ANNO VICESIMO TERTIO & VICESIMO QUARTO

VICTORIÆ REGINÆ.

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The Royal College of Surgeons of Edinburgh (Widows Fund) Act, 1860.

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 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 another Act passed in the Fifty-third Year of the Reign of King *George* the Third,

53 G. 3. c. lxxvi. 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 first-recited Act was in part altered and amended: And whereas under and in virtue of the said Two recited Acts the said Widows Fund Scheme has continued to be administered down to the present Time: And whereas the said Royal College have also, by their Byelaws, established another 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 own Control, and by a Resolution, dated the Fourth Day of *November* One thousand eight hundred and twenty-five, enacted and declared, *inter alia*, that the said Auxiliary Widows Fund should be kept separate and distinct from the said original Widows Fund, and should be reserved for the Purpose of remedying any Defects in the System established by Act of Parliament, and that in the event of a Member dying before his Fourth annual Contribution became due, in which Case his Widow was excluded from the Benefit of the Fund, the Annuity that would have been due to such Widow if the Four yearly Contributions had been paid should be paid to her out of the said Auxiliary Fund: And whereas another Act was passed in the Thirteenth Year of the Reign of Her present Majesty,

13 & 14 Vict. c. xxiii. intituled *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*, whereby it is, *inter alia*, enacted, that with respect to the said Widows Fund Scheme, it should be lawful for the said College, by any Byelaw 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 therein-

therein-after mentioned), so as ultimately to bring the said Scheme to a close, and to establish Rules for giving effect to such Declaration, and that upon the making and Approval of such Byelaw as aforesaid so much of the said 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 said last-mentioned 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 Stock of the said Fund,) should be repealed as to all Persons so to be admitted after a Day to be named in that Behalf in the said Byelaw, and that no Person so to be admitted after the said Day, nor his Widow nor Children, should have any Benefit from the said Fund, except Persons entitled to Admission as being Sons or Sons-in-Law of then existing or deceased Fellows, or as having been or become Freedom Apprentices to such Fellows before the making and Approval of such Byelaw, and their Widows: And whereas by the said last-recited Act alternative Power is given to the said College, on the making and Approval of such Byelaw as aforesaid, to wind up the said Scheme, either by continuing the same under the Management of Trustees, elected as formerly, until the Rights of all Parties having or thereafter becoming entitled to an Interest therein should have ceased and determined, or by entering into an Agreement or Contract with an Insurance Company, whereby such Company, in consideration of their obtaining a Transfer to the whole Fund established by the said recited Acts, together with all Debts due thereto, should undertake all Obligations, whether present or future and contingent, attaching to the said Fund: And whereas by the last-recited Act the Provisions of the first and second recited Acts, for the Regulation from Time to Time of the Rates of Annuity to be paid to the Widows of Fellows of the said College, and also of the Mode in which the said Fund should from Time to Time be increased, were repealed, contingently upon the Execution of an Agreement or Contract with an Insurance Company as aforesaid; but the said Act contained no express Repeal of the said Provisions in the event of the said College resolving to wind up the said Scheme under the Management of Trustees: And whereas with respect to the said Auxiliary Widows Fund alternative Power is also given to the said College, by the said last-recited Act, either to retain the said Auxiliary Fund under their own Management and Control, or in the event of their entering into an Agreement with an Insurance Company of the Nature above mentioned in regard to the original

original Widows Fund to combine with that Transaction a Transfer also of the said Auxiliary Widows Fund, it being in that Case provided that the Insurance Company should undertake to pay the same Amount of Annuity to all Widows of Fellows who had died or might die before Payment of their Fourth Annual Contribution as to those of other Fellows of the College: And whereas the said Royal College did, on the Fifth Day of *June* One thousand eight hundred and fifty-one, enact a Byelaw, declaring in Terms of the said last-recited Act that it was expedient as from and after the Sixteenth Day of *May* One thousand eight hundred and fifty-one, to stop the Admission of new Members, Contributors to the said Scheme, excepting as regards those privileged Parties whose Rights are specially reserved by the said last-recited Act, and postponing the Consideration of the Mode of winding up the said Scheme till such Time as the College might resolve to decide regarding the same: And whereas the said Byelaw and Declaration, having been submitted to the Lord Advocate for the Time, was duly approved of by him: And whereas by Royal Charter given at the Court of *St. James* the Eleventh Day of *March* One thousand eight hundred and fifty-one, and in conformity with the said last-recited Act, Her Majesty did, upon a Surrender by the said College of their former Charter, of new incorporate the said College, under the Name and Style of "The Royal College of Surgeons of *Edinburgh*," and under the new Form of Constitution, and with the Powers and Privileges therein mentioned: And whereas it is by the said new Charter, *inter alia*, declared, that from and after the Date thereof the Admission of any Candidate for the Fellowship, being the Son or Son-in-Law of any Fellow who might have entered the College before the said Date, or who before the said Date might have served or might then be actually serving an Apprenticeship to a Fellow of the College for the Freedom of the City of *Edinburgh* (being the Parties to whom the Privileges of the Widows Fund are specially reserved by the last-recited Act), should continue to be conducted after the same Mode as that theretofore in use, subject to such Modifications thereof as the College might direct and determine by any Byelaw or Byelaws to be from Time to Time passed by them, and that, except as regards Persons coming under one or other of the said Denominations, the Admission of all Candidates for the Fellowship should always be determined by way of Ballot: And whereas the former Mode of admitting all Candidates for the Fellowship, with the Privileges of the Widows Fund, was by actual Examination of the Candidates literary and professional Qualifications; and the College did, upon the Tenth Day of *May* One thousand eight hundred and fifty-two, resolve that the same Mode of Admission of these Candidates should be continued, excepting as regards such of them as might renounce their Right of Accession to the Widows Fund, who would in that Case fall to be elected by Ballot and without Examination, as ordinary Fellows under the new Charter: And whereas the College did,

Royal Charter, dated 11th March 1851.

did, on the Fifth Day of *May* One thousand eight hundred and fifty-two, resolve to continue the Management of the Widows Fund under Trustees, as formerly, and not for the present to adopt the Alternative of transferring the same to an Insurance Company: And whereas it is expedient, in consequence of the Change effected in the Constitution of the said College by their new Charter above mentioned, to have regard to the Time when a comparatively small Number of the Fellows thereof will be Contributors to the Widows Fund, and also to that more distant Time when, the Contributors having all died out, the Fellows of the College will have ceased to have any Interest in the Fund, and to provide for a Continuance of the Management of the said Fund in these Events: And whereas it will be for the Benefit of the Fund, and is necessary in order to maintain the Data upon which the Calculations in reference thereto have been based, to render unalterable the present Mode of Admission of the privileged Candidates by Examination as aforesaid: And whereas it is expedient to consolidate into One Fund the original Widows Fund and the Auxiliary Widows Fund, and to provide that One uniform Rate of Annuity shall henceforth be drawn by all the Widows without Distinction: And whereas it is expedient also to obtain more express legislative Power in regard to the Mode in which the said consolidated Fund may hereafter be invested: And whereas, in consequence of the Progress of the said Scheme having been arrested in manner above mentioned, and of its necessarily coming to a Close at some uncertain future Period, it has become expedient to remodel the said Scheme so as to maintain and secure for the future a constant due Proportion between the Amount of the Fund and the Claims which may be expected to come against it, and as far as possible to secure that the Exhaustion of the said Fund and the Termination of the said Claims may be simultaneous; but these Objects cannot be carried into effect 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, as follows; (that is to say,)

I. From and after the passing of this Act, the first and second recited Acts, and also so much of the third-recited Act, and of the Royal Charter granted in pursuance thereof, as aforesaid, as relate to the said Widows Fund Scheme, and also to the said Auxiliary Widows Fund, shall be and the same are hereby repealed, except in so far as is hereinafter specially provided. 27 G. 3. c. 65. 53 G. 3. c. lxxvi. and Part of 13 & 14 Vict. c. xxiii. repealed.

II. In this Act the following Words and Expressions shall have the Meanings hereby assigned to them respectively, unless there be something in the Subject or Context inconsistent with such Construction; (that is to say,) the Expression "the College" shall mean the Royal College Interpretation of Terms.

of Surgeons of *Edinburgh*, whether as incorporated under or designed by that Name, or the Name of the Royal College of Surgeons of the City of *Edinburgh*, or the Name of the Royal College and Corporation of Surgeons of the City of *Edinburgh*; the Words "Fellow" and "Fellows" shall respectively mean a Fellow or Member and Fellows or Members of the College; the Expression "the Fund" shall mean the Widows Fund of the College, as consolidated and constituted by this Act; the Expression "the Trustees" shall mean the Trustees of the Fund for the Time being acting under the Powers of this Act; the Words "Contributor" and "Contributors" shall respectively mean a Person and Persons who, under the Provisions of the recited Acts and Charters or of this Act, may have been or may be duly admitted to contribute to the original Widows Fund herein-before mentioned, or to the Fund; and the Expression "the Collector" shall mean the Collector of the Fund for the Time being appointed by this Act, or elected by the Contributors under the Provisions of this Act.

Parties interested in the Fund.

III. The Parties interested in the Fund shall be, first, the Widows of deceased Fellows, Contributors to the original Widows Fund Scheme, who are now upon the Roll of Widows, including those who have hitherto drawn Annuities from the Auxiliary Fund, as well as those who have drawn Annuities from the original Widows Fund; secondly, those Fellows who are now Contributors to the said original Widows Fund Scheme, and their Widows; and, thirdly, such Persons as may hereafter be admitted Fellows by Examination in manner after mentioned, with Right of Accession to the said Scheme, *videlicet*, Sons and Sons-in-Law of those Fellows who may have entered the College before the said Sixteenth Day of *May* One thousand eight hundred and fifty-one, or Persons who before the said Sixteenth Day of *May* One thousand eight hundred and fifty-one may have served or may have been then serving an Apprenticeship to a Fellow for the Freedom of the City of *Edinburgh*, and their Widows.

Funds vested in Trustees.

IV. From and after the passing of this Act, the College shall cease to have any Concern with the Management of or any Right or Interest whatever in the said original Widows Fund, or the Fund denominated the Auxiliary Widows Fund, or the Fund as consolidated and constituted by this Act; and the whole Capital Stock and Monies constituting the said original Widows Fund, however invested, and all Arrears of annual Contributions, and of Marriage Equalizing and Age Taxes, with Interest and Penalties accruing thereon, which may be due by the present or by deceased Contributors under the said first and second recited Acts at the Date of the passing of this Act, and also the whole Capital, Stock, and Monies constituting at that Date the Fund now denominated the Auxiliary Widows Fund, together with the whole Contributions,

Contributions, or Rates, Taxes, and Penalties, imposed by this Act, with all Interest, Profit, and Increase that may in any manner of way from Time to Time accrue thereon and thereto, shall be and the same are hereby consolidated into One Fund, to be henceforth denominated "The Widows Fund of the Royal College of Surgeons of *Edinburgh*," and the same shall be and are hereby vested in *Adam Messer*, *John Gairdner*, *James Spence*, *Andrew Douglas Maclagan*, *Andrew Wood*, and *Robert Omond*, all Surgeons in *Edinburgh*, and Contributors to the said original Fund, and Trustees of the same, elected by the Contributors thereto under Authority of the first and second recited Acts, or in such of the said Trustees so elected as may be alive and in Office as Trustees at the passing of this Act, and in their Successors in the said Office, to be elected in manner herein-after directed, without the Necessity of any Deed of Conveyance or Transfer in favour of the said Trustees, either by the College or by the Fellows in whose Names any Part of the said Funds are invested, or who may be now in the Management thereof; and the said Trustees, of whom Three shall be a Quorum, shall be intrusted with the Management of the said consolidated Fund. Quorum.

Stated Meetings of Contributors.

V. On every Day on which the stated *Candlemas* and *Lammas* Meetings of the College shall be held, and immediately after the Business of such Meetings shall be concluded, or in default of any of such Meetings, then upon the first lawful Day after the Second Day of *February* and the First Day of *August* respectively in every Year, there shall be a General Meeting of Contributors; and, in addition to these Meetings, the Trustees shall have Power, by a Minute at any of their Meetings, to call a General Meeting of the Contributors; and they shall also be bound, on a Requisition signed by any Three Contributors, to call a General Meeting of Contributors to be held within Ten Days after such Requisition has been lodged with the Collector; and at all such General Meetings the senior Contributor present shall act as President, and shall, besides a deliberative Vote, have a casting Vote in all Cases of Equality, and shall sign the Minutes; and all such Meetings shall be held within the Hall or ordinary Place of Meeting of the College, and in default thereof at such other Place within the City of *Edinburgh*, and at such Hours as the Trustees may appoint, when the same shall not be regulated as aforesaid by the Times of Meeting of the College; and no Contributor whose annual Rates or Marriage or Age Taxes shall be Six Months or upwards in arrear at the Time of any General Meeting shall be entitled to preside or have any Vote at such Meeting; and at all General Meetings at least Six Contributors entitled to vote at such Meetings shall be requisite to constitute a Quorum for the Despatch of Business, but it shall be in the Power of any less numerous Meeting to adjourn the same to a future Day.

Other Meetings.

Contributors in arrear disqualified from voting.

Quorum of General Meetings.

VI. The

The Royal College of Surgeons of Edinburgh (Widows Fund) Act, 1860.

Seniority of Trustees.

VI. The Six Trustees herein-before named shall be ranked in Seniority according to the Order in which they are named in this Act, the Trustee first named being the senior Trustee; and the said Six Trustees shall remain in Office until they shall be replaced in manner herein-after

Rotation of Trustees.

mentioned by other Trustees elected to succeed them; and at the General *Lammas* Meeting of Contributors to be held as aforesaid in the Month of *August* One thousand eight hundred and sixty the senior Trustee shall go out of Office and another Trustee shall be chosen in his Place, whose Name shall be placed at the Bottom of the List of Trustees; and at the General *Lammas* Meeting to be held annually in each subsequent Year the senior Trustee then on the List shall go out of

Trustees re-eligible.

Office, and another Trustee shall be chosen in his Place; but it shall nevertheless be competent to re-elect the Trustee retiring from Office, who, in the event of such Re-election, shall be placed at the Bottom of the List, in the same Manner as if he had been elected a Trustee for

Vacancies, how supplied.

the First Time; and in case any Vacancy shall happen in the Office of Trustee by Death, Resignation, or otherwise, the Election of a Person to supply such Vacancy shall be made by the Contributors, either at the next stated General Meeting or at a General Meeting which shall be held for the Purpose within One Month after the Vacancy, and the Person so elected shall be placed last on the List of Trustees.

Trustee in arrear of Rates disqualified from acting.

VII. Any Contributor whose annual Rates or Marriage Equalizing or Age Taxes shall at the Time be Six Months or upwards in arrear shall not be eligible as a Trustee; and any Trustee who shall be elected as aforesaid shall be disqualified from acting as a Trustee if and so long as his annual Rates or Marriage Equalizing or Age Taxes shall be Six Months or upwards in arrear.

Stated Meetings of Trustees.

VIII. The Trustees shall hold at least Two stated Meetings in each Year, *videlicet*, One upon the Fourteenth Day of *May*, or, when that Day shall be a *Sunday*, then on the *Saturday* immediately preceding, for making up a List of the Widows entitled as after mentioned to Annuities as at the Date of the said Meeting, which List, when so made up and authenticated by the President of such Meeting, shall be a Warrant to the Collector for Payment, at the Term of *Whitsunday* then next ensuing, of the Annuities to the Widows named in such List, upon Production of Certificates to the Satisfaction of the Collector of such Widows respectively being in Life when such Annuities become due and payable; and the other of the said Meetings shall be held upon the First *Tuesday* of *November* in each Year; and besides these stated Meetings the Trustees shall hold such occasional Meetings as Circumstances may require; and at each Meeting of the Trustees Three Trustees shall form a Quorum, and the

the senior Trustee present shall preside, and shall, in case of an Equality of Votes, have a casting as well as a deliberative Vote.

Mode of Investment of Funds.

IX. The Trustees shall from Time to Time lay out and invest the Monies of the Fund, or so much thereof as shall not be required for Payment of the Annuities and other Charges after mentioned, on good and approved Heritable Securities, or in the Purchase of Feu Duties arising out of Heritable Property situated within *Scotland*, or of Government Stock, or of any Stock guaranteed by the Government of *Great Britain*, the Dividends on which Stock are payable therein, or of the Stock of any Bank or Banking Company in *Great Britain*, incorporated by Royal Charter or Act of Parliament, or of the Mortgages or Debenture Stock of any Railway Company in *Great Britain*, the Market Price of the ordinary Stock of which Railway Company shall at the Time of the making of such Purchase be not lower than Twenty *per Centum* below Par; but no Monies shall be lent out or invested except in the Manner above mentioned; and all Heritable Bonds, or Bonds and Dispositions in Security, Dispositions, Assignations, Conveyances, Transfers, or other Deeds and Instruments granted for and in reference to such Loans or Investments, shall be conceived and taken in favour of the Trustees, and of their Successors in Office for the Time being, for Behoof of the Fund; and the Monies so lent out, with the Securities granted for the same, and the Lands and other Heritages conveyed in Security thereof, and the Feu Duties, Stocks, Mortgages, and Bonds so purchased, with the Assignations, Dispositions, Transfers, Certificates, and other Deeds or Instruments establishing a Right and Title to the same, shall thereby be effectually vested in the Trustees for the Time being and their Successors in Office, with Power to them or their said Quorum from Time to Time to call up the Sums so lent out, to sell and transfer the Feu Duties, Stocks, Mortgages, and Bonds so purchased, and to discharge and renounce or assign the said Heritable Securities; and all Receipts, Discharges, and Renunciations, Dispositions, Assignations, Transfers, or other necessary Deeds or Instruments shall, if duly executed by a Quorum of the Trustees for the Time being, be sufficient and effectual to the Person or Persons in whose Favour the same may be granted; and the Trustees shall also have Power from Time to Time to lend out and reinvest in like Manner the Proceeds of such Loans and Investments, or such Part thereof as may not at the Time be required for carrying into effect the Purposes of this Act: Provided always, that it shall be lawful for the Trustees and they are hereby authorized and empowered to invest in the Names of any Three of their Number the whole or such Part of the said Monies as shall be applied in the Purchase of Government Stock, or Stock guaranteed by the Government, or Stock of the Bank of *England*, and they shall take from each of such Three Trustees such Declarations of Trust or Obligations as shall appear necessary and proper for effectually binding

them to hold such Stock, and all Interest, Dividends, and Profits from Time to Time to become due thereon, at the Disposal and subject to the Control of the Trustees in regard to the selling and transferring from Time to Time such Stock, and receiving, accounting for, and paying over the Interest, Dividends, and Profits to become due thereon, as aforesaid.

Provision for compounding for Obligations of the College.

X. And whereas by the first-recited Act it was provided, that there should be paid by the Treasurer of the College, out of their Funds, at the Term of *Candlemas* annually, to the Collector of their Widows Fund Scheme, the Sum of One Pound Sterling for each Person who should be at the Time a Member and interested in that Scheme: And whereas by the second-recited Act it was provided, that the Treasurer of the College should, out of their Funds, annually repay to the Collector of the said Widows Fund the whole Amount of the Tax upon Property or Income that might have been paid by such Collector on the said Fund for the Year preceding: Be it enacted, That it shall be lawful for the Trustees, with the Approbation of a Majority of the Contributors present at any Meeting called for the Purpose, to enter into an Agreement with the College, whereby the College shall compound for the said Obligations by the Payment of a definite or fixed Sum; and upon the Execution of such Agreement, and the Receipt by the Trustees of whatever Sum may be agreed to be paid by the College as aforesaid, the College shall be for ever discharged and relieved from the said Obligations to the Fund; but, till then, such Obligations shall subsist and continue, notwithstanding the Repeal of the first and second recited Acts herein-before contained.

Annual Contributions of present Contributors.

XI. Every Fellow who at the passing of this Act is a Contributor to the Widows Fund Scheme established and heretofore regulated by the first and second recited Acts, provided he shall have become a Contributor thereto on or since the Twenty-first Day of *May* One thousand eight hundred and thirteen, being the Date of the second-recited Act, and shall be in Life at the Term of *Candlemas* One thousand eight hundred and sixty-one, shall be bound to make Payment to *John Scott*, Writer to the Signet, herein-after appointed Collector of the Fund, and to his Successors in Office, for Behoof of the Fund, at the said Term of *Candlemas* One thousand eight hundred and sixty-one, of the Sum of Five Pounds Sterling, and of the like Sum of Five Pounds at every succeeding Term of *Candlemas* during the Life of such Fellow, and of the Interest of each annual Contribution from the Time at which such Contribution becomes due till paid, with One Fifth Part more of each annual Contribution in Name of Penalty, in case of Failure to make Payment thereof within Three Months after the same falls due, besides the full Costs, if any, that may be incurred in prosecuting for and recovering the same.

XII. Every

Annual Contributions of future Entrants.

XII. Every Person who after the passing of this Act shall be admitted a Fellow, with Right of Accession to the Fund, in manner herein provided, shall be bound to make Payment to the said Collector, or to the Collector for the Time being, for Behoof of the Fund, of the Sum of Five Pounds at the First Term of *Candlemas* after his Admission, and of the like Sum of Five Pounds at every succeeding Term of *Candlemas* during his Life, with the Interest of each annual Contribution from the Time at which such Contribution becomes due till paid, and One Fifth Part more of each annual Contribution in Name of Penalty, if the same be not paid within Three Months after it becomes due, besides the full Costs, if any, that may be incurred in prosecuting for and recovering the same.

Entry Money.

XIII. Every future Candidate for the Fellowship, qualified as aforesaid to be admitted to participate in the Benefits of the Fund, and desirous of acceding thereto, shall, previously to his Admission, make Payment to the Collector of the Fund, for Behoof thereof, of the following Sums, over and above the first annual Contribution of Five Pounds, and also over and above the Sums which by the Laws of the College may be payable by such Candidate to the College Funds; *videlicet*, if such Candidate shall be the Son of a Fellow who had entered the College previously to the Sixteenth Day of *May* One thousand eight hundred and twenty, the Sum of Thirty-four Pounds Three Shillings and Fourpence Sterling; if such Candidate shall be the Son-in-Law of a Fellow who had entered the College previously to the last-mentioned Date, the Sum of Thirty-eight Pounds Six Shillings and Eightpence Sterling; if such Candidate shall be the Son or Son-in-Law of a Fellow who had entered the College on or after the Sixteenth Day of *May* One thousand eight hundred and twenty, and previously to the Sixteenth Day of *May* One thousand eight hundred and fifty-one, the Sum of Eighty Pounds Sterling; if such Candidate shall be the Son or Son-in-Law of a Fellow who had entered the College on or after the Sixteenth Day of *May* One thousand eight hundred and fifty-one, the Sum of Eighty Pounds Sterling; if such Candidate shall have served an Apprenticeship of Five complete Years for the Freedom of the City of *Edinburgh* with any Fellow of the College, and such Apprenticeship shall have commenced to run previously to the Twentieth Day of *November* One thousand eight hundred and eleven, the Sum of Fifty-one Pounds Thirteen Shillings and Fourpence Sterling, or if such Apprenticeship shall have commenced to run on or after the said Twentieth Day of *November* One thousand eight hundred and eleven, and previously to the said Sixteenth Day of *May* One thousand eight hundred and fifty-one, the Sum of Eighty Pounds Sterling; and in case any such Candidate shall at the Time of his Admission have completed his Fortieth Year, he shall, over and above the said Payments, pay a Tax of Twenty-five Pounds Sterling to the Collector of the Fund for the Benefit thereof, and for each Year that his Age shall exceed Forty Years he shall pay a further Tax of Two Pounds Sterling; and no Petition for Admission by any Candidate shall be entertained

As to Taxes paid by Candidates over 40 Years of Age.

tained by the College unless the same shall be accompanied by a Certificate by the Collector to the effect that such Payments, so far as due, have been received by him.

Marriage Equalizing Tax.

XIV. Every Contributor who shall marry after having attained the Age of Fifty Years shall, upon each such Marriage after the Age of Fifty Years, if his Age shall exceed that of his Wife, pay to the Collector of the Fund, for the Benefit thereof, a Tax of Three Pounds Sterling for each complete Year that the Age of such Contributor shall exceed that of his Wife.

Intimation of Marriage, &c. to Collector.

Certificate of Contributor's Age and Wife's Age.

XV. Every future Candidate for the Fellowship, qualified as aforesaid to be admitted to participate in the Benefits of the Fund, and desirous of acceding thereto, shall, at the Time of his Application for Admission, lodge with the Collector a Certificate or other sufficient Evidence of his Age; and if such Person shall then be married, he shall at the same Time intimate that Fact to the Collector, and shall also lodge a Certificate or other sufficient Evidence of the Age of his Wife; and every Person, whether he be now a Contributor, or whether he become a Contributor after the passing of this Act, who shall marry after the passing of this Act, shall, within Six Months after such Marriage, and if he shall marry oftener than once, shall within Six Months after each successive Marriage, intimate such Marriage to the Collector, and shall at the same Time lodge with the Collector a Certificate or other sufficient Evidence of the Age of his Wife, and of the Date at which such Marriage took place; and if any Contributor shall neglect within the Time hereby limited to lodge such Evidence with the Collector, or to make to the Collector such Intimation as is hereby required, or shall die within the said Period without having made such Intimation or lodged such Evidence, the Widow of such Contributor shall forfeit the Annuity to which she would otherwise have been entitled, unless it shall appear to a Majority of the Contributors, present at a Meeting specially assembled, that the Failure to make such Intimation or lodge such Evidence arose from Accident, and unless a Motion made at such Meeting to enter such Widow on the Roll of Annuitants shall be approved of by Three Fourths of the Contributors present at a Second Special Meeting: Provided always, that no Meeting shall be held in relation to these Purposes unless a Notice, written or printed, specifying the Purpose and the Time and Place of Meeting, shall have been left at the Dwelling House of each Contributor residing within the City of *Edinburgh* or Liberties thereof at least Two Days before the Day of Meeting.

Forfeiture on neglecting same.

Annuities to Widows.

XVI. There shall be paid at the Term of *Whitsunday* which shall occur next after the passing of this Act, and at every Term of *Whitsunday*

day thereafter, by the Collector at his Office, to every Widow who shall at the Time be duly entered upon the Roll of Annuitants, an Annuity of Seventy Pounds Sterling, which Annuity shall continue to be paid during the respective Lives of such Widows, subject to Deductions or Forfeiture in the Cases herein-before and after specified: Provided always, that the Annuity to each of the said Widows may be augmented or diminished according to the State of the Fund and the Charges thereon, actual and contingent, as the same shall be ascertained at the periodical Investigations to be made in manner herein-after directed; and the legal Representative of any Widow dying shall be entitled to receive that Portion of her Annuity which shall have accrued between the Term of *Whitsunday* immediately preceding her Death and the Day of such Death: Provided also, that if any Contributor who may have been or may be of the Age of Forty Years or upwards at the Date of his Admission shall happen to die, leaving a Widow, before he shall have paid or become liable to pay Twelve Years Rates, there shall in that Case be retained out of the Annuity due to his Widow such a Sum as, together with the total Amount of Rates paid by him, without computing Interest thereon, shall amount to Twelve Years Rates, *videlicet*, Sixty Pounds Sterling: Provided further, that every Widow of a Contributor entering into any subsequent Marriage shall cease to be entitled to her Annuity as the Widow of such Contributor from the Day of her entering into such subsequent Marriage, but shall be entitled to receive that Portion of her Annuity which shall have accrued between the Term of *Whitsunday* immediately preceding such subsequent Marriage and the Day of such Marriage.

Deduction in certain Cases of Contributors not having paid Twelve Years Rates.

Annuities to cease in case of Widows again marrying.

XVII. The Collector shall not be bound to make any Payment to any Widow residing elsewhere than within the City of *Edinburgh* and Liberties thereof, or to the legal Representative of such Widow, in respect of the Annuity due to such Widow at any Term of *Whitsunday*, or at the Day of her subsequent Marriage or Death, as the Case may be, until he shall receive a Certificate of her having been alive and unmarried at such Term or on such Day; and in the event of such Widow's Residence being within *Scotland*, such Certificate shall be signed by a Minister and Two Elders of the Parish of such Residence; and in the event of her Residence being elsewhere than within *Scotland*, such Certificate shall be signed by a Clergyman or Magistrate and Two respectable Inhabitants of the Locality of such Residence.

Certificates of Widows being alive and unmarried.

XVIII. The said Annuities being intended as alimentary Provisions, the same shall not be assignable, nor be liable to be affected by Arrestment, nor be otherwise attachable by Creditors; and every Contributor who shall not have made a specific Declaration in his Contract of Marriage or otherwise regarding the Annuity to which his Wife may be

Annuities not assignable or attachable by Creditors.

Annuities may be computed pro tanto of Marriage Provisions.

entitled from the Fund in the event of her surviving him shall have Power, at any Time during his Life, to declare, by a Writing under his Hand, that the Annuity to which his Widow will be entitled by his contributing to the Fund shall be reckoned *pro tanto* of any Annuity or Jointure which he may, by his Contract of Marriage or otherwise, have become bound to provide for his Wife in the event of her becoming his Widow; and such Widow shall in that Case, and so long as she remains a Widow, be bound to allow a Deduction from the Annuity to which she may be entitled out of her Husband's Estate equivalent to the Annuity which she shall be entitled to draw from the Fund.

Cases of Forfeiture from allowing Rates, &c. to run in arrear.

XIX. In case any Contributor shall allow his Marriage Equalizing and Age Taxes, or any Part of them, to remain unpaid for Three Months after becoming due, or shall allow his annual Contributions or Rates to remain unpaid for Six Years or upwards, his Widow shall forfeit all Right which she otherwise would have had to any Annuity from the Fund; and such Contributor shall, notwithstanding such Forfeiture, be bound to pay the Taxes and annual Rates so in arrear, and shall also continue liable in Payment of the several annual Rates which shall become due as aforesaid during his Life: Provided always, that where any such Forfeiture shall have been incurred, if it shall appear to a Majority of the Contributors present at a Meeting specially assembled, that the Failure in Payment of such Contributor was occasioned, not by any Design to escape such Payment, but from Inability, owing to Decay in Business, or other Misfortune or Accident, it shall be competent at such Meeting, if such Contributor be alive, to make a Motion to reinstate him in the same Position as if such Forfeiture had not taken place, on Payment of all Arrears due by him, with Compound Interest calculated yearly thereon from the Terms at which the respective Sums became due; or if such Contributor be dead, leaving a Widow, it shall be competent at such Meeting to make a Motion to enter such Widow upon the Roll of Annuitants so soon as the Annuity which would have become due to her if no such Forfeiture had been incurred shall amount to a Sum equal to the Arrears due by such Contributor, and Compound Interest thereon, calculated as aforesaid, from the Terms at which the respective Sums became due; and if any such Motion shall at a Second Special Meeting be approved of by Three Fourths of the Contributors then present, it shall be competent for such Meeting to reinstate such Contributor, or to enter such Widow on the Roll of Annuitants, on the Terms before mentioned: Provided also, that no Special Meeting shall be held in relation to these Purposes or any of them unless a Notice, written or printed, specifying the Purpose and the Time and Place of Meeting, shall have been left at the Dwelling House of each Contributor residing within the City of *Edinburgh* or Liberties thereof at least Two Days before the Day of such Meeting.

Mode of reponing Contributor or his Widow in case of Forfeiture.

XX. If

The Royal College of Surgeons of Edinburgh (Widows Fund) Act, 1860.

Deduction from Widows Annuities where Contributor dies in arrear.

XX. If any Contributor shall die leaving any of his annual Contributions or Rates or any Marriage Equalizing or Age Taxes unpaid, a Deduction shall be made from the Annuity payable to his Widow equal to the Amount of Arrears owing by him, with Interest, Penalties, and Expenses, as before provided, reserving to the Widow all Claims which she may have for the same against the Heirs, Executors, or Representatives of her Husband: Provided always, that no Deduction shall be made from the First Payment of Annuity to which any Widow shall be entitled from the Fund, but a Sum not exceeding One Third Part of each subsequent Payment of the said Annuity shall be deducted yearly therefrom until all Arrears of Rates or Taxes that may be due, with the Interest, Penalties, and Expenses incurred at the Date of the Death of her Husband, and Interest on the accumulated Amount thereof thereafter, shall be fully paid up: Provided nevertheless, that the Annuitant shall be entitled to pay up the whole Amount due at once, or by larger yearly Instalments than is hereby directed; provided also, that in the Case of any Contributor who may have become a Contributor at the Age of Forty Years or upwards, and who may have died before he has paid or become liable to pay Twelve Years Rates, the Deficiency herein-before directed to be retained from his Widow shall be deducted from her Annuity in the same Manner as is by this Section provided in respect to the Deductions herein-before mentioned.

Investigations into State and Prospects of Fund.

XXI. The Affairs of the Fund shall be investigated periodically by the Trustees, with the Assistance of a Fellow of the Faculty of Actuaries of *Scotland*, for the Purpose of ascertaining whether the Capital of the Fund existing at the Time, with the estimated Value of the expected future Payments of the Contributors, are sufficient or more or less than sufficient for the Payment of the Annuities charged upon the Fund at the Time, and of such Annuities as may be expected to become chargeable thereupon, together with all necessary Expenses of Management; and after each such periodical Investigation the Trustees shall report to the Contributors what Annuities the Fund will, in their Opinion, sustain and ensure, not only to the Widows then on the Roll, and such as may be expected to become chargeable on the Fund in respect of the then actual Contributors, but also to the Widows of Persons entitled and expected to become Contributors.

Periods and Mode of Investigation.

XXII. The first of the said Investigations shall be completed before and shall be reported by the Trustees to the Contributors at the stated General Meeting to be held in the Month of *February* One thousand eight hundred and sixty-two, and the next Investigation shall be completed before and reported by the Trustees to the Contributors at the stated General Meeting to be held in the Month of *February* One thousand eight hundred and sixty-seven, and in like Manner in every Fifth

Fifth Year thereafter an Investigation shall be made before and reported at the stated General Meeting in the Month of *February*, and each such Report shall have reference to the State and Prospects of the Fund as at the Term of *Lammas* immediately antecedent to the Period of making such Report: Provided always, that it shall be in the Power of the Contributors to order more frequent Investigations into the State and Prospects of the Fund, which Investigations shall be conducted in the Manner above directed, and reported to a Meeting of Contributors, which shall be held as soon as may be thereafter.

Reports thereof in certain Cases to be printed.

Mode of dealing with same.

Annuity may be raised or diminished.

XXIII. If it should be recommended in any such Report that an Alteration ought to be made upon the Rate of Annuity payable from the Fund the Trustees shall cause such Report to be printed, and a Copy thereof to be transmitted to each of the Contributors at least Ten Days before the stated General *Candlemas* Meeting when the said Report shall fall to be considered, at which Meeting another Special General Meeting of Contributors shall be appointed to be held, and shall be held within not less than One Month and not more than Two Months thereafter, for finally considering such Report, and adopting such Resolution respecting the Rate of Annuity as the State of the Fund may render necessary or expedient; and if (with reference to the prospective as well as the present Obligations of the Fund) there shall appear to be a Deficiency of Funds to secure the Continuance of the Rate of Annuity then payable, it shall be lawful for such last-mentioned Meeting to reduce such Rate; and if (with reference as aforesaid) there shall appear to be a Surplus of Funds beyond what is necessary to secure the Continuance of the Rate of Annuity then payable, it shall be lawful for such last-mentioned Meeting to increase such Rate: Provided always, that no greater Reduction or Increase shall be made than such as may be recommended in the Reports of the Trustees.

Present Collector.

Mode of Appointment of future Collectors.

XXIV. The said *John Scott*, Collector appointed under the recited Acts, shall be the Collector of the Fund until the General *Lammas* Meeting of Contributors which shall be held next after the passing of this Act, at which Meeting the said Collector shall either be re-elected or another Person shall be elected the Collector in his Place, by a Majority of the Contributors present at the Meeting for such Election, and not disqualified from voting as aforesaid; and at the General *Lammas* Meeting to be held annually thereafter the Collector shall either be re-elected, or another Person shall be elected the Collector in his Place, in manner aforesaid; and in case of the Death or Resignation of the Collector, a Meeting of the Trustees shall be held within Ten Days thereafter, when they shall have Power to name an interim Collector, if they shall think necessary; but they shall call a General Meeting of the Contributors, to be held within Ten Days from such Meeting of the Trustees,

Trustees, and at such General Meeting the Contributors present shall elect in manner aforesaid a Collector, who shall remain in Office until the next *Lammas* Meeting, when the same Collector shall either be re-elected, or another Person elected the Collector in his Place; and the Collector for the Time being shall have Power to receive and discharge the whole Income of the Fund, and to manage the Concerns of the Fund, under the Direction of the Trustees.

Extent of Collector's Power of Management.

XXV. The Collector shall keep a Sederunt Book, in which the Minutes of all Meetings of the Trustees and of the Contributors shall be duly entered, which Book shall at all convenient Times be open to the Inspection of every Contributor; and the Collector shall sign all the Receipts for the annual Rates, and for other Sums due to the Fund.

Collector to keep a Sederunt Book, and sign all Receipts;

XXVI. The Collector shall keep regular Books of Accounts, under the Inspection and Direction of the Trustees, and shall annually lay such Accounts before the Trustees at a Special Meeting to be held in the last Week of *July*, in order to their being examined, and, if found correct, approved of and doquetted by the Trustees, and he shall also prepare annually a State of the Fund, which he shall lay before the Trustees at such Meeting, and which, when revised and approved of by them, shall be printed for the Information of the Contributors; and the Collector shall also annually, along with such Accounts and State, make up and exhibit Lists showing the Names of the existing Contributors and Widows, and also the Changes therein which have taken place during the preceding Year, which Lists, after being approved of by the Trustees, shall be entered in a Book of Record to be kept by the Collector for that Purpose.

to keep Books, and to prepare annual States, &c.;

XXVII. The Collector shall also make up a State of the Arrears due by Contributors, and shall lay the same before the Trustees at the said Meeting to be held in the last Week of *July* in each Year; and the Trustees shall give such Directions thereupon as they may think proper, and shall enter in their Sederunt Book a Minute directing the Collector to use such Diligence for Recovery of the said Arrears as they may think necessary, and the Collector shall be obliged to raise and execute such Diligence accordingly; and the Lords of Council and Session are hereby authorized to issue their Warrant for all legal Diligence in the Name of the Collector against the Persons complained of, on Production of a Certificate, signed by the Collector, certifying that such Persons are respectively liable in the Arrears, Interest, and Penalties stated therein; and no Suspension of any Charge for such Arrears, Interest, and Penalties shall be granted without Consignation of the whole Sums charged for.

to prepare States of Arrears.

Diligence to be raised for Recovery thereof.

The Royal College of Surgeons of Edinburgh (Widows Fund) Act, 1860.

Collector to carry on all Suits in Name of Trustees.

XXVIII. The Collector shall have Power to raise and carry on all Suits for Recovery of the annual Rates and other Sums due and payable in virtue of this Act, and shall, under the Direction of the Trustees, retain from the Annuity payable to the Widow of any Contributor such Sums as may have been due to the Fund by such Contributor at his Death, with Interest and Penalties, as aforesaid; and upon full Satisfaction of such Sums, with Interest and Penalties, the Trustees shall assign to such Widow all Claim therefor which may be competent to them against the Heirs and Executors of such Contributor.

Collector to find Caution.

XXIX. Each Person who shall be elected the Collector shall within Two Months of his Election, and previously to his entering upon Office, be bound to lodge with the Trustees a Bond or Bonds of Caution, with Sureties, to the Satisfaction of the Trustees, for his Intromissions and Management, to the Extent of such Sum as shall be fixed at the General Meeting at which he is elected for the First Time, it being in the Power of the Trustees, or of a Majority of the Contributors present at a General Meeting, to require a new Bond of Caution to their Satisfaction, if they should at any future Time think fit to do so.

Money to be lodged in a Bank.

XXX. The Trustees shall have Power from Time to Time to appoint a Bank or Banking House in *Edinburgh* in which the Money collected or received by the Collector shall be deposited (until the same shall be otherwise disposed of by Order of the Trustees) on an Account to be opened in Name of the Trustees, to be operated upon by Drafts signed by at least Two of their Number and by the Collector; and the Collector shall not at any Time, without special Authority from the Trustees, hold in his Hands above One hundred Pounds of the Money belonging to the Fund.

Collector's Salary.

XXXI. The Collector shall be allowed such Salary for his Trouble in the ordinary Discharge of his Office as may be fixed from Time to Time by the Contributors in General Meeting assembled, upon a Report thereon from the Trustees; which Salary, together with all other Expenses of Management, shall be defrayed out of the Fund.

Trustees may sue and be sued in Name of Collector.

XXXII. The Trustees may sue and be sued for and concerning all Matters and Things connected with the Fund, and with the Management and Administration thereof, and the Recovery of all Sums due to or from them in respect of the Fund, whether in virtue of the first and second recited Acts or either of them, or of this Act, in the Name of the Collector for the Time being; and no Action or Suit wherein the Trustees shall be concerned as Pursuers or Defenders, Plaintiffs or Defendants, in the

the Name of such Collector, shall fail or abate by the Death, Resignation, or Removal of such Collector, but the Collector of the Fund for the Time being shall be deemed to be the Pursuer or Defender, Plaintiff or Defendant, as the Case may be, in every such Action or Suit; and in any Suit or Action which the Trustees may have Occasion to raise in the Name of the Collector against any of the Contributors for Payment of any Arrears of Contributions and Taxes, whether imposed by the first and second recited Acts or either of them, or by this Act, a State of such Arrears, and of the Interest and Penalties that may have accrued or been incurred thereon, made up and certified by the Collector, shall be held to be sufficient Evidence that the Sums therein contained are justly due and payable by such Contributor, unless such State shall be instructed by written Evidence to be erroneous.

Trustees not liable for Omissions, nor in solidum.

XXXIII. The Trustees shall not be liable for Omissions, nor for the Sufficiency of the Securities upon which any of the Funds hereby placed under their Charge may be lent out or invested, nor for the Banks in which any of such Funds may be deposited, nor *in solidum*, but each only for his own actual Intromissions; and the Trustees shall be indemnified out of the said Funds of all necessary Expenses to which they may be put in the Execution of their Office.

Trustees may make Regulations, to be approved of by Contributors.

XXXIV. It shall be lawful for the Trustees to make such Regulations from Time to Time as may be found expedient in the Discharge of the Duties herein-before required of them, and for beneficially managing and administering the Fund committed to their Charge, which Regulations shall continue in force and may be acted upon until the first stated General Meeting of Contributors after the passing thereof; and such Regulations, if then approved of, shall continue in force until they or any of them are altered by the Trustees, or by any General Meeting of the Contributors; provided always that such Regulations shall not be repugnant to the Laws of this Realm, nor inconsistent with the Provisions herein-before contained, and the true Intent and Meaning of this Act.

Fund may be transferred to an Insurance Company, in consideration of their undertaking its Obligations,

XXXV. Notwithstanding anything in this Act contained, it shall be lawful for the Contributors at any Time to resolve, in manner hereinafter mentioned, that, instead of continuing the Fund under the Management of Trustees, whether elected from their own Body or otherwise, it is more expedient to enter into a Contract or Agreement with an Insurance Company, whereby the Contributors shall transfer or cause to be transferred to such Company the whole Capital Stock of the Fund, together with all Right to the annual and contingent

Con-

The Royal College of Surgeons of Edinburgh (Widows Fund) Act, 1860.

Contributions and Taxes payable by Contributors, and all Obligations and Debts, of whatever Kind, due to the Fund in virtue of this Act or otherwise, in consideration of such Company undertaking the Payment, to the Widows then on the Roll and to those who may thereafter be duly entered on the Roll of Annuities at the then existing Rate until the next quinquennial Period of Investigation of the Fund, and thereafter of Annuities at such Rate as may be specified in the said Contract or Agreement; and it shall be competent for any Contributor to make a Motion to that Effect at any General Meeting of Contributors specially called for the Purpose; and it shall be competent for the said Meeting, by a Majority of the Contributors present, either to reject the said Motion, or to order that the same be remitted to the Trustees for their Opinion and Report thereon, and such Report shall be printed, and a Copy thereof sent to each Contributor; and in case it shall be the Opinion of Two Thirds of the Contributors present at a subsequent General Meeting (not less than Ten Contributors being present) specially called for the Purpose of considering such Report, and held not sooner than One Month after the Transmission of Copies thereof to the Contributors as aforesaid, that the said Motion ought to be adopted, it shall be competent for the said Meeting to resolve accordingly: Provided always, that before any such Contract or Agreement shall be entered into the Insurance Company with whom such Arrangement is proposed to be effected, and the whole Nature and Terms of such Contract or Agreement, shall be approved of by the Lord Advocate of *Scotland* for the Time being; and any such Contract or Agreement so approved of shall operate as a valid and effectual Conveyance in Law to the said Company of the whole Capital Stock of the Fund, and of all Securities, of whatever Kind, Government and other Stocks, Feu Duties, Mortgages, Bonds, and Property of every Description upon which the same may then be invested and secured, and all Right to the annual and contingent Contributions and Taxes payable by Contributors, and other Debts and Obligations above referred to, and shall bind and oblige such Company to Payment and Performance of the whole Obligations attaching to the Fund, or which may be specified in such Contract or Agreement, and shall wholly and for ever relieve the Contributors and the Trustees of such Obligations.

Persons not Contributors may be assumed as Trustees.

XXXVI. So soon as the Number of Contributors shall be reduced to Ten, or so soon as there shall not be so many as Six Contributors able and willing to discharge the Office of Trustees, whichever of these Events shall first happen, it shall be lawful for the Contributors, at a General Meeting summoned for the Purpose, to resolve that it is expedient to make further Provision for the future Management of the Fund,

Fund, by assuming into the Trusteeship thereof any other Persons not being Contributors, and to establish Rules for giving Effect to such Resolution; and, in particular, it shall be lawful for the Contributors, if they shall think fit, to provide by such Rules to the following or any similar Effect; that is to say, that at the first Meeting for the Election of a Trustee or Trustees which under the Provisions of this Act shall be held after the Adoption of such Resolution, One or more Persons who may not be Contributors may be elected to fill the Vacancy or Vacancies which may then exist; and that at each future Meeting appointed for the Election of a Trustee or Trustees as aforesaid any Vacancy or Vacancies which may then exist may be filled up in the same Manner; and that such Trustee or Trustees so elected, though not Contributors, shall be invested with the same Powers and Authority in every respect as are by this Act conferred upon the Trustees herein named, and their Successors in Office, who are Contributors; and that so soon as the Body of Trustees shall consist of only Two Trustees who are Contributors and of Four Trustees who are not Contributors, the whole of the Six Trustees then in Office shall continue Trustees during Life, and shall not go out of Office under the Provision herein-before contained for the Rotation of Trustees; and that when any Vacancy shall occur in the Number of Trustees not being Contributors, another Person, also not a Contributor, shall be chosen to fill such Vacancy by the remaining Contributors and Trustees assembled for the Purpose at a General Meeting, the remaining Trustees, not being Contributors, having the same Right of voting at such Meeting (as well as at all other Meetings in reference to the Fund) as the Contributors themselves; and that when any Vacancy shall occur in the Number of the Trustees who are Contributors, it shall be lawful for any such Meeting so constituted either to fill up the same, by electing any One of the Contributors to fill such Vacancy, or to resolve that it is not expedient to fill up the same; and in case of their resolving not to fill up such Vacancy or Vacancies, the Number of Trustees shall thenceforth consist of only Five or Four Trustees, as the Case may be; and that so soon as, by the Death of the whole of the Contributors, or by the Non-election as aforesaid of Contributors to be Trustees, the Number of Trustees shall be reduced to Four, the whole Management of the Fund shall be vested in the said Four Trustees (of whom Two shall thenceforward form a Quorum), and in their Successors in Office, who shall thenceforward be invested with the same Powers and Authorities in every respect as are by this Act conferred upon the united Body of Contributors and Trustees, so far as the Circumstances existing at the Time shall admit of the same being exercised, and shall have Power also at all Times (in case of the Death or Resignation of any One or more of their Number) to appoint any new Trustee or Trustees to fill any such Vacancy or Vacancies: Provided always,

Management by Trustees not Contributors.

always, that the said Resolution, and the Rules for giving Effect to the same, and the whole Scheme or Arrangement to be embodied therein, shall be sanctioned and approved of by the Lord Advocate of *Scotland* for the Time being.

Not lawful for the College to alter present Mode of Admission or Rates of Entry Money of privileged Candidates for Fellowship.

XXXVII. The Mode of Admission of Candidates for the Fellowship of the College entitled to claim and claiming the Right of Accession to the Fund shall continue to be by Examination of the professional and literary Acquirements of the Candidates, and otherwise in conformity with the Laws made by the College thereanent prior to the Grant by Her Majesty to the College of the present Charter, as aforesaid; and the Rates of Entry Money payable to the College Fund by the several Classes of such Candidates respectively shall continue of the same Amount as are required by the said Laws; (that is to say,) if such Candidate shall be the Son of a Fellow who had entered the College previously to the Sixteenth Day of *May* One thousand eight hundred and twenty, the Sum of Seven Pounds Sixteen Shillings and Tenpence Sterling; if such Candidate shall be the Son-in-Law of a Fellow who had entered the College previously to the last-mentioned Date, the Sum of Twelve Pounds and Twopence Sterling; if such Candidate shall be the Son or Son-in-Law of a Fellow who had entered the College on or after the Date last mentioned, and previously to the Sixteenth Day of *May* One thousand eight hundred and fifty-one, the Sum of Fifty Pounds Sterling; if such Candidate shall have served an Apprenticeship of Five complete Years for the Freedom of the City of *Edinburgh* with any Fellow of the College, and such Apprenticeship shall have commenced to run previously to the Twentieth Day of *November* One thousand eight hundred and eleven, the Sum of Twenty-one Pounds Thirteen Shillings and Fourpence Sterling; or if such Apprenticeship shall have commenced to run on or after the Date last mentioned, and previously to the said Sixteenth Day of *May* One thousand eight hundred and fifty-one, the Sum of Fifty Pounds Sterling; the said respective Entry Monies being inclusive of all Fees of Examination and Expense of Diploma of such Candidates respectively; and it shall not henceforth be lawful for the College to alter the said Mode of Admission or Rates of Entry Money, except as regards such Candidates as shall on seeking to be admitted Fellows renounce their Right of Accession to the Fund.

Rate of Interest.

Penalties.

XXXVIII. 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*, and the whole Penalties imposed by this Act shall in every Case be levied and paid without Abatement.

XXXIX. In

The Royal College of Surgeons of Edinburgh (Widows Fund) Act, 1860.

XXXIX. In citing this Act for any Purpose it shall be sufficient to use the Expression "The Royal College of Surgeons of *Edinburgh* (Widows Fund) Act, 1860." Short Title.

XL. The Costs, Charges, and Expenses incurred in obtaining this Act, and preparatory and incidental thereto, shall be paid by the Trustees out of the Fund. Expenses of Act.

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