



1850.

No. 13.

PRIVATE ACT.

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

To Establish the South Australian Widows' Fund and General Annuity Endowment Society, and to provide for the Management and Security of the Funds thereof.

(24th July, 1850.)

WHEREAS it is desirable, for the encouragement of the South Australian Widows' Fund and General Annuity Endowment Society, which has been formed for the Insurance of Money to be paid on the Death of the Members, to their Husbands, Wives, or Children, Kindred, or Nominees, provided that no person under the age of six shall be allowed to become a Member of said Society, and that no Insurance shall be effected on the Life of any Child under Six Years of Age :

Preamble.

BE IT THEREFORE ENACTED, by the GOVERNOR OF SOUTH AUSTRALIA, with the advice and consent of the LEGISLATIVE COUNCIL thereof—THAT an Institution called the South Australian Widows' Fund and General Annuity Endowment Society be, and is hereby, established for the Receipt, Management, and Security of the Funds thereof: PROVIDED that the amount of the Sum, or value of the Benefit, to be assured by any Member to any person claiming by or through him or her by said Society, for the purpose to be certified and allowed as hereinafter mentioned, shall not exceed in the whole Two Hundred Pounds, and that this limitation shall be inserted in the Rules of said Society so established.

Establishing the South Australian Widows' Fund, and General Annuity Endowment Society.

Proviso.

II. AND

The Members may form themselves into a Society, and raise a Fund for their mutual benefit, and make Rules, &c.

II. AND BE IT ENACTED, that (subject to the provisions of a certain Ordinance No. 12, of 1850, "To Establish and Regulate Benefit Building Societies," so far as the same are Incorporated with this Ordinance in manner after mentioned,) it shall and may be lawful to and for said Society, in this Province, to raise from time to time, by Subscriptions of the several Members of said Society, or by Voluntary Contributions, a Stock or Fund for the mutual benefit of their Husbands, Wives, or Children, Kindred, or other Nominees, and to and for the several Members of said Society from time to time to assemble together, and to make, ordain, and constitute, such proper and wholesome Rules for the better government and guidance of the same, as to the major part of the Members so assembled together shall seem meet, so as such Rules shall not be repugnant to the express Provisions or Regulations of this Ordinance, and to impose and inflict such reasonable Fines and Forfeitures upon the several Members of said Society who shall offend against such Rules as shall be just and necessary for duly enforcing the same, to be respectively paid to such uses for the benefit of said Society, as said Society by said Rules shall direct, and also from time to time to alter and amend such Rules, as occasion shall require, or to annul and repeal the same, and to make new Rules in lieu thereof, under such restrictions as in the said Ordinance hereinafter mentioned is contained.

Power to alter and amend Rules.

Trustees to lay out surplus of contributions, and to bring the proceeds to account.

III. AND BE IT ENACTED, that it shall and may be lawful to and for the Trustees for the time being of said Society, and they are hereby authorised and required from time to time, by and with the consent of said Society, to be had and testified in such manner as shall be directed by the General Rules of said Society, to lay out or dispose of such part of all such sums of money as shall at any time be collected, given, or paid to and for the beneficial ends, intents, and purposes of said Society, as the exigencies of said Society shall not call for the immediate application or expenditure of, either on real or heritable securities, or heritable property, to be approved of as aforesaid (such securities to be taken in the name of the said Trustees for the time being), and from time to time, with such consent as aforesaid, to alter and transfer such securities and funds, and to make sale thereof respectively, and that all the dividends, interest, and proceeds, which shall from time to time arise from the moneys so laid out or invested as aforesaid, shall from time to time be brought to account by such Trustees, and shall be applied to and for the use of the said Society according to the Rules thereof.

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

IV. 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 said Society, shall be vested in the Trustees

Trustees of said Society for the time being, for the use and benefit of said Society, and the respective Members thereof, their Nominees, 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 said 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, or Claim aforesaid of said 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 said Society.

V. AND BE IT ENACTED, that on the Trial of any Action, Indictment, or other Proceeding, respecting the Property of said Society, or in any Proceedings before the Supreme Court, or any other jurisdiction in this Province, any member of said 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.

VI. AND BE IT ENACTED, that a Minor may become a Member of said Society, and shall be empowered to execute all Instruments, give all necessary Acquittances, and enjoy all the Privileges, and be liable

Minors after the age
of six years may be
Members and have
legal authority.

No insurance to be effected on life of minor, under six years of age.

liable to all the Responsibility appertaining to Members of matured age, notwithstanding his or her incapacity or disability in Law to act for himself or herself: PROVIDED ALWAYS, that such Minor be admitted into said Society by and with the consent of his or her Parents, Masters, or Guardians, and that no Minor under the age of Six Years shall be allowed to become a Member of said Society, and that no Insurance shall be effected in the said Society on the life of any Minor under Six Years of age.

Limitation of responsibility of Treasurer or Trustees, &c.

VII. AND BE IT ENACTED, that the Treasurer or Trustees, or any other Officer of said Society, shall not be liable to make good any deficiency which may arise in the Funds of said 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 and Property actually received by him or them on account of, or to and for the use of, the said Society.

Liable for property actually received.

Provisions of Ordinance to establish and regulate Benefit Building Societies, No. 12, 1850, extended to this Ordinance.

VIII. AND BE IT ENACTED, that all the provisions of a certain Ordinance, No. 12, 1850, intituled "An Ordinance to establish and regulate Benefit Building Societies," may be applicable to the purposes of the said Society, and to the forming, confirming, enrolling, and altering the rules thereof, and shall extend and apply to the said Society in such and the same manner as if the provisions of the said Ordinance had been herein expressly re-enacted.

Funds not to be invested in Savings' Bank.

IX. PROVIDED ALWAYS, AND BE IT ENACTED, that nothing herein contained shall authorise the Society to invest its Funds, or any part thereof, in any Savings' Bank.

Saving rights of Crown, &c.

X. PROVIDED ALWAYS, AND BE IT ENACTED, that nothing herein contained shall be deemed to affect any Right, Title, or Interest, of Her Majesty, her Heirs or Successors, or of any Body Politic, or Corporate, or of any other person, save and except such as are mentioned herein, and those claiming by, from, through, and under them.

Commencement of Ordinance.

XI. AND BE IT ENACTED, that this Ordinance shall not commence or take effect until the same shall have received the Royal Approbation, and the notification of such approbation shall have been made by the Governor in the *South Australian Government Gazette*.

XII. AND

XII. AND BE IT ENACTED, that as soon as this Ordinance shall have received the Royal Approbation, and the notification thereof shall have been made as aforesaid, 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. Ordinance to be deemed a Public Act.

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.