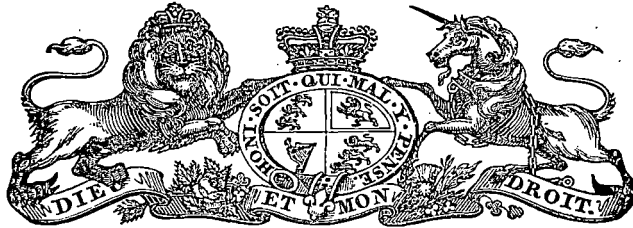


(No. 124.)



1887.

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PARLIAMENT OF TASMANIA.

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BILL TO AMEND THE LAW RELATING TO  
FRIENDLY SOCIETIES :

REPORT OF SELECT COMMITTEE, WITH MINUTES OF  
PROCEEDINGS, AND EVIDENCE.

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Brought up by the Attorney-General, and ordered by the House of Assembly to  
be printed, October 7, 1887.



*SELECT COMMITTEE appointed, on the 6th September, to consider a Bill to amend the Law relating to Friendly Societies; with power given to send for papers and persons, on the 9th September.*

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MEMBERS OF THE COMMITTEE.

MR. BURGESS.  
MR. NICHOLAS BROWN.  
MR. CONWAY.  
MR. LETTE.

MR. DOOLEY.  
MR. LEWIS.  
MR. ATTORNEY-GENERAL: (*Mover.*)

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DAYS OF MEETING.

Wednesday, 7th September; Tuesday, 13th September; Tuesday, 4th October; Thursday, 6th October;  
Friday, 7th October.

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WITNESS EXAMINED.

Mr. P. Boland.

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EXPENSES OF WITNESS.

Mr. P. Boland, £5 8s.

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R E P O R T.

YOUR Committee have the honor to report to your Honorable House that they have given their most earnest consideration to the Bill which your Honorable House submitted to them; and now submit the said Bill, revised and amended as to matters of detail, but unaltered in principle, save in one particular. That exception will be found in Clause 11, in which your Committee have made provision for the payment by the Government of an Actuary, or other person approved by the Governor in Council, whose duty it shall be to certify the proposed tables of contributions, and under certain conditions to value and report upon the assets and liabilities of Societies and Branches.

In view of the great and growing importance of this subject, your Committee have been induced to insert this provision; and they are assured that with this addition all opposition to the Bill on the part of those interested will be removed.

Your Committee have been aided in their deliberations by the oral evidence of Mr. Patrick Boland, who has been for 22 years connected with Friendly Societies in the Colonies,—by the written suggestions of Mr. Charles Miller, who also has valuable experience, gained by many years' connection with Friendly Societies,—by reports from Committees of Delegates appointed in both Hobart and Launceston to consider the Bill,—and by other documentary evidence,—all of which have received the most earnest and careful attention, resulting in the amended Bill, which is now submitted for the favourable consideration of your Honorable House.

A. INGLIS CLARK, *Chairman.*

*Committee Room, Friday, 7th October, 1887.*

## MINUTES OF PROCEEDINGS.

WEDNESDAY, SEPTEMBER 7, 1887.

The Committee met at 2.15 P.M.

*Present.*—Mr. Conway, Mr. Dooley, Mr. Lette, Mr. Lewis, Hon. N. J. Brown, Hon. W. H. Burgess, Mr. Attorney-General.

Mr. Attorney-General was voted to the Chair.

The Chairman laid the original draft of the Bill, and the Report of the Sub-Committee appointed in Launceston to consider the provisions of the proposed Bill, upon the Table.

Ordered, that Mr. P. Boland, of Launceston, be summoned to attend and give evidence before the Committee on Tuesday, the 13th instant, and Mr. Smallhorn on a date to be hereafter determined.

The Committee adjourned at 3 P.M. till Tuesday, the 13th instant, at 11 A.M.

TUESDAY, SEPTEMBER 13, 1887.

The Committee met at 11.10 A.M.

*Present.*—Mr. Lette, Mr. Lewis, Mr. Conway, Mr. Dooley, and Hon. W. H. Burgess.

The Hon. W. H. Burgess was voted to the Chair.

Mr. P. Boland was called in and examined.

Mr. Boland withdrew.

The Chairman laid upon the Table the Report of the Committee appointed in Hobart to consider the provisions of the proposed Friendly Societies Bill.

The Committee adjourned to a date to be hereafter notified.

TUESDAY, OCTOBER 4, 1887.

The Committee met at 11 A.M.

*Present.*—Mr. Lette, Mr. Dooley, Mr. Lewis, Mr. Attorney-General.

Mr. Attorney-General took the Chair.

The Minutes of the last meeting were read and confirmed.

The Chairman tabled three letters from Mr. C. Miller—*vide* Appendices (A.), (B.), and (C.)

The consideration of the Bill was proceeded with.

Clauses 1 to 3 read and agreed to.

Clause 4 amended by inserting the words 'Kindred' shall include such relatives as may be defined by the Rules of any Society" after the word "being," line 3, page 2, and agreed to. (Mr. Lewis.)

Clause 5 postponed. (Mr. Attorney-General.)

Clauses 6 to 10 agreed to.

Clause 11. (Mr. Attorney-General.)

Amended by inserting the words "or a Judge thereof" after the word "Court," line 24; in line 46 by striking out the figures "4s. 6d." and inserting "2s." in lieu thereof; in line 49 by striking out "3s. 6d." and inserting "1s." in lieu thereof—and postponed.

Clause 12 read, and amended by inserting "provisions for protection of funds," and agreed to.

Clause 13 read, and amended by inserting the following new sub-section ii. :—No rule or amendment of a rule of a Society or Branch shall be disentitled to registry by reason of its expressing or implying any subordination to the central body of the same order outside Tasmania, or by reason of its containing any reference to or incorporating with such rules any one or more of the general rules of the said order. Provided that such general laws shall be or have been forwarded to the Registrar by such Society or Branch; but nothing herein contained shall have the effect of giving force to any general law that is contrary to the express provisions of this Act. If such rules, and the general laws incorporated therewith, provide for the matters provided in the second Schedule hereto, the Society or Branch shall be deemed to have sufficiently complied with this sub-section;" and agreed to. (Mr. Attorney-General.)

Clause 14 read, amended in line 27 by inserting the words "and specially summoned meetings may be held in such office or in any other convenient place" after "therein," line 27 (Mr. Attorney-General), and postponed.

The Committee adjourned till Thursday, the 6th October, at 11 A.M.

THURSDAY, OCTOBER 6, 1887.

The Committee met at 11 A.M.

*Present.*—Mr. Conway, Mr. Dooley, Mr. Lewis, Mr. Lette, Hon. Nicholas Brown, and the Hon. W. H. Burgess.

Mr. Burgess took the Chair.

Clause 5 read and agreed to.

Clause 11, amended in line 14 by inserting the words "or other person" after "Actuary," and in lines 14 and 15 by striking out the words "who has exercised the profession of Actuary for at least five years."

Clause 11, as amended, agreed to.

Clause 14, read and amended in line 27 by adding the words "and specially summoned meetings may be held in such office or other convenient place," after "therein;" in line 18, page 8, by inserting the words "up to the last date of balance of the books prior to the 31st August," after the word "out." (Mr. Attorney-General.)

In line 9, by inserting the words "or other person approved by the Governor-in-Council," after "Actuary;" in line 10 by striking out "his" and inserting "the" in lieu thereof.

In line 11, by striking out "his" and inserting "the" in lieu thereof, and by adding the following words after "valuation"—"Provided that such Actuary or other person shall receive from the Consolidated Revenue such remuneration as shall be authorised by the Governor in Council."

By striking out Sub-section (g), lines 16 to 23.

In line 31, by inserting the words "or a certificate of such death under the hand of a duly qualified medical practitioner, or other satisfactory proof of such death."

Clause 14, as amended, agreed to.

Clause 15, amended in line 20 by striking out "Fifty" and inserting "One hundred" in lieu thereof; in line 27, by inserting the words "On the marriage of any member all nominations made by him shall be null and void" after "aforesaid;" in line 30, by striking out "Fifty" and inserting "One hundred" in lieu thereof; in line 36, by striking out the words "by-law" by inserting the following new Sub-section vi.—"That no moneys payable on the death of a Member of any Society shall be attached, seized, or taken in execution under the process of any Court, nor shall such moneys pass to or become vested in the trustee of his estate under any bankruptcy or liquidation by arrangement, nor become assets for the payment of his debts."

By striking out the words "but above the age of Sixteen" in lines 16 and 17; in lines 26 and 32 by striking out the word "sixteen" and inserting "Twenty-one" in lieu thereof.

Clause 15, as amended, agreed to.

Clause 16, amended in line 17, sub-section d., by adding the words "or any loans raised under the Local Bodies Loans Acts, the interest of which is guaranteed by Government," after "Launceston."

By inserting the following Sub-section (e.) "In any Registered Building Society." In line 51, page 14, by inserting the following words:—"If the mortgage or other assurance shall have been registered in the office of the Registrar of Deeds no such receipt shall be sufficient to vacate such mortgage, or to vest the estate of and in the property comprised therein, unless such receipt be also registered in the office of the Registrar of Deeds as by law required; and if any such mortgage shall have been registered in the office of the Recorder of Titles, no such receipt shall be sufficient to vacate such mortgage unless such receipt be also registered in the office of Recorder of Titles."

In line 40, page 15, by inserting the following words—"deeds, documents, and other property—"after "moneys."

By inserting the following new Sub-sections XI. and XII.

XI. Every person elected or appointed to be Secretary, Treasurer, or other officer of a Society or a registered Branch registered under this Act, or registered or established under any Act repealed hereby, or shall act in the capacity of or be employed as such Secretary, Treasurer, or officer, is, for the purposes and within the meaning of the fifty-eighth, fifty-ninth, sixty-second, and sixty-third Sections of the Larceny Act, 1863 (27 Vict. No. 8), to be deemed to be the servant of the Trustees for the time being of such Society or of such registered Branch, as the case may be; and any such person who commits an offence against the said provisions of the Larceny Act, 1863, may be proceeded against, tried, and, if convicted, punished in accordance with the provisions of the said Act as in the case of larceny or embezzlement by a clerk or servant.

XII. All other the provisions of the Larceny Act, 1863, which would be applicable or extend to the case of larceny or embezzlement by clerks or servants, are to extend and apply to the Secretary, Treasurer, or other officer of any such Society, and the Secretary, Treasurer, or other officer of any registered Branch.

Clause 16, as amended, agreed to.

Clause 17 amended in line 17, by striking out the words "according to," and inserting "which may be in" in lieu thereof.

Clause 17, as amended, agreed to.

Clause 18 agreed to.

Clause 19 amended in line 11, by inserting the words "or between any registered Branch, or an officer thereof, of any registered society or registered branch, and the registered society or branch of which the other party to the dispute is a registered branch or an officer thereof, or between any two or more registered branches of any registered society or branch, or any officers thereof, respectively;" after "thereof" in line 16, by striking out the words "provided as follows," and inserting "or a Judge thereof" in lieu thereof, and by striking out the whole of the sub-sections (a) to (c) on pages 17 to 18.

Clauses 20 and 21 agreed to.

Clause 22 amended by inserting "the provisions necessary for giving powers to Registrar as to evidence."

Clause 22 agreed to.

Clauses 23 and 24 agreed to.

The Committee adjourned till noon, Friday, the 7th October.

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#### FRIDAY, 7TH OCTOBER, 1887.

The Committee met at 11 A.M.

*Present.*—Mr. Conway, Mr. Dooley, Mr. Lette, Hon. N. J. Brown, Mr. Lewis, and Mr. Burgess.

In the absence of Mr. Attorney-General, Mr. Lette took the Chair.

The Minutes of last Meeting were read and confirmed.

Clause 25 amended in lines 32 and 35, by striking out the word "one" and inserting "two" in lieu thereof.

Clauses, as amended, agreed to.

Clauses 26 to 30 agreed to.

Clause 31 amended in line 5 by striking out the word "contribution."

Clause 31, as amended, agreed to.

Clauses 32 to 39 agreed to.

Schedules 1 to 3 agreed to.

Schedule 4 amended by inserting the words "shall during such time as he may continue in such office, whether by virtue of his present appointment or of successive re-appointments thereto."

Schedule 4, as amended, agreed to.

Schedules 5 to 7 agreed to.

Bill, as amended, agreed to—*vide* Bill appended.

Draft Report read and agreed to.

The Committee adjourned *sine die*.

## EVIDENCE.

PATRICK BOLAND, *called in and examined.*

1. *By the Chairman.*—Where do you reside? Launceston.

2. Were you one of the Committee of Delegates who met at Launceston in July last, in reference to the Friendly Societies Bill now before the House of Assembly? Yes.

3. Have you had much experience in Friendly Societies? Yes; I have been 22 years connected with Friendly Societies in the Colony as an active member the whole of the time, and have filled the highest offices in the lodges and districts of my societies.

4. Have you ever had anything to do with the financial work connected with Friendly Societies with which you have been associated? Yes, I have been secretary of a subordinate lodge, also secretary of a district for seven years; the latter having twelve lodges under its jurisdiction. I have also been district auditor and lodge auditor for many years. I am now the managing trustee for the Cornwall Lodge, M.U., and also for the district.

5. Have you perused the bill now before the House of Assembly with reference to the proposed amendments relating to Friendly Societies? Yes.

6. Do you think further legislation upon this point necessary? I think it is the universal opinion or members that the existing law is sufficient, but out of deference to the Government we considered the bill with the desire to put it in the best possible shape, if Parliament desires to make it law; but we would rather have the existing law. I am sure that is the opinion of the members. In my opinion a short amending Act would answer all requirements of the societies; and I would suggest the following as amendments:—(1.) Repeal Sections 12 and 13 of present Act, also sections 11 and 12 of "The Statistical Returns Act," and make provision that the secretary or officer who keeps the books and accounts of each society should, before the end of February in each year, transmit to the Statistician at Hobart all statistical information required by him, according to such form as he may provide. Any officer failing to give such information to be liable to a penalty not exceeding £5. (2.) The Statistician should periodically (say every 5 years) prepare a valuation and report of the financial position of each society; and the Government should publish the report in the *Gazette*, and forward copies of such report to each society. (3.) Each society should have a preferential claim to creditors, in case of bankruptcy of any officer—*vide* Sect. 27 of present Act, which has been impliedly repealed by "Bankruptcy Act"—and this section should be re-enacted in an amended form. (4.) Funeral moneys should not be assets for payment of debts of a deceased member. (5.) Funeral moneys should be paid without Letters of Administration; and Sections 29 and 31 of present Act should be altered accordingly. (6.) Societies should (in addition to the modes of investments provided for in Section 9 and also in Section 46 of "The Local Bodies Loans Act," 45 Vict. No. 16) be also allowed to invest in any Bank, Building Society, and in Debentures of any Municipality. I believe the establishment of Friendly Societies in this Colony has been attended with very beneficial effects, by promoting the happiness of individuals and diminishing the public burthens, and that every encouragement should be given for the formation and extension of like societies. The receipts of the societies in this Colony, according to the Statistical Return for 1885 (the Return for 1886 not having yet been published) amounted to £25,089 9s. 8d., and the expenditure to £21,576 3s. 4d. In Launceston alone the expenditure for that year was £6128 13s. 8d. Some of the clauses in the proposed bill are considered arbitrary; and any good that would be derived from the bill would be taken away by the additional expenses imposed on societies in carrying out its provisions. In my opinion no well-managed Friendly Society is ever likely to become insolvent; because the members can from time to time alter their rules, and secure the financial stability of the society, by either increasing the payments or reducing the benefits. I know of no society in the Colony that has collapsed from financial causes. When any society has broken up it has been from internal mismanagement, or some such cause.

7. Will you name the clauses you consider arbitrary, and give your reasons for so thinking? I will; but before doing so may state that we do not object to the word "kindred" in sub-section 2 of clause 5. Our regulations would provide the definition of the word. Clause 6 we regard as rather arbitrary, because if a society is not registered it suffers sufficient punishment in not being able to take advantage of the legal provisions of the Act. Speaking from very long experience, I believe the clause inoperative, because few, if any, members would be able to come into Court and say they had not received some benefit from the lodge. It is also unprecedented legislation. Sub-section 7 of Clause 11 should be struck out. We still adhere to the objections taken thereto in our report; there being no data upon which tables

of contributions can be prepared or ascertained. The clause says that the tables of contributions must be certified by a professional actuary of five years' standing, and who must be approved by the Governor in Council. That would not apply to any existing society in Tasmania, but only to new societies. At the present time there is no actuary of five years' standing in Tasmania, and if the clause became law it would prevent the Manchester Unity and other societies from opening new lodges in country districts or towns, because such actuary as prescribed would not be attainable. We fail to see the good of the clause at all. The fee for the actuary's certificate would be at least £5 5s., and this would have to be paid by the society. The opening of these lodges costs a lot of money now, and as the newly-opened society would have to pay the fee, it would be a drag on the new lodge. We take up the strong ground taken up by the English societies—that the experience of one society is not that of others, and each society must gain its own experience. For instance, the experience of the Manchester Unity would not suit the Foresters in England, as has been demonstrated by a return that cost the Foresters £4000 to obtain. The rate of payments charged by the Manchester Unity in Launceston would not suit the Foresters, and *vice versa*. No compulsory tables of contributions have been in force in England during the last 37 years.

8. If the Government appointed an actuary who would have charge of all financial questions connected with Friendly Societies, would not that, to a large extent, remove the objections you have urged to the clause? I think not.

9. Why? I have looked carefully into the matter, and talked it over with other experienced members, and I find it would not be a wise step to allow the clause to remain in the Bill. The statistical information furnished under the present law, if done properly and as it should be, would be sufficient to afford the Government Statistician such information as would enable him to advise the Societies on this point, and they would pay attention to it, and would make such provision as would place the Societies in a correct position. The mistake now is that proper information is not supplied. When I was secretary some years ago, I furnished what I thought was a very complete return to the Clerk of the Peace, but he refused to take it because it gave more information than was asked for in the Act. We would prefer to go on as we have been going, and gain our experience. In sub-section 9 we recommend after the words "Supreme Court" in line 23 the insertion of the words "or a judge thereof." This would enable a judge in Chambers to be approached without the more cumbersome and costly action of moving the Supreme Court. In clause 13, after sub-section 1, we recommend the insertion of the following clause taken from the New Zealand Act:—"No rule or amendment of a rule of a Society or Branch shall be disentitled to registry by reason of its expressing or implying any subordination to the central body of the same order outside Tasmania, or by reason of its containing any reference to or incorporating with such rules any one or more of the general rules of the said order. Provided that such general laws shall be or have been forwarded to the Registrar by such Society or Branch; but nothing herein contained shall have the effect of giving force to any general law that is contrary to the express provisions of this Act. If such rules and the general laws incorporated therewith, provide for the matters provided in the second Schedule hereto, the Society or Branch shall be deemed to have sufficiently complied with this sub-section." In clause 14, after sub-section (a), we recommend insertion of the words "and special summoned meetings may be held in such office or in any other convenient place;" for instance, our lodge-room is not large enough to hold all our members at a special summoned meeting, and on that occasion we desire permission to meet in a sufficiently large room. As the Bill stands we could not legally do so. In sub-section (d) of the same clause, in the 18th line, we recommend, after words "shall be made out," insertion of words "up to the last date of balancing books prior." There is not a Society in the north that balances up to December 31; they all balance up on different days to suit their own convenience, and to make them balance up to December 31 would cause considerable inconvenience. It is merely a financial question, and would cause very little trouble to the Statistician. In sub-section (e) in line 8, after the words "by some actuary," should be inserted the words "at the expense of the Government." As the Bill now stands it is misleading. It appears as if the valuation is to be made by the Government, but the fact is if a Society sends the information to the Government the Society has to pay for the valuation. In fact it seems as if the Societies are to pay all, the Government paying nothing. We recommend an additional section as follows:—"That the rules of any Society or Branch may provide for the appropriation of any surplus shown after valuation in such manner as such rules direct."

10. If the Government had a paid actuary, would not your general objections be met? If the Government provided an actuary to do the work at the expense of the Government, my objections would be met. If the officer is to be retained at the expense of the Government we are prepared to retain the clause. We think sub-section (g) should be struck out, as it would entail unnecessary expense to post copies of annual returns to members, and the following sub-section provides that the balance sheet shall be posted in a conspicuous place in the lodge-room. In our society it is produced at a summoned meeting, and we consider that sufficient for all practical purposes. The sub-section would entail unnecessary expense. In Sub-section 2 of the same clause we propose to add at the end of line 35, after the words "to be entered," the words "or a certificate of such death under the hand of a duly qualified medical practitioner, or other satisfactory proof of such death." This is in accordance with the New Zealand Act. We consider any satisfactory proof, such as coroner's certificate, should be ample, and it would obviate delay which at times would be very inconvenient, as sometimes a widow requires assistance before the funeral takes place. Our object is to assist widows of members as speedily as possible. In Clause 15, Sub-section 3, we recommend the amount (line 25) should be increased from £50 to £100, the same amount as is fixed in England (47 Vict. Chap 47, Clause 3). We ask that there be added to Sub-section 3 the words "On the marriage of any member all nominations made by him shall be null and void." Sometimes a member forgets to alter his nomination on getting married, and legal difficulties may thus occur between his parents, to whom the nomination was made, and his widow. We also recommend the insertion, after Sub-section 5, of a new sub-section, conferring on friendly societies similar privileges to those enjoyed in cases of life assurance, as follows:—"That no moneys payable on the death of a member of any society shall be attached, seized, or taken in execution under the process of any court, nor shall such moneys pass to or become vested in the trustee of his estate

under any bankruptcy or liquidation by arrangement, nor become assets for the payment of his debts." In Sub-section 8 the words "but above the age of 16" should be erased, and 21 should be substituted for 16 in other parts of the Section. This would encourage the formation of juvenile lodges, and could not possibly do any harm, as the rules of the society specify the age of admission. Clause 16, Sub-section 2, we suggest "investments in any registered building society and in debentures of any municipality" should be added. In Clause 16, Sub-section 7, we find no provision is made for registration of discharge of mortgage, and recommend its inclusion. At the end of this Clause I recommend the inclusion of a sub-section similar to the New Zealand Act, for bringing the secretary and treasurer of societies within the provisions of the Larceny Act, 1863," 27 Vict. No. 8, as a clerk or servant to trustees in cases of embezzlement of the society's funds. In Clause 17, Sub-section i., line 47, I recommend that the words "according to" be altered to "which may be in." By Schedule 4 it is seen that the bond is only in force for the time the member is elected for. Officers are generally elected for six months only, and to make the law operative the bond would have to be renewed every six months. I therefore recommend that after the words "if the said A. B. C., &c." there be inserted the words "shall during such time as he may continue in the said office, whether by virtue of his present appointment or of successive re-appointments thereto." This would obviate the difficulty of bonds being renewed every 6 months; and bondsmen could enter into bonds either during the officer's term of office or for a given period. We have been working for years in Launceston under that system. In Clause 19 no provision is made for disputes between registered branches. This is provided for in the English amended Act, 48 and 49 Vict. chap. 47. I recommend in line 11, after the words "or any officer thereof," insertion of the words "or between any registered branch, or an officer thereof, of any registered society or registered branch, and the registered society or branch of which the other party to the dispute is a registered branch or an officer thereof, or between any two or more registered branches of any registered society or branch, or any officers thereof, respectively." We object to the whole of the provisoes of this clause. The rules of the societies provide for the settlement of disputes; and members prefer their own tribunals for settling disputes between themselves and the societies, in a cheap, simple, and more expeditious manner than by law courts. It is entirely a matter of internal government, and members desire to be left to themselves, without the interference of courts of law. Our rules provide for settling such disputes; and we ask that the existing law in this respect be continued. We think it would be dangerous to afford such opportunities for going to law. Numerous cases might occur in which disputes could not be settled under 40 days, the time specified by the new Bill. My experience is that members have every privilege of having their cases tried by other members, who always lean to the side of mercy and justice. We agree to the Clause, but object entirely to the proviso; but, if the provisoes are struck out, it will be necessary to make provision in Clause 22, Sub-section (c), for the powers of Registrars as to evidence.

11. *By the Attorney-General.*—Will you give the Committee your reasons for wishing to increase the benefits to £100? Yes, because the three leading Societies in Northern Tasmania, namely—Manchester Unity, Rechabites, and Foresters—embracing 29 branches, are allowed by their registered rules under the existing Act to give benefits on the death of a member, varying from £60 to £100. The Cornwall District, M.U., allows £30 ordinary funeral benefit, £30 widow and orphans' benefit, and from £10 to £40 additional funeral benefit. The contribution for additional funeral benefit is 1d. per week for every share of £10 for member's death, and £5 for wife's death (if she dies before husband), and the number of shares is limited to four. The additional funeral benefit is not compulsory, but a member cannot insure for same unless he took up shares within three years after rule passed, or within three years after becoming a member. Only about one-sixth of our present members are entitled to additional funeral benefits, the others not having taken up same. The additional funeral benefits were started by the Cornwall District in 1881, owing to the interest for the previous 10 years (from 1871 to 1880 inclusive) having paid all the funeral benefits, and left a balance of £152 11s. 11d. to be added to capital, with the contributions and initiation fees. The amount of ordinary funeral benefits paid for the 27 years ending September, 1886, was £3370, and the interest alone for that period was £2899, being within £471 of the sum paid out as ordinary funeral benefits, leaving the amount of contributions and entrance fees £5501 10s. 7d., less £471 (or £5030 10s. 7d.) to become capital. The funds of the Cornwall District have, during the present financial year, increased £813 14s. 10d., and the capital (which does not include the funds of subordinate Lodges), now amounts to £8325 1s. 6d. The interest alone for this year credited to the Funeral Fund amounted to £399 4s. 11d., as against £397 10s. paid for ordinary funeral benefits, leaving the excess of interest and the contributions and entrance fees to become capital. The receipts for additional funeral benefits since starting in 1881, amount to £1164 15s. 2d.; paid away, £875; leaving an increase in the six years of £289 15s. 2d. The additional benefit assurance is not a separate fund, but merges in the Funeral Fund, the receipts being included in the funeral contributions and the payments in the funeral benefits. We keep a separate account of this additional benefit assurance for the information of the officers and delegates of the district, showing the receipts and payments, and number of members entitled to such benefits.

12. *By Mr. Dooley.*—What was the origin of this Bill? We know nothing about it. The societies have not asked for any legislation so far as I am aware.

13. Do you consider the Bill arbitrary? It gives us no advantages that are not obtained under existing law, and imposes heavy penalties on us. But if our suggestions are carried out we would waive any objections to the Bill.

14. *By Mr. Lewis.*—The first Draft Bill excluded Life Assurance: was it at your suggestion that it was inserted? Yes, at the suggestion of our Committee.

15. Do you press that very strongly? Yes, very strongly; up to £100 for one Society.

16. What amount of medical examination do your members undergo? Every member has to be examined by a medical man, and obtain his certificate before being admitted. We have three doctors for our Society.

## APPENDICES.

(A.)

22nd September, 1887.

*Hon. A. I. CLARK, Attorney-General.*

SIR,

I AM sending a short Report on the evidence of Mr. Boland for the information of the Select Committee.

My own opinion on the Bill is far in advance of those with whom I am acting. I maintain that the Clause with reference to Table of Rates should be compulsory, and societies compelled to act up to them.

I go further, and say that in the event of societies after five years' work not showing a state of solvency the Government should be in a position to compel them, or else close them.

I may say that in Victoria this is the view taken by men of large experience, and they are of opinion that the Act in that Colony will eventually have to be amended in that direction.

The feeling in the societies here is that the members would not willingly pay more than 1s. per week, and they are receiving now benefits which that payment scarcely covers.

One-fifth of the members in Launceston out of 1250 members is scarcely sufficient to warrant the Committee in including these extra benefits in the new Bill.

With compliments,

Yours faithfully,

CHARLES MILLER.

(B.)

*To the Hon. A. I. CLARK, Attorney-General.*

SIR,

I THANK you for courteously placing before me a revise of Mr. Boland's evidence.

As the revision is mainly in reference to the extra assurance given by societies in Launceston, I have carefully considered the same, and, despite the figures therein quoted, am still of opinion that these assurances for extra amounts are outside the work which Friendly Societies can with safety undertake.

The relative financial condition of the Cornwall District, as shown by Mr. Owen in his Report, disclosed a deficiency of 6s. 1d. in the £1. How to reconcile this with the statement of Mr. Boland is a puzzle which I confess I am unable to solve.

To my mind the small number of members who have as yet shown themselves desirous of contributing for these extra assurances (one-sixth of the whole) is conclusive proof that the majority of the members are, so to speak, lukewarm on the subject, or in opposition to it.

I am sorry that, holding these views, I cannot advise the retention of these extra assurances in the Bill, and can plainly see that the Select Committee will have to decide between us. Permit me, therefore, to say that they must take into consideration the small number of members who are anxious to retain them, and the overwhelming majority who on principle are opposed to them. I am perfectly content to leave the issue to their judgment.

With compliments,

I am, Sir, yours faithfully,

CHARLES MILLER.

(C.)

*To the Hon. A. I. CLARK, Attorney-General.*

SIR,

It will not be out of place to state that I am a past officer of the Manchester Unity for the last 23 years, and have been an Auditor of that body for some years, and a Trustee of the District. I have also been Secretary of the largest Tent in the Rechabite Order here for 18 years, and, in addition, have been District Secretary for the last 4 years.

I think Mr. Boland has stated very fairly and fully the views of the Friendly Societies in reference to this Bill. They are not desirous of a new Act, unless on the lines of their Amendments, and they decidedly object to being compelled to pay for actuarial work, as they consider that the Government should not hold the Societies liable for the extra fees necessary under the provisions of the Bill—they should, on the contrary, save them expense in this direction.



Many of the Amendments proposed by the Committee of the Societies in Launceston are on all fours with those emanating from the Committee in Hobart, and as Mr. Boland has traversed these very fully I need not go over the same ground; but I deem it necessary to call your attention and the attention of the Select Committee to our amendment of Clause 19, which recommends the institution of a Federal Central Committee for the settlement of disputes. The idea has met with favour from many experienced members in Hobart, and I trust you will adopt it.

The Societies object very strongly to the Section 25 in the new Bill, which provides that a member may draw from two Societies £200. This amount we ask should be reduced to £100. We submit that the investigation made by Mr. Owen showed that this insurance for extra sums at death was a wrong move, and the payments totally inadequate; and I would most respectfully urge the Committee to peruse carefully the following paragraphs in Mr. Owen's Report :—20 to 25, especially 20; 27 to 31, especially 31.

I am of opinion that the evidence of Mr. Boland, and the figures quoted by him, make it quite clear that these extra benefits which three Societies in Launceston wish to continue are not on such a solid foundation as to warrant their continuance. Because a Society has made so much money and has funds in hand to a certain amount, it by no means follows that solvency is the result; the solvency of a Society depends not on the amount of its funds, but whether these funds with future contributions for benefits which members are liable to pay are sufficient to balance the benefits which they have a right to receive under their rules; together with other liabilities.

I am of opinion that Insurance is outside the pale of Friendly Society work, and to incorporate this in a Bill dealing with Friendly Societies would legalise a policy which would in the long run be suicidal to the best interests of the various Societies. I would rather follow the unbiassed opinion of an Actuary of Mr. Owen's experience than the opinion of Mr. Boland (given though it is in all good faith) on this most important point.

I assert that the present rate of contributions paid by the various Societies does not even warrant the payment of £50 at death; and in agreeing to the insertion of this amount in the Bill the Societies I represent are aware of the fact, but in deference to the wishes of the Launceston Committee they have met them as far as possible.

I am, Sir, yours faithfully,

CHARLES MILLER.

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## [As amended by Select Committee.]

A

## B I L L

TO

## Amend the Law relating to Friendly Societies.

A.D. 1887.

BE it enacted by His Excellency the Governor of *Tasmania*, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

1 This Act may be cited as “The Friendly Societies Act, 1888.” Short title.

5 2 This Act shall commence and take effect from and immediately after the Thirty-first day of *December*, One thousand eight hundred and eighty-seven. Commencement.

3 Every Certified Friendly Society now subsisting whose Rules have been certified, filed, and registered under the Act of the Nineteenth 10 *Victoria*, Number Twenty-six, intituled “An Act to regulate Friendly Societies,” shall be deemed to be a Society registered under this Act; and its Rules shall, so far as the same are not contrary to any express provision of this Act, continue in force until altered or rescinded. As to existing Societies.

4 In this Act, if not inconsistent with the context, the following 15 terms shall have the meanings hereinafter respectively assigned to them:— Definitions. 38 & 39 Vict. c. 60, s. 4.

“The Registrar” shall mean the Registrar of Friendly Societies appointed under this Act:

20 “The Statistician” shall mean the Officer appointed by the Governor in Council to collect statistical information of the Colony of *Tasmania*:

“Property” shall mean all real and personal estate (including books and papers):

25 “Registered Society” or “Registered Branch” shall mean a Society or Branch registered or deemed to be registered under this Act:

[Bill 1.]

\* \* The words proposed to be struck out are enclosed in brackets [ ]; those to be inserted, in parentheses ( ).

A.D. 1887.



“Amendment of Rule” shall include a new Rule and a resolution rescinding a Rule :

“Rules” shall mean Rules for the time being :

“Kindred” shall include such relatives as may be defined by the Rules of any Society : 5

“Branch” shall mean any number of the members of a Society under the control of a central body having a special fund administered by themselves, or by a committee or officers appointed by themselves :

“Persons claiming through a member” shall include the executors, administrators, and assigns of a member, and also his nominees when nomination is allowed :

“Officer” shall extend to any Trustee, Treasurer, Secretary, or member of the Committee of Management of a Society, or to any person or persons appointed to manage any hall or building erected by such Society, or person appointed by a Society to sue and be sued on its behalf : 15

“Meeting” shall include (when the Rules of a Society so allow) a meeting of delegates appointed by members :

“Gazette” shall mean the *Hobart Gazette* : 20

“The Minister” shall mean the Responsible Minister of the Crown administering this Act.

Objects for which Societies may be registered under this Act.

5 Societies may be registered under this Act to provide by voluntary subscriptions of the members thereof, with or without the aid of donations, for any one or more of the following objects— 25

- (I.) For the relief or maintenance of members, their husbands, wives, children, or kindred in infancy, old age, widowhood, sickness, or other infirmity, bodily or mental, or any natural state of which the probability may be calculated by way of average : 30
- (II.) For providing medical attendance, dispensing medicines to the members, their husbands, wives, widows, children, or kindred :
- (III.) For defraying the expenses of the burial of members, their husbands, wives, widows, children, or kindred, subject to the restrictions hereinafter contained : 35
- (IV.) For the relief or maintenance of the members when on travel in search of employment, or when in distressed circumstances, or in case of shipwreck, or loss or damage of or to boats or nets : 40
- (V.) For the insurance against fire to any amount not exceeding Fifteen Pounds of the tools or implements of the trade or calling of the members :
- (VI.) For insuring a sum of money to be paid to a member or his widow on the birth of any child of such member, or for insuring a sum of money to be paid on the death of any member to the widow or widower, or to the child or children, or to the executor or administrator of such deceased member :

Provided that no Society or Branch which contracts with any person for the periodical payment in any contingency of any sum of money exceeding the sum of Twenty one Shillings per week, or contracts with 50

any person for the assurance of an annuity exceeding Fifty Pounds per annum, or for the payment in any contingency of a gross sum exceeding One hundred Pounds, shall be registered under this Act. A.D. 1887.

- 6 Any member of any Society not exempted from registration under this Act and formed for the purpose of providing as aforesaid for any of the objects mentioned in Section Five of this Act, and not registered under this Act, may at any time demand and recover from such Society, by an action at Law brought in any competent Court having jurisdiction to the amount claimed, the amount of all subscriptions and donations paid or contributed by him to the funds of such Society during the period of Six years immediately preceding the date on which such action shall be commenced; and in every such action such Society may be sued as defendant in the name of any officer or person within the jurisdiction of the Court in which the action is brought who receives subscriptions or contributions on behalf of the Society, with the addition of the words "on behalf of——" (naming the Society); and all funds and other property of such Society, in whose-soever hands or custody the same may be, shall be available for the purpose of satisfying any judgment obtained by the plaintiff in any such action as aforesaid, and may be attached or seized and taken in execution thereunder: Provided always, that no member of any such unregistered Society as aforesaid who has received or accepted, under the Rules of such Society, any benefit or relief or maintenance provided by the funds of such Society, shall be entitled to demand or recover as aforesaid repayment of any portion of any subscriptions or donations paid or contributed by him to the funds of such Society.
- Members of unregistered Societies may recover their contributions.

- 7 The Governor in Council may from time to time appoint some fit and proper person to be Registrar of Friendly Societies; and every such person may remove; and on the death, removal, or resignation of any such Registrar may appoint some other person in his place; and in case of the absence or temporary incapacity of such Registrar may appoint some fit and proper person qualified as aforesaid to act in his stead, and such person when so acting shall have and exercise all the powers and duties of the Registrar.
- The Registrar.

- 8 All copies of Rules of Friendly Societies or Branches hitherto formed and established, with the Certificates annexed to the same, which are now filed and kept amongst the records of the office of any Clerk of the Peace, shall be taken off the file and shall be transmitted, on or before the First day of June, One thousand eight hundred and eighty-eight, to the Registrar under this Act, to be by him kept in such manner as shall be directed from time to time by the Minister in that behalf.
- Rules already filed to be sent to Registrar.

- 9 The Statistician shall, with the approval of the Minister, from time to time—
- (a) Prepare or cause to be prepared, and cause to be circulated for the use of Societies or Branches, model forms of accounts, balance-sheets, and valuations:
- (b) Collect from the Returns under this Act and from other sources, and publish and circulate, either generally or in any particular district, or otherwise make known such information on the subject of the statistics of life and sickness, and the application thereof to the business of Friendly Societies or Branches, and from time to time publish generally or in particular districts such particulars
- Function of Statistician.  
38 & 39 Vict.  
c. 60, s. 10 (5).  
Preparation of model forms.  
Circulation of information.

A.D. 1887.

of their returns and valuations, and such other information useful to the members of and to persons interested in Friendly Societies or Branches registered under this Act, as the Statistician may from time to time think fit :

Construction of tables for payment on death, &c.

- (c) Cause to be constructed and published tables for the payment 5 of sums of money on death, in sickness or old age, or on any other contingency for providing against which a Society or Branch may be registered under this Act, which may appear to be calculable : Provided nevertheless, that the adoption of such tables by any Society or Branch shall 10 be optional.

Registrar to report yearly for Parliament.  
38 & 39 Vict.  
c. 60, s. 10 (6.)

**10** The Registrar and Statistician respectively shall in every year make to the Minister reports of their proceedings and of the principal matters transacted by them ; and in particular the Statistician shall make a report of the valuations returned to or caused to be made by 15 him during the year ending the Thirty-first day of *December* preceding, and the Minister shall lay such reports before Parliament.

Registry of Societies.  
*Ib.*, s. 11.  
Must consist of Ten persons at least.  
*Ib.* (1.)  
Application for registry.  
*Ib.* (2.)

**11** With respect to the registry of Societies, the following provisions shall have effect—

- (i.) No Society or Branch can be registered under this Act 20 which does not consist of Ten persons at least :

- (ii.) For the purpose of registry, an application to register the Society or Branch, signed by Ten members and the Secretary, and two copies of the Rules written or printed, or partly written and partly printed, and accompanied by 25 the Certificate hereinafter mentioned, together with a list of the names of the Secretary, and of every Trustee or other officer authorised to sue and be sued on behalf of the Society or Branch, shall be sent to the Registrar :

Rules to be certified to by the Attorney-General.

- (iii.) The copies of the Rules sent to the Registrar for the purpose 30 of registry shall be accompanied by a Certificate signed by the Attorney or Solicitor-General, to the effect that the said Rules are in conformity to Law and to the provisions of this Act; and the Attorney-General or, in his absence or the vacancy of the office, the Solicitor-General, 35 is hereby required, upon receipt of such two copies as aforesaid of the said Rules, signed by Three members and the Secretary to examine without unnecessary delay the said Rules, and see that the same are framed in conformity with Law, and that no Rule or part thereof is 40 repugnant to another, and that the same are reasonable and proper, and, upon being satisfied that such Rules are as aforesaid, to give a Certificate in the form given in the Schedule (1).

Fees payable for Certificate.



- (iv.) For every such Certificate of the Rules of any Friendly 45 Society a fee of £2 [4s. 6d.] (2s.) shall be paid to the Attorney or Solicitor-General, and for every Certificate of amendment, repeal, or alteration of the Rules of any Society or Branch a fee of £1 [3s. 6d.] (1s.) shall be paid to the Attorney or Solicitor-General.

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Prohibition of identity or deceptive similarity of name.  
*Ib.* (3.)

- (v.) No Society or Branch shall be registered under a name identical with that under which any existing Society or Branch is registered, or so nearly resembling such name

as to be likely or in any name likely in the opinion of the Registrar to deceive the members or the public as to its identity ; and no Society or Branch shall change its name without the sanction of the Registrar as after provided :

A.D. 1887.

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(vi.) A Society or Branch shall not be disentitled to registry by reason of any rule for or practice of dividing any part of the funds thereof, if the Rules thereof contain distinct provision for meeting all claims upon the Society existing at the time of division before any such division takes place :

Dividing So-  
cieties may be  
registered.  
38 & 39 Vict.  
c. 60 (4.)

(vii.) No Society or Branch shall be entitled to registry unless the tables of contributions certified by some Actuary (or other person) approved by the Governor in Council, [who has exercised the profession of Actuary for at least Five years,] be sent to the Registrar with the application for registry :

Tables of contri-  
butions to be  
certified by  
Actuary.

(viii.) The Registrar, on being satisfied that a Society or Branch has complied with the provisions as to registry in force under this Act, shall issue to such Society or Branch an acknowledgment of registry :

Acknowledgment  
of registry.  
*Ib.* (7.)

(ix.) If the Registrar refuse to register the Society or Branch, or any Rules, the Society or Branch may appeal from such refusal to the Supreme Court, (or a Judge thereof) and the Judges of the Supreme Court may make Rules or Orders as to the form of appeals and the trying thereof, and otherwise relating thereto :

Appeal from  
refusal to register.  
*Ib.* (8.)

(x.) If the refusal of registry be overruled on appeal, an acknowledgment of registry shall thereupon be given to the Society or Branch by the Registrar :

Acknowledgment  
of registry to be  
given if appeal  
allowed.

(xi.) The acknowledgment of registry shall be conclusive evidence that the Society or Branch therein mentioned is duly registered, unless it be proved that the registry of the Society or Branch has been suspended or cancelled.

*Ib.* (9.)  
Acknowledgment  
evidence.  
*Ib.* (10.)

(xii.) The provisions of this Section shall apply to the registration of any Branch of any Society in any case in which application is made to register such Branch separately.

**12** With respect to the cancelling or suspension of registry the following provisions shall have effect :—

Cancelling and  
suspension of  
registry.

(i.) The Registrar may cancel the registry of a Society or any Branch by writing under his hand—

*Ib.*, s. 12.

(a) If he thinks fit, at the request of a Society or Branch, to be evidenced in such manner as he may from time to time direct, or on proof to his satisfaction that the Society or Branch has less than Ten members :

Cancelling.  
*Ib.* (1.)

(b) With the approval of the Minister, on proof to his satisfaction that an acknowledgment of registry has been obtained by fraud or mistake, or that a Society or Branch exists for an illegal purpose, or has wilfully and after notice from the Registrar violated any of the provisions of this Act, or has ceased to exist :

A.D. 1887.

Suspension.  
38 & 39 Vict.  
c. 60, s. 12 (2.)

Notice of can-  
celling or sus-  
pension.  
*Ib.* (3.)

Appeal from  
cancelling or  
suspension.  
*Ib.* (4.)

Effect of can-  
celling or sus-  
pension.  
*Ib.* (5.)

(II.) The Registrar, in any case in which he might, with the approval of the Minister, cancel the registry of a Society or Branch, may suspend the same by writing under his hand for any term not exceeding Three months, and may, with the approval of the Minister, renew such suspension 5 from time to time for the like period :

(III.) Except in cases where the Society or Branch has ceased to exist, or, where the cancellation or suspension is at the request of the Society or Branch, not less than Two months' previous notice in writing, specifying briefly the ground 10 of any proposed cancelling or suspension of registry, shall be given by the Registrar to a Society or Branch before the registry of the same can be cancelled or suspended; and notice of every cancelling or suspension shall be published in the *Gazette* and in some newspaper circulating in the 15 City, Town, or District in which the registered office of the Society or Branch is situated as soon as practicable after the same takes place :

(IV.) A Society or Branch may appeal from the cancelling of its registry, or from any suspension of the same, which is 20 renewed after Six months, in manner herein provided for appeals from the Registrar's refusal to register :

(V.) A Society or Branch whose registry has been suspended or cancelled shall from the time of such suspension or cancel- 25 ling (but if suspended only while under such suspension, and subject also to the right of appeal hereby given) absolutely cease to enjoy as such the privileges of a registered Society or Branch, but without prejudice to any liability actually incurred by such Society or Branch, which may be enforced against the same as if such suspension or 30 cancelling had not taken place.

((VI.) Such suspension shall not relieve any Trustee or other officer of the Society or Branch so suspended from liability to account for any funds belonging to such suspended Society or Branch, and in the control or custody of such 35 Trustee or other officer, and shall not remove any protection afforded by this Act to any funds or investments of such Society or Branch.)





Rules.  
*Ib.*, s. 13.

Provisions to be  
contained in  
Rules:  
*Ib.* (1.)  
Schedule (2.)

**13** With respect to the Rules of Societies or Branches, the following provisions shall have effect :— 40

(I.) The Rules of every Society or Branch sent for registry shall contain provisions in respect of the several matters mentioned in the Schedule (2.) :

((II.) No Rule or amendment of a Rule of a Society or Branch shall be disentitled to registry by reason of its expressing 45 or implying any subordination to the Central Body of the same Order outside *Tasmania*, or by reason of its containing any reference to or incorporating with such Rules any one or more of the General Rules of the said Order : Provided that such General Laws shall be or have been forwarded to 50 the Registrar by such Society or Branch ; but nothing herein contained shall have the effect of giving force to any General Law that is contrary to the express provisions of this Act. If such Rules and the General Laws incorporated therewith provide for the matters provided in the Second 55 Schedule hereto, the Society or Branch shall be deemed to have sufficiently complied with this Sub-section :)

- [(ii.)] [(iii.)] No amendment of a Rule made by a registered Society or Branch shall be valid until the same has been registered under this Act, for which purpose two copies of the same, signed by Three members and the Secretary, shall be sent to the Registrar, accompanied by a Certificate signed by the Attorney or Solicitor-General that such amendment is in conformity with Law and the provisions of this Act, and the Attorney-General, or, in his absence or vacancy of the office, the Solicitor-General is hereby required, upon the receipt of such two copies as aforesaid of such amendment signed as aforesaid, to examine the same without unnecessary delay, and see that the same is in conformity with Law and not repugnant to any of the Rules of such Society or Branch, and upon being satisfied thereof to give such Certificate as aforesaid : A.D. 1887.  
  
Amendments to be registered.  
*Ib.* (2.)
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- [(iii.)] [(iv.)] The provisions herein contained as to appeals from a refusal of registry shall apply to amendments of Rules : 
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- [(iv.)] [(v.)] The Registrar shall, on being satisfied that any amendment of a Rule is not contrary to the provisions of this Act, issue to the Society or Branch an acknowledgment of registry of the same, which shall be conclusive evidence that the same is duly registered : Acknowledgment of registry of amendments.  
38 & 39 Vict.  
c. 60, s. 12.
- 25
- [(v.)] [(vi.)] A copy of the Rules of a registered Society or Branch shall be delivered by the Society or Branch, as the case may be, to every person on demand on payment of a sum not exceeding One Shilling : Societies to deliver copies of their Rules.  
*Ib.* (5.)  

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- [(vi.)] [(vii.)] If any person with intent to mislead or defraud gives to any other person a copy of any Rules, Laws, Regulations, By-laws, or other documents other than the Rules for the time being registered under this Act, on the pretence that the same are existing Rules of a registered Society or Branch, or that there are no other Rules of such Society or Branch, or gives to any person a copy of any Rules on the pretence that such Rules are the Rules of a registered Society or Branch when the Society or Branch is not registered, the person so offending shall be deemed guilty of a misdemeanor.
- 14** With respect to the duties and obligations of registered Societies, the following provisions shall have effect :— Duties and obligations of Societies.  
*Ib.*, s. 14.
- 40
- (i.) Every registered Society or Branch shall—
- (a) Have a registered office to which all communications and notices may be addressed, and send to the Registrar notice of the situation of such office and of every change therein : (and specially summoned meetings may be held in such office or other convenient place :)
- 45
- (b) At some meeting of the Society or Branch convened in such manner as may be provided by the Rules and by a resolution of a majority of the members present and entitled to vote thereat, appoint not less than Three nor more than Five Trustees of the Society or Branch; and every Trustee may in like manner remove, and from time to time as vacancies occur by the death, resignation, or removal of any Trustee or Trustees, in like manner appoint so many new Trustees as may be
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- Registered office.  
*Ib.* (1.) (a)  
  
Appointment Trustees.  
*Ib.* (1.) (b.)



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Audit.  
38 & 39 Vict. c. 60,  
s. 14, (1.) (c)

Annual Returns,  
*Ib.* (1.) (d.)

necessary to fill up the number of Trustees of the Society or Branch to not less than Three, and send to the Registrar a copy of every resolution appointing or removing a Trustee signed, in case of a resolution appointing a Trustee, by the Trustee so appointed and 5 by the Secretary of the Society or Branch, and in case of a resolution removing a Trustee, by the Secretary of the Society or Branch :

- (c) Once at least in every year submit its accounts and securities for audit and inspection, either to one of 10 the public Auditors appointed as herein mentioned, or to Two or more persons appointed as the Rules of the Society or Branch provide, which Auditors shall have access to all the books, papers, deeds, documents, and accounts of the Society or Branch, and shall 15 examine the General Statement of the Receipts and Expenditure, funds and effects of the Society or Branch, and verify the same with the accounts and vouchers relating thereto, and by examining the securities held by the Society or Branch, and shall 20 either sign the same as found by them to be correct, duly vouched, and in accordance with law, or specially report to the Society or Branch in what respects they find it incorrect, unvouched, or not in accordance with law, and shall accompany such Report by a Balance 25 Sheet signed by them giving a correct statement of the financial position of the Society or Branch and of each of its funds :
- (d) Once in every year before the First day of *February* send to the Statistician a General Statement (to be 30 called Return A.) of the Receipts and Expenditure, Funds and Effects of the Society or Branch as audited, which shall show separately the expenditure in respect of the several objects of the Society or Branch, and shall be made out (up to the last day of balancing the 35 books prior to the Thirty-first day of *December*) to the Thirty-first of *December* then last inclusive, and a copy of the Auditor's Report (if any) shall also be sent to the Registrar with such General Statement ; and such Return shall state whether 40 the audit has been conducted by a Public Auditor appointed as in this Act provided, and by whom, and if by any person or persons other than a Public Auditor, shall state the name, address, and calling or profession of each of such persons, and the 45 manner in which and the authority under which they were respectively appointed ; and also a Return (to be called Return B.) containing a list of the members of the Society or Branch, together with the age of each, and the periods of sickness, deaths, and other con- 50 tingencies in respect of which benefits are given by the Society or Branch, experienced by the Society or Branch during the year ending the Thirty-first of *December* then last, specifying the members in gespect of whom such sickness, deaths, or contin- 55 rences have been experienced, and such other information as the Statistician, with the approval of the Governor in Council, may from time to time prescribe :

- (e) Once at least in the Five years next after the commencement of this Act or the registry of the Society or Branch, and so again within Six months after the expiration of every Five years succeeding the date of the first valuation under this Act, either cause its assets and liabilities to be valued by a Valuer to be appointed by the Society or Branch, and send to the Statistician a Report signed by such Valuer, and which shall also state his address and calling or profession, on the condition of the Society or Branch, and an abstract to be made by him of the results of his valuation, together with a Return containing such information with respect to the benefits assured and contributions receivable by the Society or Branch, and of its funds and effects, debts and credits as the Statistician may from time to time require; or send to the Statistician a Return of the benefits assured and contributions receivable from all the members of the Society or Branch, and of all its funds and effects, debts and credits, accompanied by such evidence in support thereof as the Statistician may prescribe; in which case the Statistician shall cause the assets and liabilities of the Society or Branch to be valued and reported on by some Actuary (or other person approved by the Governor in Council), and shall send to the Society a copy of [his] (the) Report and an abstract of the results of [his] (the) valuation :
- (Provided that such Actuary or other person shall receive from the Consolidated Revenue such amount of remuneration as shall be authorised by the Governor in Council.)
- (f) Allow any member or person having an interest in the funds of the Society or Branch to inspect the books at all reasonable hours at the registered office of the Society or Branch, or at any place where the same are kept :
- [(g) Supply gratuitously every member or person interested in the funds of the Society or Branch on his application with a copy of the last Return A. of the Society or Branch for the time being, or with a balance sheet or other document duly audited containing the same particulars as to the receipts and expenditure, funds and effects of the Society or Branch as are contained in such Return :]
- (h) Keep a copy of the last annual Balance Sheet for the time being, and of the last quinquennial valuation for the time being, together with the Report of the Auditors (if any) always hung up in a conspicuous place at the registered office of the Society or Branch.
- (II.) No Society or Branch shall pay any sum of money upon the death of a member or other person whose death is or ought to be entered (or a certificate of such death under the hand of a duly qualified medical practitioner or other satisfactory proof of such death) in any Register of Deaths except upon the production of a certificate of such death under the hand of the Registrar of Births, Deaths, and Marriages, Deputy

A.D. 1887.

Quinquennial valuation.  
38 & 39 Vict. c. 60,  
s. 14, (1.) (f)



Inspection of books.  
*Ib.* (1.) (g)



[Supplying copies of Return A.  
*Ib.* (1.) (h)  
39 & 40 Vict.  
c. 32, s. 9.]

Posting of balance sheet, valuation, and report.  
38 & 39 Vict.  
c. 60, s. 14, (1.) (i)

Prohibition of payment on death without certificate thereof.  
*Ib.* (2.)  
39 & 40 Vict.  
c. 32, s. 7.



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Separate account  
to be kept of each  
class of benefit.

Offences.  
38 & 39 Vict. c.  
60, s. 14, (3.)

Omission to  
comply with the  
Act.

Disobedience to  
lawful requisitions.

False returns.

Responsibility of  
officers for  
offences of Society.  
*Ib.*, (4).

Returns and other  
documents to be  
in form prescribed  
by the Statistician.  
*Ib.* (5.)

Recording of  
documents.  
*Ib.* (6.)

Power to dispense  
with [quinquen-  
nial] (annual)  
return and valu-  
ation in certain  
cases.



Registrar, or other person having the care of the Register of Deaths in which such death is or ought to be entered. Provided always that this Sub-Section shall not apply to the death of any member or person who dies at sea.

(III.) In all Societies and Branches all moneys received or paid on account of each and every particular fund or benefit shall be kept separate and distinct, and shall be entered in a separate account distinct from the moneys received and paid on account of any other fund or benefit; and the moneys belonging to one fund or benefit shall not be used in any manner for the advantage or otherwise of any other fund or benefit. 5

(IV.) It shall be an offence under this Act if any registered Society or Branch—

(a) Fails to give any notice, send any return or document, or do or allow to be done any act or thing which the Society or Branch, as the case may be, is by this Act required to give, send, do, or allow to be done : 15

(b) Wilfully neglects or refuses to do any act or to furnish any information required for the purposes of this Act by the Registrar, Statistician, or other person authorised under this Act, or does any act or thing forbidden by this Act : 20

(c) Makes a return or wilfully furnishes information in any respect false or insufficient. 25

(v.) Every offence by a Society or Branch under this Act shall be deemed to have been also committed by every officer of the same bound by the Rules thereof to fulfil any duty whereof such offence is a breach, or if there be no such officer then by every member of the Committee of Management of the same, unless such member be proved to have been ignorant of or to have attempted to prevent the commission of such offence; and every default under this Act constituting an offence, if continued, shall constitute a new offence in every week during which the same continues. 30 35

(vi.) Every annual quinquennial or other return, abstract of valuation, or other document required for the purposes of this Act, if the same be required to be made to the Statistician, shall be made in such form and contain such particulars as the Statistician, with the approval of the Governor in Council, may from time to time prescribe; otherwise the same shall be made in such form and shall contain such particulars as the Registrar may prescribe. 40 45

(vii.) All documents by this Section required to be sent to the Registrar shall be deposited with the Rules of the Societies or Branches to which the same respectively relate, and shall be registered or recorded by the Registrar, with such observations thereon (if any) as to the Registrar shall seem fit. 50

Provided that the Statistician, with the approval of the Minister, may dispense with Return B. and with the valuation herein required in respect of Societies to whose purposes or to the nature of whose operations he may

deem the same inapplicable ; and may also dispense with Return B. in cases where at the request of a Society or Branch he may, by inspection of the books thereof through any person whom he may appoint, obtain such information as he deems sufficient of the sickness, mortality, and other contingencies experienced by the Society.

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**15** Registered Societies or Branches shall be entitled to the following privileges :—

Privileges of Societies.  
38 & 39 Vict.  
c. 60, s. 15.

- (I.) No Society or Branch, or meeting of a Society or Branch, shall be affected by any of the provisions of an Act of the Imperial Parliament passed in the Thirty-ninth year of the reign of His Majesty King *George* the Third, chapter Seventy-nine, or by any of the provisions of another Act of the said Parliament passed in the Fifty-seventh year of His Majesty King *George* the Third, chapter Nineteen, if in such Society or Branch or at such meeting no business is transacted other than that which directly and immediately relates to the objects of the Society or Branch, as declared in the registered Rules thereof ; but such Society or Branch, and all officers of the same shall, on request in writing by Three Justices of the Peace, give full information to such Justices of the nature, objects, proceedings, and practices of the Society or Branch, in default whereof the provisions of the Acts in this Section referred to shall so far as applicable be in force in respect of such Society or branch.

Registered Societies not affected by acts against corresponding Societies.

- (II.) If any member of a Society or Branch dies entitled from the funds thereof to any sum, such Society or Branch may, unless forbidden by the Rules, cause such member to be buried, and defray the reasonable expenses of his funeral out of the sum to which he is so entitled.

Burial of deceased members.

- (III.) A member of a Society or Branch not being under the age of Sixteen years may, by writing under his hand delivered at or sent to the registered office of the Society or Branch, as the case may be, nominate any person not being an officer or servant of the Society or Branch, unless such officer or servant is the husband, wife, child, or of the kindred of the nominator to whom any moneys payable by the Society or Branch on the death of such member not exceeding, after payment thereof of any funeral expenses payable hereunder, [Fifty] (One hundred) Pounds shall be paid at his death ; and may from time to time revoke or vary such nomination by a writing under his hand similarly delivered or sent ; and on receiving satisfactory proof of the death of a nominator, the Society or Branch shall pay to the nominee the amount due to the deceased member after deducting any funeral expenses payable thereout not exceeding the sum aforesaid. (On the marriage of any member, all nominations made by him will be null and void.)

Power to pay to nominee of deceased member sums not exceeding [£50] (£100) without administration.  
*Id.*, (3.)  
39 & 40 Vict.  
c. 32, s. 10.

- (IV.) If any member of a Society or Branch entitled from the funds thereof to a sum not exceeding, after payment thereof of any funeral expenses payable hereunder, [Fifty] (One hundred) Pounds, dies intestate and without having

Power to distribute sums not exceeding [£50] [£100] of intestate member

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without adminis-  
tration.

38 & 39 Vict.  
c. 60, s. 15 (4.)

Payments to  
persons apparently  
entitled valid.  
*Ib.* (5.)

made any nomination under this Act which remains unre-  
voked at his death, such sum shall be payable without Letters  
of Administration to the person who appears to a majority  
of the Trustees, upon such evidence as they may deem  
satisfactory, to be entitled [by law] to receive the same. 5



(v.) Whenever the Society or Branch, after the death of any  
member, pays any sum of money to any person who at  
the time appears to a majority of the Trustees entitled  
under this Section, the payment shall be valid and  
effectual against any demand made upon the Trustees or 10  
the Society or Branch by any other person.



((vi.) That no moneys payable on the death of a member of any  
Society shall be attached, seized, or taken in execution  
under the process of any Court, nor shall such moneys pass  
to or become vested in the Trustee of his estate under any 15  
bankruptcy or liquidation by arrangement, nor become  
assets for the payment of his debts.)

Payment on  
behalf of lunatics.



[(vi.)] ((vii.)) If any member of a Society or Branch become of unsound  
mind and incapable of managing his affairs, whether such  
member be found lunatic by inquisition or not, and no 20  
committee or guardian of the estate of such member be  
appointed, any moneys to which such member may be or  
become entitled out of the funds of the Society or Branch  
may be paid or applied for the benefit of such member or  
his wife or family in any manner the Trustees of such 25  
Society or Branch or the majority of them may think fit,  
and such payment or application shall be valid and  
effectual against all persons whatever.

Priority of claims  
of Society against  
its officers on  
their bankruptcy.  
*Ib.*, (7.)









[(vii.)] ((viii.)) Upon the death or bankruptcy (which term includes  
liquidation by arrangement or compensation with creditors 30  
under any Act now or hereafter to be in force) of any  
officer of a Society or Branch having in his possession by  
virtue of his office any money or property belonging to the  
Society or Branch, or if any execution, attachment, or other  
process be issued against such officer or against his 35  
property, his executors or administrators, or trustee in  
bankruptcy or liquidation by arrangement, or the Sheriff  
or other person executing such process shall upon demand  
in writing, as the case may be, of the Trustees of the  
Society or Branch or any Two of them, or any person 40  
authorised by the Society or Branch, or by the Committee  
of Management of the same to make such demand, pay  
such money, and deliver over such property to the Trustees  
of the Society or Branch in preference to any other debts  
or claims against the estate of such officer. 45

Membership of  
minors.  
*Ib.* (8.)



[(viii.)] ((ix)) A person under the age of Twenty-one years [but above  
the age of Sixteen] may become a member of a Society or  
Branch unless provision be made in the Rules thereof to the  
contrary, and may, subject to the Rules thereof, enjoy all  
the rights of a member, except as herein provided, and 50  
execute all instruments and give all acquittances necessary  
to be executed or given under the Rules, but shall not be  
a member of the Committee of Management, Trustee,  
Manager, or Treasurer : Provided as follows :—

- 5 (a) Societies and Branches consisting wholly of members of any age under [Sixteen] (Twenty-one) years but exceeding Three years may be allowed to register under this Act, subject to such regulations as may be made in that behalf:  A.D. 1887.
- 10 (b) No rule or practice in force at the commencement of this Act for the admission of members under [Sixteen] (Twenty-one) years of age shall be deemed contrary to any express provision of this Act as respects any Society or Branch already registered. 
- 15 [(ix.)] ((x.)) For the purposes of this Act a certificate of the birth or death of any person shall be given under his hand by the Registrar of Births, Deaths, and Marriages, or Deputy Registrar, or other person having the care of the Register of Births or Deaths in which such birth or death is entered for a sum not exceeding One Shilling in place of all fees or payments in respect of the same on application being made for the same in such form and under such regulations as shall be approved of by the Governor in Council.  Limitation of cost of certificate of birth or death. 38 & 39 Vict. c. 60, s. 15 (9.)
- 20 [(x.)] ((xi.)) A Society or Branch may subscribe out of its funds to any Hospital, Infirmary, Charitable or Provident Institution any annual or other sum which may be necessary to secure to members of the Society or Branch and their families the benefits of such Hospital, Infirmary, or other Institution, according to its Rules.  Power for Society to subscribe to Hospitals, &c. *Ib.* (10.)
- 25 **16** With respect to the property and funds of registered Societies or Branches the following provisions shall have effect :—
- 30 (1.) The Trustees, with the consent of the Committee of Management, or a majority of the members of a Society or Branch, as the case may be, present and entitled to vote in general meeting, may from time to time invest the funds of such Society or Branch, or any part thereof, to any amount, in any of the following ways :—
- 35 (a) In any Savings Bank, or in any Bank incorporated by Royal Charter, or by or under the provisions of any Act of Parliament, or on deposit with the Postmaster-General under any Law now or hereafter to be in force relating to Post Office deposit for savings :
- 40 (b) On Government securities of the Colony of *Tasmania* :
- 45 (c) On mortgage of freehold or leasehold property (such leasehold being for a term of years absolute, of which not less than Twenty years is unexpired) :
- 50 (d) On Debentures or other securities of the Corporation of the City of *Hobart* or the Town of *Launceston*. (or any loans raised under "The Local Bodies Loans Act" the interest of which is guaranteed by Government.) 
- ((e) In any Registered Building Society.) 

Property and funds of Societies. *Ib.*, s. 16.

Investment of funds. *Ib.* (11.)

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Power to purchase  
and lease land  
and buildings,  
and to erect  
buildings for  
offices, &c.  
38 & 39 Vict.  
c. 60, s. 16 (2.)


Property of  
Society to vest in  
the Trustees.  
*Ib.* (3.)

Devolution of  
property on  
death, &c. of  
Trustees.  
*Ib.* (4.)

Provision for  
handing over  
Branch funds to  
the central body  
in certain cases.

- (II.) A Society, or any Branch of a Society, may, for the purpose of holding the meetings and transacting the business of such Society or Branch, hold, purchase, or take on lease in the names of the Trustees for the time being of such Society or Branch any land, and may sell, exchange, mortgage, lease, 5  
or build upon the same, with power to alter and pull down buildings and again rebuild; and no purchaser, assignee, mortgagee, or tenant shall be bound to inquire as to the authority for any sale, exchange, mortgage, or lease by the Trustees, and the receipt of the Trustees shall 10  
be a discharge for all moneys arising from or in connection with such sale, exchange, mortgage, or lease; and for the purpose of this Sub-division of this Section no Branch of a registered Society need be separately registered. 15
- (III.) All property belonging to a Society or Branch, whether acquired before or after the same is registered, shall vest in the Trustees for the time being of the Society or Branch for the use and benefit of the Society or Branch and the members thereof, and of all persons claiming through 20  
the members, according to the Rules of the Society or Branch; and the property of any Branch of a Society shall vest in the Trustees of such Branch or in the Trustees of the Society or Branch, if the Rules of the Society or Branch so provide, for the use and benefit, either of the members of 25  
such Branch and persons claiming through such members, or of the members of the Society or Branch generally and persons claiming through them, according to the Rules of the Society or Branch.
- (IV.) Upon the death, resignation, or removal of a Trustee, 30  
whether of a Society or Branch, the property vested in such Trustee shall vest in the succeeding Trustee of such Society or Branch, either solely or together with any surviving or continuing Trustees, and until the appointment of succeeding Trustees in such surviving or continuing 35  
Trustees only, or in the executors or administrators of the last surviving or continuing Trustee, subject to the same trusts without conveyance, assignment, or transfer; and in case any such property be under *The Real Property Act*, the Trustees or Trustee in whom the same is vested 40  
under the provisions of this Act shall be deemed the proprietors or proprietor thereof within the meaning of *The Real Property Act* as if the names or name of such Trustees or Trustee appeared or were entered as such proprietors or proprietor in the register book. 45
- (V.) Where by the Rules of any Society the Society generally or the central body is answerable for all or any of the benefits agreed to be given by any Branch to the members of such Branch, in every such case the Trustees in whom the property of such Branch is vested shall stand possessed 50  
thereof after payment thereof of the benefits to which the members of such Branch are entitled according to the Rules of the Society upon trust for the Society generally or central body; and in case the property of such Branch is vested in Trustees distinct from the Trustees of the 55

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- 5 Society, the Trustees of such Branch shall, if such branch breaks up, or becomes unable to meet its liabilities, or severs its connection with the Society, pay and make over all the property of such branch in their hands or vested in them to the Trustees of the Society, and shall do and execute all acts, assurances, matters, and things necessary for that purpose ; and in every case where the Trustees of any Branch pay or make over to the Trustees of the Society any property *bonâ fide* as under the provisions of this Sub-division of this Section, the receipt of the Trustees of the Society shall be a full discharge to them therefor notwithstanding that the Branch may not in fact have broken up, be unable to meet its liabilities, or have severed its connection with the Society ; and every person interested in the property of such Branch shall have the same remedies against the Trustees of the Society that he would otherwise have had against the Trustees of such Branch.
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- 20 (vi.) In all legal proceedings whatever concerning any such property, the same shall be stated to be the property of the Trustees for the time being in their proper names, as Trustees for the Society or Branch (as the case may be) without further description. Property where laid in legal proceedings. 38 & 39 Vict. c. 60, s. 16 (5.)
- 25 (vii.) A receipt under the hands of the Trustees of any Society or Branch, countersigned by the Secretary of such Society or Branch, in the form contained in the Schedule (3.), or in any form specified by the Rules of the Society or Branch or any Schedule thereto, for all moneys secured to the Society or Branch by any mortgage or other assurance, such receipt being endorsed upon or annexed to such mortgage or other assurance, shall vacate the same and vest the property therein comprised in the person entitled to the equity of redemption of the same without re-conveyance or re-surrender. Discharge of mortgages by indorsed receipt. *Ib.* (7.) Schedule (2.)
- 30
- 35 (If the mortgage or other assurance shall have been registered in the office of the Registrar of Deeds, no such receipt shall be sufficient to vacate such mortgage, or to vest the estate of and in the property comprised therein, unless such receipt be also registered in the office of the Registrar of Deeds, as by law required ; and if any such mortgage shall have been registered in the office of the Recorder of Titles no such receipt shall be sufficient to vacate such mortgage unless such receipt be also registered in the office of the Recorder of Titles.) 
- 40
- 45 (viii.) If any person obtains possession by false representation or imposition of any property of a Society or Branch, or having the same in his possession, withholds or misapplies the same, or wilfully applies any part thereof to purposes other than those expressed or directed in the Rules of the Society or Branch and authorised by this Act, he shall, on the complaint of the Society or Branch, or of any member authorised thereby, or the Trustees or Committee of Management of the same, or of the Registrar, or any person authorised by the Registrar, be liable on summary conviction before any Two Justices to a penalty not exceeding Twenty Pounds and costs, and to be ordered to Punishment for fraudulently obtaining, withholding, or misappropriating the property of a Society. *Ib.* (9.)
- 50
- 55



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Power to Judge  
of Supreme Court  
to order repay-  
ment by Trustees  
of money applied  
in breach of trust.

Liability of  
Trustees.  
38 & 39 Vict.  
c. 60, s. 16 (10.)



deliver up all such property and to repay all moneys applied improperly, and in default of such delivery or repayment, or of the payment of such penalty and costs aforesaid to be imprisoned with or without hard labour for any time not exceeding Three months; but nothing herein contained shall prevent any such person from being prosecuted by information filed by the Attorney-General or other officer appointed to prosecute in that behalf, if not previously convicted of the same offence under the provisions of this Act. 5

(ix.) If any Trustee of a Society or Branch lends any money the property thereof to any of his Co-Trustees, or borrows any such money himself, or otherwise applies any such money in breach of trust, in addition to any other remedy in respect thereof, any member of the Society may apply to a Judge of the Supreme Court of *Tasmania* in Chambers, and such Judge may order any Trustee so lending or borrowing such money, or privy to such breach of trust, or any Two or more of such Trustees jointly and severally forthwith to pay the same either to the Trustees of such Society or Branch, or into Court; and in case any such money be paid into Court may, on the application of the Society or Branch, as the case may be, or the Committee of Management thereof, by any subsequent order, order the same to be paid out of Court to the Trustees of such Society or Branch; and such Judge may order all or any such defaulting Trustees to pay the costs of and attending every application under this Sub-division of this Section, including the costs of the payment of any money into and out of Court. 10 15 20 25

(x.) Trustees of a Society or Branch shall not be liable to make good any deficiency in the funds of such Society or Branch, but shall be liable only for moneys (deeds and documents and other property) actually received by them respectively on account of such Society or Branch. 30

((xi.) Every person elected or appointed to be Secretary, Treasurer, or other officer of a Society or a registered Branch registered under this Act, or registered or established under any Act repealed hereby, or who shall act in the capacity of or be employed as such Secretary, Treasurer, or officer, is, for the purposes and within the meaning of the Fifty-eighth, Fifty-ninth, Sixty-second, and Sixty-third Sections of "The Larceny Act, 1863, (27 *Victoria*, No. 8), to be deemed to be the servant of the Trustees for the time being of such Society or such registered Branch, as the case may be; and any such person who commits an offence against the said provisions of "The Larceny Act, 1863," may be proceeded against, tried, and, if convicted, punished, in accordance with the provisions of the said Act as in the case of larceny or embezzlement by a clerk or servant.) 35 40 45

((xii.) All other the provisions of "The Larceny Act, 1863," which would be applicable or extend to the case of larceny or embezzlement by clerks or servants are to extend and apply to the Secretary, Treasurer, or other officer of any such Society, and the Secretary, Treasurer, or any officer of any registered Branch.) 50 55

**17** With respect to officers of registered Societies or Branches having the receipt or charge of money, the following provisions shall have effect :—

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5. (i.) Every officer shall before taking upon himself the execution of his office become bound with one sufficient surety at the least in a bond, [according to] (which may be in) the form set forth in the Schedule (4.), or the security of a guarantee Society in such sum as the Society or Branch may direct, conditioned for his rendering a just and true account of all moneys received and paid by him on account of the Society or Branch at such times as its Rules appoint, or as the Society or Branch or the Trustees or Committee of Management thereof require him to do, and for the payment by him of all sums due from him to the Society or Branch.
- 10
15. (ii.) Every officer, his executors or administrators shall at such times as by the Rules of the Society or Branch he should render account, or upon demand made, or upon notice in writing given or left at his last or usual place of residence, give in his account as may be required by the Society or Branch or by the Trustees or Committee of Management thereof, to be examined and allowed or disallowed by them, and shall on the like demand or notice pay over all moneys and deliver all property for the time being in his hands or custody to such person as the Society or Branch, or the Committee of Management, or the Trustees appoint; and in case of any neglect or refusal to deliver such account, or to pay over such moneys, or to deliver such property in manner aforesaid, the Trustees or authorised officers of the Society or Branch may sue upon the bond or security before mentioned; or may apply to a Judge of the Supreme Court of *Tasmania* in Chambers, or to any Two Justices; and the order of such Judge or Justices shall be final and conclusive.
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Officers of the Society in receipt or charge of money.  
38 & 39 Vict. c. 60, s. 20.  
Security to be given.  
*Ib.* (1.)  
Schedule (4.)

Accounts of officers.  
*Ib.* (2.)

**18** With respect to legal proceedings by or against registered Societies or Branches, the following provisions shall have effect :—

Legal proceedings.  
*Ib.*, s. 21.

- (i.) The Trustees of any Society or Branch, or any other officers authorised by the Rules thereof, may bring or defend or cause to be brought or defended any action, suit, or other legal proceeding in any Court whatsoever touching or concerning any property, right, or claim of the Society or Branch, as the case may be; and shall sue and be sued, implead and be impleaded in their proper names without other description than the title of their office.
- 40
- (ii.) In legal proceedings which may be brought under this Act by a member or person claiming through a member, the Society or Branch may also be sued in the name as defendant of any officer or person who receives contributions on its behalf within the jurisdiction of the Court in which the legal proceeding is brought, with the addition of the words "on behalf of the Society" or "Branch" (naming the same).
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- 50
- (iii.) No legal proceeding shall abate or be discontinued by the death, resignation, or removal from office of any officer, or by any act of such officer after the commencement of the proceedings.
- 55

Trustees may bring or defend touching property, &c. of the Society.  
*Ib.* (1.)

Power to members to sue the Society in the name of an officer who receives contributions.  
*Ib.* (2.)

Legal proceedings not to abate by death, &c. of officer.  
*Ib.* (3.)

[Bill 1.]

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Service on Society.  
38 & 39 Vict.  
c. 60, s. 20 (4.)

(iv.) The summons, writ, process, or other proceeding to be issued to or against the officer or other person sued on behalf of a Society or Branch shall be sufficiently served by personally serving such officer or other person, or by leaving a true copy thereof at the registered office or place of business of 5 the Society or Branch, as the case may be, or if such office or place of business be closed, by posting such copy on the outer door of the same; but in all cases where the said summons, writ, process, or other proceeding shall not be served by means of such personal service or by leaving a 10 true copy thereof at the registered office of the Society or place of business of the Branch, a copy thereof shall be transmitted, addressed to the Committee of Management at the registered office of the Society or place of business of the Branch, as the case may be; and the same shall be 15 enclosed in a registered letter posted at least Six days before any further step shall be taken on such summons, writ, process, or other proceeding.

Limitation of  
liability of Trus-  
tees, officers, and  
members.

(v.) No trustee, officer, or member of a registered Society or Branch shall as such be under any personal liability to any creditor of the Society or Branch beyond the property of 20 the Society or Branch (if any) in his hands.

Decision of  
disputes in the  
manner provided  
by the Rules.  
*Ib.* 22.



**19** Every dispute between a member or person claiming through a member, or under the Rules of a registered Society or branch and the Society or Branch or an officer thereof, (between any registered branch, or an officer thereof, of any registered Society or registered Branch, 25 and the registered Society or Branch of which the other party to the dispute is a registered Branch or an officer thereof, or between any two or more registered Branches of any registered Society or Branch, or any officers thereof, respectively,) shall be decided in manner directed by the Rules of the Society or Branch, and the decision so made shall be 30 binding and conclusive on all parties without appeal, and shall not be removable into any Court of Law, or restrainable by injunction; and application for the enforcement thereof may be made to the Supreme Court: [Provided as follows:]—(or a Judge thereof:)



Proviso.

Power, unless the  
Rules forbid, to  
refer disputes to  
the Registrar.  
*Ib.* (a)




[(a) The parties to a dispute in a Society or Branch may by 35 consent (unless the Rules of such Society expressly forbid it) refer such dispute to the Registrar, who shall, with the consent of the Minister, hear and determine such dispute, and shall have power to order the expenses of determining the same to be paid either out of the funds of the Society 40 or Branch, as the case may be, or by such parties to the dispute as he may think fit, and such determination and order shall have the same effect and be enforceable in like manner as a decision made in the manner directed by the Rules of the Society or Branch.

45

Powers of Regis-  
trar as to evidence.  
*Ib.* (b)

(b) The Registrar, when any dispute is referred to him, may administer oaths, and may require the attendance of all parties concerned and of witnesses, and the production of all books and documents relating to the matter in question; and any person refusing to attend, or to produce any 50 documents, or to give evidence before such Registrar shall be guilty of an offence under this Act.

- (c) When the Rules of a Society or Branch direct that disputes shall be referred to Justices, the dispute shall be determined by any Two Justices.  
 5        Provided that in every case of a dispute cognisable under the Rules of a Society or Branch by Justices it shall be lawful for the parties thereto to enter into a consent referring such dispute to the Supreme Court, which may hear and determine the matter in dispute.
- (d) When the Rules contain no direction as to disputes, or no direction applicable to any particular dispute, or when no decision is made on a dispute within Forty days after application to the Society or Branch for a reference under its Rules, the member or person aggrieved may apply either to a Judge of the Supreme Court or to any Two Justices, who may hear and determine the matter in dispute.  
 10  
 15
- (e) The Judge of the said Court, Justices, or Registrar may at the request of either party state a case for the opinion of the Supreme Court on any question of law, and also may grant to either party such discovery as to documents and otherwise or such inspection of documents as might be granted by the Supreme Court at law or in equity, such discovery to be made on behalf of the Society or Branch by such officer of the same as such Judge, Justices, or Registrar may determine.]  
 20
- 25    20 Upon the application of One-fifth of the whole number of members of a registered Society or Branch, or of One hundred members in case of a Society or Branch of One thousand members and not exceeding Ten thousand, or of Five hundred members in the case of a Society or Branch of more than Ten thousand members, the Registrar,  
 30 with the consent of the Minister in every case, may—
- (i.) Appoint one or more Inspectors to examine into the affairs of such Society or Branch and to report thereon, who may require the production of all or any of the books and documents of the Society or Branch, and may examine on oath its officers, members, agents, and servants in relation to its business, and may administer such oath accordingly :  
 35
- (ii.) Call a special meeting of the Society or Branch in such manner and in such time and place as the Registrar may direct, and may direct what matters shall be discussed and determined on at such meeting, which shall have all the powers of a meeting called according to the Rules of the Society or Branch ; and shall in all cases have power to appoint its own Chairman, any Rule of the Society or Branch to the contrary notwithstanding : Provided that—  
 40
- (a) The application herein mentioned shall be supported by such evidence for the purpose of showing that the applicants have good reason for requiring such inspection to be made or meeting to be called, and that they are not actuated by malicious motives in their application, and such notice thereof shall be given to the Society or Branch as the Registrar shall direct :  
 45  
 50
- (b) The Registrar may if he think fit require the applicants to give security for the cost of the
- A.D. 1887.  
 When Rules refer dispute to Justices. 38 & 39 Vict. c. 60, s. 22 (c).  
 Decision of disputes in default of provision in or determination under the Rules. *Ib.* (d.)  
 Power to Judge, Justices, and Registrar to state case and compel discovery. *Ib.* (e)   
 Special powers of Registrar on application of members. *Ib.*, s. 23.  
 To appoint Inspectors. *Ib.* (1.)  
 To call special meeting. *Ib.* (2.)  
 Proviso.  
 Evidence to support and notice of application. *Ib.* (a.)  
 Security for costs. *Ib.* (b.)

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Expenses in  
discretion of  
Registrar.

Application of  
Section to Society  
with Branches.

Proceedings on  
special resolutions.  
38 & 39 Vict.  
c. 60, s. 24.  
Special resolu-  
tions.  
*Ib.* (1.)

Power to change  
name.  
*Ib.*, s. 2.

Power of amal-  
gamation.  
*Ib.* (3.)

Power of con-  
version into a  
Company, &c.  
*Ib.* (4.)

Creditors not  
prejudiced by  
amalgamation.  
*Ib.* (5.)

Registration of  
special resolution.  
*Ib.* (6.)

proposed inspection or meeting before appointing  
any Inspector or calling such meeting :

(c) All expenses of and incidental to any such inspection  
or meeting shall be defrayed either by the  
members applying for the same, or out of the 5  
funds of the Society or Branch, as the Registrar  
shall direct :

(d) This Section shall not apply to the Branches of a  
registered Society without the consent of the 10  
central body of such Society.

**21** With respect to special resolutions by registered Societies, and  
to proceedings that may be taken by virtue thereof, the following  
provisions shall have effect :—

(i.) A special resolution is one which is passed by majority of  
not less than three-fourths of such members of a Society 15  
for the time being entitled under the Rules to vote  
as may be present in person or by proxy (where the Rules  
allow proxies) at any General Meeting of which notice  
specifying the intention to propose such resolution has been  
duly given according to the Rules, and which Resolution 20  
is confirmed by a majority of such members for the time  
being entitled under the Rules to vote as may be present  
in person or by proxy at a subsequent General Meeting, of  
which notice has been duly given, held not less than  
Fourteen days nor more than One month from the day of 25  
the meeting at which such resolution was first passed. At  
any meeting mentioned in this Section a declaration by the  
Chairman that the resolution has been carried shall be  
deemed conclusive evidence of the fact.

(ii.) A Society may by special resolution, with the approval 30  
in writing of the Registrar, change its name, but no such  
change shall affect any right or obligation of the Society or  
of any member thereof; and any pending legal proceedings  
may be continued by or against the Trustees of the Society  
or any other officer, who may sue or be sued on behalf of 35  
the Society notwithstanding its new name.

(iii.) Any Two or more Societies may, by special resolution of  
both or all such Societies, become amalgamated together  
as one Society, with or without any dissolution or  
division of the funds of such Societies or either of 40  
them; and any Society may by special resolution transfer  
its engagements to any other registered Society which  
may undertake to fulfil the engagements of such Society.

(iv.) A Society may by special resolution determine to convert  
itself into a Company under any Act for the time being 45  
in force relating to the incorporation of Companies, or to  
amalgamate with or transfer its engagement to any such  
Company.

(v.) No amalgamation or transfer of engagements shall prejudice  
any right of a creditor of either or any Society party 50  
thereto.

(vi.) A copy of every special resolution for any of the purposes  
mentioned in this Section, signed by the Chairman of the

meeting and countersigned by the Secretary, shall be sent to the Registrar and registered by him, and until such copy is so registered such special resolution shall not take effect.

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- 5 (VII.) If a special resolution for converting a Society into a Company contain the particulars by any Act for the time being in force relating to the incorporation of Companies required to be contained in the Memorandum of Association of a Company, and a copy thereof has been registered as aforesaid, a copy thereof under the hand of the Registrar shall have the same effect as a Memorandum of Association duly signed and attested under such Act.
- 10
- 15 (VIII.) If a Society be registered as, or amalgamated with, or transfers all its engagements to a Company, the registry of such Society under this Act shall thereupon become void, and the same shall be cancelled by the Registrar, but the registration of a Society as a Company shall not affect any right or claim for the time being subsisting against such Society, or any penalty for the time being incurred by such Society; and for the purpose of enforcing any such right, claim, or penalty, the Society may be sued and proceeded against in the same manner as if it had not been registered as a Company; and every such right or claim or the liability to such penalty shall have priority as against the property of such Company over all other rights or claims against or liabilities of such Company.
- 20
- 25

Memorandum of Association on conversion of Society into a Company.  
38 & 39 Vict.  
c. 60, s. 24 (7.)

Effect of conversion of a Society into or transfer to or amalgamation with a Company.  
*Ib.* (8.)

Provided as follows:—

- 30 (a) No special resolution by any Society for any amalgamation or transfer of engagements under this Section shall be valid unless Five-sixths in value (to be calculated as for dissolution) of the members assent thereto either at the meetings at which such resolution is passed and confirmed or one of them, or in writing, if such members were not present thereat, nor without the written consent of every person for the time being receiving or entitled to any relief or other benefit from the funds of the Society unless the claim of such person be first duly satisfied, or adequate provision be made for satisfying such claim.
- 35
- 40 (b) The provisions hereinafter contained in case of dissolution as to the punishment of officers, and the remedy of members and persons dissatisfied with the provision made for satisfying their claims, shall apply to the case of amalgamation and transfer of engagements.
- 45
- 50 (c) Upon application of the Trustees or Committee of Management of a Society desiring to amalgamate or transfer its engagements, notice of such application being published in the *Gazette*, the Registrar, after hearing such Trustees or Committee of Management and any other persons whom he may consider entitled to be heard upon the application, may, with the consent of the

Proviso.

Assents required to transfer or amalgamation.  
*Ib.* (a.)

Punishment of offenders and remedy in case of non-satisfaction of claims.  
*Ib.* (b.)

Power to dispense with consent and conditions.  
*Ib.* (c.)

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Minister, order that any of the consents and conditions prescribed in this Act or in any Regulations made under this Act be dispensed with, and may confirm the amalgamation or transfer.

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Branches.

- (d) The provisions of this Section relating to change of name shall apply to all registered Branches, and the provisions relating to amalgamation and transfer of engagements shall apply and extend to registered Branches of the same Society ; but no change of name, amalgamation, or transfer of engagements shall take place in such cases unless in accordance with the General Rules of the Society to which such Branches belong, or the consent of the Central Body of such Society is obtained thereto. Except as aforesaid, the provisions of this Section shall not apply to Branches.

Dissolution of Societies.  
38 & 39 Vict.  
c. 60, s. (25.)  
How Societies may be dissolved.  
On event named in the Rules.  
*Ib.*, s. 25 (a).

**22** With respect to the dissolution of registered Societies or Branches, the following provisions shall have effect :—

- (i.) A Society or Branch may terminate or be dissolved in 20 any of the following ways :—

(a) Upon the happening of any event declared by the Rules to be the termination of the Society or Branch :

(b) By the consent of Five-sixths in value of the 25 members (including honorary members, if any) testified by their signature to the instrument of dissolution, together with the written consent of every person for the time being receiving or entitled to receive any relief or other benefit 30 from the funds of the Society or Branch, unless the claim of such person be first duly satisfied or adequate provision made for satisfying such claim, and in the case of a Branch Society, with the consent of the central body of the Society, 35 or in accordance with the General Rules of the Society or Branch :

(c) By the award of the Registrar in the cases herein specified.

- (ii.) The instrument of dissolution shall set forth— 40

(a) The liabilities and assets of the Society or Branch in detail :

(b) The number of members and the nature of their interests in the Society or Branch respectively :

(c) The claims of creditors (if any), and the provision 45 to be made for their payment :

(d) The intended appropriation or division of the funds and property of the Society or Branch, unless the same be stated in the instrument of dissolution to be left to the award of the Registrar. 50

By Registrar's award.

*Ib.* (d).

Contents of instrument of dissolution.

*Ib.* (2.)

Assets and liabilities.

*Ib.* (a).

Members.

*Ib.* (b).

Creditors.

*Ib.* (c).

Appropriation of funds.

*Ib.* (d).

- (III.) Alterations in the instrument of dissolution may be made with the like consents as hereinbefore provided, certified in the same manner. A.D. 1887.  
Alterations in instrument of dissolution.  
38 & 39 Vict. c. 60, s. 25 (3.)
- 5 (IV.) A statutory declaration shall be made by one of the Trustees or by Three members and the Secretary of the Society or Branch that the provisions of this Act have been complied with, and shall be sent to the Registrar with the instrument of dissolution; and any person knowingly making a false or fraudulent declaration in the matter shall be guilty of a misdemeanor. Declaration of compliance with this Act.  
*Ib.* (4.)
- 10 (V.) The instrument of dissolution and all alterations therein shall be registered in manner herein provided for the registry of Rules, and shall be binding upon all members of the Society or Branch. Registry of instrument of dissolution.  
*Ib.* (5.)
- 15 (VI.) The Registrar shall cause a notice of the dissolution to be advertised at the expense of the Society or Branch in the manner provided by this Act for advertising an award of the Registrar for dissolution; and unless within Three months from the date of the *Gazette* in which such advertisement appears a member or other person interested in or having any claim on the funds of the Society or Branch commences proceedings to set aside the dissolution of the Society or Branch, and such dissolution is set aside accordingly, the Society or Branch shall be legally dissolved from the date of such advertisement; and the requisite consents to the instrument of dissolution shall be considered to have been duly obtained, without proof of the signatures thereto. Dissolution to be conclusive unless impeached within Three months after *Gazette* Notice thereof by the Registrar.  
*Ib.* (6.)
- 20  
25  
30 (VII.) The value of members shall be ascertained by giving one vote to every member and an additional vote for every Five years that he has been a member, but to no one member more than Five votes on the whole. Value of members how ascertained.  
*Ib.* (7.) (a.)
- 35 (VIII.) No instrument of dissolution shall direct or contain any provision for a division or appropriation of the funds of the Society or Branch or any part thereof otherwise than for the purpose of carrying into effect the objects of the Society or Branch as declared in the Rules thereof for the time being, unless the claim of every member or person claiming any relief or other benefit from the funds thereof be first duly satisfied, or adequate provision be made for satisfying such claim. Claims to be satisfied before division of funds.  
*Ib.* (7.) (b.)
- 40  
45 (IX.) Any officer or person aiding or abetting in the dissolution of a Society or Branch otherwise than as in this Act provided shall on summary conviction before any Two Justices be liable to be committed to the nearest or most convenient gaol, there to be kept to hard labour for any term not exceeding Three months. Punishment for illegal dissolution  
*Ib.* (7.) (c.)
- 50 (X.) If any member of a dissolved Society or Branch or person claiming any relief or other benefit from the funds thereof be dissatisfied with the provisions made for satisfying his claim, such member or other person may apply to a Judge of the Supreme Court for relief or other order; and such Judge shall have the same powers in the matter as in regard to the settlement of disputes under this Act. Claimant not satisfied may apply to Judge.  
*Ib.* (7.) (d.)



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Dissolution by  
award.

38 & 39 Vict. c.  
60, s. 25 (8) (3).

Power to Regis-  
trar on application  
of members to  
make investiga-  
tion.

*Ib.* (8.) (a).

Power to Regis-  
trar on such  
investigation to  
award a disso-  
lution.

*Ib.* (b.)

Application of  
provisions as in  
case of enforce-  
ment of disputes.  
*Ib.* (8.) (c).

Award to be final.

(xi.) With respect to dissolution and the distribution of funds upon the award of the Registrar—

- (a) Upon the application of one-fifth of the whole number of members of any registered Society or Branch, or of One hundred members in the case of a Society or Branch of One thousand members and not exceeding Ten thousand, or of Five hundred members in the case of a Society or Branch of more than Ten thousand members, made in writing under their hands, setting forth that the funds of the Society or Branch are insufficient to meet the existing claims thereon, or that the rates of contribution fixed in the Rules of such Society or Branch are insufficient to cover the benefits assured, and the grounds upon which such insufficiency is alleged, and requesting an investigation into the affairs of such Society or Branch with a view to the dissolution thereof, the Registrar may by himself or by any Actuary or Public Auditor whom he may appoint in writing under his hand, investigate the affairs of the Society or Branch, giving nevertheless not less than Two months' previous notice in writing to the Society or Branch whose affairs are to be investigated at the registered office of such Society or Branch.
- (b) If upon such investigation it appears that the funds of the Society or Branch are insufficient to meet existing claims thereon, or that the rate of contribution fixed in the Rules of the Society or Branch are insufficient to cover the benefits assured to be given by the same, the Registrar may, if he considers it expedient so to do, award that the Society or Branch be dissolved and its affairs wound up, and direct in what manner the assets of the Society or Branch shall be divided or appropriated: Provided always that the Registrar may suspend his award for such period as he may deem necessary to enable the Society or Branch to make such alterations and adjustments of contributions and benefits as will in his judgment prevent the necessity of such award of dissolution being made.
- (c) The Registrar proceeding under this Section shall have all the same powers and authorities enforceable by the same penalties as in the case of a dispute referred to him under this Act.
- (d) Every award under this or the last preceding Section, whether for dissolution or distribution of funds, shall be final and conclusive on the Society or Branch in respect of which the same is made, and on all members of the same, and other persons having any claim on the funds of the Society or Branch, without appeal, and shall be enforced in the same manner as a decision

on a dispute under this Act ; and the expenses of every investigation and award and of publishing every notice of dissolution shall be paid out of the funds of the Society or Branch before any other appropriation thereof is made.

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- (e) Notice of every award for dissolution shall within Twenty-one days after the same has been made be advertised by the Registrar in the *Gazette* and in some newspaper circulating in the City, Town, or District in which the registered office of the Society or Branch is situated ; and unless within Three months from the date of the *Gazette* in which such advertisement appears a member or other person interested in or having any claim on the funds of the Society or Branch commences proceedings to set aside the dissolution of the Society or Branch consequent upon such award, and such dissolution is set aside accordingly, the Society or Branch shall be legally dissolved from the date of such advertisement ; and the requisite consents to the application to the Registrar shall be considered to have been duly obtained without proof of the signatures thereto.

Dissolution of Society unless award impeached within Three months after *Gazette* Notice by Registrar.  
38 & 39 Vict. c. 60, s. 25 (8.) (e).

- ((f) For the purposes of this Section, the Registrar, when any dispute is referred to him, may administer oaths, and may require the attendance of all parties concerned and of witnesses, and the production of all books and documents relating to the matter in question ; and any person refusing to attend, or to produce any documents, or to give evidence before such Registrar, shall be guilty of an offence under this Act.)

 Powers of Registrar as to evidence.  
*Ib.* (b))



- (xii.) Notice shall be sent to the Registrar of any proceeding to set aside the dissolution of a Society or Branch not less than Seven days before it is commenced by the person taking such proceeding, and of any order setting a dissolution aside by the Society or Branch, within Seven days after such order is made.

Notice of proceedings to set aside dissolution.  
39 & 40 Vict. c. 32 s. 11.

- (xiii.) This Section shall not apply to a Society with Branches unless with the consent of the central body of such Society or Branch.

Application to Society with branches.  
38 & 39 Vict. c. 60, s. 25 (9).

- 23** No person by reason of his enrolment or service in the Defence Force shall lose or forfeit any interest he possesses at the time of his being so enrolled or serving in any Friendly Society or any Branch thereof, registered or unregistered, or be fined for absence from or non-attendance at any meeting of the Society or Branch, such absence or non-attendance being occasioned by the discharge of his military or naval duty as certified by his Commanding Officer, any Rules of such Society or Branch to the contrary notwithstanding ; and any dispute between any such Society or Branch and such person by reason of such enrolment or service shall be decided before any Two Justices.

Persons serving in the Defence Force of *Tasmania* not to lose benefits.  
*Ib.*, s. 26.

[Bill 1.]

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Limitation of  
benefits.38 & 39 Vict.  
c. 60, s. 27.

**24** No member of a registered Friendly Society or of any Branch thereof, nor any person claiming through a member, shall be entitled to receive by way of a periodical payment from any two or more such Societies or Branches, any sum of money exceeding the sum of Forty-two Shillings per week; and any such Society or Branch may require a member, or person claiming through a member, to make and sign a statutory declaration that the total amount to which such member or person is entitled from any two or more such Societies or Branches does not exceed the sum aforesaid; and any person knowingly making a false or fraudulent declaration in the matter shall be guilty of a 10  
misdemeanor.

**25** No member of a registered Friendly Society, nor any person claiming through a member, shall be entitled to receive more than Two hundred Pounds by way of gross sum, together with any bonuses or additions declared upon assurances not exceeding that amount, or Fifty 15  
Pounds a year by way of annuity from any [one] (Two) or more such Societies.

Any such Society may require a member, or person claiming through a member, to make and sign a statutory declaration that the total amount to which such member or person is entitled from [one] (Two) or more 20  
such Societies does not exceed the sums aforesaid; and any person knowingly making a false or fraudulent declaration in the matter shall be guilty of a misdemeanor.

Payments on  
death of children.*Ib.*, s. 28.  
Limitation of  
amount.  
*Ib.* (1.)

**26** With respect to payments on the death of children under the age of Ten years, the following provisions shall have effect:— 25

(I.) No Society or Branch shall undertake to pay or pay on the death of a child, whether a member thereof or not, under the age of Ten years any sum of money which, added to any amount payable on the death of such child by any other Society or Branch, exceeds the actual funeral expenses 30  
not exceeding Five Pounds.

To whom payable  
and conditions of  
payment.  
*Ib.* (2.)

(II.) No Society or Branch shall pay any sum on the death of a child under Ten years of age except to the undertaker or person by whom the burial is conducted, and upon production by such undertaker or person of a certificate of 35  
death issued by the Registrar of Births, Deaths, and Marriages, or Deputy Registrar or other person having the care of the Register of Deaths containing the particulars hereinafter mentioned.

Particulars and  
cost of certificate.  
*Ib.* (3.)

(III.) Whenever a certificate of the death of a child is applied for 40  
for the purpose of obtaining a sum of money from a Society or Branch, the name of such Society or Branch and the sum sought to be obtained therefrom shall be stated to the Registrar of Births, Deaths, and Marriages, or Deputy Registrar, who shall write on or at the foot of such certificate 45  
the words "to be produced to the Society" (naming the Society or Branch, as the case may be) "said to be liable for the payment of the funeral expenses of the above-named" (naming the child) "to an amount not exceeding" (stating the sum), 50  
and all certificates of the same death shall be numbered in consecutive order; and the sum charged by the Registrar of Births, Deaths, and Marriages or Deputy Registrar for each certificate shall not exceed One Shilling.

- (iv.) The Registrar of Births, Deaths, and Marriages or Deputy Registrar shall not give any one or more certificates of death for payment in the whole of any sum of money exceeding Five Pounds for the funeral expenses of any child under the age of Ten years ; and no such certificate shall be granted unless the cause of death has been previously entered in the Register of Deaths on the certificate of a Coroner or legally qualified medical practitioner who attended such deceased child during its last illness, or except upon the production of a certificate of the probable cause of death under the hand of a medical practitioner or other satisfactory evidence of the same.
- (v.) Any Society or Branch to which is produced a certificate of the death of a child which does not purport to be the first shall, before paying any money thereon, be bound to inquire whether any and what sums of money have been paid on the same death by any other Society or Branch.
- (vi.) It shall be an offence under this Act—
- (a) If any Society or Branch pays money on the death of a child under Ten years of age otherwise than is provided by this Act :
- (b) If any person claiming money on the death of a child produces any certificate of such death other than is herein provided to the Society or Societies, Branch or Branches from which the money is claimed, or produces a false certificate or one fraudulently obtained, or in any way attempts to defeat the provisions of this Act with respect to payments on the death of children.
- 27.** The provisions of the present Section shall apply only to Societies having Branches—
- (i.) The application for registry shall be accompanied with—
- (a) A list of every Branch and of the place wherein the same is established :
- (b) If any Branch is to have Trustees or officers authorised to sue and be sued on its behalf other than the Trustees or officers authorised to sue and be sued on behalf of the Society a list of the names of all such Trustees or officers, distinguishing the Branches for which they are authorised to sue and be sued :
- (c) If the Rules of all the Branches (herein called Branch Rules) are or are intended to be identical, a statement to that effect and copies of such Rules :
- (d) If the Branch Rules are not or are not intended to be identical, a statement to that effect and copies of all Branch Rules.
- (ii.) A Society having a fund under the control of a central body to which every Branch is bound to contribute may be registered as a single Society.

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Conditions of  
issue of certi-  
ficates.38 & 39 Vict.  
c. 60, s. 28 (4.)Societies to  
inquire in case of  
certificate not the  
first.*Ib.* (5.)

Offences.

*Ib.* (6.)Payment contrary  
to the Act.*Ib.* (6.) (a).Producing  
improper or false  
certificate.*Ib.* (6.) (b).Societies with  
Branches.*Ib.*, s. 29.Application for  
registry.*Ib.* (1.)Accompanied by  
list of Branches.*Ib.* (1.) (a).List of Trustees  
or officers of  
Branches autho-  
rised to sue and  
be sued if any.*Ib.* (1.) (b).Rules of Branches  
if identical.*Ib.* (1.) (c).Rules of every  
Branch if not  
identical.*Ib.* (1.) (d).May be registered  
as a single  
Society.

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Notice to be sent  
by the Secretary  
to the Registrar  
on the establish-  
ment of a new  
Branch.  
38 & 39 Vict.  
c. 60, s. 29 (3.).

Until Rules or  
amendment regis-  
tered, Branch not  
to have benefit of  
this Act.  
*Ib.* (4.)

Previous pro-  
visions applicable  
to Branches.  
*Ib.* (5.)

When Branch  
must be registered  
as separate  
Society.  
*Ib.* (6.)

Trustees of  
Branches.

- (iii.) Notice of the establishment of every new Branch by a registered Society and of the place where the same is established, and if such Branch is to have Trustees or officers authorised to sue and be sued on behalf of the Society a list of the names of such Trustees or officers, and a statement whether or not the Rules of such Branch are identical with those of the other Branches of the Society ; and if not so, a copy of the Rules of such Branch shall be sent under the hand of the Secretary to the Registrar.
- (iv.) Until a copy of the Rules of a Branch has been registered the Society shall not be entitled to any of the privileges of this Act in respect of such Branch ; and until a copy of any amendment of the Rules of a Branch has been registered, such amendment shall not take effect as respects such Branch.
- (v.) The provisions of this Act as to appeals and the results thereof, as to amendments of Rules, as to the acknowledgment of registry and the evidence of registry and of Rules, shall apply to Branch Rules.
- (vi.) When a Society has no funds under the control of a central body to which every Branch is bound to contribute, every branch shall be deemed to be and must be registered as a separate Society, whether its Rules are identical with those of other Branches or not.
- (vii.) In case the Rules of a Society provide that the Branches shall have Trustees distinct from the Trustees of the Society, the provisions herein contained as to the appointment and removal of Trustees of the Society shall apply to the appointment and removal of Trustees of Branches, the word "Society" in such provisions being read "Branch." Provided always that the copy of the resolution appointing or removing a Trustee of a branch forwarded to the Registrar shall be signed by the Secretary of the Society and by one of the Trustees thereof, as well as by the Secretary of the Branch.

Power to regis-  
tered Societies to  
convert them-  
selves into  
Branches of other  
Societies.  
39 & 40 Vict.  
c. 32, s. 3 (1.)

**28** With respect to the conversion of registered Societies into Branches the following provisions shall have effect :—

- (i.) A Society registered before the commencement of this Act may, by a resolution passed by three-fourths of the members present and entitled to vote at any general meeting of the Society, of which notice specifying the intention to propose such resolution has been duly given according to the Rules, determine to become a Branch under this Act of any other registered Society, and also if thought fit of any registered Branch thereof ; and if the Rules of such Society do not comply with all the provisions of this Act and of the regulations of the Governor in Council with respect to the registry of Branches, the meeting at which such resolution is passed may amend such Rules so as to bring the same into compliance with this Act and with such regulations.
- (ii.) A copy of the Rules of such first-mentioned Society marked to show the amendments (if any) made at such meeting, and Two copies of such resolution as aforesaid and of such

*Ib.* (2.)

- amendment of Rules (if any), each signed by the Chairman of the meeting and by the Secretary of the Society so determining to become a Branch of any other Society, and countersigned by the Secretary of such other Society, shall be sent to the Registrar, and if the Registrar finds that such Rules, with or without such amendment as aforesaid, comply with the provisions of this Act and of the Regulations of the Governor in Council hereunder, he shall cancel the registry of such first-mentioned Society and register the same as a Branch of such other Society, and also, if so specified in the resolution before-mentioned, of any Branch of such other Society, without further request or notice, and shall register such amendment of Rules without further application or evidence; and until such registry such resolution as aforesaid shall not take effect.
- (iii.) No advertisement of any cancelling of registry under this Section shall be requisite. 39 & 40 Vict. c. 32, s. 3 (3).
- (iv.) The Rules of a Society which becomes a Branch under this Section shall, so far as the same are not contrary to any express provision of this Act or of the Regulations of the Governor in Council thereunder, and subject to any amendment thereof as hereinbefore provided, continue in force as the Rules of such Branch until amended. *Ib.* (4).

**29** Nothing in this Act contained shall prevent any registered Society or Branch from contributing to the funds or taking part by delegates or otherwise in the government of any other registered Society or registered Branch of a Society as may be provided in the Rules of such first-mentioned Society or Branch, without becoming a Branch under this Act of such other Society or Branch.

Power to Societies to contribute to the funds or take part in the management of other Societies without becoming Branches thereof. *Ib.*, s. 4.

**30** The acknowledgment of registry of a Society or a Branch and of any amendment of the Rules thereof respectively shall be in the forms provided in the Schedule (5.)

Forms of acknowledgment of registry of Branches. *Ib.* s. 5.

**31** With respect to penalties under this Act, the following provisions shall have effect:—

*Ib.* s. 5. Schedule (5.)

(i.) If any person wilfully makes, orders, or allows to be made any entry, erasure in, or omission from any balance-sheet of a registered Society or branch, or any [contribution] book, or any return or document required to be sent, produced, or delivered for the purposes of this Act, with intent to falsify the same or to evade any of the provisions of this Act, he shall be liable to a penalty not exceeding Fifty Pounds, recoverable at the suit of the Registrar or of any person aggrieved.

Penalties. 38 & 39 Vict. c. 60, s. 32.



For falsification of documents. *Ib.* (1.)

(ii.) Every Society, officer, or member of a Society or branch or other person guilty of an offence under this Act for which no penalty is expressly provided herein, shall be liable to a penalty of not less than One Pound or more than Ten Pounds, recoverable at the suit of the Registrar or of any person aggrieved.

When no other penalty provided *Ib.* (2.)

(iii.) All penalties imposed by this Act or to be imposed by any regulations under the same shall be recoverable in a summary way before any Two Justices in the mode prescribed by *The Magistrates Summary Procedure Act*.

Recovery of penalties. *Ib.* (3.)

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Power to Societies  
to impose penalties  
on their officers  
and members.

**32** A registered Society or Branch may by its Rules impose penalties on its officers and members for acts or defaults contrary to such Rules not exceeding for any such act or default Ten Pounds; and such penalties shall be recoverable in a summary way as aforesaid and shall be payable to such Society or Branch, and shall be applicable in the manner directed by its Rules; or the Rules of the Society or Branch may provide that any such penalty shall be imposed by any meeting of the Society or Branch, or by any person or persons designated by the Rules in that behalf, and that the officer or member on whom the same may be imposed shall be suspended from all benefits to which he would otherwise be entitled under the Rules until such penalty is paid. 5

Description of  
offences.  
38 & 39 Vict.  
c. 60, s. 33 (5.).

**33** In any information or complaint under this Act it shall be sufficient to describe the offence in the words of this Act, and no exception, exemption, proviso, excuse, or qualification accompanying the description of the offence in this Act need be specified or negatived. 15

Appeals.  
*Ib.* (6.)

**34** Any party may appeal from any order or conviction made by Justices on determining any complaint or information under this Act in the mode prescribed by *The Appeals Regulation Act*.

Public Auditors.  
*Ib.*, s. 35.

**35** The Governor in Council may from time to time appoint and remove Public Auditors and Valuers for the purposes of this Act, and may by any order to be published in the *Gazette* determine from time to time the rates of remuneration to be paid by Societies or Branches for the services of such Auditors and Valuers; but the employment of such Auditors and Valuers shall not be compulsory on any Society or Branch. 25

Power to the  
Governor in  
Council to make  
Regulations.  
*Ib.*, ss. 38, 36.

**36** The Governor in Council may from time to time by any order to be published in the *Gazette* make, alter, and rescind Regulations respecting registry and procedure under this Act, and the seal of the Registrar, and the forms to be used for such registry, and the duties and functions of the Registrar, and the inspection of documents kept by the Registrar, the determination of a scale of fees to be paid for matters transacted, or the inspection of documents under this Act, and generally for carrying this Act into effect; and may by such Regulations impose penalties for acts or defaults contrary thereto, not exceeding for any such act or default Twenty Pounds. 30

All such Regulations shall be laid before both Houses of Parliament within Ten days after the publication thereof, if Parliament is then sitting, or if not then sitting, then within Ten days from the next assembling of Parliament. 40

Evidence.  
*Ib.*, s. 39.

**37** All Courts, Judges, and persons acting judicially shall take judicial notice of the seal of the Registrar, and every instrument or document bearing such seal shall be received in evidence without further proof; and every document purporting to be signed by the Registrar or any inspector or public auditor or valuer under this Act shall, in the absence of any evidence to the contrary, be received in evidence without proof of the signature. 45

Registrar's certi-  
ficate evidence of  
Trustees.  
Schedule (6.)

**38** A certificate in the form or to the effect in the Schedule (6.) in writing, under the hand of the Registrar, of the names of the Trustees of any Society or Branch, shall be *prima facie* evidence that the persons named therein are the Trustees of such Society or Branch. 50

**39** The Acts set forth in the Schedule (7.) are repealed from the commencement of this Act to the extent set forth in the Third column of the said Schedule ; but this repeal or anything herein contained shall not affect the past operation of the said Acts, or the force or operation, validity, or invalidity of anything done or suffered, or any bond or security given, right, title, obligation, or liability accrued, contract entered into, or proceedings taken under any of the said Acts or under the Rules of any certified Friendly Society or Branch certified, filed, and registered thereunder before the commencement of this Act.

A.D. 1887.

Repeal of Acts  
and parts of Acts  
in Schedule (7.)

## SCHEDULE.

### (1.)

#### FORM OF ATTORNEY-GENERAL'S OR SOLICITOR-GENERAL'S CERTIFICATE TO RULES OF SOCIETIES. Section 11.

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. B.,  
Attorney-General [*or Solicitor-General*].

### (2.)

#### MATTERS to be provided for by the Rules of Societies or Branches registered under Section 13. this Act—

- (1.) The name and place of office of the Society or Branch.
- (2.) The whole of the objects for which the Society or Branch is to be established ; the purposes for which the funds thereof are to be applicable ; the terms of admission of members ; 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.
- (3.) The mode of holding meetings ; and right of voting ; and the manner of making, altering, or rescinding rules.
- (4.) The appointment and removal of a Committee of Management (by whatever name), of a Treasurer and other officers ; and in the case of a Society with Branches, the composition of the central body, and the control to be exercised by it over the Branches.
- (5.) The investment of the funds, the keeping of the accounts, and the audit of the same once a year at least.
- (6.) Annual Returns to the Statistician of the receipts, funds, effects, and expenditure, and number of members of the Society or Branch.
- (7.) The inspection of the books of the Society or Branch by every person having an interest in the funds of the Society or Branch.
- (8.) The manner of settling disputes between the Society or Branch and any of its members, or any person claiming through a member or under the Rules.
- (9.) In the case of dividing Societies or Branches a provision for meeting all claims upon the Society existing at the time of division, before any such division takes place.



A.D. 1887.

(3.)

Section 16.

FORM OF RECEIPT TO BE ENDORSED ON MORTGAGE OR  
FURTHER CHARGE.

THE Trustees of the Society or Branch hereby acknowledge to have received all moneys intended to be secured by the within [or above] written deed.

Given under our hands this \_\_\_\_\_ day of \_\_\_\_\_

[Signature of Trustees.]

Trustees.

Countersigned [Signature of Secretary.]

Secretary.

(4.)

Section 17.

## FORM OF BOND.

KNOW all men by these presents that we, *A.B.* of \_\_\_\_\_ one of the officers of the \_\_\_\_\_ Society established at \_\_\_\_\_ and *C.D.* of \_\_\_\_\_ (as surety on behalf of the said *A.B.*) are jointly and severally held and firmly bound to *E.F.* of \_\_\_\_\_ *G.H.* of \_\_\_\_\_ and *H.K.* of \_\_\_\_\_ the Trustees of the said Society, in the sum of \_\_\_\_\_ to be paid to the said *E.F.*, *G.H.*, and *H.K.*, 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.* has been duly appointed to the office of \_\_\_\_\_ of the Society established as aforesaid, and he, together 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.* &c. (shall during such time as he may continue in such office, whether by virtue of his present appointment or of successive re-appointments thereto) render a just and true account of all moneys received and paid by him on account of the said Society, at such times as the Rules thereof appoint, and do pay over all the moneys remaining in his hands, and assign, transfer, or deliver all property (including books and papers) belonging to the said Society in his hands or custody to such person or persons as the said Society or the Trustees or Committee of Management thereof shall appoint according to the Rules of the said Society, together with the proper and legal receipts or vouchers for such payments, then the above-written bond shall be void, otherwise the same shall remain in full force.

Sealed and delivered in the presence of [two witnesses.]

(5.)

Section 30.

## ACKNOWLEDGMENT OF REGISTRY OF SOCIETY.

THE \_\_\_\_\_ Society is registered under "The Friendly Societies Act, 1888."  
Given under my hand this \_\_\_\_\_ day of \_\_\_\_\_

Registrar of Friendly Societies.

## ACKNOWLEDGMENT OF REGISTRY OF AMENDMENT OF RULES.

THE foregoing amendment of the Rules of the \_\_\_\_\_ Society is registered under "The Friendly Societies Act, 1888."

Given under my hand this \_\_\_\_\_ day of \_\_\_\_\_

Registrar of Friendly Societies.

## ACKNOWLEDGMENT OF REGISTRY OF BRANCH.

THE \_\_\_\_\_ is registered as a branch of the \_\_\_\_\_ Society [and of the branch of the same] under "The Friendly Societies Act, 1888."

Given under my hand this \_\_\_\_\_ day of \_\_\_\_\_

Registrar of Friendly Societies.

ACKNOWLEDGMENT OF REGISTRY OF AMENDMENT OF  
BRANCH RULES.A.D. 1887.  
—THE foregoing amendment of the branch Rules of the  
under "The Friendly Societies Act, 1888."

is registered

Given under my hand this                      day of

Registrar of Friendly Societies.

## (6.)

## CERTIFICATE OF NAMES OF TRUSTEES.

Section 38.

I HEREBY certify that *A.B.*, of                      *C.D.*, of                      and *E.F.*, of  
are the Trustees of the                      Society [or                      Branch of the  
Society].

Given under my hand this                      day of

Registrar of Friendly Societies.

## (7.)

## REPEALS.

<i>Date and Number of Act.</i>	<i>Title of Act.</i>	<i>Extent of Repeal.</i>
19 Vict. No. 26	An Act to regulate Friendly Societies.	The whole.
20 Vict. No. 14	An Act to make permanent the Act of this Island, intituled "An Act to regulate Friendly Societies."	The whole.
41 Vict. No. 15	An Act to facilitate the Collection of Statistical Information.	Section 11.