ANNO TRICESIMO SEPTIMO ET TRICESIMO OCTAVO

VICTORIÆ REGINÆ.

A.D. 1874.

Private Act.


[Assented to, 6th November, 1874.]

WHEREAS an Act of the Parliament of South Australia was made and passed in the thirty-first year of Her present Majesty's reign, to incorporate the society called the Independent Order of Oddfellows Manchester Unity Friendly Society in the Province of South Australia, and to provide for the better regulation and management of the affairs and business of the said society, which Act was shortly intituled "The Manchester Unity of Oddfellows Act." And whereas since the passing of the said Act various amendments and alterations thereof have become necessary: And whereas it is desirable that all the provisions for the regulation and management of the said society should be comprised in one Act, and for that purpose it is expedient to repeal the said Act (except in so far as it provides for the incorporation of the said society), and to consolidate the provisions aforesaid—Be it therefore Enacted by the Governor of the Province of South Australia, with the advice and consent of the Legislative Council and House of Assembly of the said Province, in this present Parliament assembled, as follows:

1. The said recited Act shall, save in so far as it incorporates the said society, be and the same is hereby repealed: Provided, that all contracts and engagements by or with the said society made under the provisions of the said Act at the time of the passing hereof shall be valid and in force; and all bonds and securities heretofore given by or to the said society, or to any trustee, treasurer, or other officer thereof, shall continue and be as valid and effectual as if this Act had not been passed.

2. The
2. The said society was, and is hereby declared to have been, on and since the twenty-first day of January, one thousand eight hundred and sixty-eight (when the said repealed Act came into force), and shall continue to be, one body corporate, by the name and style of "The Independent Order of Oddfellows Manchester Unity Friendly Society in South Australia," and by that name, or (where it shall be requisite to make such distinction) by that name with the name of any branch of the said society added thereto, has carried on, and may carry on the objects and business for which the said society was and is established, as under the said Act was and under this Act is hereinafter mentioned and provided, and shall and may sue any person or persons (whether a member or members of the said society or not), body or bodies politic or corporate, and shall and may be sued in all Courts whatsoever, both at law and in equity, and may prefer, lay, and prosecute any indictment, information, and prosecution, against any person or persons whomsoever for any stealing, embezzlement, fraud, forgery, crime, or offence, whether the cause of action, suit, or prosecution arose before or after the passing of this Act; and in all indictments, informations, or prosecutions, it shall be lawful to state the moneys, goods, and effects, securities, or other property of the said society to be the money of the said society, or of any branch thereof, and to designate the said society, or any branch thereof, by its said corporate name, as the case may be, whosoever, for the purpose of any allegation of an intent to defraud or otherwise howsoever, such designation shall be necessary; and the said society, or any branch thereof, shall, by the said corporate name of such society or branch, according to the right and interest of such society or branch respectively, be deemed to have been able, and to be able to accept, purchase, and hold real and personal estate of every kind, and to sell, assign, exchange, demise, grant, lease, and convey the same, and to procure, receive and take, acquire, have, and possess all gifts, benefactions, goods, chattels, and personal property whatsoever; and the said society, or any branch thereof, shall, by its said corporate name, be deemed to have had and to have perpetual succession: And the said society, and every branch thereof, has, since the passing of the said Act, been entitled to use and shall have a seal bearing the impression of an open hand with a heart thereon, and having inscribed on the margin of such seal the words—"The Independent Order of Oddfellows Manchester Unity Friendly Society in South Australia," with the name of any branch added thereto, as the case may be: And whenever it shall be necessary to execute for and on behalf of the said society, or any branch thereof, any deed or other instrument, in writing, not otherwise specially provided for in this Act, the same shall be executed by having the seal of such society or branch affixed thereto, in the presence of two or more of the trustees of such society or branch, who shall subscribe their names to such deed or instrument as witnesses to the sealing thereof.

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

The word "society" shall mean and include the whole of the 
present and future members of the Independent Order of 
Oddfellows Manchester Unity Friendly Society in the said 
Province:

The word "branch" shall mean any district or lodge of the said 
society which is now or may hereafter be established:

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

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

4. The said society has been since the passing of the said Act, 
and is established for the purpose of raising by voluntary contribu-
tions from the members thereof, with or without the aid of donations, 
a fund for any of the following objects, that is to say—

First—For ensuring a sum of money to be paid on the death of a 
member to his widow, or to the children, or to the executors 
or administrators, nominees or assignees of such member; or 
or defraying the expenses of the burial of a member, or of 
the wife of a member, subject to the restrictions hereinafter 
contained:

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

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

5. The said society may establish, alter, vary, and abolish branches 
thereof, to be called districts and lodges. The said districts and 
lodges, whether already established in pursuance of the said Act or 
to be established under the authority hereof, shall be governed by 
this Act, and by the general laws or rules of the said society, and 
by such other laws or rules for their management as shall be made 
in conformity therewith.

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

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

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

9. The
9. The trustees for the time being of the said society, and of every branch thereof, shall, from time to time, by, and with the consent of such society or branch, lay out and invest such part of all such sums of money as shall at any time be collected, given, or paid to, and for the purpose of such society or branch, as may not be wanted for the immediate use thereof, or to meet the usual accruing liabilities of such society or branch, in the said corporate name of such society or branch, according to the right and interest of such society or branch therein respectively, in and upon any loans raised or guaranteed by the authority of the Parliament of the said Province, or on mortgage of freehold property, or in the purchase of any freehold property in the said Province, or on loan to any member of 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 shall be made; and may, from time to time, with such consent as aforesaid, alter or transfer such securities and funds, and make sale thereof respectively; and all dividends, interests, 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 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 for the use of such society or branch, and to sell, exchange, let, and demise the same in whole or in part.

10. Upon the appointment of any trustee or trustees of the said society, or of any branch thereof, the names and descriptions of such trustees shall be entered in the minute book of such society or branch, and such entry shall be signed by such trustees respectively, and every such entry, or in case of loss or destruction of such entry, secondary evidence thereof, shall be evidence in any proceedings at law or in equity, until the contrary thereof is shown, that the persons therein named as trustees are such trustees for all the purposes of this Act.

11. All lands, tenements, and hereditaments, moneys, goods, chattels, and effects, and all securities for money, or other obligatory instruments and evidences or muniments, and all other effects whatsoever, and all rights or claims whatsoever, belonging to or had by the said society or any branch thereof, and which were at the time the said repealed Act came into operation vested in certain persons as trustees thereof at law or in equity for such society or branch respectively for any purpose or for any trust whatsoever, became from and after the commencement of the said Act, without any conveyance or assignment, vested in such society or branch according to the right and interest of such society or branch therein respectively, and shall for all purposes of action or suit, at law or in equity, subject to the equities affecting the same, be deemed and taken to be the property of.
of such society or branch thereof, according to the right or interest of such society or branch therein respectively. And all persons who may be indebted to the trustees of the said society, or any branch thereof, at or prior to the commencement of the said Act or of this Act, in any sum or sums of money, shall pay the same to such society or branch according to their right and interest therein respectively; and all contracts, agreements, bonds, covenants, and securities made or entered into with the trustees of such society or branch may be proceeded on and enforced by such society or branch in the same manner as if the same had been entered into with such society or branch: Provided always, that in cases in which any mortgage securities have heretofore been taken by such society, or any branch thereof, in the names of any persons not described in such mortgage securities as trustees for such society or branch, the production of the deed or document giving such security, and a statutory declaration by the secretary of such society or branch that the moneys secured by such deed or document are the proper moneys of such society or branch, shall be conclusive evidence that the persons in whose names such securities appear to have been taken as aforesaid are trustees in equity for such society or branch within the meaning hereof.

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

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

14. The trustees or committee of management of the said society, or of any branch thereof, or the persons acting in the direction and management of its affairs, whether they shall be designated by such name or not, shall be bound to see that the security provided for in the last preceding clause is duly given, and that such premiums or other payments necessary to keep the same on foot and valid are duly made; and if such trustees, committee, or persons shall allow any officer or person, who, according to the said clause, ought to give the security therein mentioned, to take upon himself the execution of his office, or in the case of any person already holding office to continue in such office for a longer period than therein mentioned, without the required bond having been duly given, or policy of assurance...
Punishment for fraud in withholding money, &c.

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

16. Every officer of the said society, and of every branch thereof, in whose charge the books and accounts of such society or branch shall be kept, shall, on or before the thirty-first day of January in every year, prepare or cause to be prepared, and signed by the trustees of such society or branch, and countersigned by the said officer, and forthwith transmitted to the Registrar-General, a return of the rate of sickness and mortality, and other contingencies experienced by the said society or branch, and an abstract of the income and expenditure, duly attested by the said trustees, or any three
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three of them, as auditors, during the preceding twelve months, or during so much of such period as the said branch may have been so established.

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

18. When on the death of any member of the said society a sum of money not exceeding Fifty Pounds shall become payable, the same shall be paid by the trustees of the said society to the person directed by the rules thereof, such person being the husband, wife, father, mother, child, brother or sister, nephew or niece, of such member, or nominated by the deceased, in writing, deposited with the secretary; and in case there shall be no direction or nomination, or the person so nominated shall 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: Provided that, whenever the trustees of the said 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 trustees to be entitled to the effects of any deceased member who has died intestate, 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, against the funds of the said society, or against the trustees thereof; but nevertheless such next of kin or representative shall have his or her
her lawful remedy for such moneys so paid as aforesaid against the person or persons who shall have received the same.

19. Any person under the age of twenty-one may be elected or admitted as a member of the said society and of any branch thereof, 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 trustee, secretary, or treasurer of the said society, or of any branch thereof.

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

21. No person who since the twenty-first day of January, one thousand eight hundred and sixty-eight, has become or who shall hereafter become a member of the said society shall belong to more than one other Friendly or Benefit Society, having similar objects of assurance against sickness and death; but should a member be proved to belong to more than one other such society, whether registered or not, then such member shall forfeit the amount assured in this society to which he would be otherwise entitled in case of sickness; and any person who is or shall be a member of more than two such societies shall not be entitled to receive the amount so assured until he shall have signed a declaration that the amount so assured in the aggregate does not exceed the sum of forty shillings per week: Provided always, that nothing herein contained shall in any way affect or apply to members of the said society who belonged to other and similar societies as aforesaid previous to the passing of the said repealed Act.

22. Every dispute between any member or members of the said society, or any person claiming through or under a member or under the rules of such society, and the trustees, treasurer, or other officer, or the committee of management thereof, or between the assigns of a member and the trustees or other officers of such society, shall be decided and the costs and expenses attending the decision thereof awarded and paid in manner directed by the rules of such society, and the decision and award so made shall be binding and conclusive on all parties without appeal.

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

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

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

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

27. Any body of persons already existing as a friendly society may become incorporated with the said society: Provided that the terms and conditions under which such body of persons desire to be so incorporated shall prove upon investigation satisfactory to the committee of management of the said society.

28. If any person, being a trustee, secretary, officer, or member of the said society, or any branch thereof, shall fraudulently take or apply to his own use any of the money or other property of the said society, or of any branch thereof, or if any such person shall, as such trustee, secretary, officer, or member, exercise or possess himself of any of the money or other property of such society or branch otherwise than in payment of a just debt or demand, or shall, with intent to defraud, omit to make, or to cause and direct to be made, a full and true entry thereof in the books and accounts of such society or branch, or if
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if any such person shall, with intent to defraud, destroy, alter, mutilate, or falsify any of the books, papers, writings, or securities belonging to such society or branch, of which he is a trustee, secretary, officer, or member, or knowingly make or concur in the making of any false entry, or permit any material omission in any book, or circulate or publish, or concur in making, circulating, or publishing any written or printed statement or account which he shall know to be false in any material particular, with intent to deceive or defraud any member or creditor of such society or branch, or with intent to induce any person to become a member thereof, or to entrust or advance any money or property to such society or branch, or to enter into any security for the benefit thereof, or if any person shall, with intent to defraud, affix or impress the seal of such society or branch to or upon any document whatsoever, every person so offending shall be guilty of a misdemeanor.

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

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

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

32. There shall be an appeal by any party aggrieved from any conviction by Justices for any offence against this Act, or from any order for payment of costs or otherwise, which appeal shall be to the Local Court of Adelaide of Full Jurisdiction only, and the proceedings
ceedings on such appeal shall be conducted in manner prescribed by the Ordinance No. 6 of 1850, or by any Act which may hereafter be in force in the said Province for regulating appeals to Local Courts; but the Local Court of Adelaide aforesaid may make such order as to payment of the costs of appeal as it shall think fit, although such costs may exceed Ten Pounds.

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

34. This Act may be cited for all purposes as “The Manchester Unity of Oddfellows Act, 1874.”

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

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

A. MUSGRAVE, Governor.
SCHEDULES REFERRED TO.

SCHEDULE A.

1st. The place where the business of the said Society shall from time to time be carried on.
2nd. The whole of the objects for which the said Society is established.
3rd. The purposes for which the funds of the Society or any branch thereof shall be applicable.
4th. The conditions under which any member or person claiming or by which a member may become entitled to any benefit assured by the said Society or any branch thereof.
5th. The manner in which a branch or member may be expelled or fined for an infringement of the rules of the said Society or of any branch thereof.
6th. The manner in which appeals and disputes between members of the said Society, or between members and the said Society or any branch thereof, or between different branches, or made by any person claiming under or by or through any member, or under the laws or rules of the said Society or any branch thereof shall be settled and decided, together with provisions for appointing arbitrators to decide such claims, appeals, or disputes, or any other claims, appeals, or disputes which may arise in the working of the said Society or any branch thereof.
7th. The manner in which the business of the said Society or any branch thereof shall be conducted.
8th. The manner in which General Laws or Rules of the said Society may from time to time be made, altered, amended, or rescinded.
9th. The manner in which branches may make by-laws and how the same shall become binding upon members of such branches.
10th. Provisions for the appointment and removal of a General Committee of Management, of a Trustee or Trustees, Secretary or Secretaries, Treasurer or Treasurers, and any other officer specified in the laws or rules of the said Society or any branch thereof.
11th. Provisions for the investment of the funds of the said Society or any branch thereof.
12th. Provisions for a periodical audit of accounts.
13th. The amount of entrance fees and subscriptions payable into the said Society or any branch to entitle a member to benefits therein.
14th. The amount payable by the said Society or any branch thereof at the death of a member or member’s wife, and other benefits to which a member may become or be entitled.
15th. The power to vary such entrance fees, subscriptions, and benefits when found expedient.
16th. Provisions for compelling branches to send such returns as may be found necessary for the working of the said Society.

SCHEDULE B.

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

Witness to the sealing hereof
with the seal of the Independent Order of Oddfellows Manchester Unity Friendly Society in South Australia, Lodge [or branch or district as the case may be.]

(L.S.)

(Trustees.)

Adelaide: By authority, W. C. Cox, Government Printer, North-terrace.