CHAP. cvii.

An Act for confirming and amending the Charter of, and re-incorporating, the Society of Solicitors in the Supreme Courts of Scotland; extending and defining its Rights and Privileges; raising and securing a Fund for the Widows and Children of Members; and other purposes. A.D. 1871.

[13th July 1871.]

WHEREAS by a charter under the seal appointed by the Treaty of Union to be kept and used in Scotland in place of the Great Seal thereof, dated the twenty-fourth day of January one thousand seven hundred and ninety-seven, and sealed the twenty-third day of February thereafter, James Bremner and the other persons therein named, all agents or solicitors before the Court of Session in Scotland duly admitted and enrolled in terms of the acts of sederunt of the said court, and all and every other person or persons admitted and enrolled as agents or solicitors in terms of the said acts of sederunt who should be admitted members of the Society, and also all and every person or persons who should thereafter be admitted and enrolled as solicitors before the said court in terms of and according to the said acts of sederunt of the said court, were erected and incorporated into a corporation or body politic by the name and title of "The Society of Solicitors in "the Court of Session, Commission of Teinds, and High Court of "Justiciary in Scotland," with perpetual duration and succession, with powers of administering, directing, regulating, and managing in all matters and concerns pertaining to the said Society, as also of acquiring and possessing lands and hereditaments, of suing and being sued, of having and using a common seal, of making byelaws and regulations, and for other purposes, as more fully set forth in the said charter:

And whereas various byelaws and regulations have from time to time been made by the said Society, in virtue of the powers in the said charter for regulating the qualification and admission of entrants, and the management of the affairs of the said Society:

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And whereas, at a general meeting of the said Society, held upon the twenty-seventh day of January one thousand eight hundred and seventeen, it was unanimously resolved that the establishment of a scheme for providing annuities to the widows of the members of the Society was a proper and expedient measure; and at another general meeting of the Society, held on the second day of June one thousand eight hundred and seventeen, it was unanimously resolved to appropriate a certain sum of money from the funds of the Society to the fund of the widows' scheme, and also one half of the entry money payable by every future member of the Society, and the said sum of money was paid accordingly, and the one half of the said entry moneys has hitherto continued to be paid to the said scheme:

And whereas by a contract dated the first, third, and fourth July, tenth and eleventh November, and fifth December one thousand eight hundred and seventeen, and registered in the books of council and session second April one thousand eight hundred and nineteen, subscribed by the said James Bremner, Preses, and other members therein named and designed, of the said Society of Solicitors in the Supreme Courts of Scotland, a society was constituted, to be called and known by and under the name of "The Society of Contributors "to the Widows' Scheme of the Solicitors of the Supreme Courts of "Scotland," and a fund was created for the benefit of the widows of contributors to the said scheme, and provision was thereby made for the admission of all members and future entrants to the said Society or corporation of solicitors who should accede to the said scheme as contributors thereto, and for the payment of annual rates and marriage and equalisation taxes as therein specified, and for the payment of annuities to the widows of the contributors, and for the election of trustees for the management of the funds and property of the said scheme:

And whereas the said widows' scheme has been of great benefit to the widows of the contributors; but only a limited number of the members of the Society have hitherto been contributors to the scheme:

And whereas various alterations of the said contract have from time to time been made by minutes and resolutions of general meetings of the Society of Contributors to the said scheme, in pursuance of the provisions of the said contract:

And whereas the annuity now payable from the said scheme to each of the said widows is forty-two pounds per annum, and it is calculated that the funds of the said scheme will continue to yield a like annuity to each of such widows:

And whereas the Society, being of opinion that it would be for the advantage of the Society and the said scheme, and of the future

entrants to the Society, if the scheme were extended, and it were made compulsory on all future entrants to become contributors to the said scheme, at a general meeting held on or about the seventh day of June one thousand eight hundred and sixty-nine, resolved to make it compulsory upon all future entrants to join the said scheme, and at subsequent general meetings the Society have ratified and confirmed the said resolution:

And whereas the contributors have concurred in and approved of this resolution, and are desirous that the same should be carried into effect:

And whereas since the date of the said contract the funds of the Society and the number of its members have largely increased, the funds and property of the Society now amounting to the sum of six thousand three hundred and eighty-three pounds and one penny as set forth in Schedule (A.) hereunto annexed, and the funds and property belonging to the Widows' Scheme of the Society now amounting to the sum of twenty-seven thousand nine hundred and fifty-eight pounds nine shillings and fivepence as set forth in Schedule (B.) hereunto annexed:

And whereas it is expedient to consolidate, amend, and enlarge the powers conferred upon the Society and the members thereof, by the said charter, and to incorporate the same of new, to improve the qualifications of candidates for admission to the said Society, and to regulate the mode of admission of members:

And whereas it is expedient that it should be compulsory on all future entrants to the Society to join the said scheme, and that the benefits thereof should be extended to the children of deceased contributors whose widows shall die before such children shall have attained the age of twenty-one years, and to make provision for maintaining, continuing, and enlarging a fund for the benefit of the widows and children of members, and that the funds and property of the existing widows' scheme should be transferred to, and vested in, the Society, to be held by them for the purposes appointed by this Act; but these objects cannot be attained 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:

1. This Act may for all purposes be cited as "The Solicitors in the Supreme Courts of Scotland Act, 1871." Short title.

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Interpretation of terms.

2. The following words and expressions in this Act shall have the several meanings hereby assigned to them, unless there be something in the subject or context repugnant to such construction:

"The Society" shall mean "the Society of Solicitors in the "Court of Session, Commission of Teinds, and High Court of "Justiciary in Scotland," incorporated by the said Royal Charter, and as re-incorporated by this Act under the name of "The Society of Solicitors in the Supreme Courts of Scotland:"

"President," "vice-president," "treasurer," and "secretary," shall mean the president, vice-president, treasurer, and secretary of the Society for the time being:

"Member or members" shall mean a member or members of the Society for the time being:

"The existing fund" shall mean the fund created under the contract herein-before recited:

"The fund" shall mean the fund for the benefit of the widows and children of members of the Society as continued and extended by this Act:

"Contributions" shall mean and include the several contributions, rates, or payments to the fund:

"Contributors" shall mean and include contributors to the existing fund and to the fund:

"The collector" shall mean the collector of the fund for the time being.

Ratification of charter.

3. The before-recited Royal Charter, so far as not altered by this Act, is hereby ratified and confirmed.

Re-incorporation of Society and powers.

4. The present members of the Society, and all persons who shall hereafter become members of the same, are hereby, for the purposes of this Act, of new incorporated into one body politic and corporate, under the name of "the Society of Solicitors in the Supreme Courts of Scotland," and as such shall have perpetual succession and a common seal, and all the other privileges of a body corporate, and by that name may sue and be sued, and may purchase, acquire, and hold lands and heritages for the use of the Society without any restriction as to the value of the lands and heritages to be held by them, and may sell and dispose of the same.

Transfer to re-incorporated Society of property of present Society and widows' fund.

5. The whole property, estate, and effects, heritable and movable, real and personal, stocks, securities, and money, which at the passing of this Act may belong to the Society and the existing fund respectively, shall from and after the passing of this Act be and the same are hereby transferred to and vested in the Society for the purposes of this Act, and subject to all existing obligations.

Debts due to or by the Society to be paid.

6. All persons who before the passing of this Act were indebted or owing any sums of money to the Society, or the existing fund, or to any person on their behalf, shall pay the same, with all interest due and payable thereon, or accruing for the same, to the Society or their treasurer or collector for the time respectively, and all moneys which immediately before the passing of this Act were due or owing by or recoverable from the Society, or the existing fund, or for the payment and satisfaction of which they were, or but for this Act would be liable, shall, with all interest due or to accrue thereon, be paid by or recoverable from or be satisfied by the Society.

Actions, &c. not to abate.

7. No action, suit, prosecution, or other proceeding commenced either by or against the Society, or their clerk, treasurer, collector, or other officer on their behalf, before the passing of this Act or otherwise, shall abate, or be discontinued, or prejudicially affected by this Act, but on the contrary shall continue and take effect, whether in favour of or against the Society, in like manner in all respects as the same would have continued and taken effect if this Act had not been passed.

Office-bearers.

8. The office-bearers of the Society shall consist of a president, vice-president, treasurer, secretary, librarian, fiscal, and collector, who shall be members of the Society, and who, along with seven other members of the Society to be elected as herein-after provided shall form the council of the Society: Provided always, that nothing herein contained shall prevent the same person from being appointed both treasurer and collector.

Stated general meetings.

9. There shall be three general meetings of the Society in each year, viz., one on the first Tuesday of March, another on the first Tuesday of June, and the third on the first Tuesday of December; and any of the said meetings may be adjourned from time to time, as the meeting shall see fit.

Special general meetings, and how to be called.

10. It shall be in the power of the president, or, in his absence, of the vice-president, to convene a special general meeting of the Society, at any time when deemed necessary; and if a requisition, signed by at least ten members, be delivered to the president, requesting him to call a special general meeting of the Society, and stating the object of such meeting, he, or in his absence the vice-president, shall direct a special general meeting to be called, to take place not later than one week after such requisition is delivered to him.

Quorum and chairman at meetings.

11. At all meetings of the Society any number of members present shall form a quorum, and all matters brought before such

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meeting shall be determined by a majority of votes; and the president, if present, or in his absence the vice-president, and in the absence of both, any member to be chosen by the meeting, shall be chairman of the meeting; and such chairman, in case of equality of votes, shall have both a deliberative and casting vote.

Election of office-bearers.

12. The office-bearers of the Society, and also two censors and two auditors, shall be elected annually at the stated general meeting in June; and any of the office-bearers, censors, and auditors may be re-elected, provided that the office-bearers, censors, auditors, and collector of the existing fund elected in June one thousand eight hundred and seventy-one shall continue in office till the general meeting in June one thousand eight hundred and seventy-two.

Council and their election.

13. The seven ordinary members of council at present acting shall remain in office until the general meeting in June one thousand eight hundred and seventy-one, when the two members at the top of the list shall retire, and two other members shall be elected in their stead, and the names of the persons so chosen shall be put at the bottom of the list; and thereafter, at the aforesaid meeting in June of each year, the two members at the top of the list shall go out of office, and two others shall be chosen in their places in manner aforesaid: Provided always, that any ordinary member of council may be re-elected after having been one year out of office, and that the retiring president may be elected one of the ordinary members of council; and provided further, that at least three of the contributors shall be members of the council; in the event of any vacancy occurring among the office-bearers, or ordinary members of council, a member to supply such vacancy may be elected either at the next stated general meeting or at a special general meeting to be called for that purpose.

Meetings and duties of council.

14. The council may be convened at any time by direction of the president, or in his absence the vice-president, and it shall be the duty of the council to deliberate and advise on matters affecting the interests and to manage the affairs of the Society and fund, and they shall also bring before the Society such matters as they consider proper, and dispose of all business referred to them by the Society, or make reports or give recommendations as to the same, and perform such acts and duties as the said recited charter or this Act and the customs and usages of the Society may authorise: Any three members of council along with the president, or in his absence the vice-president, shall be a quorum.

Quorum of council.

Powers and duties of treasurer.

15. The treasurer shall have power to receive and discharge the dues of admission, annual subsidies, or subscriptions, and the whole

other income, and to manage the monetary concerns of the Society, under the direction of the council: he shall keep regular books, in such form as shall be prescribed by the council, and shall make up, at least once every year (or oftener if required), and in time to be laid before the general meeting in June, a complete statement of his intromissions, with a list of arrears, which statement shall be audited by the auditors previous to such meeting.

Powers and duties of collector.

16. The collector shall have power to receive and discharge the whole income of the fund and pay the annuities, and to negotiate and transact, under the direction of the council, the investments of the moneys belonging to the fund, and all the ordinary business relating to the fund, and generally to carry into effect the resolutions and instructions of the Society and council: he shall keep regular books, in such form as shall be prescribed by the council, and shall make up at least once every year (or oftener if required), and in time to be laid before the general meeting in June, a complete statement of his intromissions, with a list of arrears, which statement shall be audited by the auditors previous to such meeting; and he shall also make up annually and lay before such meeting full lists or schedules in such form as shall be prescribed by the council, showing the particulars of the changes which have taken place in the statistics of the contributors and their wives, widows, and families, through admissions, marriages, deaths, or otherwise.

Security to be found by treasurer and collector.

17. The treasurer and collector shall each find security for his intromissions and management to the satisfaction of the council to such extent and subject to such conditions as the Society shall fix.

Moneys to be deposited in bank.

18. All moneys paid to and received by the treasurer and collector shall be deposited in the name of the Society in two distinct accounts in a bank or banks in Edinburgh, to be fixed by the council, and the treasurer or collector shall never at any time hold in his hands above thirty pounds of the money belonging to the Society or fund.

Duties of secretary.

19. It shall be the duty of the secretary to attend the meetings of the Society and council, and frame the minutes of the proceedings; he shall also keep a minute book, in which shall be engrossed all the proceedings of the Society, and shall cause intimation of all meetings to be made to the members in terms of the byelaws.

Salaries of treasurer, secretary, and collector.

20. It shall be in the power of the Society from time to time to pay the treasurer and secretary such salaries or allowances out of the funds of the Society, and to the collector such salary or allowance out of the fund, as they shall think fit.

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Application of Society's funds.

21. The Society shall also have power to apply the funds of the Society, other than those specially applicable to the annuities, in extending and improving the library, and paying any necessary salaries or allowances in connexion therewith, in purchasing, erecting, or fitting up a hall for the use of the Society, in making allowances, if they see cause, for decayed members or their families, and for such other purposes as the Society may consider conducive to its interests.

Qualifications of apprentices.

22. From and after the passing of this Act no person under the age of sixteen shall be taken as an apprentice by a member, and no apprentice shall be taken for a shorter period of service than five years: all apprentices shall, before entering into indenture, produce to the council satisfactory evidence of their proficiency in the following subjects of study, namely: 1. English literature, including grammar and composition; 2. Geography and history; 3. Latin; 4. Arithmetic; and 5, Mathematics. It shall be sufficient evidence of such proficiency that the intending apprentice has (1.) attended one or more classes in the faculty of arts for two winter sessions at any of the universities in Scotland; or (2.) attended five years at the High School of Edinburgh or the Edinburgh Academy, or at such other schools or institutions as shall be approved of by the council as equivalent thereto, and also one or more classes in the faculty of arts for one winter session at any of the said universities, or given such attendance at any of the universities or colleges in England or Ireland as shall appear to the council to be equivalent to the attendance required at the Scottish universities, the humanity class for one session, in case of attendance at a Scottish university, being one of the classes; or (3.) in the event of the intending apprentice not being qualified as above described, the council, provided he shall have attended any two of the classes in the faculty of arts, the humanity class being one, for one winter session, in any of the Scottish universities, may direct an examination in writing on the subjects above specified, and on receiving a satisfactory report from the examiners may allow the applicant to enter into indenture.

Indentures may be transferred.

23. All indentures entered into after the passing of this Act shall be lodged with the secretary for the purpose of being recorded within three months from the date of the commencement of the apprenticeship, and the council shall have the power to authorise any indenture to be transferred to another member of the Society.

Qualifications of members.

24. No person shall hereafter be admissible as a member under twenty-two years of age, nor (except as herein-after provided) unless he has served either, (1.) a regular apprenticeship to a member;

or, (2.) three years as an apprentice to a procurator in the sheriff courts, and shall have passed the examinations required by "The Procurators (Scotland) Act, 1865," and also three years as clerk in the office of a member, or of a writer to the signet; or, (3.) three years as clerk in the office of a member, or of a writer to the signet, and shall have obtained the degree of Master of Arts or Bachelor of Arts in any of the universities of the United Kingdom, or the degree of Bachelor of Laws in any of the Scottish universities; or, (4.) six years as clerk in the office of a member, or of a writer to the signet, and shall satisfy the council that he has received a liberal education: Provided always, that any person who shall have been in practice for at least three years as an admitted procurator before one of the sheriff courts of Scotland, and is either a member of the general council of one of the Scottish universities, or has attended at least two law classes in some of the Scottish universities, shall also be admissible as a member.

Applications for admission of members and their examination.

25. Every applicant for admission as a member shall lodge a written requisition to that effect with the council, and shall produce a certificate by the censors of good moral character, and where he applies under the proviso to the immediately preceding section, he shall produce evidence of his possessing the qualifications thereby required, and the council shall thereupon remit him to the examiners for examination upon the practice and forms of procedure before the supreme courts, and, if he be found duly qualified therein, the secretary shall present a petition to the Lords of Council and Session for his admission, and every other applicant for admission shall produce certificates of attendance for two full sessions at one or more classes in the faculty of arts in any of the universities of the United Kingdom, and also three full sessions at the law classes in any of the Scottish universities; viz., one session at Scots law, and one session at conveyancing, together with a second session at either of these, or a session at any other class in the faculty of law; and thereupon the council shall remit the applicant to the examiners for examination as to his professional knowledge and legal training; and any applicant not qualified in terms of the first and third conditions of the immediately preceding section, or of the proviso thereto, shall, in addition to an examination in professional knowledge and practice, undergo an examination in the subjects specified in the section relating to the qualification of apprentices, and also logic or metaphysics and moral philosophy or natural science; and upon the examiners granting a certificate that the applicant is duly qualified, the secretary shall present a petition to the Lords of Council and Session for his admission.

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Persons qualified under existing regulations how to be admitted.

26. Any person who at the passing of this Act is qualified to apply for admission as a member under the existing regulations of the Society, and any person who has commenced an apprenticeship prior to the passing of this Act, shall be entitled to apply for admission under the existing regulations, provided his application is presented within six years from the passing of this Act; and any person who at the date of the passing of this Act has completed, or is in course of completing, such service as a clerk as by the existing regulations would qualify him for admission as a member, shall be entitled to apply for admission under these regulations, provided his application is presented within three years from the passing of this Act.

Election of examiners.

27. The Society shall annually at the stated general meeting in June elect such number of members as may from time to time be considered expedient to act, along with the office-bearers, as examiners; and the examiners may select two or more persons of learning to assist in conducting the examination.

Power to alter regulations as to apprentices, clerks, and applicants.

28. The Society may from time to time make such alterations on the foresaid regulations as to apprenticeship and clerkship, and the course of study and examinations, and the qualifications of applicants for membership, as they may consider proper: Provided always, that such alterations shall, within one month after the date of their being adopted by the Society, be reported to the Lord President of the Court of Session, and the Court shall have power to vary the same as they shall think fit; and such alterations, with such variations, if any, as may have been made therein by the Court, shall take effect upon the expiration of three months after they have been adopted by the Society.

Power to suspend and expel members.

29. The council may, on a report by the fiscal of the Society, or on the presentation of a complaint by any person aggrieved by the conduct of a member, inquire into any allegations affecting the professional character of a member; and, if they shall see cause after such inquiry, may suspend such member from practising as a solicitor in the supreme courts for any period not exceeding two years; and such member shall, during the period of such suspension, be debarred from exercising or enjoying any of the rights or privileges of a member; and if it shall appear to the council that the conduct of the member has been such as to warrant his expulsion from the Society, they shall direct their fiscal to present a petition to the Lord President and the other judges of the Court of Session, setting forth the resolution of the council on the subject, and the Court shall have power by either of its divisions to deal

with the petition as they shall think fit, and if they see cause pronounce sentence of expulsion; and any member against whom such sentence shall have been pronounced, shall from and after the date of such sentence, forfeit all his rights and privileges as a member of the Society: Provided always, that such expulsion shall not affect the rights, if any, of the widow and children of such member to participate in the fund, nor his obligations as a contributor in terms of the provisions herein contained.

Dues of admission and subsidies payable by members.

30. Every applicant for admission shall, on presenting his requisition for admission, pay to the treasurer such dues of admission as shall from time to time be fixed by the Society, subject to the approval of the Lord President of the Court of Session; and every member shall during his life pay to the treasurer such subsidies or annual subscriptions as shall from time to time be fixed by the Society; and if any member shall allow three full years subsidies or annual subscriptions to run into arrear, it shall be in the power of the Society to suspend such member, and while such suspension subsists, he shall be debarred from exercising or enjoying any of the rights or privileges of a member of the Society.

Property of widows' fund vested in Society in trust.

Purposes of trust.

Property to be kept separate.

Management and voting.

31. The property, estate, and effects, heritable and movable, stocks, securities, and money belonging to the existing fund, which are herein-before vested in the Society, and which may belong to the fund, and all contributions to be received for the fund, and whole income thereof, shall be termed "The Widows' Fund of the "Solicitors in the Supreme Courts of Scotland," and shall be held by the Society in trust in the first place for payment of the expenses of management of the fund, and in the second place for payment of the annuities to the widows and children of contributors as hereinafter provided, and for no other purpose whatever, and with all the powers and privileges herein contained, and shall be kept separate and distinct from the other funds of the Society, and the administration and management thereof are hereby vested in the Society, and thereupon the said Society called "The Society of Contributors "to the Widows' Scheme of the Solicitors of the Supreme Courts of "Scotland" shall be dissolved, cease, and determine: Provided always, that in all matters relating to the fund, which may be dealt with at any meeting of the Society, only those members who are contributors to the fund shall be entitled to vote.

Annual rate payable by contributcrs to existing fund.

32. Every contributor to the existing fund shall be a contributor to the fund, and shall pay to the collector an annual rate of five pounds five shillings at the term of Whitsunday yearly, during his life; and any such contributor who may marry after the passing of

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Marriage tax.

this Act, and whose age exceeds that of his wife five years, shall also pay to the collector, at the first term of Whitsunday or Martinmas after his marriage, a marriage tax as follows; viz., if his age does not exceed that of his wife six years, three pounds; if his age does not exceed that of his wife seven years, six pounds; and so on progressively at the rate of three pounds sterling for every year the age of such contributor exceeds that of his wife more than five years; and which marriage tax shall also be payable upon each second or succeeding marriage; and every such contributor, provided his age exceeded forty when he became a contributor, shall farther, at the first of the said terms after his marriage, pay as equalisation tax, if his age did not exceed fifty years, fifteen pounds, and if it exceeded fifty years, thirty pounds.

Equalisation tax.

Present contributors may join fund for children.

33. Every contributor to the existing fund shall be entitled to have the benefit of the fund for behoof of his children, as after provided, if he shall, within one year from the passing of this Act, intimate in writing to the collector that he is desirous of claiming such benefit; and thereupon he shall pay to the collector the sum of one pound one shilling sterling as at the date of the passing of this Act, and at every term of Whitsunday thereafter during his life, along with the annual rate of five pounds five shillings.

Sum to be paid to widows' fund from admission dues.

34. There shall be paid by the treasurer to the collector the sum of thirty-five pounds out of the dues of admission to be received from each member of the Society who may be admitted after the passing of this Act, immediately after the said dues of admission shall be received by the treasurer: Provided always, that the treasurer shall not be bound to pay to the collector, out of the dues of admission, any larger proportion thereof than shall leave for the general funds of the Society a sum equal to one half of the dues of admission which would have been payable by such member prior to the twenty-ninth day of January one thousand eight hundred and sixty-nine; and also that where the sum paid the collector from the dues of admission of any member shall be under thirty-five pounds, such member shall pay the collector the deficiency or sum requisite to make up the said sum of thirty-five pounds.

Terms on which present members who are not contributors may join widows' fund.

35. Every member who at the passing of this Act is not a contributor to the existing fund may become a contributor, and obtain the benefit of the fund for his widow and children, if he shall, within one year from the passing of this Act, intimate in writing to the collector that he is desirous of claiming such benefit, and produce to the council evidence of his age, and a certificate by a medical practitioner to be named by the council, that he does

not labour under any disease particularly tending to shorten life; and such contributor shall pay ten pounds of entry money, and also an annual rate of six pounds six shillings at the first term of Whitsunday or Martinmas after the passing of this Act, and the like annual rate at the next term of Whitsunday, and so on yearly at each term of Whitsunday thereafter during his life; and if he is above twenty-five years of age when he becomes a contributor he shall also, if married, then pay to the collector an age tax at the rate of five pounds twelve shillings and sixpence sterling for each year or part of a year that his age exceeds twenty-five; and, if unmarried, he shall upon his marriage pay the said age tax for each year or part of a year that his age exceeded twenty-five when he became a contributor, with interest thereon at the rate of four per centum per annum from that date to the date of his marriage.

Future members to be contributors, rates and age tax to be paid by them.

36. Every person who shall be admitted a member after the passing of this Act shall, in consequence of his admission, be held to be a contributor, and shall pay to the collector an annual rate of six pounds six shillings, at the first term of Whitsunday or Martinmas after his admission, and the like sum at the next term of Whitsunday, and so on yearly at each term of Whitsunday thereafter during his life; and if he is above twenty-five years of age at the date of admission, he shall also, if married, pay to the collector at that date an age tax at the rate of five pounds twelve shillings and sixpence for each year or part of a year that his age exceeds twenty-five; and, if unmarried, he shall upon his marriage pay the said age tax for each year or part of a year that his age exceeds twenty-five at the date of his admission, with interest thereon at the rate of four per centum per annum from that date to the date of his marriage.

Contributors in arrear to pay interest and 10 per cent. additional, and arrears of contributor dying to be deducted from annuity.

37. If the contributions herein specified, or any of them, shall not be paid when they respectively fall due, the same shall bear interest at the rate of five per centum per annum from the date of payment until paid, and, if not paid within three months from the date of payment, a sum of ten per centum shall be added to the whole amount of arrears and interest, and be payable by such contributor; and in the event of such contributor dying while in arrear, such arrear, with interest and per-centage as aforesaid, shall be deducted from the annuity payable to his widow or children.

Council may declare forfeiture for nonpayment of contributions and

38. The Society shall have right to sue for and to recover payment from any contributor of all sums due by him to the fund, and to use all means competent to recover and enforce payment thereof; and if the contributions payable by any contributor shall remain

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terms on which contributors may be restored within three years of forfeiture.

unpaid for two years, it shall be in the power of the council to declare that he has for himself and his widow and children forfeited all right to and interest in the fund, and he shall thereupon cease to be a contributor: Provided always, that any contributor who incurs such forfeiture shall be entitled to be restored to the benefit of the fund, as if he had not incurred such forfeiture, on his producing a certificate by a medical practitioner appointed by the council, or other evidence satisfactory to the council, that he is in good health, and on his paying up the whole contributions due by him, with interest at the rate of five pounds per centum per annum, and the additional sum of ten per centum on such amount of arrears and interest, and a penalty of twenty pounds: Provided also, that no contributor shall be so restored after the lapse of three years from the date at which such forfeiture was declared by the council.

Power to contributors to redeem annual rates.

39. Any contributor may redeem the annual rate payable by him by paying to the collector the calculated value of such rate, according to his age at the time of redemption, as the said value is specified in Schedule (C.) annexed to this Act, or in any amended schedule approved of by resolution of the Society, upon the report of the actuary or actuaries to be employed at any periodical investigations of the fund: Provided always, that such contributor shall, notwithstanding the redemption of his annual rate, be liable in payment of age, marriage, and equalisation taxes as above provided.

Contributors to produce evidence of age and marriage.

Penalty for neglect, and annuity only to be payable from date of production of evidence of marriage.

40. Every person who becomes a contributor after the passing of this Act shall, at the same time, lodge with the collector evidence of his age, and also, if married, evidence of his marriage and of the age of his wife; and every contributor marrying after the passing of this Act shall, within six months after his marriage, lodge with the collector evidence of his marriage, and of the age of his wife; and any contributor neglecting, within the time hereby limited, to lodge such evidence, shall incur a penalty of ten pounds, to be paid to the collector; and if any contributor shall die without having lodged evidence of his marriage with the collector, the widow and children of such contributor shall have no claim to any annuity out of the fund, until such evidence shall be produced to the satisfaction of the council, and such annuity shall only commence to run from the date when such evidence is produced.

Annuities to widows.

41. An annuity of forty-two pounds shall be paid out of the fund to each widow on the roll of the existing fund, during her life, half-yearly, in equal portions, in advance, at Whitsunday and Martinmas, commencing the first half-yearly payment at the first term of Whitsunday or Martinmas after the passing of this Act; and the said

annuities shall be first and preferable charges on the capital, revenues, and income of the fund, and shall be paid in priority to the annuities to the widows and children of any contributor who may die after the passing of this Act; and a like annuity of forty-two pounds shall be paid out of the fund to the widow of every contributor who, at the time of his death, shall be entitled to the benefit of the fund for behoof of his widow under the provisions of this Act during her life half-yearly, commencing the first half-yearly payment in advance at the first of the said terms which shall happen after the death of such contributor: Provided always, that the last-mentioned annuities to the widows of the contributors who shall die after the passing of this Act shall be subject to restriction as herein-after mentioned, and that the annuity payable to any widow under this Act shall cease at twelve o'clock noon on the fifteenth day of May or the eleventh day of November preceding the death or subsequent marriage of the widow.

Annuities to minor children if no widow of contributor.

42. If any contributor entitled to the benefit of the fund for behoof of his children shall die after the passing of this Act without leaving a widow, but leaving a lawful child or children in minority, or if the widow of any such contributor die or marry while there exist a child or children of such contributor in minority, the annuity to which such widow would have been entitled shall thereafter be payable to the child or children at the terms above specified, until such child or the youngest of such children shall attain the age of twenty-one years, and the collector shall pay the said annuity to the guardian of such child or children, or, where there shall be no guardian, the council may authorise the collector to pay or apply the annuity for behoof of such child or children as they shall consider proper, and the payment of the annuity to or for behoof of such child or children shall commence at the first term of Whitsunday or Martinmas after the death of such contributor, or the death or marriage of such widow, as the case may be, and shall cease at either of these terms which shall last occur before such child or the youngest of such children shall attain the age of twenty-one years: Provided that evidence of the age of such child or children shall be lodged with the collector before any annuity is paid to them or for their behoof, and that the right and interest of each child in the said annuity shall cease on his or her respectively attaining the age of twenty-one years, and devolve on the other child or children (if any) under that age.

Annuities not to be assignable.

43. The annuities payable to widows and children under the provisions of this Act shall not be assignable or transferable by them, or affectable by their debts or deeds, or subject to arrestment

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or other legal diligence at the instance of their creditors, but shall be paid to the widows and the legal guardians, or be paid or applied for behoof of the children respectively entitled thereto, for the sole and exclusive alimentary use and benefit of such widows and children.

Investigations of affairs of fund.

44. The affairs of the fund shall be periodically investigated and reported upon for the purpose of ascertaining whether the accumulated fund realised at the time, and interest accruing thereon, together with the expected future payments of the existing contributors, will be sufficient, or more or less than sufficient, for the payment of the annuities charged upon the fund at the time, and such as may be expected to become chargeable in respect of the existing contributors, which investigations shall be made upon remits by the council to an actuary or actuaries, and according to the most improved tables of mortality in use at the time, taken in connexion with and modified, if thought expedient, by the experience of this and similar schemes.

Periods of investigation of fund and report by accountant thereon.

45. The first investigation of the affairs of the fund, as hereinbefore provided, shall be made at the term of Whitsunday, one thousand eight hundred and seventy-three, and the next investigation at the term of Whitsunday, one thousand eight hundred and eighty, and a similar investigation shall be made at the term of Whitsunday after the lapse of every succeeding term of seven years, or more frequently, as the Society shall direct; and after every such investigation a report shall be made by the said actuary or actuaries, which shall be submitted to a meeting of the Society in order to their considering the same.

Power to diminish rate of annuities.

46. In case it shall appear from such report that there is a deficiency of funds for answering the annuities then charged on the fund and the annuities that may become chargeable thereon, the Society may at any meeting, on due intimation of the purpose of such meeting, diminish the amount of the said annuities to such extent and in such manner and for such period as shall appear to be necessary: Provided always, that the annuity shall never be reduced below twenty-five pounds, and that the annuity to the widows at present on the roll shall never be reduced below the sum of forty-two pounds.

Power to increase annuities.

47. In case it shall appear from such report that the aggregate amount of the fund realised, and the calculated value of the fund expected from the contributions of the then existing contributors, exceeds the calculated value of the whole annuities then charged on the fund and of those expected from the then existing contributors,

the Society may at any meeting, on due intimation of the purpose of such meeting, make such addition to the annuities as they shall see fit: Provided always, that the calculated value of the whole annuities (according to the rate to which it may be resolved to increase the same) then charged on the fund, and contingent in respect of the then existing contributors, shall not exceed the aggregate amount of the fund realised, and the calculated value of the fund expected from the then existing contributors, and also that it shall appear from the report that in the opinion of the actuary or actuaries the addition so to be made shall not endanger the stability of the fund.

Alterations on rate to affect all annuities.

48. Any alteration in the rate of annuity shall affect, and be made in reference not only to the annuities charged on the fund at the time, but also to those that may thereafter become chargeable thereon, and shall continue until altered at any future period of investigation under the provisions of this Act.

Contract and minutes as to widows' fund and bonds by contributors cancelled.

49. The contract herein-before recited, and all minutes and resolutions of general meetings of the contributors to the existing fund, altering or modifying the provisions thereof, and the bonds granted by the contributors to the existing fund in pursuance thereof, are hereby cancelled and annulled, in so far as inconsistent with this Act.

Deeds by Society how to be granted.

50. All dispositions, assignations, discharges, or other deeds to be granted by the Society shall be by deed under the common seal, and subscribed by the president or vice-president and two members of council.

Investment of funds.

51. The moneys belonging to the Society and to the fund may from time to time be invested on heritable securities in Great Britain, or in the purchase of a hall and library for the Society, or a site or sites for the erection thereof, feu duties, Government stocks or securities, stock of the Bank of England, stocks or shares of any Bank in Scotland incorporated by Royal Charter or Act of Parliament, or in the debentures or mortgages of any company, trust, or corporation incorporated by Act of Parliament, and the council may from time to time change the said investments, and re-invest the proceeds thereof in other the like investments.

Power to make bye-laws, and existing bye-laws to continue until altered.

52. The Society shall have power at any general or special general meeting, on intimation of the purpose of such meeting, from time to time to make and ordain such rules and byelaws as they shall deem proper for the management and administration of the affairs both of the Society and of the fund: Provided always, that the rules and byelaws in operation at the passing of this Act

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II.—Right of mid superiority of heritable subjects in Preston Street, Edinburgh, yielding nett annual feu duties amounting to 23*l.* 15*s.*, at 21 years purchase -	£498	15	0
III.—Sums lent on heritable security in name of trustees for behoof of scheme - - - - -	1,630	0	0
IV.—Mortgage by the Glasgow and South-western Railway Company, No. 498, dated 21st December 1858, in favour of trustees for behoof foresaid - -	2,000	0	0
V.—Mortgage by the Glasgow and South-western Railway Company, No. 1150, dated 13th November 1866, in favour of trustees for behoof foresaid - -	1,000	0	0
VI.—Mortgage by the Glasgow and South-western Railway Company, No. 1584, dated 31st May 1870, in favour of trustees for behoof foresaid - - -	1,500	0	0
VII.—Mortgage by Caledonian Railway Company, No. 2/1535, dated 30th January 1869, in favour of trustees for behoof foresaid - - - -	2,600	0	0
VIII.—Mortgage by Caledonian Railway Company, No. 2/2375, dated 2nd November 1869, in favour of trustees for behoof foresaid - - - -	1,000	0	0
IX.—Mortgage by Caledonian Railway Company, No. 2/2747, dated 15th June 1870, in favour of trustees for behoof foresaid - - - - -	2,500	0	0
X.—Mortgage by the North British Railway Company, No. A/194, dated 13th May 1863, in favour of trustees for behoof foresaid - - - -	1,000	0	0
XI.—Mortgage by the North British Railway Company, No. A/552, dated 8th November 1864, in favour of trustees for behoof foresaid - - - -	1,000	0	0
XII.—Mortgage by North British Railway Company, No. 482/1867, dated 11th June 1868, in favour of trustees for behoof foresaid - - - -	1,000	0	0
XIII.—The sum of 4,025*l.* of the capital stock of the Royal Bank of Scotland, at 184*l.* per cent. - -	7,406	0	0
XIV.—The sum of 708*l.* 6*s.* 8*d.* of the capital stock of the Bank of Scotland, at 269*l.* per cent. - -	1,905	8	4
XV.—Cash in the Royal Bank of Scotland, viz.:			
On current account, as at 5th Jan. 1871 492 0 8			
On deposit receipt, dated 11th Nov. 1870 £900 0 0			
	1,392	0	8
XVI.—Arrears of rates outstanding by 5 contributors, at 5*l.* 5*s.* 1*d.* - - - - - -	26	5	5
	£27,958	9	5

CHA. HENDERSON,
Collector of Widows' Fund.

SCHEDULE (C.)

Redemption of Annual Rates.

Age last Birth-day.	Value of Annual Rates of 5*l.* 5*s.*	Value of Annual Rates of 6*l.* 6*s.*	Age last Birth-day.	Value of Annual Rates of 5*l.* 5*s.*	Value of Annual Rates of 6*l.* 6*s.*
	£ *s.* *d.*	£ *s.* *d.*		£ *s.* *d.*	£ *s.* *d.*
25	97 17 9	117 9 3	51	71 4 5	85 9 3
26	97 1 0	116 9 2	52	69 12 1	83 10 6
27	96 3 7	115 8 4	53	67 19 3	81 11 1
28	95 6 2	114 7 5	54	66 5 10	79 11 0
29	94 9 8	113 7 7	55	64 11 6	77 9 9
30	93 14 6	112 9 4	56	62 16 5	75 7 9
31	92 19 0	111 10 10	57	61 0 8	73 4 10
32	92 3 0	110 11 8	58	59 5 1	71 2 2
33	91 6 0	109 11 3	59	57 11 2	69 1 4
34	90 8 0	108 9 8	60	55 19 8	67 3 7
35	89 9 4	107 7 2	61	54 11 10	65 10 2
36	88 9 10	106 3 10	62	53 4 4	63 17 3
37	87 9 11	104 19 11	63	51 16 6	62 3 10
38	86 9 6	103 15 5	64	50 7 4	60 8 9
39	85 8 7	102 10 3	65	48 17 3	58 12 9
40	84 7 9	101 5 3	66	47 6 0	56 15 2
41	83 7 9	100 1 3	67	45 13 6	54 16 2
42	82 8 0	98 17 7	68	43 19 11	52 15 10
43	81 8 1	97 13 8	69	42 5 1	50 14 2
44	80 7 5	96 8 11	70	40 9 6	48 11 5
45	79 6 0	95 3 2	71	38 12 7	46 7 1
46	78 3 5	93 16 1	72	36 17 8	44 5 3
47	76 19 6	92 7 5	73	35 6 1	42 7 4
48	75 14 0	90 16 10	74	33 18 1	40 13 9
49	74 6 1	89 3 4	75	32 15 1	39 6 1
50	72 16 3	87 7 6			

JAS. M. MACANDREW,
Actuary.

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