

of the district in which such city or municipality is situate, such sheriff shall proceed, either in the manner provided by the Municipal Code of the Province of Quebec, or, *mutatis mutandis*, in the manner provided for like cases, in the city of Quebec, by section 23 of the act 29 Victoria, chapter 57, respecting the incorporation of the said city, to levy and collect the said amount. R. S. Q., 2876.”

## TRANSITORY PROVISIONS.

Repealing  
clause, &c.

2. Any act, regulation, order in council or portion thereof incompatible with this act are repealed, and the regulations and orders in council not incompatible therewith remain in force until they are amended or repealed in conformity with the provisions of this act.

Certain present police officers continued in office.

3. The police officers, whose office is not abolished by this act, shall continue to perform their duties in virtue of this act, without being obliged to comply with any formality until they are replaced in virtue of the provisions of this act.

Effect of repeal.

4. The above repeal of the third section shall not have the effect of operating the remission of penalties incurred or of sums due in virtue thereof, but such penalties shall be imposed and carried into execution, at the suit of the Attorney-General, and the sums due collected by him in virtue of the repealed law.

Coming into force.

5. This act shall come into force on the day of its sanction.

## CAP. XXXII

An Act to amend the law respecting mutual benefit associations and charitable associations.

[Assented to 10th March, 1899]

HER MAJESTY, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

R. S., 3096 to 3104a, replaced.

1. Chapter first of title eighth of the Revised Statutes, comprising articles 3096 to 3104, and chapter first (A) of the same title, comprising article 3104a, as enacted by the act 52 Victoria, chapter 33, section 1, are replaced by the following :

## CHAPTER FIRST

## MUTUAL BENEFIT ASSOCIATIONS AND CHARITABLE ASSOCIATIONS

## SECTION I

## INTERPRETATIVE PROVISIONS

**3096.** The following words, wherever they occur in this chapter, have the signification hereinafter given to them: Interpretation:

1. The words "mutual benefit association" designate any association established with a view, by means of contributions from its members, of making provision for those of its members who are afflicted by sickness, accidents or reverses of fortune, and, in case of the death of members, of their widows and orphans or lawful representatives. Mutual benefit association;

2. The words "charitable association" designate any association established with a view, by means of voluntary contributions, subscriptions, gifts or donations from its members or from the public, of making provision for those afflicted by sickness, accident, reverses of fortune, widows and orphans, or for the rescuing from vice and the reformation of fallen women, for the prevention of cruelty to women and children or for the purposes of attaining any other analogous object. Charitable association.  
R. S., 3096.

## SECTION II

## FORMATION OF ASSOCIATIONS

**3097.** Twenty persons at least may make and sign a declaration setting forth their intention of establishing, in this Province, a mutual benefit association or a charitable association. Declaration to be signed.

2. Such declaration must set forth: Contents of declaration.

(a) The name of the association;

(b) Its purpose;

(c) The names, surnames and addresses of at least three persons and not more than nine who are to be the first directors, and the names, surnames and addresses of the persons who are to be the first president and first secretary;

(d) The place where its head office is to be.

3. Upon petition, accompanied by the declaration praying the Lieutenant-Governor in Council to authorize the formation of the persons signing the declaration and of those who associate themselves therewith or succeed them, into a mutual benefit association or charitable association, it is lawful for him to grant the authorization prayed for. Petition to Lieutenant-Governor.

4. Notice that the authorization has been granted shall be published by the Provincial Secretary in the *Quebec Official Gazette*, according to the form given in schedule A, and, Publication of notice that authorization has been given.

after such publication, be deposited by the petitioners in the office of the prothonotary of the Superior Court of the district in which the head office of the association shall be situated, and, from and after the publication of such notice and of such deposit, it shall be constituted a mutual benefit association or charitable association, as the case may be.

Costs of publication.

5. The publication, deposit and registration of the notice required by this article shall be made at the expense of the association.

Penalty in certain cases.

6. Whosoever carries on any operations for or in the name of any association contemplated by this article, before the above-mentioned formalities have been complied with, shall be liable to a fine not exceeding one hundred dollars and, in default of payment, to imprisonment not exceeding three months. R. S., 3096.

Branches.

“**3098.** The association may establish and maintain branches thereof to promote the objects for which it was authorized to become constituted, on condition that it deposits in the office of the prothonotary of the Superior Court of the district in which any branch is established, a copy of the notice published in the *Quebec Official Gazette*. R. S., 3097.

#### SECTION III

#### POWERS AND PRIVILEGES

Seal.

“**3099.** Each association shall have a common seal, which it may change and alter at pleasure.

Corporate powers.

Under the name by which it is designated in the notice published in the *Quebec Official Gazette* it shall have continued succession, and may contract, and may sue and be sued in any court of justice whatever. R. S., 3098.

Board of directors.

“**3100.** The affairs of the association shall be managed by a board of directors, composed of the number of directors determined by the association who are elected at the general meeting of the association, to be held at the time and place established by the rules of the association.

Quorum.

Five directors shall form a quorum.

First meeting for election of directors.

“**3101.** The first meeting for the election of directors shall be held within two months after the constitution of the association ; and such directors shall remain in office until they are replaced at the first annual meeting.

President and other officers.

“**3102.** The directors shall select from among themselves a president and a vice-president, and shall appoint a secretary-treasurer and all other officers of the association. R. S., 3099.

“ **3103.** The members of the association may make, modify or repeal rules or regulations necessary for the government and for conducting the business of the association and of its branches. R. S., 3099. Power to make regulations.

“ **3103a.** Such rules and regulations shall not contain anything in violation of the laws or customs of this Province, or be directed to the furtherance of any political or seditious object whatsoever. R. S., 3100. Not to be contrary to law, &c.

“ **3103b.** The association may require its officers and secretary-treasurer to give security for such sums of money or other property of the association, as may be placed in their hands or under their control, on behalf of the association. R. S., 3101. Security to be furnished by officers.

“ **3103c.** The association may acquire and take, by purchase, donation, devise or otherwise, and hold for its use, and according to the rules and regulations thereof, moveable property, and also immoveable property in this Province not exceeding, in annual value, the sum of ten thousand dollars. It may sell and alienate such property, and may acquire other property in place thereof; but the immoveables so acquired shall not exceed in annual value the sum above-determined. R. S., 3102. Power to hold in property, &c.

“ **3103d.** No member of any association shall, in his individual capacity, be liable for any debt or liability of the association. R. S., 3103. Responsibility of members limited.

“ **3104.** The printed or written rules of such association, and the appointment of any officer, secretary-treasurer, or enrolment of any member, certified under the hand of the presiding officer and the seal of the association, and the books, minutes and other documents of the association, relative to any matter then in question, may be received in evidence in any proceedings in any court. R. S., 3104. Evidence in proceedings.

#### SECTION IV

#### BENEFITS CONFERRED UPON MEMBERS BY MUTUAL BENEFIT ASSOCIATIONS

“ **3104a.** The benefits conferred by mutual benefit associations incorporated in this Province under article 3097 or by special charter, or constituted outside the Province and carrying on business in the Province with the authorization of the Lieutenant-Governor in Council under article 5375a, in favor of their members or the widows, heirs and assigns of such members, are not liable to seizure for the debts of such member or for those of the parties benefited. Benefits not liable to seizure.

Assignment of rights to benefits.  
Disposal of benefits by will.

Any member and the parties benefited may join in assigning all rights to such benefits.

Any member may dispose, by will or otherwise, of the benefits accruing from the association if the parties benefited were to predecease him. R. S., 3104a.; 52 V., c. 33, s. 1.

Maximum of aid to be paid to sick, &c., members.

"3104b. In mutual benefit associations formed in this Province under article 3097 or by special charter, or constituted outside the Province and carrying on business in the Province with the authorization of the Lieutenant-Governor in Council under article 5375*a*, the aid or assistance paid to such members for any purpose cannot exceed the amount to be raised for that purpose after deducting the costs of management chargeable to that service. R. S. 5376*a*; 59 V., s. 34, s. 2.

Responsibility of members of committee of management for infringement of previous article.

"3104c. The members of the committee of management or board of directors of the association are, jointly and severally, responsible for any payment made in contravention of the preceding article and may, upon suit brought by any member thereof, be condemned to reimburse to the association any sum so paid. R. S. 5376*b*; 59 V., c. 34, s. 2.

#### SECTION V

#### INSPECTION OF MUTUAL BENEFIT ASSOCIATIONS AND CHARITABLE ASSOCIATIONS

Associations subject to inspection.

"3104*d*. All mutual benefit associations, formed in this Province under article 3097 or under special charter, or constituted outside the Province and carrying on business in the Province, with the authorization of the Lieutenant-Governor in Council under article 5375*a*, are subject to the inspection prescribed by this section. R. S., 5390.

Appointment of inspector.

"3104*e*. The Lieutenant-Governor in Council may appoint an officer, to be called the "Inspector of Mutual Benevolent Associations," with an annual salary not exceeding fifteen hundred dollars to be paid out of the consolidated revenue fund of this Province.

His salary.

His duties.

It shall be the duty of such inspector to examine and report to the Provincial Secretary, from time to time, upon all matters connected with mutual benefit associations in accordance with instructions from the latter. R. S., 5377.

Annual visit to head offices.

"3104*f*. The inspector shall visit the head office of every association at least once in every year, or oftener if thereto required by the Provincial Secretary, and shall carefully examine the statements of the association as to its condition and affairs, verify the same by the books of the associa-

tion, and report thereon to the Provincial Secretary as to all matters requiring his attention and decision.

2. The inspector shall, from such examination, prepare and lay before the Provincial Secretary, on or before the thirtieth of June of each year, a report of the condition of every association's business, as ascertained by him from his personal inspection. R. S., 5378. Inspector's report.

"**3104g.** Every year during the month of April, each association shall furnish the inspector with a list of its directors and officers, a report of its operations, a statement of its affairs and a declaration under oath attesting that it has complied with all the requirements of the law. List of directors, &c., to be furnished to inspector, &c.

"**3104h.** Such lists, reports and statements shall be made upon forms to be prescribed by the Provincial Secretary, and shall be verified under oath by the duly authorized officers of such associations; and such lists, reports and statements or the substance thereof shall be given in the inspector's annual report to the Provincial Secretary. R. S., 5395. Form of such lists, &c.

"**3104i.** If, in any year, any such association fails, to make such report to the inspector, the latter shall notify the Provincial Secretary, and thereafter proceedings shall be had in the manner set forth in articles 3104l, 3104m and 3104n. R. S. 5396. Report to Provincial Secretary of list, &c., not furnished.

"**3104j.** It is the duty of the officers or agents of any such association to have their books open for the inspection of the inspector, and to facilitate such examination. Books, &c., to be open to inspection.

The inspector may examine, under oath, any officer or agent of the association relative to its affairs. R. S. 5380. Examination of officers, &c., under oath.

"**3104k.** If it appears to the inspector that the assets or sources of revenue of any association are insufficient to justify its continuance of business, he shall make a special report on the affairs of such association to the Provincial Secretary. He shall, in all cases, make such report whenever the liabilities of the association exceed its available assets. R. S., 5382. Special report if assets insufficient.

"**3104l.** After the receipt by the Provincial Secretary of such report, an order in council may issue, prohibiting the said association from doing any further business. R. S. 5383. Order in council prohibiting association from doing further business.

"**3104m.** Notice of such order in council shall be published in the *Quebec Official Gazette*, and, after the publication of such notice, it shall not be lawful for such association to do any further business in the Province until the prohibition be removed by the Lieutenant-Governor in council. Publication of notice of order.

Fine, if association continue business after publication.

If the association continue to do business, notwithstanding the notice, each director shall be liable to a fine of two hundred dollars and costs, and, in default of payment, an imprisonment not exceeding six months, and any person, collecting any sums of money, or transacting any business on behalf of such association shall be liable to a fine of fifty dollars and costs, and, in default of payment, an imprisonment of three months, for each infringement of such prohibition.

Application of fine.

One half of the fine is payable to the Crown and the other half to the informer. R. S., 5384.

Petition for appointment of liquidator.

“**3104n.** After the publication of the notice in the *Quebec Official Gazette*, the Attorney-General may apply to a judge of the Superior Court, by petition served in the usual way, for the appointment of a liquidator.

Contestation of petition.

Such petition may be contested by the association within ten days of its service, and the contestation shall be tried and decided summarily by a judge of the court.

Powers and duties of liquidator.

The liquidator,—who shall be vested with all the rights conferred by the Civil Code upon curators to the affairs of a dissolved corporation,—shall proceed with as little delay as possible to wind up the affairs of the association, in the manner prescribed for the liquidation of insolvent companies. R. S., 5385 ; C. C., 371 to 373*u*.

Penalty on associations for certain contraventions.

**3104o.** Every association, which neglects or refuses to facilitate the examination mentioned in article 3104*j*, or in any other way refuses or neglects to conform to the requirements of this section, shall, on report to that effect by the inspector, be prohibited from doing any further business, in the same manner, with the same formalities and provisions, and subject to the same penalties, as are set forth in articles 3104*l*, 3104*m*, and 3104*n*. R. S., 5386.

Payment to Provincial Treasurer by associations for salary, &c., of inspector.

“**3104p.** Towards defraying the salary of the inspector, his travelling expenses and the expenses of his office, a sum not exceeding two thousand five hundred dollars shall be annually paid, on or before the first of July, to the Provincial Treasurer by the mutual benefit associations subject to inspection.

How levied.

Such sum shall be assessed *pro rata* according to the number of the members of each association for the preceding year. R. S., 5388.

Inspection of charitable associations.

“**3104q.** The inspection, provided for by this section, shall not be obligatory upon charitable associations ; but, at the request of twelve persons, interested in any such association, the inspector may be instructed by the Provincial Secretary to inspect such association, and the provisions of this section shall thereafter apply to such association. R. S., 5389.

## SECTION VI.

## GENERAL PROVISIONS.

"**3104r.** Prosecutions for the imposition of penalties prescribed by this chapter, shall be governed by the provisions of PART LVIII of the Criminal Code, 1892, respecting summary convictions. Prosecutions for penalties.

## SCHEDULE A

*Form mentioned in article 3097.*

The formation of an association under the name of (*state the name*) for (*state the purposes of the association*), has been authorized by Order in Council, dated the

The head office of the association is at (*name of city or town, &c.*) (*Date*)

*Provincial Secretary.*"

**2.** Every mutual benefit association and charitable association at present existing, however constituted, saving those carrying on business in the Province with the authorization of the Lieutenant-Governor under the act 61 Victoria, chapter 39, shall within three months after the coming into force of this act, under the penalties enacted by article 3097, transmit to the Provincial Secretary, and deposit in the office of the prothonotary of the Superior Court of the district in which it has its head office, a declaration drawn up in duplicate setting forth the name of the association, its purpose, the names, surnames and addresses of its directors, managers, president, and secretary, and the place where it holds its head office. Duty of existing associations to forward declaration, &c., under this act.

In all other respects the provisions of this act apply to all such societies. Application of act to such associations.

This act does not apply to mutual benefit associations nor to charitable associations incorporated under a federal act or charter or which have made a deposit with the federal government. Associations under federal charter, &c.

**3.** The sum required to defray the expenses mentioned in article 3104p, from the time that this act shall be put into execution until the thirtieth of June next shall be levied upon the mutual benefit associations subject to inspection in the manner therein indicated. Expenses to 30 June, 1899.

**4.** Nothing in this act shall affect pending cases. Pending cases.

**5.** This act shall come into force on the day of its sanction. Coming into force.