



ANNO QUADRAGESIMO NONO ET QUINQUAGESIMO

VICTORIÆ REGINÆ.

A.D. 1886.

Private Act.

An Act to incorporate and regulate certain Friendly Societies in the Province of South Australia.

[*Assented to, November 17th, 1886.*]

WHEREAS it is expedient to incorporate certain Friendly Societies in the Province of South Australia enrolled or established under the provisions of an Act of the Governor and Legislative Council of the said province, No. 22 of 1852, intituled "An Act to regulate Friendly Societies," and to provide for the better regulation and management of the affairs and business of such societies—Be it therefore Enacted by the Governor of the said province, with the advice and consent of the Legislative Council and House of Assembly of the said province, in this present Parliament assembled, as follows:

Preamble.

1. The said Act, No. 22 of 1852, shall, from and after the coming into operation of this Act, cease to apply to the societies enumerated and specified in the Schedule A to this Act, save and except as to any offence committed, or penalty or liability incurred, or bond or security given, or proceeding taken under or in pursuance of the said Act, before the commencement of this Act: All contracts and engagements by or with any of the said societies made under the provisions of the said Act at the time of the passing hereof shall be valid and in force; and all bonds and securities heretofore given by or to any trustee, treasurer, or other officer of any of the said societies shall continue and be as valid and effectual as if this Act had not been passed.

Repeal of No. 22 of 1852, so far as the societies mentioned in Schedule A are concerned.

2. In

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Interpretation.

2. In the construction of this Act, unless inconsistent with the context, the following expressions shall have the meanings hereby assigned to them, that is to say:—

The word “society” shall mean and include any of the Friendly Societies in the said province, enumerated and specified in the Schedule A to this Act, and shall include the whole of the present and future members of such society :

The word “branch” shall mean any district, lodge, court, camp, tent, or other branch, by whatsoever name the same may be called, which now is or may hereafter be established of or by any society :

The words “committee of management” shall mean the body of persons appointed to manage and direct the affairs of any society or branch, by whatever name such body may be called :

The word “secretary” shall mean the officer appointed by any society or branch to act in that capacity, or the clerk or person who shall keep the books and accounts of such society or branch.

Incorporation of societies and branches.

3. All persons who are now or who at any time hereafter shall, in accordance with the provisions of this Act, become members of any society specified in Schedule A to this Act shall (subject to the regulations and provisions hereinafter contained) be a body corporate by the name and style by which such society is specified in the said schedule, and by that name or (where it shall be requisite to make such distinction) by that name with the name of any branch of such society added thereto, may carry on the objects and business of such society, and may sue any person or persons (whether a member or members of such society or not), body or bodies politic or corporate, and may be sued in all courts whatsoever, and may prefer, lay, and prosecute any indictment, information, and prosecution against any person or persons whomsoever for any stealing, embezzlement, fraud, forgery, crime, or offence, and in all indictments, informations, or prosecutions it shall be sufficient to state the moneys, goods and effects, securities, or other property of such society or branch to be the money of such society or branch (as the case may be), and to designate such society or branch by its said corporate name, as the case may be, whensoever, for the purpose of any allegation of an intent to defraud or otherwise, howsoever, such designation shall be necessary ; and any such society or branch shall by its corporate name, according to the right and interest of such society or branch respectively, be able to accept, purchase and hold real and personal estate of every kind, and to sell, assign, mortgage, exchange, demise, grant, lease, transfer, and convey the same and also to procure, receive and take, acquire, have, and possess all gifts, benefactions, goods, chattels, and personal property whatsoever ; and every such society and branch shall by its said corporate name have perpetual succession, and a common seal, which shall bear or have

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have inscribed on it the corporate name of such society or branch, as the case may be: And whenever it shall be necessary to execute for and on behalf of any such society or branch any deed or other instrument in writing, not otherwise specially provided for in this Act, the same shall be executed by having the seal of such society or branch affixed thereto, in the presence of two of the trustees of such society or branch, who shall subscribe their names to such deed or instrument as witnesses to the sealing thereof.

4. It shall be lawful for every such incorporated society or branch, by voluntary contributions from the members thereof, with or without the aid of donations, to raise a fund, or to add to any fund already raised by such society or branch, for any of the following objects, that is to say—

Objects for which societies and branches may raise funds.

First—For insuring a sum of money to be paid on the death of a member, in manner prescribed and set forth in the 19th section of this Act, or for defraying the expenses of the burial of a member, or of the wife or widow of a member, subject to the restrictions hereinafter contained:

Second—For the relief, maintenance or endowment of the members, their wives, or children in infancy, old age, sickness, widowhood, or any other natural state of which the probability may be calculated by way of average, and for assisting members in distressed circumstances, in accordance with the general laws hereinafter mentioned of the particular society affected:

Provided always that no insurance under the provisions of this Act shall assure the payment to or on the death of any member, or on any contingency, or for any of the purposes for which the payment of sums may be assured under this Act, of any sum exceeding Fifty Pounds, nor any annuity exceeding Twenty-six Pounds, nor any sum in sickness exceeding Twenty Shillings per week.

5. Every such society may establish branches thereof respectively, to be called districts, lodges, courts, camps, tents, or such other name as the society establishing the same may think proper to confer; and may alter, vary, and abolish any branch. Every branch shall be governed by this Act, and by the general laws or rules of its particular society, and by such other laws or rules for the management of such branches as shall be made in conformity therewith.

Societies may establish branches.

6. Every such society shall have power to establish a superannuation fund for the temporary or permanent relief of its members who shall have subscribed to such fund for three years: Provided always that there shall not be a greater sum than Ten Shillings per week paid to any member as a superannuation, and the rate of payment by each member weekly to assure the receipt of such sum shall be duly certified by the committee of management of such society, and duly confirmed by any general meeting of such society.

Superannuation fund.

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Funds to be deposited
in bank until invested.

7. The funds of every such society and branch, until invested as hereinafter provided for, shall be deposited in one of the chartered or incorporated banks in the said province, or in the Savings Bank of South Australia, in the name and to the credit of such society or branch, and such funds shall only be withdrawn by cheques, signed by three trustees and countersigned by the secretary or treasurer of such society or branch.

Societies may make
general laws or rules.

8. Every such society may from time to time make, rescind, alter, and vary general laws or rules for the internal government of such society, and such general laws or rules shall have the effect of law, and be binding upon every branch or member of such society; and every such society may by any such laws or rules inflict a penalty of not exceeding Five Pounds and Five Shillings for the infringement thereof, and may provide for the suspension or expulsion of any branch or member from the benefits of such society: And such general laws or rules shall, amongst other things, set forth and regulate the objects specified in the Schedule B to this Act: Provided that, until any new general laws or rules shall be made by any such society, the general laws and rules of such society existing at the time of the passing of this Act shall be deemed to be the general laws and rules of such society: Provided also that, in case of making fresh general laws or rules, or of the rescinding, altering, or varying the laws now existing, or hereafter to be made, two copies of such general laws or rules, or of the rescinded, altered, or varied laws or rules, signed by the secretary of the society making, rescinding, altering, or varying the same, shall be transmitted to the Chief Secretary of the said Province, who shall, if such general laws or rules, or any such alteration, rescission, or variance thereof, shall be in conformity with law, and with the provisions of this Act, submit the same to the Governor, and the Governor may confirm the same. One of the copies, signed by the Governor in confirmation thereof, shall be returned to the secretary of the society, and the other copy, signed by the Governor, shall be deposited with the Registrar-General of the said Province, and then and thenceforward such general laws or rules, and the alteration or variance thereof, as the case may be, shall have the same force and efficacy as regards the society affected thereby and its members as if hereby enacted, and such copies respectively shall be received in all Courts or elsewhere as evidence of such general laws or rules without further proof. Copies of such general laws or rules shall be laid before the Legislative Council and House of Assembly within fourteen days after the confirmation thereof, if Parliament be then sitting, or if not, then within fourteen days after the commencement of the next ensuing Session thereof.

Mode of investment
of funds.

9. The trustees for the time being of every such society or branch shall, from time to time, by and with the consent of such society or branch, lay out and invest such part of all such sums of money as shall at any time be collected, given, or paid to, and for the

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the purpose of such society or branch, as may not be wanted for the immediate use thereof, or to meet the usual accruing liabilities of such society or branch, in the corporate name of such society or branch, according to the right and interest of such society or branch therein respectively, in and upon Government securities, or fixed deposit in any bank, or the bonds of the Corporation of the City of Adelaide, in the purchase of land, or on mortgage of freehold property, any loans raised or guaranteed by the authority of the Parliament of the said province, or on mortgage of freehold property, or in the purchase of any freehold property in the said province, and may from time to time, with such consent as aforesaid, alter or transfer such securities and funds, and make sale thereof respectively; and all dividends, interest, and proceeds which shall from time to time arise from the moneys so laid out or invested as aforesaid shall be brought into account by such trustees, and shall be applied to and for the use of such society or branch, according to the rules thereof: Provided always that it shall be lawful for such trustees, with the consent of such society or branch as aforesaid, to purchase, hire, or take upon lease any room or premises for the purpose of holding therein the meetings of such society or branch, or for the transaction of business relating thereto, and to hold the same in trust for the use of such society or branch, and to sell, exchange, let, and demise the same in whole or in part.

10. Upon the appointment of every new trustee or secretary of any society or branch, the name and description of such trustee or secretary shall be entered in the minute-book of such society or branch, in the form set forth in Schedule C to this Act, and such entry shall be signed by such trustee or secretary, and every such entry, or in case of the loss or destruction of such entry, secondary evidence thereof, shall be *prima facie* evidence for all purposes that the person therein named as trustee or secretary was duly appointed as trustee or secretary, as the case may be, and entitled to act in that capacity. Provided always that if and so soon as any trustee, secretary, or treasurer for the time being shall call a meeting of his creditors, or execute a deed of assignment for the benefit of his creditors, or shall be adjudicated insolvent, his office of trustee, secretary, or treasurer shall then and thereupon become absolutely vacant.

Appointment of trustees and secretaries, how evidenced.

11. All lands, tenements, and hereditaments, moneys, goods, chattels, and effects, and all securities for money, and other obligatory instruments and evidences or muniments of title, and all other property and effects whatsoever, and all rights or claims whatsoever, belonging to or had by any society or branch which are now vested in certain persons as trustees thereof at law or in equity for such society or branch respectively, for any purpose or for any trust whatsoever, shall, from and after the commencement of this Act, without any conveyance or assignment, become, and they are hereby vested in such society or branch, according to the right and interest of such society or branch therein respectively, and shall for all purposes, subject to the equities affecting the same, be deemed and taken

Vesting of present property of societies and branches.

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taken to be the property of such society or branch, according to the right or interest of such society or branch therein respectively; and all persons who may, at or prior to the commencement of this Act, be indebted to the trustees of any such society or branch in any sum or sums of money shall pay the same to such society or branch, according to their right and interest therein respectively; and all contracts, agreements, bonds, covenants, and securities made or entered into with the trustees of any such society or branch may be proceeded on and enforced by such society or branch in the same manner as if the same had been entered into with such society or branch.

Receipts indorsed on mortgages to be sufficient discharge.

12. Upon payment to the trustees for the time being of any society or branch of all moneys due upon any mortgage, further charge, or other security vested in such society or branch by this Act, or which may hereafter be given to such society or branch, for moneys advanced by such society or branch, it shall be lawful for such trustees to indorse or cause to be indorsed upon any such mortgage, further charge, or other security, a receipt in the form set forth in Schedule D to this Act, and such receipt shall be sealed with the seal of such society or branch in the presence of two of such trustees thereof, who shall subscribe their names to such receipt as witnesses to the sealing thereof, and such receipt shall be countersigned by the secretary of such society or branch, and shall vest the estate of and in the property comprised in such mortgage, further charge, or other security, in the person or persons for the time being entitled to the equity of redemption therein; but no person shall be obliged or concerned to inquire whether the persons whose names shall be subscribed to any such receipt as witnesses to the sealing thereof are trustees as aforesaid, nor whether such receipt has been duly signed and sealed as aforesaid, nor whether the moneys expressed in such receipt to be received have been actually paid to such trustees: Provided that if any mortgagor or other person who shall give to any such society or branch any such mortgage or security for money as aforesaid, or the heirs, executors, administrators, or assigns of any such mortgagor or other person, shall at any time during the continuance of the mortgage or security pay any sum of money on account or in part payment of the principal sum thereby secured, a receipt in the form set forth in Schedule E to this Act for the amount so paid shall be forthwith indorsed upon the mortgage, deed, or other instrument constituting the security, and be signed by two of the trustees for the time being of such society or branch, and countersigned by the secretary thereof, in the presence of the mortgagor for the time being, or his duly authorised agent. Until such receipt shall have been so indorsed and signed, such society or branch shall not be liable or accountable for any sum of money which may be so paid as aforesaid, or be bound to recognize or acknowledge the payment thereof, and no such payment shall be pleaded or set up either at law or in equity as against the claim of such society or branch in respect of the principal or interest moneys secured by such mortgage or instrument, nor shall any such payment operate to discharge the lands and hereditaments over
which

Partial discharges.

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which such mortgage or security shall be given, or any part or portion thereof, from such mortgage or security, or from the moneys thereby secured, or any part thereof.

13. Every paid officer or other person hereafter appointed to any office touching or concerning the receipt, management, or custody of any of the moneys of any such society or branch (except the trustees thereof), shall, before he be admitted to take upon himself the execution of his office, or in the case of any officer of any society or branch already holding any such office, within three months from the time when this Act shall come into operation, effect a policy of assurance with any guarantee society or company approved by the trustees of such society or branch, for the just and faithful execution of such office, and for rendering a just and true account of all moneys received and paid by him on account of such society or branch during the time he shall continue to hold such office, and whether upon re-election thereto or otherwise, in such sum of money, not being less than Fifty Pounds, as by such trustees shall be deemed expedient; and every such policy of assurance shall be given to such society or branch in its corporate name; and every such policy of assurance, shall, on completion, be forthwith transmitted by the secretary to the Registrar-General of the said province for deposit; and the said Registrar-General shall, if required, without fee or reward, make a copy of the said policy of assurance, and transmit such copy (duly certified) to the trustees of the society or branch entitled thereto, to be kept with the books and accounts of such society or branch: Provided always that every treasurer, trustee, and other officer shall only be personally responsible and liable for all moneys actually received by him on account of or for the use of the society or branch of which he is an officer.

Officers having custody of moneys to give security.

14. The trustees of every such society or branch shall be bound to see that the security provided for in the last preceding clause is duly given, and that such premiums or other payments necessary to keep the same on foot and valid are duly made; and if such trustees shall allow any officer or person who, according to the said clause, ought to give the security therein mentioned, to take upon himself the execution of his office, or in the case of any person already holding office, to continue in such office for a longer period than therein mentioned without the required policy of assurance having been duly effected, and kept on foot by the punctual payment of the premium thereon, every such trustee shall, upon conviction before a Special Magistrate or two Justices, forfeit and become personally liable to pay a penalty of not less than Two Pounds nor more than Twenty Pounds.

Trustees to be personally liable to see that security is given

15. If any officer, member, or other person, being or representing himself to be a member of any society, or the nominee, executor, administrator, or assignee of a member thereof, or any person whomsoever, by false representation or imposition shall obtain possession of any moneys, securities, books, papers, or other effects of such

Penalty for fraudulently obtaining or withholding property of society or branch.

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such society or branch, or having the same in his possession, shall withhold or misapply the same, or shall wilfully apply any part of the same to purposes other than those expressed or directed in the rules of such society or branch, any Justice of the Peace may, upon complaint made by any person on behalf of such society or branch, summon the person against whom such complaint is made to appear at a time and place to be named in such summons, and any Special Magistrate or two Justices present at the time and place mentioned in such summons shall proceed to hear and determine the said complaint in a summary manner; and if the said Special Magistrate or Justices shall determine the said complaint, to be proved against such person, he or they shall adjudge and order him to deliver up all such moneys, securities, books, papers, or other effects of such society or branch, or to repay the amount of money, applied improperly, and, if he or they think fit, to pay to the complainant, for the use of such society or branch, a further sum of money not exceeding Twenty Pounds, together with costs; and in default of such delivery of effects, or repayment of any such amount of money or payment of such further sum of money and costs aforesaid, the said Special Magistrate or Justices may order the said person so convicted to be imprisoned, with or without hard labor, for any time not exceeding three months: Provided that nothing herein contained shall prevent any such society or branch from proceeding by indictment or information against any such person: Provided also that no person shall be proceeded against by indictment if a conviction shall have been previously obtained for the same offence under the provisions of this Act.

Annual returns to be made.

16. The secretary of every society or branch shall, on or before the twenty-eighth day of February in every year, prepare, or cause to be prepared, and signed by two of the trustees or auditors and the treasurer of such society or branch, and shall countersign and forthwith transmit to the Registrar-General, a return of the rate of sickness and mortality and other contingencies experienced by such society or branch, and an abstract of the income and expenditure of such society or branch during the twelve months, expiring on the then last preceding thirty-first day of December, or, in the case of a branch not then established for such period, during so much of such period as the said branch shall have been established. Every such return shall be in the form of Schedule F or G hereto, as the case may be, or in such other form as may be from time to time required by the Registrar-General. Every secretary who shall neglect or fail to transmit any such return in manner and within the time aforesaid shall, on conviction thereof, be liable to a penalty of not less than One Pound nor more than Ten Pounds, but such penalty shall only be recoverable on the information of the Registrar-General.

Treasurer and others to render accounts, &c.

17. Every person who shall have or receive any part of the moneys, effects, or funds of or belonging to any society or branch, or shall in any manner have been or shall be entrusted with

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with the management, disposal, or custody thereof, or of any securities, books, papers, or property relating to the same, his executors, administrators, and assigns respectively shall, upon demand made of, or notice in writing given to, or left at the last usual place of residence of such person, in pursuance of any order of not less than two trustees or three members of the committee of management of such society or branch, give in his account at the next usual meeting of such society or branch, or to such trustees or committee of management, to be examined and allowed or disallowed; and shall on the like demand or notice forthwith pay over all the moneys in his hands, and assign and transfer or deliver all securities and effects, books, papers, and property in his hands or custody, to the trustees for the time being, or to such other person as such trustees or committee of management shall appoint; and in case of any neglect or refusal to deliver such account, or to pay over such moneys, or to assign, transfer, or deliver such securities and effects, books, papers, and property in manner aforesaid, any two or more Justices of the Peace may, upon the complaint of any trustees or other officer of such society or branch, hear and determine the matter of such complaint in a summary way, and make such order therein as to such Justices in their discretion shall seem just.

18. If any person appointed to or employed in any office in any society or branch, and being entrusted with the keeping of the accounts, or having in his hands or possession, by virtue of his said office or employment, or being responsible for any moneys or effects belonging to such society or branch, or any deeds or securities relating to the same, shall die, or become bankrupt or insolvent, or have any execution or attachment or other process issued against his lands, goods, chattels or effects or property or estate, or make any assignment, disposition, or other conveyance thereof, for the benefit of his creditors, his heirs, executors, administrators, or assigns, or the Official Receiver, or the trustee or other persons having legal right, or the Sheriff or other officer executing such process, or any corporation, company, or person having the possession of any such moneys, effects, deeds, or securities, shall, within forty days after demand made in writing by not less than two trustees or three members of the committee of management of such society or branch, deliver and pay over all moneys, deeds, securities, and other effects belonging to such society or branch to such person as such trustees or committee shall appoint.

Property of societies or branches in hands of officers to be protected from execution, &c.

19. When on the death of any member of any society, or of the wife or widow of any such member, a sum of money not exceeding Fifty Pounds shall become payable, the same shall be paid by the trustees of such society to the husband, wife, child, father, mother, brother, or sister of such member, or other person nominated by the deceased in writing, deposited with the secretary; and in case there shall be no direction or nomination, or the person so nominated shall

Application of moneys payable on death of member or wife.

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shall have died before the deceased member, or in case the member shall have revoked such nomination (and for the purposes of this Act such nomination shall be deemed revoked by the subsequent marriage of such member), then such sum shall be paid to such relative or relatives of the deceased member who may have been dependent for subsistence on such deceased member at the time of his death, as the trustees of such society shall think fit, and, if none, then such sum shall revert to the branch of such society absolutely: Provided always that the trustees of any such society or branch may pay or expend the whole or any part of the money so assured in paying or defraying the funeral expenses of any such deceased member, and that whenever the trustees of any such society, after the decease of any member thereof, shall have paid or divided any such sum of money to or amongst any person or persons who shall at the time of such payment appear to such trustees to be entitled thereto, the payment of any such sum shall be valid and effectual with respect to any demand from any other person or persons against the funds of such society, or against the trustees thereof; but nevertheless such last-mentioned person or persons shall have his, her, or their lawful remedy for such money so paid as aforesaid against the person or persons who shall have received the same.

Certificate of death
required before pay-
ment.

20. The trustees or other officers of any society or branch shall not pay any sum of money which may have been insured and become payable on the death of any member thereof, or the wife of any member, unless the party applying for the same shall produce and deliver to such trustees or other officers a certificate signed by a surgeon of such society or branch, or by a legally-qualified medical practitioner, or coroner, in such form as shall be prescribed by the general laws or rules hereinbefore mentioned, except in cases where from the nature of the circumstances it is impossible to procure such certificate.

Minors may become
members.

21. Any person under the age of twenty-one years may be elected or admitted as a member of any society, and any such person so elected or admitted may, and is hereby empowered to execute all necessary instruments and to give all necessary acquittances: Provided always that during his nonage he shall not be competent to hold any office as trustee, financial secretary, or treasurer of any such society or branch.

Disputes, how to be
determined.

22. Every dispute between branches of any society or between any member or members of any society or branch, or between any person claiming through or under a member, or under the rules of any society or branch, and such society or branch, or the trustees, committee of management, treasurer, or other officer thereof, or between the assigns of a member and such society, branch, trustees, committee, treasurer, or other officer, shall be decided, and the costs and expenses attending the decision of such dispute be awarded and paid in manner directed by the rules of such society or branch, and the decision and award so made shall be

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be binding and conclusive on all parties, without appeal to any court of law or equity.

23. If the rules of any society or branch shall direct that disputes shall be settled by arbitration, but no arbitrators shall have been appointed or no award made within such time as shall be prescribed by such rules, after complaint to the officers of such society or branch, or if either party fail or neglect to comply with or conform to any award made by the arbitrators under any such rules, or if such rules shall direct such disputes to be decided before a Local Court, or if no mode of proceeding is specified in such rules, then, and in either of such cases, all applications for the removal of any trustee or other officer, or for any other relief, order, or direction, or for the settlement of any dispute that may arise or may have arisen in such society, or for the enforcement of any such award as aforesaid, shall be made to the Local Court of Full Jurisdiction nearest to the usual or principal place of business of such society or branch, and such Court shall, upon the application of any person interested in the matter, entertain such application and grant such orders and directions in relation to the matter of such application as to such Court shall seem meet, or as may now be made or granted by the Supreme Court in its equitable jurisdiction; and the decision of such Local Court upon such application, touching any of the matters aforesaid, shall be final and conclusive.

Jurisdiction of Local Courts in certain cases.

24. The mode of proceeding under the last preceding clause shall be as follows:—Where any member of any such society, or his legal representative, seeks to recover from such society, or any branch thereof, or from any of the officers of such society or branch, any sum of money, whether the same be a liquidated demand or not, or to enforce any such award as aforesaid, the proceedings shall be commenced by plaint, and shall be conducted in all other respects according to the practice of Local Courts in the case of ordinary plaints; but where the application is for the removal of a trustee or other officer, or for an order for compelling the performance or omission of any act or otherwise, and where the relief sought would, but for this Act, come within the equitable jurisdiction of the Supreme Court, then the applicant shall file with the clerk of the Court a short statement in writing, setting forth the facts and praying for the relief to which he deems himself entitled, and shall also leave with the clerk of the Court a copy thereof for each defendant, and such clerk shall forthwith cause a copy to be served on the defendant, with a notice to appear as in ordinary cases; and the defendant, if he desires to appear, shall file with the clerk of the Court a short statement of his defence, and the case shall be set down for trial in the usual way; if the defendant does not appear in due course the plaintiff may sign judgment, the effect of which shall be that on the trial the defendant shall be precluded from denying any of the facts set forth in the plaintiff's statement, and the clerk of the Court shall thereupon set down the cause for trial as in cases for assessment of damages, and the Court, upon such trial, may make such order as they shall deem meet.

Mode of proceeding in Local Court.

25. When

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Orders of Local
Courts, how enforced.

25. When the Court shall make any order for the performance or omission of any particular act as aforesaid, it may also order that if the defendant, for a time to be mentioned in such order, refuse or neglect to perform or abstain from the act mentioned, he shall pay to the plaintiff a sum of money to be therein specified, not exceeding One Hundred Pounds, and such order shall be duly entered by the clerk as the judgment of the Court; and in case the defendant shall, after the expiration of the time mentioned in such order, continue to neglect or refuse as aforesaid, the plaintiff may at once proceed to enforce such order by all or any of the means by which judgments of such Court may for the time being be enforceable, and no such order shall be removed by *certiorari* or otherwise into any superior Court of record: Provided that in case any Local Court shall give judgment against any society or branch for any sum of money, and there shall not be sufficient moneys, goods, or chattels of such society or branch whereon execution can be levied for such sum and costs, then and in such case such judgment may be satisfied by being levied on and by the seizure and sale of any of the moneys, goods, and chattels of any of the trustees for the time being of such society or branch: Provided always that whatever sum of money shall be paid by any such trustee, or shall be levied on his goods and chattels as aforesaid, shall be repaid with all damages accruing to him in consequence thereof by and out of the moneys belonging to such society or branch, or out of the first moneys which shall thereafter be received by such society or branch.

Expelled members
may be reinstated or
in default be awarded
compensation.

26. In case any member of any society shall have been expelled therefrom, and the award of any arbitrators to be appointed in accordance with the rules of such society, or the order of any Local Court as aforesaid, shall direct that he shall be reinstated, it shall be lawful for such arbitrators to award, or Local Court to order, in default of such reinstatement, such a sum of money to be paid to such member by the trustees of such society as to such arbitrators or Local Court may seem just and reasonable; which said sum of money, if not paid, shall be recoverable from the said society, or the treasurer, trustee, or other officer, if such order be by a Local Court, in the manner hereinbefore provided, and if by arbitrators, then by action on such award in any Court of competent jurisdiction.

Certain fraudulent
acts to be misde-
meanors.

27. If any person, being a trustee, secretary, officer, or member of any society or branch, shall fraudulently take or apply to his own use any of the money or other property of such society or branch, or if any such person shall, as such trustee, secretary, officer, or member, use or possess himself of any of the money or other property of such society or branch otherwise than in payment of a just debt or demand, or shall, with intent to defraud, omit to make, or to cause to be made, a full and true entry thereof in the books and accounts of such society or branch, or if any such person shall, with intent to defraud, destroy, alter, mutilate, or falsify any of the books, papers, writings, or securities belonging to the society or branch of which he is a trustee, secretary, officer, or member, or
knowingly

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knowingly make or concur in the making of any false entry, or permit any material omission in any book, or circulate or publish, or concur in making, circulating, or publishing any written or printed statement or account which he shall know to be false in any material particular, with intent to deceive or defraud any member or creditor of such society or branch, or with intent to induce any person to become a member thereof, or to entrust or advance any money or property to such society or branch, or to enter into any security for the benefit thereof, or if any person shall, with intent to defraud, affix or impress the seal of any such society or branch to or upon any document whatsoever, every person so offending shall be guilty of a misdemeanor.

28. Every person found guilty of a misdemeanor under this Act may be sentenced to be imprisoned for any term not exceeding two years, with or without hard labor, or may be fined, as to the Court shall seem fit.

Penalty for
misdemeanor.

29. If any person shall forge the signature of any trustee, secretary, or other officer of any society or branch, or shall forge or counterfeit the seal of such society or branch, or shall utter any document or instrument whatsoever, having thereon or affixed thereto the stamp or impression of any such forged or counterfeit seal, or any forged or counterfeit stamp or impression made or apparently intended to resemble the stamp or impression of the seal of such society or branch, knowing the same to be forged or counterfeited, or shall forge, or alter, or utter, knowing the same to be forged or altered, any document or instrument having the stamp or impression of the seal of such society or branch thereon, or affixed thereto, every such person shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the Court, to be imprisoned for any term not exceeding seven years, and to be kept to hard labor or solitary confinement for the whole or any part of such period.

Forgery of seal, &c.,
to be a felony.

30. All penalties imposed by this Act shall (except where otherwise directed) be paid—one-half to the informant or complainant, and one-half to the Treasurer, on behalf of Her Majesty, Her heirs and successors, for the public use of the said Province; unless such information or complaint shall be laid at the instance or by the direction of the trustees or other officers of any such society or branch, in which case the whole of the penalty inflicted shall be paid to such trustees or other officers in aid of the funds of such society or branch.

Distribution of
penalties.

31. There shall be an appeal by any party aggrieved from any conviction by Justices for any offence against this Act, or from any order for payment of costs or otherwise, or from the dismissal of any information or complaint under this Act, which appeal shall be to the Local Court of Adelaide of Full Jurisdiction only, and the proceedings on such appeal shall be conducted in manner prescribed by
the

Appeal.

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the Ordinance No. 6 of 1850, or by any Act which may hereafter be in force in the said Province for regulating appeals to Local Courts; but the Local Court of Adelaide aforesaid may make such order as to payment of costs of appeal as it shall think fit, although such costs may exceed Ten Pounds.

Sedition Acts not to apply.

32. The provisions of an Act passed in the thirty-ninth year of the reign of King George the Third, intituled "An Act for the more effectual suppression of Societies established for seditious and treasonable purposes, and for better preventing treasonable and seditious practices;" and an Act passed in the fifty-seventh year of the reign of King George the Third, intituled "An Act for the more effectually preventing seditious meetings and assemblies," shall not extend to any society or branch governed by this Act, or to any meeting of the members or officers thereof.

Existing societies may become incorporated.

33. Any body of persons already existing as a Friendly society may become incorporated with any society governed by this Act: Provided that the terms and conditions under which such body of persons desire to be so incorporated shall prove upon investigation satisfactory to the committee of management of such last-mentioned society.

Short title.

34. This Act may be cited for all purposes as "The Friendly Societies Act, 1886."

Act to be a public Act.

35. This Act shall be deemed to be a public Act, and shall be judicially taken notice of as such by all Judges, Justices, and other persons within the said Province, without being specially pleaded.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

WM. C. F. ROBINSON, Governor.

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THE SCHEDULES REFERRED TO.

SCHEDULE A.

- The South Australian Ancient Order of Foresters Friendly Society. Secs. 1, 2, and 3.
 The South Australian Grand United Order of Oddfellows Friendly Society.
 The South Australian United Ancient Order of Druids Friendly Society.
 The Independent Order of Odd Fellows.
 The South Australian District, No. 81, Independent Order of Rechabites, Friendly Society.
 The Albert District, No. 83, Independent Order of Rechabites, Salford Unity.
 The Sons of Temperance, South Australian Grand Division, No. 24.
 The Cosmopolitan Friendly Benefit Society.
 The Protestant Alliance, Loyal South Australia, No. 45.
 The Allgemeine Deutsche Kranken und Sterbe Kasse.

SCHEDULE B.

- 1st. The place where the business of the society shall from time to time be carried on. Sec. 8.
 2nd. The whole of the objects for which the society is established.
 3rd. The purposes for which the funds of the society or any branch thereof shall be applicable.
 4th. The conditions under which any member or person claiming or by which a member may become entitled to any benefit assured by the society or any branch thereof.
 5th. The manner in which a branch or member may be expelled or fined for an infringement of the rules of the society or of any branch thereof.
 6th. The manner in which appeals and disputes between members of the society, or between members and the society or any branch thereof, or between different branches, or made by any person claiming under or by or through any member, or under the laws or rules of the society or any branch thereof shall be settled and decided, together with provisions for appointing arbitrators to decide such claims, appeals, or disputes, or any other claims, appeals, or disputes which may arise in the working of the society or any branch thereof.
 7th. The manner in which the business of the society or any branch thereof shall be conducted.
 8th. The manner in which general laws or rules of the society may from time to time be made, altered, amended, or rescinded.
 9th. The manner in which branches may make by-laws and how the same shall become binding upon members of such branches.
 10th. Provisions for the appointment and removal of a general committee of management, of a trustee or trustees, secretary or secretaries, treasurer or treasurers, and any other officer specified in the laws or rules of the society or any branch thereof.
 11th. Provisions for the investment of the funds of the society or any branch thereof.
 12th. Provisions for a periodical audit of accounts, and the mode thereof, and the qualification of auditors.
 13th. The amount of entrance-fees and subscriptions payable into the society or any branch to entitle a member to benefit therein.
 14th. The amount payable by the society or any branch thereof at the death of a member or member's wife, and other benefits to which a member or any other person may become or be entitled. 15th.

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15th. The power to vary such entrance-fees, subscriptions, and benefits when found expedient.

16th. Provisions for compelling branches to send such returns as may be found necessary for the working of the society.

SCHEDULE C.

Sec. 10.

Resolved that the undersigned [full name] of [residence and calling] be and is hereby appointed a trustee [or Secretary] of this [society, lodge, court, camp, tent, or other name] this day of 18

Witness to signature—

(Signature of new Trustee or Secretary).

SCHEDULE D.

Sec. 12.

Received from this day of 18, the sum of being in full satisfaction and discharge of all moneys due upon the within security or obligation.

Witness to the sealing hereof with the seal of the

(L.S.)

} Trustees.
Secretary.

SCHEDULE E.

Sec. 12.

Received from this day of 18, the sum of on account and in part payment of the moneys due upon the within security or obligation.

Witness to the sealing hereof with the seal of the

(L.S.)

} Trustees.
Secretary.

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SCHEDULE F.

Annual Returns to be furnished to the Registrar-General by all Districts or Parent Societies mentioned in this Act.

Sec. 16.

Return of the established at _____ for the year ending December 31st, 18____, forwarded to the Registrar General, pursuant to Friendly Societies Act, 1886.
Date of balancing books in each year _____

Members—

Number of members died during the year	..	..	..
Number of members' wives died during the year	..	..	..
Number of subscribing members at this date	..	..	..
Number of honorary members	..	..	..

Income—

Total balance last return	..	..	..	£	:	:
Donations and honorary subscriptions	£	:	:			
Dues and levies for death and expenses of District or Parent Society		:	:			
Interest received	..	..	..
Total income	..	..	..	£	:	:
					£	:

Total capital—

Invested in freehold property	..	£	:	:
Invested on mortgage property	..	:	:	
Cash in bank..	..	:	:	
Cash on hand	..	:	:	
		£	:	:

Expenditure—

Death of members	..	..	..	£	:	:
Death of members' wives	..	..	..	:	:
Gifts	..	..	..	:	:
District expenses	..	..	..	:	:
Secretary	..	..	..	:	:
Treasurer	..	..	..	:	:
Goods for sale	..	..	..	:	:
Total expenditure	..	..	..	£	:	:
					£	:

Dated the _____ day of _____, in the year of _____
our Lord _____ thousand

} Trustees or
} Auditors.
Treasurer.

Secretary.

SCHEDULE G.

Annual Returns to be furnished to the Registrar-General by all the Branches of Societies mentioned in this Act.

Sec. 16.

Return of the established at _____ in the province of South Australia, for the year ending December 31st, 18____, forwarded to the Registrar-General, pursuant to the Friendly Societies Act, 1886.
Date of balancing books in each year _____

Members—

Number of members admitted since last balance	..	..	..
Number of members withdrawn (clearance)	..	..	..
Number of members expelled	..	..	..
Number of members run out through non-payment of subscriptions	..	..	..
Number of subscribing members at this date
Number of honorary members

Sickness—

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Sickness—

'Number of members sick during the year
Gross total number of weeks' sickness

Income—

Total balance last return £ : :
Donations and honorary subscriptions £ : :
Entrance-money : :
Contributions and other receipts }
(except interest) for sickness, } : :
death, and expenses of branch }
Interest received : :

Total income £ : :
£ : :

Total capital—

Invested in freehold property .. £ : :
Lent on freehold property (mortgage) : :
Cash in bank : :
Cash on hand : :
£ : :

Expenditure—

Sick pay to members £ : :
Surgeon and allowance for leeches .. : :
District, on account of death of mem- }
bers and wives, being dues and } : :
levies to Parent Society (detail) .. }

Gifts : :
Secretary : :
Treasurer : :
Other expenses : :

Total expenditure £ : :

Dated the day of
our Lord one thousand eight hundred and

£ : :
, in the year of

} Trustees or
Auditors.
Treasurer.

Secretary.