

No. 110.

2nd Session, 3rd Parliament, 12 Victoria, 1849.

BILL.

An Act for incorporating certain Charitable, Philanthropic and Provident Associations, and for the effectual protection from fraud and misappropriation of the funds of the same.

Received and Read a first time, Thursday, 22nd
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Second Reading, Thursday, 1st March 1849.

MR. NOTMAN.

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BILL.

An Act for incorporating certain Charitable, Philanthropic and Provident Associations, and for the effectual protection from fraud and misappropriation of the funds of the same.

WHEREAS large and increasing numbers of all classes of the community have for some time past associated themselves together under the name and style of "Odd Fellows," for the purpose of making provision for themselves and families, by contributing subscriptions or otherwise, against sickness, misfortune and death, and for the relief of the widows and orphan children of deceased members, and whereas, the accumulated funds of such Associations (owing to the absence of legal protection,) have been subjected to great and serious losses from frauds and defalcations; and whereas, it is expedient to encourage habits of providence and forethought amongst all Her Majesty's subjects: Be it therefore enacted, &c.

Preamble.

And it is hereby enacted by the authority of the same, That it shall and may be lawful for any number of persons to unite for the purpose of making provision, by means of contributions, subscriptions, donations or otherwise, against the several contingencies of sickness, unavoidable misfortune or death, and for relieving the widows and orphan children of members deceased; and it shall and may be lawful for the members and officers of such associated body or Society, from time to time, to establish and maintain branches thereof, for and at the convenience of the respective members, but for so long only as the business transacted at the Meet-

Any number of persons may associate for the purpose of mutual assistance in case of death, sickness, &c.

ings of such Society, or any of the branches thereof, shall be confined exclusively to the objects herein set forth.

They may elect officers and make By-laws.

II. And be it enacted, That it shall and may be lawful for the Members of such Societies so constituted as aforesaid, to nominate, choose and appoint proper persons as Trustees, Treasurers, Secretaries or other Officers, for conducting the business, discipline and management of such Societies, and to meet together from time to time to make, alter, rescind or frame laws, rules or regulations for the necessary government of, and for conducting the business of such Societies or any branches thereof: Provided that such laws, rules and regulations, shall not contain any matter or thing contrary, repugnant to, or in violation of the laws, statutes or customs of this Province, or be directed to the furtherance of any political or seditious object whatsoever.

Proviso as to the objects of the Association.

They may acquire property to a certain extent, and to alienate the same, &c

III. And be it enacted, That it shall and may be lawful for the Members of each of such Societies or Lodges in its locality, by whatsoever name, designation, number or description, such Society or Lodge may be known, in the name of such Society or Lodge, or in the name of the Presiding, or other Officer or Officers thereof, to acquire and take by purchase, donation, devise or otherwise, and to hold for the use of the Members of such Societies, and according to the rules and regulations as aforesaid of the said Societies, all and every kind of personal property and also real property in the Province of Canada, not exceeding five acres, and to sell and alienate the same, whether acquired before or after the passing of this Act, and to purchase and acquire in the stead and place thereof any other real estate, not exceeding the quantity before mentioned; and that each of the said Societies shall have a common seal, and may change and alter the same at their will and

Certain other corporate powers vested in them.

pleasure; and by whatever name, designation, number or description they may severally be known, shall and may have continued succession, and may contract and be
 5 contracted with, sue, and be sued, plead, and be impleaded; answer, and be answered unto, in all Courts and places whatsoever, in all actions, suits, complaints, matters and causes whatsoever.

10 IV. And be it enacted, That it may be lawful for such societies to require, and for the officers, secretaries, treasurers and trustees to give security for all such sums of money,
 or other the property of any such Society, as
 15 may from time to time be placed in the hands of or under the control of such Officers, Secretaries, Treasurers and Trustees in trust for and on behalf of the objects of such Society, and all such securities being in writing, shall
 20 be deemed good and valid security and admissible as evidence in any of Her Majesty's Courts of Civil and Criminal Judicature.

They may take security from their officers.

V. And be it enacted, That if any Officer, Secretary, Treasurer, Trustee or Member of
 25 any Society constituted in accordance with this Act shall obtain undue possession of, misappropriate, embezzle or withhold from the other Members, Officers or other persons entitled to demand and receive the same, the
 30 whole or any portion of the funds, moneys, or other property of such Society, and shall continue to withhold such property after due demand shall have been made for the restoration and payment of the same by some one
 35 or more of the Members or Officers duly appointed by and on behalf of the said Lodge or Society, every such offender shall be guilty of a misdemeanor, and being convicted thereof, shall be liable at the discretion of the
 40 Court to be imprisoned at hard labour in the Provincial Penitentiary for any term not exceeding three years, or imprisoned in any other prison or place of confinement for any term not exceeding two years, or to

Punishment of Officers and Members embezzling funds, &c.

suffer such other punishment by fine or imprisonment, or by both as the Court shall award.

What shall be evidence in proceedings against officers or Members of the Association.

VI. And be it enacted, That in any proceedings to be hereafter commenced or taken under the provisions of this Act, in and before any Court of Civil or Criminal Jurisdiction, against any Treasurer, Trustee, Secretary, Officer, or other Member of such herein recited Charitable and Benevolent Society, or Provident Association, for obtaining undue possession of, or withholding, embezzling or misappropriating the whole or any portion of the funds, moneys, or other property of such Charitable and Benevolent Society, or Provident Association, it shall and may be lawful to receive in evidence the printed or written rules of such Society, Lodge or Association, for the time being, in force, and the appointment of any Officer, Secretary, Treasurer, Trustee, or enrolment of any Member, certified under the hand of the Presiding Officer for the time being, and the Seal of the said Society, and the Books, Minutes and other documents of such Association, relative to any portion of the matter then in question. 5
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Public Act.

VII. And be it enacted, That this Act shall be a public Act, and as such, shall be judicially noticed by all Judges and Justices of the Peace, and others whom it may concern, without being specially pleaded. 30