CAP. XXXI.

An Act to legalize the Formation of Industrial and Provident Societies.

[30th *June* 1852.]

'WHEREAS by an Act passed in the Thirteenth Year of the Reign of Her present 'Majesty, intituled *An Act to consolidate and amend the Laws relating to Friendly* 13 & 14 Vict. 'Societies, it was enacted, that a Society might be established under the Provisions of the c. 115. 'said Act for any of the Objects therein mentioned; that was to say, (amongst other 'Objects,) "for the Relief, Maintenance, and Endowment of the Members, their Husbands, '"Wives, Children, and Kindred;" "and for the frugal Investment of the Savings of the '"Members, for better enabling them to purchase Food, Firing, Clothes, or other Neces- '"saries, or the Tools or Implements of their Trade or Calling, or to provide for the '"Education of their Children or Kindred, provided (amongst other things) that the '"Shares in any such Investment should not be transferable:" And whereas various 'Associations of Working Men have been formed for the mutual Relief, Maintenance, 'Education, and Endowment of the Members, their Husbands, Wives, Children, or 'Kindred, and for procuring to them Food, Lodging, Clothing, and other Necessaries, by 'exercising or carrying on in common their respective Trades or Handicrafts; and it is 'expedient to extend the Provisions of the said recited Act to such Associations, and 'otherwise to regulate the same:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Societies of Working Men may be established for attaining the Objects of Friendly Societies Acts by means of joint Trade.

I. It shall be lawful for any Number of Persons to establish a Society under the Provisions of this and the said recited Act, for the Purpose of raising by voluntary Subscriptions of the Members thereof a Fund for attaining any Purpose or Object for the Time being authorized by the Laws in force with respect to Friendly Societies, or by this Act, by carrying on or exercising in common any Labour, Trade, or Handicraft, or several Labours, Trades, or Handicrafts, except the working of Mines, Minerals, or Quarries beyond the Limits of the United Kingdom of *Great Britain* and *Ireland*, and also except the Business of Banking, whether in the said United Kingdom or elsewhere; and this Act shall apply to all Societies already established for any of the Purposes herein mentioned, so soon as they shall conform to the Provisions hereof.

Rules of the Society.

II. The Rules of any such Society shall provide,

1st, For allowing Payments to be made from Time to Time to all Members of the Society in respect of any Work or Service which they may do or perform for or on behalf of the same:

2d, Upon what Terms and Conditions (if any) Persons not Members of the Society shall be employed for or on behalf of the same; yet so that any Person not a Member of the Society who shall be employed for or on behalf of the same shall receive in respect of any Work or Service done or performed by him on behalf of such Society, whether by way of Wages or otherwise, at least the same Amount or Value as if he were a Member of the Society:

3d, Whether or not any Loans shall be contracted with Persons (whether Members of the Society or not) for the better effecting the Purposes thereof, and how such Loans and Interest thereon (if any) shall be secured; yet so that the Interest on any such Loan shall not exceed the Rate of Six Pounds *per Centum per Annum*, and so that the total Amount of Monies to be owing on Loan by the Society at any One Time shall not exceed Four Times the Amount of paid-up Subscriptions for the Time being; and a Declaration under the Hands of the Trustees or Trustee of the Society, certified by the Registrar of Friendly Societies, shall be sufficient Evidence in that Behalf of the Amount of paid-up Subscriptions:

4th, For the Receipt of Subscriptions from Persons, Members of the Society, and for the Payment of Dividends on such Subscriptions at any Rate not exceeding Five Pounds

Pounds *per Centum per Annum;* but so that no Dividend shall be paid to any Member of the Society out of the Capital of the same:

5th, For the Appropriation from Time to Time of the net Proceeds of any Trade, Labour, or Handicraft exercised or carried on by the Society, after such Payments as hereinbefore mentioned, in the first place, to the Repayment of any Loans made to the Society, or any Instalment thereof, and, subject thereto, to all or any of the following Purposes; *viz.* to the Increase of the Capital or Business of the Society; to such provident Purposes, or any of them, as shall be from Time to Time authorized by the Laws in force with respect to Friendly Societies; to a Division or Return to or amongst the Members of the Society of the Profits on or in respect of any Purchases made by them respectively of Goods or Articles made, produced, or sold by the Society; to the Payment to or amongst the Members of the Society, or other such Persons as herein mentioned, in respect of any Works or Services done or performed by them respectively for or on behalf of the Society, of any Part not exceeding One Third of such net Proceeds:

6th, For the Appointment of such Managers or other Officers, whether Members of the Society or not, at such Salaries, or for such Compensations, and with such Powers and Authorities, Duties and Responsibilities, and subject to such Conditions, as to Removal or otherwise, as shall appear requisite from Time to Time for the better carrying out of the Objects of the Society:

7th, For the making or confirming of all such Contracts as shall be necessary or expedient for the Purposes of the Society, which Contracts, when executed or entered into in accordance with the Rules of the Society, shall be binding on all Members of the same; and for the Enforcement of the Liability of Members in respect of such Contracts:

8th, For the due Payment by the Members, their Executors or Administrators, of all Subscriptions, Debts, Fines, or other Sums of Money which they may owe to the Society, from Time to Time, in accordance with the Rules thereof:

9th, For enabling Members to withdraw from the Society, on Notice given, for a Period to be fixed by the Rules; and for determining whether and to what Extent Members shall be compelled to discharge their Obligations to the Society before withdrawing from the same, and for otherwise regulating Withdrawals:

10th, For regulating the Claims (if any) of the Executors or Administrators of deceased Members of the Society upon the Funds of the same, in respect of the Interest of their respective Testators or Intestates in the same:

11th, For keeping Account of all the Transactions of the Society, for the balancing and auditing of such Accounts twice at least in every Year, and for the Inspection of the Accounts by the Members:

12th, For referring to Arbitration all Disputes which may arise between any Member of the Society and the Trustees, Treasurer, Manager, Committee, or Officers of the same, or any of them:

13th, For determining under what Conditions of pecuniary Loss or otherwise, and by what Meetings and how composed, and by what special or other Majorities of the Members or other Persons present at such Meetings, the Society shall be dissolved; and whether, and in what Cases, and by what Means, a single Member may summon a Meeting for the Dissolution of the Society; and for winding up the Affairs of the Society on the Dissolution thereof.

Interest of Members not transferable.

III. The Interest of any Member in any such Society shall not be transferable, but the whole Amount of the Balance due to any Member shall be paid to him on Withdrawal from the same according to the Rules of the Society.

As to Members becoming bankrupt or insolvent.

IV. If any Member in any such Society shall become bankrupt, or shall take the Benefit of any Act for the Relief of Insolvent Debtors, such Member shall be taken to have withdrawn from the Society on the Day of the Date of the filing of the Petition for Adjudication of Bankruptcy, or (in the Case of any Insolvent Debtor) of the Declaration of Insolvency, or the Petition for Discharge or for a Vesting Order respectively, as the Case may be; and the Assignees of any such Bankrupt or Insolvent shall have such Claim upon the Society,

and

and no other, as the Bankrupt or Insolvent would have had if he had actually withdrawn at the Date aforesaid.

Awards of Arbitrators may be enforced by County Courts where Sum, &c. in dispute is within its Jurisdiction.

V. If either of the Parties to any Arbitration which shall take place under this Act for the Settlement of a Dispute shall refuse or neglect to comply with or conform to the Decision of the Arbitrators or the major Part of them, then, in case the Sum or Value in dispute shall not exceed the Limit fixed by Law for the Time being for any Debt or Damages claimable in the County Court in *England* or in the Court of the Assistant Barrister in *Ireland* respectively (as the Case may be), it shall be lawful for the Judge of the County Court or the Assistant Barrister respectively (as the Case may be), within whose Jurisdiction the Society shall be established or shall carry on Business for the Time being, upon Proof adduced before him to his Satisfaction of an Award having been made by the Arbitrators according to the Rules of the Society, to cause the Award to be entered as a Judgment in his Court, and such Award shall thereupon take effect and be enforceable in the same Manner, to all Intents and Purposes, as a Judgment of such Court in a Cause between the same Persons as shall be Parties to the said Reference, except that the same shall be final and without Appeal; but in case the Sum or Value in dispute shall exceed the Limit fixed by Law for the Time being for any Debt or Damages claimable in the County Court or the Court of the Assistant Barrister respectively, then the same may, on the Application of either Party, be made a Rule of any of Her Majesty's Superior Courts at *Westminster* or at *Dublin* (as the Case may be).

Where it exceeds such Jurisdiction, then to be submitted to Superior Courts.

Sheriffs Jurisdiction in Scotland.

VI. The Sheriff in *Scotland* shall within his County have the like Jurisdiction as is hereby given to the Judge of the County Court in any Matter arising under this Act.

Investment of Funds.

VII. Notwithstanding anything contained in the Laws for the Time being in force relating to Friendly Societies, it shall not be incumbent on any Treasurer or other Officer of any Society constituted under the Provisions of this Act to invest any of the Funds of such Society in manner provided by the Laws relating to Friendly Societies, nor shall any such Society be allowed to invest any Portion of such Funds with the Commissioners for the Reduction of the National Debt.

Laws relating to Friendly Societies to be applicable, except as varied by this Act or certified to be inapplicable.

VIII. All the Provisions of the Laws relating to Friendly Societies shall apply to every Society to be constituted under this Act, and to every Officer and Member of such Society, and to every Proceeding under this Act, except so far as any such Provision may be expressly varied by this Act, or by any Rule expressly authorized to be made by this Act, and also except so far as the Registrar of Friendly Societies from Time to Time, by Writing under his Hand, to be endorsed on the Rules of any such Society, shall certify that any such Provision is not applicable to such Society; and no such Society shall be considered to be within the Provisions of an Act passed in the Session of Parliament of the Seventh and Eighth Years of the Reign of Her present Majesty, intituled *An Act for the Registration, Incorporation, and Regulation of Joint Stock Companies.*

7 & 8 Vict. c. 110. not to extend to Societies constituted under this Act.

Limitation of Interest of Members in Funds of Society.

IX. No Society shall be entitled to the Benefit of this Act whereof the Rules shall not provide that the Amount of the Share or Interest in the Funds of the same to be held at any One Time by or in trust for any One Member of the same, or any Persons claiming by or through him, otherwise than by way of Annuity, shall be restricted to a Sum to be therein fixed, but which shall not exceed One hundred Pounds, exclusively of any Annuity; nor shall any Member or other Person be entitled by way of Annuity to any Interest in the Funds of such Society to an Amount exceeding Thirty Pounds *per Annum.*

Annual Returns to be prepared as Registrar may direct.

X. The General Statement of the Funds and Effects of any Society or Branch constituted under this Act, which by the Laws relating to Friendly Societies is provided to be transmitted to the Registrar once in every Year, shall exhibit fully the Assets and Liabilities of the Society, and shall be prepared and made out within such Period, and in such Form, and shall comprise such Particulars, as the Registrar shall from Time to Time require, and shall be filed and preserved in such Manner as he shall direct.

Liability of the Members not to be restricted.

XI. Nothing in this or the said recited Act shall be construed to restrict in anywise the Liability of the Members of any Society established under or by virtue of this Act, or claiming

claiming the Benefit thereof, to the lawful Debts and Engagements of such Society: Provided always, that no Person shall be liable for the Debts or Engagements of any such Society after the Expiration of Two Years from his ceasing to be a Member of the same.

Provisions of Friendly Societies Acts giving such Societies Priority over other Creditors as to Estate of Officers, and Exemption from Stamp Duties in certain Cases, not to apply to Societies constituted under this Act.

XII. No Provision of the Laws relating to Friendly Societies whereby any Money due to any such Society from any Officer of the same or other Person intrusted with the keeping of the Accounts, or having in his Hands any Money or Effects belonging to any such Society, or from the Estate of any such Officer or Person, is made payable in preference to or before any other Creditor, shall apply to any Society constituted under the Provisions of this Act; and no Exemption from Stamp Duties allowed by the Laws relating to Friendly Societies shall apply to any Society constituted under the Provisions of this Act, except so far as relates to any Copy of the Rules of such Society, and to any other Instrument or Document whatsoever relating to such Society, which might have been given, issued, signed, made, or produced under the Laws relating to Friendly Societies by or on behalf of or respecting a Society constituted under the Laws in force relating to such Societies previously to the passing of this Act, and would have been exempt from Duty in such Case.

Meaning of Words "County Court," 9 & 10 Vict. c. 95.

XIII. The Words "County Court," when occurring in this Act, shall apply only to County Courts established or holden under the Provisions of an Act passed in the Tenth Year of the Reign of Her present Majesty, intituled *An Act for the more easy Recovery of Small Debts and Demands in* England, and the Acts amending the same.

Short Title.

XIV. This Act may be cited as the "Industrial and Provident Societies Act, 1852."

CAP. XXXII.

An Act to alter and amend certain Provisions in the Laws relating to the Number and Election of Magistrates and Councillors in the Burghs in *Scotland*. [30th *June* 1852.]

3&4 W.4.c.76. 4&5 W.4.c.87.

'WHEREAS an Act was passed in the Third and Fourth Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to alter and amend the Laws for the Election of the Magistrates and Councils of the Royal Burghs in* Scotland: And whereas another Act was passed in the Fourth and Fifth Years of the Reign of His said late Majesty, intituled *An Act to explain certain Provisions of an Act of the Third and Fourth Years of the Reign of His present Majesty, to alter and amend the Laws for the Election of the Magistrates and Councils of the Royal Burghs in* Scotland: And whereas it is expedient to alter the Number of Magistrates and Councillors in certain of the Royal Burghs in *Scotland*, and to make Provision for the Case of the Provost and Magistrates of any Burgh being included in the One Third of the Council going out of Office annually, and also for a new Election taking place in such Royal Burghs as now are or shall in future be under the Administration of Managers lawfully appointed:' Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same,

Interpretation Clause.

I. That in construing this Act the Word "Council" shall be held to include Provost, Bailies, and Councillors; the Word "Magistrates" shall be held to mean Provost and Bailies, or Bailies, as the Case may be.

Number of the Councils in certain Royal Burghs limited to the Number specified in the Schedule.

II. At and after the next annual Election of Councillors in each of the Royal Burghs in *Scotland* specified in the Schedule to this Act annexed, the Number of the Councils of such Royal Burghs shall be limited to the Numbers specified in the said Schedule as applicable to each such Burgh respectively, and at such next annual Elections respectively the whole Number of Councillors specified in the said Schedule as applicable to each such Burgh, and no larger Number, shall be elected according, or as nearly as may be according, to present Use, and no Member of Council shall continue in Office in respect of any prior Election.

III. At