

Friendly Societies Bill.

This PUBLIC BILL originated in the LEGISLATIVE COUNCIL and having this day passed is now ready for presentation to the HOUSE OF REPRESENTATIVES for their concurrence.

*Legislative Council Chamber,
New Zealand, 8th August, 1867.*

Clause 1 end of line 2 read "first" Line 3 between "of" and "one" read "November" At the end of line 3 read "seven."

Clause 9 Sub-Section 1 at the end of line 3 read "or" and in line 4 erase the words "or kindred."

A BILL INTITLED

AN ACT to consolidate and amend the Law relating to Friendly Societies. Title.

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled and by the authority of the same as follows—

1. The Short Title of this Act shall be "The Friendly Societies Act 1867" and it shall commence and come into operation on the Short Title.

5 day of one thousand eight hundred and sixty-

2. The word "Society" in this Act shall mean a Society established under the repealed Act or under this Act and shall include any branch of any such Society by whatever name designated and the expression "Colonial Secretary" shall include the Minister for the time being Interpretation.

10 acting as or for the Colonial Secretary and the expression "Committee of Management" shall mean the body of persons appointed to manage and direct the affairs of the Society by whatever name such body may be called and the word "Secretary" shall mean the officer appointed by the Society to act in that capacity or the clerk or person who keeps

15 the books and accounts of the Society.

3. The "Friendly Societies Act 1856" shall upon the commencement of this Act be repealed save and except as to any offences committed or penalties or liabilities incurred or bond or security given or proceedings taken under the same before the commencement Act repealed.

20 of this Act.

4. Notwithstanding the repeal of the said Act every Friendly Society subsisting at the commencement of this Act which theretofore had been formed and established under the said Act shall still be deemed to be and shall continue to be a subsisting Society as fully Societies under former Act to continue.

25 as if this Act had not been made unless and until such Society shall be dissolved or united with some other Society as hereinafter mentioned.

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Their rules to continue in force and transcripts to be sent to registrar.

5. The rules of every such subsisting Society formed and established which shall have been confirmed registered or certified under the said Act at the time of the commencement of this Act shall be deemed valid and in force until the same shall be altered or rescinded as hereinafter mentioned and all transcripts or copies of any such rules which are now filed with any Registrar or Deputy-Registrar of the Supreme Court shall be taken off the file and shall be transmitted on or before the first day of January one thousand eight hundred and sixty-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 Governor in that behalf. 5 10

All their contracts and all bonds &c. to them to continue in force.

6. All contracts and engagements by or with any of the said Societies at the commencement of this Act valid and in force and all bonds and securities theretofore given by any trustee treasurer or other officer of any such Society shall continue and be valid and in force notwithstanding the repeal of the said Act. 15

Their exemptions powers and privileges under this Act.

7. All such Societies subsisting at the commencement of this Act whose rules have theretofore been registered under the said Act shall so long as they shall not thereafter effect an assurance to any member thereof or other person of any sum exceeding two hundred pounds or of any annuity exceeding thirty pounds per annum nor any sum in sickness exceeding twenty-one shillings per week enjoy all the exemptions and privileges by this Act conferred on Societies to be established under the provisions of this Act as fully as if they had been registered and certified under this Act as hereinafter mentioned. 20 25

Registrar.

Registrar how and by whom appointed.

8. The Governor may appoint for the purposes of this Act a Registrar of Friendly Societies who shall hold his office during the pleasure of the Governor and upon the death resignation or removal of any such registrar the Governor shall appoint another to the said office and the Governor may appoint an office to be the place of registration for the purposes of this Act and until such appointments shall be made the Colonial Secretary shall be the Registrar of Friendly Societies and the Colonial Secretary's Office the place of registration and until otherwise provided no fees shall be charged by the registrar for any act required to be done by him under this Act. 30 35

Societies how and for what purposes formed.

9. It shall be lawful for any number of persons to form and establish a Friendly Society under the provisions of this Act for the purpose of raising by voluntary subscriptions of the members thereof with or without the aid of donations a fund for any of the following objects that is to say— 40

- (1.) For insuring a sum of money to be paid on the birth of a member's child or on the death of a member or for defraying the expense of the burial of a member or of the husband wife child or kindred of a member subject always to the restrictions hereinafter enacted in that behalf 45
- (2.) For the relief or maintenance of the members their husbands wives children brothers or sisters nephews or nieces in infancy old age sickness or widowhood or the endowment of members or nominees of members at any age
- (3.) For insuring or making good any loss or damage of live or dead stock goods or stock-in-trade implements and tools sustained by any member by fire flood shipwreck or any contingency of which the probability may be calculated by way of average 50
- (4.) For the frugal investment of the savings of the members for the better enabling them to purchase food firing clothes or other necessaries or the tools implements or materials of their trade or calling or to provide for the education 55

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of their children or kindred Provided that the shares in any such Society shall not be transferable and that the investment of each member shall accumulate or be employed for the sole benefit of the member investing or of the husband wife children brothers or sisters nephews or nieces of such member and that no part thereof shall be appropriated to the relief maintenance or endowment of any other person whomsoever and that the whole amount of the balance due according to the rules of such Society to such member shall be paid to him or her on withdrawing from such Society

(5.) For any purpose which shall be authorized by the Colonial Secretary or the person for the time being acting for the Colonial Secretary as a purpose to which the powers and facilities of this Act ought to be extended

Provided that no member shall subscribe or contract for an annuity exceeding thirty pounds per annum or a sum payable on death or on any other contingency exceeding two hundred pounds nor a sum in sickness exceeding twenty-one shillings per week and if such persons so intending to form and establish such Society shall transmit the rules for the government guidance and regulation of the same when certified by the revising barrister hereinafter mentioned to the registrar aforesaid and shall obtain his certificate that the same are registered in conformity with law as hereinafter mentioned then the said Society shall be deemed to be fully formed and established from the date of the said registrar's certificate.

10. In any Society established under this Act or the said repealed Act in which a sum of money may be insured payable on the death of a child under the age of ten years for the the funeral expenses of such child it shall not be lawful to pay any sum so insured unless the person who shall apply for such payment shall produce a certificate signed by a legally qualified medical practitioner stating the probable cause of death of such child except in cases where from the nature of the circumstances such certificate cannot be obtained and if any trustee or officer of such Society upon an insurance of a sum payable on the death of any child under the age of ten years shall knowingly pay a sum which shall raise the whole amount receivable from one or more than one Society for the funeral expenses of a child under the age of five years to a sum exceeding six pounds or of a child between the ages of five and ten years to a sum exceeding ten pounds or shall pay any sum without endorsing the amount thereof on the back or at the foot of the medical certificate aforesaid or if any parent or other person who shall apply for such payment to more than one Society shall produce to the trustees or officers of one Society any other or different certificate than that which he shall have produced to the trustees or officers of any other Society such trustee officer parent or other person shall be liable to a penalty not exceeding five pounds for every such act upon summary conviction before any two Justices of the Peace and in such cases as aforesaid it shall be for the Justices to decide whether from the nature of the circumstances such original certificate could not be produced.

11. The Act of the thirty-ninth of George the Third chapter seventy-nine and the Act of the fifty-seventh of George the Third chapter nineteen shall not extend to any Society established under this Act or the Act hereby repealed or to any meeting of the members or officers thereof in which Society or at which meeting no business whatever is transacted other than that which directly and immediately relates to the objects of the Society as declared in the rules thereof and set forth

No money to be paid on the death of a child without a certificate signed by a medical practitioner.

Statutes as to unlawful oaths not to extend to Societies under this Act or the repealed Act.

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in the certified copy thereof Provided that the trustees or other officers of the Society when required under the hands of two Justices of the Peace shall give full information to such Justices of the nature objects proceedings and practices of such Society and in default thereof the provisions of the Acts in this section mentioned shall be in force in 5 respect of such Society.

Rules to be made.

12. Before any Friendly Society shall be established under this Act the persons intending to establish the same shall agree upon and frame a set of rules for the regulation government and management of such Society and in such rules they may amongst other things make 10 provision for appointing a general committee of management of such Society and delegating to such committee all or any of the powers given by this Act to the members of Friendly Societies formed or established under or by virtue of the same and such rules shall set forth—

- (1.) The name of the Society and place of meeting for the 15 business of the Society
- (2.) The whole of the objects for which the Society is to be established the purposes for which the funds thereof shall be applicable and the conditions under which any member or party claiming under or by any member may become 20 entitled to any benefit assured thereby and the fines and forfeitures to be imposed on any member of such Society
- (3.) The manner of making altering amending and rescinding rules
- (4.) A provision for the appointment and removal of a general 25 committee of management of a trustee or trustees treasurer and other officers
- (5.) A provision for the investment of the funds and for an annual or periodical audit of accounts
- (6.) The manner in which disputes between the Society and any 30 of its members or any person claiming by or through any member or under the rules shall be settled

And the rules of every such Society shall provide that all moneys received or paid on account of each and every particular fund or benefit assured to the members thereof their husbands wives children 35 fathers mothers brothers or sisters nephews or nieces for which a separate table of contributions payable shall have been adopted shall be entered in a separate account distinct from the moneys received and paid on account of any other benefit or fund and also that a contribution shall be made to defray the necessary expenses of 40 management and a separate account shall be kept of such contributions and expenses.

Revising barrister.

13. It shall be lawful for the Governor by warrant under his hand from time to time to appoint in and for each of the Provinces in New Zealand or in and for any district or districts to be defined by him in 45 such warrant a barrister or solicitor of the Supreme Court practising as a barrister herein called "the revising barrister" to peruse the rules and alterations and amendments of rules of such Societies and it shall also be lawful for the Governor from time to time as he shall think fit to remove such officer and appoint another in his place. 50

Revising barrister to certify rules.

14. Two printed or written copies of all rules and tables adopted by such Society together with the name and residence of every trustee thereof signed by three members and countersigned by the secretary or other officer of the Society with all convenient speed after the same shall be made shall be transmitted to the revising barrister appointed for 55 the Province or District in which the place of business of such Society or branch is or is to be And if it shall appear to such barrister that the objects of the said society or any of them or any of the said

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rules are repugnant to or inconsistent with this Act or any of the laws in force in New Zealand or that any of the requirements of this Act have not been complied with it shall be the duty of such barrister forthwith to notify the same in writing such notice to be directed to the secretary of the Society and to be sent to their place of business and such notice shall specify in what particulars the said rules or other matter are repugnant to or inconsistent with this Act or the laws of New Zealand and it shall thereupon be competent for such secretary to transmit any amended rules duly signed as aforesaid or to comply if possible with any of the requirements of this Act previously omitted If upon such examination and perusal such rules and regulations or any amendments thereof as aforesaid shall appear to such barrister to be consistent with the provisions of this Act and the laws in force in New Zealand and that the requirements of this Act have otherwise been complied with he shall forthwith after the said rules shall have been lodged with him certify thereon to the effect according to the form set forth in the Schedule hereto and shall transmit one transcript to the registrar and the other transcript to the secretary of the Society and on such rules so certified being lodged with the registrar he shall forthwith register the same and cause a notice to be published in the *New Zealand Gazette* to that effect and from and after such publication the society to which such rules and regulations relate shall be deemed completely registered and to be established under this Act and the registrar shall keep the copy of rules so transmitted to him amongst the records of his office.

15. For every such certificate of rules of any Friendly Society a fee of two guineas shall be paid by the Society to the said revising barrister so certifying and for every such certificate of rules of any branch of such Society a fee of one guinea and for every certificate of amendment repeal or alteration of rules of any Society or branch a fee of one guinea shall be paid and such fees shall be paid at the time of the transmission of the copies of rules or alterations of rules and until payment of such fees the revising barrister shall not be compelled to do any act matter or thing herein required of him.

Fees.

16. It shall not be lawful for the said registrar to register the rules of any Society assuring to any member thereof a certain annuity or certain superannuation deferred or immediate or any sum or sums payable as endowment or in case of sickness or death or other object provided for by this Act which is susceptible of calculation by way of average unless the tables of contributions payable for such kind of assurance shall have been certified by some actuary of some Life Assurance Company established in New Zealand nominated by the registrar or by some other person nominated by the registrar and such certificate be transmitted to the registrar together with a copy of the rules aforesaid.

Tables of contributions payable for certain kinds of assurance to be certified by actuary.

17. After the rules of a Friendly Society shall have been so registered by the registrar as aforesaid it shall be lawful for such Society by resolution at a meeting specially called for that purpose to alter amend or rescind the same or any of them or to make new rules and it shall be lawful for any Friendly Society formed and established under the said repealed Act to alter amend or rescind the rules by which their Society is governed regulated or managed or to make new rules Provided always that two copies of the proposed alterations or amendments and of such new rules signed by three members of such Society and the secretary or other officer shall be transmitted to the revising barrister for the Province or district in which the place of business of such Society shall be situated to one of which shall be attached a declaration by the secretary or one of the officers of such Society that in making the same the rules of such Society respecting

Alteration of rules.

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the making altering amending and rescinding rules or the directions of the Act under which such Society was established have been duly complied with and if the said revising barrister shall find that such alterations amendments or new rules are in conformity with law he shall certify and transmit to the registrar one copy thereof and the other copy to the secretary of the Society and the registrar shall register the same copy sent to him and shall keep it with the rules of such Society in his custody and all rules and alterations and amendments of rules when so certified and registered as aforesaid shall be binding on the several members of the said Society and all persons claiming on account of a member or under the said rules but unless and until the same shall be so certified and registered as aforesaid such rules alterations and amendments shall have no force or validity whatsoever.

Notice to registrar of change of place of business.

18. Whenever any Friendly Society established under this Act or the Act hereby repealed shall change its place of business notice of such change under the hands of two of the trustees or three members and secretary or other officer shall within thirty days thereafter be sent to the said registrar.

Treasurer to give security.

19. The treasurer of every such Society and every treasurer hereafter appointed in any Society established under the repealed Act or any other officer who is required by the rules to give security shall before he take upon himself the execution of his office become bound with one sufficient surety in a bond according to the form set forth in the second Schedule to this Act or give the security of a Guarantee Society established or having an officer or agent in New Zealand in such penal sum as the Society or the committee of management shall direct and appoint conditioned for the just and faithful execution of his said office of treasurer and for rendering a just and true account of all moneys received or paid by him on account of the said Society at such times as the rules of the said Society shall direct and appoint and at such times as he shall be required so to do by the trustee or trustees of the said Society or by a majority of the said committee of management or by a majority of the members present at any meeting of such Society and every such bond or other security shall be given to the trustee or trustees of the said Society for the time being and if the same shall at any time become forfeited it shall be lawful for such trustee or trustees for the time being to sue upon such bond or other security for the use of such Society.

Trustees how appointed.

20. Every Friendly Society established under this Act shall at some meeting of its members and by a resolution of a majority of the members then present nominate and appoint one or more person or persons to be trustee or trustees for the said Society and the like in the case of any vacancy in the said office and a copy of the resolution so appointing such person or persons to the office of trustee and signed by such trustee or trustees and by the secretary of the said Society shall be sent to the registrar to be by him deposited with the rules of the said Society in his custody. Provided always that where no trustee shall have been appointed in any Society established under the said repealed Act the treasurer thereof or other person who has custody of the moneys of such Society shall be taken to be a trustee within the meaning of this Act.

Funds how invested.

21. The trustee or trustees of every Friendly Society established under this Act or the said repealed Act shall from time to time with the consent of the committee of management of such Society or of a majority of the members of such Society present at a general or special meeting thereof or in accordance with the rules of such Society invest the funds of such Society or any part thereof to any amount in any savings bank or in any debentures bonds or treasury bills issued

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under any Act of the General Assembly or in such other security as the rules of such Society may direct not being the purchase of house or land (save and except the purchase of buildings wherein to hold the meetings or transact the business of such Society as hereinafter
 5 provided) and not being the purchase of shares in any joint stock company or other company with or without charter of incorporation and not being personal security except in the case of a member of one full year's standing at least and in respect of a sum not exceeding one-half the amount of his assurance on life such member providing the
 10 written security of himself and two satisfactory sureties for repayment and in case of such member's death before repayment the amount of such advance with interest may be deducted from the sum so assured without prejudice in the meantime to the operation of such security.

22. It shall be lawful for the trustee or trustees for the time being
 15 of any Friendly Society formed and established under this Act or under the Act hereby repealed with the consent of a majority of the members thereof present at a special or general meeting of the Society to purchase build hire or take upon lease any building for the purpose of holding such meetings and to adapt and furnish the same
 20 and to purchase or hold upon lease any land not exceeding one acre for the said purpose of erecting thereon a building for holding the meetings of the Society and such trustee or trustees shall thereupon hold the same in trust for the use of such Society and with the like consent as aforesaid such trustee or trustees may mortgage sell
 25 exchange or let such building or any part thereof and the receipt in writing of such trustee or one of such trustees for the time being shall be a legal discharge for the money arising from such mortgage sale exchange or letting and no mortgagee purchaser tenant or assignee shall be bound to inquire into or ascertain or prove the consent
 30 aforesaid to verify his title Provided always that any building purchased or appropriated for the purpose aforesaid already belonging to or in the possession of any Friendly Society heretofore formed and established under the said repealed Act may be holden and dealt with as if it had been acquired under this Act and the land
 35 or buildings which may be vested in the treasurer trustee or other officer thereof for the time being shall thereupon vest in the trustee or trustee for the time being of such Society for the same estate and interest as the said treasurer trustee or other officer may have therein without any conveyance or assignment whatever Provided nevertheless
 40 that all money spent in purchasing building hiring or taking upon lease any building for the purpose of holding such meetings and in adapting and furnishing the same be raised according to the rules of the Society on such behalf inserted.

23. All real and personal estate whatsoever belonging to any such
 45 Society established under this Act or the Act hereby repealed shall be vested in such trustee or trustees for the time being for the use and benefit of such Society and the members thereof and the real or personal estate of any branch of a Society shall be vested in the trustees of such branch and be under the control of such trustee
 50 or trustees their respective executors or administrators according to their respective claims and interest and upon the death or removal of any such trustee or trustees the same 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
 55 without any conveyance or assignment whatsoever and in all actions or suits or indictments or summary proceedings before magistrates touching or concerning any such property the same shall be stated to be the property of the person or persons for the time being holding

Buildings for the purpose may be purchased or leased.

Property of the Society vested in the Trustees.

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the said office of trustee in his or their proper name or names as trustees of such Society without any further description.

Action &c. by or
against them.

24. The trustee or trustees of any such Society are hereby authorized to bring or defend or cause to be brought or defended any action suit or prosecution in any Court of law touching or concerning the property right or claim to property of the Society for which he or they are such trustee or trustees as aforesaid and such trustee or trustees shall and may in all cases concerning the real or personal property of such Society sue and be sued plead and be impleaded in any Court of law in his or their proper name or names as trustee or trustees of such Society without other description and no such action suit or prosecution shall be discontinued or shall abate by the death of such person or his removal from the office of trustee but the same shall and may be proceeded in by or against the succeeding trustee or trustees as if such death or removal had not taken place and such succeeding trustee or trustees shall pay or receive the like costs as if the action or suit or prosecution had been commenced in his or their name or names for the benefit of or to be reimbursed from the funds of such Society.

Treasurer to account.

25. Every such treasurer or other officer whether appointed before or after the passing of this Act and whether of a Society established under this Act or the said repealed Act at such times as by the rules of such Society he should render such account as in the eighteenth section of this Act aforesaid or upon being required so to do by the trustee or trustees of such Society or by a majority of the said committee of management or by a majority of the members present at a meeting of the said Society as aforesaid within seven days after such requisition shall render to the trustee or trustees of the Society or to the said committee of management or to the members of such society at a meeting of the society a just and true account of all moneys received and paid by him since he last rendered the like account and of the balance then remaining in his hands and of all bonds or securities of such Society which account the said trustee or trustees or committee of management shall cause to be audited by some fit and proper person or persons by them to be appointed and such treasurer if thereunto required upon the said account being audited shall forthwith hand over to the said trustee or trustees the balance which on such audit shall appear to be due from him and shall also if required hand over to such trustee or trustees all securities and effects books papers and property of the said Society in his hands or custody and if he fail to do so the trustee or trustees of the said society may sue upon the bond aforesaid or may sue such treasurer in any Resident Magistrate's Court or District Court or in the Supreme Court for the balance appearing to have been due from him upon the account last rendered by him and for all the moneys since received by him on account of the said Society and for the securities and effects books papers and property in his hands or custody leaving him to set off in such action the sums if any which he may have since paid on account of the said Society and in such action the said trustee or trustees shall be entitled to recover their full costs of suit to be taxed as between solicitor and client.

Limitation of his
responsibility.

26. No trustee or trustees of any Society established under this Act or the said repealed Act shall be liable to make good any deficiency which may arise or happen in the funds of such Society but shall be liable only for the moneys which shall be actually received by him on account of such Society.

When trustees shall
be absent District
Court may order

27. Whenever it shall happen that any person in whose name any part of the funds debentures or other securities of any Friendly Society

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established under this Act or the Act hereby repealed is or shall be standing as a trustee or treasurer of any such Society or branch shall be out of the said Colony or shall have been removed from his office of trustee or treasurer or shall be an insolvent or lunatic or it shall be unknown whether such trustee is living or dead it shall be lawful for the District Court of the district within which the usual place of business of the Society is situate or if such place of business is not within a district in which a District Court has jurisdiction then the Resident Magistrate's Court of the district within which such place of business is situate upon the application of any duly appointed trustee or trustees of such Society or branch to appoint a person or persons in the room of the person or persons so out of the Colony or removed from his office or insolvent or lunatic to transfer such funds or securities standing as aforesaid to and into the name of the duly appointed trustee or trustees or treasurer and also to pay over to such person or persons as aforesaid the dividends of such funds debentures or other securities and whenever it shall happen that one or more only and not all or both of such trustees as aforesaid shall be so absent or have been removed or be an insolvent or lunatic or it be unknown whether one or more of such trustees be living or dead it shall be lawful for the said Courts respectively to direct that the other and others of such trustees do transfer such funds or other securities to or into the name of such person so appointed trustee as aforesaid jointly with the continuing trustees (if any) and also receive and pay over the dividends of such funds and other securities as such Society shall direct.

stock to be transferred and dividends paid.

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

Act to be an indemnity.

29. Every dispute between any member or members of any Society established under this Act or the Act hereby repealed or the executors administrators nominees or assigns of a member or any person claiming through or under a member or under the rules of such Society and the trustee treasurer or other officer or the committee thereof shall be decided in manner directed by the rules of such Society and the decision so made shall be binding and conclusive on all parties without appeal.

As to the determination of disputes according to the rules.

30. If either of the parties shall neglect or refuse to comply with or conform to any decision made in manner directed by the rules of the Society or where from any cause whatever no decision shall be made within forty days after complaint made by any such member or person to the secretary of the Society or if the rules of any Society established under this Act or the repealed Act shall direct disputes to be referred to Justices then any Justice of the Peace upon complaint made by any member his executors administrators nominee or assigns or by any person claiming under the rules of the Society of any matter in dispute between him or them and the Society to summon the person against whom such complaint is made to appear at a time and place to be named in such summons and any two Justices present at the time and place mentioned in such summons shall proceed to hear and determine the said complaint which complaint shall be heard and determined in manner directed by "The Justices of the Peace Act 1866" and such Justices may make such order thereupon either for the payment of money or otherwise together with costs not exceeding twenty shillings as they shall think fit and if such decision or order shall direct any

Disputes to be settled by Justices if rules so direct.

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expelled member to be reinstated it may also direct a sum of money to be paid to such member in default of reinstatement and wherever the order made shall be for the doing of some act other than the payment of money the said Justices may order the payment of a sum of money in default of the doing of such act and if the sum of money awarded or the costs directed to be paid shall not be immediately paid then such Justices shall by warrant under their hands cause the same to be levied by distress and sale of the property of the party or Society making default and any moneys which shall be paid by any officer of the Society or levied on his property under any order or warrant of the Justices shall be repaid with all damages accruing to him by the Society by and out of any moneys belonging to the Society or out of the first moneys which shall thereafter be received by such Society and no such sentence decision order or adjudication of any such Justices shall be subject to appeal.

In what cases by a District Court or Resident Magistrate's Court.

31. In all Friendly Societies established under this Act or the said repealed Act all applications for the removal of any trustee or for any other relief order or direction or for the settlement of disputes that may arise or may have arisen in any Society the rules of which do not prescribe any other mode of settling such disputes shall be made to the District Court of the district within which the principal or usual place of business of the Society is or if such place of business be not within a district in which any District Court has jurisdiction then such application shall be made to the Resident Magistrate's Court of or for the district within which the usual or principal place of business of the Society shall be situate and such District Court or Resident Magistrate's Court shall upon the application of any person interested in the matter entertain such application and give such relief and make such orders and directions in relation to the matter of such application as hereinafter mentioned or as may now be given or made by the Supreme Court in its ordinary jurisdiction and the decision of such Resident Magistrate's Court or District Court upon and in relation to such application as aforesaid shall not be subject to any appeal.

Order of Resident Magistrate's Court or District Court how enforced.

32. In all cases where the order of such District Court or Resident Magistrate's Court shall be for the payment of money the same may be enforced in the same manner as the ordinary judgments or orders of such Courts are enforced but where the order of any such Court shall be for the doing of some act not being for the payment of money it shall be lawful for the Court to order the party to do such act or that in default of his doing it he shall pay a certain sum of money and in case he refuse or neglect to do the act required upon demand in that behalf the sum of money or penalty in the said order may then be recovered in the same manner as a judgment or order for debt or damages in such Courts respectively.

Punishment of fraud in withholding money &c.

33. If any officer member or other person being or representing himself to be a member of such Society or the nominee executor administrator or assignee of a member thereof or any person whatsoever by false representation or imposition shall obtain possession of any moneys securities books papers or other effects of such Society 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 any part thereof it shall be lawful for any Justice of the Peace upon complaint made by the registrar or any other person on behalf of such Society to summon the person against whom such complaint is made to appear at a time and place to be named in such summons and any two Justices present at the time and place mentioned in such summons

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shall proceed to hear and determine the said complaint in manner directed by "The Justices of the Peace Act 1866" and if the said Justices shall determine the said complaint to be proved against such person they shall adjudge and order him to deliver up all such moneys securities books papers or other effects to the Society or to repay the amount of money applied improperly and to pay if they think fit a further sum of money not exceeding twenty pounds together with costs not exceeding twenty shillings and in default of such delivery of effects or repayment of such amount of money or payment of such penalty and costs aforesaid the said Justices may order the said person so convicted to be imprisoned in any public gaol with or without hard labour for any time not exceeding three months Provided that nothing herein contained shall prevent the said Society from proceeding by indictment against the said party 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.

34. It shall be lawful for any two or more Societies established under this Act or the Act hereby repealed to unite and become incorporated in one Society with or without any dissolution or division of the funds of such Societies or either of them or a Society formed and established under this Act or the said repealed Act may transfer its engagements to any other Friendly Society if any other such Society shall undertake to fulfil the engagements of such Society upon such terms as shall be agreed upon by the major part of the trustees and also of the committee of management of both Societies or the majority of the members of each of such Societies at a general meeting convened for the purpose.

Societies may unite or one society may transfer its engagements to another.

35. A person under the age of twenty-one years may be elected or admitted as a member of any Society established under this Act or the Act hereby repealed the rules of which do not prohibit such election and may and he 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 of director trustee treasurer or manager of such Society.

Minors may be admitted members.

36. Any Friendly Society may with the approval in writing of the registrar change its name but no such change shall affect any rights or obligations of the Society or any member thereof and any legal proceedings may be continued or commenced by or against the trustees of the Society or any officer or the committee thereof by and notwithstanding its new name.

Society may change its name.

37. The members of any Society established under this Act or the said repealed Act may at some meeting thereof to be specially called in that behalf dissolve or determine the same by consent but no such Society shall except as hereinafter provided be dissolved or determined without obtaining the votes of consent of five-sixths in value of the then existing members thereof including the honorary members if any to be ascertained in manner hereinafter mentioned nor without the consent of all persons if any then receiving or then entitled to receive any relief annuity or other benefit from the funds thereof to be testified under their hands individually and respectively unless the claim of every such person be first duly satisfied or adequate provision made for satisfying such claim and for the purpose of ascertaining the votes of such five-sixths in value of the numbers as aforesaid every member shall be entitled to one vote and an additional vote for every five years that he may have been a member but no one member shall have more than five votes in the whole and the intended appropriation or division

Societies how dissolved.

Friendly Societies.

of the funds or other property may be stated in the agreement for dissolution and the agreement for such dissolution duly signed as aforesaid accompanied with a statutory declaration by one of the trustees or by three members and the secretary taken before a Justice of the Peace that the provisions of this Act have been complied with shall be forthwith transmitted to the registrar to be by him deposited with the rules of the Society and such agreement shall thereupon be an effectual discharge to the trustees treasurers and other officers of such Society and shall operate as a release from all the members of the Society to such trustees treasurers and other officers and except as hereinafter is provided it shall not be lawful in any Society to direct a division or appropriation of any part of the stock thereof except for the purpose of carrying into effect the general interests and objects declared in the rules as originally certified and registered unless the claim of every member is first duly satisfied or adequate provision be made for satisfying such claims and in case any member of such Society shall be dissatisfied with such provision it shall be lawful for him or her to apply to the District Court of the district within which the usual place of business of such Society is or if such place of business is not within a district in which any District Court has jurisdiction then to apply to the Resident Magistrate's Court of or for the district within which the usual place of business of the Society is situated for relief or other order and such Courts respectively shall have the same powers to entertain such application and to make such order or direction in relation thereto as they may think the justice of the case may require as herein is enacted with respect to the settlement of disputes and in the event of the dissolution or determination of any Society or the division or appropriation of the funds thereof except in manner herein provided any trustee or other officer or person aiding or abetting therein shall on conviction thereof by two Justices be committed to any public gaol there to be kept to hard labour for any term not exceeding three calendar months as to such Justices shall seem meet.

In case of dissolution the agreement may refer the division of the funds to the award of the revising barrister.

38. In case of the dissolution of a Society according to the provisions of the last section of this Act it shall not be necessary to state in the agreement the intended appropriation or division of the funds or other property but it shall be lawful to the members if they shall think fit to refer such appropriation or division to the award of the revising barrister for the province or district in which the place of business or principal place of business of such Society is and in case application shall be made in writing by the members of a Society not being less in number than five-eighths of the whole body thereof setting forth that the funds of such Society are insufficient to meet the claims thereon with the grounds upon which such insufficiency can be proved it shall be lawful for such revising barrister to investigate the same and if upon such investigation he shall find that the said Society is in an insolvent condition and that it would conduce to the interests of all parties concerned that the affairs of the Society should be wound up and brought to a termination he shall make an award to that effect and shall direct in what manner the funds and property of the Society shall be divided or appropriated and it shall not be necessary in such case that the provisions of the said last section in this behalf shall be complied with. Provided that previous to such investigation such revising barrister shall give not less than thirty days notice in writing to be sent by post to the trustees secretary or other officer of such Society at the place where such Society holds its meetings and before the making of the award there shall be paid by the Society to every revising barrister to whom any such reference shall be made

Friendly Societies.

a fee of five pounds and such award when made shall by the revising barrister be transmitted to the registrar.

39. Every award so made as aforesaid by such revising barrister shall be final and conclusive on all members and other persons having any claim on the funds of the said Society without appeal and shall be enforced in the same manner as by section thirty of this Act is provided for enforcing decisions made in manner directed by the rules of the Society and the expenses of such award and of publishing the notice of dissolution in the *New Zealand Gazette* shall be paid out of the funds of the Society before any appropriation thereof shall be made.

Whose award shall be final.

40. When any agreement for the dissolution of a Society authorized by section thirty-seven of this Act shall be transmitted to the registrar and when any award authorized to be made by this Act shall be made by the revising barrister notice thereof shall within twenty-one days after the same shall have been respectively transmitted be advertised by the registrar in the *New Zealand Gazette* and unless within three calendar months from the date of the *Gazette* in which such advertisement shall appear a member or other person interested in or having any claim on the funds of the Society shall commence proceedings to set aside the dissolution of the Society consequent upon such agreement or award the Society shall be considered for all intents and purposes and in all Courts of law as legally dissolved and the requisite consents to such agreement or as the case may be to the application to the revising barrister to have been duly obtained without proof of the signatures thereto.

Notice of dissolution in Government Gazette.

41. All rules and tables of any Society established under this Act or the said repealed Act and all alterations and amendments thereof and all copies thereof or extracts therefrom and all writings and documents relating to a Friendly Society and purporting to be signed by the registrar shall in the absence of any evidence to the contrary be received in evidence in all courts of law and elsewhere and without proof of the signature thereto.

Rules how received in evidence.

42. If any person shall give to any member of a Friendly Society established under this Act or under the said repealed Act or to any person intending or applying to become a member of such Society a copy of any rules or of any alterations or amendments of the same other than those respectively which have been filed with any Registrar or Deputy-Registrar of the Supreme Court or registered by the registrar under this Act under colour that the same are binding upon the members of such Society or shall make any alterations in or addition to any of the rules or tables of such Society after they have been respectively filed or registered by the registrar and shall circulate the same purporting that they have been duly enrolled filed or registered under this or the said repealed Act when they have not been so duly enrolled filed or registered every person so offending shall be guilty of a misdemeanour.

Circulating false copies of rules &c. a misdemeanour.

43. If any person already appointed or employed or hereafter to be appointed or employed to or in any office in any Friendly Society established under this Act or under the Act hereby repealed whether such appointment or employment was before or after the legal establishment of such Society having received and having in his hands or possession by virtue of his office any moneys or property whatsoever of such Society or any deeds or securities belonging to such Society shall die or become bankrupt or insolvent or have any execution or attachment or other process issued against him or any part of his property or shall make any assignment disposition assignment or other conveyance for the benefit of his creditors the heirs executors administrators or assigns of every such officer and every other person having or

Executors &c. to pay money due to society.

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claiming right to the property of such officer and the sheriff or other person executing such process shall upon demand in writing made by the treasurer or by the trustee or any two of the trustees of such Society or any person appointed at some meeting of the Society to make such demand deliver and pay over all such moneys property deeds and securities belonging to such Society to such person as such treasurer or trustees shall appoint and shall pay out of the estate assets or effects of such officer all sums of moneys due which such officer shall have so received before any other of his debts are paid and before any other claims upon him shall be satisfied and before the money directed to be levied by such process as aforesaid is paid over to the party issuing such process and all such assets lands goods chattels property estates and effects shall be bound to the payment discharge and satisfaction of such claims. 5 10

Rules &c. not liable to stamp duty.

44. No copy of rules nor any order or receipt for money contributed to or received from the funds of any Society established under this or the said repealed Act by any person liable or entitled to pay or receive the same by virtue of the rules thereof or of this Act nor any bond to be given to or on account of any such Society or by the treasurer or any officer thereof nor any draft or order nor any form of policy nor any appointment of any agent nor any certificate or other instrument for the revocation of any such appointment nor any other document whatever required or authorized by or in pursuance of this Act or the rules of any Society shall be liable to stamp duty. Provided that no exemption from any of the duties granted by any Act or Acts relating to stamp duties shall be deemed to extend to any Society which shall assure the payment of money exceeding two hundred pounds or which shall assure the payment of any money on the death of a member to any person except executors administrators or assigns of such member or the husband wife father mother child brother sister nephew or niece of such member. 15 20 25 30

Limitation of exemptions to Societies not assuring above £200.

No member to receive more than £200 or £30 a year from any number of societies.

45. If any person shall become a member of more than one Society whereby certain benefits shall accrue on account of the same kind of assurance from more than one Society it shall not be lawful for him or for any person entitled through or under him or by reason of his membership or for any number of such persons in the aggregate to receive more than two hundred pounds or in the case of annuities thirty pounds a year or a sum in sickness of twenty-one shillings per week from such Societies collectively and in any case where a person shall so as aforesaid be a member of more than one Society and he or any other person or persons shall be entitled to any benefit in gross or by way of annuity or a sum in sickness from any such Society he or (as the circumstances may require) every such other person shall before he shall receive any such benefit from any of such Societies make and sign a declaration that the total value of all benefits accruing or which shall have accrued in respect of any one kind of assurance does not exceed the value of two hundred pounds or in the case of annuities thirty pounds a year or a sum in sickness of twenty-one shillings per week and it shall be lawful for any Society to require any member or any other person who shall be entitled to any such benefit before he shall receive the same to make and sign a declaration to the same effect or that such member was not when the benefit accrued a member of any other like association and if any person shall knowingly make any false or fraudulent declaration in any such case he shall be guilty of a misdemeanour. 35 40 45 50 55

On death sum not exceeding £50 may be paid without administration.

46. When on the death of any member of a Society established under this Act or the said repealed Act a sum of money not exceeding fifty pounds shall become payable the same shall be paid by the

Friendly Societies.

- trustees of such Society to the person directed by the rules thereof or nominated by the deceased in writing deposited with the secretary (such person being the husband wife father mother child brother or sister nephew or niece of such member) and in case there shall be
- 5 no such direction or nomination or the person so nominated shall have died before the deceased member or in case the member shall have revoked such nomination then such sum shall be paid to the person who shall appear to the said trustees to be entitled under the statute of distributions to receive the same without taking out letters of administration
- 10 Provided that wherever the trustee or trustees of any such Society after the decease of any member thereof shall have paid and divided any such sum of money to or amongst any person or persons who shall at the time of such payment appear to such trustee or trustees to be entitled to the effects of any deceased member who has died intestate
- 15 without having appointed any nominee as aforesaid the payment of any such sum shall be valid and effectual with respect to any demand from any other person or persons as next of kin of such deceased member or as the lawful representative or representatives of such member against the funds of such Society or against the trustees thereof but nevertheless
- 20 such next of kin or representative shall have his or her lawful remedy for such money so paid as aforesaid against the person or persons who shall have received the same.
47. It shall be lawful for any Society established under this Act or the said repealed Act to receive any property whatsoever by gift grant
- 25 bequest devise or otherwise from any person or persons and all such property shall vest in the trustee or trustees of the said Society in trust for the use of such Society.
48. The trustees of any Friendly Society may out of the funds thereof subscribe to any hospital infirmary charitable or other provident
- 30 institution such annual or other sum as may be agreed upon by the committee of management or by a majority of the members at a meeting called for that purpose in consideration of any member of such Society his wife child or other person nominated being eligible to receive the benefits of such hospital or other institution according to the
- 35 rules thereof.
49. Any two or more Judges of the Supreme Court may make such rules for regulating the proceedings by and before District Courts and Resident Magistrates' Courts under this Act as they may think fit.
50. In the case of any Friendly Society established for any of the purposes mentioned in section nine of this Act or for any purpose which is not illegal having written or printed rules whose rules have not been registered by the registrar provided a copy of such rules shall have been deposited with the registrar every dispute between any member or members of such Society or the executors administrators
- 45 nominee or assigns of a member and the trustees treasurer or other officer or the committee of such Society shall be decided in manner hereinbefore provided with respect to disputes and the decision thereof in the case of Societies to be established under this Act and the sections in this Act provided for such decision and also the section in this Act which enacts punishment in case of fraud or imposition by an officer member or person shall be applicable to such unregistered Societies Provided always that nothing herein contained shall be construed to confer on any such Society whose rules shall not have been registered by the registrar or any of the members or officers of such Society any
- 55 of the powers exemptions or facilities of this Act save and except as in and by this section is expressly provided.
51. In any proceeding under this Act against a Society it shall be sufficient to make the secretary or other officer of the Society at the

Indemnity to trustees.

Donations may be received.

Trustees may subscribe to hospital or provident institution.

Judges of Supreme Court may make rules.

In case of societies whose rules are not certified disputes between societies and its members may be settled as provided for societies under this Act.

An officer to be proceeded against on behalf of a Society.

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time of the plaint or complaint being entered or made the defendant in such proceeding by his name and the title of the office he holds in the society and the proceedings on such plaint or complaint shall be commenced and carried on against such officer on behalf of the Society and shall not be abated or prejudiced by the death resignation or removal or by any act of such officer after the commencement thereof and the summons to be issued to such officer may be served by leaving the same at the usual place of business of the Society. 5

Returns to the registrar when and how to be made.

52. The trustees or other officer of any Friendly Society established under this Act or under the said repealed Act in whose charge the accounts of the said Society are kept shall once in every year in the months of January February or March transmit to the registrar a general statement of the funds effects and affairs of such Society during the past twelve months in the form in the third Schedule to this Act and shall also within three months after the expiration of the month of December one thousand eight hundred and sixty-seven and so again within three months after the expiration of every five years succeeding transmit to the said registrar a return of the rate or amount of sickness and mortality experienced by such Society within the preceding five years in such form as shall be prepared by the said registrar and an abstract of the same shall be laid before both Houses of the General Assembly and the registrar shall also lay before both Houses of the General Assembly every year a report of his proceedings in his office of registrar and of the principal matters transacted by Friendly Societies which have come under his cognizance during the past year and the registrar in his next annual report submitted to both Houses of the General Assembly shall set forth the particulars of every award made under the provisions of this Act which any revising barrister may have made during the preceding twelve months. 10 15 20 25 30

Penalty for not making returns to registrar.

53. If default shall be made in transmitting to the registrar before the first day of June in each year the general statement or copy of the last annual report of any Society or the returns in compliance with the provisions of section fifty-two of this Act the officer making such default shall be liable to a penalty not exceeding forty shillings to be recovered with costs at the suit of the registrar before two or more Justices in manner directed by "The Justices of the Peace Act 1866" or any Act passed for like purposes and the Justices imposing any penalty under this Act may direct the whole or any part thereof to be applied in or towards payment of the costs of the proceedings. 35 40

FIRST SCHEDULE.

FORM OF REVISING BARRISTER'S CERTIFICATE TO RULES OF FRIENDLY SOCIETIES.
I HEREBY certify that the foregoing rules [or the alterations or amendments of the rules] of the Society at in the Province of are in conformity with law and the provisions of the Friendly Societies Act.

SECOND SCHEDULE.

FORM OF BOND.

KNOW all men by these presents that we *A.B.* of Treasurer *§c.* [as the case may be] of the Society established at in the province of and *C.D.* of (as surety on behalf of the said *A.B.*) are jointly and severally held and firmly bound to *A.B.* of *C.D.* of and *E.F.* of the trustees of the said Society in the sum of to be paid to the said *A.B.* *C.D.* and *E.F.* as such trustees or their successors trustees for the time being or their certain Attorney for which payment well and truly to be made we jointly and severally bind ourselves and each of us by himself our and each of our heirs executors and administrators firmly by these presents sealed with our seals Dated the day of in the year of our Lord

Whereas the above-bounden *A.B.* hath been duly appointed Treasurer *§c.* [as the case may be] of the Society established as aforesaid and he together with the above-