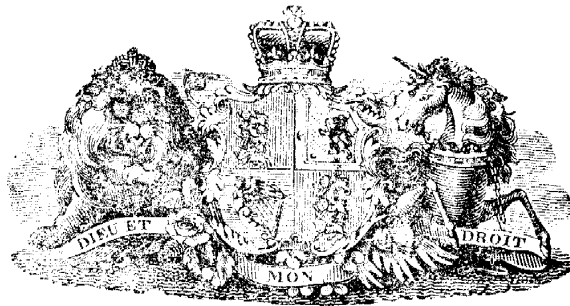


See No. 16 of 1860, &c. 1.

Repd: 211 of '81



**1850.**

**No. 12.**

*ORDINANCE enacted by the Governor of South Australia, with the advice and consent of the Legislative Council thereof.*

*To Establish and Regulate Benefit Building Societies.*

*(24th July, 1850.)*

**W**HEREAS great inconvenience and expense is now incurred in preparing and executing Deeds of Settlement to establish Societies called Benefit Building Societies, and such Deeds do not protect the Funds of the said Societies in case of the Insolvency of the Officers having the control and management of the Funds thereof: AND WHEREAS certain Building Societies have been established in this Province, principally amongst the industrious classes, for the purpose of raising, by small periodical subscriptions, a Fund to assist the Members thereof in obtaining a small Real or Leasehold Property, and it is expedient to afford Encouragement and Protection to such Societies, and Societies having the same objects hereafter to be established, and the property obtained therewith:

Preamble.

BE IT THEREFORE ENACTED, by HIS EXCELLENCY THE GOVERNOR OF SOUTH AUSTRALIA, with the advice and consent of the LEGISLATIVE COUNCIL thereof, THAT from and after the commencement hereof, it shall and may be lawful for any number of persons in the Province of South Australia and its Dependencies, to form themselves into, and establish, Societies for the purpose of raising, by the Monthly or other Subscriptions of the several Members of such Societies, Shares, not exceeding the value of One Hundred and Fifty Pounds for each Share, such Subscriptions not to exceed in the whole, Twenty Shillings per Month for each Share, a Stock or Fund, for the purpose of enabling each Member thereof to receive out of the Funds of such Society, the amount or value of his or her Share or

Societies may be established for the purchase of Land, or purchase or erection of Houses.

Shares therein, to erect, or purchase, one or more Dwelling-house or Dwelling-houses, or Real or Leasehold estate, to be secured by way of Mortgage to such Society, until the amount or value of his or her Shares shall have been fully repaid to such Society with the Interest thereon, and all Fines or other Payments, incurred in respect thereof, or until each Member shall have received the amount or value of his or her Share or Shares in such Society, and to, and for, the several Members of each Society, from time to time, to assemble together, and to make, ordain, and constitute, such proper and wholesome Rules and Regulations for the Government and Guidance of the same, as to the major part of the Members of such Society, so assembled together, shall seem meet, so as such Rules shall not be repugnant to the express Provisions of this Act, and to the Laws of the Province, and to impose and inflict such reasonable Fines, Penalties, and Forfeitures, upon the several Members of any such Society, who shall offend against any such Rules, as the Members may think fit to be respectively paid to such uses, for the benefit of such Society, as such Society by such Rules, shall direct, and also from time to time, to alter and amend such Rules as occasion shall require, or annul, or repeal, the same, and to make new Rules in lieu thereof, under such restrictions as are in this Ordinance contained: PROVIDED that no member shall receive, or be entitled to receive, from the Funds of such Society, any interest or dividend by way of annual, or other periodical profit, upon any Shares in such Society, until the amount or value of his or her Share shall have been realized, except on the withdrawal of such Member, according to the Rules of such Society, then in force.

Bonus, &c. may be received.

II. AND BE IT ENACTED, that it shall and may be lawful to and for any such Society to have and receive, from any Member or Members thereof, any sum or sums of money, by way of bonus, on any Share or Shares, for the privilege of receiving the same in advance, prior to the same being realized, and also any interest for the Share or Shares so received, or any part thereof.

Rules may be made for Forms of Conveyance, Mortgage, &c.

III. AND BE IT FURTHER ENACTED, that it shall and may be lawful to and for any such Society, in and by the Rules thereof, to describe the Form or Forms of Conveyance, Mortgage, Transfer, Agreement, Bond, or other instrument, which may be necessary for carrying the purposes of the said Society into execution, and which shall be specified and set forth in a Schedule to be annexed to the Rules of such Society, and duly certified and deposited, as hereinafter provided.

Receipt endorsed on Mortgage to be sufficient discharge without re-Conveyance.

IV. AND BE IT ENACTED, that it shall be lawful for the Trustees named in any Mortgage made on behalf of such Societies, or the survivor or survivors of them, or for the Trustees for the time being,  
to

to endorse upon any Mortgage or further charge given by any Member of such Society to the Trustees thereof for moneys advanced by such Society to any Member thereof, a Receipt of all Moneys intended to be secured by such Mortgage or further charge, which shall be sufficient to revest the same, and vest the Estate of and in the property comprised in such security, in the person or persons for the time being entitled to the equity of redemption, without it being necessary for the Trustees of any such Society to give any Re-conveyance of the property so Mortgaged, which receipt shall be specified in a Schedule to be annexed to the Rules of such Society, duly confirmed and deposited as aforesaid.

*Sec 22 of 53,  
Sec 8.*

V. AND BE IT ENACTED, that such Society, so established as aforesaid, before any of the Rules thereof shall be confirmed by the Governor, in the manner hereinafter directed, shall, in or by one or more of the Rules to be confirmed by such Governor, declare all and every the intents and purposes for which such Society is established, and shall also, in and by such Rules, direct all and every the uses and purposes to which the Money which shall from time to time be subscribed, paid, or given to, or for the use or benefit of such Society, or which shall arise therefrom, or in anywise shall belong to said Society, shall be appropriated and applied, and in what Shares and Proportions, and under what circumstances, any Member of such Society, or other person, shall or may become entitled to the same, or any part thereof, provided that the application thereof shall not in anywise be repugnant to the uses, intents, and purposes, of such Society, or any of them, so to be declared as aforesaid, and all such Rules, during the continuance of the same, shall be complied with and enforced; and the Moneys so subscribed, paid, or given, or so arising, to or for the use or benefit of such Society, or belonging thereunto, shall not be diverted or misapplied, either by the Treasurer, Trustee, or Trustees, or any other Officer or Member of such Society entrusted therewith, under such Penalty or Forfeiture as such Society shall by any Rule impose and inflict for such offence.

Said Society in its Rules to declare the purpose of its establishment, &c.

VI. AND BE IT ENACTED, that two Transcripts, fairly written on paper or parchment, of all such Rules, signed by three Members and countersigned by the Secretary with all convenient speed after the passing of this Ordinance, or after the same shall be made, altered, or amended, and so from time to time after every making, altering, or amending thereof, shall be submitted to the Governor for the time being for his approval: PROVIDED ALWAYS, that no such Rules, Alterations, and Amendments shall be deemed valid, or be acted upon until the same shall have been submitted to the Governor for his approval, and the Transcript thereof shall have been allowed and confirmed by him under his hand; and one of said Transcripts when so allowed and confirmed by the Governor, shall be returned to the Society,

Two Transcripts of Rules to be submitted to the Governor for the time being, and by whom they are to be allowed.

One Transcript to be returned to the Society, the other to be deposited with the

Registrar-General of this Province,

Rules, &c., to be binding.

Copy to be received as evidence.

Society, and the other of said Transcripts shall be deposited with the Registrar-General of this Province, which Transcript shall be filed by such Registrar and preserved amongst the Records and Muniments of the said Registry Office, without any Fee or Reward, in respect thereof; and such Rules, Alterations, and Amendments so deposited, shall be binding upon the several Members and Officers of such Society and their Representatives, all of whom shall be taken and deemed to have full notice thereof, and the Transcript of the said Rules, Alterations, and Amendments deposited with the Registrar General, as aforesaid, or a true copy thereof certified by such Registrar, or his Deputy, shall be received as evidence of such Rules and Regulations respectively, as aforesaid, and every copy of any such Transcript deposited with the said Registrar-General as aforesaid, shall be made without Fee or Reward, except the actual expense of such copy.

No Rules allowed by the Governor to be altered but at a General Meeting of the Society.

VII. AND BE IT ENACTED, that no Rule confirmed by the Governor, in manner aforesaid, shall be altered, rescinded, or repealed, unless at a General Meeting of the Members of such Society, as aforesaid, convened by Public Notice, written or printed, signed by the Secretary, Chairman, or other principal Officer, or Clerk of said Society, in pursuance of a requisition for that purpose, by seven or more of the Members of such Society, which said requisition and notice shall be publicly read at two usual Meetings of such Society, to be held next before such General Meeting, for the purpose of such Alteration or Repeal, unless a Committee of such Members shall have been nominated for that purpose at a General Meeting of the Members of said Society, convened in manner aforesaid, in which case such Committee shall have the like power to make such Alterations, or Repeal, and unless such Alterations or Repeal shall be made with the concurrence and approbation of three-fourths of the Members of such Society, then and there present, or by the like proportion of such Committee as aforesaid, if any shall have been nominated for that purpose: PROVIDED ALWAYS, that no such new or altered Rules shall come into force, or have any effect, until the same have been confirmed and deposited in manner aforesaid.

Rules shall specify place of meeting and duties of Officers.

Society may alter place of Meeting.

VIII. AND BE IT ENACTED, that the Rules of such Society shall specify the place or places at which it is intended such Society shall hold its Meetings, and shall contain provisions with respect to the powers and duties of the Members at large, and of such Committees or Officers as may be appointed for the management of the affairs of said Society: PROVIDED ALWAYS, that it shall and may be lawful for said Society to alter their place or places of Meeting, whenever they may consider it necessary upon giving notice thereof in the *South Australian Government Gazette*: PROVIDED ALSO, that the said notice shall have been previously published thrice, or oftener, in said *South Australian*

*Australian Government Gazette*, and in some one or more Newspapers of the Colony, and that the said notice shall have been given within seven days before or after such removal, and signed by the Secretary or other principal Officer.

IX. AND BE IT ENACTED, that the Rules of such Society shall provide for, and direct, that the Funds of such Society shall be deposited in one of the Chartered Banks in this Province, in the name and to the Credit of such Society: PROVIDED ALWAYS, that it shall and may be lawful for not less than Three of the Directors for the time being, at their usual Meetings, to sign Cheques on such Bank, for payments for the purposes of such Society, such Cheques to be countersigned by the Secretary.

Funds to be deposited in a Chartered Bank.

X. AND BE IT ENACTED, that such Society shall, and may, from time to time, elect and appoint any number of the Members of such Society to be a Committee, such number to be declared in the Rules of such Society, and shall, and may delegate to such Committee all, or any, of the powers given by this Ordinance to be executed, who, being so delegated, shall continue to act as such Committee for, and during such time as they shall be appointed, for such Society, for general purposes, the powers of such Committee being first declared in and by the Rules of such Society, confirmed by the Governor and deposited in the manner hereinbefore directed.

Society may appoint Committee.

Powers of standing Committees to be declared in Rules of the Society, and of particular ones entered in a book. Committee controllable by Society.

XI. AND BE IT ENACTED, that when, and so often as any person seized or possessed of any Lands, Tenements, Hereditaments, or other Property, or any Estate or Interest therein, as a Trustee or Trustees of such Society, shall be out of the jurisdiction of the Supreme Court of this Province, or shall be Idiot, Lunatic, or of Unsound Mind, or it shall be unknown or uncertain whether he or they be living or dead, or such person shall refuse to Convey or otherwise Assure such Lands, Tenements, Hereditaments, or Property, or Estate, or Interest to the person duly nominated as Trustee or Trustees of such Society in his or their stead, then and in every or any such case it shall be lawful for the Supreme Court, or any Judge thereof, to appoint such person as to such Court or Judge shall seem meet, on behalf and in the name of the person seized or possessed as aforesaid, to Convey, Surrender, Release, Assign, or otherwise Assure the said Lands, Tenements, Hereditaments, or Property, or Estate or Interest, to such Trustee so duly nominated as aforesaid: and every such Conveyance, Release, Surrender, Assignment, or Assurance, shall be as valid and effectual, to all intents and purposes, as if the person being out of the jurisdiction, or not amenable to the process of the said Court, or not known to be alive, or having refused, or as if the person being Idiot, Lunatic, or of Unsound

Where Trustees, &c., are out of jurisdiction of Court, or it be uncertain whether they are alive, or they refuse to convey, &c., Supreme Court may appoint a person to convey.

Mind,

Mind, had been at the time of the execution thereof of Sane Mind, Memory, and Understanding, and had by himself executed the same.

Rules to be made directing how disputes shall be settled.

XII. AND BE IT ENACTED, that <sup>x</sup> every dispute between the Trustees or Committee of such Society, and any Member or Officer thereof, or any Executor, or Administrator, Next of Kin, or Creditor, of any deceased Member, or any person claiming to be such Executor, Administrator, Next of Kin, or Creditor, then, and in every such case, the matter so in dispute shall be referred to the Arbitration of two indifferent persons, one to be chosen and appointed by the Committee of such Society, and the other by the party with whom the dispute arose; and in case the Arbitrators so appointed shall not agree, then such matter in dispute shall be referred in writing to an Umpire, having no interest in such matter, or in such Society, to be chosen by the said Arbitrators, and whatever Award, Order, or Determination, shall be made by the said Arbitrators, or by the said Umpire, shall be binding and conclusive on all parties, and shall be final to all intents and purposes, without any appeal.

Effects of Society to be vested in the Trustees for the time being, who may bring and defend Actions, &c.

XIII. AND BE IT ENACTED, that all Real and Heritable Property, Moneys, Goods, Chattels, and Effects whatever, and all Titles, Securities for Money, or other obligatory Instruments and Evidences or Muniments, and all other Effects whatever, and all Rights or Claims belonging to or had by such Society, shall be vested in the Trustees of such Society for the time being, for the use and benefit of such Society, and the respective Members thereof, their Executors, or Administrators, according to their respective Claims, and Interests, and after the Death or Removal of any Trustee or Trustees, shall vest in the succeeding Trustee or Trustees, for the same Estate and Interest as the former Trustee or Trustees had therein, and subject to the same Trusts, without any Assignment or Conveyance whatever, and shall also, for all purposes of Action or Suit, as well Criminal as Civil, in Law or in Equity, in anywise touching or concerning the same, be deemed and taken to be, and shall in every such proceeding (where necessary) be stated to be, the property of the person appointed to the office of Trustee or Trustees of such Society for the time being, in his or their proper name, without further description, and such person shall, and he or they is and are hereby respectively authorised, to bring or defend, or cause to be brought or defended, any Action, Suit, or Prosecution, Criminal as well as Civil, in Law or in Equity, touching or concerning the Property, Right, or Claim aforesaid, of, or belonging to, or had by such Society, provided such person or persons shall have been thereunto duly authorised by the consent of the majority of members present at any Meeting of the Society or Committee thereof; and such person so appointed, may in all cases concerning the Property, Right,

Right, or Claim aforesaid of such Society, Sue and be Sued, Plead and be Impleaded, in his or their proper name, as Trustee or Trustees of said Society, without other description; and no such Suit, Action, or Prosecution, shall be discontinued or abate, by the death of such person or persons, or his or their removal from the office of Trustee or Trustees, but the same shall and may be proceeded in by the continuing or succeeding Trustee or Trustees, in the proper name of the person or persons commencing the same, any law, usage, or custom to the contrary notwithstanding; and such succeeding Trustee or Trustees shall pay or receive like Costs as if the Action or Suit had been commenced in his or their name, for the benefit of, or to be re-imbursed from, the funds of such Society.

XIV. AND BE IT ENACTED, that on the Trial of any Action, Indictment, or other Proceeding, respecting the Property of such Society, or in any Proceedings before the Supreme Court, or any other jurisdiction in this Province, any Member of such Society shall be a competent Witness, and shall not be objected to on account of any interest he may have as such Member in the result of such Action, Indictment, or other Proceeding.

Members of Society may be witnesses.

XV. AND BE IT ENACTED, that the Treasurer or Trustees, or any other Officer of such Society, shall not be liable to make good any deficiency which may arise in the Funds of such Society: PROVIDED ALWAYS, that the said Treasurer, Trustees, and every other Officer of any such Society, shall be, and they are hereby declared to be, personally responsible and liable for all Moneys actually received by him or them on account of, or to and for the use of, such Society.

Limitation of responsibility of Treasurer or Trustees, &c.

Liable for money actually received.

XVI. PROVIDED ALWAYS, AND BE IT FURTHER ENACTED, that such Treasurer or Trustees, and all and every other Officer and other person whatever, who shall be appointed to any office in any-wise touching or concerning the Receipt, Management, or Expenditure, of any Sum of Money collected for the purpose of any such Society, before he or they shall be admitted to take upon him or them the execution of any such Office or Trust (if required so to do by the Rules of such Society to which such Officer shall belong), shall become bound in a Bond, in such form as shall be prescribed by the said Rules, with two sufficient Sureties, for the just and faithful execution of such Office or Trust, and for rendering a just and true Account, according to the Rules of such Society, and in all matters lawful, to pay obedience to the same, in such penal Sum of Money as by the major part of such Society, at their usual Meetings, shall be thought expedient.

Securities to be given for Offices of Trust, if required.

XVII. AND

Society shall make annual audits and statements of the Funds to the Members.

XVII. AND BE IT ENACTED, that the Rules of every such Society shall provide that the Treasurer, Trustees, Secretary, or other principal Officer thereof, shall, once in every year at least, prepare, or cause to be prepared, a General Statement of the Funds and Effects of or belonging to such Society, specifying in whose custody or possession the said Funds or Effects shall be then remaining, together with an Account of all and every the various sums of Money received and expended by or on account of such Society since the publication of the preceding periodical statement, and every such periodical statement shall be attested by two or more Members of such Society, appointed Auditors for that purpose, and shall be countersigned by the Secretary of said Society, and shall cause the same to be published in the *Government Gazette*, and a copy thereof to be transmitted to the Governor, to be by him laid before the Legislature at the earliest convenient time, and every Member shall be entitled to receive from such Society a copy of such periodical statement, on payment of such sum as the Rules of said Society may require, not exceeding the sum of Sixpence.

Executors, &c., of officers of said Society to pay money due to Society before any other debts.

XVIII. AND BE IT ENACTED, that if any person appointed, or who has been, or may hereafter be appointed to any office in such Society, and being entrusted with the keeping of the Accounts, or having in his hands or possession by virtue of his said office or employment any Moneys or Effects belonging to such Society, or any Deeds or Securities relating to the same, shall die or become a Bankrupt or Insolvent, or have any Execution or Attachment or other Process issued, or Action, or Proceedings commenced 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 other Persons having legal right, or the Sheriff, or other Officer executing such Process, or the party using such Action or Proceedings, shall within forty days after demand made in writing by the order of such Society, or Committee thereof, or the major part of them assembled at any Meeting thereof, deliver and pay over all Moneys and other things belonging to such Society to such person as such Society or Committee shall appoint, and shall pay out of the Estates, Assets, or Effects, of such person, all sums of Money remaining due, which such person received by virtue of his said office or employment, before any other of his debts are paid or satisfied, or before the Money directed to be levied by such Process as aforesaid, or which may be recovered or recoverable under the same, is paid over to the party issuing such Process, or using such Proceedings, and all such Assets, Lands, Goods, Chattels, Property, Estates, and Effects, shall be bound to the payment and discharge thereof accordingly.

XIX. AND



XIX. AND BE IT ENACTED, that in case any Member of any Society shall die, who shall be entitled to any Sum not exceeding Twenty Pounds, it shall be lawful for the Trustees or Directors of such Society, and they are hereby authorised and permitted, if such Trustees or Directors shall be satisfied that no Will was made and left by such deceased Member, and that no Letters of Administration will be taken out of the Funds, Goods, and Chattels of such Depositor, to pay the same at any time after the decease of such Member, according to the Rules and Regulations of the said Society; and in the event of there being no Rules and Regulations made in that behalf, then the said Trustees or Directors are hereby authorised and permitted to pay and divide the same to and amongst the Person or Persons entitled to the effects of the deceased intestate, and that without administration.

For payment of sums not exceeding £20. where Members die intestate.

XX. AND BE IT ENACTED, that a Memorial of the names of the Trustees and Secretary for the time being of such Society, in the form or to the effect for that purpose set forth in the Schedule hereunto annexed, signed by the Trustees of such Society, shall respectively be recorded upon Oath in the Supreme Court of South Australia, within thirty days after the approval of the Rules thereof as aforesaid, and when and as often as any Trustee or any Secretary of such Society shall be newly elected by such Society, a Memorial of the name of such newly-elected Trustee or Secretary, in the same form, or to the same effect as the above mentioned Memorial, signed by such newly elected Trustee or Secretary of such Society, as the case may be, and the four continuing Trustees of such Society shall in like manner be recorded upon Oath in the said Supreme Court of South Australia, within thirty days next after such Trustee or such Secretary shall be so elected, as the case may be.

Memorials of names of Trustees and Secretary to be recorded on oath in Supreme Court.

XXI. AND BE IT ENACTED, that until a Memorial of the name of the Trustees, or of the Secretary for the time being, be recorded in the manner herein directed, no Action, Suit, or other Proceeding, shall be brought by such Society in the name of the Trustees, under the authority of this Ordinance.

Until such Record made no Action to be brought.

XXII. AND BE IT ENACTED, that in any Action to be brought in the name of the said Trustees of such Society by virtue of this Ordinance, the Plaintiff therein shall not be nonsuited, nor shall a verdict be given against him for want of proof of the Record of such Memorial or Memorials, as hereinbefore mentioned, but in case the Defendant in any such Action shall make it appear on such Trial that no such Memorial or Memorials as hereinbefore mentioned has or have been recorded, then a nonsuit shall be entered in such Action.

Want of proof of record of Memorial shall not nonsuit plaintiff.

XXIII. PROVIDED

Ordinance, No. 9,  
of 1843, not to apply  
to sale of Shares of  
Society.

XXIII. PROVIDED ALSO, AND BE IT FURTHER ENACTED, that the Provisions of the Ordinance of the First of November, 1843, No. 9, entitled "An Ordinance further to regulate Sales by Auction," shall not be applicable to any Chairman or other Presiding Member of any such last-mentioned Society, who shall offer for sale or sell any Share or Shares of any such Society, to and amongst the Members thereof, at a Meeting thereof held according to the Rules and Regulations of such Society.

Funds not to be  
invested in Savings'  
Bank.

XXIV. PROVIDED ALWAYS, AND BE IT FURTHER ENACTED, that nothing herein contained shall authorise any Benefit Building Society to invests its Funds, or any part thereof, in any Savings' Bank.

Society to furnish  
Accounts and Reports,  
when required by Go-  
vernment.

XXV. AND BE IT ENACTED, that every such Society taking the benefit of this Ordinance shall, at such times, and in such form and manner, and to such persons as shall be from time to time appointed by the Governor, furnish all such just and true Accounts, Reports, Statistical Tables, and Statements, as shall be required to elucidate the State and Proceedings of such Society, and the manner in which the purposes of such Society, and the Provisions of this Ordinance, have been carried into effect.

Benefit of Ordinance  
to extend to all Soci-  
eties established prior  
to the commencement  
hereof, on their Rules  
being confirmed and  
deposited.

XXVI. AND BE IT FURTHER ENACTED, that all Building Societies established prior to the commencement hereof, shall be entitled to the Protection and Benefit of this Ordinance on their present Rules being duly confirmed and deposited as directed by this Ordinance, and no such Society shall be entitled to the benefit of this Ordinance until their Rules shall have been so confirmed and deposited, and that no such Society shall be required to alter in any manner the Rules under which they are now respectively governed.

Public Act.

XXVII. AND BE IT ENACTED, that this Ordinance shall be deemed and taken to be a Public Act, and shall be judicially taken notice of as such by all Judges, Justices, and others, within the Province of South Australia, without being specially pleaded.

Commencement.

XXVIII. AND BE IT ENACTED, that this Ordinance shall commence and take effect from and after the passing thereof.

H. E. F. YOUNG,  
Lieutenant-Governor.

*Passed the Legislative Council this Twenty-  
fourth day of July, One Thousand Eight  
Hundred and Fifty.*

W. L. O'HALLORAN,  
Clerk of Council.

SCHEDULE REFERRED TO.

Memorial of the name of the Chairman [or the Secretary, as the case may be] of the Benefit Building Society, Pursuant to an Ordinance Enacted by the Governor and Legislative Council of South Australia [No. 12, of 1850] to establish and regulate Benefit Building Societies, and to provide for the management and security of the Funds thereof.

*Handwritten note:* \* 2/20/50  
? See S. 20.

A. B. [Chairman or Secretary, as the case may be.]

C. D. }  
E. F. } Trustees.  
G. H. }  
I. K. }

*Handwritten notes:*  
of what?  
Should be 5 trustees.  
Feb 20

L. M. of Adelaide, Gentleman, maketh Oath and saith that he was present and did see the foregoing Memorial signed by the above named Chairman [or Secretary, as the case may be] and Trustees respectively, whose names appear thereto.

L. M.

Sworn this            day of )  
                          A.D. 185    )