ANNO DECIMO TERTIO

VICTORIÆ REGINÆ.

****

Cap. xxiii.

An Act for enabling Her Majesty to grant a new Charter to the Royal College of Surgeons of *Edinburgh*, and for conferring further Powers on the said College. [10th *June* 1850.]

Act of Scottish Parliament, 17th Nov. 1641.

WHEREAS by an Act of the *Scottish* Parliament holden at *Edinburgh* the Seventeenth Day of *November* in the Year One thousand six hundred and forty-one certain Rights, Privileges, and Immunities theretofore given and granted by certain Acts of the Town Council of *Edinburgh* confirmed by Royal Charters to and in favour of the Chirurgeons and Barbers of *Edinburgh* were ratified and confirmed: And whereas by another Act of the *Scottish* Parliament holden at *Edinburgh* the Twenty-second Day of *August* in the Year One thousand six hundred and seventy such Rights, Privileges, and Immunities, and others previously to the said Act granted to and in favour of the Incorporation of the Chirurgeons and Barbers and of the Brotherhood of Chirurgeon Apothecaries and Apothecaries of *Edinburgh*, were also ratified and confirmed: And whereas by another Act of the *Scottish* Parliament passed on the Seventeenth Day of *July* in the Year One thousand six hundred and ninety-five such Rights, Privileges, and Immunities, and others previously to the said Act granted to the Chirurgeons and Chirurgeon

Act of Scottish Parliament, 22d August 1670.

Act of Scottish Parliament, 17th July 1695.

Royal College of Surgeons of Edinburgh.

Apothecaries of *Edinburgh*, by Letters Patent by King *William* and Queen *Mary* bearing Date at *Kensington* the Twenty-eighth Day of *February* in the Year One thousand six hundred and ninety-four, were also ratified and confirmed: And whereas by Royal Charter or Letters Patent under the Seal appointed by the Treaty of Union to be kept and used in *Scotland* in place of the great Seal formerly used there, bearing Date at the Palace of *Saint James* the Fourteenth Day of *March* in the Year One thousand seven hundred and seventy-eight, His Majesty King *George* the Third did of new incorporate the then Members of the College and Corporation of Surgeons of the City of *Edinburgh*, and the Persons who should thereafter be legally admitted Members thereof, into One Body Politic and Corporate by the Name of "The Royal College of Surgeons of the City of *Edinburgh*," with the Privileges and under the Regulations therein contained, and did farther grant Authority for the Establishment and Regulation of a Scheme for raising a Fund for a Provision for the Widows and Children of Members of the said Incorporation and of their Clerk, in manner as therein at length set forth: And whereas by an Act passed in the Twenty-seventh Year of the Reign of His Majesty King *George* the Third, intituled *An Act for confirming a Charter or Letters Patent granted by His Majesty to the Royal College and Corporation of Surgeons of the City of* Edinburgh, *so far as relates to a Scheme for raising a Fund for a Provision for the Widows and Children of the Members of the said Corporation and of their Clerk, with certain Alterations, and for establishing the said Scheme, and for empowering the Corporation, and the Trustees and Officers elected for managing the Fund, effectually to carry the said Scheme into execution*, the said Royal Charter or Letters Patent, and all the Regulations, Ordinances, and Appointments therein contained relative to the said Scheme, and all the Proceedings had in consequence thereof, agreeably to the Terms of the said Charter or Letters Patent, were, in so far as the same were not altered by the said recited Act, ratified and confirmed and directed to be carried into execution, subject to the Alterations mentioned in the said Act: And whereas by an Act passed in the Fifty-third Year of the Reign of King *George* the Third, intituled *An Act for altering and amending an Act made in the Twenty-seventh Year of His present Majesty, for confirming a Charter or Letters Patent granted by His Majesty to the Royal College and Corporation of Surgeons of the City of* Edinburgh, *and for establishing a Fund for a Provision to the Widows and Children of the Members of the said Corporation and their Clerk*, the said last-recited Act was in part altered and amended: And whereas the said Royal College have by their Bye Laws established a Fund called their Auxiliary Widows Fund, and have from Time to Time made Provision for the Support and Increase of the same from various Sources within their Control, and by a Resolution dated Fourth *November* One thousand eight hundred and twenty-five

Charter of King Geo. III., dated 14th March 1778.

27 G.3. c.65.

53 G.3. c.76.

enacted

enacted and declared that the said Auxiliary Widows Fund should be kept separate and distinct from the original Widows Fund, and should be reserved for the Purpose of remedying any Defects in the System established by the Acts of Parliament regulating the same, and specially of providing for the Contingency of a Fellow dying before his Fourth annual Contribution to the said Widows Fund became payable, in which Case, by the Terms of the said Acts, his Widow was excluded from the Benefit of the said Fund: And whereas by the Municipal Constitution of the City of *Edinburgh* the said Royal College of Surgeons, as the Surgeons or Chirurgeons Craft, forms One of the Fourteen incorporated Trades of the said City, and the Members or Fellows of the said Craft are entitled to elect a Deacon of Craft to represent them in the Convenery of the said City: And whereas it is expedient that certain Changes should be made in the Constitution and general Administration of the Affairs of the said College, and that Her Majesty should have Power, upon a Surrender by the said College of their present Charter, to grant a new Charter, with such Alterations and further Powers as may be expedient, that Provision should be made, subject to the Reservation of actually existing and contingent Interests, for bringing to a close the said Scheme for raising a Fund for a Provision for the Widows and Children of the Members of the said Corporation and of their Clerk, that the Connexion of the Surgeons with the Incorporated Trades and the Convenery and Municipal Corporation of the City of *Edinburgh* should cease and determine, and that so far as may be necessary for the above Purposes the said recited Acts and Charter should be repealed, abrogated, or amended; but these Purposes cannot be effected without the 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, That it shall be lawful for the said College to surrender their said Charter, granted by His Majesty King *George* the Third, bearing Date the Fourteenth Day of *March* in the Year One thousand seven hundred and seventy-eight; and that it shall be lawful for Her Majesty to grant, and for the said College to accept, a Charter of new incorporating the said College under the Name and Title of "The Royal College of Surgeons of *Edinburgh*," and containing such Alterations in the Constitution of the said College and in the Privileges of Licentiates of the said College, and with such new and additional Powers, Privileges, and Immunities in favour of the said College, as may by Her Majesty be deemed expedient; and when and as soon as the said College, under their Common Seal, shall have accepted such new Charter, the Acceptance thereof shall operate as a Repeal of the said recited Acts of the *Scottish* Parliament passed in the Years One thousand six hundred

Power to Her Majesty to grant a new Charter in lieu of that granted by Geo. III.

dred and forty-one, One thousand six hundred and seventy, and One thousand six hundred and ninety-five respectively, and as a Revocation or Repeal of the said Charter, and of the said Two last-recited Acts passed respectively in the Twenty-seventh and Fifty-third Years of the Reign of His Majesty King *George* the Third, so far as such Acts or Charter shall be inconsistent with or repugnant to such new Charter.

Nothing to authorize the Creation of new Restrictions in the Practice of Surgery, &c.

II. Provided always, and be it enacted, That nothing herein contained shall extend to authorize Her Majesty to create any new Restriction in the Practice of Surgery, or to grant to the said College any new Powers or Privileges contrary to the Common Law of the Land; and no such new Charter shall in anywise prejudice, affect, or annul any of the existing Statutes or Bye Laws of the said College, further than shall be necessary for giving full Effect to the Alterations which shall be effected by such new Charter and by this Act in the Constitution of the said College.

Provision for bringing to a close the Widows Fund.

III. And be it enacted, That with respect to the said Scheme for raising a Fund for a Provision for the Widows and Children of the Members of the said Corporation and of their Clerk, it shall be lawful for the said College, by any Bye Law to be made by them, and approved by the Lord Advocate of *Scotland* for the Time being, to declare that it is expedient to stop the Admission of new Members, Contributors to the said Scheme, (except as after mentioned,) so as ultimately to bring the said Scheme to a close, and to establish Rules for giving Effect to such Declaration; and upon the making and Approval of any such Bye Law as aforesaid, so much of the said Two last-recited Acts, passed respectively in the Twenty-seventh and Fifty-third Years of His Majesty King *George* the Third, as provides that all Persons admitted Members of the said College and Corporation after the Date of the said Charter in the said Acts mentioned, or after the passing of the last-recited Acts, should, in consequence of such Admission, be held to accede to the said Scheme, and should make such Payments for the Benefit of the said Fund as by the said Acts is severally provided, and that the Treasurer of the Corporation should pay over to the Collector of the Scheme the Half of the Entry Money paid by each and every Person who should be thereafter admitted Members of the said College and Corporation, the same being for the Purpose of raising and augmenting the Capital or Fund for providing for the Widows and Children of the Members Contributors, shall be and the same is hereby repealed as to all Persons so to be admitted after a Day to be named in that Behalf in the said Bye Law; and no Person so to be admitted after the said Day, nor his Widow nor Children, shall have any Benefit from the said Fund (except Persons entitled to Admission as being Sons or Sons-in-law of then existing

or

or deceased Fellows, or as having been or become Freedom Apprentices to such Fellows before the making and Approval of such Bye Law, and their Widows); and the Annuities then charged, or which may thereafter become chargeable, upon the said Fund, in Terms of the said Two last-recited Acts, in case the same cannot be defrayed out of the said Fund, shall be made good from Time to Time as the same shall fall due out of the other Funds belonging to the said College; and in case any Surplus of the said Widows Fund shall remain after providing for the Payment of all the Annuities and Payments charged or which may become chargeable thereupon in Terms of the said Acts, the same shall fall into and become Part of the common Funds of the said College: Provided always, that it shall be in the Power of any Person desiring to enter as a Fellow of the said College, being the Son or Son-in-law of any then existing or deceased Fellow, or who may have served a Freedom Apprenticeship to any such Fellow, to claim Admission either upon Payment of the same Rates of Contribution as are now paid, and with Right to the same Privileges and Benefits from the said Scheme as are now enjoyed by such Persons, or to claim Admission at the same Rates with other Entrants, but in such Case not to be entitled to such Privileges and Benefits as aforesaid.

Mode in which the said Widows Fund shall be wound up.

IV. And be it enacted, That on the making and Approval of such Bye Law as aforesaid it shall be lawful for the said College to wind up the said Scheme, either by continuing the same under the Management of Trustees elected as heretofore, until the Rights of all Parties having or hereafter becoming entitled to an Interest therein shall have ceased and determined, or (in case the College shall consider such an Alternative at any Time hereafter expedient) by entering into an Agreement or Contract with an Insurance Company, whereby the College shall transfer or cause to be transferred to such Company the Capital Stock of the said Fund, together with all Right to the annual or contingent Contributions of the Fellows of the said College, and all Obligations thereto in virtue of the said Two last-recited Acts relating to the said Fund, and all Debts of whatever Kind due to the said Fund, in consideration of such Company undertaking the whole Obligations of every Kind whatsoever, whether existing at the Time or future and contingent, attaching to the said Fund, or for which the said Fund may be made responsible in virtue of the said Two last-recited Acts, and in consideration of the said Company undertaking such further Obligations, if any, as may be specified in the said Agreement or Contract; provided always, that such Insurance Company and the whole Nature and Terms of such Agreement and Contract shall have been approved of by the Lord Advocate for the Time being; and any such Agreement and Contract so approved of for giving full Effect to such Transfer and Undertaking shall be a valid and effectual

Transfer and Conveyance in Law to such Company of the said Capital Stock of the said Fund, and of the whole Securities, Government Stock, Bank Shares or Stock, or other Shares or Stocks upon which the same is or may be invested, and of all Right and Title to the annual or contingent Contributions of the Fellows and other Obligations and Debts above referred to, and shall bring such Company under the whole Obligations attaching to the said Fund, whether existing or future and contingent, and shall release and discharge the College and Trustees of said Fund from the same, and shall bring such Company under such further Obligations, if any, as may be specified in such Agreement or Contract.

Provision in respect of the annual Payment by the College to the Widows Fund.

V. And whereas by the said recited Act of the Twenty-seventh Year of the Reign of King *George* the Third it is provided that there shall be paid by the Treasurer of the said College, and out of their Funds at the Term of Candlemas annually, to the Collector of the said Scheme, the Sum of One Pound Sterling for each Person who is a Member at the Time, and whose Widow and Children may eventually be entitled to the Benefit of the said Scheme: Be it enacted, That in any such Agreement or Contract it shall be lawful for the said College to compound for the said annual Payment by the Payment of a definite or fixed Sum of such an Amount as any Insurance Company with whom such Agreement or Contract may be entered into may agree to accept in lieu of and as Compensation for such annual Payment.

Provision in regard to Rates of Annuity and Increase of Widows Fund.

VI. And whereas by the Two last-recited Acts Provision is made for the Regulation from Time to Time of the Rates of Annuities to be paid to the Widows of Fellows of the said College, and also for the Mode in which the said Fund shall from Time to Time be increased: Be it enacted, That upon the Execution of such Agreement and Contract, to be approved of as aforesaid, the said Provisions in the said last Two recited Acts shall be and the same are hereby repealed.

Providing for the Transfer of the Auxiliary Widows Fund.

VII. And be it enacted, with respect to the said Auxiliary Widows Fund, That it shall be lawful for the said College either to retain the same under their own Management and Control, as heretofore, both as regards its Sources of Income and the Destination and Mode of Application thereof, or in the event of their entering into an Agreement with any Insurance Company of the Nature above mentioned in regard to the original Widows Fund, in their Option to combine with said Transaction a Transfer also of the said Auxiliary Widows Fund, and in that Case it shall be lawful for the said College to make over to such Insurance Company the whole of the available Stock of the said last-mentioned Fund (under Deduction therefrom of the Expenses which may be incurred in carrying into effect the Transfer of the Two Funds),

Funds), and that either with or without Right to the contingent Contributions presently payable to the said Auxiliary Fund, or such Portion of the same as may be agreed upon between the said College and such Insurance Company; provided always, that in such Transaction the Insurance Company shall undertake to pay the same Amount of Annuity to all Widows of Fellows who have died or may die before Payment of their Fourth annual Contribution as to those of other Fellows of the College; and any Agreement or Contract for effecting the said last-mentioned Transfer (to be approved of by the Lord Advocate as aforesaid) shall be a valid and effectual Transfer and Conveyance in Law to such Insurance Company of the Capital Stock of the said Auxiliary Widows Fund (under Deduction as aforesaid), and of the whole Securities, Government Stock, Bank Shares or Stock, or other Shares or Stocks upon which the same is or may be invested, together with all Right to such contingent Contributions (if any) as may be agreed to be included in such Transfer; and upon Execution of such Agreement and Transfer the College and Fellows thereof shall thenceforth be freed and relieved from all further Obligations in relation to the said Fund, or to such Insurance Company in respect of the same.

College of Surgeons to be separated from Corporation of Edinburgh.

VIII. And be it enacted, That with respect to the Connexion of the Surgeons with the Municipal Corporation of the City of *Edinburgh* as above set forth, if Her Majesty shall be pleased to grant a new Charter to the said Royal College of Surgeons, wherein it shall be declared, that there shall no longer be a Surgeons or a Chirurgeons Craft forming one of the Incorporated Trades of the said City of *Edinburgh*, then, upon the Grant and Acceptance under their Common Seal of the said Charter to and by the said Royal College, the Incorporated Trades of the said City shall consist of Thirteen only, and the Surgeons or Chirurgeons shall not thenceforth be entitled to elect a Deacon of Craft, or to be represented in any way in the Convenery, or to have any Voice in the Election of Deacon Convener of the said City, but the Deacons of the remaining Thirteen Incorporated Trades and the Two Trades Councillors only shall compose the Convenery, and shall elect the Deacon Convener, and they and he shall exercise respectively all the Powers and Privileges now in use to be exercised by the Deacons of the Fourteen Incorporated Trades and Two Trades Councillors and Deacon Convener, as also all the Powers and Privileges belonging to the Deacons of the Fourteen Incorporated Trades and Two Trades Councillors and Deacon Convener, as Governors of the Trades Maiden Hospital; and the Government of the said Hospital, after the Deacon of the said Surgeons or Chirurgeons Craft has ceased to be a Governor thereof, shall be vested in and exercised by the remaining Governors as fully and freely in every respect as it was previous to the passing of this Act; and all Acts of

Council,

Council, Charters, Grants, and Acts of Parliament relating to the said Incorporated Trades and to the said Hospital, in so far as inconsistent with this Act, shall be and be taken to be thenceforth annulled and repealed; and all municipal Rights and Privileges belonging to and now enjoyed by the Royal College of Surgeons of the City of *Edinburgh* as the Surgeons or Chirurgeons Craft, and as one of the Incorporated Trades of the said City, including the Rights of Presentation to and Governorship of the Trades Maiden Hospital now belonging to them, and all Obligations due by them, or to which they are subject in relation to the said Hospital or to the Convenery, shall cease and determine, and no Person shall thenceforward be entitled to participate in any such Rights and Privileges by reason of his being or becoming a Fellow of the said Royal College of Surgeons, and the said Rights of Presentation shall in Time coming belong to and be vested in the Governors of the said Hospital, and if exercised by them they shall be exercised in favour of the Children or Grandchildren of Members of the said Incorporated Trades, or of the Society of Barbers, upon the same Terms as the Rights of Presentation belonging to the said Incorporated Trades and Society of Barbers are presently exercised; and all Acts of Council, Charters, Grants, and Acts of Parliament, so far as they might be construed to require as a Qualification to any Fellow of the said Royal College that such Fellow should become a Burgess of the City of *Edinburgh*, shall be and be taken to be thenceforth annulled and repealed: Provided always, that nothing herein contained shall be taken to deprive the said Royal College of Surgeons of *Edinburgh* or the Fellows thereof of any other Rights or Privileges now enjoyed by them in virtue of any Acts of Council, Charters, Statutes, Letters Patent, or Usage not expressly repealed or altered by this Act, or by any Charter to be granted in pursuance of this Act.

Expenses of Act.

IX. And be it enacted, That the Expenses of applying for and passing this Act shall be paid out of the common Funds of the said College and Corporation, and not out of the Money contributed or collected for the Purpose of providing Annuities for the Widows and Children of the Members thereof.

Public Act.

X. And be it enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken notice of as such.

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1850.