

No. XXVIII.

AN ACT for the Regulation and Management of FRIENDLY SOCIETIES.
Friendly Societies in New Zealand.

[16th August, 1856.]

WHEREAS the protection and encouragement of Friendly Societies, Preamble.
for raising by voluntary subscriptions of the members thereof separate funds for the purpose of affording relief and maintenance to the members thereof in sickness old age and for other purposes of a provident and benevolent nature, is likely to be attended with very beneficial effects by promoting the happiness of individuals and at the same time diminish public burdens; and as it is expedient to give protection to such Societies and the funds thereby established, and to afford encouragement to form like Societies within the Colony of New Zealand:

BE IT THEREFORE ENACTED by the General Assembly of New Zealand as follows:—

1. It shall be lawful for any number of persons to establish a Society, or branch of the same, 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,— Objects for which Friendly Societies may be established.

- (1.) For insuring a sum of money to be paid on the death of a member to the widower or widow of a member, as the case may be, or to the child or to the executors administrators

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or

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- or assigns of such 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.
- (2.) For the relief maintenance or endowment of the members, their husbands wives children or kindred, in infancy old age sickness widowhood or any other natural state of which the probability may be calculated by way of average.
 - (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.
 - (4.) For the frugal investment of the savings of the members, for 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 of their children or kindred : Provided that the shares in any such Investment 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 or kindred 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 certified to be legal by Her Majesty's Attorney-General of the said Colony, as a purpose to which the powers and facilities of this Act ought to be extended :

Provided always that it shall not be lawful for any Society or branch established under this Act to assure the payment to or on the death of any member, or on any contingency, or for any of the purposes for which the payment of sums may be assured under this Act, of any sum exceeding one hundred pounds, nor any annuity exceeding thirty pounds per annum, nor a sum in sickness exceeding twenty-one shillings per week.

No sum to be paid on death of child except for funeral.

2. In all Societies established under the provisions of this Act, it shall not be lawful for the Trustees or other officers, or other person or persons who have the custody of the moneys of such Society, to assure a sum of money to be paid on the death of a child, whether a member of such Society or not, under the age of ten years, except the actual funeral expenses, not exceeding three pounds in case of such child, to be paid to the undertaker or person by whom the burial is conducted, and whose receipt alone shall be sufficient discharge to the Society; nor to pay any sum of money which may have been insured and become payable on the death of any member thereof, or of the husband wife or child of any member, unless the party applying for the same shall produce and deliver to the officer a certificate signed by a physician, surgeon, or apothecary, or Coroner, in the Form B set forth in the Schedule to this annexed, except in such cases where from the nature of the circumstances it is impossible to procure such certificate; and if any officer of such Society shall pay or cause to be paid such sum of money as aforesaid without such certificate as aforesaid, such officer shall be liable to a penalty not exceeding three pounds, to be recoverable before any Resident Magistrate or any two or more Justices of the Peace sitting in Sessions in the district or nearest

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nearest to the district or place where such Society or branch is established, to be paid to the Benevolent Society established in the place or nearest to where the business of such Society or branch is situated.

3. It shall be lawful for the persons intending to establish, under the provisions of this Act, a Friendly Society, or branch thereof, to make or adopt rules for the government and guidance of the same, and for the admission and guidance of members, and to make such provision in the rules as they shall think fit for ordaining repealing altering or amending any rules, and to impose reasonable fines and forfeitures on any member offending against the regulations of the same, and to form a General Committee or Board of Management, and to delegate to the same all or any of the powers given by this Act to be executed, either with respect to the management of the Society or branch, or the enactment amendment repeal or alteration of the rules thereof, and in such rules there shall be distinctly set forth,—

Power to frame rules and appoint Committee and officers.

- (1.) The name and designation of such Society or branch and place where the business thereof is carried on, the whole of the objects and intentions for which it is founded, the whole of the purposes to which the funds thereof are applicable according to the rules and tables thereof, and the conditions under which any member, or party claiming under or by a member, may become entitled to any benefit assured thereby.
- (2.) The manner of making repealing or altering rules, of appointing Trustees, Treasurer, or other person or persons who shall have the custody of the money of such Society, and an officer who shall keep the books and accounts and prepare the returns required by this Act, a General Board of Committee of Management, and the duties and powers of each.
- (3.) The mode in which the funds shall be invested.
- (4.) The manner in which disputes between the Society or branch and any member thereof, or person claiming on account or through any member, shall be settled.

4. The rules of every such Society or branch 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 or kindred, 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.

Separate account for each fund.

5. Such Society or branch shall not be deemed to be legally established under this Act, nor be entitled to any of the provisions of the same, unless the rules and every amendment of the rules or tables made from time to time shall have been duly certified as hereinafter provided.

Society or branch not legally established till rules certified.

6. Two printed or written copies of all rules and tables adopted by such Society or branch, together with the name and residence of every Trustee thereof, signed by three members and countersigned by the Clerk or Steward or other officer, with all convenient speed after the same shall be made altered or amended, and so from time to time after the making altering or amending thereof, shall be transmitted to the Attorney-General for the said Colony or to a barrister-at-law appointed by the Governor for the time being of the said Colony, for the purpose of ascertaining whether such rules or any amendment or alteration thereof are according to law; and the said Attorney-General or the said barrister so to be appointed as aforesaid is hereby required without unnecessary delay to examine the said rules, and see that the

Attorney-General or barrister to certify rules.

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said rules are framed in conformity with law, and that no rule or part thereof is repugnant to another, and that the same are reasonable and proper; and he shall give a certificate in the form set forth in Schedule A to this Act annexed, and thereupon one copy of the said rules with the said certificate annexed shall and may, within ninety days from the date of such certificate, be filed and registered by the Secretary, Treasurer, or one of the Trustees or Directors of the said Society or branch with the Registrar or Deputy Registrar of the Supreme Court for the Province in which the place of business of such Society or branch shall be held, and every such Registrar is hereby required to file and keep the said copy of the rules and certificate amongst the records of his office, and thereupon such Society or branch shall be denominated "Certified Friendly Society," and all rules alterations and amendments thereof, when certified and registered as before mentioned, shall be binding upon the several members of such Society or branch, and all persons claiming by or under them.

Fee for certificates.

7. For every such certificate of rules of any Friendly Society, a fee of two guineas shall be paid to the said Attorney-General or barrister so certifying, and for every 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.

Treasurer to give bond.

8. Every Treasurer or other person who has the custody of the money of any Society or branch established under the provisions of this Act, before he shall be admitted to take upon him the execution of any such office shall become bound in a bond according to the form set forth in the Schedule C to this Act annexed, with two sufficient sureties, for the just and faithful execution of such office, and for rendering a just and true account according to the rules of such Society or branch, and at such times as he shall be required so to do by a Trustee or Trustees of the said Society, or by a majority of the members present at any meeting of such Society, in such penal sum of money as by the Trustees or Board of Management shall be deemed expedient, and every such bond to be given by or on behalf of such officer shall be given to the Trustees of the said Society or branch for the time being, and in case of forfeiture it shall be lawful to sue upon such bond in the name of the Trustees for the time being for the use of the said Society or branch.

Trustees &c. to invest funds.

9. The Trustees or Treasurer or other person who has the custody of the money for the time being of any such Society or branch shall, and they are hereby required, from time to time, by and with the consent of such Society or branch, to be had and testified in such manner as the rules shall direct, to lay out and invest such part of all sums of money as shall at any time be collected given or paid to and for the purposes of such Society as may not be wanted for the immediate use thereof, or to meet the usual accruing liabilities of such branch or society, in the names of such Trustees in any Savings Banks, subject to the provisions of Acts in force relating to the same, or in any public funds, or at interest upon Government securities, or on mortgage of freehold or leasehold property,—such leasehold being for a term of years absolute, of which not less than twenty years shall be unexpired,—or in or upon the security of any Government stocks funds or debentures, or any rates authorized to be levied and mortgaged by any act of the General Assembly, or on any loan to any member of any such Society on the security of any policy of assurance effected on his own life, provided that the amount of such loan shall not exceed the actual estimated value of such policy at the time such loan be made; and from time to time, with such consent as aforesaid, to
alter

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alter and transfer such securities and funds and to make sale thereof respectively, and all dividends interest and proceeds which shall from time to time arise from the moneys so laid out or invested as aforesaid shall be brought to account by such Trustees, and shall be applied to and for the use of such Society or branch according to the rules thereof: Provided always that it shall be lawful for the Trustees or Treasurer as aforesaid, with the consent of such Society or branch as aforesaid, to purchase hire or take upon lease any room or premises for the purpose of holding therein the meetings of such Society or branch, or for the transaction of business relating thereto, and to hold the same in trust and for the use of such Society or branch, and to sell exchange let and demise the same, in whole or in part, with such consent as aforesaid.

10. All hereditaments moneys goods chattels and effects whatever, and all titles securities for money or other obligatory instruments and evidences or muniments, and all rights or claims belonging to or had by such Society or branch, shall be vested in the Trustees or Trustee for the time being of the same for the use and benefit of such Society or branch and the respective members thereof, their respective executors and administrators, according to their respective claims and interests; and after the death or removal of any Trustees or Trustee shall vest in the succeeding Trustees or Trustee for the same estate and interest as the former Trustees or Trustee had therein, and subject to the same trusts, without any conveyance or assignment whatever; and also shall for all purposes of action or suit, as well criminal as civil, in law or in equity, in any wise 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 or persons appointed to the office of Trustee of such Society for the time being, in his or their proper name or names, without further description; and such person or persons shall and they are hereby respectively authorized to bring and defend, or cause to be brought and defended, any action suit or prosecution, criminal as well as civil, in any Court of Law or Equity, touching or concerning the property right or claim aforesaid of or belonging to or had by such Society or branch, and such persons shall and may in all cases concerning the property right or claim aforesaid of such Society, sue and be sued plead and be impleaded in any Court of Law or Equity in their or his proper names or name as Trustees or Trustee of such Society or branch without other description; and no such suit action or prosecution shall be discontinued or 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 the succeeding Trustees or Trustee in the proper name of the person commencing the same, and such succeeding Trustees or Trustee shall pay or receive the same costs as if the action or suit had been commenced in his or their name for the benefit of or to be reimbursed from the funds of such Society or branch: Provided always that no person shall be deemed to be a Trustee under the meaning of this Act until the resolution of the Society or branch appointing him Trustee shall have been transmitted, under the hand of three members of the Society or branch, and signed by such Trustee and by the Secretary of the Society, countersigned by the Registrar or Deputy Registrar of the Supreme Court for the Province in which the place of business of the said Society or branch shall be held, to be by him deposited with the rules of the Society or branch in his custody as aforesaid.

Property vested in
Trustees.

11. No Treasurer or Trustee or other officer of any Society or branch established under the authority of this Act shall be liable to make good any deficiency which may arise in the funds thereof, unless

Responsibility of
Treasurer.

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he shall have declared, by writing under his hand, to be deposited with the Registrar or Deputy Registrar respectively of the Supreme Court as before, that he is willing so to be answerable; and it shall be lawful for each of such persons to limit his responsibility to such sum as shall be specified in such writing: Provided always that every Treasurer, Trustee, or other officer shall be personally responsible and liable for all moneys actually received by him on account of or for the use of such Society or branch.

Trustees to make annual return.

12. The Trustees or other officer of every such Society or branch in whose charge the accounts of the said Society are kept shall, once in every year, prepare or cause to be prepared a general statement, under the several heads of information in Schedule D to this Act, of the funds and effects of such Society or branch during the past twelve months, as accurately as such officer may be able to furnish the information required, and shall file the same with the said Registrar or Deputy Registrar of the Supreme Court as aforesaid on some day before the first of February in each year; and every such statement shall be attested by two Trustees of such Society, and by the Auditor, if any such shall have been appointed, and shall be countersigned by the officer who keeps the accounts of such Society, and every member shall be entitled to receive from the said Society a copy of such statement on payment of one shilling.

In default of return Trustees to be incapable of bringing action.

13. If in any year such statement shall not have been transmitted as aforesaid on or before the last day of February, or if any fraudulent or wilfully false return shall have been filed, such Trustees are hereby declared to be incapable of prosecuting any action in any Court of Law or Equity on behalf of such Society or branch until they shall have duly furnished to the Registrar or Deputy Registrar respectively of the Supreme Court such statements as aforesaid.

When Trustees shall be absent, Judge may order stock to be transferred and dividends paid.

14. Whenever it shall happen that any person in whose name any part of the several stocks annuities funds and debentures of any certified or Friendly Society is or shall be standing as a Trustee of any such Society or branch shall be out of the said Colony, or shall have been removed from his office of Trustee, or shall be an insolvent or lunatic, or it shall be unknown whether such Trustee is living or dead, it shall be lawful for a Judge of the Supreme Court of the said Colony, upon the petition of any duly appointed Trustee or Trustees of such Society or branch, by order under his hand, with or without reference to the Registrar or a Deputy Registrar of the said Court, to appoint a person or persons in the room of the person or persons so insolvent or lunatic to transfer such stock annuities or funds standing as aforesaid to and into the name of the duly appointed Trustee or Trustees, and also pay over to such person or persons as aforesaid the dividends of such stock annuities or funds; 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 a Judge of the said Court in manner before mentioned to direct that the other and others of such Trustees do transfer such stock annuities or funds to or into the name of such person so appointed Trustees as aforesaid jointly with the continuing Trustees (if any), and also receive and pay over the dividends of such stock annuities or funds as such Society shall direct.

Act to be an indemnity.

15. 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 Judge as aforesaid pursuant hereto, and such acts and things shall not be questioned or impeached in any Court of Law or Equity to their prejudice or detriment.

16. If

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16. If any dispute shall arise between the members or persons claiming under or on account of any member of any Society or branch established under this Act, and the Trustees, Treasurer, or other officer, or Committee thereof, it shall be settled in such manner as the rules of such Society or branch shall direct, and the decision so made shall be binding and conclusive; but if such dispute be of such kind that, for the settlement of it according to the rules now in force, recourse must be had to the Supreme Court of the said Colony in its equitable jurisdiction, it may be referred, at the option of either party, to the Resident Magistrate or to any two or more Justices of the Peace sitting in Petty Sessions in the district or nearest to the district or place in which the meetings of such Society or branch shall be held, who shall proceed *ex parte*, on notice in writing to the other of the said parties being left at his usual place of residence or abode ten days previously; and such Resident Magistrate or Justices are hereby authorized to require of all parties who are or may have been members Trustees or officers of such Society, to produce before them all books or other documents relating to the concerns of such Society, and thereupon, if such Resident Magistrate or Justices shall so think fit, it shall be lawful for them to determine the said dispute and to displace any such Trustee or officer or to make such award as the justice of the case in their opinion may require, and such decision or award shall be binding and conclusive.

Disputes to be settled according to rules.

17. If it shall be provided by the rules of such Society or branch that disputes which may arise between any member thereof and the Trustees, Committee, or officers on the part of the Society, shall be settled by arbitration, the number of arbitrators and mode of election shall be stated in the rules, and in case any of such Arbitrators shall at any time neglect or refuse to act, the members of such Society or branch, at a general meeting or general Committee thereof, are hereby required forthwith to elect and appoint some other person to be an Arbitrator in his place, and the rules shall direct in what manner such Arbitrators or any of them shall proceed to determine such disputes, and the award so made by them, or so many as may be appointed for the purpose, according to the rules, which shall be final and binding on all parties without appeal, and shall not be removed to any Court of Law or Equity; and if either of the said parties shall refuse or neglect to comply with or conform to the decision of the said Arbitrators, or the major part of them, it shall and may be lawful for any Resident Magistrate or any two or more Justices of the Peace sitting in Petty Sessions in the district or nearest to the district or place within which such Society or branch shall be established, upon good and sufficient proof being adduced before them of such award having been made, and of the refusal of the party to comply therewith, upon complaint made by or on behalf of the party aggrieved, to summon the person against whom such complaint shall be made to appear at a time and place to be named in such summons, and upon his or her appearance, or in default thereof, upon due proof upon oath of the service of such summons, to make such order thereupon as may to them seem just; and if the sum of money awarded, together with the sum for costs, not exceeding the sum of twenty shillings, as to such Justices shall seem meet, shall not be immediately paid, then such Justices shall, by warrant under their hands, cause such sum and costs aforesaid to be levied by distress or by distress and sale of the moneys goods chattels securities and effects belonging to the said party or to the said Society, together with all further costs and charges attending such distress and sale or other legal proceedings, returning the overplus (if any) to the said party or to the said Society, or to

Rules for arbitration.

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one of the Trustees thereof, and in default of such distress being found, or in case of such other legal proceeding being ineffectual, then to be levied by distress and sale of the proper goods of the said party, or of the officer of the said Society so neglecting or refusing as aforesaid, together with such further costs and charges as aforesaid, returning the surplus (if any) to the owner: Provided always that whatever sums shall be paid by any such officers so levied on his or her property or goods, in pursuance of the award of Arbitrators or order of any Resident Magistrate or Justices, shall be repaid, with all damages accruing to him or her, by and out of the moneys belonging to such Society, or out of the first moneys which shall be thereafter received by such Society.

If no arbitrators appointed or award given Justices may decide.

18. If the rules of any such Friendly Society or branch shall have provided for the settlement of disputes by arbitration, but no Arbitrator shall have been appointed or no award shall have been made within twelve months after such complaint has been made to the officers of such Society or branch, or if the rules shall have directed that any dispute between the members and the Trustees or other officer of the Committee of Management shall be settled by Justices of the Peace, then it shall be lawful for any Resident Magistrate or any Justice of the Peace usually acting in the district or nearest to the district or place in which the principal business of the Society or branch is carried on, on complaint being made to him by any member or person claiming under a member thereof of any matter in dispute between him and such Society or branch, to summon the person against whom which complaint shall be made to appear at a time and place to be named in such summons, and upon his appearance, or in default thereof upon due proof on oath of the service of such summons, it shall be lawful for any Resident Magistrate or any two Justices to proceed to hear and determine the said complaint; and in case the said Resident Magistrate or Justices shall order any sum of money to be paid by such person against whom such complaint shall be made, and such person shall not pay the same to the person and at the time specified by the said Resident Magistrate or Justices, they shall proceed to enforce their order in the manner hereinbefore directed to be used in case of any neglect to comply with the decision of the Arbitrators appointed under the authority of this Act.

Remedy to member unjustly expelled.

19. In case any member of any such Society or branch shall have been expelled from such Society, and the award of the Arbitrators or the order of the Resident Magistrate or Justices shall direct that he or she shall be reinstated, it shall be lawful for such Arbitrators to award or Resident Magistrate or Justices to order, in default of such reinstatement, such a sum of money to be paid to such Member by the Trustees of such Society as to such Arbitrators, Resident Magistrate, or Justices, may seem just and reasonable, which said sum of money, if not paid, shall be recoverable from the said Society or branch, or the Treasurer, Trustee, or other officer, in the same way as any money awarded by Arbitrators is recoverable under this Act.

In case of fraud Justices may summon and hear complaints.

20. For the more effectually preventing fraud and imposition on the funds of such Societies, if any officer, member, or any other person being or representing himself to be a member of such Society or branch, or the nominee, executor, administrator, or assignee of any member thereof, or any other person whatever, shall in or by any false representation or imposition obtain possession of the moneys securities books papers or other effects of such Society or branch, or any part thereof, or having the same in his or her possession shall withhold or misapply the same, it shall be lawful for any Resident Magistrate or Justice of the Peace usually acting in the district or nearest to the district

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district or place where such Society or branch is situated, upon complaint made on oath or affirmation by any officer of such Society or branch appointed for that purpose, to summon such person against whom such complaint shall be made to appear at a time and place to be named in such summons, and upon his or her appearance, or in default thereof upon due proof upon oath or affirmation of the service of such summons, it shall be lawful for any Resident Magistrate or any two Justices usually acting as aforesaid to hear and determine the said complaint, and upon due proof of such fraud the said Resident Magistrate or Justices shall convict the said party, and award double the amount of the money so obtained or withheld to be paid to the Treasurer, to be applied by him to the purposes of the Society or branch, or order the said securities books papers or other effects to be delivered to the Society or branch, together with such costs as shall be awarded by the said Resident Magistrate or Justices, not exceeding the sum of five pounds; and in case such person against whom such complaint shall be made shall not pay the sum of money so awarded to the person and at the time specified in the said order to deliver the said effects as aforesaid, such Justices are hereby required, by warrant under their hands and seals, to cause the same to be levied by distress and sale of the goods of such person on whom such order shall have been made, or by other legal proceedings, together with such costs as shall be awarded by the said Resident Magistrate or Justices, not exceeding the sum of twenty shillings, and also the costs and charges attending such distress and sale or other legal proceedings, returning the overplus (if any) to the owner; and in default of such distress being found, or of such effects as aforesaid being returned, the said Resident Magistrate or Justices of the Peace shall commit such person so proved to have offended to the nearest common gaol or house of correction, there to be kept to hard labour for such period, not exceeding three calendar months, as to them shall seem fit: Provided nevertheless that nothing herein contained shall prevent the said Society or branch from proceeding, by prosecution or complaint, against the party complained of; and provided also that no party shall be proceeded against by prosecution or complaint if a previous conviction has been obtained for the same offence under the provisions of this Act.

21. No sentence order or adjudication of any Resident Magistrate or Justices under this Act shall be removed, by *certiorari* or otherwise, into any Court of Law, nor shall the same be restrained by the injunction of any Court of Equity. *No certiorari.*

22. Every person who shall have or receive any part of the moneys effects or funds of or belonging to any such Society or branch, or shall in any manner have been or shall be entrusted with the disposal management or custody thereof, or of any securities books papers or property relating to the same, his or her executors administrators and assigns respectively shall, upon demand made or notice in writing given or left at the last or usual place of residence of such persons, in pursuance of any order of not less than two Trustees, or three Members of the Committee or Board of Management, give in his account at the usual meeting of such Society or branch, or to such Committee or Board of Management, to be examined and allowed or disallowed, and shall, on the like demand or notice, pay over all the moneys remaining in his hands, and assign and transfer or deliver all securities and effects books papers and property in his hands or custody, to the Treasurer or Trustee for the time being, or to such other person as such Committee or Board of Management shall appoint; and in case of any neglect or refusal to deliver such account or pay over such moneys or to assign transfer or deliver such securities and effects books papers and property

Treasurer &c. to render accounts and upon demand pay over moneys &c. to party appointed by Societies &c.

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in manner aforesaid, it shall be lawful to and for the members of every such Society, or Committee or Board of Management thereof, to apply to any Resident Magistrate or any two or more Justices of the Peace sitting in Petty Session in the district or nearest to the district or place in which the meetings of the said Society or branch shall be held, who shall and may proceed thereupon in a summary way, and make such order therein as to such Justices may seem just.

Minors may be members but not hold office.

23. A minor may become a member of any such Society or branch, and he is hereby empowered to execute all instruments and give all necessary acquittances: Provided always that such minor shall not be competent, during his minority, to hold any office as Director, Trustee, Treasurer, or Manager in such Society or branch.

Consent necessary for dissolution of Society.

24. It shall not be lawful for the members of any such Society or branch, by any rule or order or resolution, to dissolve or determine such Society or branch so long as the intents and purposes declared by the rules of such Society or any of them remain to be carried into effect, without obtaining the votes of consent of five-sixths in number of the then existing members, to be ascertained in manner hereinafter mentioned, and also the consent of all persons then receiving or then entitled to receive relief, either on account of sickness age or infirmity, to be testified under their hands individually and respectively; and for the purpose of ascertaining the votes of such five-sixths in number every member shall be entitled to one vote and an additional vote for every five years that he may have been a member; and in all cases of dissolution the intended appropriation or division of the funds or other property shall be fairly and distinctly stated in the proposed plan of dissolution prior to such consent being given; and it shall not be lawful for such Society or branch, by any rule, to direct the division or distribution of such stock or fund or any part thereof to or amongst the several members of such Society other than for carrying into effect the general intents and purposes declared by the rules originally certified; and all such rules for the dissolution or determination thereof, without such consent as aforesaid, or for the distribution or division of the stock or funds contrary to the rules, shall be void and of none effect; and in the event of such division or misappropriation of the funds without the consent hereby declared to be requisite, any Trustee or other officer or person aiding or abetting therein shall be liable to the like penalties as are in this Act provided in cases of fraud: Provided always that it shall be lawful for any two or more Societies or branches to become united or incorporated in one Society or branch, upon such terms as shall be approved by the major part of the Trustees and Board of Management of both Societies or branches.

Rules &c. under hand of Registrar of Supreme Court to be received without proof of signature.

25. All rules alteration of rules transcript or copy of or extracts from all rules and alteration of rules, and all awards writings and documents of what nature or kind soever, relating to any Society or branch directed by this Act to be certified by the Registrar or Deputy Registrar of the Supreme Court having the custody thereof and purporting to be signed by him shall, in the absence of anything to the contrary, be received in all Courts of Law or Equity and elsewhere without proofs of the signature thereto.

Circulating false copies of rules &c. a misdemeanour.

26. If any person shall circulate amongst or give to members or any member of a Friendly Society established under this Act, or to any person intending or applying to become a member of such Society, a copy of any rules or tables or any alterations or amendments of the same other than those respectively which have been enrolled or certified by the Attorney-General or certifying barrister, or shall make any alteration in or addition to any of the rules tables alterations or amendments after they shall have been duly enrolled or certified

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certified by the Attorney-General or certifying barrister, or shall knowingly circulate or print any rules tables alterations or amendments purporting to have been duly enrolled or certified under this Act but which shall not have been so enrolled or certified, every person so offending shall be deemed guilty of a misdemeanour and may be prosecuted and punished accordingly.

27. If any person appointed to any office in any Friendly Society or branch thereof established under this Act, and being intrusted 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 thereto, or any deeds or securities relating to the same, shall die, or become an insolvent, or have any execution or attachment or other process issued against his lands goods chattels or effects, or make any assignment disposition or other conveyance thereof for the benefit of his creditors, his heirs executors administrators or assignees, or other person having legal right, or the Sheriff or other officer executing such process, shall, within forty days after demand made in writing by the order of any such Society or branch, or of not less than three of the Committee of Management assembled at any meeting thereof, deliver and pay over all moneys and other things belonging to such Society or branch to such a person as the Society shall appoint, and shall pay out of the estates assets or effects of such persons 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 persons 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 and discharge thereof accordingly.

Executors &c. of officers of Friendly Societies to pay money due to Society before any other debts, within forty days after demand in writing.

28. If any person after the passing of this Act shall become a member of more than one Society or branch, and thereby be entitled to certain benefits on account of the same kind of assurance from more than one Society or branch, it shall not be lawful for him to claim or receive such benefit from any other Society or branch without signing a declaration that the joint value or amount of all the benefits in any one kind of assurance to which he may be entitled from any Society or Societies, branch or branches, of which he may be a member, does not in the aggregate exceed the amount of one hundred pounds in one sum, or an annuity of thirty pounds per annum, or a sum in sickness of twenty-one shillings per week from each Society, and in case such declaration shall not be true, such member shall be liable to the penalties hereinbefore enacted in cases of fraud.

Limitation of benefit to members.

29. When on the death of any member of any such certified Friendly Society already established any sum not exceeding fifty pounds shall become payable, it shall be lawful for the Trustees for the time being of such Society, if they shall be satisfied that no will was made and left by such deceased member, and that no letters of administration or confirmation will be taken out of the funds goods and chattels of such depositor, to pay the same to the widower or widow of such member, as the case may be, or to the child of such member, as the case may be, or the child of such member, if so directed by any rule of such Society or branch, and in case there shall be no such direction, then to pay and divide the same to and amongst the person or persons entitled to the effects of the deceased intestate without taking out letters of administration.

For payment of sums not exceeding £50 when members are intestate.

30. Whenever the Trustees of any certified Friendly Society or branch, at any time after the decease of any member, shall have paid and divided any sum of money to or amongst any person or persons who shall at the time of such payment appear to such Trustees to be entitled

What payment on account of deceased members valid.

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entitled to the effects of any deceased intestate member, the payment of any such sum or sums of money shall be valid and effectual with respect to any demand of any other person or persons as next of kin of such deceased intestate member, or as the lawful representative or representatives of such member, against the funds of such Society or branch, or against the Trustees thereof, but nevertheless such next of kin or representatives shall have remedy for such money so paid as aforesaid against the person or persons who shall have received the same.

Payment on death of members.

31. From and after the passing of this Act it shall not be lawful for any Society to grant any assurance whereby the sum assured on the death of the member shall be payable to any nominee, or to any other person than the widower or widow of a member (as the case may be), or the child, or the executors administrators or assigns of such member, or in case the member shall die intestate and the sum payable on his death shall not exceed fifty pounds, to the person whom the Trustees shall consider entitled to the goods and effects of the member so dying intestate: Provided always that it shall be lawful for any such Society to add to its rules a rule or rules whereby any sum payable on the death of a member may be made payable to the executors administrators or assigns of such member.

Donations.

32. It shall be lawful for any Society established under this Act to receive any property whatsoever by gift grant 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.

Construction of terms.

33. In the construction of this Act, unless there shall be something in the subject matter or context repugnant thereto, the word "Society" shall include every branch thereof by whatever name it may be designated; the words "Committee of Management" shall mean the body of members appointed to manage and direct the affairs of the Society, by whatever name such body may be called; the word "Secretary" shall mean the Clerk or person who keeps the accounts of the Society.

Short Title.

34. This Act may be cited for all purposes as "*The Friendly Societies Act, 1856.*"

SCHEDULES.

SCHEDULE A.

FORM OF ATTORNEY-GENERAL'S OR BARRISTER'S CERTIFICATE TO RULES OF REGISTERED FRIENDLY SOCIETIES.

I HEREBY certify that these rules [*or alteration of rules, as the case may be,*] are in conformity to law and to the provisions of the Act in force relating to Registered Friendly Societies.

Dated at _____, this _____ day of _____

A.B., Attorney-General or Barrister.

SCHEDULE B.

FORM OF MEDICAL CERTIFICATE.

I HEREBY certify that _____, late of _____, died the _____ day of _____, and I have no reason to attribute his death to poison violence or criminal neglect.

Dated at _____, this _____ day of _____

A.B.,

Profession.
Residence.

FORM

Friendly Societies.

FORM OF CORONER'S CERTIFICATE.

I HEREBY certify that I have this day held an inquest on the body of _____, late of _____, who was found dead, and the Jury have returned the following verdict:

and it does not appear to me that he has been deprived of life by means of any person beneficially interested in obtaining burial money from any Society.

Dated at _____ this _____ day _____ A.B., Coroner.

SCHEDULE C.

FORM OF BOND.

KNOW all men by these presents, that we, A.B., of _____, Treasurer [*or Steward, &c.*] of the _____ Society established at _____, in the Colony of New Zealand, and C.D., of _____, and E.F., of _____, as sureties on behalf of the said A.B., are jointly and severally held and firmly bound to G.H., of _____, I.K., of _____, and L.M., of _____, the Trustees of the said Society, in the sum of _____, to be paid to the said G.H., I.K., and L.M., 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.

Dated the _____ day of _____

Whereas the above bounden A.B. hath been duly appointed Treasurer [*or Steward, &c.*] of the _____ Society established as aforesaid, and he, together with the above bounden C.D. and E.F. as his sureties, have entered into the above written bond, subject to the condition hereinafter contained: Now therefore the condition of the above written bond is such that if the said A.B. shall and do justly and faithfully execute his office of Treasurer [*or Steward, &c.*] of the said Society established as aforesaid, and shall and do render a just and true account of all moneys received and paid by him and shall and do pay over all the moneys remaining in his hands, and assign and transfer or deliver all securities and effects, books papers and property of or belonging to the said Society in his hands or custody to such person or persons as the said Society shall appoint, according to the rules of the said Society, together with the proper or legal receipts or vouchers for such payments, and likewise shall and do in all respects well and truly and faithfully perform and fulfil his office of Treasurer [*or Steward, &c.*] to the said Society, according to the rules thereof, then the above written bond shall be void and of no effect, otherwise shall be and remain in full force and virtue.

SCHEDULE D.

HEADS OF INFORMATION TO BE FURNISHED TO THE REGISTRAR OR DEPUTY REGISTRAR OF THE SUPREME COURT.

Return of _____ Society, established at _____, for the Year ending _____

Date of balancing books in each year

Members—

Number admitted since last balance	...	...	...
Number died since last balance	...	...	...
Number withdrawn or expelled	...	...	...
Number of members at this date	{ Male	...	...
	{ Female	...	...
	{ Honorary	...	...

Sickness—

Number of members sick in the year	{ Male	...	...
	{ Female	...	...

Income—

Donations and honorary subscriptions	...	...	...
Entrance money	...	...	...
Contributions for sickness	...	...	...
Contributions for sums on death	...	...	...
Contributions for endowments	...	...	...
Contributions for annuities	...	...	...
Interest received	...	...	...
Total income	...	...	...
Total capital of Society [<i>Here state where the same is placed</i>]	...	...	...

Expenditure—

Sick pay or allowances	...	...	...
Annuities	...	...	...
Death of	{ Members	...	...
	{ Wives	...	...
Endowments	...	...	...
Extra expenses	...	...	...
Total expenditure	...	...	...

Observations—

_____ day of _____, in the year _____

To be signed by two Trustees, Auditor, and the officer who keeps the accounts of the Society.