CHAPTER xxvii.

An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1899 relating to the Burgh and Parochial Schoolmasters' Widows' Fund (Scotland). [4th July 1913.]

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WHEREAS His Majesty's Secretary for Scotland has made the Provisional Order set forth in the schedule hereunto annexed under the provisions of the Private Legislation Procedure (Scotland) Act 1899 and it is requisite that the said Order should be confirmed by Parliament:

62 & 63 Vict. c. 47.

Be it therefore 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 as follows:—

Confirmation of Order in schedule.

1. The Provisional Order contained in the schedule hereunto annexed shall be and the same is hereby confirmed.

Short title.

2. This Act may be cited as the Burgh and Parochial Schoolmasters' Widows' Fund (Scotland) Order Confirmation Act 1913.

[*Price 2s. 3d.*]

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SCHEDULE.

BURGH AND PAROCHIAL SCHOOLMASTERS' WIDOWS' FUND (SCOTLAND).

Provisional Order to repeal an Act passed in the ninth and tenth year of the reign of Her late Majesty Queen Victoria for better raising and more securely constituting the Fund for the Relief of Widows and Children of Burgh and Parochial Schoolmasters in Scotland to constitute the said Fund more securely to regulate the future management administration and application of the Fund to confer powers for the winding-up of the Fund and for other purposes.

WHEREAS an Act was passed in the ninth and tenth year of the reign of Her late Majesty Queen Victoria cap. ccxxvi. intituled "An Act for better raising and more securely con- "stituting the Fund for the Relief of Widows and Children of "Burgh and Parochial Schoolmasters in Scotland" (hereinafter called "the Act of 1846"):

And whereas the contributors to the said Fund consisted of the following persons who were bound and entitled to enter and become contributors (viz.) (1) Every person who should be elected a parochial schoolmaster in Scotland by virtue of an Act passed in the Parliament of Scotland in the reign of King William the Third in the year one thousand six hundred and ninety-six intituled "Act for Settling of Schools" or the Act 43 George III. cap. 54 or the Act 1 & 2 Victoria cap. 87 provided that the part of his salary payable by the heritors was not less than the sum of fifteen pounds yearly and (2) Every person who should be elected a schoolmaster in any school established for or in any burgh the patronage whereof at the time of his election was vested solely or partly in the magistrates or in the magistrates and town council of such burgh provided that the amount of his salary payable out of the funds of the burgh was not less than the sum of six pounds yearly:

And whereas by the Act of 1846 the management and administration of the said Fund were vested in trustees and

certain committees chosen by the contributors from their own number:

And whereas by the Education (Scotland) Act 1872 the parish and burgh schools in Scotland were transferred from the heritors and the magistrates and town councils respectively and vested in school boards:

And whereas by section 77 of the last-mentioned Act it was enacted as follows "Every person who at the time of the "passing of this Act is a contributor to the Fund regulated by "the Act ninth and tenth Victoria chapter two hundred and "twenty-six intituled 'An Act for better raising and more "'securely constituting the Fund for the relief of widows and "'children of burgh and parochial schoolmasters in Scotland' "shall whether he continue in the school of which he is now "teacher or be appointed teacher of any parish or burgh "school by or under this Act remain liable to all the obligations "and be entitled to all the benefits to which he would have "been liable and entitled if this Act had not been passed and "if the constitution of parish and burgh schools had not been "altered by this Act Provided always that nothing in the said "Act or this Act contained shall oblige any person who shall "be hereafter appointed a teacher of any parish or burgh "school to contribute to the said Fund unless he be a con-"tributor at the time of the passing of this Act":

And whereas in consequence of the said Act the entry of contributors to the said Fund ceased in the year eighteen hundred and seventy-three:

And whereas the number of contributors has been greatly reduced by death renunciation and forfeiture and the remaining contributors are of advanced age:

And whereas it is expedient that the Act of 1846 should be repealed and that the provisions contained therein for the management and administration of the said Fund should be re-enacted with the modifications hereinafter in this Order provided:

And whereas the moneys of the Fund consisted as at 31st August in the year 1912 of—

	£	*s.*	*d.*
Sums invested on heritable security - -	44000	0	0
£150 stock of the Bank of Scotland value say - - - - - - - -	667	10	0

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	£	s.	d.
£483 stock of the Royal Bank of Scotland value say - - - - - -	1226	16	4
£172 12*s.* 6*d.* stock of the British Linen Bank value say - - - - -	811	6	9
£24697 18*s.* 7*d.* Consols value say - -	18646	18	9
Cash on account current with Royal Bank of Scotland - - - - - -	4575	0	0
Balance due by cashier - - - -	49	10	1
	£69977	1	11

And whereas it is expedient that the powers of investment of the moneys of the Fund should be extended:

And whereas it is expedient that an additional tax should be payable on future marriages of contributors as hereinafter in this Order provided:

And whereas it is expedient that provision should be made for the ultimate transfer of the said Fund with its assets and liabilities to an insurance or other company or corporation and that the other provisions relating thereto in this Order contained should receive effect:

And whereas the purposes aforesaid cannot be effected without an Order of the Secretary for Scotland confirmed by Parliament under the provisions of the Private Legislation Procedure (Scotland) Act 1899:

Now therefore in pursuance of the powers contained in the last-mentioned Act the Secretary for Scotland orders as follows:—

Short title.

1. This Order may be cited as the Burgh and Parochial Schoolmasters' Widows' Fund (Scotland) Order 1913.

Interpretation.

2. In this Order the following words and expressions shall have the respective meanings hereinafter assigned to them unless there be something in the subject or context repugnant to such construction (that is to say):—

"The Act of 1846" means the Act 9 & 10 Victoria cap. ccxxvi.;

"The Fund" means the Widows' Fund to which this Order and the Act of 1846 relate;

"Contributor" means contributor to the Fund;

"Cashier" and "clerk" include "interim cashier" and "interim clerk" respectively.

3. This Order shall except where otherwise provided come into operation on the date of the passing of the Act confirming the same which date is hereinafter referred to as "the commencement of this Order." Date of commencement of Order.

4. The Act of 1846 shall be and the same is hereby repealed. Repeal of Act of 1846.

Contributors and Contributions.

5. All persons who shall be contributors to the Fund at the commencement of this Order shall be bound and entitled to continue contributors and be liable for all arrears of contributions and other payments previously incurred and shall also be liable for the contributions and other payments specified in this Order unless and until they shall cease to be contributors as hereinafter provided. Contributors to the Fund.

6. If any contributor shall have been or shall be rendered incapable of discharging the duties of his profession by the infirmities of age or other natural disability it shall be lawful to the standing committee appointed as hereinafter provided on sufficient evidence being produced to them which evidence shall be recorded in the minutes of the said committee to relieve such contributor from the payment of any portion not exceeding one half of his future annual contributions and the determination of the standing committee in regard to every such case shall not take effect till confirmed by a subsequent general meeting of the contributors Provided always that the repeal of the Act of 1846 shall not affect any indulgence extended to old and infirm contributors under the same unless such indulgence shall be recalled or altered as hereinafter in this section provided And provided also that no contributor although unable to perform the duties of his office shall be entitled to receive or to continue in the enjoyment of any such exemption if he is in receipt of an income arising from any source whatever equal to thirty pounds a year. Indulgence to old and infirm contributors.

7. Every contributor who shall change his place of residence shall within one month thereafter intimate such change to the cashier and every contributor who shall marry shall within one month after the date of his marriage intimate such marriage to the cashier and shall at the same time lodge with or transmit by post to the cashier a certificate or other sufficient evidence of the date of the birth of his wife and of the date at which Intimation of change of address marriage &c.

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such marriage took place and every contributor shall on the birth of each of his children lodge with or transmit to the cashier within one month thereafter a certificate or other sufficient evidence of the date thereof and every contributor whose wife or any of whose children below the age of seventeen years shall die shall within one month after such event intimate the date thereof to the cashier and every widow of a contributor any of whose children below the age of seventeen years shall die shall within one month after such event intimate the date thereof to the cashier.

Evidence of dates of births deaths and marriages.

8. The standing committee to be appointed as hereinafter mentioned shall be entitled to call for such evidence respecting the dates of the births and deaths of contributors and of their wives and children and of the widows of contributors and their children and of the marriages of contributors required to be intimated as aforesaid as to them may appear necessary and such evidence when so required shall be laid before the said committee by each of the contributors or widows or curators or trustees for widows of contributors or tutors or curators or trustees for children of contributors accordingly and all such intimations and declarations to be made by these parties respectively with the certificates or other documents instructing and verifying the same shall be filed and preserved among the records of the Fund and form part of such record and an abstract shall be made therefrom and entered in a book to be kept by the cashier for that purpose.

Renunciation and forfeiture by contributors.

9. It shall be optional to any contributor who has ceased or shall hereafter cease by resignation or deprivation to hold the office of schoolmaster of any school in Scotland which is a parish school or a burgh school within the meaning of section twenty-five of the Education (Scotland) Act 1872 and who on his so ceasing shall not have been appointed schoolmaster of any other such school either to continue a contributor to the Fund or to renounce his connection therewith provided that any such contributor choosing to renounce his connection with the Fund shall be bound to give intimation of his purpose under his hand in the form of Schedule A. to this Order annexed addressed and transmitted by post to the cashier or in any other form in which the standing committee hereinafter appointed may from time to time direct from the date of the posting of which intimation but not previous thereto he shall

be no longer liable in payment of annual or other contributions to the Fund And if any contributor having the option to renounce his connection with the Fund as aforesaid (*a*) shall at any time after the expiration of two years from the twenty-fifth day of July following the date on which he became entitled to exercise such option be indebted to the Fund in any sums (other than marriage equalising tax payable as hereinafter mentioned with interest thereon) to the amount of two years' annual contributions or (*b*) shall fail to pay in full any marriage equalising tax for which he may be liable and the interest thereon prior to the expiration of a period of two years from the twenty-fifth day of July following the date on which he became entitled to exercise such option or prior to the expiration of a period of four years from the date of the marriage in respect of which such equalising tax is payable according to whichever of these periods shall last expire or (*c*) shall leave the United Kingdom of Great Britain and Ireland and continue absent till the thirty-first day of August which shall first happen three months after his so leaving without giving an intimation to the cashier of his intention to continue a contributor and shall not before the said date pay up all the contributions and other payments which may then be due by him to the Fund such contributor shall in any one of these cases be held to have forfeited all the advantages arising from the Fund and shall ipso facto cease to be a contributor thereto and shall have no interest therein nor claim thereupon and from the time of such forfeiture but not previous thereto he shall not be liable in payment of annual or other contributions to the Fund and subject to the provisions of the section of this Order of which the marginal note is "Allowances to widows of contributors who have forfeited" in every case of renunciation or forfeiture the widow and children of such contributor shall have no claim to and shall not be paid any annuity or any other sum whatsoever out of the Fund and every contributor who shall renounce or forfeit shall be bound to pay the whole contributions and other payments which were due by him at the time of his renunciation or forfeiture.

Classes of contributors.

10. The contributors shall be divided into four classes and the classes according to which they have hitherto paid annual and other contributions to the Fund and on which they shall at the commencement of this Order be respectively ranked in the books kept by the cashier shall be held to be the classes to

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which they have respectively subjected themselves notwithstanding any error or irregularity in the fixing thereof and no person shall have any right to question the same upon any ground whatever.

Rates of contributions.

11. The annual contribution to be paid by contributors on the first or highest class shall be five pounds five shillings on the second class four pounds four shillings on the third class three pounds three shillings and on the fourth class two pounds two shillings respectively.

Dates of payment of contributions.

12. All the annual contributions shall be payable and paid for behoof of the Fund during the lives of the contributors except as mentioned in this Order and the first payment thereof shall be payable on the twenty-fifth day of July first occurring after the commencement of this Order and the next payment on the twenty-fifth day of July thereafter and every successive payment shall be payable on the twenty-fifth day of July in every ensuing year during the lives of the contributors.

Marriage tax.

13. Every contributor who may marry a second time or oftener shall in respect of every such marriage pay in addition to and along with the annual contribution payable on the twenty-fifth day of July first occurring thereafter a sum equal to such annual contribution in name of marriage tax Provided that if any contributor shall marry the widow of a former contributor who at the time of her marriage with him shall be in the receipt of any annuity payable under this Order he shall not be liable for any marriage tax under this section in respect of such marriage.

Marriage equalising tax.

14. Every contributor who shall at any time after the commencement of this Order marry a wife more than five years younger than himself shall pay to the Fund in respect of each and every such marriage in name of an equalising tax a sum equal to twice the amount of his annual contribution for every full year by which he is more than five years older than his wife which equalising tax shall be payable on the twenty-fifth day of July first occurring after such marriage and shall be in addition to the marriage tax for which the contributor so marrying may be liable in terms of the immediately preceding section of this Order Provided always that if a contributor shall marry the widow of a former contributor who at the time of her marriage with him shall be in receipt of an annuity payable under this

Order other than an annuity granted in virtue of the section of this Order of which the marginal note is "Allowances to widows of contributors who have forfeited" no equalising tax shall be payable in respect of such marriage unless the annual contribution payable by the contributor so marrying shall exceed the annual contribution which was payable by such former contributor in which event the equalising tax shall be a sum equal to twice the amount of such excess for every full year by which the contributor marrying shall be more than five years older than the said annuitant Provided also that the equalising tax payable by any contributor who has been or may be relieved from the payment of any portion of his annual contribution in virtue of section five of the Act of 1846 or the section of this Order of which the marginal note is "Indulgence to old and infirm contributors" shall be calculated according to the annual contribution which would have been payable by him if no such relief had been granted.

Payment of marriage equalising tax by instalments.

15. On the application of any contributor liable in payment of equalising tax the standing committee if they see cause may allow such contributor to pay the said tax by fixed instalments at regular intervals but so that the last instalment shall be payable on a date not later than three years from the twenty-fifth day of July first occurring after the date of the marriage in respect of which the tax is payable and so that not less than one-third of the amount of the said tax shall be payable during each of the said three years Provided always that along with each instalment there shall be payable interest thereon from the twenty-fifth day of July first occurring after the date of the marriage to the date when the instalment shall be paid Provided also that in the event of an instalment with the interest thereon not being paid on the date fixed by the standing committee for payment thereof the standing committee may declare the whole of the instalments then outstanding to be instantly payable and may direct the cashier to take proceedings for recovering the same and the interest thereon.

Interest on contributions &c.

16. Subject always to the provisions of the immediately preceding section of this Order if the several contributions and payments herein specified or any of them be not paid previous to the thirty-first day of August next after the day they respectively become due as aforesaid they shall bear interest from the day they respectively become due until they are paid which

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interest as well as the original contributions and payments and all costs incurred in recovering the same shall be levied and paid without abatement or modification.

Rate of interest.

17. In every case in which by this Order interest is made payable by the contributors to the Fund such interest shall be calculated and paid at the rate of five per centum per annum.

Contributions &c. to be preferable debts.

18. The contributions and other payments to the Fund due at the commencement of this Order and to become due thereafter by the contributors with the interest thereon shall be preferable upon their respective salaries to all debts contracted by them after the date of the Act of 1846 and shall also be preferable to all claims of retention or compensation not existing or contracted for at the date of the Act of 1846 at the instance of the school boards and others liable in payment of such salaries to the extent of the term's salary current at the time when a demand for such contributions and other payments and sums shall be made upon them by the cashier any law or usage to the contrary notwithstanding.

Contributions &c. to be payable to cashier.

19. All the arrears due under the Act of 1846 and the contributions and other payments specified in this Order shall be paid by the contributors to the cashier of the Fund at his office in Edinburgh for behoof of the Fund.

Enforcement of payment of contributions &c. by certificate and requisition.

20. If any schoolmaster being a contributor shall fail to make payment of his contributions taxes or other payments within the space of three months after the same respectively become due it shall be lawful to the cashier to issue a certificate and requisition in the form of Schedule B. to this Order annexed or as nearly in the said form as circumstances permit and to transmit the same by post addressed to the treasurer of the school board or to any other person or persons liable for salary payable to such defaulter as schoolmaster certifying the amount of the arrears due by the said contributor with the interest thereon and requiring such treasurer or other person or persons foresaid to make payment to the cashier of the said arrears and interest and of the farther interest to become due till the same shall be paid and such treasurer or other person or persons foresaid shall thereupon make payment to the cashier of such arrears and interest or of so much thereof as can be satisfied and paid out of the salary owing by them to such schoolmaster at the time or out of the term's salary then current when the same shall

become payable and in like manner when any contributor shall have died in arrear of his contributions or other payments to the Fund it shall be lawful to the cashier immediately on his death to issue such certificate and requisition to the treasurer of the school board or other person or persons foresaid who shall thereupon respectively make payment to the cashier of such arrears and interest or of as much thereof as can be satisfied and paid out of the salary owing by them to such schoolmaster at the time of his death or that may fall due thereafter when the same shall become payable and the receipt or discharge to be granted by the cashier for any such payments shall be a sufficient acquittance and discharge to such treasurer or other person or persons paying the same.

Diligence for recovery of arrears.

21. In the event of a contributor or of a person who has ceased to be a contributor as hereinbefore mentioned failing to make payment of the sums due by him to the Fund it shall be lawful to the cashier to cause a certificate in the form of Schedule C. to this Order annexed or as nearly in the said form as circumstances permit stating the amount of arrears due by such defaulter to be recorded in the books of council and session or other judges' books competent for issuing warrants of diligence and thereupon to obtain an extract thereof containing the warrants for diligence specified in the Debtors (Scotland) Act 1838 which extract containing the said warrants shall be granted accordingly and it shall be lawful to the cashier to use all diligence competent under the said last-mentioned Act to recover payment of the sums due by the defaulters with the interest thereon.

Effect of certificates and requisitions.

22. Every certificate and requisition by the cashier delivered or transmitted as aforesaid shall be equivalent to and have all the legal force and effect of an arrestment and of a decreet of forthcoming following thereupon and all requisitions or certificates and requisitions issued before the commencement of this Order by the cashier under the Act of 1846 shall notwithstanding the repeal thereof remain in full force and be as good and effectual and may be followed by diligence in the same way as if issued under this Order.

Recording of certificates and requisitions.

23. In the event of the treasurers or others foresaid to whom the certificates and requisitions hereinbefore authorised and mentioned shall be delivered or transmitted by the cashier as

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aforesaid refusing or delaying after the lapsing of the term of payment of the salary due by them to the defaulters to make payment to the cashier of the said amount of salary or such part thereof as they shall have been required to pay on the cashier making application to them for payment of the same it shall be lawful to the cashier at any time after the expiration of fourteen days from the said term of payment to cause a copy of such certificate and requisition with a certificate by him in the form of Schedule D. to this Order annexed or as nearly in the said form as circumstances permit subjoined to it to be recorded in the books of council and session or other judges' books competent for issuing warrants of diligence and thereupon to obtain an extract thereof containing the warrants for diligence specified in the Debtors (Scotland) Act 1838 which extract containing the said warrants shall be granted accordingly and it shall be lawful to the cashier to use all diligence competent under the said last-mentioned Act to recover payment of the sum due by such treasurer or others foresaid to such defaulters or such part thereof as shall be equal to the amount of contributions taxes and other sums with interest thereon as aforesaid due by such defaulters to the Fund.

Administration of the Fund.

Contributors appointed trustees of Fund.

24. The contributors shall be and they are hereby nominated and appointed trustees for carrying into execution all the powers in and by this Order given.

Meetings of contributors and their quorum.

25. It shall be lawful for the contributors of whom nine shall be a quorum while they number fifty or more and six shall be a quorum when they number fewer than fifty to execute all the powers committed to them as trustees by this Order and for that end they shall hold at twelve o'clock noon within the High School of Edinburgh or such other place within the city of Edinburgh as they may from time to time appoint at least one general meeting annually upon the third Friday of September and the first general meeting shall be held upon the third Friday of September first occurring after the commencement of this Order Provided always that the standing committee appointed as hereinafter mentioned shall call such special meetings of the contributors as they may consider necessary and they shall be bound within fourteen

days after receipt by the clerk of a requisition signed by any five of the contributors requiring a general meeting of the contributors to be called and specifying the matter to be brought before the meeting to call such meeting and it shall be lawful to the meetings so called to execute all the powers committed to the contributors in reference to the special matter of each such meeting and all special meetings to be called as aforesaid shall be held within the city of Edinburgh at such place and such hour as the standing committee may appoint provided always that intimation of such place and hour and of the matter or matters to be brought before each such special meeting shall be given to every contributor resident in the United Kingdom of Great Britain and Ireland by circular letter posted to him at his last known address not more than fourteen days and not less than seven days previous to the date of the meeting.

Preses of contributors.

26. At the meeting of contributors to be held on the third Friday of September annually a preses shall be chosen by the majority of the votes of the contributors present which preses shall preside at all the meetings of the contributors for the ensuing year including the general meeting to be held on the third Friday of September first occurring after the meeting at which he was chosen preses and shall sign the minutes of such meetings Provided that the contributor who at the commencement of this Order shall hold the office of preses under section thirty-eight of the Act of 1846 shall preside at the first annual general meeting of the contributors to be held in terms of this Order and at any special meeting which may be held previous to the said first annual general meeting In the absence of the preses from any meeting the meeting shall choose a chairman who shall sign the minutes as interim preses and the preses or chairman shall besides a deliberative vote have a casting vote in all cases of equality.

Powers of contributors to make regulations.

27. It shall be lawful to the contributors to make such regulations from time to time as may be found expedient in the discharge of the duties herein required of them and for beneficially managing and administering the Fund Provided always that the regulations proposed to be made shall within one month after the meeting at which they are proposed and minuted be communicated by the clerk to be appointed as hereinafter directed to the respective contributors and shall be

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adopted at a meeting of the contributors to be held not sooner than five weeks after the first mentioned meeting which regulations so made shall continue in force until altered in whole or in part by a meeting of the contributors to be held not sooner than five weeks after the intention to alter the same shall be proposed and communicated as aforesaid Provided also that such regulations shall not be repugnant to the law of Scotland nor to the true intent and meaning of this Order.

Continuance of present standing committee until first general meeting of contributors.

28. The contributors who at the commencement of this Order shall form the standing committee of the Fund appointed and acting in virtue of the Act of 1846 shall continue to act as such standing committee until the general meeting of contributors to be held on the third Friday of September first occurring after the commencement of this Order with all the powers competent to the standing committee under this Order and at the said meeting they shall all retire from office.

Standing committee.

29. The whole ordinary management and administration of the Fund in the intervals betwixt the meetings of the contributors but subject to the inspection and direction of the contributors shall be vested and are hereby vested as at and from the third Friday of September first occurring after the commencement of this Order in a standing committee of ten contributors whereof four shall be a quorum and one of the members of the standing committee shall be the preses to be chosen from time to time by the contributors in terms of the section of this Order of which the marginal note is "Preses of contributors" and he shall be a member of the said committee by virtue of the said office of preses and the remaining nine members who are hereinafter referred to as ordinary members of the standing committee shall be elected by the contributors in the manner hereinafter mentioned and the said preses shall be the chairman at all meetings of the standing committee and in the event of his absence from any meeting the members present shall choose one of their own number to be chairman thereat and the chairman shall have a deliberative vote as well as a casting vote in cases of equality.

Election of standing committee.

30. At the general meeting of the contributors to be held on the third Friday of September first occurring after the commencement of this Order nine contributors shall by the majority of the votes of the contributors present be elected

ordinary members of the standing committee and three of the ordinary members of the said committee shall retire from office at every subsequent annual general meeting of contributors when the vacancies occasioned by their retiral shall be filled up by the contributors present at such meeting.

Order of retiral of standing committee.

31. The order of the retiral of the ordinary members of the standing committee to be elected at the general meeting of the contributors to be held on the third Friday of September first occurring after the commencement of this Order shall be determined by the number of votes given for each member at the said meeting and the three members for whom the smallest number of votes shall be recorded shall hold office for one year the three members next in the order of voting shall hold office for two years and the remaining three members shall hold office for three years Provided that in the event of there being an equality of votes or in the event of the said ordinary members being elected without a vote being necessary the order of retiral between or among the members for whom an equal number of votes is recorded in the first event and among the whole members in the second event shall be determined according to the respective dates on which the members became contributors and the member or members who shall have been a contributor or contributors for the shortest period or periods shall retire first and all ordinary members of the said committee other than those to be elected at the first annual general meeting to be held after the commencement of this Order shall except in the case mentioned in the section of this Order of which the marginal note is "Casual vacancies in standing committee" retire at the annual general meeting to be held three years subsequent to the date of the meeting at which they were elected Provided that all retiring members of the standing committee shall be eligible for re-election at the meeting at which they fall to retire.

Casual vacancies in standing committee.

32. In case any vacancy shall happen in the standing committee by death resignation incapacity or in any other way except retiral in ordinary rotation the remaining members of the committee may appoint another contributor to supply the vacancy until the next annual general meeting of the contributors and at the said meeting the contributors shall elect a contributor in place of the original member and the contributor so elected shall hold office for the unexpired term of office of such original member.

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Meetings of standing committee.

33. The said standing committee shall hold at least one stated yearly meeting on the Wednesday preceding the third Friday of September at twelve o'clock noon or on such other day being not more than seven days nor less than two days previous to the third Friday of September and at such other hour as they may appoint when they shall audit and settle the annual accounts of the cashier but subject to the approval of the next annual general meeting of contributors and they shall examine the several states to be then laid before them by the cashier as hereinafter directed and besides such stated meeting the committee shall hold such occasional meetings as circumstances may require which may be called by the cashier or clerk or (upon a requisition being lodged with him signed by any three of the committee) by the chairman of the said committee and upon such previous notice as the person calling the meetings may appoint and all meetings of the said committee shall be held within the office of the cashier or such other place within the city of Edinburgh as the person calling the meeting may appoint and such meetings may adjourn from time to time and if a quorum shall not be present the member or members present shall have power to adjourn.

Election of cashier and clerk.

34. The persons who may be the cashier and the clerk of the Fund at the commencement of this Order shall continue in their respective offices until the general meeting of contributors to be held on the third Friday of September first occurring thereafter when they shall respectively go out of office and at the said meeting and at the annual general meeting to be held on the third Friday of September in every subsequent year a cashier and clerk shall be elected by a majority of the votes of the contributors present and the cashier and clerk shall respectively continue in office until the annual general meeting of contributors to be held on the third Friday of September in the next year and at the first and every subsequent annual election the cashier and clerk going out of office shall be capable of being re-elected Provided always that neither the cashier nor the clerk need be a contributor.

Power to conjoin offices of cashier and clerk.

35. Notwithstanding the terms of the immediately preceding section it shall be competent to the standing committee to recommend to any annual general meeting of contributors that the offices of cashier and clerk should be conjoined in one person and if such recommendation shall be adopted by at least two-thirds in number of the contributors

present and voting at such meeting the offices shall be conjoined accordingly Provided always that intimation of such recommendation shall be given to every contributor resident in the United Kingdom of Great Britain and Ireland by circular letter posted to him not more than fourteen and not less than seven days previous to the date of the meeting of contributors at which the recommendation is to be submitted and in the event of the offices of cashier and clerk being so conjoined the holder of the joint offices shall perform all the duties and exercise all the powers imposed and conferred on the cashier and the clerk respectively by this Order his remuneration shall be fixed by the contributors and may be increased or diminished by them as mentioned in the section of this Order of which the marginal note is "Remuneration of cashier and clerk" and the standing committee shall have the same powers of suspending him from office and of appointing an interim cashier and clerk in the event of his suspension death or resignation as are conferred on them by the sections of this Order of which the marginal notes are respectively "Suspension of cashier or clerk" and "Death or resignation of cashier or clerk."

Cashier to give security.

36. Each cashier or interim cashier to be appointed as herein directed shall within one month from the date of his appointment and previous to his entering upon office be bound to lodge with the standing committee a bond or bonds of caution or other obligation of security for his intromissions to the extent of such sum as shall be fixed at the meeting at which he is elected not being less than two thousand pounds which bond or other obligations shall be conceived in favour of the investment committee to be appointed as hereinafter directed and the sufficiency thereof shall be judged of by the said standing committee and the cashier shall not on being re-elected be bound to find new caution or other obligation but any bond or other obligation given by the present cashier under the Act of 1846 and any bond or other obligation to be given by any future cashier shall continue in force against him and the cautioners therein and the cautioners therein shall be bound as securities for the said cashier during the time of his continuing in office unless two-thirds of the standing committee shall require and obtain a new bond of caution or other obligation which they are hereby empowered to do.

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Duties of cashier.

37. Every cashier to be appointed as herein directed shall have power to receive and discharge the whole income of the Fund and to manage the financial concerns of the Fund under the directions of the standing committee subject to the direction and control of the contributors.

Cashier to deposit money in bank.

38. It shall be lawful to the standing committee from time to time to name a bank in Edinburgh being one of the banks incorporated by Act of Parliament or by charter in which the money received by the cashier shall be deposited until disposed of by order of the standing committee on an account to be kept in name of the investment committee hereinafter appointed and to be hereafter appointed in manner after described and to be operated upon by drafts signed by at least two members of the said investment committee besides the cashier for the time being and the cashier shall never hold in his hands above twenty pounds sterling of the money belonging to the Fund except at the time when the annuities are to be paid as aftermentioned when it shall be lawful to him to hold in his hands such sum as shall be necessary for paying said annuities.

Cashier to keep books prepare state of funds &c.

39. The cashier shall keep regular books under the direction of the standing committee and shall annually lay his accounts made up to the thirty-first day of August from the same day of the preceding year before the standing committee at their stated yearly meeting in order to the said accounts being then settled and shall also prepare annually and exhibit to such meeting a state of the Fund together with lists of marriages of contributors and of widows of births of children of deaths of contributors of widows and of children occurring in each year with the dates of the births and deaths of these various parties in so far as the same have been intimated or are known to him which lists after being approved of by the said meeting shall be entered in a book of record to be kept by the clerk for that purpose and upon the annual accounts of the cashier being settled and the several states and lists above mentioned being revised and approved of by the standing committee and the contributors the same or such abstract of these as the contributors may direct shall be printed and copies thereof transmitted to the several contributors and the cashier shall without fee or reward allow any of the contributors to inspect the books accounts and other documents of the Fund at any time within the usual hours of business during the two months next after

the Wednesday succeeding the third Friday of September in A.D. 1913.
each year.

Office to be kept in Edinburgh.

40. The cashier shall have an office within the city of Edinburgh where all the duties of the said office shall be performed and all the payments and remittances hereby required to be made to the cashier and also the annuities herein made payable to the widows and children of contributors shall be paid at or remitted to the said office.

Duties of clerk.

41. The clerk and every clerk to the Fund for the time being shall issue circular letters or notices for calling meetings of the committees held under the authority of this Order shall attend all the meetings of the contributors and of the committees and frame the minutes thereof under their direction and keep a correct and authentic record of their proceedings and shall ingross therein all minutes states lists reports and other documents laid before the said meetings with their orders if any made thereupon and he shall also perform such other duties as the contributors or the committees may from time to time require and the minutes of the proceedings of all such meetings shall be signed by the preses or chairman of such meetings and the clerk shall be bound on receiving a reasonable remuneration for his trouble to furnish extracts or office copies from the said record signed by him to all parties applying therefor and such extracts or office copies shall be probative and shall be received as evidence in all courts of justice.

Remuneration of cashier and clerk.

42. The contributors shall at the general meeting to be held on the third Friday of September after the commencement of this Order fix the remuneration to be made to the cashier and clerk respectively for their services by way of salary or otherwise for the year then current and order the same to be paid out of the Fund and it shall be lawful to the contributors at any general meeting to be held on the third Friday of September in any year upon due consideration of the nature and extent of the duties performed to increase or diminish the remuneration to be allowed to either of the said officers.

Suspension of cashier or clerk.

43. It shall be in the power of the standing committee in case two-thirds of the said committee shall at any time find it necessary to suspend the cashier or clerk from his office and to name an interim cashier or interim clerk and if it shall be required by the said cashier or clerk so suspended the said

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committee shall be bound to call a general meeting of the contributors which general meeting shall have full power either to reinstate the cashier or clerk or to confirm the proceedings of the committee.

Death or resignation of cashier or clerk.

44. In case of the death or resignation of the cashier or of the clerk a meeting of the standing committee shall within ten days after such event be called as aforesaid to be held within one week thereafter to whom it shall be lawful to name an interim cashier or interim clerk (as the case may be) who shall discharge the duties of such office respectively and shall remain in office until the next annual meeting of contributors to be held on the third Friday of September as aforesaid.

Investment committee.

45. It shall be competent to the general meeting of contributors which shall be held on the third Friday of September which shall first happen after the commencement of this Order and the said meeting is hereby required to elect and appoint three contributors who along with the cashier of the Fund for the time being shall be a committee for the purposes aftermentioned to be called "the investment committee" and when and as often as any one or more of the said contributors so elected and appointed shall resign (which it shall be competent for him or them to do) or shall die or become incapable of acting or be suspended in manner hereinafter mentioned it shall be competent for the next general meeting of contributors and they are hereby required to elect and appoint another contributor or other contributors to supply his or their place or places Provided that in the event of any vacancy occurring by the resignation death incapacity or suspension of any member the standing committee may appoint a contributor to supply such vacancy until the next meeting of contributors to be held thereafter and the cashier for the time being along with any two other members of the said investment committee shall be a quorum and it shall be in the power of any general meeting of contributors to recall the appointment of any member or members of the said investment committee and to elect another or others in his or their place or places and it shall be in the power of two-thirds of the standing committee to suspend any member or members of the investment committee from his or their office until the next general meeting of contributors which general meeting shall have full power either to reinstate the member or members so suspended or to confirm the proceedings of the said

standing committee and the contributors and cashier who at the commencement of this Order shall form the investment committee appointed and acting in virtue of the Act of 1846 are hereby appointed the investment committee with full power to them to act as such from the commencement of this Order until the general meeting of contributors which shall be held on the third Friday of September first occurring after the commencement of this Order when these powers shall cease and determine.

Vesting of funds in investment committee.

46. The whole capital raised for the benefit of the Fund under the Act of 1846 or the Acts which were repealed thereby however invested and all arrears whatsoever of entry money annual contributions and marriage taxes with interest accruing thereon due at the commencement of this Order as also the whole contributions and taxes and payments imposed by this Order with the interest and every profit and increase that may in any manner of way from time to time accrue thereon and all moneys and claims due and competent to and all property vested in the trustees under the Act of 1846 or the Acts which were repealed thereby or any of them or in any committee or officer now or formerly acting under any of the said Acts for behoof of the said trustees or of the Fund shall be and the same are hereby vested in the contributors and cashier who at the commencement of this Order shall form the investment committee appointed and acting in virtue of the Act of 1846 and in their successors in office to be elected in manner hereinbefore directed as the investment committee aforesaid and that without the necessity of any new conveyance transfer assignation or other instrument and it shall be lawful for them to sue for and recover the same and act in respect thereof as herein directed as effectually as if the same had been vested in them under the Act of 1846 or the Acts which were repealed thereby and they shall be liable to all the debts and engagements to which the trustees committees or officers of the Fund under the said Acts were liable and the said investment committee shall be bound to execute all drafts receipts discharges renunciations assignations or other deeds and instruments which the said standing committee shall direct Provided that for the purpose of enabling the contributors and cashier who at any time after the commencement of this Order may be acting as the investment committee to complete a title if thought fit

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to any part of the capital and other assets vested in them by virtue of this Order by expeding and recording a notarial instrument or otherwise this Order shall be deemed to be and may be used as a general disposition or assignation as the case may be of the said capital and other assets in favour of them as such investment committee.

Powers of investment.

47. The standing committee shall from time to time direct to be laid out and invested the moneys of the Fund or so much thereof as may not be required for the payment of the annuities and other charges payable furth thereof on good and approved heritable securities or in the purchase of Government stock or stock of the Bank of England or stock of the Bank of Scotland Royal Bank of Scotland or British Linen Bank or in any security in which gratuitous trustees are or may hereafter be by any public general Act applicable to Scotland empowered to invest trust funds and all bonds dispositions assignations conveyances transfers and other deeds and instruments granted for or in reference to such loans and investments shall subject to the provisions of the next succeeding section be conceived and taken in favour of the investment committee for the time being for behoof of the Fund and the moneys so lent with the securities granted for the same and lands and other heritages conveyed in security and the stock and other investments purchased with the assignations dispositions and other deeds establishing a right and title to the same shall thereupon be effectually vested in the investment committee and thereafter in the investment committee for the time being without any transference from their predecessors in office and it shall be lawful to the standing committee at any time to direct any loan or other investment whether made prior to the commencement of this Order or subsequent thereto to be called up or sold and the receipts discharges dispositions assignations or other necessary deeds and instruments granted by the investment committee for the time being shall be sufficient and effectual to the persons to whom or in whose favour the same may be granted in favour of whomsoever the security so discharged or assigned was conceived and it shall be lawful to the standing committee to direct to be reinvested in like manner in name of the investment committee from time to time the sum so called up or the proceeds of the investment so sold or such part thereof as may not be required for carrying into effect the purposes of the

Fund Provided always that when the investment committee shall pass a draft on the bank account for any sum to be laid out in any loan or investment as aforesaid the said committee shall hold a meeting not later than the fourteenth lawful day thereafter when they shall examine the bond or other document granted for the loan or other investment to which such draft has reference and shall enter a minute of the transaction in the record kept by the clerk and in like manner when any discharge or other deed is to be granted by the said committee on the repayment of any loan or payment of the price of any investment sold by them and the sum to be received shall not be immediately required by the cashier for payment of annuities as aftermentioned the said committee shall hold a meeting not later than the fourteenth lawful day after such repayment or payment and shall enter in the said record a minute stating that such sum has been received and duly lodged in the said bank account or reinvested as the case may be and it shall be the duty of the clerk to see that such meetings are duly held.

Declarations of trust by investment committee.

48. In the event of the said moneys or any part thereof being laid out or invested under directions of the said standing committee in the purchase of Government stock or stock of the Bank of England or other securities which may require to be taken in the names of the members of the investment committee as individuals it shall be lawful to the standing committee and they are hereby required to take from the members of the investment committee such declarations of trust or obligations as to the said standing committee shall appear necessary and proper for effectually binding the investment committee to hold such Government stock or stock of the Bank of England or other securities and profits or dividends from time to time to become due thereon at and subject to the disposal and control of the said standing committee in regard to the purchasing selling and transferring from time to time such stock and receiving accounting for and paying over the interests dividends or profits to become due thereon as aforesaid and in all or every other respect in relation thereto and every part thereof.

Power to contributors and committees to sue and be sued in name of cashier.

49. It shall be lawful to the contributors and to the standing committee and to the investment committee to sue and be sued and to prosecute all legal diligence and to enter into submissions or arbitrations for and in relation to the Fund and all matters and things connected therewith and in relation to the

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management of the same and recovery of the contributions and other payments due thereto whether arising under the Act of 1846 or under this Order in the name of the cashier for the time being and no action suit or diligence or submission or arbitration wherein the contributors or the said committees shall be concerned as parties in name of the cashier shall fall or abate by the death resignation or removal of such cashier but the cashier for the time being shall be deemed to be the party on behalf of the contributors or the said committees and the Fund in every such action suit diligence submission or arbitration and in any suit action or diligence against any of the contributors for payment of any of the contributions or other payments due under the Act of 1846 or this Order or against any party liable to make good the same a state of the arrears and the interest due thereon certified by the cashier shall be sufficient evidence that the sums therein contained are justly due and payable unless such states shall be instructed by written evidence to be erroneous.

Immunities of contributors and committees.

50. Neither the contributors nor the standing committee nor the investment committee shall be liable for omission or for acts done by them bonâ fide in execution of their duties under this Order or for the solvency of the debtors to whom the funds hereby placed under their charge may be lent out or of the banks in which such funds may be deposited or in solidum but each member only for his own actual intromissions acts or deeds.

Contributors in arrear to have no voice in management.

51. No contributor who may at any time be in arrear with his contributions or other payments to the Fund shall be capable of being appointed or acting as a member of the standing committee or investment committee or of taking any voice or part in the management and administration of the Fund until all such arrears with interest and expenses if there shall be any such shall have been paid Provided always that a contributor who shall be liable for marriage equalising tax and who shall be allowed to pay the same by instalments as hereinbefore mentioned shall not be deemed to be in arrear of the said tax if no instalment shall be past due and unpaid.

Application of the Fund.

Manner of application of fund.

52. The capital and income of the Fund shall be applied to the uses and purposes aftermentioned (viz.) in the first place

to the payment of any debts or obligations which may have been incurred by the trustees of the Fund or by any committee or officer thereof under authority of the Act of 1846 with the charges to be necessarily incurred in the management and administration of the Fund in all time hereafter and in the next place for payment of annuities to widows and orphan children of contributors as hereinafter mentioned and it shall not be lawful to apply any part of the Fund to any other uses or purposes whatsoever.

Annuities to widows.

53. There shall be paid by the cashier at his office in Edinburgh to the widow or in the event of there being no widow to the orphan children entitled to an annuity as hereinafter specified of every contributor who shall die after the commencement of this Order and shall not have renounced or forfeited his connection with the Fund so soon as she or they or their tutors or curators shall apply for the same a sum bearing the same proportion to the annuity to which she or they may be entitled as the time between the contributor's death and the first day of September thereafter shall bear to a whole year and there shall also be paid by the cashier at his office in Edinburgh upon the first day of September yearly to the widows of contributors under the Act of 1846 and this Order whose husbands shall have died before the said first day of September and shall not have renounced or forfeited their connection with the Fund the annuities to be fixed by the contributors as hereinafter directed and the said annuities shall continue to be paid on the first day of September yearly during the life of each widow respectively (excepting as hereinafter mentioned) and shall be subject to deductions in certain cases as herein provided and the annuities payable on the first day of September first occurring after the commencement of this Order and on the first day of September yearly until the same shall be altered by the contributors as hereinafter directed shall be of the following amounts (videlicet) to the widow of a contributor to the first or highest class an annuity of fifty pounds to the widow of a contributor to the second class an annuity of forty pounds to the widow of a contributor to the third class an annuity of thirty pounds to the widow of a contributor to the fourth class an annuity of twenty pounds and to the widow of a contributor who contributed to the fifth or lowest class under the Act of 1846 an annuity of ten pounds.

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Allowances to widows of contributors who have forfeited.

54. Notwithstanding the terms of the section of this Order of which the marginal note is "Renunciation and forfeiture by contributors" it shall be in the power of the contributors at any annual general meeting to allow to the widow of a contributor who shall have forfeited his connection with the Fund either before or after the commencement of this Order provided she shall have married the said contributor previous to his forfeiture and shall have remained unmarried since his death such an annuity as they after consideration of the whole circumstances of the case may think fit but not exceeding in amount one half of the annuity to which such widow would have been entitled if her husband had not forfeited his connection with the Fund and it shall also be in the power of the contributors at any subsequent annual general meeting to reconsider the case of any such widow and to increase the annuity previously allowed to her but so that it shall never exceed the aforesaid limit but it shall not be in the power of the contributors to withdraw an annuity which may be granted in terms of this section or to reduce it unless a reduction shall be made in virtue of the section of this Order of which the marginal note is "Increase and reduction of annuities" Provided always that the first payment of any annuity granted in terms of this section shall be made as at the date of the meeting of contributors at which it is granted for the period between the said date and the first day of September thereafter that no payment shall be made in respect of the period between the date of the death of the former contributor and the date of the said meeting that second and subsequent payments shall be made on the first day of September annually that no deduction shall be made from such annuity on account of the arrears (if any) of contributions taxes or other payments due by the former contributor to the Fund which arrears shall be taken into account by the contributors in fixing the said annuity and that in all other respects any annuities which may be granted in terms of this section shall be in the same position as annuities payable to the widows of contributors who shall not have forfeited their connection with the Fund and shall be subject to all the provisions in this Order contained so far as relating to the last-mentioned annuities and further provided that no annuity shall be granted in virtue of this section after the number of contributors has been reduced to twenty or after the contributors have passed a

resolution that it is expedient that the Fund with its assets liabilities and obligations should be transferred and made over to and undertaken by an insurance or other company or corporation in the manner provided by the section of this Order of which the marginal note is "Power to transfer Fund to insurance or other company or corporation."

Forfeiture of annuities on remarriage.

55. If the widow of any contributor shall marry she shall thereby lose all right to any annuity or other allowance from the Fund unless she shall again become entitled as the widow of another contributor.

Annuities to orphan children.

56. If at the death of a contributor who shall not have renounced or forfeited his connection with the Fund and who shall not have left a widow or if at the death or marriage of the widow of a contributor who shall not have renounced or forfeited his connection with the Fund there shall be in existence one or more lawful child or children of such contributor who shall be under the age of seventeen years on the first day of September next ensuing after the death of such contributor or the marriage or death of such widow the following annuities shall be payable to the said child or children on the said first day of September and on the first day of September annually thereafter during the period aftermentioned (videlicet) if such child or any of such children shall be under the age of fourteen years the full annuity to which the widow of the said contributor would have been entitled shall be payable to him or her or them till he or she or they attain the said age of fourteen years and if the whole of the said children shall be above the said age of fourteen years or whenever they shall attain the age of fourteen years the one half of the said annuity and such annuity shall cease and determine with regard to each child so soon as he or she shall have attained the said age of seventeen years.

Provisions for appointment of trustees for annuitants.

57. In all cases where a widow who is in receipt of an annuity from the Fund is incapable on account of any disability legal natural or accidental of receiving and discharging the same and where there is no curator legally authorised to manage the affairs of such widow the standing committee shall appoint two or more persons as trustees to receive the said annuity and apply it in such manner as shall appear to them to be most for the benefit and advantage of such widow and in

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all cases where there are no tutors or curators or trustees legally authorised to manage the affairs of any child or children entitled to an annuity from the Fund the said standing committee shall appoint two or more persons as trustees to receive the said annuity and apply it in such equitable manner and according to such proportions as may to them appear most for the benefit and advantage of such child or children and the persons so appointed shall have full power to receive and discharge such annuities and their receipts shall be sufficient discharges for the same and such persons shall be bound to exhibit to the stated yearly meeting of the standing committee an account of the application of the annuities so received by them and it shall be lawful to the standing committee to suspend such persons or either of them from exercising the duties of the office to which they have been appointed and to remove them or either of them therefrom and to appoint another person or other persons to the said office in his or their stead.

Deduction of arrears of contributions from annuities.

58. If any contributor shall die leaving any of his contributions or taxes or penalties unpaid the amount of the arrears due by him with interest and expenses shall be deducted from the annuity payable to his widow or from the annuity payable to his children or child except as hereinafter provided reserving always to such widow all claim for the amount deducted from her annuity which she may have against the heirs executors or representatives of her deceased husband Provided always that no more than one half of the annuity shall be deducted in any one year with power nevertheless to annuitants to pay up the whole at once or in any larger proportion than is hereby directed and if the one half of the annuity so to be retained from the widow or children or child in one year shall not be equal to the amount of the arrears and interest and expenses due at the date of the payment of the said annuity the sum so retained shall be applied in the first place in payment of the interest and expenses and the balance remaining after such payment if there be any shall be applied in payment of the arrears and provided also that it shall be lawful to the standing committee and the said committee is hereby authorised to relieve the children or child of a deceased contributor of a portion or of the whole of the arrears due by their deceased father if upon considering the circumstances of the case the said committee shall deem it expedient to grant such relief.

Certificates of existence of annuitants.

59. Every receipt from a widow shall have annexed to it an attestation dated on the day on which the annuity becomes due or on any after day signed by a clergyman justice of the peace or notary public bearing that of the date thereof such widow compeared personally before him and declared that she has continued unmarried since the death of her husband who contributed to the Fund the truth of which declaration he has no reason to doubt and every receipt from a curator or persons acting on behalf of a widow who is incapable of receiving and discharging her annuity herself shall contain a declaration for which they shall be responsible that such widow was to their certain personal knowledge alive on the day on which the annuity became due and every receipt from tutors or curators for the child or children of a contributor or persons acting as trustees on behalf of such child or children as before directed shall specify the name of every child for whom they act and contain a declaration for which they shall be responsible that such child or children was or were to their certain personal knowledge alive on the day on which the annuity became due and that such child or youngest of them if more than one had not on the said date attained the age of fourteen years or that such child or all of them if more than one had not attained the age of seventeen years as the case may be and it shall be lawful to the standing committee or to the cashier to call for such evidence respecting the age of such child or children as to them or him may appear necessary.

Annuities not to be assignable or attachable.

60. And whereas the annuities payable to the widows and children of contributors are intended as alimentary provisions therefore the same shall not be assignable nor liable to be affected by arrestment nor be otherwise attachable by their creditors but the annuity shall be paid to such annuitants or others acting for them as hereinbefore provided upon the receipt of the annuitants or others acting for them notwithstanding any assignment arrestment or attachment.

Actuarial investigation.

61. The affairs of the Fund shall be investigated periodically by the standing committee on a valuation and report made by a duly qualified actuary for the purpose of ascertaining whether the capital realised with the value of the expected future payments be sufficient or more or less than sufficient for the payment of the annuities charged upon the Fund and of such annuities as may be expected to become chargeable

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together with the necessary expenses of management and after such investigation the committee shall report what annuities the Fund along with the future payments expected to be made can in their opinion sustain and ensure not only to the widows and orphan children then on the Fund but also to such as may be expected to become chargeable on it.

Periods of investigation.

62. The first of the said investigations shall be made not later than as at the thirty-first day of August one thousand nine hundred and fifteen and every succeeding investigation shall be made as at the thirty-first day of August in every fifth year thereafter Provided that if circumstances shall arise which in the opinion of the contributors render it desirable to make an earlier investigation they shall have power to direct an investigation to be made within a shorter period than five years and every investigation shall be completed and reported by the said committee to the general meeting of contributors to be held on the third Friday of September in the year following the thirty-first day of August as at which the said investigation shall be made or to any special meeting of the contributors to be held prior to the said third Friday of September.

Increase and reduction of annuities.

63. If it shall appear from the investigation so to be made that after deducting the expenses of management and a sum to cover contingencies there shall be a surplus of funds beyond what is necessary to secure the annuities charged upon the Fund at the time and that may become chargeable thereon the contributors shall have power to increase the said annuities and if it shall appear from the said investigation that after deducting as aforesaid there shall be a deficiency of funds to secure the annuities aforesaid the contributors shall have power to reduce the said annuities and the annuities as so altered by the contributors shall be payable till again altered as hereinbefore directed Provided always that the annuities shall be reduced or increased in proportion to their respective amounts so that they may and always shall bear relatively to one another exactly the same proportion which they would have borne if they had never undergone any alteration and provided also that in the event of its appearing from the said investigation that the Fund is insufficient for the payment of the following annuities (viz.) For the first class twenty-five pounds for the second class twenty pounds for the third class fifteen pounds for the fourth class ten pounds and for the fifth class

five pounds together with the other just demands upon it it shall be lawful to the contributors and they are hereby required to assess the individual contributors in such a proportional additional sum not exceeding one-tenth part of the amount of their respective annual contributions as shall be necessary for the purposes of the Fund which additional contributions shall be payable and paid along with and be subject to the like interest and be recoverable by the same means as the annual contributions hereinbefore specified and such additional contributions shall continue to be paid until the same be altered after the next or any subsequent investigation.

First payment of annuities when altered.

64. In the event of any alteration being made as hereinbefore directed on the amount of the annuities hereinbefore directed or authorised to be paid the annuities as so altered shall be payable and paid on the first day of September which shall first happen after the amount of the annuities shall have been so altered by the contributors and shall continue payable until again altered after the next ensuing or any subsequent investigation.

Winding up of the Fund.

Power to transfer Fund to insurance or other company or corporation.

65. Notwithstanding the provisions of this Order it shall be in the power of the contributors by a majority of the votes of those present and voting at a general meeting specially called to resolve that it is expedient that the fund with the whole assets liabilities and obligations due and to become due to or by the Fund should forthwith be transferred and made over to and undertaken by an insurance or other company or corporation and when the number of the contributors shall be reduced to twenty the said assets liabilities and obligations of the Fund shall be so transferred and that without any resolution to that effect being passed by the contributors and as soon as conveniently may be after such resolution shall be passed in the one case or after the reduction of the number of the contributors to twenty in the other case the standing committee shall furnish to such insurance or other companies or corporations as they may select being not less than six in number all information that may be necessary to enable such companies or corporations to judge of the amount and value of the said assets liabilities and obligations and they shall thereafter enter into a provisional agreement with such one of the said companies or corporations as they may deem proper for the transfer

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to the said company or corporation of the said assets liabilities and obligations on condition of the said company or corporation undertaking to pay annuities to the widows and orphan children who may be in receipt of annuities at the date of such transfer the widows of contributors dying after the said date and orphan children becoming entitled to annuities after the said date in virtue of the section of this Order of which the marginal note is "Annuities to orphan children" And the annuities stipulated in the said provisional agreement to be paid shall be of fixed amount (except those payable to orphan children which shall be restricted to one half in the event mentioned in the section of this Order last hereinbefore referred to with regard to the like restriction therein provided for) and the said annuities other than those payable to widows in receipt of annuities granted in virtue of the section of this Order of which the marginal note is "Allowances to widows of contributors who have forfeited" shall be divided into rates according to the different classes of contributors hereinbefore specified but so that the rates shall bear relatively to one another the same proportion as mentioned in the section of this Order of which the marginal note is "Annuities to widows" And the amount of an annuity stipulated in the said provisional agreement to be paid to a widow in receipt of an annuity in virtue of the section of this Order of which the marginal note is "Allowances to widows of contributors who have forfeited" shall bear the same proportion to the amount of the annuity of which she is then in receipt as the amount of an annuity stipulated in the said provisional agreement to be paid to the widow of a contributor who shall not have forfeited shall bear to the amount of the annuity of which such last-mentioned widow is then in receipt under this Order and further the annuities stipulated in the said provisional agreement to be paid shall be alimentary provisions and not assignable by the annuitants or attachable by their creditors and they shall respectively cease and determine in the events on the occurrence of which the annuities payable under this Order cease and determine And the said provisional agreement shall be submitted to a general meeting of the contributors who may by a majority of votes approve thereof or vary its terms and the standing committee shall thereafter present an application to the First Division of the Court of Session for confirmation of the said provisional agreement as approved of by the contributors or with such variations as

they may have made thereon provided the said variations shall be agreed to by the company or corporation party to the said provisional agreement and the court after such inquiry and other procedure as they shall direct may confirm the said provisional agreement subject to such alteration in its terms as to the court may seem expedient and as may be agreed to by the said company or corporation and on the said provisional agreement being so confirmed it shall become final and binding on the contributors and the company or corporation party thereto and on the transfer of the assets liabilities and obligations being effected in terms of the said provisional agreement as so confirmed the contributors as trustees hereinbefore appointed the standing committee the investment committee the cashier and the clerk shall cease to hold office and shall be discharged of their actings and intromissions in connection with the Fund and the bond or bonds of caution or other obligations of security held for the intromissions of the cashier shall be discharged and delivered up Provided always that the company or corporation with whom the said agreement may be entered into shall be well established and have its registered office or principal place of business in the United Kingdom.

Provision for appointment of judicial factor.

66. If when the number of contributors shall be reduced to twenty the standing committee shall fail to submit to a meeting of the contributors to be held before the expiry of eighteen months after the occurrence of such event a provisional agreement as provided by the immediately preceding section it shall be competent to the Lord Ordinary of the Court of Session officiating on the Bills on the application of any contributor or of any widow entitled to an annuity from the Fund or of the cashier or the clerk to appoint a judicial factor to manage and administer the affairs of the Fund and on such judicial factor being appointed the whole assets of the Fund and the management and administration of its whole affairs with the whole powers and duties conferred on or competent to the contributors the standing committee the investment committee the cashier and the clerk by or under this Order shall be and the same are hereby transferred to and vested in him And on the contributors the standing committee the investment committee the cashier and the clerk duly accounting to the said judicial factor for their actings and intromissions in connection with the Fund and for the whole assets of the Fund the said judicial factor shall discharge them and he shall also discharge and deliver up the bond or bonds

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of caution or other obligations of security held for the intromissions of the cashier And it shall be the duty of such judicial factor as soon as he can conveniently do so after his appointment to enter into and submit to the Court of Session for confirmation a provisional agreement for the transfer of the assets liabilities and obligations of the Fund in the manner mentioned in the immediately preceding section Provided that it shall not be necessary for such judicial factor to submit the said provisional agreement for the approval of the contributors.

Costs of Order.

67. The costs charges and expenses of preparing for obtaining and confirming this Order and incident thereto shall be paid out of the Fund.

SCHEDULES.

SCHEDULE A.

I late schoolmaster of which office I resigned upon the day of one thousand nine hundred and do hereby give notice to the cashier of the Burgh and Parochial Schoolmasters' Widows' Fund that I am no longer to continue a contributor to the said Fund As witness my hand at this day of one thousand nine hundred and years.

(Signed) *A.B.*

SCHEDULE B.

I cashier of the Burgh and Parochial Schoolmasters' Widows' Fund in virtue of the Burgh and Parochial Schoolmasters' Widows' Fund (Scotland) Order 1913 and particularly the twentieth section thereof do hereby certify that schoolmaster of is in arrear of his annual rates or other payments or contributions to the said Fund in the sum of of principal and of interest and I do hereby require you to make payment to me as cashier foresaid of said arrears and interest and of the farther interest on the said principal sum at the rate of five per centum per annum from this date till the same shall be paid or of as much of these sums as can be satisfied and paid out of the salary now

owing by to the said
or out of the term's salary now current when the same shall become payable This I do by delivering this certificate and requisition addressed to you into the General Post Office at this
day of one thousand
nine hundred and years.

(Signed) *A. B.* Cashier.

[*Place and date.*]

SCHEDULE C.

I cashier of the Burgh and Parochial Schoolmasters' Widows' Fund in virtue of the Burgh and Parochial Schoolmasters' Widows' Fund (Scotland) Order 1913 and particularly the twenty-first section thereof do hereby certify that
residing at in the county of is
in arrear of his annual rates or other payments to the said Fund in the sum of of principal and of
interest and that he refuses or delays to pay the same.

(Signed) *A. B.* Cashier.

[*Place and date.*]

SCHEDULE D.

I certify that the prefixed is a true copy of the certificate and requisition delivered or transmitted by me to
on the day
of and that I have made application to him for payment of the sums therein specified or of so much thereof as can be satisfied and paid out of the salary now owing by him to the said
but he has refused or delayed so to do.

(Signed) *A. B.* Cashier.

[*Place and date.*]

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