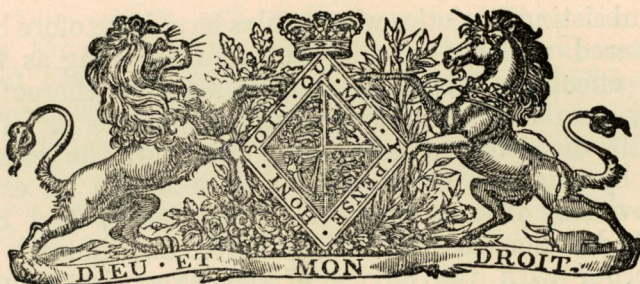


This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

*Legislative Assembly Chamber,
Sydney, 28 October, 1870. }*

*STEPHEN W. JONES,
Clerk of Legislative Assembly.*

New South Wales.



ANNO TRICESIMO QUARTO

VICTORIÆ REGINÆ.

No. .

An Act to amend the Laws relating to Friendly Societies.

WHEREAS it is expedient to consolidate and amend the law Preamble.
relating to Friendly Societies Be it therefore enacted by the
Queen's Most Excellent Majesty by and with the advice and consent
of the Legislative Council and Legislative Assembly of New South
5 Wales in Parliament assembled and by the authority of the same as
follows :—

1. The Act seventeenth Victoria number twenty-six shall be Repeal of 17 Vic.
No. 26.
hereby repealed except as to any offences committed or penalties or
liabilities incurred or bond or security given or proceedings taken under
10 the same before the commencement of this Act Provided always that
all provisions of the said repealed Act referred to in sections fourteen
and fifteen of the Industrial and Provident Societies Act of 1865 shall
for the purposes only of such last-mentioned Act continue in force to
the same extent as if the said Act had not been repealed.
- 15 2. Notwithstanding the repeal of the said Act every Friendly Societies under for-
mer Act to continue.
Society now subsisting which heretofore had been formed and estab-
lished under the said Act shall still be deemed to be and shall con-
tinue to be a subsisting Society as fully as if this Act had not been
passed

Friendly Societies.

passed unless and until such Society shall be dissolved or united with some other Society as hereinafter mentioned.

3. The rules of every such subsisting Society hitherto formed and established which have been hitherto confirmed registered or certified under the said Act shall be deemed valid and in force until the same shall be altered or rescinded as hereinafter mentioned and all copies of rules and certificates which are now filed with the Clerk of the Peace in pursuance of the said Act shall be taken off the file and shall be transmitted on or before the first of January one thousand eight hundred and seventy-one to the Registrar under this Act to be by him kept in such manner as shall be directed by the Governor with the advice of the Executive Council.

Rules to remain in force and to be sent to the Registrar.

4. All contracts and engagements by or with any of the said Societies now valid and in force and all bonds and securities heretofore given by any trustee treasurer or other officer of any such Society shall continue valid and in force notwithstanding the repeal of the said Act.

Contracts and bonds &c. to continue in force.

5. All such subsisting Societies whose rules have heretofore been certified and registered under the said Act shall so long as they shall not hereafter effect an assurance to any member thereof or other person of any sum exceeding two hundred pounds or of an annuity exceeding fifty-five pounds per annum enjoy all the exemptions and privileges by this Act conferred on Societies to be established under the provisions of this Act as fully as if they had been registered and certified under this Act as hereinafter mentioned.

Exemptions powers and privileges under this Act.

6. The Governor with the advice of the Executive Council shall appoint a person being a properly qualified person to be the Registrar of Friendly Societies for the purpose of carrying out the provisions of this Act.

Registrar to be appointed.

7. It shall be lawful for any number of persons to form and establish a Friendly Society under the provisions of this Act for the purpose of raising by voluntary subscriptions of the members thereof with or without the aid of donations a fund for any of the following objects (that is to say)—

Societies how and for what purpose formed.

(1.) For insuring a sum of money to be paid on the birth of a member's child or the death of a member or for the funeral expenses of the wife or child of a member.

Payments at death.

(2.) For the relief or maintenance of the members their husbands wives children brothers or sisters nephews or nieces in old age sickness or widowhood or the endowment of members or nominees of members at any age for superannuation of disabled or aged members and assistance in cases of distress.

Relief in sickness &c.

(3.) For any purpose which shall be authorized by the Governor with the advice of the Executive Council as a purpose to which the powers and facilities of this Act ought to be extended. Provided that no member shall subscribe or contract for an annuity exceeding fifty-five pounds per annum or a sum payable on death or other contingency exceeding two hundred pounds.

For other purpose properly authorized.

8. In any Society in which a sum of money may be insured payable on the death of a child for the funeral expenses of such child it shall not be lawful to pay any sum so insured unless the person who shall apply for such payment shall produce a certificate signed by a legally qualified medical practitioner stating the probable cause of death of such child and if any trustee or officer of such Society upon an insurance of a sum payable on the death of any child shall knowingly pay a sum which shall raise the whole amount receivable from one or more than one Society for the funeral expenses of a child under the

How money is to be paid.

Friendly Societies.

the age of five years to a sum exceeding six pounds or of a child between the ages of five and ten years to a sum exceeding ten pounds or shall pay any sum without indorsing the amount thereof at the back or at the foot of the medical certificate aforesaid or if any parent or other person who shall apply for such payment to more than one Society shall produce to the trustees or officers of one Society any other or different certificate than that which he shall have produced to the trustees or officers of any other Society such trustee officer parent or other person shall be liable to a penalty not exceeding ten pounds for every such act upon conviction before two Justices of the Peace in a summary way Provided always that if the said child shall have been attended immediately before its death by any such practitioner he shall deliver to the parents or friends of the deceased child upon their application a certificate stating the probable cause of death of such child and shall not be entitled to receive any fee for the same and if such child shall not have been attended by any such practitioner the legally qualified medical practitioner furnishing such certificate shall receive a fee of ten shillings and sixpence exclusive of travelling expenses Provided also that in places distant more than ten miles from the residence of a legally qualified medical practitioner such certificate may be given and signed by the Coroner of the district or a Justice of the Peace Provided always that the payment of any moneys under this section may be withheld or suspended if in the opinion of the persons furnishing the certificate of the death of the child in respect of whose death the application is made has been caused directly or indirectly by wilful neglect or any improper conduct.

9. And whereas many Provident Benevolent and Charitable Institutions and Societies are formed and may be formed for the purpose of relieving the physical wants and necessities of persons in poor circumstances or for improving the dwellings of the labouring classes or for granting pensions or for providing habitations for the members or other persons elected by them and it is expedient to afford protection to the funds thereof be it enacted that if two copies of the rules of any such Institution or Society and from time to time the like copies of any alterations or amendments made in the same signed by three members and the secretary thereof shall be transmitted to the Registrar aforesaid such Registrar shall if he find the same are not repugnant to law give a certificate according to law to that effect and thereupon the following sections of this Act that is to say the twentieth twenty-second twenty-third twenty-fourth twenty-fifth twenty-sixth twenty-seventh forty-first forty-second forty-third and forty-fourth shall extend and be applicable to the said Institution and Society as fully as if the same were a Society established under this Act.

10. It shall be lawful for the members of any Society heretofore formed and established or hereafter to be formed and established at some meeting thereof to be specially called in that behalf to dissolve or determine the same by consent Provided that no Society established under this Act relating to Friendly Societies shall be dissolved or determined without obtaining the votes or consent of five-sixths in value of the then existing members thereof including the honorary members (if any) to be ascertained in manner hereinafter mentioned nor without the consent of all persons (if any) then receiving or then entitled to receive any relief annuity or other benefit from the funds thereof to be testified under their hands individually and respectively unless the claim of every such person be first duly satisfied or adequate provision made for satisfying such claim and for the purpose of ascertaining the votes of such five-sixths in value of the numbers as aforesaid every member shall be entitled to one vote and an additional vote for

Benevolent Societies
how they are entitled
to benefits of this
Act.

Societies how dis-
solved.

Friendly Societies.

for every five years that he may have been a member but no one member shall have more than five votes on the whole and the intended appropriation or division of the funds or other property shall be fairly and distinctly stated in the agreement for dissolution prior to such
 5 consent being given and the agreement for such dissolution duly signed as aforesaid accompanied with a statutory declaration by one of the trustees or by three members and the secretary taken before a Justice of the Peace that the provisions of this Act have been complied with shall be forthwith transmitted to the Registrar to be by him
 10 deposited with the rules of the Society and such agreement shall thereupon be an effectual discharge at law and in equity to the trustees treasurers and other officers of such Society and shall operate as a release from all the members of the Society to such trustees treasurers or other officers And it shall not be lawful in any Society
 15 to direct a division or appropriation of any part of the stock thereof except for the purpose of carrying into effect the general interests and objects declared in the rules as originally certified unless the claim of every such member is first duly satisfied or adequate provision be made for satisfying such claim and in case any member of such Society
 20 shall be dissatisfied with such provision it shall be lawful for him or her to apply to the District Court Judge of the district within which the usual place of business of the Society is situated for relief or other order and the said Judge shall have the same powers to entertain such application and to make such order or direction in relation thereto as
 25 he may think the justice of the case may require as hereinafter is enacted in regard to the settlement of disputes And in the event of the dissolution or determination of any Society or the division or appropriation of the funds thereof except in the way hereinbefore provided any trustee or other officer or person aiding or abetting
 30 therein shall on conviction thereof before two Justices in a summary way be liable to be imprisoned with hard labour for any term not exceeding three months.

11. In case of dissolution of a Society as hereinbefore provided it shall not be necessary to state in the agreement the intended appro-
 35 priation or division of the funds or other property but it shall be lawful to the members if they shall think fit to refer such appropriation or division to the award of the Registrar and in case application shall be made in writing by the members of a Society not being less in number than five-eighths of the whole body thereof setting forth that
 40 the funds of such Society are insufficient to meet the claims thereon with the grounds upon which such insufficiency can be proved it shall be lawful for the Registrar to investigate the same and if upon such investigation he shall find that the Society is in an insolvent condition and that it would conduce to the interests of all parties concerned that
 45 the affairs of the Society should be wound up and brought to a termination he shall make an award to that effect and shall direct in what manner the funds and property of the Society shall be divided or appropriated Provided that previous to such investigation the Registrar shall give not less than twenty-one days notice in writing
 50 to be sent by post to the trustees secretary or other officer of such Society at the place where such Society holds its meetings.

12. Every award so made as aforesaid by the Registrar shall be final and conclusive on all members and other persons having any
 55 claim on the funds of the said Society without appeal and shall be enforced in the same manner as is hereinafter provided for enforcing the award of arbitrators and the expenses of such award and of publishing the notice of dissolution in the *Gazette* shall be paid out of the funds of the Society before any appropriation thereof shall be made.

Concerning dissolution and award.

Registrar's award to be conclusive without appeal.

Friendly Societies.

13. When any agreement for the dissolution of a Society hereby
 authorized shall be transmitted to the Registrar and when any award
 hereby authorized to be made shall be made by the Registrar notice
 thereof shall within two calendar months after the same shall have been
 5 so transmitted or made respectively be advertised by the Registrar in
 the *Government Gazette* and unless within three calendar months
 from the date of the *Gazette* in which such advertisement shall appear
 a member or other person interested in or having any claim on the
 funds of the Society shall commence proceedings to set aside the
 10 dissolution of the Society consequent upon such agreement or award
 the Society shall be considered for all intents and purposes and in all
 Courts of law and equity as legally dissolved and the requisite consents
 to such agreement or as the case may be to the application to the
 Registrar to have been duly obtained without proof of the signatures
 15 thereto.

Evidence of
dissolution.

14. The Registrar in the next annual report submitted to
 Parliament shall set forth the particulars of every award made under
 the provisions of this Act which he may have made during the
 preceding twelve months.

Registrar's annual
report to contain
particulars of award.

20 15. In regard to Societies which have been dissolved before the
 passing of this Act if notice of any agreement for the dissolution of
 such Society shall within three months after the passing of this Act
 be advertised in the *Gazette* as aforesaid the provisions of this Act
 shall apply in the same way as if such agreement had been transmitted
 25 and made subsequent to the passing of this Act.

As to Societies
dissolved before
passing this Act.

16. It shall be lawful for any two or more Societies established
 under this or the Act hereby repealed to unite and become incor-
 porated in one Society with or without any division or dissolution of
 the funds of such Societies or either of them or a Society formed or
 30 established under this Act or the said repealed Act may be allowed
 to transfer its engagements to any other Friendly Society if any other
 Society shall undertake to fulfil the engagements of such Society upon
 such terms as shall be agreed upon by the Committee of Management of
 both Societies confirmed by the majority of the members of each of
 35 such Societies at a general meeting convened for the purpose and
 afterwards approved of by the Registrar Provided also that in case
 of any member who is absent from such meeting by sickness or other
 emergency the member so absent may send a written vote witnessed
 by two persons.

Societies may unite
with or transfer
engagements to
another.

40 17. Any person under the age of twenty-one may be elected or
 admitted as a member of any Society established under this Act or the
 Act hereinbefore repealed provided that the rules of such Society
 do not prohibit such election and may and he is hereby empowered
 to execute all necessary instruments and to give all necessary
 45 acquittances Provided always that during his minority such person
 shall not be competent to hold office as director trustee treasurer or
 manager of such Society.

Minors may be
elected as members.

18. Any declaration whether verbal or written made by any
 person becoming a member of any Society at or after admission shall
 50 be binding on such person and any member found guilty of misstate-
 ment or concealment may be deprived of all benefits and expelled from
 such Society by any vote or resolution of three-fourths of the members.

Agreement or declar-
ation at admission.

19. Every Society registered under this Act shall furnish to
 persons intending to become members thereof a list which shall state
 55 all the charges which are payable by members upon their admission to
 such Society and whether the same are compulsory or optional and
 all persons upon becoming members of any such Society shall be liable
 to pay only such charges as are mentioned in such list.

Societies to give
correct lists of
charges to intending
members.

Friendly Societies.

20. Every Friendly Society established under this Act shall at some meeting of its members and by a resolution of a majority of the members then present nominate and appoint one or more person or persons to be trustee or trustees for the said Society and the like in case
 5 of any vacancy in the same office and a copy of the resolution so appointing such person or persons to the office of trustee and signed by such trustee or trustees by the secretary and three members of the said Society shall be sent to the Registrar to be by him deposited with the rules of the said Society in his custody Provided always that
 10 where no trustee shall have been appointed in any Society established under the Act hereby repealed the treasurer thereof or other person who has custody of the moneys of such Society shall be taken to be a trustee within the meaning of this Act.

Appointment of trustees.

21. It shall be lawful for the trustee or trustees for the time
 15 being of any Friendly Society formed and established under this Act or under the Act hereby repealed with the consent of the majority of the members thereof present at a special meeting of the Society to purchase build hire or take upon lease any building for the purpose of holding such meetings and to adapt and
 20 furnish the same or to purchase or hold upon lease any land for the said purpose of erecting thereupon a building for holding the meetings of the Society and such trustee or trustees shall thereupon hold the same in trust for the use of such Society and with the like consent as aforesaid such trustee or trustees may mortgage sell exchange or let
 25 such building or any part thereof and the receipt in writing of such trustee or trustees for the time-being shall be a legal discharge for the money arising from such mortgage sale exchange or letting and no mortgagee purchaser tenant or assignee shall be bound to inquire into or ascertain or prove the consent aforesaid to verify his
 30 title Provided always that any building purchased or appropriated for the purpose aforesaid already belonging to or in the possession of any Friendly Society heretofore formed and established under the said repealed Act may be holden and dealt with as if it had been acquired under this Act and the land or buildings which may be vested in the
 35 treasurer trustee or other officer thereof for the time being shall thereupon vest in the trustee or trustees for the time being of such Society for the same estate and interest as the said treasurer trustee or other officer may have therein without any conveyance or assignment whatever Provided nevertheless that all money spent in purchasing
 40 building hiring or taking upon lease any building for the purpose of holding such meetings and in adapting and furnishing the same be raised according to the rules of the Society on such behalf inserted and this section shall apply to any Society registered under the "Industrial and Provident Societies Act 1865" and to any building or land to be
 45 purchased built hired or taken on lease for the purpose of any labour trade or handicraft of such Society in all respects as hereby enacted with regard to any building or land for the purpose of holding the meetings of any Friendly Society.

Buildings for societies purpose may be purchased or leased.

22. All real and personal estate whatsoever belonging to any
 50 such Society established under this Act or the Act hereby repealed shall be vested in such trustee or trustees for the time being for the use and benefit of such Society and the members thereof and the real or personal estate of any branch of a Society shall be vested in the trustees of such branch, and be under the control of such trustee or
 55 trustees their respective executors or administrators according to their respective claims and interests and upon the death or removal of any such trustee or trustees the same shall vest in the succeeding trustee or trustees for the same estate and interest as the former trustee or trustees

Property of Societies vested in trustees.

Friendly Societies.

trustees had therein and subject to the same trusts without any conveyance or assignment whatsoever and in all actions or suits or indictments or summary proceedings before magistrates touching or concerning any such property the same shall be stated to be the property
5 of the person or persons for the time being holding the said office of trustee in his or their proper name or names as trustees of such Society without any further description.

23. The trustee or trustees of any such Societies are hereby
10 authorized to bring or defend or cause to be brought or defended any action suit or prosecution in any Court of law or equity touching or concerning the property right or claim to property of the Society for which he or they are such trustee or trustees as aforesaid and such trustee or trustees shall and may in all cases concerning the real or personal property of such Society sue and be sued plead and be im-
15 pleaded in any Court of law or equity in his or their proper name or names as trustee or trustees of such Society without other description and no such action suit or prosecution shall be discontinued or shall abate by the death of such person or his removal from the office of trustee but the same shall and may be proceeded in by or against
20 the succeeding trustee or trustees as if such death or removal had not taken place and such succeeding trustees shall pay or receive the like costs as if the action or suit or prosecution had been commenced in his or their name or names for the benefit of or to be reimbursed from the funds of such Society.

Actions &c. by or against them.

25 24. Provided nevertheless that no trustee or trustees of any such Society shall be liable to make good any deficiency which may arise or happen in the funds of such Society but shall be liable only for the money which shall be actually received by him on account of such Society.

Limitation of trustees responsibility.

30 25. In any proceedings against a Society under the said repealed or this Act it shall be sufficient to make the secretary or other public officer of such Society the defendant in such proceedings by his name and the title of the office he holds in the Society and such proceedings shall be commenced and carried on against such officer on behalf of
35 the Society and shall not be abated or prejudiced by the death resignation or removal or by any act of such officer after the commencement thereof and the summons to be issued to such officer may be served by leaving it at the office or place of business of such Society.

Proceedings.

40 26. The treasurer of every such Society and every treasurer hereafter appointed in any Society established under this Act or the hereby repealed Act or any other officer who is required by the rules to give security shall before he take upon himself the execution of his office become bound with one or more sufficient sureties in a bond
45 according to the form set forth in the second Schedule to this Act or give the security of a Guarantee Society established in New South Wales in such penal sum as the Society or the Committee of Management shall direct and appoint conditioned for his just and faithful execution of his said office of treasurer and for rendering a just and true account of
50 all the moneys received or paid by him on account of the said Society at such times as the rules of the Society shall direct and appoint and at such times as he shall be required so to do by the trustee or trustees of the said Society or by a majority of the said Committee of Management or by a majority of the members present at any meeting
55 of such Society and every such bond shall be given to the trustee or trustees of the Society for the time being and if the same shall at any time become forfeited it shall be lawful for such trustee or trustees for the time being to sue upon such bond for the use of such Society.

Treasurer to give security.

Friendly Societies.

27. Every such Treasurer or other officer whether appointed Treasurer to account. before or after the passing of this Act at such times as by the rules of such Society he should render such account as aforesaid or upon being required so to do by the trustee or trustees of such Society or by a majority of the said Committee of Management or by a majority of the members present at a meeting of the said Society as aforesaid within seven days after such requisition shall render to the trustee or trustees of the Society or to the said Committee of Management or to the members of such Society at a meeting of such Society a just and true account of all moneys received and paid by him since he last rendered the like account and of the balance then remaining in his hands and of all bonds and securities of such Society which account the said trustee or trustees or Committee of Management shall cause to be audited by some fit and proper person or persons by them to be appointed and such treasurer if thereunto required upon the said account being audited shall forthwith hand over to the said trustee or trustees the balance which on such audit shall appear to be due from him and shall also if required hand over to such trustee or trustees all securities and effects books papers and property of the said Society in his hands or custody and if he fail to do so the trustee or trustees of the said Society may sue upon the bond aforesaid or may sue such treasurer in the District Court of the District or in the Supreme Court or in any other Court having jurisdiction for the balance appearing to have been due from him upon the account last rendered by him and for all the moneys since received by him on account of the said Society and for the securities and effects books papers and property in his hands or custody leaving him to set off in such action the sums (if any) which he may have since paid on account of the said Society and in such action the said Trustee or Trustees shall be entitled to recover their full costs of suit to be taxed as between attorney and client.

28. If any person already appointed or employed or hereafter to be appointed or employed to or in any office in any Friendly Society established under this Act or the Act hereby repealed whether such appointment or employment was before or after the legal establishment of such Society and having in his hands or possession by virtue of his office any moneys or property whatsoever of such Society or any deeds or securities belonging to such Society shall die or become insolvent or have any execution or attachment or other process issued against him or any part of his property or shall make any assignment for the benefit of his creditors the heirs executors administrators or assignees of every such officer and every other person having or claiming right to the property of such officer and the Sheriff or other person executing such process shall upon demand in writing made by the treasurer or by the trustee or any two of the trustees of such Society or any person appointed at some meeting of the Society to make such demand deliver and pay over all such moneys property deeds and securities belonging to such Society to such person as such treasurer or trustees shall appoint and shall pay out of the estate assets or effects of such officer all sums of money due which such officer shall have received before any other of his debts are paid and before any other claims upon him shall be satisfied and before the money directed to be levied by such process as aforesaid is paid over to the party issuing such process and all such assets lands goods chattels property estates and effects shall be bound to the payment discharge and satisfaction of such claims.

29. If any officer member or other person being or representing himself to be a member of such Society or the nominee executor administrator or assignee of a member thereof or any person whatever

Punishment of fraud in withholding money &c.

by

Friendly Societies.

by false representation or imposition shall obtain possession of any moneys securities books papers or other effects of such Society or having the same in his possession shall withhold or misapply the same or shall wilfully apply any part of the same to purposes other than those
 5 expressed or directed in the rules of such Society or any part thereof it shall be lawful for any Justice of the Peace upon complaint being made by any person on behalf of such Society to summon the person against whom such complaint is made to appear at a time and place to be named in such summons and any two Justices present at the time
 10 and place mentioned in such summons shall proceed to hear and determine the said complaint in manner directed by the Act eleventh and twelfth Victoria chapter forty-three as adopted by the fourteenth Victoria number forty-three and any Acts amending the same and if the said Justices shall determine the said complaint to be proved against
 15 such person they shall adjudge and order him to deliver up all such moneys securities books papers or other effects to the Society or to repay the amount of money applied improperly and to pay if they think fit a further sum of money not exceeding fifty pounds together with costs and in default of such delivery of effects or repayment of such amount
 20 of money or payment of such penalty and costs aforesaid the said Justices may order the said person so convicted to be imprisoned with or without hard labour for any time not exceeding three months Provided that nothing herein contained shall prevent the said Society from proceeding by indictment against the said party Provided also that
 25 no person shall be proceeded against by indictment if a conviction shall have been previously obtained for the same offence under the provisions of this Act.

30. Before any Friendly Society shall be established under this Act the persons intending to establish the same shall agree upon and
 30 frame a set of rules for the regulation government and management of such Society and in such rules they may amongst other things make provision for appointing a general Committee of Management of such Society and delegating to such Committee all or any of the powers given by this Act to the members of Friendly Societies formed or
 35 established under or by virtue of the same and such rules shall set forth—

- (1.) The name of the Society and place of meeting for the business of the Society.
- 40 (2.) The whole of the objects for which the Society is to be established the purposes for which the funds thereof shall be applicable and the conditions under which any member may become entitled to any benefit assured thereby and the fines and forfeitures to be imposed on any member of such Society.
- 45 (3.) The manner of making altering amending and rescinding rules.
- (4.) A provision for the appointment and removal of a general Committee of Management of a trustee or trustees treasurer and other officers.
- 50 (5.) A provision for the investment of the funds and for an annual or periodical audit of accounts.
- (6.) The manner in which disputes between the Society and any of its members or any person claiming by or through any member or under the rules shall be settled.

55 and the rules of every such Society shall provide that all moneys received or paid on account of each and every particular fund or benefit assured to the members thereof their husbands wives children fathers mothers brothers or sisters nephews or nieces or assigns for which a separate table of contributions payable shall have been adopted shall

Friendly Societies.

be entered in a separate account distinct from the moneys received and paid on account of any other benefit or fund and also that a contribution shall be made to defray the necessary expenses of management and a separate account shall be kept of such contributions and
5 expenses.

31. Two printed or written copies of such rules signed by three
of the intended members and the secretary or other officer shall be
transmitted to the Registrar aforesaid and the said Registrar shall
advise with the secretary or other officer if required for the purpose
10 of ascertaining whether the said rules are in conformity with law
and are calculated to carry into effect the intentions and object of the
persons who desire to form such Society and if the Registrar shall
find that such rules are in conformity to law and with the provisions
of this Act he shall give a certificate in the form set forth in the
15 first Schedule to this Act and shall return one of the said copies to
the said Society and shall keep the other in such manner as shall from
time to time be directed by the Colonial Secretary and for which
certificate no fee shall be payable to the said Registrar and all rules
when so certified as aforesaid shall be binding on the several members
20 of the said Society Provided always that it shall not be lawful for
the said Registrar to grant any such certificate to a Society assuring
to any member thereof a certain annuity or certain superannuation
deferred or immediate unless the tables of contributions payable for
such kind of assurance shall have been certified under the hand of an
25 actuary who has exercised his profession for at least five years and
such certificate be transmitted to the Registrar together with the
copies of the rules aforesaid.

Copies of rules to be
sent to Registrar and
his certificate
obtained.

32. After the rules of a Friendly Society shall have been so
certified by the Registrar as aforesaid it shall be lawful for such
30 Society by resolution at a meeting specially called for that purpose to
alter amend or rescind the same or any of them or to make new rules
and it shall be lawful for any Friendly Society formed and established
under the Act hereby repealed to alter amend or rescind the rules
by which their Society is governed regulated or governed or to make
35 new rules Provided always that two copies of the proposed altera-
tions or amendments and of such new rules signed by three members
of such Society and the secretary or other officer shall be transmitted
to the said Registrar to one of which shall be attached a declaration
by the secretary or one of the officers of such Society that in making
40 the same the rules of such Society respecting the making altering
amending and rescinding rules or the directions of the Act under
which such Society was established have been duly complied with
and if the said Registrar shall find that such alterations amendments
or new rules are in conformity with law he shall give to the Society
45 a certificate in the form set forth in the Schedule to this Act and
return one of the copies to the Society and shall keep the other with
the rules of such Society in his custody and for which certificate no
fee shall be payable to the said Registrar and as against such member
or person such certificate shall be conclusive of the validity thereof
50 and all rules alterations and amendments when so certified as afore-
said shall be binding on the several members of the said Society and
all persons claiming on account of a member or under the said rules
but unless and until the same shall be so certified such rules altera-
tions and amendments shall have no force or validity whatsoever no
55 registered Society shall be allowed to withdraw from the operation of
this Act until a notice to that effect be sent to the Registrar such
notice shall be signed by a majority of the members who shall have
been summoned for the purpose of voting on the question.

Rules may be altered
amended or rescinded
or new rules made.

33. Whenever any Friendly Society established under this Act
60 or under the Act hereby repealed shall change its place of business
notice

Notice to be sent to
Registrar of altering
place of meeting.

Friendly Societies.

notice of such change under the hands of two of the trustees or three members and secretary or other officer shall within fourteen days thereafter be sent to the said Registrar.

34. If any person shall give to any member of a Friendly Society established under this Act or the said repealed Act or to any person intending or applying to become a member of such Society a copy of any rules or of any alterations or amendments of the same other than those respectively which have been enrolled with any Clerk of the Peace or certified by the Registrar with a copy of his certificate appended thereto under colour that the same are binding upon the members of such Society or shall make any alterations in or addition to any of the rules or tables of such Society after they shall have been enrolled or certified by the Registrar and shall circulate the same purporting that they have been duly enrolled or certified under this or the said repealed Act when they have not been so duly enrolled or certified every person so offending shall be deemed guilty of a misdemeanor.

Circulating false copies of rules &c. a misdemeanor.

35. All the rules and tables of any Society established under this Act or of the hereby repealed Act and all alterations and amendments thereof and all copies thereof or extracts therefrom and all writings and documents relating to a Friendly Society and purporting to be signed by the Registrar shall in the absence of any evidence to the contrary be received in all Courts of law and equity and elsewhere without proof of the signature thereto.

Rules how received in evidence.

36. When on the death of a member of a Society established under this Act or the hereby repealed Act a sum of money not exceeding one hundred pounds shall become payable the same shall be paid by the trustees of such Society to the persons directed by the rules thereof or nominated by the deceased in writing deposited with the secretary (such person being the husband wife father mother child brother or sister nephew niece or nominee of such member) And in case there shall be no such direction or nomination or the person so nominated shall have died before the deceased member or in case the member shall have revoked such nomination then such sum shall be paid to the person who shall appear to the said trustees to be entitled to receive the same without taking out letters of administration Provided that wherever the trustee or trustees of any such Society after the decease of any such member thereof shall have paid and divided any such sum of money to or amongst any person or persons who shall at the time of such payment appear to such Trustee or Trustees to be entitled to the effects of any deceased member who has died intestate without having appointed any nominee as aforesaid the payment of such sum shall be valid and effectual with respect to any demand from any other person or persons as next of kin of such deceased member or as the lawful representative or representatives of such member against the funds of such Society or against the trustees thereof but nevertheless such next of kin or representative shall have his or her lawful remedy for such money so paid as aforesaid against the person or persons who shall have received the same.

On death of a member sum under £100 may be paid without administration.

Indemnity to trustees.

37. The trustee or trustees of any Friendly Society established under this Act or the said repealed Act from time to time with the consent of the Committee of Management of such Society or of a majority of the members of such Society present at a general or special meeting thereof or in accordance with the rules of such Society may deposit the funds of such Society in any Government Savings Bank or invest such funds or any part thereof to any amount in any Colonial Government Fund or Debentures or in such other security as the rules of such Society may direct not being the purchase of house or land (save and except the purchase of buildings wherein

Funds how invested,

to

Friendly Societies.

to hold the meetings or transact the business of such Society as hereinbefore mentioned) and not being the purchase of shares in any joint stock or other company with or without charter or incorporation and not being personal security except in the case of a member of one full year's standing at least and in respect of a sum not exceeding one-half the amount of his assurance on life such member providing the written security of himself and two satisfactory sureties for repayment and in case of such member's death before repayment the amount of such advance with interest money be deducted from the sum so assured without prejudice in the meantime to the operation of such security.

38. No copy of rules nor power warrant or letter of attorney granted by any person as trustee of any Society established under this Act or the Act thereby repealed for the transfer of any share in any Colonial funds or debentures standing in the name of such trustee nor any order or receipt for money contributed to or received from the funds of any such Society by any person liable or entitled to pay or receive the same by virtue of the rules thereof or of this Act nor any bond to be given to or on account of any such Society or by the treasurer or any officer thereof nor any draft or order nor any form of policy nor any appointment of any agent nor any certificate or other instrument for the revocation of any such appointment nor any other document whatever required or authorized by or in pursuance of this Act or the rules of any Society shall be liable to stamp duty Powers of attorney &c. not liable to stamp duty. Provided that no exemption from any of the duties granted by any Act relating to stamp duties shall be deemed to extend to any Society which shall assure the payment of money exceeding two hundred pounds or which shall assure the payment of any money on the death of a member to any person except executors administrators or assigns of such member or the husband wife father mother child brother sister nephew or niece of such member.

39. If any person shall become a member of any more than one Society whereby certain benefits shall accrue on account of the same kind of assurance from more than one Society it shall not be lawful for him or for any person entitled through or under him or by reason of his membership or for any number of such persons in the aggregate to receive more than two hundred pounds or in the case of annuities or superannuation one hundred pounds a year from such Societies collectively and in any case where a person shall so as aforesaid be a member of more than one Society and he or any other person or persons shall be entitled to any benefit in gross or by way of annuity from any such Society he or as the circumstances may require every such other person shall before he receive any such benefit from any of such Societies make and sign a declaration that the total value of all benefits accruing or which shall have accrued in respect of any one kind of assurance does not exceed the value of two hundred pounds or in the case of annuities or superannuation one hundred pounds per annum and it shall be lawful for any Society to require any member or any other person who shall be entitled to such benefit before he shall receive the same to make and sign a declaration to the same effect or that such member was not when the benefit accrued a member of any other Association and if any person shall knowingly make any false or fraudulent declaration in any such case he shall be guilty of misdemeanor.

40. The trustees of any Friendly Society may out of the funds thereof subscribe to any hospital infirmary charitable or other provident institution such annual or other sum as may be agreed upon by the Committee of Management or by a majority of the members at a meeting called for that purpose in consideration of any member of such Trustees may subscribe to hospitals &c

Friendly Societies.

such Society his wife child or other person nominated being eligible to receive the benefits of such hospital or other institution according to the rules thereof.

41. Every dispute between any member of any Society established under this Act or the Act hereby repealed his executors administrators nominee or assignee of a member or any person claiming under the rules of such Society and the trustee treasurer or other officer or the Committee thereof shall be decided in manner directed by the rules of such Society and the decision so made shall be binding and conclusive on all parties without appeal. Provided that where the rules of any Society established under the said Act or the Acts thereby repealed shall direct disputes to be referred to Justices then any Justice of the Peace upon complaint made by any member his executors administrators nominee or assigns or by any person claiming under the rules of the Society of any matter of dispute between him or them and the Society to summon the person against whom the complaint is made to appear at a time and place to be named in such summons and any two Justices present at the time and place mentioned in such summons shall proceed to hear and determine such complaint in manner provided by the eleventh and twelfth Victoria chapter forty-three as adopted by the Act fourteen Victoria number forty-three and any Acts amending the same and such Justices may make such order thereupon either for the payment of money or otherwise together with costs as they shall think fit and where the order made shall be for the doing of some act other than the payment of money the said Justices may order the payment of a sum of money in default of the doing of such act and any money which shall be paid by any officer of the Society so levied on his property under any order or warrant of the Justices shall be repaid with all damages accruing to him by the Society.

Settlement of disputes.

42. In all Friendly Societies established under this Act or the said repealed Act all applications for the removal of trustees or for any other relief order or direction or for the settlement of disputes that may arise or may have arisen in any Society the rules of which do not prescribe any other mode of settling such disputes or to enforce the decision of any arbitrators or to hear or determine any dispute if no arbitrator shall have been appointed or if no decision shall be made by the arbitrators within forty days after application has been made by the member or person claiming through or under a member or under the rules of the Society shall be made to the District Court of the district within which the usual or principal place of business of the Society shall be situate and such Court shall upon the application of any person interested in the matter entertain such application and give such relief and make such orders and directions in relation to the matter of such application as hereinafter mentioned or as may now be given or made by the Supreme Court and the decision of such District Court upon and in relation to such application as aforesaid shall not be subject to any appeal.

In what cases by the District Court when the rules do not provide for settlement of disputes.

43. In all cases where the order of such District Court shall be for the payment of money the same may be enforced in the same manner as the ordinary judgments of such Courts are enforced but where the order of the said Court shall be for the doing of some act not being for the payment of money it shall be lawful for the Judge of such District Court in his said order to order the party to do such act or that in default of his so doing it he shall pay a certain sum of money and in case he refuse or neglect to do the act required upon demand in that behalf the sum of money or penalty in the said order may then be recovered in the same manner as a judgment for debt or damages

Order of District Court how enforced.

Friendly Societies.

damages in such Court and it shall not be lawful to remove the same by *certiorari* or other writ or process but the Supreme Court.

44. Provided however that the Primary Judge may make such orders for regulating the proceedings by and before the Judges of District Courts under this Act as he may think fit and such Judges may regulate the proceedings before them respectively so as to render them as inexpensive and summary as conveniently may be.

Chief Justice may make order for regulating the proceedings in this respect.

45. In the case of any Friendly Society established for any of the purposes mentioned in section seven of this Act or for any purpose which is not illegal having written or printed rules whose rules have not been certified by the Registrar provided a copy of such rules shall have been deposited with the Registrar every dispute between any member of such Society his executors administrators nominees or assigns and the trustees treasurer or other officer or the Committee of such Society shall be decided in manner hereinbefore mentioned or provided with respect to disputes and the decision thereof in the case of Societies to be established under this Act and the sections of this Act provided for such decision and also the section in this Act which enacts a punishment in case of fraud or imposition by an officer member or person shall be applicable to such uncertified Societies Providing always that nothing herein contained shall be construed to confer on any such Society whose rules shall not have been certified by the Registrar or any of the officers or members of such Society any of the powers exemptions or privileges of this Act save and except as in and by this section is expressly provided.

Disputes between members of non-registered Societies to be settled in accordance with this Act.

46. The trustees of Friendly Societies established under this Act or the hereby repealed Act or the officer thereof appointed to prepare returns shall once in every year in the months of January February or March transmit to the Registrar a general statement of the funds and effects of such Society during the past twelve months or a copy of the last annual report of such Society and shall also within three months after the expiration of the month of December one thousand eight hundred and seventy and so again within three months after the expiration of every five years succeeding transmit to the said Registrar a return of the rate or amount of sickness and mortality experienced by such Society within the preceding five years in such form as shall be prepared by the said Registrar and an abstract of the same shall be laid before Parliament and the Registrar shall also lay before Parliament every year a report of his proceedings as Registrar and of the principal matters transacted by Friendly Societies which have come under his cognizance during the past year.

Returns to the Registrar when and how to be made.

47. If default be made in transmitting to the Registrar before the first day of June in each year the general statement or copy of the last annual report of any Society in compliance with the provisions of the last preceding section the officer making such default shall be liable to a penalty not exceeding five pounds to be recovered with costs at the suit of the Registrar before two or more Justices of the Peace in manner provided by the Act of the Imperial Legislature eleventh and twelfth Victoria chapter forty-three as adopted by the Act fourteenth Victoria number forty-three and any Act amending the same.

Penalty for not sending in annual returns to the Registrar.

48. It shall be lawful for the trustees of such Society to require of any members who are Volunteers a contribution exceeding the rate of contribution hitherto payable by such member to an amount not exceeding one-sixth of such rate during the time such members shall be serving out of New South Wales or to suspend all claim of such member to any benefits of such Society and all claim of the Society to any contribution payable by such member during the time

Extra contributions may be demanded of a Volunteer if he leave New South Wales.

Friendly Societies.

time he may be out of the Colony provided that such suspension shall cease so soon as the said member shall return to the Colony and he shall thereupon be placed on the same footing as before he went out of the Colony.

5 49. The word "Society" shall extend to and include every branch of a Society by whatever name it is designated and any Society may with the approval in writing of the Registrar change its name but no change shall affect any rights or obligations of such Society or any member thereof and any legal proceedings may be
10 continued or commenced by or against the trustees of such Society or any officer or the Committee thereof by the new name of such Society.

Meaning of word "Society" and power to change name.

50. This Act shall come into operation on the first day of January 1871 and may be cited for all purposes as the "Friendly
15 Societies Act of 1870."

Commencement and short title.

FIRST SCHEDULE.

Section 31.

Form of Registrar's Certificate to Rules of Friendly Societies.

I hereby certify that the foregoing rules (or the alterations or amendments of the rules) of the Society at in the County
20 of are in conformity with law (and in the case of a new Society) and that the Society is duly established from the present date and is subject to the provisions and entitled to the privileges of the Acts relating to Friendly Societies.

The rates of contributions and payments are stated to have been prepared by A.B. Actuary of (or as the case may be) are not stated to have been prepared
25 by any Actuary.

SECOND SCHEDULE.

Section 26.

Form of Bond.

Know all men by these presents that we A.B. of Treasurer &c.
(as the case may be) of the Society established at
30 in the County of and C.D. of (as surety on behalf of the said A.B.) are jointly and severally held and firmly bound to A.B. of C.D. of and E.F. of the trustees of the said Society in the sum of to be paid to the said A.B. C.D. and E.F. as such trustees or their successors trustees for the time being or their certain Attorney for which
35 payment well and truly to be made we jointly and severally bind ourselves and each of us by himself our and each of our heirs executors and administrators firmly by these presents sealed with our seals. Dated the day of in the year of our Lord

Whereas the above-bounden A.B. hath been duly appointed Treasurer &c. (as the case may be) of the Society established as aforesaid and he together
40 with the above-bounden C.D. as his surety have entered into the above-written bond subject to the condition hereinafter contained Now therefore the condition of the above-written bond is such that if the said A.B. shall and do justly and faithfully execute his office of Treasurer &c. (as the case may be) of the said Society established as aforesaid and shall and
45 do render a just and true account of all moneys received and paid by him and shall and do pay over all moneys remaining in his hands and assign and transfer or deliver all securities and effects books papers and property of or belonging to the said Society in his hands or custody to such person or persons as the said Society shall appoint according to the rules of the said Society together with the proper or legal receipts or vouchers for such payments and
50 likewise shall and do in all respects well and truly and faithfully perform and fulfil his office of Treasurer &c. (as the case may be) to the said Society according to the rules thereof then the above-written bond shall be void and of no effect otherwise shall be and remain in full force and virtue.

