



ANNO QUINQUAGESIMO TERTIO

GEORGI II. REGIS.

Cap. 76.

An Act for altering and amending an Act made in the Twenty-seventh Year of His present Majesty, for confirming a Charter or Letters Patent granted by His Majesty to the Royal College and Corporation of Surgeons of the City of *Edinburgh*, and for establishing a Fund for a Provision to the Widows and Children of the Members of the said Corporation and their Clerk. [21st May 1813.]

WHEREAS His Majesty by His Royal Charter or Letters Patent, under the Seal appointed by the Treaty of Union to be kept and used in *Scotland*, in place of the Great Seal formerly used there, bearing date the Fourteenth Day of March in the Year of Our Lord One thousand seven hundred and seventy-eight, did of new incorporate the then Members of the College and Corporation of Surgeons of the City of *Edinburgh*, and the Persons who should thereafter be legally admitted Members thereof, into one Body, Politic and Corporate, or legal Incorporation, and Society under the Title and Name of the Royal College of Surgeons of the City of *Edinburgh*, with the Privileges and under the Regulations, Ordinances, and Appointments therein contained: And whereas, by an Act passed in the Twenty-seventh Year of His present Majesty, intituled, *An Act for confirming a Charter or Letters Patent granted by His Majesty to the Royal College and Corporation of Surgeons of the City of Edinburgh, so far as relates to a Scheme for raising a Fund for* 27 G. 3.

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a Provision for the Widows and Children of the Members of the said Corporation, and of their Clerk, with certain Alterations ; and for establishing the said Scheme, and empowering the Corporation, and the Trustees and Officers elected for managing the Fund, effectually to carry the said Scheme into Execution, the said Royal Charter or Letters Patent, and all the Regulations, Ordinances, and Appointments therein contained, relative to the Scheme for raising a Fund for a Provision to the Widows and Children of the Members of the said College and Corporation, and of their Clerk, and all the Proceedings had in consequence thereof, agreeably to the Terms of the said Charter or Letters Patent, were confirmed in so far as the same were not altered by the said recited Act ; and the said Scheme was directed to be thereafter carried into Execution in conformity to the Regulations, Ordinances, and Appointments specified in the said Charter or Letters Patent, subject to the Alterations in the said recited Act mentioned : And whereas, the Members of the said College and Corporation, and the Trustees and Officers elected by them, for managing the said Fund, have proceeded in the Execution of the said Scheme, agreeably to the Regulations, Ordinances, and Appointments in the said Charter or Letters Patent contained, as altered by the said recited Act ; but it has become expedient to make farther and other Alterations upon the same, which cannot be effected without the Aid and Authority of Parliament : May it therefore please Your Majesty, That it may be enacted, and be it enacted by the King'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, That from and after the passing of this Act the said Charter or Letters Patent, and all the Regulations, Ordinances, and Appointments therein contained, subject to the Alterations in the said recited Act mentioned, relative to the Scheme for raising a Fund for the Purposes before mentioned, shall be, and the same are hereby confirmed, except in so far as the same are altered by this present Act, and that the said Scheme shall be carried into Execution hereafter in Conformity to the said Regulations, Ordinances, and Appointments, subject to the Alterations hereinafter mentioned.

Letters Patent, former Act, &c. confirmed.

Annual Rates to be paid during the Life-time of the Contributors.

II. And be it enacted, That the Regulation in the said recited Act contained, that no Member of the said College and Corporation, being a Contributor to the said Fund, and who shall have paid his Annual Rate or Contribution for Twenty-four Years, successively, with Interest and Penalty, if incurred, shall be obliged to pay or contribute more thereafter, during his Life, shall be, and the same is hereby repealed, in so far as concerns future Contributors ; and from and after the passing of this Act, every future Contributor to the said Fund, in order to entitle his Widow to any Benefit from the same, shall continue to pay his Annual Rate or Contribution, during all the Years of his Life, in Terms of the Regulation in that Behalf, contained in the said Charter or Letters Patent ; but in so far as concerns the present Contributors to the said Fund, the said Regulation in the said recited Act contained shall subsist and be effectual.

Fines to be paid by Persons at Entrance in Ad.

III. And be it enacted, That every Person who shall, from and after the passing of this Act, be admitted a Member of the said College and Corporation, shall, in consequence of such Admission, be held to accede to the Scheme for raising a Fund for a Provision to the Widows of the

Members

Members thereof, and shall make Payment, if under the Age of Forty Years, of the Sum of Five Pounds Sterling to the Collector of the said Fund for the Benefit thereof, at the first Term of *Candlemas* after his Admission, and the like Sum at each succeeding Term of *Candlemas*, during his natural Life, with a Fifth Part more of Penalty in case of Failure, and the legal Interest of the said respective Sums from the aforesaid Terms of Payment during the Nonpayment thereof; and every Person so hereafter admitted a Member of the said College and Corporation, who shall, at the Time of his Admission, have completed his Fortieth Year, shall, over and above the said Annual Rate of Five Pounds Sterling, and over and above the Sums which by the Laws of the said College and Corporation now are or hereafter shall be paid by Persons on their Admission, pay a Fine of Twenty-five Pounds Sterling to the Collector of the said Fund for the Benefit thereof, and for each Year that his Age shall exceed Forty Years, shall pay a further Sum of Two Pounds Sterling; any Thing in the said Charter or Letters Patent, or in the said recited Act, contained to the contrary notwithstanding.

IV. And be it enacted, That, from and after the passing of this Act, every Contributor to the said Fund who shall marry shall intimate his Marriage to the Collector of the said Fund within Three Months after such Marriage shall take place; and if any such Contributor so marrying shall neglect to make such Intimation within the Space of Three Months as aforesaid, or shall die within that Period, without having made such Intimation, the Widow of such Contributor shall forfeit the Annuity to which she would otherwise be entitled, unless she shall be placed on the Roll of Annuitants, in manner hereinafter mentioned.

V. And be it enacted, That from and after the passing of this Act, every Contributor to the said Fund, who shall marry after having attained the Age of Fifty Years, shall, upon each such Marriage after the Age of Fifty Years, if the Age of such Contributor shall exceed that of his Wife, pay to the Collector of the said Fund for the Benefit thereof, a Fine of Three Pounds Sterling for each Year that the Age of such Contributor shall exceed that of his Wife; and it shall be incumbent on every such Contributor to produce Evidence of his own Age and of that of his Wife, to the Satisfaction of the said Contributors or their Trustees, in case he shall be dissatisfied with the Ages at which they shall be disposed to rate him or his Wife.

VI. And be it enacted, That the Collector of the said Fund shall, at the Term of *Lammas* in every Year, make up a Statement of all Arrears of Contributions and Fines due by the Contributors to the same, and shall lay such Statement before the Trustees of the said Fund, at a Meeting to be called by him to consider the same, and the said Trustees shall give such Directions thereon as they shall think proper, and shall enter in their Sederunt Book a Minute, authorizing the said Collector to use legal Diligence against such Contributors in Arrear as they shall think necessary, and the said Collector shall be bound and obliged to raise and execute such Diligence accordingly, and the Lords of Council and Session are hereby authorized upon the Application of the said Collector, to issue their Warrant for Letters of Horning, and other legal Diligence, in the Name of such Collector, against all such Contributors in Arrear, on

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Annual
Rate.

Contributors
to intimate
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Arrears how
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Production of a Certificate signed by the Collector, certifying that the Individuals complained of are liable in the Arrears, Interest, and Penalties stated in such Certificate.

No Part of the Fund to be lent on personal Security only.

VII. And be it enacted, That from and after the passing of this Act, it shall not be lawful for the said Trustees to lend out any Part of the Funds under their Management on the personal Security only of any Individual or Individuals.

College of Surgeons to repay from the Corporation Funds the Property Tax on the Funds of the Scheme.

VIII. And be it enacted, That the said Annuities shall be paid to the Persons entitled thereto, without Deduction for, or on Account of any Tax upon Property or Income, already imposed, or hereafter to be imposed by Parliament; and the Treasurer of the said Royal College and Corporation of Surgeons shall, on the First Day of *August* in the present Year One thousand eight hundred and thirteen, and on the First Day of *August* in every Year thereafter, out of the Funds of the said College and Corporation, repay to the Collector of the said Fund the whole Amount of the Tax upon Property or Income, that may have been paid by him on the said Fund for the Year preceding.

Annuities to Widows.

IX. And be it enacted, That instead of the Annuities directed by the said recited Act to be paid to the Widows of Contributors who may have survived the Term at which their Fourth Annual Rate became due, as well those Widows who are already entitled to the Benefit of the Fund, as those who shall hereafter come to be entitled to the Benefit thereof, shall each be entitled to, and shall be paid the following Annuities; that is to say, at the First Term of *Whitsunday* after the passing of this Act, with regard to those already entitled to the Benefit of the said Fund, or at the First Term of *Whitsunday* after the Decease of their respective Husbands, with regard to those hereafter to become entitled to the same, and at each succeeding Term of *Whitsunday* during their Lives, or while they shall continue in Viduity, and until the Term of *Whitsunday*, which will be in the Year of our Lord One thousand eight hundred and twenty-three, the Sum of Fifty Pounds Sterling, and at the said Term of *Whitsunday* One thousand eight hundred and twenty-three, each Widow shall be entitled to, and shall be paid the Sum of Sixty Pounds Sterling, and the same Sum annually thereafter, provided the Stock or Fund then collected shall amount to a Sum equal to Three hundred and ten Pounds Sterling for each Contributor to the Scheme who shall be then alive; but if such Stock or Fund shall not then be of that Amount, the Annuity payable to each Widow shall continue to be only Fifty Pounds Sterling, until the said Stock or Fund shall amount to a Sum equal to Three hundred and ten Pounds for each Contributor alive at the Time; and at the first Term of *Whitsunday* after the Stock or Fund shall amount to that Sum, each Widow shall be entitled to, and shall be paid an Annuity of Sixty Pounds Sterling; and the legal Representative of any Widow dying, shall be entitled to receive that Portion of her Annuity which shall have accrued between the preceding Term of *Whitsunday* and the Day of her Death: Provided always, that every Widow of a Contributor, entering into any subsequent Marriage, shall cease to be entitled to her Annuity as the Widow of such Contributor, from the Day of her entering into such subsequent Marriage, but shall be entitled to receive that Portion of her Annuity, which shall have accrued between

between the preceding Term of *Whitsunday* and the Day of such subsequent Marriage.

X. And be it enacted, That from and after the passing of this Act, every Widow entitled to the Benefit of the said Fund, who shall reside in any other Part of *Scotland* than in the City of *Edinburgh*, or the Liberties thereof, shall, in order to entitle her to receive Payment of her Annuity, be obliged to transmit to the Collector of the said Fund, annually, a Certificate, signed by a Minister and Two Elders of the Parish wherein she resides; certifying that she was alive and unmarried at that Term of *Whitsunday* when the Annuity of which she claims Payment became due; and in case any Widow shall reside elsewhere than in that Part of the United Kingdom called *Scotland*, she shall be obliged to transmit to the Collector of the said Fund, annually, a Certificate to the same Effect, signed by a Clergyman and Two respectable Inhabitants of the Parish wherein she may reside.

Non-resident
Widows to
transmit
Certificates
annually.

XI. And whereas, it is found necessary that the Capital or Stock of the said Fund should be further increased; be it enacted, That in place of the Capital or Stock in the said recited Act mentioned, such Capital or Stock shall be increased to the Sum of Twenty-five thousand Pounds Sterling; and when the Number of Contributors shall amount to more than Sixty-five, the said Capital or Stock shall be increased to the Sum of Four hundred Pounds Sterling, for each Contributor above that Number, in Manner hereinafter mentioned.

Capital or
Stock to be
increased

XII. And for effecting these Purposes; be it enacted, That the Trustees of the said Fund shall apply the whole Annual Contributions, together with the Money paid by or received from the Funds of the said Corporation, and the Profits of their Capital or Stock, first in defraying the Expences of Management; in the second place, for Payment of the Annuities to Widows, as in the said recited Act and this Act mentioned; and in case of any Deficiency or Shortcoming in any Year, the Annuities to Widows in that Year shall be rateably diminished, without regard to the Order of Time in which their Annuities first became payable; provided always, that any such Diminution shall be made up to the Widows from the Surplus of any future Year or Years; and in the third place, in increasing the Capital or Stock of the said Fund, by lending out the Surplus of each Year, in Manner as by the said recited Act and this Act directed, until the same shall amount to the said Sum of Twenty-five thousand Pounds and in keeping up the same to that Amount, in the Event of any Diminution thereof, from Insolvency of Debtors, or from any other Cause whatsoever; and if the Number of Contributors shall not exceed Sixty five when the said Capital or Stock shall have been increased to the said Sum of Twenty-five thousand Pounds, the Surplus, which was previously applicable to the Increase of the said Capital or Stock, shall be applied in increasing the Annuities then payable to the Widows of the Contributors, and be equally divided among them; but if the Number of Contributors shall exceed Sixty-five before the said Capital or Stock shall be increased to the said Sum of Twenty-five thousand Pounds, the surplus Produce of the Funds, under the Management of the said Trustees, shall be applied in increasing the said Capital or Stock till the same shall amount to the said Sum of Twenty-

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five thousand Pounds, and to a further Sum of Four hundred Pounds Sterling for each Contributor above the said Number of Sixty five: And if the Number of Contributors shall be increased to more than Sixty-five after the said Capital or Stock shall amount to the said Sum of Twenty-five thousand Pounds; but before such Surplus shall have been divided among the Widows, such Surplus shall continue to be applied in increasing the said Capital or Stock till the same shall amount to a further Sum of Four hundred Pounds Sterling, for each Contributor above the said Number of Sixty-five: but if the Surplus shall, in any one Year, have been divided among the Widows of the Contributors, such Capital or Stock shall be increased to the said further Sum of Four hundred Pounds for each Contributor above the said Number, by applying the Sum of One hundred Pounds Sterling out of the said Surplus annually; or in case such Surplus shall not amount to One hundred Pounds, by applying the whole of such Surplus annually towards the Increase of the said Capital or Stock until the same shall be increased to the said further Sum of Four hundred Pounds, for each such Contributor above the said Number of Sixty-five; and the surplus Produce of the Funds, if any, after effecting these Purposes, shall go towards increasing the Annuities then payable to the Widows of the Contributors; and similar Proceedings for the further Increase of the said Capital or Stock shall be had from Time to Time upon every Increase of the Number of the Contributors as Occasion may require: Provided always, that if from unavoidable Circumstances the Order of Proceeding hereinbefore specified shall be interrupted, the same shall be resumed as early as Circumstances will again permit.

Provisions to
Children to
cease.

XIII. And be it enacted, That, from and after the passing of this Act, the Provisions by the said recited Act, declared to be payable in certain Events to the Child or Children of Contributors to the said Fund, shall cease and be no longer payable, any Thing in the said Charter or Letters Patent, or in the said recited Act, contained to the contrary notwithstanding.

No future
Clerk to be a
Contributor.

XIV. And be it enacted, That after the Decease or Resignation of Master *William Balderston*, Writer to the Signet, the present Clerk to the said Corporation, no future Clerk thereof shall be elected otherwise than during Pleasure; and no such future Clerk shall be entitled to become a Contributor to the said Fund, any Thing in the said Charter or Letters Patent, or in the said recited Act, contained to the contrary notwithstanding.

Power to re-
admit Contri-
butors who
have failed in
Payment of
their Annual
Rates for
Six Years,
&c.

XV. And be it enacted, That where any Contributor shall have forfeited the Annuity to which his Widow would have been entitled after his Decease, from his having allowed his Annual Rate to have run on unpaid for Six Years, and it shall appear to the Contributors at a Special Meeting assembled, that the Failure in Payment of any such Contributor was occasioned not with a View to injure the Fund, but from Decay of Business, or other Misfortunes or Accidents, it shall be competent for any Member present at such Meeting to make a Motion to reinstate such Contributor in Arrear in the same Situation as if such Forfeiture had never taken place, on Payment of all Arrears due by such Contributor, with Compound Interest thereon from the Terms at which the respective Rates became due; or in case any such Contributor so in Arrear shall be dead, leaving

a Widow, to make a Motion to enter her on the Roll of Annuitants, as soon as the Annuity that would have fallen due to her, had there been no Forfeiture or Arrears, shall amount to a Sum equal to these Arrears, and Compound Interest thereon, from the Terms at which the respective Rates became due; or in case any Contributor shall have neglected to intimate his Marriage within Three Months after the same shall have taken place, or shall have died within Three Months after having married, without having intimated such Marriage to the Collector of the said Fund, in manner hereinbefore mentioned, to make a Motion to reinstate such Contributor, if then alive, in the same Situation as if such Forfeiture had never taken place; or if such Contributor shall be dead, to enter the Widow of such Contributor on the Roll of Annuitants, as soon as the Annuity which would have fallen due to her, had due Intimation of her Marriage been given, shall amount to a Sum equal to any Arrears that may have been due by her Husband, and Compound Interest thereon from the Terms at which the respective Rates became due; and if such Motion shall at a Second Special Meeting of Contributors be approved of by Three-fourths of the Contributors then present, it shall be competent for such Meeting to reinstate such Contributor, or to place on the Roll of Annuitants such Widow, on the Terms before mentioned, any Thing in the said Charter or Letters Patent, or in the said recited Act, contained to the contrary notwithstanding: Provided always, that no Special Meeting shall be held in relation to these Purposes, or any of them, unless a Notice, written or printed, specifying the Purpose and the Time and Place of Meeting, shall have been left at the Dwelling-place of each Contributor residing within the City of *Edinburgh*, or the Liberties thereof, Two Days before the Day of such Meeting.

XVI. And be it enacted, That in case at any Time hereafter it shall appear to the Members of the said College and Corporation of Surgeons, at a General Meeting assembled, that the Funds of the Corporation are more than sufficient in any one Year to maintain their Poor, and to defray their other necessary Expences, and to pay the Sums of Money by the said Charter or Letters Patent, and by the said recited Act and this Act directed to be paid to the Collector of the Widows' Fund; then it shall be lawful for any Member present at such Meeting to make a Motion that the Treasurer of the Corporation be appointed to pay to the said Collector such additional Sum as may be judged proper; and if such Motion shall, at a second General Meeting of the Members of the said College and Corporation, be approved of by Three-fourths of the Members there present, it shall be lawful for such Meeting to appoint the Treasurer of the said College and Corporation to pay to the said Collector such Sum for that Year as may have been judged proper, any Thing in the said Charter or Letters Patent, or in the said recited Act, contained to the contrary notwithstanding: Provided always, that no such Purpose shall be taken into Consideration at any such General Meeting, unless a Notice, written or printed, specifying the Purpose and the Time and Place of meeting, shall have been left at the Dwelling-place of every Member of the said Corporation residing within the City of *Edinburgh*, or the Liberties thereof, Two Days before the Day of such Meeting.

Funds of the Corporation if they will admit of it may contribute further.

XVII. And

Expences of
Act.

XVII. And be it enacted, That the Expences of applying for and obtaining this Act shall be paid out of the Common Funds of the said College and Corporation, and not out of the Money contributed or collected, for the Purpose of providing Annuities for the Widows of the Members thereof.

Public Act.

XVIII. And be it enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken Notice of as such, by all Judges, Justices, and others, without being specially pleaded.

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