

## No. XXVI.

An Act to consolidate and amend the Laws FRIENDLY SOCIETIES.  
relating to Friendly Societies. [24th October,  
1853.]

**W**HEREAS many Societies have been established in the Colony Preamble.  
of New South Wales for the purpose of affording relief and  
maintenance to the members thereof in sickness old age or infirmity  
and for other purposes of a provident and benevolent nature and it is  
expedient to amend the laws relating to such Friendly Societies and  
to make further provision for protection of the members against fraud  
and misapplication of their funds and to consolidate the same in one  
Act Be it enacted by His Excellency the Governor of New South  
Wales with the advice and consent of the Legislative Council thereof  
as follows:—

1. The Act of the Governor and Council of the said Colony  
made and passed in the seventh year of the reign of Her present  
Majesty Queen Victoria and numbered ten intituled “ *An Act to regu-* 7 Vic. No. 10 and  
*late Friendly Societies in the Colony of New South Wales* ” and also  
an Act of the said Governor and Legislative Council made and passed  
in the eleventh year of the reign of Her said Majesty and numbered

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11 Vic. No. 53  
repealed under cer-  
tain exceptions and  
provisoes.

11 Vic. No. 10.

Objects for which  
Friendly Societies  
may be established.

fifty-three intituled "*An Act to amend the Act regulating Friendly Societies in New South Wales*" shall be and the same are hereby repealed except so far as any of the said Acts repeal the whole or any part of any other Acts and except so far as the same may be applicable to any Benefit Building Society established under an Act passed by the Governor and Council of the said Colony in the eleventh year of the reign of Her present Majesty intituled "*An Act for the regulation of Benefit Building Societies*" Provided nevertheless that such repeal shall not invalidate or affect anything which has been done before the passing of this Act in pursuance of any of the said Acts Provided also that the provisions of the said Acts except as hereinafter provided shall continue in force as to all Societies established under any or either of them before the passing of this Act until such Societies or Society shall register their or its rules under the provisions of this Act.

2. It shall be lawful for any number of persons to establish a Society or Branch of the same 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—

- 1.—For insuring a sum of money to be paid on the death of a member to the widower or widow of a member as the case may be or to the child or to the executors administrators or assigns of such member or for defraying the expense of the burial of a member or of the husband wife child or kindred of a member subject always to the restrictions hereinafter enacted in that behalf
- 2.—For the relief maintenance or endowment of the members their husbands wives children or kindred in infancy old age sickness widowhood or any other natural state of which the probability may be calculated by way of average
- 3.—For insuring or making good any loss or damage of live or dead stock goods or stock in trade implements and tools sustained by any member by fire flood shipwreck or any contingency of which the probability may be calculated by way of average
- 4.—For the frugal investment of the savings of the members for better enabling them to purchase food firing clothes or other necessities or the tools implements or materials of their trade or calling or to provide for the education of their children or kindred Provided that the shares in any such Investment Society shall not be transferable and that the investment of each member shall accumulate or be employed for the sole benefit of the member investing or of the husband wife children or kindred of such member and that no part thereof shall be appropriated to the relief maintenance or endowment of any other person whomsoever and that the whole amount of the balance due according to the rules of such Society to such member shall be paid to him or her on withdrawing from such Society
- 5.—For any purpose which shall be certified to be legal by Her Majesty's Attorney General of the said Colony as a purpose to which the powers and facilities of this Act ought to be extended

Act limited to So-  
cieties not assuring  
above one hundred  
pounds or annuity of  
thirty pounds or  
allowance of twenty-

Provided always that it shall not be lawful for any Society or Branch established under this Act to assure the payment to or on the death of any member or on any contingency or for any of the purposes for which the payment of sums may be assured under this Act of any

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any sum exceeding one hundred pounds nor any annuity exceeding thirty pounds per annum nor a sum in sickness exceeding twenty-one shillings per week.

one shillings per week in sickness.

3. In all Societies established under the provisions of this Act or of any Act relating to Friendly Societies it shall not be lawful for the Trustees or other officers of such Societies to assure a sum of money to be paid on the death of a child whether a member of such Society or not under the age of ten years except the actual funeral expenses not exceeding three pounds in case of such child to be paid to the undertaker or person by whom the burial is conducted and whose receipt alone shall be sufficient discharge to the Society nor to pay any sum of money which may have been insured and become payable on the death of any member thereof or of the husband wife or child of any member unless the party applying for the same shall produce and deliver to the officer a certificate signed by a Physician Surgeon Apothecary or Coroner in the form (B) set forth in the Schedule to this Act annexed except in cases where from the nature of the circumstances it is impossible to procure such certificate and if any officer of such society shall pay or cause to be paid such sum of money as aforesaid without such certificate as aforesaid such officer shall be liable to a penalty not exceeding ten pounds to be recoverable before any two or more Justices of the Peace sitting in Sessions in the district or nearest to the district or place where such Society or Branch is established and upon conviction thereof one-half of the said penalty shall be paid to the informer and he is hereby declared to be competent to give evidence in this case and the other half shall be paid to the Benevolent Society established in the place or nearest to where the business of such Society or Branch is situated.

No sum to be paid on the death of a child except for funeral.

Certificate of Surgeon or Coroner required before money is paid on death of a member.

Informer a competent witness.

4. It shall be lawful for the persons intending to establish under the provisions of this Act a Friendly Society or Branch thereof to make or adopt rules for the government and guidance of the same and to make such provision in the rules as they shall think fit for ordaining repealing altering or amending any rules and to impose reasonable fines and forfeitures on any member offending against the regulations of the same and to form a General Committee or Board of Management and to delegate to the same all or any of the powers given by this Act to be executed either with respect to the management of the Society or Branch or the enactment amendment repeal or alteration of the rules thereof and in such rules there shall be distinctly set forth—

Power to repeal or alter rules and appoint Committee and Officers.

1.—The name and designation of such Society or Branch and place where the business thereof is carried on the whole of the objects and intention for which it is founded the whole of the purposes to which the funds thereof are applicable according to the rules and tables thereof and the conditions under which any member or party claiming under or by a member may become entitled to any benefit assured thereby

2.—The manner of making repealing or altering rules of appointing Trustees Treasurer and an officer who shall keep the books and accounts and prepare the returns required by this Act a General Board or Committee of Management and the duties and powers of each

3.—The mode to which the funds shall be invested

4.—The manner in which disputes between the Society or Branch and any member thereof or person claiming on account or through any member shall be settled.

5. The rules of every such Society or Branch shall provide that all moneys received or paid on account of each and every particular fund

Separate accounts to be kept of money paid and received for fund

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each particular fund or benefit. fund or benefit assured to the members thereof their husbands wives children or kindred for which a separate table of contributions payable shall have been adopted shall be entered in a separate account distinct from the moneys received and paid on account of any other benefit or fund.

Society or Branch not legally established till rules certified.

6. Such Society or Branch shall not be deemed to be legally established under this Act nor be entitled to any of the provisions of the same unless the rules and every amendment of rules or tables made from time to time thereof shall have been duly certified as hereinafter provided.

Attorney General or Barrister to give certificate.

7. Two printed or written copies of all rules and tables adopted by such Society or Branch together with the name and residence of every Trustee thereof signed by three members and countersigned by the Clerk or Steward or other officer with all convenient speed after the same shall be made altered or amended and so from time to time after every making altering or amending thereof shall be so transmitted to the Attorney General of the said Colony or to a Barrister of Law appointed by the Governor for the time being of the said Colony for the purpose of ascertaining whether such rules or any amendment or alteration thereof are according to law so soon as the said Attorney General or the said Barrister so to be appointed as aforesaid shall find the said rules to be framed in conformity with law and that no rule or part thereof is repugnant to another and that the same are reasonable and proper he shall give a certificate in the form set forth in Schedule (A) to this Act annexed and thereupon one copy of the said rules with the said certificate annexed shall and may within thirty days from the date of such certificate be filed and registered by the Secretary Treasurer or one of the Trustees or Directors of the said Society or Branch with the Clerk of the Peace of the district in which the place of business of the said Society or Branch shall be held or the Clerk of the Peace nearest thereto and every such Clerk of the Peace is hereby required to file and keep the said copy of the rules and certificate amongst the records of his office and thereupon such Society or Branch shall be denominated "Certified Friendly Society" and all rules alterations or amendments thereof when certified and registered as before mentioned shall be binding upon the several members of such Society or Branch and all persons claiming by or under them.

Fees to be paid for certificates.

8. For every such certificate of rules of any Friendly Society a fee of five guineas shall be paid to the said Attorney General or Barrister so certifying and for every certificate of rules of any Branch of such Society a fee of five guineas and for every certificate of amendment repeal or alteration of rules of any Society or Branch a fee of three guineas shall be paid.

Treasurer to give bond.

9. Every Treasurer of any Society or Branch established under the provisions of this Act before he shall be admitted to take upon him the execution of any such office shall become bound in a bond according to the form set forth in the Schedule (C) to this Act annexed with two sufficient sureties for the just and faithful execution of such office and for rendering a just and true account according to the rules of such Society or Branch in such penal sum of money as by the Trustees or Board of Management shall be deemed expedient and every such bond to be given by or on behalf of such officer shall be given to the Trustees of the said Society or Branch for the time being and in case of forfeiture it shall be lawful to sue upon such bond in the name of the Trustees for the time being for the use of the said Society or Branch.

Trustees &c. to invest funds.

10. The Trustees or Treasurer for the time being of any such Society or Branch or of any Society already established under any of the Acts relating to Friendly Societies shall and they are hereby required

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required from time to time by and with the consent of such Society or Branch to be had and testified in such manner as the rules shall direct to lay out and invest such part of all sums of money as shall at any time be collected given or paid to and for the purposes of such Society as may not be wanted for the immediate use thereof or to meet the usual accruing liabilities of such Society or Branch in the names of such Trustees in any Savings' Banks subject to the provisions of Acts in force relating to the same or in any public funds or at interest upon Government securities or on mortgage of freehold or leasehold property such leasehold being for a term of years absolute of which not less than twenty years shall be unexpired or in or upon the security of any Government stocks funds or debentures or any rates authorized to be levied and mortgaged by any Act of the Legislative Council of New South Wales or on loan to any member of any such Society on the security of any policy of assurance effected on his own life provided that the amount of such loan shall not exceed the actual estimated value of such policy at the time such loan be made and from time to time with such consent as aforesaid to alter and transfer such securities and funds and to make sale thereof respectively and all dividends interests and proceeds which shall from time to time arise from the moneys so laid out or invested as aforesaid shall be brought to account by such Trustees and shall be applied to and for the use of such Society or Branch according to the rules thereof Provided always that it shall be lawful for the Trustees or Treasurer as aforesaid with the consent of such Society or Branch as aforesaid to purchase hire or take upon lease any room or premises for the purpose of holding therein the meetings of such Society or Branch or for the transaction of business relating thereto and to hold the same in trust in and for the use of such Society or Branch and to sell exchange let and demise the same in whole or in part with the consent as aforesaid.

11. All hereditaments moneys goods chattels and effects whatever and all titles securities for money or other obligatory instruments and evidences or muniments and all rights or claims belonging to or had by such Society or Branch shall be vested in the Trustees or Trustee for the time being of the same for the use and benefit of such Society or Branch and the respective members thereof their respective executors or administrators according to their respective claims and interests and after the death or removal of any Trustees or Trustee shall vest in the succeeding Trustees or Trustee for the same estate and interest as the former Trustees or Trustee had therein and subject to the same trusts without any conveyance or assignment whatever and also shall for all purposes of action or suit as well criminal as civil in Law or in Equity in anywise touching or concerning the same be deemed and 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 Trustee of such Society for the time being in his or their proper name or names without further description and such persons or person shall and they are hereby respectively authorized to bring or defend or cause to be brought and defended any action suit or prosecution criminal as well as civil in any Court of Law or Equity touching or concerning the property right or claim aforesaid of or belonging to or had by such Society or Branch and such persons shall and may in all cases concerning the property right or claim aforesaid of such Society sue and be sued plead and be impleaded in any Court of Law or Equity in their or his proper names or name as Trustees or Trustee of such Society or Branch without other description and no such suit action or prosecution shall be discontinued or abate by the death of such person or his removal from the office of Trustee but the same shall and may be proceeded in

Property vested in Trustees.

Trustees may sue and be sued.

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in by the succeeding Trustees or Trustee in the proper name of the person commencing the same and such succeeding Trustees or Trustee shall pay or receive the like costs as if the action or suit had been commenced in his or their name for the benefit of or to be reimbursed from the funds of such Society or Branch. Provided always that no person shall be deemed to be a Trustee under the meaning of this Act until the resolution of the Society or Branch appointing him Trustee shall have been transmitted under the hand of three members of the Society or Branch and signed by such Trustee countersigned by the Clerk of the Peace for the district or nearest to the district in which the place of business of the said Society or Branch shall be held to be by him deposited with the rules of the Society or Branch in his custody as aforesaid.

No person to be deemed a Trustee until his appointment shall have been forwarded to the Clerk of the Peace.

Responsibility of Treasurer &c.

12. No Treasurer or Trustee or other officer of any Society or Branch established under the authority of this Act shall be liable to make good any deficiency which may arise in the funds thereof unless he shall have declared by writing under his hand to be deposited with the Clerk of the Peace as before that he is willing so to be answerable and it shall be lawful for each of such persons to limit his responsibility to such sum as shall be specified in such writing. Provided always that every Treasurer Trustee and other officer shall be personally responsible and liable for all moneys actually received by him on account of or for the use of such Society or Branch.

Treasurer &c. liable for money actually received.

Trustees to transmit annual return to Clerk of Peace.

13. The Trustees or other officer of every such Society or Branch in whose charge the accounts of the said Society are kept shall once in every year prepare or cause to be prepared a general statement of the funds and effects of such Society or Branch during the past twelve months as accurately as such officer may be able to furnish information required and shall file the same with the Clerk of the Peace as aforesaid on some day before the first of February in each year and every such statement shall be attested by two Trustees of such Society and by the Auditor if any such shall have been appointed and shall be countersigned by the officer who keeps the accounts of such Society and every member shall be entitled to receive from the said Society a copy of such statement on payment of sixpence.

In default of such return Trustees to be incapable of bringing action.

14. If in any year such statement shall not have been transmitted as aforesaid on or before the last day of February or if any fraudulent or wilfully false return shall have been filed such Trustees are hereby declared to be incapable of prosecuting any action in any Court of Law or Equity on behalf of such Society or Branch until they shall have duly furnished to the Clerk of the Peace such statements as aforesaid.

Quinquennial returns to be sent to Clerk of Peace.

15. The Trustees or other officers as aforesaid of every Society or Branch established under the provisions of this Act in which any benefits are assured for an allowance in sickness an annuity deferred or immediate or a sum to be paid on death shall within three months after the expiration of the month of December one thousand eight hundred and fifty-five and so again within three months after the expiration of every five years succeeding transmit to the office of the Registrar General or other officer appointed by the Governor to receive the same a return of the rate of sickness and mortality experienced by the Society or Branch within the preceding five years in such form as shall be prepared for that purpose and furnished to the Trustees of every such Society or Branch by the Colonial Secretary.

When Trustees shall be absent &c. may order stock to be transferred and dividends paid.

16. Whenever it shall happen that any person in whose name any part of the several stocks annuities funds and debentures of any Certified or Friendly Society is or shall be standing as a Trustee of any such Society or Branch shall be out of the said Colony or shall have been removed from his office of Trustee or shall be a bankrupt

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bankrupt insolvent or lunatic or it shall be unknown whether such Trustee is living or dead it shall be lawful for any Judge of the Supreme Court of the said Colony upon the petition of any duly appointed Trustee or Trustees of such Society or Branch by order under his hand with or without reference to the Master in Equity of the said Court to appoint a person or persons in the room of the person or persons so bankrupt insolvent or lunatic to transfer such stock annuities or funds standing as aforesaid to and into the name of the duly appointed Trustee or Trustees and also pay over to such person or persons as aforesaid the dividends of such stock annuities or funds and whenever it shall happen that one or more only and not all or both of such Trustees as aforesaid shall be so absent or have been removed or be a bankrupt insolvent or lunatic or it be unknown whether any one or more of such Trustees be living or dead it shall be lawful for any Judge of the said Court in manner before mentioned to direct that the other and others of such Trustees do transfer such stock annuities or funds to or into the name of such person so appointed Trustee as aforesaid jointly with the continuing Trustees if any and also receive and pay over the dividends of such stock annuities or funds as such Society shall direct.

17. This Act shall be a full and complete indemnity and discharge to all persons and companies their officers and servants for all acts and things done by such person or persons authorized by such Judge as aforesaid pursuant hereto and such acts and things shall not be questioned or impeached in any Court of Law or Equity to their prejudice or detriment.

18. The provisions of an Act passed in the thirty-ninth year of the reign of King George the Third intituled "*An Act for the more effectual suppression of Societies established for seditious and treasonable purposes and for better preventing treasonable and seditious practices*" and also of another Act passed in the fifty-seventh year of King George the Third intituled "*An Act for the more effectually preventing seditious meetings and assemblies*" shall not extend to any Society or Branch established under this Act in which benefits are assured to the members depending on the laws of sickness and mortality or to any meeting of the members or officers thereof in which Society or Branch or at which meeting no business whatever is transacted other than that which directly and immediately relates to the objects of the Society or Branch as declared in the rules thereof as they are set forth in the certified copy thereof Provided always that the Trustees or other officers of such Society or Branch when required under the hand of two of Her Majesty's Justices of the Peace shall give full information to such Justices of the nature objects proceedings and practices of such Society or Branch and in default thereof the provisions of the said recited Acts shall be in force with regard to such Society or Branch.

19. If any dispute shall arise between the members or persons claiming under or on account of any member of any Society or Branch established under this Act and the Trustees Treasurer or other officer or Committee thereof it shall be settled in such manner as the rules of such Society or Branch shall direct and the decision so made shall be binding and conclusive but if such dispute be of such kind that for the settlement of it according to the rules now in force recourse must be had to the Supreme Court of the said Colony in its Equitable Jurisdiction it may be referred at the option of either party to any two or more Justices of the Peace sitting in Petty Sessions in the district or nearest to the district or place in which the meetings of such Society or Branch shall be held who shall proceed *ex parte* on notice in writing to the other of the said parties being left at his usual place of residence

or

Act to be an indemnity to.

Provisions of 39 G. 3 c. 79 and of 57 G. 3 c. 19 not to extend to Friendly Societies under this Act.

Disputes between Society and Trustees to be settled according to rules.

Questions of Equity how to be settled.

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or abode ten days previously and such Justices are hereby authorized to require of all parties who are or may have been Members Trustees or Officers of such Society to produce before them all books or other documents relating to the concerns of such Society and thereupon if such Justices shall so think fit it shall be lawful for them to determine the said dispute and to displace any such Trustee or Officer or to make such award as the justice of the case in their opinion may require and such decision or reward shall be binding and conclusive.

Rules for arbitration  
where such is ap-  
pointed by rules.

20. If it shall be provided by the rules of such Society or Branch that disputes which may arise between any member thereof and the Trustees Committee or Officers on the part of the Society shall be settled by arbitration the number of arbitrators and mode of election shall be stated in the rules and in case any of such arbitrators shall at any time neglect or refuse to act the members of such Society or Branch at a General Meeting or General Committee thereof are hereby required forthwith to elect and appoint some other person to be an arbitrator in his place and the rules shall direct in what manner such arbitrators or any of them shall proceed to determine such disputes and the award so made by them or so many as may be appointed for the purpose according to the rules shall be final and binding on all parties without appeal and shall not be removed to any Court of Law or Equity and if either of the said parties shall refuse or neglect to comply with or conform to the decision of the said arbitrators or the major part of them it shall and may be lawful for any two or more Justices of the Peace sitting in Petty Sessions in the district or nearest to the district or place within which such Society or Branch shall be established upon good and sufficient proof being adduced before them of such award having been made and of the refusal of the party to comply therewith upon complaint made or on behalf of the party aggrieved to summon the person against whom such complaint shall be made to appear at a time and place to be named in such summons and upon his or her appearance or in default thereof upon due proof upon oath of the service of such summons to make such order thereupon as may to them seem just and if the sum of money awarded together with the sum for costs not exceeding the sum of twenty shillings as to such Justices shall seem meet shall not be immediately paid then such Justices shall by warrant under their hands cause such sum and costs as aforesaid to be levied by distress or by distress and sale of the moneys goods chattels securities and effects belonging to the said party or to the said Society together with all further costs and charges attending such distress and sale or other legal proceedings returning the overplus (if any) to the said party or to the said Society or to one of the Trustees thereof and in default of such distress being found or in case of such other legal proceeding being ineffectual then to be levied by distress and sale of the proper goods of the said party or of the officer of the said Society so neglecting or refusing as aforesaid together with such further costs and charges as aforesaid returning the overplus (if any) to the owner Provided always that whatever sums shall be paid by any such officer so levied on his or her property or goods in pursuance of the award of arbitrators or order of any Justice shall be repaid with all damages accruing to him or her by and out of the moneys belonging to such Society or out of the first moneys which shall be thereafter received by such Society.

Justices may enforce  
the award.

If no arbitrators ap-  
pointed or no award  
given Justices may  
decide.

21. If the rules of any such Friendly Society or Branch shall have provided for the settlement of disputes by arbitration but no arbitrator shall have been appointed or no award shall have been made within forty days after such complaint has been made to the officers of such Society or Branch or if the rules shall have directed that any dispute



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dispute between the members and the Trustees or other officer of the Committee of Management shall be settled by Justices of the Peace then it shall be lawful for any Justice of the Peace usually acting in the district or nearest to the district or place in which the principal business of the Society or Branch is carried on on complaint being made to him by any member or person claiming under a member thereof of any matter in dispute between him and such Society or Branch to summon the person against whom such complaint shall be made to appear at a time and place to be named in such summons and upon his appearance or in default thereof upon due proof on oath of the service of such summons it shall be lawful for any two Justices to proceed to hear and determine the said complaint and in case the said Justices shall order any sum of money to be paid by such person against whom such complaint shall be made and such person shall not pay the same to the person and at the time specified by such Justices they shall proceed to enforce their order in the manner hereinbefore directed to be used in case of any neglect to comply with the decision of the arbitrators appointed under the authority of this Act.

22. In case any member of any such Society or Branch shall have been expelled from such Society and the award of the arbitrators or the order of the Justices shall direct that he or she shall be reinstated it shall be lawful for such arbitrators to award or Justices to order in default of such reinstatement such a sum of money to be paid to such member by the Trustees of such Society as to such arbitrators or Justices may seem just and reasonable which said sum of money if not paid shall be recoverable from the said Society or Branch or the Treasurer Trustee or other officer in the same way as any money awarded by arbitrators is recoverable under this Act.

In case member is unjustly expelled arbitrators or Justices may direct such member to be reinstated and in default may award a sum for compensation.

23. For the more effectually preventing fraud and imposition on the funds of such Societies if any officer member or any other person being or representing himself to be a member of such Society or Branch or the nominee executor administrator or assignee of any member thereof or any other person whatever shall in or by any false representation or imposition obtain possession of the moneys securities books papers or other effects of such Society or Branch or any part thereof or having the same in his or her possession shall withhold or misapply the same it shall be lawful for any Justice of the Peace usually acting in the district or nearest to the district or place where such Society or Branch is situated upon complaint made on oath or affirmation by an officer of such Society or Branch appointed for that purpose to summon such person against whom such complaint shall be made to appear at a time and place to be named in such summons and upon his or her appearance or in default thereof upon due proof upon oath or affirmation of the service of such summons it shall be lawful for any two Justices usually acting as aforesaid to hear and determine the said complaint and upon due proof of such fraud the said Justices shall convict the said party and award double the amount of the money so obtained or withheld to be paid to the Treasurer to be applied by him to the purposes of the Society or Branch or order the said securities books papers or other effects to be delivered to the Society or Branch together with such costs as shall be awarded by the said Justices not exceeding the sum of five pounds and in case such person against whom such complaint shall be made shall not pay the sum of money so awarded to the person and at the time specified in the said order to deliver the said effects as aforesaid such Justices are hereby required by warrant under their hands and seals to cause the same to be levied by distress and sale of the goods of such person on whom such order shall have been made or by other legal proceeding together with such costs as shall be awarded by the said

In case of fraud or imposition on the funds Justices may summon the parties and hear the complaint.

Upon proof of fraud Justices may award double the amount obtained &c.

If money awarded is not paid the same may be levied by distress.

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In default of distress offender may be committed to prison.

said Justices not exceeding the sum of twenty shillings and also the costs and charges attending such distress and sale or other legal proceeding returning the overplus (if any) to the owner and in default of such distress being found or of such effects as aforesaid being returned the said Justices of the Peace shall commit such person so proved to have offended to the nearest common gaol or house of correction nearest there to be kept to hard labor for such a period not exceeding three calendar months as to them shall seem fit. Provided nevertheless that nothing herein contained shall prevent the said Society or Branch from proceeding by indictment or complaint against the party complained of and provided also that no party shall be proceeded against by indictment or complaint if a previous conviction has been obtained for the same offence under the provisions of this Act.

No *certiorari*.

24. No sentence order or adjudication of Justices under this Act shall be removed by *certiorari* or otherwise into any Court of Law nor shall the same be restrained by the injunction of any Court of Equity.

Treasurers &c. to render accounts and upon demand pay over moneys &c. to party appointed by Societies &c.

25. Every person who shall have or receive any part of the moneys effects or funds of or belonging to any such Society or Branch or shall in any manner have been or shall be intrusted with the disposal management or custody thereof or of any securities books papers or property relating to the same his or her executors administrators and assigns respectively shall upon demand made or notice in writing given or left at the last or usual place of residence of such persons in pursuance of any order of not less than two Trustees or three members of the Committee or Board of Management give in his account at the usual meeting of such Society or Branch or to such Committee or Board of Management to be examined and allowed or disallowed and shall on the like demand or notice pay over all the moneys remaining in his hands and assign and transfer or deliver all securities and effects books papers and property in his hands or custody to the Treasurer or Trustee for the time being or to such other person as such Committee or Board of Management shall appoint and in case of any neglect or refusal to deliver such account or to pay over such moneys or to assign transfer or deliver such securities and effects books papers and property in manner aforesaid it shall be lawful to and for the members of every such Society or Committee or Board of Management thereof to apply to any two or more Justices of the Peace sitting in Petty Session in the district or nearest to the district or place in which the meetings of the said Society or Branch shall be held who shall and may proceed thereupon in a summary way and make such order therein as to such Justices may seem just.

and in case of neglect application may be made to any two Justices in Petty Sessions who shall proceed thereupon in a summary way.

Minors may be members and have legal authority to act but not to hold office.

26. A minor may become a member of any such Society or Branch and he is hereby empowered to execute all instruments and give all necessary acquittances Provided always that such minor shall not be competent during his minority to hold any office as Director Trustee Treasurer or Manager in such Society or Branch.

Consent necessary for dissolution of Society.

27. It shall not be lawful for the members of any such Society or Branch by any rule or order or resolution to dissolve or determine such Society or Branch so long as the intents and purposes declared by the rules of such Society or any of them remain to be carried into effect without obtaining the votes of consent of five-sixths in value of the then existing members to be ascertained in manner hereinafter mentioned and also the consent of all persons then receiving or then entitled to receive relief either on account of sickness age or infirmity to be testified under their hands individually and respectively and for the purpose of ascertaining the votes of such five-sixths in value every member shall be entitled to one vote and an additional vote for every five years that he may have been a member Provided also that no one member

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member shall have more than five votes in the whole and in all cases of dissolution the intended appropriation or division of the funds or other property shall be fairly and distinctly stated in the proposed plan of dissolution prior to such consent being given and it shall not be lawful for such Society or Branch by any rule to direct the division or distribution of such stock or fund or any part thereof to or amongst the several members of such Society other than for carrying into effect the general intents and purposes declared by the rules originally certified and all such rules for the dissolution or determination thereof without such consent as aforesaid or for the distribution or division of the stock or funds contrary to the rules shall be void and of none effect and in the event of such division or misappropriation of the funds without the consent hereby declared to be requisite any Trustee or other officer or person aiding or abetting therein shall be liable to the like penalties as are in this Act provided in cases of fraud Provided always that it shall be lawful for any two or more Societies or Branches to become united or incorporated in one Society or Branch upon such terms as shall be approved by the major part of the Trustees and Board of Management of both Societies or Branches.

28. All rules alteration of rules transcript or copy of or extracts from all rules and alteration of rules and all awards writings and documents of what nature or kind soever relating to any Society or Branch directed by any Act or Acts of Council to be certified by the Clerk of the Peace having the custody thereof and purporting to be signed by him shall in the absence of any evidence to the contrary be received in all Courts of Law and Equity and elsewhere without proofs of the signature thereto.

Rules &c. under hand of Clerk of Peace to be received without proof of signature.

29. If any person appointed to any office in any Friendly Society or Branch thereof established under this Act and being intrusted with the keeping of the accounts or having in his hands or possession by virtue of his said office or employment any moneys or effects belonging thereto or any deeds or securities relating to the same shall die or become a bankrupt or insolvent or have any execution or attachment or other process issued or action or diligence raised against his lands goods chattels or effects or property or estate heritable or movable or make any assignment disposition assignation or other conveyance thereof for the benefit of his creditors his heirs executors administrators or assignees or other persons having legal right or the Sheriff or other officer executing such process or the party using such action or diligence shall within forty days after demand made in writing by the order of any such Society or Branch or of not less than three of the Committee of Management assembled at any meeting thereof deliver and pay over all moneys and other things belonging to such Society or Branch to such person as such Society or Committee shall appoint and shall pay out of the estates assets or effects heritable or movable of such persons all sums of money remaining due which such person received by virtue of his said office or employment before any other of his debts are paid or satisfied or before the money directed to be levied by such process as aforesaid or which may be recovered or recoverable under such diligence is paid over to the party issuing such process or using such diligence and all such assets lands goods chattels property estates and effects shall be bound to the payment and discharge thereof accordingly.

Executors &c. of officers of certified Friendly Societies to pay money due to Society before any other debts within forty days after demand in writing.

30. If any person after the passing of this Act shall become a member of more than one Society or Branch and thereby be entitled to certain benefits on account of the same kind of assurance from more than one Society or Branch it shall not be lawful for him to claim or receive such benefit from any or either Society or Branch without signing a declaration that the joint value or amount of all the

Member belonging to more than one Society not to be entitled to benefits exceeding £100 or £30 annuity or 21s. per week in sickness.

the

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the benefits in any one kind of assurance to which he may be entitled from any Society or Societies Branch or Branches of which he may be a member does not in the aggregate exceed the amount of one hundred pounds in one sum or an annuity of thirty pounds per annum or a sum in sickness of twenty-one shillings per week and in case such declaration shall not be true such member shall be liable to the penalties hereinbefore enacted in cases of fraud.

For payment of sums not exceeding £50 when members are intestate.

31. When on the death of any member of any such Certified Friendly Society already established any sum not exceeding fifty pounds shall become payable it shall be lawful for the Trustees for the time being of such Society if they shall be satisfied that no will was made and left by such deceased member and that no letters of administration or confirmation will be taken out of the funds goods and chattels of such depositor to pay the same to the widower or widow of such member as the case may be or to the child of such member if so directed by any rule of such Society or Branch and in case there shall be no such direction then to pay and divide the same to and amongst the person or persons entitled to the effects of the deceased intestate without taking out letters of administration.

Payment to persons who appear to Trustees to be entitled to effects of deceased intestate members declared valid but next of kin &c. to have remedy against the party who receives the same.

32. Whenever the Trustees of any Certified Friendly Society or Branch at any time after the decease of any member shall have paid and divided any sum of money to or amongst any person or persons who shall at the time of such payment appear to such Trustees to be entitled to the effects of any deceased intestate member the payment of any such sum or sums of money shall be valid and effectual with respect to any demand of any other person or persons as next of kin of such deceased intestate member or as the lawful representative or representatives of such member against the funds of such Society or Branch or against the Trustees thereof but nevertheless such next of kin or representatives shall have remedy for such money so paid as aforesaid against the person or persons who shall have received the same.

Payment on death of members to be made to executors &c. and not to nominees.

33. From and after the passing of this Act it shall not be lawful for any Society established under any Act hereby repealed to grant any assurance whereby the sum assured on the death of the member shall be payable to any nominee or to any other person than the widower or widow of a member as the case may be or the child or the executors administrators or assigns of such member or in case the member shall die intestate and the sum payable on his death shall not exceed fifty pounds to the person whom the Trustees shall consider entitled to the goods and effects of the member so dying intestate Provided always that nothing in this Act contained shall affect any power privilege or exemption in respect of any assurance legally made or granted before the passing of this Act under the provisions of any of the Acts hereby repealed Provided also that it shall be lawful for any such Society to add to its rules a rule or rules whereby any sum payable on the death of a member may be made payable to the executors administrators or assigns of such member.

Societies established under repealed Acts to be entitled to exemptions and privileges of this Act if they do not grant assurances beyond the limits of this Act.

34. Every Society duly enrolled or certified under any Act hereby repealed which shall not after the passing of this Act assure the payment to or on the death of any member or on any contingency or for any purpose for which the payment of sums may be assured under this Act exceeding one hundred pounds or an annuity exceeding thirty pounds per annum or any sum in sickness exceeding twenty-one shillings per week shall enjoy all the exemptions and privileges in this Act conferred upon any Society established under the provisions of this Act.

Provisions of this Act may be applied to Benevolent and

35. If the rules of any such Institution or Society and all alterations and amendments thereof shall be registered under the provisions

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visions of this Act then and in that case the clauses and provisions herein contained so far as the same relate to the giving of security from any Treasurer or other officer or person and to the vesting of the effects in the Trustees for the time being and to their suing and being sued and as to the liability of the Treasurer or Trustee or other officer and to the protecting securing or recovering the funds vested or being in such Treasurer or Trustees and for enforcing the rendering of accounts by him or them shall be extended to all and every such Institution or Society which shall have and enjoy and be entitled to the benefits of this Act with respect to the several matters aforesaid as fully and effectually as any Friendly Society or Branch registered under this Act can or may have to enjoy the same.

Charitable Societies formed by voluntary subscription &c. if rules are registered in pursuance of this Act.

36. In the construction of this Act unless there shall be something in the subject matter or context repugnant thereto the word "Society" shall include every Branch thereof.

Construction of terms.

## SCHEDULES REFERRED TO.

## A.

*Form of Attorney General's or Barrister's Certificate to Rules of Registered Friendly Societies.*

I HEREBY certify that these Rules (or alteration of Rules) (as the case may be) are in conformity to Law and to the provisions of the Act in force relating to Registered Friendly Societies.

Dated at this day of A.D.

A. B.

Attorney General or Barrister.

## B.

*Form of Medical Certificate.*

I HEREBY certify that late of died the day of and I have no reason to attribute his death to poison violence or criminal neglect.

Dated at this day of A.D.

(Signed) A. B. Profession.  
Residence.

*Form of Coroner's Certificate.*

I HEREBY certify that I have held an Inquest on the body of late of who was found dead and the Jury have returned the following verdict—

And it does not appear to me that he has been deprived of life by means of any person beneficially interested in obtaining burial money from any Society.

A. B. Coroner.

Dated at this day of A.D.

## C.

*Form of Bond.*

Know all men by these presents that we A. B. of Treasurer (or Steward &c.) of the Society established at in the Colony of New South Wales and C. D. of and E. F. of as sureties on behalf of the said A. B. are jointly and severally held and firmly bound to G. H. of I. K. of the Trustees of the said Society in the sum of L. M. of to be paid to the said G. H. I. K. and L. M.

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L. M. as such Trustees or their successors Trustees for the time being or their certain Attorney for which 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 (or Steward &c.) of the                      Society established as aforesaid and he together with the above-bounden C. D. and E. F. as his sureties 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 (or Steward &c.) of the said Society established as aforesaid and shall and do render a just and true account of all moneys received and paid by him and shall and do pay over all the 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 likewise shall and do in all respects well and truly and faithfully perform and fulfil his office of Treasurer (or Steward &c.) 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.

## D.

*Heads of Information to be furnished to the Office of the Registrar General or other Officer appointed by the Governor to receive the same by every Society.*

RETURN of	Society established at			
for the year ending				
Date of balancing books in each year	...	...	...	...
<b>MEMBERS—</b>				
Number admitted since last balance	...	...	...	...
Number died since last balance	...	...	...	...
Number withdrawn or expelled	...	...	...	...
Number of Members at this date	<div> <div>Male</div> <div>Female</div> <div>Honorary</div> </div>			
	...	...	...	...
	...	...	...	...
	...	...	...	...
<b>SICKNESS—</b>				
Number of Members sick in the year	<div> <div>Male</div> <div>Female</div> </div>			
	...	...	...	...
Weeks and days of sickness	...	...	...	...
<b>INCOME—</b>				
Donations and honorary subscriptions	...	...	...	...
Entrance money	...	...	...	...
Contributions for sickness	...	...	...	...
Contributions for annuities	...	...	...	...
Contributions for sums on death	...	...	...	...
Contributions for endowments	...	...	...	...
Interest received	...	...	...	...
Total income	...	...	...	...
Total capital of Society (here state where the same is placed)	...	...	...	...
<b>EXPENDITURE—</b>				
Sick pay or allowances	...	...	...	...
Annuities	...	...	...	...
Death of	<div> <div>Members</div> <div>Wives</div> </div>			
	...	...	...	...
Endowments	...	...	...	...
Extra expenses	...	...	...	...
Total expenditure	...	...	...	...

**OBSERVATIONS—**

To be signed by two Trustees and Secretary Treasurer or other Officer.                      day of                      in the year