

*The Provincial Statutes of Lower-Canada, Being the first session of the ninth Provincial Parliament of Lower-Canada.* Quebec: P. E. Desbarats, Printer to the King's Most Excellent Majesty, 1817.

57 George III – Chapter 39

**An Act for the encouragement and relief of certain Persons therein-named, and others, and authorising them to associate themselves by the name of the "Quebec Friendly Society," under certain restrictions, rules and regulations therein-mentioned.**

22 March, 1817. Presented for His Majesty's Assent and reserved, "for the signification of His Majesty's Pleasure thereon."

7th June, 1819. Attended to by His Royal Highness the Prince Regent, in the name and on the behalf of His Majesty, in His Privy Council.

27th September, 1819. His Royal Highness the Prince Regent's Assent, in the name and on the behalf of His Majesty, signified by Proclamation of His Honor, the President.

Whereas the protection and encouragement of Friendly Societies in this Province, for raising by voluntary subscription of the Members thereof, separate Funds for the mutual relief and maintenance of the said Members in Sickness, Old Age and Infirmity, is likely to be attended with very beneficial effects, by promoting the happiness of Individuals: And Whereas Robert Cairns, William Logan, William Burke, Jeremiah Wright, Charles Lamond, Robert Bain, John Moore, Nicholas Devereux, John Bryson, John Rynex, Lawrence Cavanagh, James Sharp, James Gaiters, George Vine, Andrew Tindlin, Henry Leath, Thomas Graham, Robert Scott, Michel Phelen, François More, John Honston, John Miller, Michael Boyle, Louis Vendre, John Lees, William J. Clarke, Elizer Miller, Amos Priest, John Wham, John Romaine, William Simpson, Christopher Weatherhalt, John Carson, James Clearihue, John McKiechan, Thomas Flett, Pierre Plamondon, Christopher Edie, James Mann, William John Glashan, Edward Muckle, Alexander Forsyth, William Hossack, Thomas Giffard, Richard Fielders, Elliot Johnston, Robert Turnbull, John Bennet, William Ruthven, Charles Roi, Joseph Mather, Thomas Stonehouse, James Bisset, James B. Edie, Daniel Remick, and Robert Hillard, have formed themselves into a Society by the name of the, Quebec Friendly Society, for raising by voluntary subscription of the Members thereof, a Fund for the mutual relief and maintenance of the said Members in sickness, old age and infirmity, without any legal authority to make the necessary Rules for the Government and guidance of the said Society, which may be binding upon all its Members, and to layout and manage the Stock or Fund collected and raised for these purposes for the encouragement and help of the said Society; Be it therefore enacted, by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Lower-Canada, constituted and assembled by virtue of and under the authority of an Act of the Parliament of Great-Britain, passed in the thirty-first year of His Majesty's Reign, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America,' and to make further provision for the Government of the said Province;" And it is hereby enacted by the authority of the same, that it shall and may be lawful to

and for the said Robert Cairns, William Logan, William Burke, Jeremiah Wright, Charles Lamond, Robert Bain, John Moore, Nicholas Devereux, John Bryson, John Rynex, Lawrence Cavanagh, James Sharp, James Gaiters, George Vine, Andrew Tindlin, Henry Leath, Thomas Graham, Robert Scott, Michel Phelen, François More, John Honston, John Miller, Michael Boyle, Louis Vendre, John Lees, William J. Clarke, Elizer Miller, Amos Priest, John Wham, John Romaine, William Simpson, Christopher Weatherhalt, John Carson, James Clearihue, John McKiechan, Thomas Flett, Pierre Plamondon, Christopher Edie, James Mann, William John Glashan, Edward Muckle, Alexander Forsyth, William Hossack, Thomas Giffard, Richard Fielders, Elliot Johnston, Robert Turnbull, John Bennet, William Ruthven, Charles Roi, Joseph Mather, Thomas Stonehouse, James Bisset, James B. Edie, Daniel Remick, and Robert Hillard, and to and for all and every person or persons who may hereafter become Members of the said Society, under the regulations of the present Act, to form themselves into a Society by the name of the "Quebec Friendly Society," for the purpose of raising from time to time by subscription of the Members of the said Society, and by voluntary contributions, a Stock or Fund for the mutual relief and maintenance of all and every the Members thereof, in old age, sickness and infirmity, or for the relief of the Widows and Children of deceased Members, and to and for the several Members of the said Society, or such number of them as shall be nominated a Committee for that purpose, from time to time to assemble together and to make, ordain and constitute such proper and wholesome Rules, Orders and Regulations for the better Government and guidance of the same, as to the major part of the said Society or such Committee thereof so assembled together, shall seem meet; so as such Rules, Orders and Regulations shall not be repugnant to the Laws of this Province, nor to any of the express Provisions or Regulations of this Act; and to impose and inflict such reasonable fines and forfeitures, not exceeding five Pounds, Current Money of this Province, upon the several Members of the said Society, who shall offend against such Rules, Orders and Regulations as shall be just and necessary for duly enforcing the same; and also from time to time, to alter and amend such Rules, Orders and Regulations as occasion shall require, or to annul or repeal the same, and to make new Rules, Orders and Regulations in lieu thereof, under such restrictions as are in this Act contained. Provided nevertheless, that this Society shall not be, nor shall be deemed or taken to be established under the authority or within the intent and meaning of this Act, unless all the Rules, Orders and Regulations intended for the government of the said Society, shall, on or before the tenth day of October next, be exhibited to His Majesty's Court of King's Bench for the District of Quebec, sitting in a Superior Term for the administration of justice in civil causes, which said Court shall and may, after due examination thereof, annul and make void all or any of such Rules, Orders and Regulations as shall be repugnant to this Act, and shall allow and confirm all or any of such Rules, Orders and Regulations as shall be conformable to the true intent and meaning of this Act, and after the confirmation thereof by such Court, two Copies of such Rules, Orders and Regulations, so confirmed, shall be made and signed by the Prothonotaries of such Court or one of them, one of which said Copies, so signed, shall be deposited with the said Prothonotaries, to be by them filed with the Rolls of the said Court, without any fee to be paid to the said Prothonotaries for any matter or thing relating to the same; and the other of such Copies shall be delivered to the Society, or to one of the officers of such Society; and all such Rules, Orders and Regulations shall, after such approval, confirmation and filing, as aforesaid, (and not before,) be binding upon all the Members of the said Society until such Rules, Orders and Regulations shall be annulled in the whole or in part, in manner by this Act directed and authorized.

II. And be it further enacted by the authority aforesaid, that all such Rules, Orders and Regulations so altered or amended, or to which additions shall be so made, shall, with all convenient speed, after the same shall have been altered, amended or added to, and so from time to time after every making, altering or amending thereof, or addition thereto, be exhibited in writing to the said Court of King's Bench, in a Term for civil causes; and such Rules, Orders and Regulations shall be subject to the review of such Court, and the said Court shall and may after due examination thereof, in the then Term, or the then next subsequent Term, annul and make void all such Rules, Orders and Regulations as shall be repugnant to this Act, and shall allow and confirm all such Rules, Orders and Regulations as shall be conformable to the true intent and meaning of this Act; and after the confirmation thereof, by such Court two Copies of all such Rules, Orders and Regulations so confirmed, shall be made and signed by the said Prothonotaries, or one of them; one of which copies so signed, shall be deposited with the said Prothonotaries, to be by them filed with the Rolls of the said Court, without any fee to be paid for any matter or thing relating to the same; and the other of such Copies shall be delivered to the said Society, or to one of the Officers of such Society, and such Rules, Orders and Regulations, approved of and confirmed by the said Court, and filed as aforesaid, shall be binding upon all the Members of the said Society, during the continuance of the same.

III. Provided always, and be it further enacted by the authority aforesaid, that no Rule, Order or Regulation confirmed by the said Court of King's Bench, in manner aforesaid, shall be altered, rescinded or repealed, unless, at a General Meeting of the Members of the said Society, convened by Advertisement in the Quebec Gazette, signed by the Secretary or Clerk of the said Society, in pursuance of a Requisition for that purpose, by three or more of the Members of the said Society, and publicly read at the three usual meetings of the said Society, to be held next before such General Meeting, for the purpose of such alteration or repeal, unless a Committee of such Members shall have been nominated for that purpose, in which case, such Committee shall be convened in like manner; and unless such alteration or repeal shall be made with the concurrence and approbation of four-fifths of the Members of the said Society, then and there present, or by the like proportion or such Committee as aforesaid, if any shall have been nominated for that purpose; and such alteration or repeal shall be subject to the review of the said Court of King's Bench as aforesaid, and shall be filed in the manner herein-before directed, and that no such Rule, Order or Regulation shall be binding or have any force or effect until the same shall have been approved and confirmed by such Court, and filed as aforesaid.

IV. And be it further enacted by the authority aforesaid, that the said Society shall and may, from time to time, at any of their General Meetings or by their Committee, if any such be appointed by the Society, elect and appoint such Persons into the Office of President, and Vice President, Trustee or Trustees, Treasurer and Secretary of the said Society as they shall think proper, and also, shall and may from time to time, elect and appoint such Clerks and other Officers as shall be deemed necessary to carry into execution the purposes of the institution, for such space of time, and for such purposes as shall be fixed and established by the Rules and Regulations of the said Society, and, from time to time, to elect and appoint others as occasion may require, all which appointments shall be entered amongst, and form part or parts of the Rules and Regulations of such Society, and such Treasurer or Treasurers, Trustee or Trustees, and all and every other Officer and Officers or Persons whatever, who shall be appointed to any Office in any wise touching or concerning the receipt, management or expenditure of any sum or sums of money collected for the purpose of the said Society, shall execute the duties of

such Office, without any fee, reward or compensation whatever, and before he or they shall be admitted to take upon him or them the execution of any such office or Trust, shall become bound with one or more sufficient sureties for the joint and faithful execution of such office or trust, and for rendering a just and true account according to the Rules, Orders and Regulations of the said Society, and in all matters lawful to pay obedience to the same in such penal sum or sums of money, as by the major part of the said Society at any such meeting as aforesaid, shall be thought expedient and to the satisfaction of the major part of the said Society: and that every such Bond or Security to be given by and on behalf of such Treasurer or Treasurers, Trustee or Trustees or other Officer shall be given to the President and Vice President of the said Society for the time being, and to their Successors in Office, a Copy of which Bond or Security shall be filed with the Prothonotaries of the said Court of King's Bench, and in case of forfeiture, it shall be lawful to sue upon such Bond or Security, in the names of such President and Vice President, for the time being, to and for the use of the said Society.

V. And be it further enacted by the authority aforesaid, that the said Society shall and may from time to time, elect and appoint any number of the Members of the said Society, not less than Nine, to be a Committee, and shall and may delegate to such Committee all or any of the Powers given by this Act to be executed, who being so delegated, shall continue to act as such Committee, for and during such time as they shall be appointed; and in all cases where a standing Committee shall be appointed for the said Society, for general purposes, the Powers of such Committee shall be first declared in and by the Rules, Orders and Regulations of the said Society, confirmed by the said Court of King's Bench, and filed in the manner herein-before directed, and in all cases where a Committee shall be appointed for any particular purpose or purposes, the powers delegated to such Committee shall be reduced into writing and entered into a book by the Secretary or Clerk of the said Society, and five of the Members of such Committee at least, shall at all times be necessary to concur in any act of such Committee, and such Committee shall in all things delegated to them, act for and in the name of the said Society, and all Acts and Orders of such Committee, under the Powers delegated to them, shall have the like force and effect as the Acts and Orders of the said Society at any General Meeting thereof could or might have had in pursuance of this Act. Provided always, that the transactions of such Committee shall be, from time to time and at all times, subject and liable to the review, allowance, or disallowance and controul of the said Society, in such manner and form as the said Society, shall by their general Rules, Orders and Regulations, confirmed by the said Court of King's Bench and filed as aforesaid, have directed and appointed, or shall in like manner direct and appoint.

VI. And be it further enacted by the authority aforesaid, that it shall and may be lawful to and for the said Society, to lay out or dispose of all such Sums of Money which shall have been collected, or which may hereafter be collected and paid, to and for the beneficial ends, intents and purposes of the said Society, as the exigencies of the said Society shall not call for the immediate application or expenditure of, upon such securities herein-after specified; which securities shall be taken in the names of the President and Vice President of the said Society for the time being, and that the interest and proceeds which shall from time to time arise from the monies so laid out, invested and disposed of, as aforesaid, shall from time to time be brought to account by the Treasurer or Treasurers, and be applied to and for the uses of the said Society, according to the Rules, Orders and Regulations thereof.

VII. Provided always and it is hereby declared, that it shall not be lawful to or for the said Society or any Committee thereof, to place out at interest any sum or sums of money belonging to the said Society, unless the person or persons to whom the same shall be so lent or advanced, shall well and effectually secure the repayment of such monies so to be lent and the accruing interest thereof, by a mortgage or mortgages of Immeubles or Real Property, (which Immeubles or Real Property shall be producing Rents or Profits at the time of such advance or loan,) of the amount or value of more than the money to be lent, and unless the party or parties to whom such advances shall be so made, shall procure a co-surety who shall enter into an obligation jointly and severally, with the party or parties to whom such advance shall be made for securing the payment of all such monies and the accruing interest thereof.

VIII. Provided always, and be it further enacted by the authority aforesaid, that the President and Vice-President, Trustee or Trustees for the time being, and all other Officers of the said Society, who shall have or receive any part of the monies, effects or Funds of the said Society, or who shall in any manner have been or shall be instructed with the disposition, management or custody thereof, or of any securities relating to the same, his and their Executors, Administrators and Assigns respectively, shall, upon demand made in pursuance of any order of the said Society, or the Committee to be appointed as aforesaid for that purpose, give in his or their account or accounts at a general meeting of the said Society, or to Such Committee thereof as aforesaid, to be examined and allowed or disallowed, and shall, on the like demand, pay over all the monies remaining in his or their hands, and assign and transfer or deliver all securities, effects or funds taken or standing in his or their name or names, as aforesaid, or being in his or their hands, custody or power, to the President and Vice-President, or Trustee and Trustees for the time being, or to such person or persons as the said Society shall appoint; and in case of any neglect or refusal to deliver such account or to pay over such monies, or to assign, transfer or deliver such securities or funds in manner aforesaid, it shall and may be lawful to and for the said Society, in the name of the President and Vice-President, and Trustee and Trustees, as the case may be, to exhibit a Petition in such of the Courts of King's Bench within and for the Province of Lower Canada, within whose jurisdiction the party or parties against whom such Petition is to be exhibited, shall or may reside; which Court shall and may proceed thereupon, and make such Order thereon, upon hearing all parties concerned, as to such Court in their discretion shall seem just; and such Court shall and may, in case of disobedience of any Order or Orders to be pronounced on the hearing of such Petition or Petitions, issue an Attachment or Prise de Corps, against the Party or Parties disobeying any such Order or Orders, and all Assignments and Transfers made in pursuance of such Order, shall be good and effectual in Law, to all intents and purposes whatsoever.

IX. And be it further enacted by the authority aforesaid, that no fee, reward, Emolument or Gratuity whatsoever, shall be demanded, taken or received by any Officer or Minister of such Court of Justice for any matter or thing done in such Court in pursuance of this Act, and that upon the presenting of any such Petition, it shall be lawful for the Chief Justice of this Province, for the Chief Justice of the District of Montreal, and the other Justices of the said Court of King's Bench, within the Province of Lower-Canada, to assign Council learned in the Law, to advise and carry on such Petition on behalf of the said Society, who is hereby required to do his duty therein, without Fee or Reward; and that no such proceedings in such Court, in pursuance of this Act, shall be chargeable with any Duty, Costs or Charges.

X. And be it further enacted by the authority aforesaid, that if any person appointed to any Office by the said Society, and being entrusted with or having in his hands or possession any Monies or Effects belonging to the said Society, or any Securities relating to the same, shall die or become a Bankrupt or Insolvent, his Executors or Administrators, Assignee or Assignees, or the Trustee or Trustees, Curator or Curators of his Estate or Effects, shall within forty days after demand, made by the Order of the said Society, or of the major part of the Members thereof present at a meeting thereof, deliver over all things belonging to the said Society, to such person or persons as the said Society shall appoint.

XI. And be it further enacted by the authority aforesaid, that all Monies, Goods and Chattels, and all transferable Securities and Effects whatever belonging to the said Society, shall be vested in the President and Vice President for the time being, for the use and benefit of the said Society, and from and after the decease or removal of the President and Vice President, shall vest in the succeeding President and Vice President, for the same Estates and Interests as he or they then had therein, and subject to the same Trust without any Assignment or Transfer whatever; and also, shall for all purposes of action or suit as well Criminal as Civil in Law, or in Equity, in any wise touching or concerning the same, be deemed and be taken to be and shall in every such proceeding, (where necessary,) be stated to be the property of the person or persons appointed to the Office of President and Vice-President of the said Society for the time being, in his or their proper name or names; and such person or persons so appointed, shall, and they are hereby respectively authorised to bring or defend, or cause to be brought or defended, any Action, Suit or Prosecution, Criminal as well as Civil, touching or concerning such Monies, Goods, Chattels or Effects belonging to the said Society, and such Person or Persons so appointed, shall and may in all cases concerning the Property of the said Society, sue and be sued, plead and be impleaded in his or their proper name or names, without other description, and no such Suit, Action or Prosecution shall be discontinued or abate by the death or removal of such person or persons from the said Office of President and Vice-President as aforesaid, but the same shall and may be proceeded in by the succeeding President and Vice-President, in the proper name or names of the persons commencing the same, any Law, Usage or Custom to the contrary thereof notwithstanding.

XII. And be it further enacted by the authority aforesaid, that it shall not be lawful for the said Society by any Rule, Order or Regulation at any General Meeting or otherwise, to dissolve or determine the said Society, or to distribute the Stock or Funds of the same, other than for carrying into effect the purposes of the said Society, declared by them in the Rules, Orders and Regulations confirmed by the Court of King's Bench for the District of Quebec as aforesaid, according to the directions of this Act, without the consent and approbation of four-fifths of the whole Members of the said Society, and every Member of the said Society then being within this Province, shall be notified in writing, by the proper and competent Officer thereof, of every Proposal or Motion for such Dissolution, Determination and Distribution of the Stock or Fund of the said Society, as soon as the said Proposal or Motion shall have been made; which said Proposal or Motion shall not be voted upon, until six Months after such notice shall have been given, nor shall such rule, order or resolution, whether the same be agreed to unanimously or by four-fifths of the Members then present, have any force or effect until the same shall have been approved of and confirmed by the said Court of King's Bench for the District of Quebec, in the then next ensuing term in which the said Court shall sit upon Civil Causes.

XIII. And be it further enacted by the authority aforesaid, that all the Rules, Orders and Regulations from time to time made, ordained and constituted by the said Society in the manner directed by this Act, shall be forthwith entered into a Book or Books to be kept by the Secretary, or such person or persons, Members of the said Society, to be appointed for that purpose, amongst which shall be entered the Appointments of all Officers and the Bate of the Funds of the said Society from time to time, as well those in the hands of their Treasurer or other Officers as those which shall be in any other hands whatsoever, and shall be signed by the said Members and all others who shall hereafter become Members thereof, and shall be open at every Quarterly Meeting for the inspection of any and every Member of the said Society, and all such Rules, Orders and Regulations so entered and signed, shall be deemed original Orders, and shall be received in evidence, as such, in all disputes and in all Trials before the said Court of King's Bench.

XIV. And be it further enacted by the authority aforesaid, that it shall and may be lawful for the said Society to receive Donations entre vifs, or Legacies of Moveable or Personal Property of any person or persons, for the support and increase of their said Stock or Fund, and all such sum or sums of Money shall be applicable to the general purposes of the said Society in the like manner as the Contributions of the several Members of the said Society are or shall be directed to be applied in pursuance of this Act, and shall not be applied in any other manner.

XV. And be it further enacted by the authority aforesaid, that no fines to be imposed under the authority of this Act, shall be enforced, nor shall any proceedings be had, to compel payment of the same until the imposition of such Fines shall have been approved and confirmed among the other Orders, Rules and Regulations of the said Society by the said Court of King's Bench, and all such fines, when and as the same shall be levied or received, shall be paid into the hands of His Majesty's Receiver General, and shall be accounted for to His Majesty, his Heirs and Successors, through the Lords Commissioners of his Majesty's Treasury for the time being, in such manner and form, as His Majesty, his Heirs and Successors shall be graciously pleased to direct.

XVI. And be it further enacted by the authority aforesaid, that it shall and may be lawful at any time or times hereafter, to and for the Governor, Lieutenant Governor or person administering the Government of this Province for the time being, by and with the advice of His Majesty's Executive Council, by Proclamation in the Quebec Gazette, to dissolve or determine such Society, and to annul and make void all the powers and authorities given to the said Society by this Act, (except as herein-after-mentioned), as to such Governor, Lieutenant-Governor, or person administering the government of this Province and Council, shall seem meet. Provided nevertheless, that notwithstanding any such dissolution or determination so to be contained in any such Proclamation, it shall and may be lawful from and after any such Proclamation, to and for the said Society to avail themselves and make use of the powers and authorities by this Act given, for enforcing payment and delivery of all monies, effects and property whatsoever belonging to the said Society; and four-fifths parts of such Society, shall and may proceed to make such orders for the division or distribution of their Stock, Fund, Effects and Property, and every part thereof, to and amongst the several Members of the said Society, in such manner as shall be consistent with justice and equity, and shall and may distribute and divide the same accordingly : and in case four-fifths parts of the said Society shall not concur and agree in any order or orders for such division or distribution, as aforesaid, that then it shall and may be lawful, to or for any

one or more of the party or parties so not concurring or agreeing on behalf of him or themselves and all the other Members of the said Society, who shall not so concur and agree, to present a Petition to His Majesty's Court of King's Bench for the said District of Quebec, praying that such Court will make order for the division and distribution of the said Stock, Funds, Effects and property to and amongst the Members of the said Society, and the said Court in such case, is hereby authorized and empowered to order, declare and direct in what proportions and manner, such Stock, Funds, Effects and Property shall be distributed and divided, to and amongst the Members of the said Society, as to such Court shall seem just, and the said Court is hereby also empowered and authorized to enforce and compel obedience to any such last mentioned order, declaration or direction, by attachment, or prise de corps, as aforesaid. Provided also, that after such proclamation as aforesaid, the said Society shall use all due and reasonable diligence in getting in and recovering their said Stock, Funds, Effects and Property, and in their proceedings respecting the division and distribution of the same; and such Society shall not, after such Proclamation, as aforesaid, be competent or held or deemed to be competent under any powers or authorities by this Act given, to make any Rules, Orders or Regulations whatever, or to do any act, matter or thing, nor shall such Society be held or deemed to be an existing Society, save and except for the purposes of getting in or recovering their said Stock, Funds, Effects and Property, and the division and distribution thereof among their said Members as aforesaid.

XVII. And be if further enacted by the authority aforesaid, that this Act shall be deemed a Public Act, and be judicially taken notice of as such, by all Judges, Justices and other persons whomsoever, without the same being specially pleaded.