15. Averages and percentages deduced from the tabulated returns for the years 1881–97 are given in Appendix I.

16. Information as to the forms kept in the Registry Office for the convenience of societies, and sent free on application, is to be found in Appendix IV.

17. Registration of a complete amendment of the Otago District, M.U.I.O.O.F., was refused because the society declined to delete certain words making the right of secession of a branch contingent on the unconditional consent of the central body. As the society wished to take the case into the Supreme Court, it was agreed, in order to simplify procedure and minimise expense, to obtain a decision by means of a special case brought before a Judge in Chambers at Dunedin, the place of establishment of the appellant society. The case was heard by Mr. Justice Pennefather, who gave his decision as follows:—

This is an appeal from a refusal by the Registrar of Friendly Societies to register certain amendments in the rules of the Otago District of the Manchester Unity Independent Order of Odd Fellows. By "The Friendly Societies Act, 1882," section 9, subsection (9), it is provided that if the Registrar refuse to register any rules of a society the society may appeal to the Supreme Court, and the Judges are empowered to make rules or orders relating to such appeals. No rules or orders having been made, the parties have agreed that this appeal should be heard upon summons, and should take the form of a special case. As that agreement has been entered into, I have acquiesced, but wish to state that it must not be regarded as a precedent, as I think it more convenient that on future occasions the appeal should be by an application for a rule in the nature of a mandamus, according to the English practice. (See *Re* Order of Druids, *Ex parte* Sheffield: Reports of the Chief Registrar of Friendly Societies for 1891, p. 77.) In the present case it has also been arranged at the hearing that, although certain questions are stated for the opinion of the Court, the matter may be treated generally as an appeal from the Registrar's refusal. According to the rules of the district now in force the secession and dissolution of lodges are treated of together. Rule 13 provides that no lodge shall be allowed to secede or dissolve without the consent of the District Committee. Any lodge being desirous of seceding or dissolving is first to call a special general meeting; every member is to have twenty-one days' notice thereof; the summons calling the meeting is to require the member to fill up a form stating whether he assents to or dissents from the proposed secession or dissolution, when, if three-fourths of the members, and not less than five-sixths in value, are in favour thereof, application is to be made for the consent of the District Committee. Should the District Committee see fit to sanction the secession or dissolution, certain steps are to be taken. In other words, at present the necessities for either secession or dissolution are (1) the consent of the District Committee, and (2) the consent of three-fourths of the members (being not less than five-sixths in value) of the lodge. Under the proposed new rules secession and dissolution are divided, the necessities for secession being (1) the consent of the District Committee, and (2) the consent of three fourths of the members of the lodge. But for dissolution, the necessities are to be the same as at present. The Revising Barrister has objected to the consent of the District Committee being required for secession; and in the case of dissolution he objects to the proviso as to three-fourths of the members—he would only retain the words "five-sixths in value of the members." His grounds of objection are—(1) That the provision as to unconditional consent of the district is arbitrary and unreasonable; (2) that such a provision would not, in accordance with the English practice, be registered in England; and (3) that the general rules of the Order contain no such provision as to consent by a district or the parent society. It must be observed that of these grounds of objection the first and third deal with secession only; the second may possibly deal with that, or with dissolution, or both: also, that the objections are not to amendments of the rule, but to the retention in the amended rules of provisions now contained in the existing rules. The first question to consider, therefore, is, whether the Revising Barrister is acting within his authority in objecting to certify rules on these grounds. If he is given a discretion and acts within it, no doubt this Court would be very slow to interfere with his exercise of it, although an individual Judge might think that had he been in the position of the Revising Barrister he would have decided differently; but, if the Barrister goes outside the limits of his discretion, it is the duty of this Court to restrain him. In order to ascertain the position of the Revising Barrister, it is necessary to refer to several Acts concerning friendly societies. By No. 28 of 1856, section 6, it was provided that all rules adopted by a society should, when made, altered, or amended, be transmitted to the Attorney-General or Barrister, for the purpose of ascertaining whether they were according to law; and the Attorney-General or Barrister was required to examine them, and see that they were framed in conformity with law—that no rule, or part thereof, was repugnant to another, and that the same were reasonable and proper. Strange to say, however, the certificate he was to give was merely to the effect that the rules were in conformity to law and to the provisions of the Act. That Act was repealed in 1867. By No. 10 of 1867, section 13, the Governor was empowered to appoint a Revising Barrister to peruse the rules, and alterations and amendments of rules, of such societies; and by section 14 it was provided that the rules of a society should be transmitted to the Revising Barrister, and, if it should appear to him that any of them were repugnant to or inconsistent with the Act, or any of the laws in force in New Zealand, or that any of the requirements of the Act had not been complied with, he should notify the same to the secretary, specifying in what particulars the rules were so repugnant or inconsistent; but if, on examination and perusal, the rules should appear to him consistent with the provisions of the Act and the laws in force in New Zealand, and that the requirements of the Act had otherwise been complied with, he should certify accordingly. And by section 17, in the case of amended rules, it was provided that if the Barrister should find that such alterations, amendments, or new rules were in conformity with the law, he should certify accordingly. The form of certificate was practically the same as under the former Act. It appears from the foregoing that the power which was given to the Attorney-General or Barrister by the Act of 1856 to examine whether rules (and possibly the words might be held to include amendments of rules) were reasonable and proper was taken away in 1867. This Act was repealed in 1877, but its provisions were practically re-enacted by No. 10 of that year, except that with reference to amendments the words used—section 12, subsection (6)—were "not contrary to the provisions of this Act." The Act of 1877 was in its turn repealed in 1882, when the Act was passed which is now in force. By it the provisions of the Act of 1877 were re-enacted with merely verbal alterations. The discretionary power contained in the Act of 1856 has therefore never been revived. It has, indeed, been argued that the word "perusal" in section 9, subsection (7), implies an authority to the Barrister to consider generally wherever a rule is desirable or not; but the answer is that the object with which the Barrister is to peruse the rules is to see whether they are inconsistent with law. Again, a suggestion has been made that there is an inherent power in the Barrister, or the Registrar, or this Court to decide whether a rule is reasonable, analogous to the case of a by-law; but the analogy is a misleading one, for there is a wide difference between the laws of a subordinate Legislature, which may bind all persons resident in the district, and the rules of a private society, which can affect only the members. I am of opinion, therefore, that the Revising Barrister exceeded his jurisdiction in refusing to register these rules on his first and third grounds of objection. I must still, however, examine his second ground. Here, if it were shown to me that the powers of the Registrar in England were exactly the same as those of the Barrister here, and that the Registrar had refused to sanction rules like these on the ground that they were contrary to law, I might hesitate before differing from the decision of so learned and experienced an officer. By the Act of 1885 (18 and 19 Vict., c. 63) section 26, power is given to the Registrar, on the formation of a society, to advise with the secretary, if required, for the purpose of ascertaining whether the rules transmitted to him are calculated to carry into effect the intentions and objects of the persons who desire to form such society; and if he finds that the rules are in conformity with law and the provisions of the Act, he shall certify accordingly. In the case of amendments, he is to give his certificate if the amendments are in conformity with law. By the Act of 1875 (38 and 39 Vict., c. 60), section 10, subsection (4), it is enacted that the central office shall exercise all the functions and powers which were then by law vested in the Registrar of Friendly