



ANNO QUINQUAGESIMO OCTAVO

GEORGI III. REGIS.

Cap. lxxiv.

An Act to alter and amend an Act passed in the Forty-third Year of His Majesty's Reign, for raising a Fund for making Provision for the Widows of the Writers to His Majesty's Signet in Scotland. [23d May 1818.]

WHEREAS by an Act passed in the Forty-third Year of the Reign of His present Majesty, intituled, *An Act for raising and securing a Fund for making Provision for the Widows of the Writers to His Majesty's Signet in Scotland*, 43G.3.c.107. it was, among other Regulations, enacted, that whenever the Capital for answering the Purposes of the Scheme should amount to Twenty thousand Pounds for each Hundred Contributors, and so in Proportion, the Surplus above the said Sum should annually, at the Term of *Whitsunday*, be divided among the Widows who should then be upon the Roll of Annuitants: And whereas it was not expected that the Surplus, if any, would be of considerable Amount, or that the same would arise before the Year One thousand eight hundred and sixty-one, when the Scheme was expected to have arrived at the Maximum of Burdens upon the Fund: And whereas from Advantages, the full Effect of which was not foreseen at the Time of forming the said Scheme and passing the said Act, particularly the great Increase in the Number of Members entering with the Society, the Capital of Twenty thousand Pounds for each One hundred Contributors, or Two hundred Pounds for each Contributor, has been already nearly accumulated, while the Scheme has not nearly arrived at the Maximum of Burdens upon the Fund, and there is a Probability, that in the Course of a few Years, there will be a considerable Annual Surplus, which, although arising in a great Measure from the Contributions of young Members, would under the Provision of the Act before recited, be appropriated to, and divisible annually among the Widows on the Roll

[Local.]

19 P

of

of Annuitants at the Time, whose Husbands had contributed the least to the Fund; a Result contrary to the true Intent and Meaning of the Scheme and Calculations upon which the Act was founded; and it appears by further Calculations recently formed, that by the Operation of the Clause before recited, there would not only be an undue Advantage to the Widows who came early on the Roll of Annuitants, but an annual Exhaustion of the Surplus, preventing the Accumulation of a Fund for a future and permanent Increase of the Provisions to the Widows generally: And whereas by the last-mentioned Calculations it appears, that if the Surplus were accumulated periodically, the Income of such accumulated Fund would afford to every Widow an additional and progressively increasing Annuity, which would, in Fifteen Years, exceed her Share of the Surplus if divided annually as aforesaid, and would continue to increase till the Scheme arrived at the Maximum of Burdens upon the Fund, when the permanent Surplus Annuity would probably exceed Thirty-five Pounds *per annum*, making in all an Annuity of Eighty-five Pounds, or upwards, to every Widow, thus producing a great permanent Good to the Widows generally, and at the same Time doing Justice to all the Contributors: And whereas Experience has shown that it is expedient to alter and amend the said in part recited Act, in some other Particulars, hereinafter mentioned: 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 the said Act, so far as it was thereby enacted that whenever the Capital for answering the Purposes of the Scheme should amount to Twenty thousand Pounds for each Hundred Contributors, and so in Proportion, the Surplus above the said Sum should annually be divided among the Widows who should then be upon the Roll of Annuitants, shall be and the same is hereby repealed.

Act in part
repealed.

Accumulation of the
Fund.

II. And be it enacted, That the Accumulation of the Fund shall proceed without any Division of a Surplus being made, except for the Payment of the additional Annuities hereinafter mentioned, till the Period when the Scheme shall, in Manner hereinafter mentioned, be deemed and taken to have arrived at the Maximum of Burdens upon the Fund; but at the Term of *Whitsunday* yearly, after the said Period, the Surplus over and above the Capital then accumulated shall be divided among the Widows who shall then be upon the Roll of Annuitants.

Trustees to
report when
the proper
Period has
arrived.

III. And be it enacted, That so soon as it shall appear to the Trustees in the Management of the Fund, that the said Period has arrived, they shall make a Report to that Effect to a General Meeting of Contributors, to be called by them for that special Purpose; and it shall be competent to any Twelve Contributors, whenever they may see Cause, to require the Trustees to make a Report, whether or not, in their Opinion, the said Period has arrived, and the said Trustees, being so required, shall be bound to make such Report accordingly; and the said Twelve Contributors may, at the same Time, summon a General Meeting of Contributors, to be held not sooner than One Month after the said Requisition, for the special Purpose of receiving the said Report; and whenever it shall be the Opinion of at least Three-fourths of the Contributors present at any such Meeting, so summoned, whether by the

Trustees or by any Twelve Contributors, or at any General Meeting to be held by Adjournment from such Meeting, that the said Period has arrived, the Report shall lie upon the Table, to be taken up for final Consideration at another General Meeting, on a Day then to be fixed for that special Purpose, to be held at the Distance of not less than Two Months thereafter; and if it shall be declared by at least Three-fourths of the Contributors present at the said last-mentioned Meeting, that the said Period has arrived, the Scheme shall then be deemed and taken to have arrived at the Maximum of Burdens upon the Fund: Provided always, that every such General Meeting so to be held shall take place during the Sitting of the Court of Session.

IV. And be it enacted, That until the said Period shall arrive, the said Surplus (if any) shall be applied by the Trustees, at the Term of *Whitsunday* in each Year after such Surplus shall have existed, as follows; *videlicet*, In the first place; in Payment of certain additional Annuities as hereinafter provided to the Widows who shall for the Time be upon the Roll of Annuitants; and in the second place, for increasing the Capital of the Fund towards ensuring Permanency to the Scheme of additional Annuities.

Application
of Surplus.

V. And be it enacted, That the said additional Annuities so to be paid shall be of the Amount following, *videlicet*, at the Term of *Whitsunday* in the First Year, after the Capital of the Fund shall amount to Two hundred Pounds for each Contributor; and at the Term of *Whitsunday* in each of the Six following Years, Ten Pounds Sterling to each of the Widows who shall be upon the Roll of Annuitants for the Time; and at the Term of *Whitsunday* in the Eighth Year after the Capital shall amount to the Sum aforesaid, and at each Term of *Whitsunday* thereafter Twenty Pounds Sterling to each of the Widows who shall be upon the Roll of Annuitants at the Time, making a total Annuity of Seventy Pounds Sterling, excepting always the Widows who are now on the Roll, and the Survivors and Survivor of them, in respect of the Provision made for such Widows as hereinafter mentioned.

Amount of
Annuities to
be paid.

VI. Provided always, and be it enacted, That upon the Death of any Contributor before he shall have paid Twelve Years' Rates, the same Deductions, in Proportion to the respective Sums, shall be made from the additional Sums hereby payable to his Widow, as it is provided by the said in part recited Act shall be made from the original Annuity of Fifty Pounds Sterling thereby provided, till the said Deductions, along with the Rates paid by the Contributor himself, shall amount to Twelve Years' Rates as aforesaid.

On Death of
Contributors
before pay-
ing Twelve
Years' Rates,
Deductions
to be made.

VII. And be it enacted, That at the stated Annual Meeting of Contributors in the Month of *May*, in the Fifteenth Year after the Capital shall amount to the aforesaid Sum of Two hundred Pounds for each Contributor, a State of the Fund shall be exhibited by the Trustees, showing the Increase of the Capital in consequence of the Application of the remaining Surplus after Payment of the additional Annuities aforesaid, accompanied by a Report of their Opinion whether any and what farther Addition should, in the said Fifteenth Year, and in all Time thereafter, be made to the said Annuities, they having in View that all Annuities directed to be paid under the Scheme shall be permanent Annuities to the whole Widows expected

Statement of
Funds to be
made.

expected to come on the Fund; and in case it shall be resolved by Three-fourths of the Contributors present at such Meeting, that a certain further Addition ought to be made to the Annuities payable to the Widows, such Addition shall be made to the Annuities payable as at the Term of *Whitsunday* in the said Fifteenth Year, and in all Times thereafter; and a similar Procedure shall be followed at the Expiration of every Term of Seven Years thereafter, until the Period when the Scheme shall, as aforesaid, be deemed and taken to have arrived at the Maximum of Burdens upon the Fund.

When Surplus is insufficient, an Abatement to be made.

VIII. Provided always, and be it enacted, That in case the said Surplus shall in any Year be insufficient for the Payment of the said additional Annuities, the same shall, in the said Year, be subject to a proportional Abatement, corresponding to the Deficiency.

Compensation to Widows entitled to Surplus.

IX. And whereas the Widows who are now on the Roll of Annuitants are or may be legally entitled to require that the Surplus beyond the Sum of Two hundred Pounds for each Contributor should be divided in Terms of the said in part recited Act; and it is reasonable that Provision should be made for affording a Compensation to them for the Shares which might belong to them respectively of the said Surplus, in case of their surviving the Period when such Surplus shall arise, and the Value of their Expectations from said Surplus has been ascertained to be equal to the additional Annuities hereinafter provided to them; be it therefore enacted, That in lieu and Compensation of such Shares of the said Surplus, the following special additional Annuities over and above, and along with the Annuity of Fifty Pounds presently payable to each Widow, shall be payable and paid to each of the Widows now on the Roll, or who shall be on the Roll at the Time of passing this Act, commencing as at the Term of *Whitsunday* in the present Year, One thousand eight hundred and eighteen, for the Year following; *videlicet*, To each of the said Widows now on the Roll, who at the said Term of *Whitsunday* One thousand eight hundred and eighteen shall not be above the Age of Fifty-five Years, an Annuity of Fifteen Pounds; to each of the said Widows whose Age shall at the said Term be above Fifty-five but not above Seventy Years, an Annuity of Ten Pounds; and to each of the said Widows whose Age shall at the said Term exceed Seventy Years, an Annuity of Five Pounds; which several additional Annuities shall be respectively increased to Twenty Pounds, when the Capital of the Fund shall exceed Two hundred Pounds for each Contributor; and which additional Annuity of Twenty Pounds shall continue to be paid to each of the Widows now on the Roll, or the Survivors or Survivor of them, at the Term of *Whitsunday* in each Year, till such Time as the total Annuities to the whole Widows who may be then on the Roll shall be increased as hereinbefore provided to above Seventy Pounds, when the Widows now on the Roll, or the Survivors or Survivor of them, shall be entitled to the same Increase and to the same Benefits in all respects with the other Widows who shall then be on the Roll.

Application of any extraordinary Addition.

X. Provided also, and be it further enacted, That in case of any extraordinary Addition accruing to the Fund, after the Period when the Scheme shall, as aforesaid, be deemed and taken to have arrived at the Maximum of Burdens upon the Fund, whether from a Sale of Government Stock or other

other Stock, at a Price exceeding that at which the same was bought, or from any Legacy or Donation to the Fund, such extraordinary Addition shall not be divided among the Widows on the Roll of Annuitants for the Time, as if forming Part of the said Surplus, but shall be applied towards increasing the Capital of the Fund, any Thing in the present Act to the contrary notwithstanding.

XI. And whereas it has been found difficult to obtain Information of the Marriages contracted by the Contributors, be it enacted, That every Contributor who shall not, within Twelve Months after his Marriage, intimate the same to the Collector of the Fund, (the Proof of Intimation being incumbent on the Contributor so marrying,) shall pay the double of the Marriage Tax, besides Interest and Costs, and the Penalty of Five Pounds *per Centum* imposed by the said recited Act in the case of the Marriage and equalizing Taxes being left unpaid for Three Months after the Time appointed for Payment thereof.

Penalty on Persons not intimating their marriage.

XII. And whereas it has been found that the Tax of One Guinea on Clerks, imposed by the said recited Act, while it bears heavy on the few Individuals whom it affects, produces little Advantage to the Fund; be it enacted, That from the Time of the passing of this Act the said Tax on Clerks shall be, and the same is hereby abolished.

Tax on Clerks abolished.

XIII. And be it enacted, That every Person who after the passing of this Act shall be admitted a Member of the said Society, being at the Time of his Admission above the Age of Twenty-four Years, (the Proof of his not being above that Age being incumbent upon him,) shall be bound at the first Term of *Whitsunday* or *Martinmas* after his Admission, to make Payment to the Collector, along with his Contribution for the current Year, of a Sum equal to One-half of the whole Rates which he would have been liable to pay if he had been admitted a Member of the Society at the Age of Twenty-four, together with legal Interest on the said Half, calculated from the Terms at which each Rate would have been payable, together with legal Interest of the whole Sum from the said Term following his Admission till paid, and One-twentieth part more of the said accumulated Sum, in name of Penalty, in case of Failure to make such Payment within Three Months after the said Term, besides the full Costs of prosecuting for and recovering the same, which Penalty shall be paid and levied without Modification, and which Payment shall be over and above, and shall form no Part of the Twelve Rates declared by the said recited Act and this Act, to be payable by every Contributor before his Widow can draw the full Annuity thereby and hereby provided: And in case such Person so admitted, shall at the Time of his Admission be a married Man, he shall be bound to pay, not only the Marriage Tax and equalizing Tax, payable in Terms of the said Act, but also a Sum equal to One-half of the legal Interest which would have accrued thereon from the Date of his Marriage, or of his attaining the Age of Twenty-four, which ever of these Events shall have last happened, together with legal Interest of the accumulated Sum and Penalty as aforesaid, in case of Failure in Payment thereof within Three Months as aforesaid; and all and every such Sums, Principal, Interest, and Penalties, shall be levied and recovered in the same Manner and by virtue of such Diligence as is directed and allowed by the said Act for the Recovery of Arrears due by the Contributors.

Payments by Persons above 24 Years old when admitted.

Members
may become
Contributors
on certain
Conditions.

XIV. And whereas some Members of the said Society, who failed within the Time limited by the said in part recited Act, to declare their Resolution to become Contributors to the said Scheme, which is said in certain Instances to have arisen from Inadvertency, are now desirous to be admitted to a Participation of the Scheme, be it therefore enacted, That every Person being now a Member of the said Society, but not a Contributor to the Scheme, who shall, by Writing under his Hand to be delivered to the said Collector within Three Months after the passing of this Act, declare his Resolution to become a Contributor thereto, shall be bound, at the Term of *Martinmas* One thousand eight hundred and eighteen, to make Payment to the said Collector of a Sum equal to the whole Rates and Marriage Tax and equalizing Tax which he would have been liable to pay if he had become a Contributor in Terms of the Provisions of the said Act, together with compound Interest thereon from the Times at which the same would in that case have been payable, and also of such further Sum, if any, as an Accountant, to be named for the Purpose by the Trustees, may report to be necessary for rendering the Contributions fairly equivalent in all the Circumstances of each Individual, to the Benefits resulting from a Participation in the Scheme; and upon such Payment being so made at the said Term, or within Thirty Days thereafter, every such Person shall be admitted to Participation, and shall be liable to all the Obligations incumbent on other Contributors in the same Way as if he had become a Contributor in Terms of the said Act; but no Person, of the Description aforesaid, shall be admitted to such Participation who fails to make and deliver such Declaration as aforesaid, and to make Payment as aforesaid at the Term of *Martinmas* in the same Year, or within Thirty Days thereafter.

Expence of
Management.

XV. And whereas the Provision in the said recited Act for defraying the Expence in the Management of said Fund has become inadequate, be it therefore enacted, That as soon as the Capital of the Fund shall amount to Two hundred Pounds for each Contributor, the Sum of Two Hundred Pounds Sterling *per Annum* shall be paid to the Collector in Full of Salary, Office Rent, and Stationery in the Office: Provided always, that any other Expences in the Management than those above mentioned, shall be defrayed out of the Fund under the Direction of the Trustees.

Former Act
to remain in
Force.

XVI. And it is hereby declared, That the aforesaid Act of the Forty-third Year of His present Majesty's Reign shall remain in full Force, except in so far as altered or amended by the present Act.

Expences of
Act.

XVII. And be it enacted, That the Expence of procuring and passing this Act shall be paid by the Trustees out of the Fund under their Management.

Public Act.

XVIII. And be it enacted, That this Act shall be deemed, adjudged, 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.