



ANNO QUADRAGESIMO QUARTO ET QUADRAGESIMO  
QUINTO

# VICTORIÆ REGINÆ.

A.D. 1881.

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## No. 211.

An Act to amend the Law relating to Building Societies.

*[Assented to, November 18th, 1881.]*

**W**HEREAS it is expedient to amend the law relating to building societies in manner hereinafter provided—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 :

Preamble.

**1.** This Act shall come into operation on a day to be fixed by the Governor, by Proclamation, to be published in the *Government Gazette*, and may be cited for all purposes as “The Building Societies Act, 1881.”

Commencement.

Short title.

**2.** Ordinance No. 12 of 1850, intituled “To Establish and Regulate Benefit Building Societies,” is hereby repealed; but this repeal shall not affect any building society constituted under the said Act until such society shall have obtained a certificate of incorporation under this Act; and this repeal shall not affect the past operation of the said Act, or the force or operation, validity or unvalidity of anything done or suffered, or any bond or security given, or any right, title, obligation, or liability accrued, or any proceedings taken thereunder, or under the rules of any society which has been constituted thereunder.

Repeal.

**3.** In this Act—

The term “building society” or “society” means any society having for its object, or one of its objects, the raising of a fund

Interpretation of terms.

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fund by the payment, subscriptions, or contributions of its members and the application of such fund in assisting its members to obtain freehold or leasehold property, or in the making of loans or advances to its members or others, upon the security of freehold or leasehold property or transfer of partly paid up shares with the periodical repayment of principal and interest by instalments:

The term "committee of management" means the managing body of any society under this Act, whether called a "board of directors," "committee," or otherwise:

The term "existing society" means any building society existing at the time of the passing of this Act, the rules of which have been allowed or confirmed by the Governor under Ordinance No. 12 of 1850:

The term "terminating society" means a society which by its rules is to terminate at a fixed date, or when a certain event or result specified in its rules is arrived at:

The term "permanent society" means a society which has not by its rules any fixed date or certain event or result when it shall terminate:

The term "secretary" means the secretary, manager, managing director, or other principal executive officer of a society, by whatever name he may be called:

The term "investing member" means any member of a society who holds shares which participate in the profits of the society, whether such shares have been borrowed or advanced on or not.

The term "investing shares" means any shares which participate in the profits of the society, whether such shares have been borrowed or advanced on or not:

The term "Court" means the Supreme Court of the Province of South Australia:

The term "Registrar" means the Registrar-General of Deeds for the time being of the Province of South Australia, or his deputy, or any other person appointed for that purpose.

Establishment and registration of new societies.

4. Any number of persons, not less than ten, may establish a society under this Act, either terminating or permanent. Such persons shall transmit to the Registrar two copies of the rules agreed upon by them for the government of the society, signed by three of such persons and by the intended secretary; and the Registrar, if satisfied that the rules contain all the provisions set forth in section 13 of this Act, and that they are in conformity with this Act, shall return one copy with a certificate of registration to the intended secretary, and shall retain and register the other copy, and thereupon such society shall be deemed to be established and registered under this Act; and no society shall hereafter be formed or established except under this Act.

5. No

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- 5.** No society shall be registered under this Act by a name identical with that by which an existing society is already registered, or in the opinion of the Registrar so nearly resembling the same as to be calculated to deceive, unless such existing society is in course of being terminated or dissolved, and consents to such registration. Prohibition of identity of names of societies.
- 6.** Any existing society shall be entitled to be registered under this Act, and when so registered its rules shall, so far as the same are not contrary to any express provision of this Act, continue in force until altered or rescinded as hereinafter mentioned; but any of its rules which are contrary to any express provision of this Act shall, after such registration, cease to be of any force or validity save as to any transactions, matters, or things done prior to such registration. Registration of existing societies.
- 7.** No existing society shall be registered under this Act except by the authority of a general meeting of the society convened and held in accordance with its rules for the time being, and specially called for the purpose, and the Registrar may require a statutory declaration from the secretary, and such other evidence, if any, as he may think fit, that such authority was duly given. Authority to register existing society.
- 8.** Any existing society entitled to be registered under this Act and desirous of being so registered shall transmit to the Registrar two copies of its rules purporting to be duly allowed or confirmed under Ordinance No. 12 of 1850, authenticated by the statutory declaration of the secretary, and to which an impression of the common seal intended to be used shall be applied, and such other evidence, if any, as the Registrar may require; and the Registrar, if satisfied that such rules were duly allowed and confirmed under the said Act, and that the necessary authority for the registration of the society under this Act has been given, shall return one copy to the secretary with a certificate of registration, and shall retain and register such rules, and thereupon such society shall be deemed to be registered under this Act. Mode of registration of existing society.
- 9.** Upon the registration of any society under this Act the Registrar shall forthwith notify in the *Government Gazette*, in the form or to the effect in the First Schedule to this Act, that such society is registered, and thereupon the then present members of the society, together with such other persons as may from time to time become members of the society, shall be a body corporate by the name contained in its rules, capable forthwith of exercising all the functions of an incorporated society and having perpetual succession and a common seal. Such notice shall be conclusive evidence that all the requirements of this Act in respect of registration have been complied with. Incorporation.  
First Schedule.
- 10.** A certificate in the form or to the effect in the Second Schedule to this Act under the hand of the Registrar for the time being (whose handwriting it shall not be necessary to prove, and who is hereby required to give such certificate to any person applying for the same on payment of One Shilling) shall be conclusive evidence that Proof of incorporation.  
Second Schedule.

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that the company named in such certificate is incorporated under this Act.

Common seal.

**11.** Upon the registration under this Act of any existing society, such society shall forthwith, by passing a new rule for the purpose, make provision for the custody and use of the common seal of the society, which shall in all cases bear the registered name thereof.

Property, &c., to vest on incorporation.

**12.** All rights of action, and other rights, and all estates and interest in real and personal estate whatsoever, belonging to, or held in trust for any existing society registered under this Act, shall, on the incorporation of the society under this Act, vest in the society, without any conveyance, transfer, or assignment whatsoever: Provided that in the case of freehold land under the provisions of "The Real Property Act of 1861," or any Act amending the same, it shall be necessary for an application to be made to the Registrar-General, under the seal of the society, applying to be registered as proprietor of such land, whereupon the Registrar-General, on payment of the transfer fee, shall register the society accordingly.

Rules to contain matters.

**13.** The rules of every society established under this Act shall set forth—

- i. The name of the society, and chief office or place of meeting for the business of the society:
- ii. The manner in which the stock or funds of the society are to be raised; the terms upon which the paid-up shares (if any) are to be issued and repaid, and whether preferential shares are to be issued, and if so, within what limits, if any; and whether the society intends to avail itself of the borrowing powers contained in this Act, and if so within what limits, not exceeding the limits prescribed by this Act:
- iii. The purposes to which the funds of the society are to be applied, and the manner in which they are to be invested:
- iv. The terms upon which shares may be withdrawn, and upon which mortgages may be redeemed:
- v. The manner of altering and rescinding the rules of the society and of making additional rules:
- vi. The duties and powers of and manner of appointing, remunerating, and removing the committee of management, auditors, and other officers:
- vii. The manner of calling general and special meetings of the members, the quorum necessary to constitute such meetings, and the mode of voting and number of votes to be given by each member at such meetings:
- viii. The mode of drawing and signing cheques, drafts, bills of exchange,

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exchange, promissory notes, and other negotiable instruments for and on behalf of the society:

- ix. The species of security to be given by any paid officer of the society having the receipt or charge of any money belonging to the society:
- x. Provision for an annual or more frequent audit of the accounts, and inspection by the auditors of the mortgages and other securities belonging to the society:
- xi. Whether disputes between the society and any of its members, or any person claiming by or through any member, or under the rules, shall be settled by reference to arbitration or how otherwise:
- xii. Provision for the device, custody, and use of the seal of the society, which shall in all cases bear the registered name thereof:
- xiii. Provision for the custody of the mortgage deeds and other securities belonging to the society:
- xiv. Provision for the payment of all funds belonging to the society to the credit of the society at some incorporated or chartered bank in South Australia:
- xv. The fines and forfeitures to be imposed on members of the society:
- xvi. The manner in which the society, whether terminating or permanent, shall be terminated or dissolved.

**14.** Any society, if so provided for by its rules, may receive from any member any sum of money by way of bonus on any share or shares for the privilege of receiving the amount of the same in advance prior to the same being realised, and also any interest for the share or shares the amount of which may be so received, or any part thereof.

Society may receive bonus.

**15.** Any society under this Act may, in a schedule to its rules, prescribe the forms of conveyance, mortgage, transfer, agreement, bond, security, for deposit or loan, or other instrument necessary for carrying its purposes into execution.

Forms of conveyance, &c., may be prescribed.

**16.** Any existing society registered under this Act may alter or rescind any of its rules, or make any additional rule in manner prescribed by its rules, or if no manner be so prescribed, then by the vote of two-thirds of the members present at a general meeting of the society, convened and held in accordance with its rules for the time being, and specially called for the purpose by notice of seven days at the least, specifying the proposed alteration, rescission, or addition.

Existing society may alter rules.

**17.** Every society under this Act altering or rescinding any rule, or making an additional rule, shall forward to the Registrar two copies.

Alteration of rules to be registered.

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copies of every resolution for rescission of a rule, and of every alteration of or addition to its rules, signed by three members and the secretary, and if the Registrar is satisfied that such alteration, addition, or rescission is in conformity with this Act, he shall register one of such copies, and return the other to the secretary with a certificate of registration, and no such rescission, alteration, or addition shall be of any force or validity until so registered.

Copy rules, &c., to be supplied.

**18.** Every society under this Act shall supply to any person requiring the same a complete printed copy of its rules for the time being in force, with a printed copy of its certificate of incorporation appended thereto, and shall be entitled to charge therefor a sum not exceeding One Shilling.

Rules binding on members.

**19.** The rules of a society under this Act shall be binding on the several members and officers of the society, and on all persons claiming on account of a member, or under the rules, all of whom shall be deemed and taken to have full notice thereof, and shall not have power to question or impugn the legality or validity thereof.

Change of name.

**20.** A society under this Act may change its name by resolution of three-fourths of the members present at a meeting called for the purpose, provided that the new name is not identical with that of any society previously registered and still subsisting, or in the opinion of the Registrar so nearly resembling the same as to be calculated to deceive, unless such subsisting society is in course of being terminated or dissolved, and consents to such registration. Notice of the change of name shall be sent to the Registrar and registered by him, and he shall give a certificate of registration within seven days from the receipt of such notice. Such change of name shall not affect any right or obligation of the society, or of any member thereof, or other person concerned.

Married women and minors.

**21.** Married women and minors may become investing members in any society under this Act, and their receipts, notwithstanding coverture or infancy, shall be sufficient discharges to the society for all moneys paid to any such married woman or minor, and the share or interest of any such married woman, to the extent of not more than Six Shillings weekly, may, if she shall so direct at the time of becoming such member, be held for her sole and separate use, independent of the debts or control of any husband.

Joint holders and corporations.

**22.** Two or more persons jointly, or any corporation or incorporated company, may hold shares in any society under this Act.

Liability of members.

**23.** The liability of any member of a society under this Act in respect of any share upon which no advance has been made, shall be limited to the amount actually paid, or in arrear on such share, and profits declared or accumulated thereon, and in respect of any share upon which an advance has been made, shall be limited to the amount payable thereon under any mortgage or other security, or under the rules of the society.

**24.** Any

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- 24.** Any society under this Act may employ its funds for such of the following purposes as are provided for in its rules: To make advances to members of the society upon security of their shares— to make advances to members and other persons, and to incorporate bodies, upon the security of freehold or leasehold estate by way of mortgage, and the society may accept the security of other property by way of collateral security: Provided that any land to which any society may become absolutely entitled by forfeiture or by surrender or other extinguishment of the rights of redemption shall, as soon afterwards as may be conveniently advantageous, be sold or converted into money. Employment of funds.
- 25.** Any society under this Act may from time to time when and as provided in its rules raise funds by the issue of shares of one or more denominations, either paid up in full or to be paid by periodical or other subscriptions, and with or without accumulating interest, and may repay such funds at such time as is provided in the rules of the society. Issue of shares.
- 26.** Any society under this Act may purchase, build, hire, or take upon lease any building for conducting its business, and may adapt and furnish the same, and may purchase or hold upon lease any land for the purpose only of erecting thereon a building for conducting the business of the society, and may sell, exchange, or let such building, or any part thereof. Business premises.
- 27.** Any society under this Act may obtain bank overdrafts or receive deposits or loans, at interest, from the members or other persons, or from corporate bodies, joint stock companies, or from any other building or friendly society, to be applied to the purposes of the society, provided that the total amount received on deposit or loan and not repaid by any society, in the case of a permanent society, shall not at any time exceed two-thirds of the amount for the time being secured to the society by mortgages from its members, or in the case of a terminating society shall not exceed twelve months' income on the shares for the time being in force. Any deposits with or loans to an existing society made before its registration under this Act in accordance with its certified rules, are hereby declared to be valid and binding on the society although such deposits or loans may exceed the limit aforesaid, but all such deposits and loans shall be taken into account in determining the amount which any such society may legally receive on deposit or loan after being registered under this Act; and no further deposits or loans shall be received by any society except within the limits provided by this section. Any member or other person, corporate body, joint-stock company, or other building or friendly society depositing or lending money with or to any society under this Act shall not be bound to see to the application thereof, or that the society has not exceeded its borrowing limit. Deposits and loans.
- 28.** Every deposit-book, or acknowledgment, or security of any kind, given for a deposit or loan by a society shall have printed Acknowledgments  
for loans or deposits  
to bear copies of  
secs. 23, 27, and 28.  
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or written thereon the whole of the twenty-third, twenty-seventh, and twenty-eighth sections of this Act.

Purchaser, &c., not bound to see to application of purchase money.

**29.** No member of any society under this Act, nor any purchaser of any land from any such society, shall be obliged to inquire into the application of the consideration money mentioned in any conveyance or reconveyance, receipt, or statutory release, or be answerable or accountable for the misapplication, non-application, or loss thereof.

Investment of funds.

**30.** Any society under this Act may, from time to time, unless its rules otherwise direct, invest any portion of its funds not immediately required for its purpose in the public funds, or in or upon any Government debentures, stock, or securities, or in or upon any debentures, stock, or securities, payment of the interest on which is guaranteed by authority of Parliament; but no society shall invest its funds, or any part thereof, in the Savings Bank of South Australia.

Paid officers to give security.

**31.** Every paid officer of a society under this Act, having the receipt or charge of any money belonging to the society, shall give such security as the rules of the society direct, in such sum as the committee of management require, for rendering a just and true account of all moneys received and paid by him on account of the society, and for payment of all sums of money due from him to the society, at such times as its rules appoint or the committee of management may require.

Paid officers to account and deliver up books, &c., on demand.

**32.** Every paid officer of a society under this Act, his executors or administrators, shall, upon demand made or notice in writing given or left at his last or usual place of residence, give in to the committee of management an account of all moneys received by him from or on account of the society to be examined and allowed or disallowed by them, and shall, on the like demand or notice, pay over all the moneys remaining in his or their hands, and deliver all securities and effects, books, papers, and property of the society in his or their hands or custody to such person as the 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 deliver such securities and effects, books, papers, and property in manner aforesaid, the society may sue upon the security given by such officer, or may apply to the Court by motion either upon notice or *ex parte* as the Court may think fit, and the Court may proceed thereupon in a summary way and make such order thereon, and as to the cost of such application as to the Court in its discretion shall seem just, which order shall be final and conclusive.

Society to have first claim on assets of officer dying, becoming insolvent, &c.

**33.** If any person appointed to any office and intrusted with the keeping of accounts, or having in his hands or possession, by virtue of his said office or appointment, any moneys or effects belonging to such society, or any deeds or securities relating to the same, shall die

or



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or become insolvent, or have any attachment, or execution, or other process issued, or action or proceedings commenced against his lands, goods, chattels, or effects, or property or estate, or make any assignment, disposition, or other conveyance thereof, for the benefit of his creditors, his heirs, executors, administrators, or assigns, or other persons having legal right, or the Sheriff or other officer executing such process, or the party using such action or proceedings, shall, within twenty-one days after demand, in writing, by order of such society, or committee thereof, or the major part of them, assembled at any meeting thereof, deliver and pay over all moneys and other things belonging to such society to such person as such society or committee shall appoint, and shall pay out of the estates, assets, or effects of such person all sums of money remaining due which the said person received by virtue of his said office or appointment before any other of his debts are paid or satisfied, or before the money directed to be levied by such process as aforesaid, or which may be recoverable under the same, is paid over to the party issuing such process or using such proceedings, and all such assets, lands, goods, chattels, property, estates, and effects shall be bound to the payment and discharge thereof accordingly.

**34.** Contracts on behalf of any society under this Act may be made, varied, or discharged as follows, viz.— Contracts.

Any contract which, if made between private persons, would be by law required to be in writing under seal, may be made, varied, or discharged, in the name and on behalf of the society in writing, under the common seal of the society :

Any contract which, if made between private persons, would be by law required to be in writing and signed by the parties to be charged therewith, may be made, varied, or discharged in the name and on behalf of society in writing, signed by any person acting under the express or implied authority of the society :

Any contract which, if made between private persons, would by law be valid although made by parol only and not reduced into writing, may be made, varied, or discharged, by parol, in the name and on behalf of the society, by any person acting under the express or implied authority of the society.

And all contracts made according to the provisions herein contained shall be effectual in law, and shall be binding upon the society and all other parties thereto, their heirs, executors, and administrator, as the case may be.

**35.** The secretary of every society under this Act shall, once in every year at least, prepare a general statement of its funds and effects, liabilities and assets, showing the amounts due to the holders of the various classes of shares respectively to depositors and creditors, and also the balance due or outstanding on its mortgage and other securities (not including prospective interest), and the amount invested Annual account.

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vested in other securities, and also an account or statement of receipts and expenditure from the last preceding similar statement, together with a statement of profit and loss, and every such account and statement shall be attested by the auditors to whom the mortgage deeds and other securities belonging to the society shall be produced, and such account and statement shall be countersigned by the secretary and published in the *Government Gazette* and in one newspaper circulating in the locality in which the chief office of the society is situate, and every member, depositor, and creditor shall be entitled, on application therefor to the secretary, to receive from the society a copy of such account and statement, and a copy thereof shall be sent to the Registrar within fourteen days after the annual or other general meeting at which it is presented, and another copy thereof shall be suspended in a conspicuous place in the chief office of the society, and be kept so suspended until the suspension in like manner of the next succeeding similar account; and every such account or statement shall be in the forms prescribed by the Fourth Schedule hereto, or to the like effect.

Society to furnish accounts when requested by Attorney-General.

**36.** Every society shall, at such time and in such form and manner, and to such persons as may from time to time be appointed by the Honorable the Attorney-General for the time being, furnish all such just and true accounts, reports, statistical tables, and statements as he may deem requisite to elucidate the state and proceedings of such society, or the manner in which the purposes of such society and the provisions of this Act have been carried into effect.

Disputes.

**37.** Every dispute between any member of any society under this Act, or any person claiming through or under such member and the society or any officer thereof, shall be decided in the manner directed by its rules, and the decision so made shall be binding and conclusive on all parties, and shall be final to all intents and purposes, and shall not be subject to appeal, and shall not be removed or removable into any Court of Law, or restrained or restrainable by the injunction of any Court.

Termination or dissolution of society.

**38.** A society under this Act may terminate or be dissolved—

- i. Upon the happening of any event declared by its rules to be the termination of the society :
- ii. By dissolution in manner prescribed by its rules :
- iii. In cases where no manner is prescribed by its rules, by dissolution with the consent of three-fourths of the investing members, holding not less than two-thirds in value of the investing shares in the society then current, testified by their signatures to the instrument of dissolution. The instrument of dissolution shall set forth—

(a.) The liabilities and assets of the society in detail :

(b.) The number of members and the amount standing to their credit in the books of the society :

(c.) The

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(c.) The claims of depositors and other creditors, and provision to be made for their payment:

(d.) The intended appropriation or division of the funds and property of the society:

(e.) The names of one or more persons to be appointed trustees for the special purpose of winding up the society, and their remuneration:

Alterations in the instrument of dissolution may be made with the like consent testified in the same manner. The instrument of dissolution, and all alterations therein, shall, when signed by the required number of members, be transmitted to the Registrar with a statutory declaration by the secretary, verifying the signatures thereto, and that it is signed by the required number of members, and shall thereupon be registered by the Registrar, and shall be binding upon all the members of the society:

iv. By winding-up by the Court, if the Court shall so order on the petition of any member, authorised by three-fourths of of the investing members, holding not less than two-thirds in value of the investing shares in the society then current, present at a general meeting of the society specially called for the purpose, to present the same on behalf of the society, or on the petition of any judgment creditor for not less than One Hundred Pounds, but not otherwise. General rules or orders for regulating the proceedings of the Court in relation to the winding up of societies under this Act may be from time to time made by any three Judges of the Court. In the absence of any such rules or orders the rules or orders for the time being regulating the winding up of companies under "The Companies Act of 1864" shall apply so far as applicable:

Notice of the commencement and termination of every dissolution or winding up shall be sent to the Registrar, and registered by him.

**39.** Two or more societies under this Act may unite and become one society with or without a dissolution or division of the funds of such societies or either of them, or a society under this Act may transfer its engagements to any other society under this Act, upon such terms as shall be agreed upon by three-fourths of the investing members (holding not less than two-thirds in value of the investing shares then current) of each of such societies present at general meetings respectively convened for the purpose; but no such union or transfer shall prejudice any right of any creditor of either society. Notice of every such union or transfer shall be sent to the Registrar, and registered by him.

Societies may unite or transfer engagements.

**40.** When all moneys intended to be secured by any mortgage or further charge given to a society under this Act have been fully paid

Receipt to operate as reconveyance.

or

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or discharged, the society may endorse upon or annex to such mortgage or further charge a receipt under the seal of the society, in the form specified in the Third Schedule to this Act, and such receipt shall vacate the mortgage or further charge and debt, and also all further charges relating to the same land dated subsequently to the mortgage or further charge on or to which such receipt shall be endorsed or annexed and prior to the date of the receipt, and vest the estate of and in the property therein comprised in the person for the time being entitled to the equity of redemption, without any reconveyance or re-assignment whatever, and so that the person for the time being entitled to the equity of redemption in cases where he was the original mortgagor of the property shall hold the property to the same uses and upon the same trusts so far as they have not been varied or altered as he held the property before mortgaging, and in cases where the person for the time being entitled to the equity of redemption is not the original mortgagor of the property shall hold the property to the same uses and upon the same trusts as he held the equitable estate.

**Administration may be dispensed with in certain cases.**

**41.** If any member of, or depositor with, a society under this Act, having in the funds thereof a sum of money not exceeding One Hundred Pounds, die intestate, or if any person entitled to the equity of redemption of any property mortgaged to any society under this Act die intestate, and upon the sale of the mortgaged premises any money not exceeding One Hundred Pounds remains in the hands of the society after paying the amount due to the society, and the costs and expenses of sale, then, and in either of such cases, such money may be paid to any person who shall appear to the society to be entitled to obtain letters of administration of the estate of such deceased member, depositor, or person, as aforesaid, without his taking out letters of administration, upon such person giving such security, and upon such evidence as the committee of management shall consider satisfactory of such death and intestacy, and that the person so claiming is entitled as aforesaid; and whenever the society has paid any sum of money not exceeding One Hundred Pounds, under the provision aforesaid, the receipt of the person to whom the same has been paid shall be a valid and effectual discharge to the society for the money so paid, but nevertheless the person who has received the same shall be liable to account to the next of kin, or personal representative of such deceased member, depositor, or person, as aforesaid, for the amount so received.

**Penalties for breach of this Act.**

**42.** If any building society, or any persons representing themselves to be a society under this Act, commence business without first obtaining a certificate of incorporation under this Act, or if any society under this Act makes default in forwarding to the Registrar any returns or information by this Act required, or makes a return wilfully false in any respect, the committee of management, secretary, and every other officer of such society, or pretended society, shall be liable for every day business is carried on, or for every such default or false return, upon summary conviction before a  
Special

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Special Magistrate or two Justices, at the complaint of the Registrar, to a penalty not exceeding Five Pounds. If any society under this Act receives loans or deposits in excess of the limits prescribed by this Act, every member of the committee of management of such society shall be personally liable for the amount so received in excess.

**43.** If any person whosoever, by false representation or imposition, obtains possession of any moneys, securities, books, papers, or other effects of a society under this Act, or, having the same in his possession, withholds or misapplies the same, or wilfully applies any part thereof to purposes other than those expressed or directed in the rules of the society, and authorised by this Act, he shall be liable on summary conviction to a penalty not exceeding Twenty Pounds, with costs not exceeding Twenty Shillings, and to be ordered to deliver up to the society, or to any person named in the order, all such moneys, securities, books, papers, or other effects of the society, or to repay the amount of money applied improperly, and in default of such delivery of effects, or repayment of such amount of money, or payment of such penalty and costs, to be imprisoned, with or without hard labor, for any time not exceeding three months; but nothing herein contained shall prevent any such person from being prosecuted under any law now or hereafter to be in force, if a conviction has not been previously obtained against him for the same offence under the provisions of this Act.

Offences.

**44.** The provisions of the Act No. 9 of 1862 shall not be applicable to any chairman, or any presiding member of any society who shall offer for sale, or sell, any share of any society to or amongst the members thereof, at a meeting being held according to the rules of such society.

Auctioneers Act not to apply.

**45.** Any person may inspect the documents kept by the Registrar relating to societies under this Act, and may obtain a copy or extract of any such document, or any part thereof, on payment of such fee as the Governor in Council may direct.

Inspection, &amp;c., of documents.

**46.** The Governor may from time to time make regulations respecting the fees (if any) to be paid for the registration and inspection of documents under this Act, and generally for carrying this Act into effect.

Regulations.

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

WM. F. DRUMMOND JERVOIS, Governor.

SCHEDULES.

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SCHEDULES.

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FIRST SCHEDULE.

*“The Building Societies Act, 1881.”*

Notice is hereby given, that a Building Society called “The Building Society” is duly registered under the provisions of the above Act.

Dated this                      day of                      188.

Registrar of Building Societies.

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SECOND SCHEDULE.

This is to certify that [*name of society*] was on the                      day of                      18                      , duly incorporated under the provisions of “The Building Societies Act, 1881.”

Given under my hand at                      , in the Province of South Australia, this                      day of                      , one thousand eight hundred

Registrar of Building Societies.

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THIRD SCHEDULE.

[*Name of society*] hereby acknowledges to have received the sum of                      in full satisfaction and discharge of all moneys owing on the security of the land comprised by the within indenture.

Dated this                      day of                      one thousand eight hundred

As witness the seal of the said society.

## The Building Societies Act.—1881.

## FOURTH SCHEDULE.

## A General Statement of Receipts and Expenditure of the Building Society for the [year, half-year, or quarter] ending 188

	Dr.	£ s. d.	£ s. d.	Cr.	£ s. d.	£ s. d.
To Balance from previous statement (if any) .....				By Balance from previous statement (if any) .....		
Subscriptions—Payments on shares .....				Advances upon shares and freehold or leasehold security .....		
“ “ Redemption of shares .....				“ “ other security (distinguishing nature of same) .....		
Loans—General deposits received .....				“ “ Matured or worked out shares—Subscriptions .....		
“ “ Repayment of mortgages (not shareholders) .....				“ “ Profit .....		
“ “ of other securities .....				Withdrawn shares—Subscription .....		
Entrance fees .....				“ “ Profit .....		
Rents and recoveries .....				Loans—General deposits .....		
Fines .....				“ “ Interest—Loans and deposits .....		
Transfer fees .....				Current expenses, viz.—Distinguishing the items of Directors' fees, Survey or inspection Fees, Office rent, Auditors' fees, Salaries and commissions, Solicitors' fees, Office expenses, and stationery, &c., &c. ....		
Interest on loans, &c. ....				Other payments, Bank Balances, Cash in hand, &c., distinguishing same .....		
Bonus or premiums on shares .....						
Balance due bank (if any) .....						
Cheques outstanding (if any) .....						
Receipts from other sources (distinguishing nature of same) ..						
			£			£

We, the undersigned, being auditors of the Building Society, do hereby certify that we have examined the books and vouchers of this society, and compared the same with the above statement of receipts and expenditure, and that the same is correct.

Secretary.

## A General Statement of the Assets and Liabilities of the

	Dr.	£ s. d.	£ s. d.
To amount received on subscription shares .....			By amount due upon £ advanced upon shares and freehold and leasehold security to shareholders (interest to date only included) ..
Profit to credit of “ .....			Amount due on mortgages (not shareholders) .....
Loans—General deposits and interest .....			Amount invested in Government stocks or securities or securities guaranteed by Government .....
“ “ Bank overdraft (if any) .....			Office buildings—freehold or leasehold .....
Reserve account (if any) .....			Balance in bank (if any) .....
Cheques outstanding (if any) .....			Cash in hand .....
Other liabilities (distinguishing nature of same) .....			Other assets or securities (distinguishing nature of same) .....
		£	
		£	

We, the undersigned, being the auditors of the said society, and compared the same with the books and vouchers of the said society, and that the above statement of assets and liabilities is correct.

Secretary.

Building Society, do hereby certify that we have examined the securities held by the said society, and that the above statement of assets and liabilities is correct.

Auditors.

Auditors.

Building Society on the day of

188

£

s. d.

Profit

The Building Societies Act.—1881.

Profit and Loss Account for [year, half-year, or quarter] ending 188 .

Dr.	£	s.	d.	£	s.	d.
To Current expenses, as above .....						
Interest paid as above .....						
" accrued on loans (if any) .....						
Losses on sales of property (if any) .....						
All other losses (if any), distinguishing nature of same .....						
Balance net profit (the allotment of such profit may follow here)						
				£		

Cr.	£	s.	d.	£	s.	d.
By Rent, fines, premiums, interest, &c., as above .....						
(Here state any other sources of profit, such as subscrip- tion, or profit forfeited on withdrawals, redemptions, &c., and distinguishing nature of same.)						
				£		

The directors have to inform the shareholders that the profits will allow of a division of carrying forward of £

per share of six months old, and the

Profit on Shares for Half-year.		£	s.	d.
Shares 6½ years old.....	Shares at			
" 6 ".....	"			
" 5½ ".....	"			
" 5 ".....	"			
" 4½ ".....	"			
" 4 ".....	"			
" 3½ ".....	"			
" 3 ".....	"			
" 2½ ".....	"			
" 2 ".....	"			
" 1½ ".....	"			
" 1 ".....	"			
" 6 months.....	"			
" not entitled.....	not entitled.....			
		£		

Total Profits.

Chairman.

Secretary.