada.

- The word "Property" shall include every description of real and personal property, goods, raw or other materials, money, debts and legacies,
 35 and all deeds and instruments relating to or evidencing the title or right to any property, or giving a right to recover or receive any money or goods, and such word "Property," shall also denote and include not only such real personal property as may have been the original subject of a Trust, but also any real or personal property into which the same
 40 may have been converted or exchanged, and the proceeds thereof respectively and anything acquired by such proceeds.