ANNO DECIMO QUARTO & DECIMO QUINTO

VICTORIÆ REGINÆ.

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Fund, a Fund for the Purpose of making a Provision for the Widows and Children of the Ministers of the said Church, and for the Widows and Children of the Professors holding Professors Offices in any College connected with the said Church: And whereas a considerable Sum has already been accumulated in pursuance of the said Scheme for the Purpose aforesaid: And whereas Experience has shown that the said Scheme and the Administration thereof may be improved, and its Objects more beneficially effected, but this cannot be done without the Aid and Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen'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,

Widows and Orphans Fund established.

I. That there shall be raised and established, in manner herein-after provided, a Fund for making a Provision for the Widows and Children of the Ministers of the said Church, and of the Professors holding Professors Offices in any College in *Scotland* connected with the said Church, and with which the Fund already raised as aforesaid shall be united and amalgamated as after specified, and which amalgamated Fund shall be called "The Free Church Ministers' Widows and Orphans Fund."

Objects of the Fund.

II. That the Fund shall embrace Two separate and distinct Schemes, One for making a Provision for the Widows of Ministers and Professors, to be called "The Widows Scheme," and the other for making a Provision for the Children of Ministers and Professors, to be called "The Orphans Scheme."

Payments to the Fund.

III. That there shall be payable, in manner and subject to the Exceptions after specified, for behoof of the Widows and Children after mentioned, out of the Sustentation Fund, for or in respect of every Minister of the said Church now or hereafter holding a Pastoral Charge in *Scotland* who, at the Term of *Whitsunday* One thousand eight hundred and fifty-two, shall have been, or who shall be in Time coming thereafter, admitted to any Share of the Sustentation Fund, and also for or in respect of every Minister now or hereafter *emeritus*, and out of the College Fund for or in respect of every Professor now or hereafter holding a Professor's Office in any College in *Scotland* connected with the said Church who at the said Term shall have been, or who shall be in Time coming thereafter, admitted to any Share of the College Fund, and also for or in respect of every Professor now or hereafter *emeritus*, an annual Sum of Five Pounds to the Widows Scheme, and an annual Sum of Two Pounds to the Orphans Scheme, which annual Sums shall be payable at the Term

Term of *Whitsunday* One thousand eight hundred and fifty-two, in so far as respects the then existing Ministers and Professors, and at the Term of *Whitsunday* immediately following the Date of their Induction or Admission to a Pastoral Charge or Professor's Office respectively, in so far as respects the Ministers and Professors who shall be inducted or admitted after the Term of *Whitsunday* One thousand eight hundred and fifty-two and in Time coming, and which annual Sums shall continue to be paid thereafter out of the Sustentation Fund and College Fund respectively at the Term of *Whitsunday* yearly during the Lifetime of each Minister and Professor, or until any such Minister or Professor shall cease to have any Share of the Sustentation Fund or College Fund respectively.

Payments to be made in respect of vacant Charges and Professors Offices.

IV. That there shall be payable at the Term of *Whitsunday* in each Year after the passing of this Act out of the Sustentation Fund in respect of every Pastoral Charge in the said Church in *Scotland* which shall happen to be vacant at the said Term by the Death, Translation, Resignation, or Deprivation of any Minister who was admitted to any Share of the Sustentation Fund, and out of the College Fund in respect of every Professor's Office which shall happen to be vacant at the said Term by the Death, Translation, Resignation, or Deprivation of any Professor who was admitted to any Share of the College Fund, the Sum of Five Pounds to the Widows Scheme, and the Sum of Two Pounds to the Orphans Scheme: Provided always, that when and so often as a Pastoral Charge or Professor's Office shall become vacant by the Death, Translation, Resignation, or Deprivation of any Minister or Professor who shall have been a Contributor to the Widows Fund of the Established Church of *Scotland*, no Payment in that event shall be made on account of such Pastoral Charge or Professor's Office whilst so vacant: Provided also, that no Payment shall be made in respect of any vacant Pastoral Charge or Professor's Office from and after the Date on which the same shall be formally suppressed as a Pastoral Charge or Professor's Office, or combined and incorporated with another Pastoral Charge or Professor's Office, by or under the Authority of the General Assembly.

Casual Payments to the Fund.

V. That there shall be payable to the Widows Scheme out of the Sustentation Fund for or in respect of every Minister, and out of the College Fund for or in respect of every Professor, the following Sums; namely,

Entry Money.

(1.) A Sum of Ten Pounds for or in respect of every Minister and Professor who, after the Fifteenth Day of *May* One thousand eight hundred and fifty-one, has been or shall be inducted or admitted to a Pastoral Charge or Professor's Office for the First Time,

Time, or who subsequently to his having forfeited the Right and Interest of his Widow and Children in the Fund as after mentioned shall be again inducted or admitted to a Pastoral Charge or Professor's Office, the said Sum of Ten Pounds being payable in Two equal Instalments, namely, Five Pounds at the First Term of *Whitsunday*, and Five Pounds at the Second Term of *Whitsunday*, after the Date of his Induction or Admission, provided such Minister or Professor shall survive the said Terms of Payment respectively:

Marriage Tax.

(2.) An additional Sum for or in respect of every Minister or Professor who, after the Fifteenth Day of *May* One thousand eight hundred and fifty-one, has married or shall marry, or who, being inducted or admitted to a Pastoral Charge or Professor's Office subsequently to the above Date, was or shall be married at the Time of his Induction or Admission to such Pastoral Charge or Professor's Office, for his first and every subsequent Marriage as follows; (that is to say,) where such Minister or Professor was or shall be under Forty-five Years of Age at the Date of his Marriage, or at the Date of his Induction or Admission if then married, there shall be paid a Sum of Five Pounds at the First Term of *Martinmas* which shall happen after Three Months from such Dates respectively; and where such Minister or Professor was or shall be Forty-five Years of Age or upwards at the Date of his Marriage, or of his Induction or Admission if then married, there shall be paid a Sum of Ten Pounds in Two equal Instalments, namely, Five Pounds at the First Term of *Martinmas* which shall happen after Three Months from such Dates respectively, and Five Pounds at the next Term of *Martinmas* thereafter: Provided always, that if any such Minister or Professor shall marry a Widow who at the Time of her Marriage with him shall be in receipt of an Annuity payable from the Widows Scheme, no Payment shall be made to the Widows Scheme in respect of such Marriage.

Payments to be preferable Burdens on the Sustentation Fund and College Fund.

VI. That the whole of the annual and other Sums before specified shall form preferable Burdens on the Sustentation Fund and College Fund respectively, and shall be paid over by the Treasurer, or other Person having the Management or Control of the said Funds respectively, for the Time being, out of the first and readiest Monies thereof, to the Trustees of the said Widows and Orphans Fund herein-after appointed and incorporated, or to the Treasurer of the Fund, or such Person as the Trustees shall authorize to receive the same, together with Interest on the said Sums from the respective Dates when the same shall become payable and until paid.

VII. That

The Free Church Ministers' Widows and Orphans Fund Act, 1851.

Act to apply to Colleagues, Colleagues and Successors, and Assistants and Successors.

VII. That the Provisions of this Act shall extend and apply to Persons and to the Widows and Children of Persons holding the Office of Colleague, Colleague and Successor, or Assistant and Successor to a Minister or Professor, provided such Persons shall and do enjoy the full Status and Functions of a Minister or Professor, and shall be admitted to any Share of the Sustentation Fund or College Fund respectively, but not otherwise.

Ministers or Professors hereafter ceasing to have Shares of the Sustentation Fund or College Fund may continue the Rights of their Widows and Children.

VIII. That in the event of any Minister or Professor after the passing of this Act ceasing, from whatever Cause, to have any Share of the Sustentation Fund or College Fund, it shall nevertheless be in his Power to uphold and continue the Right and Interest of his Widow and Children to participate in the Benefits of the Widows Scheme and Orphans Scheme by contributing and making Payment to the Trustees or to the Treasurer of the Fund, or other Person duly authorized to receive the same, of the annual and other Sums which would otherwise have been payable for or in respect of such Minister or Professor out of the Sustentation Fund or the College Fund to the Widows Scheme and Orphans Scheme respectively in Terms of Sections III. and V. of this Act, and that regularly at the Terms at which the said Sums shall become due during his Lifetime, with Interest as aforesaid, and by complying fully with the other Provisions of this Act: Provided always, that if such Minister or Professor shall have failed, from whatever Cause, at Two successive Terms of Payment, to make Payment to the Fund of such annual Contributions, his Widow and Children shall *ipso facto* forfeit and lose all Right and Interest in the Widows Scheme and Orphans Scheme, and shall not be entitled to any Benefit therefrom whatsoever.

Ministers or Professors who have ceased to have Shares in the Sustentation Fund or College Fund may also continue the Rights of their Widows and Children.

IX. That those Ministers or Professors who have, prior to the passing of this Act, ceased to have any Share of the Sustentation Fund or College Fund, and who have not forfeited the Right and Interest of their Widows and Children under the said Scheme formed by the General Assembly in Terms of the Provisions thereof, shall be entitled likewise to uphold and continue the Right and Interest of their Widows and Children to participate in the Benefits of the Widows Scheme and Orphans Scheme established in virtue of this Act, and that in the same Manner, and subject to the same Proviso as to Forfeiture, as in the Case of Ministers and Professors hereafter ceasing to have any Share of the Sustentation Fund or College Fund.

Parties excepted from the Fund.

X. That those Ministers and Professors who are Contributors to the Widows Fund of the Established Church of *Scotland*, and their Widows and Children, shall be excepted from the Widows Scheme and

and Orphans Scheme established in virtue of this Act; and no Payments shall be made in respect of such Ministers and Professors to the Widows Scheme or Orphans Scheme, nor shall any Claim against the Fund be competent, under either the Widows Scheme or Orphans Scheme, to or on behalf of the Widows or Children of such Ministers and Professors.

Trustees for managing the Fund appointed and incorporated.

XI. That from and after the passing of this Act the Direction and Management of the Affairs of the Fund, including both the said Schemes, and the Execution of the Purposes of this Act in other respects, excepting in so far as herein specially otherwise provided for, shall be vested in the following Trustees, and their Successors in the Office of Trustees for the Time being, to be elected as herein-after directed; namely, *Patrick Campbell MacDougall*, Professor of Moral Philosophy in *New College, Edinburgh*, the Reverend *Robert Gordon*, Doctor in Divinity, *Patrick Clason*, Doctor in Divinity, and *Robert Smith Candlish*, Doctor in Divinity, Ministers of the said Church in *Edinburgh*; the Reverend *William Cunningham*, Doctor in Divinity, Principal of and Professor of Divinity and Church History in *New College, Edinburgh*; *Alexander Earle Monteith*, Advocate, Sheriff Depute of *Fifeshire*; *Robert Paul*, Manager of the Commercial Bank of *Scotland*; *James Bridges*, *James Bonar*, *Robert Johnston* junior, and *Alexander Montgomerie Bell*, all Writers to Her Majesty's Signet; and *John Maitland*, Accountant General of the Court of Session in *Scotland*; and they and their Successors in the Office of Trustees shall be and are hereby united and incorporated as One Body Politic and Corporate for the Purposes aforesaid by the Name and Style of "The Trustees of the Free Church Ministers' Widows and Orphans Fund," and shall by that Name have perpetual Succession and a Common Seal, with Power to change, alter, and make new the same as shall be judged expedient, and they and their Successors in the Office of Trustees may by that Name sue and be sued in any Actions, Suits, or other Proceedings at Law or in Equity, and hold, receive, enjoy, and possess for the Uses and Purposes specified in this Act the whole Property and Estate, heritable or moveable, real or personal, Stocks, Funds, Monies, and Securities, hereby vested in them, or hereafter to be paid, acquired, and invested under or in virtue of this Act; and the said *Patrick Campbell MacDougall* is hereby appointed Convener of the Trustees before named; and the Trustees shall be ranked in Seniority according to the Order in which they are named in this Act, and they shall remain in Office as Trustees until they shall be replaced by other Trustees elected to succeed them in manner herein-after mentioned.

XII. That

Trusteees to go out of Office by Rotation, new Trustees to be elected, and Vacancies to be supplied.

XII. That the Members of the Presbyteries of *Edinburgh* and *Glasgow* of the said Church shall hold a stated Meeting for the Purposes after mentioned within the Office of the Fund, or other convenient Place in *Edinburgh*, at such Hour as shall be fixed by the Trustees, on the Day after the Rising of the Ordinary Annual Meeting of the General Assembly, or on some Day of the Months of *May* or *June* in each Year to be fixed by the Trustees; and at the first stated Meeting of the Members of the said Presbyteries to be held after the passing of this Act the Two senior Trustees shall go out of Office, and Two Trustees, being Ministers or Elders of the said Church or Professors, shall be chosen in their Place by the Members present at the said Meeting, and the Names of the Persons so to be chosen as Trustees shall be placed at the Bottom of the List of Trustees; and at the stated Meeting to be held annually thereafter as above provided for the Two senior Trustees whose Names are at the Head of the List for the Time being shall go out of Office, and Two Trustees, being Ministers or Elders of the said Church or Professors, shall be chosen in their Place, whose Names shall be placed at the Bottom of the List in manner before mentioned; and at each such stated Annual Meeting One of the Trustees shall be appointed Convener of the Trustees for the ensuing Year; and the Convener for the Time being may be re-elected as a Trustee, or as a Trustee and Convener, at such Annual Meeting; and any Person who has been a Trustee, and who has gone out of Office, may be re-elected, after having been One Year out of Office; and in case any Vacancy shall happen in the Office of Trustee by Death, Resignation, or otherwise, a Trustee, being a Minister or Elder of the said Church or a Professor, (whose Name shall be placed at the Bottom of the List,) shall be chosen to supply such Vacancy, at the next stated Annual Meeting, if the same shall take place within One Month after such Vacancy has been intimated to the Convener, or, if such stated Annual Meeting shall not take place within the said Period, at a Meeting of the Members of the said Presbyteries to be called for the Purpose, and to be held within One Month after such Intimation; and all Meetings of the Members of the said Presbyteries for the Execution of any of the Purposes of this Act shall, except when herein otherwise directed, be called by the Convener of the Trustees for the Time being, or in his Absence by any Two of the Trustees, by Advertisement in One Newspaper published in *Edinburgh* and *Glasgow* respectively at least Eight Days before the Day of Meeting, and shall be held in the Office of the Fund, or other convenient Place in *Edinburgh*, and may be adjourned from Time to Time; and at all such Meetings Six Members of the said Presbyteries, or of either of them, shall be a Quorum, and if a Quorum shall not be present the Member or Members present shall have

Power

Power to adjourn the Meeting, and the Preses or Chairman of any such Meeting shall sign the Minutes thereof, and have a deliberative Vote, and also a Casting Vote in all Cases of Equality.

Meetings and Quorum of Trustees, and Appointment of Committees.

XIII. That the Trustees, of whom Three shall be a Quorum, shall annually hold Two stated Meetings within the Office of the Fund at Three of the Clock Afternoon, the One upon the First Day of *May*, or on any intermediate Day before the Fifteenth Day of the said Month, and the other upon the First Day of *November*, or on any intermediate Day before the Eleventh Day of the said Month in each Year, at which Meetings respectively a List of the Widows and Children entitled to Annuities as at the Date of each such Meeting shall be made up and authenticated by the Signature of the Preses of the Meeting, which List shall be a Warrant to the Treasurer for Payment of the Annuities to the Widows and Children therein named at the Term of *Whitsunday* or *Martinmas* immediately ensuing, upon Production of such Certificates and Declarations as the Trustees shall from Time to Time direct; and besides such stated Meetings the Trustees shall hold Special Meetings for the Despatch of Business from Time to Time; and all Meetings of the Trustees shall be called by the Treasurer in Terms of an Order signed by the Convener, or in his Absence by any Two of the Trustees, and upon such previous Notice as he or they may appoint; and the Convener, or in his Absence the senior Trustee present, when a Quorum shall have assembled, shall be Preses of the Meetings of the Trustees, and shall sign the Minutes thereof, and have a deliberative Vote, and also a Casting Vote in all Cases of Equality; and any such Meeting may be adjourned from Time to Time, and if a Quorum be not present the Member or Members present shall have Power to adjourn the Meeting; and the Trustees shall have Power to appoint any Two or more of their Number to be a Committee for particular Purposes, with such Powers as the Trustees shall deem expedient, and the Actings of such Committees shall be subject always to the Approval of the Trustees.

Treasurer and Actuary may be appointed.

XIV. That the Trustees may appoint a Treasurer and an Actuary or Auditor, who shall be removable at the Pleasure of the Trustees, and who shall receive such annual and other Allowances for their Services as shall be fixed by the Trustees from Time to Time; and the Treasurer shall find Security for his Intromissions to the Satisfaction of the Trustees in a Sum not less than Five hundred Pounds.

Duties of the Treasurer.

XV. That the Treasurer shall attend all Meetings which may be held, whether of the said Two Presbyteries or of the Trustees, and frame

frame the Minutes, and carry into effect the Resolutions and Instructions of such Meetings, and generally it shall be his Duty and he shall have Power to receive and discharge the whole Income of the Fund, and to negotiate and transact, under the Direction of the Trustees, and with the Aid of a Law Agent when necessary, who shall be appointed by the Trustees, all the ordinary Business relating thereto.

Books to be kept, and annual Statements to be made up by the Treasurer.

XVI. That the Treasurer shall keep regular Books open to the Inspection of the Trustees, and in such Form as they or the Actuary shall prescribe, containing a full Account of his Intromissions, and a correct Record of the Statistics and Proceedings of and relating to the Fund, and he shall make up at least once every Year (or oftener if required by the Trustees), and in Time to be laid before the Trustees at their stated Meeting to be held in the Month of *May* as aforesaid, a complete Statement of his Intromissions applicable to the Widows Scheme and Orphans Scheme respectively, with a List of the Arrears, if any, due to either Scheme, which Statements shall have been previously checked and verified by the Actuary, and he shall also make up annually and lay before the said Meeting of the Trustees full Lists or Schedules, in such Form as shall be prescribed by the Trustees, showing the Particulars of such Changes as may have taken place on the Statistics of the Ministers and Professors, and their Widows and Families, through Admissions, Marriages, Births, Deaths, or otherwise.

Returns to be made by Presbytery Clerks and Ministers and Professors.

XVII. That in order to enable the Treasurer to keep a full and correct Record of the Statistics of the Fund, it shall be incumbent on each Person holding the Office of Clerk to any Presbytery of the said Church to report to the Treasurer, in such Form as shall from Time to Time be prescribed by the Trustees, such Changes as may occur within the Bounds of the Presbytery of which he is Clerk with respect to the Induction, Translation, Resignation, Deprivation, or Death of any Minister or Professor, and that half-yearly, on the First Day of *May* and First Day of *November* respectively, bringing down the Report of such Changes at least to the First Day of *April* and First Day of *October* immediately preceding; and every Minister or Professor shall, within Two Months after his Induction or Admission to a Pastoral Charge or Professor's Office, make a Return to the Treasurer, accompanied by such Certificates as shall be required by the Trustees, stating the following Particulars in so far as they apply to his Case, namely, the Date of his Ordination and Induction, the Date of his Birth, the Name of his Wife, and the Date of her Birth, the Name and Date of the Birth of each Child alive, and the Date of the Birth and Death of each Child deceased; and every Minister or Professor

Professor shall in the Month of *August* in each Year make a Return to the Treasurer, also accompanied by such Certificates as shall be required by the Trustees, of the Particulars of such Changes as shall have occurred in the State of his Family during the Year preceding the First Day of *August* annually, according to the Form of the Schedule hereunto annexed, or certify that no such Change has taken place.

Penalty for Failure of Ministers or Professors to make Returns.

XVIII. That in the event of a Minister or Professor failing to make such Returns, his Right to the Share that would have been payable to him at the ensuing Term of *Martinmas* from the Sustentation Fund or College Fund respectively shall *ipso facto* be suspended; and the Treasurer shall, on or before the Fifth Day of *November* in each Year, furnish a List of any Ministers or Professors who shall have failed to make such Returns to the Treasurer of the Sustentation Fund or College Fund respectively, who thereupon shall withhold Payment of the Share which would otherwise have been due to such Parties respectively until it shall be intimated to him by the Treasurer that the requisite Returns have been made.

Monies to be deposited in Bank.

XIX. That the Trustees shall from Time to Time name a Bank or Banking House in *Edinburgh* in which the Monies payable to and received on account of the Fund shall be deposited, until the same shall be otherwise disposed of by the Trustees, on an Account to be opened in their Name, to be operated upon by Drafts signed by Two of the Trustees and the Treasurer, and the Treasurer shall never at any Time retain in his Hands more than Fifty Pounds of the Money belonging to the Fund.

Funds vested in the Trustees.

XX. That the whole Sums accumulated under the said Scheme formed by the General Assembly for making a Provision for the Widows and Children of Ministers and Professors, howsoever invested, and all Sums due under or to the said Scheme, including Donations or Bequests, and outstanding at the passing of this Act, and also the whole annual and other Sums payable to the Widows Scheme and Orphans Scheme under and in virtue of this Act, and all Donations and Bequests for the general Purposes of the Fund, or for the Purposes of either of the said Schemes, or relating thereto, together with the Interest and Dividends, and every Profit and Increase that may in any manner of way from Time to Time accrue thereon, shall be and the same are hereby vested in the Trustees in trust for the Uses and Purposes specified in this Act, or in the Case of Donations and Bequests for the special Uses or Purposes for which such Donations or Bequests shall be given or bequeathed, and the same shall

shall not be affectable by the Debts or Deeds of Ministers and Professors now or hereafter holding, or who have ceased or shall cease to hold, Pastoral Charges or Professors Offices, or be attachable by Arrestment or other legal Diligence at the Instance of their Creditors, or of any other Person or Persons whomsoever; and in so far as respects the Sums accumulated or due under or to the said Scheme of the General Assembly, the same are hereby, without Prejudice to the Enactments in the preceding Part of this Section, transferred to and vested in the Trustees before named, and their Successors in Office hereby incorporated as aforesaid, as effectually and with as full and ample Powers as if the Deeds or Instruments under which the said Sums are now invested or owing were conceived or taken in favour of the Trustees in the Manner herein-after directed, and that without any Deeds of Transference or Conveyance by the Parties in whose Favour the said Deeds or Instruments may have been conceived or taken.

Donations and Bequests to be allocated.

XXI. That all Donations or Bequests to or for the general Purposes of the Fund shall be allocated and applied by the Trustees in the Proportion of Five Pounds to the Widows Scheme and Two Pounds to the Orphans Scheme, unless otherwise directed by the Persons giving or bequeathing such Donations or Bequests.

Investment of the Funds.

XXII. That the Trustees shall lay out and invest *in cumulo* the Monies of the Fund, or so much thereof as is not required for Payment of the Annuities and Charges after specified, on good and approved Heritable Securities, or in the Purchase of Government Stocks or Securities, the Stock of the Bank of *England*, or Stock of the Bank of *Scotland*, Royal Bank of *Scotland*, or *British* Linen Company's Bank; and all Bonds, Bills, Dispositions, Assignations, Conveyances, Transfers, and other Deeds and Instruments granted for or in reference to such Loans and Investments shall be conceived and taken to and in favour of the Trustees under their said Corporate Name of "The Trustees of the Free Church Ministers' Widows and Orphans Fund;" and it shall be lawful for the Trustees at any Time to call up and realize the Sums already lent out and invested under the said Scheme formed by the General Assembly, or to be lent out and invested under the Authority of this Act, and to sell the Stocks or Securities so to be purchased; and all Receipts, Discharges, Dispositions, Assignations, or other necessary Deeds and Instruments granted in Name of the Trustees, and signed by a Quorum of them, or sealed with their Common Seal, shall be sufficient and effectual to and shall fully exonerate the Persons to whom or in whose Favour the same shall be granted; and it shall be lawful for the Trustees to reinvest in like Manner from Time to Time

Time the Sums so called up and realized, or the Proceeds of the Stocks or Securities so sold, or such Part thereof as may not be required for the Purposes aforesaid: Provided always, that it shall be lawful for the Trustees to lay out and invest the said Monies, or any Part thereof, in the Purchase of Government Stocks or Securities, or the Stock of the Bank of *England*, in the Names of any Three of their Number to be nominated by them for that Purpose, and to take from the Trustees so to be nominated such Declarations of Trust or Obligations as to the Trustees shall appear necessary for effectually binding the Trustees so to be nominated to hold such Government Stocks or Securities, or Stock of the Bank of *England*, and all Interests, Dividends, and Profits thereof, from Time to Time, at and subject to the Disposal and Control of the Trustees in regard to the purchasing, selling, and transferring from Time to Time such Stocks or Securities, and receiving and accounting for and paying over the Interest, Dividends, and Profits to become due thereon as aforesaid.

Trustees may prosecute Diligence and enter into Arbitrations.

XXIII. That it shall be lawful for the Trustees, by their said Corporate Name, 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 Management of the same, and Recovery of the annual and other Sums due thereto, whether arising under the said Scheme formed by the General Assembly or under this Act; and in any Suit, Action, or Diligence for Recovery of the annual or other Sums due and payable under the said Scheme of the General Assembly or under this Act, a Statement of the Arrears, and the Interest due thereon, certified by the Treasurer, shall be sufficient Evidence that the Sums therein contained are justly due and payable, unless such Statement shall be proved by written Evidence to be erroneous.

Annual Report to be laid before the General Assembly.

XXIV. That the Trustees shall prepare, and through the Convener or in his Absence through any One of the Trustees, lay before the General Assembly at their Ordinary Annual Meeting a Report on the State and Progress of the Fund, and showing generally how the Monies are invested, and the respective Rates of Interest payable thereon, which Reports, along with such Lists or Abstracts as may be necessary to explain the same, shall at the same Time be printed for Circulation, and Copies thereof shall be furnished by the Treasurer, free of any Charge, to Ministers and Professors applying for the same at the Office of the Fund.

Periodical Investigation of the Affairs of the Fund.

XXV. That the Affairs of the Fund shall be investigated periodically by the Actuary or Auditor for the Purpose of ascertaining whether the

the Sums accumulated at the Time, 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 Widows Scheme and Orphans Scheme respectively, and such as may be expected to become chargeable thereon, at the Rates herein-after specified, or at such other Rates as may have been fixed under the Provisions of this Act, together with the necessary Expenses of Management.

Periods of Investigation.

XXVI. That the First Investigation shall be made as at the Fifteenth Day of *May* One thousand eight hundred and fifty-two, and every succeeding Investigation shall be made as at the Fifteenth Day of *May* not sooner than Seven nor later than Ten Years from the Date of the immediately preceding Investigation, unless Circumstances shall arise which in the Opinion of the Trustees render it desirable to make an earlier Investigation, in which Case they shall have Power to direct an Investigation to be made within an earlier Period than Seven Years.

Liabilities of Trustees and Members of the Presbyteries of Edinburgh and Glasgow.

XXVII. That neither the Trustees nor the Members of the said Presbyteries of *Edinburgh* and *Glasgow* shall be liable for Omissions, or for Acts done by them *bonâ fide* in the Execution of their Duties under this Act, or for the Solvency of the Persons to whom Monies shall be lent out, or of the Banks in which Monies shall be deposited, or for the Sufficiency of Securities and Investments, or *in solidum*, but each only for his own actual Intromissions, and the Trustees shall be paid and indemnified out of the Fund for all necessary Expenses to which they may be put in the Execution of their Office.

Byelaws and Regulations may be made.

XXVIII. That it shall be lawful for the Trustees from Time to Time to make such Byelaws and Regulations as may be found expedient for the Discharge of the Duties hereby committed to them, and for beneficially managing and administering the Fund, which Byelaws and Regulations before coming into operation shall be submitted for the Consideration and Approval of the Members of the said Presbyteries of *Edinburgh* and *Glasgow* at their First stated Meeting after the making thereof; and the Members of the said Presbyteries shall at such stated Meeting take into consideration the Byelaws and Regulations submitted to them by the Trustees, and shall either confirm and approve or disallow the same or any of them, or any Parts thereof, as they shall think expedient; and such Byelaws and Regulations, upon being so confirmed and approved, shall come into operation, and shall continue in force until the same or any of them are altered in manner above set forth: Provided always, that such Byelaws and Regulations shall not be repugnant to the Law of *Scotland*, or to the true Intent and Meaning of this Act.

Rate of Interest to be paid.

XXIX. That in every Case where Interest is made payable by this Act such Interest shall be calculated and paid at the Rate of Five Pounds *per Centum per Annum*.

Annuities to Widows.

XXX. That the whole Sums which have already been accumulated for making a Provision for the Widows of Ministers and Professors under the said Scheme formed by the General Assembly, and all Sums due under or to the said Scheme for the said Purpose, and outstanding at the Date of the passing of this Act, and also the whole annual and other Sums payable to the Widows Scheme under and in virtue of this Act, and all Donations or Bequests to the said Scheme which may be legally applicable to the Purpose of making a Provision for the Widows of Ministers and Professors under the said Scheme, and this Act, together with the Interests and Dividends and every Profit and Increase that may accrue thereon from Time to Time, shall form One aggregate Fund, out of which there shall be paid in the first place, subject to the Proviso in Section XXXII. of this Act, the Expenses incurred in the Management and Administration of the Widows Scheme and Orphans Scheme; and in the second place, to each of the Widows now upon the said Scheme formed by the General Assembly, and to the Widow of any Minister or Professor who has prior to the passing of this Act ceased to have any Share of the Sustentation Fund or College Fund, and who may not have forfeited the Right and Interest of his Widow and Children as aforesaid, and to the Widow of every Minister and Professor now or hereafter holding a Pastoral Charge or Professor's Office in *Scotland*, and who is now or who shall be in Time coming admitted to any Share of the Sustentation Fund or College Fund respectively, and to the Widow of every Minister and Professor now or hereafter *emeritus*, (subject always to the Provisions, Conditions, and Exceptions specified in Sections VII., VIII., IX., X., and XXXIII. of this Act,) an Annuity of Twenty-seven Pounds, payable in equal Portions half-yearly at the Terms of *Whitsunday* and *Martinmas*, during the Life of each Widow, the first half-yearly Payment of the said Annuity being due and payable at the Term of *Martinmas* One thousand eight hundred and fifty-one in so far as regards each of the Widows now upon the said Scheme formed by the General Assembly, and at the Term of *Whitsunday* or *Martinmas* immediately following the Date of her Husband's Decease in so far as regards each of the other Widows above mentioned; and in every Case the last Term's Payment of such Annuity shall be due and payable at the Term of *Whitsunday* or *Martinmas* immediately preceding the Death of each Widow: Provided always, that if any such Widow shall marry, she shall thereby lose all Right to any Annuity or other Allowance from the Widows Scheme from and after the Term of *Whitsunday* or *Martinmas* immediately

immediately preceding her Marriage, unless and until she shall again become entitled as the Widow of another Minister or Professor: Provided also, that no Widow shall in any Case be entitled to more than One Annuity at One Time.

Annuities to Children.

XXXI. That the whole Sums which have already been accumulated for making a Provision for the Children of Ministers and Professors under the said Scheme formed by the General Assembly, and all Sums due under or to the said Scheme for the said Purpose, and outstanding at the Date of the passing of this Act, and also the whole annual and other Sums payable to the Orphans Scheme under and in virtue of this Act, and all Donations or Bequests to the said Scheme which may be legally applicable to the Purpose of making a Provision for the Children of Ministers and Professors under the said Scheme and this Act, together with the Interest and Dividends and every Profit and Increase that may accrue thereon from Time to Time, shall in like Manner form One aggregate Fund, which Fund shall, subject to the Proviso in Section XXXII. of this Act, be solely chargeable with an Annuity to each of the Children now upon the said Scheme formed by the General Assembly, and to the lawful Children under Eighteen Years of Age the Issue of deceasing Ministers or Professors who have prior to the passing of this Act ceased to have any Share in the Sustentation Fund or College Fund, and who may not have forfeited the Right and Interest of their Widows and Children as aforesaid, and to the lawful Children under Eighteen Years of Age the Issue of deceasing Ministers and Professors now or hereafter holding a Pastoral Charge or Professor's Office in *Scotland*, and who are now or who shall be in Time coming admitted to any Share of the Sustentation Fund or College Fund respectively, and to the lawful Children under Eighteen Years of Age the Issue of deceasing Ministers and Professors now or hereafter *emeriti*, (subject always to the Provisions, Conditions, and Exceptions specified in Sections VII., VIII., IX., X., and XXXIII. of this Act,) in manner following; (that is to say,) where the Father has died or shall die leaving a Widow, whether such Widow shall be the Mother of all or any of his Children or not, there shall be paid to each Child an Annuity of Ten Pounds in equal Portions half-yearly at the Terms of *Whitsunday* and *Martinmas*, the first half-yearly Payment of the said Annuity being due and payable at the Term of *Martinmas* One thousand eight hundred and fifty-one in so far as regards each of the Children now upon the said Scheme formed by the General Assembly, and at the Term of *Whitsunday* or *Martinmas* immediately following the Date of the Father's Decease in so far as regards each of the other Children above mentioned; and in case such Widow shall predecease the Period of any such Child attaining the Age of Eighteen Years complete,

complete, then the Annuity so payable to each Child shall be increased to Fifteen Pounds, commencing the Payment of the increased Annuity at the First Term of *Whitsunday* or *Martinmas* after such Widow's Decease, and continuing the Payment thereof at the Terms before mentioned; and where the Father has died or shall die without leaving a Widow, then there shall be paid to each of his Orphan Children an Annuity of Fifteen Pounds payable in the same Manner and at the same Terms as in the Case of the Annuity of Ten Pounds; and the Payment of all such Annuities shall cease at the Term of *Whitsunday* or *Martinmas* immediately preceding the Date at which each Child shall attain the Age of Eighteen Years complete, or immediately preceding the Date of each Child's Death before attaining that Age: Provided always, that such Children shall be entitled to their Annuities of Ten Pounds although the Widow of their Father shall enter into a second or any subsequent Marriage, but no Child shall in any Case be entitled to more than One Annuity.

Proviso as to Expenses of Management.

XXXII. Provided always, That the Trustees shall have Power to charge the Orphans Scheme with the whole or any Part of the Expenses incurred in the Management and Administration of the Widows and Orphans Schemes, and to vary the Amount so to be charged, and again to transfer and charge the same to the Widows Scheme, when and so often as they shall deem it expedient to do so, having in view the relative Amount of the Annuities yielded by the Schemes respectively.

Annuities to be subject to Alteration and Deduction of Arrears of Contributions.

XXXIII. That the Annuities to Widows and Children above specified shall be subject to Diminution and Increase in manner herein provided for, such Diminution or Increase applying to and affecting equally the Annuities which may have begun to be payable before the Diminution or Increase shall be determined on, and those to become payable thereafter; and the Annuities shall further be subject at all Times to Deduction of any Arrear, not amounting to Two Years Contributions, due at the Time of his Death by any Minister or Professor who shall have ceased to have any Share of the Sustentation Fund or College Fund.

Alteration of Annuities.

XXXIV. That if, after making any of the periodical Investigations herein-before provided for, it shall be reported by the Actuary that in his Opinion an Alteration should be made upon the Annuities then payable, the Trustees shall forthwith cause the Actuary's Report to that Effect to be printed, and their Convener, or in his Absence any Two of the Trustees, shall transmit a Copy thereof through the Post Office to each Member of the said Presbyteries of *Edinburgh* and *Glasgow*, with a Circular calling a Special Meeting of the Members of the said Presbyteries,

Presbyteries, to be held at such Place as he or they may appoint on a Day not less than One Month and not more than Two Months after the Date of such Circular, for the Purpose of considering the said Report; and the Members present at such Meeting or at any adjourned Special Meeting (of which at least Ten Days Notice shall be given by Circular transmitted as aforesaid to each Member of the said Presbyteries) shall have Power to increase or diminish the Rates of Annuity according to the Recommendation of the Actuary, or to do otherwise as may appear to them most advisable under the Circumstances: Provided always, that no Increase of the Rates of Annuity herein-before specified shall be made previous to the Year One thousand eight hundred and sixty-six.

Payment of altered Annuities.

XXXV. That in the event of any Alteration being made, as herein-before provided, on the Amount of the Annuities by this Act directed to be paid, the altered Annuities shall commence to be paid at the Term of *Whitsunday* or *Martinmas* which shall first happen after the Amount thereof shall have been so altered, and shall continue payable until again altered after any subsequent Investigation.

Annuities to Widows and Children not affectable by their Debts, nor subject to Arrestment.

XXXVI. That the Annuities payable to Widows and Children in virtue of this Act being intended as alimentary Provisions, the same shall not be affectable by their Debts or Deeds, nor subject to Arrestment or other legal Diligence at the Instance of their Creditors, but shall be paid only to the Widows and the Tutors and Curators of the Children respectively entitled thereto; and in case any such Widow shall be under any legal or natural Disability to discharge the same, or in case any such Children shall have no Tutors or Curators, it shall be competent for the Trustees to name any Two or more Persons as Trustees to manage and apply the Annuities in such Manner as shall appear to such Persons to be most for the Benefit of such Widow or Children, and the Persons so appointed shall have Power to receive and discharge such Annuities, and shall be bound to render to the Treasurer annually an Account of the Application thereof, until they are relieved or superseded from the said Trust, which the Trustees shall have Power to do at Pleasure.

Short Title.

XXXVII. That in citing this Act in other Acts of Parliament, and in legal Deeds, Instruments, and Proceedings, it shall be sufficient to use the Expression "The Free Church Ministers' Widows and Orphans Fund Act, 1851."

Interpretation of Terms.

XXXVIII. That in this Act the following Words and Expressions shall have the several Meanings hereby assigned to them, unless there be

be something in the Subject or Context repugnant to such Construction; (that is to say,)

The Word "Fund" shall mean "the Free Church Ministers' Widows and Orphans Fund" to which this Act relates:

The Word "Trustees" shall mean "the Trustees of the Free Church Ministers' Widows and Orphans Fund" hereby incorporated:

The Expression "said Church" shall mean the said Free Church; and the Expression "General Assembly" shall mean the General Assembly of the said Church:

The Word "Minister" shall mean a Minister of the said Church now or hereafter holding a Pastoral Charge in *Scotland*, and who is now or shall be in Time coming admitted to any Share of the Sustentation Fund, and shall include "Colleague," "Colleague and Successor," or "Assistant and Successor" to a Minister, subject to the Proviso in Section VII. of this Act; and the Expression "Pastoral Charge" shall include the Charge of such "Colleague," "Colleague and Successor," and "Assistant and Successor:"

The Word "Professor" shall mean a Professor now or hereafter holding a Professor's Office in any College in *Scotland* connected with the said Church, and who is now or shall be in Time coming admitted to any Share of the College Fund, and shall include the "Head or Principal" of any College connected with the said Church, and also "Colleague," "Colleague and Successor," or "Assistant and Successor" to a Principal or Professor, subject to the Proviso in Section VII. of this Act; and the Expression "Professor's Office" shall include the Office of such "Head or Principal," "Colleague," "Colleague and Successor," and "Assistant and Successor:"

The Expression "Sustentation Fund" shall mean the General Fund provided by annual Contribution or otherwise for the Support of the Ministers of the said Church, by whatsoever Name it shall be called:

The Expression "College Fund" shall mean the General Fund provided by annual Contribution or otherwise for the Support of the Professors of the said Church, by whatsoever Name it shall be called:

The Words "Treasurer" and "Actuary" or "Auditor" shall mean the Treasurer and Actuary or Auditor appointed by the Trustees for the Time being, and shall include interim Treasurer and interim Actuary or Auditor.

Expenses of Act.

XXXIX. That the Expenses incurred in applying for and obtaining this Act and incident thereto shall be paid by the Trustees out of the Fund.

SCHE-

The Free Church Ministers' Widows and Orphans Fund Act, 1851.

SCHEDULE referred to in the foregoing Act.

ANNUAL RETURN

Of _____

Minister [*or* Professor] of _____

Presbytery of _____

Year preceding 1st August 18—.

Date of Marriage, specifying whether First or Second Marriage	_____
Wife's Maiden Name	_____
Date of Wife's Birth	_____
Date of Wife's Decease	_____
Name and Date of Birth of each Child born	_____
Name and Date of Death of each Child dying	_____

I hereby certify, That the above is a correct Return of the Changes that have occurred in the State of my Family during the Year preceding the First Day of August 18 _____.

(Signed) _____

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