ANNO QUINQUAGESIMO SEXTO

GEORGII III. REGIS.

Cap. lxxiii.

An Act for eſtabliſhing and regulating a Fund for the Widows, Children, and Relatives of Officers or Perſons belonging to the Department of Cuſtoms in *England*. [22d *June* 1816.]

WHEREAS the Eſtabliſhment and Regulation of a Fund for the conditional Benefit and Relief of the Widows and Children or other Relatives of the eſtabliſhed Officers, Clerks, or other Perſons employed in the Department of the Cuſtoms in *England* would be highly beneficial; but the ſame cannot be effectually made without the Aid of Parliament: 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, That all the eſtabliſhed Officers, Clerks, and other Perſons permanently employed in the Department of the Cuſtoms in the Port of *London*, who ſhall have ſigned a Notice in the Form in the Schedule to this Act annexed, marked A., ſignifying that they accede to the Contribution of Poundage authorized by this Act, in Aid of the general Purpoſes of the Cuſtoms Annuity and Benevolent Fund, and ſhall have delivered ſuch Notice to the Perſon to be appointed by the Commiſſioners of the Cuſtoms to receive the ſame, ſhall meet on ſome Day and at ſome Time and Place to be appointed for that Purpoſe by the Commiſſioners of the Cuſtoms, and which the ſaid Commiſſioners of the Cuſtoms, or any Four or more of them, are hereby required to appoint within Fourteen Days after the paſſing of this Act, and to cauſe Seven Days Notice to be given of ſuch Day, Time, and Place, in ſuch Manner

Certain Officers of Cuſtoms to elect a Committee for the Formation and Regulation of the Fund.

Manner as they ſhall deem expedient and ſufficient; and the ſenior Officer in the Department preſent at ſuch Meeting ſhall be the Preſident and Chairman of ſuch Meeting, and have the caſting Voice in caſe of Equality of Votes at ſuch Meeting; and the Officers and Perſons preſent at ſuch Meeting ſhall elect and nominate Twelve Perſons ſuperintending in the ſaid Department, or being Principals of Offices, and not being Clerks, as a Committee for the Formation of the Guſtoms Annuity and Benevolent Fund; which ſaid Committee ſhall elect and nominate a Preſident or Chairman, and ſhall forthwith proceed to conſider and make and arrange ſuch Rules and Regulations for the Eſtabliſhment and Formation of a Fund for the Benefit of the Widows and Children or other Relatives of the Eſtabliſhed Officers, Clerks, or other Perſons belonging to or employed in the Department of the Cuſtoms in *England*, and the regulating the Conduct and Management of the ſaid Fund, and raiſing, collecting, and receiving the Subſcriptions and Contribution of Poundage neceſſary for forming ſuch Fund, and paying all Annuities and Claims thereout, and making Tables of Rates of Subſcription to and Payments out of ſuch Fund for that Purpoſe, and alſo the Number and Deſcription of Directors, Truſtees, Auditors, Secretary, or other Officers neceſſary for managing and conducting the ſaid Fund, and the Collection and ſafe Cuſtody of the Monies from Time to Time to be raiſed and ſubſcribed, and the Intereſt and growing Produce ariſing therefrom, and paying all Sums to be paid thereout according to ſuch Rules, Regulations, and Tables; and it ſhall be lawful for the ſaid Committee in ſuch Rules and Regulations to ſpecify the reſpective Powers, Authorities, and Duties of ſuch Directors, Truſtees, Auditors, Secretary, or other Officers reſpectively, and the Mode of appointing new Director, Truſtee, Auditor, Secretary, or other Officer, to ſupply any Vacancies or otherwiſe; and all Queſtions which may ariſe at any ſuch Meeting of the ſaid Committee ſhall be decided by the Majority of Perſons preſent at the Meeting; and in caſe of Equality of Votes, the Preſident or Chairman, or in caſe of his Abſence the Officer or Perſon appointed by him to be his Deputy at ſuch Meeting of the Committee, ſhall have the caſting and ſecond Vote.

After the Rules, &c. are approved by the Commiſſioners, and ratified by a Judge, they ſhall have the ſame Force as this Act.

II. And be it further enacted, That as ſoon as ſuch Rules, Regulations, and Tables of Rates of Subſcription and Payment, together with a Statement of the Number and Deſcription of Officers neceſſary to manage the ſaid Fund ſhall have been made by the ſaid Committee, and approved by the Commiſſioners of the Cuſtoms, or any Four or more of them, and thereafter ratified and confirmed by ſome Judge of either of His Majeſty's Courts of King's Bench or Common Pleas, or Baron of the Exchequer, ſuch Rules, Regulations, and Tables ſhall be taken and deemed to be, and ſhall be, to all Intents and Purpoſes, the Rules, Regulations, and Tables of Rates of Subſcription and Payment of the ſaid "Cuſtoms Annuity and Benevolent Fund," and for the Management and Regulation thereof, and ſhall be of the ſame Force and Effect as if they had been particularly enumerated and enacted in this Act.

Rules, &c. to be made public and tranſmitted to the Collector and

III. And whereas it is expedient that the Rules, Regulations, and Tables of Rates of Subſcription of the Cuſtoms Annuity and Benevolent Fund ſhould be publiſhed as ſpeedily as poſſible to the Officers, Clerks, and other Perſons employed in the Department of the Cuſtoms in *London*,

and

and in the Out-ports, and Creeks, and Places attached thereto; be it therefore enacted, That within Fourteen Days at the farthest after the said Rules, Regulations, and Tables of Rates of Subscription shall have been ratified and confirmed as aforesaid, the Commissioners of His Majesty's Customs, or any Four or more of them, shall and they are hereby required to cause the same to be made public, for the Information of all established Officers and Persons belonging to or in the Employment of the Department of Customs under their Controul and Superintendance, in such Manner as they shall see fit, and for that Purpose to communicate or cause to be communicated the same to the Collector and Comptroller of each and every of the Out-ports, with such Directions as they shall think fit, for the making the same public as aforesaid; and the said Collectors and Comptrollers are hereby authorized and required, within such Periods as shall be specified for that Purpose, to communicate and make public the same to all Officers, Clerks, and other Persons, at their respective Ports, and the Creeks and Places attached thereto.

Comptroller of each Out-port.

IV. And be it further enacted, That a Contribution of Poundage in aid of the general Purposes of the Customs Annuity and Benevolent Fund shall be raised, levied, and collected, in the Port of *London*, and remitted from the Out-ports in such Manner, and by such Persons as the Rules and Regulations, approved and ratified as aforesaid, shall authorize and direct, either by Deduction or otherwise, out of the Quarterly established and incidental Salaries due and payable to all the Officers, Clerks, or other Persons of every Rank, Situation, or Denomination whatsoever, who shall not signify that they decline to make such Contribution, in Manner directed by this Act; and such Contribution shall be assessed for the first Eight Quarters, to be reckoned from the Commencement of such Contribution, or thenceforth from the First Assessment of every Officer, Clerk, or other Person as aforesaid, appointed after the passing of this Act, to the said Department of Customs, in respect of whom the said Contribution of Poundage is hereby declared to be, and thereafter to continue to be compulsory, at the Rate of Two-pence in every Pound Sterling, and in every fractional Part of a Pound Sterling, and for every succeeding Quarter, the Sum of One Penny in every Pound Sterling, and in every fractional Part of a Pound Sterling: Provided also, that nothing in this Act contained shall extend, or be construed to extend, to authorize the taking any such Contribution of Poundage out of the Day Pay Allowance of any Person or Persons whatever, employed in the Department of the Customs, or to the Salary or Sum awarded by way of Compensation or Superannuation to any Officers, Clerks, or other Persons, who belong or may have belonged to the said Department; and the First Contribution shall be raised, levied, collected, and deducted out of the Salaries payable at the Quarter next ensuing, and immediately after the Ratification and Confirmation of such Rules, Regulations, and Tables, as aforesaid; and all such Money, which shall be so collected, shall be paid over to such Person or Persons, or to such Account as shall be specified in such Rules and Regulations, in relation to Contribution of Poundage to such Fund; and thereafter all such Contribution to such Fund shall be raised, collected, paid over, laid out, accounted for, and applied according to such Rules and Regulations.

The Sum of 2d. in the Pound for Eight Quarters, and 1d. in the Pound for every succeeding Quarter, to be deducted out of the Salaries.

Poundage not to extend to Day Pay, Compensation, or Superannuation Allowance.

V. And

Officers, &c. giving Notice, may decline the Contribution of Poundage.

V. And whereas certain Officers, Clerks, or other Persons who may have belonged to the said Department, before the passing of this Act, may object to the said Quarterly Contribution of Poundage, be it therefore enacted, That every Officer, Clerk, or other Person who may object and decline to make such Quarterly Contribution of Poundage shall and is hereby required to give Notice thereof in the Form in the Schedule to this Act annexed, marked B., which Notice shall be signed by him; and if the said Officer, Clerk, or other Person shall be employed in the Port of *London*, he shall address the said Notice to the Secretary or other Officer of the said Fund appointed to receive the same, within One Calendar Month at the fartheſt after the Rules, Regulations, and Tables of Rates of Subscription shall have been approved and ratified as aforesaid; and if the said Officer, Clerk, or other Person shall be employed at an Out-port, or Creek, or Place attached thereto, he shall address the said Notice to the Collector or Comptroller at the Out-port to which he shall or may be attached, within Two Calendar Months at the fartheſt after the Rules, Regulations, and Tables of Rates of Subscription shall have been approved and ratified as aforesaid, which Notice the Collector and Comptroller, so receiving the same as aforesaid, shall forthwith transmit to such Secretary, or other Person as aforesaid; and in Default of such Notice being so duly given by such Officer, Clerk, or other Person either in *London* or the Out-ports, he shall be deemed, and adjudged to be, and thereafter to continue liable to such Quarterly Contribution of Poundage to the said Fund as aforesaid.

Officers, &c. declining, to be incapable of becoming Subscribers, except according to the Rules, &c.

VI. And be it further enacted, That every Officer, Clerk, or other Person so giving Notice, and declining the said Quarterly Contribution of Poundage to the said Fund, shall be and is hereby declared to be wholly incapable of becoming a Subscriber to the said Fund at any future Period, save and except according to the Terms and Conditions contained in the Rules, Regulations, and Tables of Rates of Subscription approved and ratified as aforesaid.

Expences to be paid out of the Poundage.

VII. And be it further enacted, That the Costs, Charges, and Expences arising out of or incident to the passing of this Act, shall be paid from Time to Time out of the first Monies which shall be raised, levied, and collected for such Contribution of Poundage as aforesaid, together with all such Sums as may have been advanced, or may be due and owing for any such Costs and Expences, in case any such Money shall have been advanced, or may be due and owing.

Directors may admit Supernumerary Officers or Clerks.

VIII. And be it further enacted, That the said Directors shall and may, if they shall deem it expedient, admit any Person to be a Subscriber, and to participate in the Benefits of the said Fund, who may hold the Situation of a Supernumerary Officer or Clerk in the said Department; and the respective Nominees of every Supernumerary Officer, Clerk, or other Person so admitted as aforesaid, shall, and are hereby declared to have, and thereafter to continue to have, to all Intents and Purposes, the same and the like Interest in the said Fund, and in the Advantages thereof, as if the said Supernumerary Officer, Clerk, or other Person had been permanently established in the said Department, under and subject in every respect to the Rules, Regulations, and Tables of Rates of Subscription approved and ratified as aforesaid.

IX. And

Directors may admit Nominees of Subscribers, though not Relatives.

IX. And be it further enacted, That the said Directors shall and may, if they shall deem it expedient, admit any Person or Persons to be the Nominee or Nominees of any Subscriber to the said Fund who may not be a Relative or Relatives of the said Subscriber; and the said Nominee or Nominees so admitted as aforesaid shall, and are hereby declared to have, and thereafter to continue to have, to all Intents and Purposes, the same and the like Interest in the said Fund, and in the Advantages thereof, as if the said Nominee or Nominees had been a Relative or Relatives of the said Subscriber, under and subject in every respect to the Rules and Regulations approved and ratified as aforesaid.

Order on Receiver-General, and Collector, and Comptroller, sufficient Authority to them for Payment.

X. And be it further enacted, That an Order for Payment of Money addressed to the Receiver-General of His Majesty's Customs, or to the Collector and Comptroller of any Out-port for the Time being, by any Officer, Clerk, or other Person employed in the said Department, and under his Hand and Signature, shall be a sufficient Order, Warrant, and Authority to the said Receiver-General, and Collector and Comptroller, and who are hereby thereupon required to pay, from Time to Time, the Sum declared and specified in Words at length in such Order, as the Quarterly Amount of Subscription, or the Amount of other Monies due and owing by the said Officer, Clerk, or other Person, to and on the Behalf of the said Fund; and the said Sum, so declared and specified in such Order, shall be deducted from the Salary due and payable to the said Officer, Clerk, or other Person, at the Quarter or Quarters as set forth in the said Order, and shall be paid over to such Person or Persons, or to such Account as shall be specified in such Rules and Regulations, approved and ratified as aforesaid; provided that the said Order or Orders shall be delivered to the said Receiver-General, Collector and Comptroller, three Days at the least prior to the Day on which the said Quarterly Salary shall be due and payable.

Annuities not to be assignable, or attachable, or liable to the jus mariti of any Husband a Widow or other Claimant may marry.

XI. And, in order to ensure to the Widows of the Subscribers, or any other Claimants on the said Fund, the full Benefit intended by this Act, as alimentary Provision for the Widows or other Claimants entitled thereto, be it further enacted, That no Annuity or Sum of Money payable to any Widow or other Claimant under any of the Provisions of this Act shall be assignable except with the Permission and Approbation of the said Directors, or any Three or more of them, or liable to be affected by Arrestment, or otherwise attachable by any Creditor, or be subject to the *jus mariti* of any Husband with whom any such Widow or other Claimant may intermarry, or be subject in any Manner to any Debts, or Deeds, or Controul of any such Husband, but the same shall be paid to each Widow or other Claimant entitled thereto, upon her own Receipt only, notwithstanding such Arrestment, Attachment, or Marriage.

Directors to be sued in the Name of their Secretary.

XII. And be it further enacted, That the said Directors may sue and be sued for or concerning any Thing to be done by virtue or in pursuance of this Act, or of the said Rules, Regulations, and Tables of Rates of Subscription, approved and ratified as aforesaid, in the Name of their Secretary for the Time being; and that no Action or Suit to be brought or commenced by the Command of or against the said Directors, in the Name of their Secretary, shall abate or be discontinued by the Death or Removal of any such Secretary, nor by the Act of such Secretary,

cretary, without the Consent of the said Directors, or any Three or more of them, but that the Secretary for the Time being to the said Directors shall be deemed to be the Plaintiff or Defendant as the Case may be, in every such Action.

If a Subscriber leaves the Customs, and continues to pay his last Rate of Poundage, and his rated Subscription, to continue a Member.

XIII. And be it further enacted, That if any Subscriber to the said Fund, under the Rules, Regulations, and Tables of Rates of Subscription, approved and ratified as aforesaid, shall cease to belong to the said Department of Customs, from whatever cause arising, provided the said Subscriber shall continue to pay Quarterly the said Contribution of Poundage to the Amount due and payable at the Time of his ceasing to belong to the said Department of Customs, under the said Rules, Regulations, and Tables of Rates of Subscription, the said Subscriber so leaving the said Department shall, without any Hinderance whatever, retain his Interest in the said Fund, and continue to be a Subscriber to the said Fund, and be deemed to belong to the same, and his Widow, Children, and other immediate Relatives, as the Case may be, shall enjoy all such and the like Benefit therefrom, according to their respective Claims, under the said Rules, Regulations, and Tables of Rates of Subscription, as fully in any Respect as if he had continued to belong to the Department of Customs.

Profits and Dividends to be applied to the Benefit of the Fund only.

XIV. And be it further enacted, That the Profits, Dividends, Interests, and annual Proceeds which shall from Time to Time arise from the Funds and Securities belonging, or which shall at any Time belong to the said Fund, shall from Time to Time be applied to and for the Uses, Ends, Intents, and Purposes in this Act mentioned, or according to the Rules, Regulations, and Tables of Rates of Subscription approved and ratified as aforesaid, and to or for no other Use, Interest, or Purpose whatsoever.

The Directors, &c. to make a Report on the 1st Day of September in every Year.

XV. And be it futher enacted, That a Report of the Accounts of the said Fund shall on or before the First Day of *September* in every Year be deposited in some convenient Place at the Custom House in the Port of *London*, which the Commissioners of the Customs or any Four or more of them are hereby required to appoint to be the Office of the Customs Annuity and Benevolent Fund, for the Perusal of each and every Subscriber who may demand the same at any convenient or appointed Hour, for the Space of One Calendar Month from the said First Day of *September*.

The Directors to have full Management of the Fund, and to alter and make new Rules, &c. upon certain Conditions.

XVI. And be it further enacted, That the said Directors shall, and they are hereby declared to have the full, entire, and exclusive Controul and Management of and over the said Fund, and every Thing relating thereto, to all Intents and Purposes whatsoever, under and subject to such Provisions, Directions, Regulations, and Restrictions, as may have been made in that Behalf; and it shall be lawful for such Directors, if they shall at any Time after any such Rules, Regulations, and Tables of Rates of Subscription shall have been made think it necessary, from Time to Time to alter any such Rules, Regulations, and Tables of Rates of Subscription, and to make any new and additional Rules, Regulations, and Tables of Rates of Subscription which may appear to be essential or expedient for the better Regulation, Management, and Controul of the said Fund: Provided always, that no such Alterations of any Rule, Regulation, or Table of Rates of Subscription already established,

bliſhed, or new Rule, Regulation, or Table of Rates of Subſcription ſhall be valid or effectual, or enforced, until the ſame ſhall have been approved by ſuch Subſcribers to the ſaid Fund as may be qualified for that Purpoſe, and in the Manner ſet forth in the Rules and Regulations in force at the Time, and by the Commiſſioners of the Cuſtoms, or any Four or more of them, and ratified and confirmed by ſuch Judge or Baron as aforeſaid.

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

SCHEDULE A.

I *A. B.* do hereby certify to you, That I accede to the Quarterly Contribution of Poundage authorized by an Act of the Fifty-ſixth Year of the Reign of His preſent Majeſty, in aid of the general Purpoſes of the "Cuſtoms Annuity and Benevolent Fund." *A. B.*
Dated 18 .

SCHEDULE B.

I *A. B.* do hereby certify to you, That I decline acceding to the Quarterly Contribution of Poundage authorized by an Act of the Fifty-ſixth Year of the Reign of His preſent Majeſty, in aid of the general Purpoſes of the "Cuſtoms Annuity and Benevolent Fund." *A. B.*
Dated 18 .

LONDON: Printed by George Eyre and Andrew Strahan, Printers to the King's moſt Excellent Majeſty. 1816.