

They may take security from their Officers.

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 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 be deemed good and valid security and admissible as evidence in any of Her Majesty's Courts of Civil and Criminal Jurisdiction.

Punishment of Officers and Members embezzling funds, &c.

V. And be it enacted, That if any Officer, Secretary, Treasurer, Trustee or Member of 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 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 or more of the Members or officers duly appointed by and on behalf of the said Body or Society, every such offender shall be guilty of a misdemeanor, and being convicted thereof, shall be liable at the discretion of the 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 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, Body 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 document of such Association, relative to any portion of the matter then in question.

VII. And be it enacted, That no Member of any such Society or Body shall in his individual capacity be liable for any debt or liability of such Society or Body.

VIII. And be it enacted, That this Act shall be a Public Act.

Non-liability of Members.

Public Act.

CAP. XXXIII.

An Act to remove doubts as to the right of the Crown to recover Costs in certain cases in Lower Canada.

[24th July, 1850.]

Preamble.

WHEREAS it hath been doubted whether the Courts of Civil jurisdiction in Lower Canada, have power to award costs to the Crown, in certain cases where it is manifestly fair and right that such costs should be recoverable; and whereas the loss to the public from the want of such power must be considerable, inasmuch as the costs in such cases frequently amount to more than the sum recovered: For remedy thereof, Be it declared and enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby declared and enacted by the authority of the same, That in every suit or proceeding of a civil nature, by or on behalf of the Crown, before any Court, Judge or Tribunal in Lower Canada, the object whereof is or shall be to recover or to prevent the loss of any immoveable

In what civil cases the Crown may recover costs.

or moveable property, rent, duty, toll or sum of money, or to maintain, enforce or preserve any right, privilege or lien to or upon the same, such Court, Judge or Tribunal may award to the Crown, if successful in such suit or proceeding, the same costs which might be awarded to any private party in the like case, and that the Crown hath and shall have the same remedy for recovering such costs as such private party would have: Provided always, that nothing herein contained shall be construed to impair the right of the Crown to recover costs in any case where such right is now given by law.

Proviso.

II. And be it declared and enacted, That if in any case to which the foregoing section is applicable, the Crown be unsuccessful, the Governor in Council may if he shall deem it right, direct the payment to the successful party, of such costs as the said party would in like case have recovered from any other unsuccessful party.

Costs may be paid by the Crown in certain cases.

III. And for the avoidance of doubt as to the interpretation of this Act or of any other Act, passed or to be passed, respecting the judicature or judicial proceedings in Lower Canada, Be it declared and enacted, That whatever would be held to be a Civil suit or proceeding if all the parties thereto were private individuals, shall be held to be so although one of such parties be the Crown, unless it be otherwise provided or such interpretation be inconsistent with the context or intent of the Act.

What shall be deemed a Civil case.

C A P. X X X I V.

An Act to amend the Municipal Law of Lower Canada.

[10th August, 1850.]

WHEREAS it is expedient to amend the Act passed in the Session held in the tenth and eleventh years of Her Majesty's Reign, and intituled, *An Act to make better provision for the establishment of Municipal Authorities in Lower Canada*: Be it therefore declared and enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby declared and enacted by the authority of the same, That the Municipal Councils of Lower Canada have and shall have full power from time to time, as occasion may require, to revise, amend and alter the Assessment Rolls by them already caused to be made or hereafter to be made: Provided always, that such revision, amendment, or alteration, be made previous to the month of July in any or each year.

Preamble.

10 & 11 Vict. c. 7.

II. And be it enacted, That after the passing of this Act, such Municipal Councils, if they see fit, may cause the rateable property in any Parish or Township to be re-valued, if in the opinion of such Council the valuation already made shall be so undervalued as to make such re-valuation necessary.

Municipal Councils may amend their Assessment Rolls.

Proviso.

They may cause rateable property to be re-valued.

III. And be it enacted, That it shall not be necessary that the Assessors or other persons appointed to make any valuation of rateable property, reside in the Parish or Township in which such property is situated, but such Assessors or Valuers may be chosen from amongst the inhabitants residing in any Parish or Township within the limits of the Municipality in which such valuation shall be made.

Assessors, &c., need not reside in places where property to be assessed by them is situate.

IV. And be it enacted, That the Municipal Councils of Lower Canada, shall have power to make and raise a rate in any year for general purposes, of one half-penny in the pound upon the assessed value of all the rateable property lying or situate within the limits of the Municipality, over and above any rate that may be raised for local purposes; any thing in the said first mentioned Act to the contrary notwithstanding.

A rate of one half penny in the pound may be raised yearly for general purposes.

V. And be it enacted, That the Municipal Councils shall have power and authority to impose a special rate upon any Township or Parish for the construction or repair of any public bridge, not being within the limits of such Township or Parish but which may be required for the use or convenience of the inhabitants of such Township or Parish, over and above all other rates: Provided nevertheless, that no such rate shall

Special rates may be imposed for construction of bridges.

Proviso.