



ANNO QUINQUAGESIMO QUARTO

GEORGII III. REGIS.

Cap. 169.

An Act to amend and render more effectual an Act passed in the Nineteenth Year of His present Majesty, for the better raising and securing a Fund for a Provision for the Widows and Children of the Ministers of the Church of *Scotland*, and of the Heads, Principals, and Masters in the Universities of *Saint Andrews, Glasgow, Edinburgh, and Aberdeen*; and for repealing Two Acts, made in the Seventeenth and Twenty-second Years of the Reign of His late Majesty King *George* the Second, for these Purposes. [20th June 1814.]

WHEREAS by an Act passed in the Nineteenth Year of the Reign of His present Majesty, intituled *An Act for the better raising and securing a Fund for a Provision for the Widows and Children of the Ministers of the Church of Scotland, and of the Heads, Principals, and Masters in the Universities of Saint Andrews, Glasgow, Edinburgh, and Aberdeen; and for repealing Two Acts, made in the Seventeenth and Twenty-second Years of the Reign of His late Majesty King George the Second, for these Purposes*, it was among other Things enacted, That the said Ministers, Heads, Principals and Masters, were to pay, out of their respective Stipends or Salaries at their Option, some one of the annual Rates following; that is

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to

to say, Two Pounds Twelve Shillings and Sixpence, Three Pounds Eighteen Shillings and Nine-pence, Five Pounds Five Shillings or Six Pounds Eleven Shillings and Three-pence of lawful Money of *Great Britain*, to be applied for Payment of Life-rent Annuities to the respective Widows of such Ministers of the said Church; or of the Heads, Principals, or Masters in the Universities aforesaid, amounting to Ten Pounds, Fifteen Pounds, Twenty Pounds, or Twenty-five Pounds of like Money, in Proportion to such of the aforesaid annual Rates respectively, as they should have chosen; and also to the making Provision respectively for the Children of the said Ministers, Heads, Principals and Masters amounting to the Sum of One hundred Pounds, One hundred and fifty Pounds, Two hundred Pounds, or Two hundred and fifty Pounds of like Money, and in the like Proportion; and it was further enacted, that the Excess or Surplus of the aforesaid annual Rate and of the Interest of the Capital which had already been accumulated pursuant to former Acts and other Sums payable by virtue of the aforesaid Act, after Payment of the annual Expence of Management and of the Annuities to Widows and Provisions to Children, therein specified, should be lent out upon proper Security until the Capital of One hundred thousand Pounds, therein mentioned, should be made up and completed, when all farther Accumulation should cease, and this Surplus be disposed of at the Option of the Contributors: And whereas after the said Capital did attain the aforesaid Amount, the Contributors, on being called upon in the Manner directed by the said recited Act, to give an Opinion as to the future Disposal of the Surplus Revenue, did determine that it should be applied solely to the Benefit of the Widows of the Contributors: And whereas from the encreased Expence of Living and Decrease in the Value of Money, the Annuities and Provisions fixed by the said recited Act are found to be now totally inadequate to the Support of the Widows and Children of Ministers and Professors; and it has become expedient, for the Purpose of remedying this great and encreasing Evil, and to prevent the Recurrence of a similar Urgency, to make certain Alterations on the said recited Act, and on the annual Rates thereby made payable, which cannot be effected without the Aid and Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That every Minister who was possessed of a Benefice in the Church of *Scotland*, and every Person who was possessed of the Office of Head, Principal, or Master in any of the Universities of *Saint Andrews, Glasgow, Edinburgh, and Aberdeen*, on or before the Fifteenth Day of *May* One thousand eight hundred and fourteen, and who as a Contributor to the said Fund is now subject to one or other of the annual Rates before specified, shall pay yearly an Addition of Twenty Pounds *per Centum* upon his present annual Rate; that is to say, instead of Two Pounds Twelve Shillings and Sixpence, Three Pounds Eighteen Shillings and Nine-pence, Five Pounds Five Shillings, or Six Pounds Eleven Shillings and Three-pence of lawful Money of *Great Britain*, as directed by the said recited Act, he shall henceforth pay according to the Rate to which he is already subjected, either Three Pounds Three Shillings, Four Pounds Fourteen Shillings and Sixpence, Six Pounds Six Shillings, or Seven Pounds Seventeen Shillings and Sixpence of lawful Money of *Great Britain*; which encreased annual Rate every such Minister, Head, Principal, and Master, shall

Contributions
of every
Minister, &c.
to be en-
creased.

shall be bound, and he is hereby required to make Payment of, to the General Collector of the Fund established by the said recited Act, on or before the Term of *Candlemas*, or the Second Day of *February* One thousand eight hundred and fifteen, for the Year preceding *Michaëlmas* One thousand eight hundred and fourteen, and shall continue to pay such increased Rate at each Term of *Candlemas* thereafter during his Life, notwithstanding he may have ceased, or shall hereafter cease to be a Minister of the said Church, or a Head, Principal, or Master in any of the said Universities, by Resignation, Deprivation, or in any other way.

II. Provided always, and be it enacted, That it shall be lawful for any Minister who was possessed of a Benefice in the Church of *Scotland*, and for any Person who was possessed of the Office of Head, Principal, or Master in any of the Universities, or who was subject to the Payment of one or other of the Annual Rates payable under the said recited Act, before the said Fifteenth Day of *May* One thousand eight hundred and fourteen, and who has not already declared his Consent to the Increase of the Annual Rates herein specially directed and provided, to decline acceding to the Payment of any increased Annual or other Rates by a Notice in the Form following :

Ministers, &c. who have not already consented to the increased Rates, may decline to accede to increased Rates.

‘ To the General Collector of the Ministers’ Widows’ Fund,
 ‘ *Edinburgh*.
 ‘ I *A. B.* Minister of the Parish of _____ (or, Head, Principal, or
 ‘ Master of the University of _____, or a Contributor to the Fund
 ‘ after mentioned, *as the Case may be*), do hereby certify to you, That I
 ‘ do decline to accede to the Payment of any increased Annual or other
 ‘ Rates, authorized by an Act of the Fifty-fourth Year of the Reign of
 ‘ His present Majesty, towards the Fund for a Provision for the Widows
 ‘ and Children of the Ministers of the Church of *Scotland*, and of the
 ‘ Heads, Principals, and Masters in the Universities of *Saint Andrews*,
 ‘ *Glasgow*, *Edinburgh*, and *Aberdeen*. *A. B.* Dated
 ‘ the _____ Day of _____ One thousand eight hun-
 ‘ dred and _____

Which Notice shall be signed by him, and addressed to the General Collector of the Fund; and which Notice, if he shall not be resident in the Western or Northern Isles of *Scotland*, he shall deliver or cause to be delivered at the said Collector’s Office in *Edinburgh*, on or before the Second Day of *February* One thousand eight hundred and fifteen, but which, if he shall be resident in the said Western or Northern Isles, he shall deliver or cause to be delivered on or before the First Day of *June* One thousand eight hundred and fifteen; and in Default of such Notice being given, every such Minister of the Church of *Scotland*, and every such Head, Principal, or Master in any of the said Universities, shall be deemed and adjudged to be liable to the Payment of the increased Annual and other Rates herein particularly specified, during all the Days of his Life: Provided always, that no Contributor who shall have resigned or shall have been deprived of his Benefice or Office before the Fifteenth Day of *May* One thousand eight hundred and fourteen, shall be subjected to or be liable to the Payment of any of the Additions hereby made to the Annual or other Rates, unless such Contributor shall, by a Writing under his Hand, addressed and delivered to the said General Collector on or before the

the Second Day of *February* One thousand eight hundred and fifteen, declare his Willingness and Desire to accede to the Payment thereof.

Ministers must make their Election of their Rate of Contribution, or be liable in a certain Rate.

III. And be it enacted, That every such Minister, Head, Principal or Master, as aforesaid, who has been admitted since the Fifteenth Day of *May* One thousand eight hundred and fourteen, or who shall hereafter be admitted to a Benefice in the Church of *Scotland*, or to any of the said Offices in any of the Universities aforesaid, shall make his Election of one or other of the above-mentioned encreased yearly Rates to which he chooses to be subject thereafter during his Life, in the Way and Manner prescribed by the said recited Act; and every such respective Minister, Head, Principal or Master as aforesaid, neglecting to give Notice of his Election in manner therein mentioned, shall be deemed and adjudged to have made his Election of the increased annual Rate of Four Pounds Fourteen Shillings and Sixpence, and shall be liable for the Payment of the said Rate accordingly during his Life.

Additional Sums to be paid in respect of Marriage, or of having been admitted after 40 Years of Age.

IV. And be it enacted, That besides the Sums payable by the said recited Act of the Nineteenth Year of the Reign of His present Majesty by every Minister, Head, Principal, Master, or other Person as aforesaid respectively, on account of his Marriage, or of having attained the Age of Forty Years before his Admission, and who shall not decline subjecting himself to the encreased annual Rates in manner before mentioned; or having ceased to have Right to his Benefice or Office before the Fifteenth Day of *May* One thousand eight hundred and fourteen, who shall have signified his Willingness and Desire to be subject thereto, there shall be paid by every such Minister, Head, Principal, Master, or other Person as aforesaid, an Addition thereto at the Rate of Twenty Pounds *per Centum* on the Sums payable in the several Cases before mentioned, as directed by the said last recited Act.

Subscriptions entered into in aid of the Fund, to be paid by a certain Time, or to bear Interest till paid.

V. And whereas in farther Aid of the said Fund a great Majority of the Contributors thereto have entered into a Subscription to raise an additional Sum to be applied to the Purposes of this Act: And whereas although some Part of the Sum so subscribed has been already paid to the Collector of the said Fund, the greater Proportion thereof is still unpaid, and it is of the utmost Importance to the Purposes of this Act that the Sums subscribed should be made good within a reasonable Time; be it enacted, That every Sum so subscribed which shall not have been paid to the said Collector at his Office in *Edinburgh* on or before the Second Day of *February* One thousand eight hundred and fifteen, shall bear Interest from that Date at the Rate of Five Pounds *per Centum per Annum*; and every such Minister, Head, Principal, Master or other Person, liable for the Payment of the Sums so subscribed, shall thereafter be bound and obliged to make Payment of the lawful Interest of such Sums remaining unpaid, along with the Amount of his original Subscription.

Presbyteries and Universities to transmit Lists of Subscriptions.

VI. And be it enacted, That every Presbytery of the Church of *Scotland*, and each of the said Universities which shall not, previous to the passing of this Act, have made Returns of Lists of such of their Members as shall have joined in the said Subscription, and of the Sums subscribed by them respectively, certified and attested by the Moderators and Clerks of the

the Presbyteries, or Principals and Clerks of the Universities respectively, shall, on or before the First Day of *February* One thousand eight hundred and fifteen, or where such Presbyteries shall be within the said Western or Northern Isles, on or before the First Day of *May* One thousand eight hundred and fifteen, along with the Annual Lists required by the said recited Act of the Nineteenth Year of the Reign of His present Majesty, transmit to the Clerk of the said Trustees such Lists so certified and attested under a Penalty of Ten Pounds Sterling, to be levied by the said Collector from the Moderators and Clerks of such Presbyteries, and from the Principals and Clerks of such Universities as shall have failed to transmit such certified and attested Lists within the Time herein-before limited.

VII. And be it further enacted, That every Person who shall for the first Time be admitted to a Benefice in the Church of *Scotland*, or to an Office in any of the said Universities after the Fifteenth Day of *May* One thousand eight hundred and fourteen, shall be subject to pay to the Collector of the said Fund the Sum of Ten Pounds of lawful Money of *Great Britain*, by way of Contribution, as being nearly the Average of the original Subscriptions before mentioned; which Sum of Ten Pounds shall be payable by Two equal Instalments along with the Two First Payments of his Annual Rate, and shall bear Interest and be leviabie in the same Manner as such Rates bear Interest and are leviabie.

Every Person for the first Time admitted to a Benefice, &c. after a certain Period to pay a Fine of 10l.

VIII. And be it further enacted, That the aforesaid encreased Annual Rates, and other Sums by the said recited Act or by this Act made payable by the present and future Ministers of the Church of *Scotland*, and by the present and future Heads, Principals, and Masters in the Universities aforesaid, and the aforesaid Sums already subscribed, or which may hereafter be subscribed as aforesaid by the said Ministers, Heads, Principals or Masters in the said Church and Universities, shall be privileged Debts and preferable to all other Debts of the said Ministers, Heads, Principals and Masters, not only upon their Benefices and Salaries respectively, but also on their whole other Personal Estate; any Law or Usage to the contrary notwithstanding.

Rates, &c. to be preferable Debts.

IX. And be it enacted, That when any Parish in the Church of *Scotland* becomes vacant by the Death, Translation, Resignation or Deprivation of an Incumbent holding the Pastoral Cure and Benefice of such Parish, and that vacant Stipend thereby arises subsequent to the Crop and Year One thousand eight hundred and thirteen, such vacant Stipend, in so far as it has heretofore been applicable by the Patron to pious Purposes shall thenceforth and in all Time to come be levied in manner herein-after mentioned, and paid to the said General Collector, who is hereby authorized to levy and discharge the same by himself, his Deputies or Factors, and he is also hereby authorized and required to apply the Produce thereof to the Purposes of this Act, under the Directions of the Trustees appointed to manage the said Fund, any Law, Statute, or Custom to the contrary notwithstanding.

Vacant Stipends to be applied to the Purposes of this Act.

X. And whereas by an Act passed by the Parliament of *Scotland*, in the First Parliament of King *William* and Queen *Mary*, intituled *Act anent the vacant Stipends in Argyleshire*; the vacant Stipends accruing within the said Shire were withdrawn from the Patrons of the several Parishes, and

Vacant Stipends within the Synod of Argyle, to be made

applied like
other vacant
Stipends.

made payable to the Synod of *Argyle* or their Factors to be applied by them to certain Purposes specified in the said Act: And whereas it is expedient that the whole vacant Stipends throughout *Scotland* should be applied and disposed of in one uniform Manner; be it therefore enacted, That when any Parish shall hereafter become vacant within the said Shire of *Argyle*, by the Death, Translation, Resignation or Deprivation of any Minister holding the Pastoral Cure and Benefice of the said Parish, and vacant Stipend shall thence arise which by the said last recited Act would be liable to be disposed of by the said Synod of *Argyle*; all such vacant Stipend shall in future be levied, paid, and applied in the same Manner and under the same Regulations as are herein provided with regard to vacant Stipends in every other Parish within *Scotland*, and that for the Crop and Year One thousand eight hundred and eighteen, and all succeeding Crops and Years, any Thing in the said last recited Act to the contrary notwithstanding; but nothing in this Act contained shall be construed to extend to deprive the said Synod of *Argyle* of any Right they may have or claim by Law or Custom to dispose of the Rent of Manfes and Glebes, or of the Sums paid in lieu of Manfes, termed Manfe-Money, within the said Shire of *Argyle*.

Not to affect
the Fund
termed the
Ann.

XI. Provided always, and be it enacted, That nothing in this Act contained shall affect or be construed to affect the Right which the Widow and nearest of Kin of a deceased Minister have by Law to One Half-year's Stipend in Name of *Ann.*

Vacant
Stipend to be
received by
the Collector
and his De-
puties.

XII. And be it enacted, That as often as any Portion of vacant Stipend shall occur in any Parish within the Bounds of any Presbytery of the Church of *Scotland*, the Moderator of such Presbytery is hereby expressly required within Three Calendar Months, or if the Parish be situated within the said Western or Northern Isles, within Six Calendar Months, after the Terms of *Whitsunday* or *Michaelmas*, at which such vacant Stipend shall become due, to make Intimation thereof by a Writing under his Hand to the General Collector of the said Fund at his Office in *Edinburgh*; which Writing shall also contain an attested List of the several Heritors, or others by whom such vacant Stipend is payable, and of the Proportion thereof payable by each of them, according to the best of the Knowledge and Belief of such Moderator, after having used all the Means in his Power to procure Information; and such Moderator is also hereby required, within Three Calendar Months after such vacant Stipend shall become due, to give Intimation or Notice in Writing to the several Heritors and others by whom the same may be due, that they are required under the Authority of this Act to make Payment thereof to the said General Collector or his Deputies or Factor demanding the same, on or before the First Day of *May* immediately following the Terms of *Whitsunday* or *Michaelmas*, at which it may have become due; and if the Moderator of any Presbytery shall in any case neglect to make such Intimations in Manner herein-before mentioned, such Moderator and the other Members of such Presbytery shall in that Event be liable, and they are hereby required to pay and make good to the said General Collector the whole of such vacant Stipend at their own Expence; but in such Event such Moderator and other Members of the Presbytery becoming liable for such Payment shall be entitled to levy, uplift, and receive such vacant Stipend from the respective Heritors and others by whom the same may be due, and to grant Receipts for the same, and shall

shall have the same Remedies for Recovery thereof, as the said General Collector would have for Recovery of the same.

XIII. And whereas there is at present an unappropriated Balance remaining in the Hands of the Trustees of the Fund established under the Authority of the said recited Act of the Nineteenth Year of His present Majesty, to which certain Donations have been added: And whereas certain Sums are made payable to the General Collector under an Act of the Fiftieth Year of His present Majesty, intituled *An Act for augmenting Parochial Stipends in certain Cases in Scotland*: And whereas a Sum of Money has been granted to the said Trustees out of the Bishops Rents in Scotland; be it therefore enacted, That the said unappropriated Balance, with the Amount of the Donations added thereto, the said Sums made payable to the Collector as aforesaid, under the said Act of the Fiftieth Year of His present Majesty in so far as they have been already recovered, or may hereafter be received, together with the Amount of the said Donation out of the Bishop's Rents, and including the Interest which has arisen or may hereafter arise from these several Sources, shall in all Time coming be applicable to the Purposes of this present Act, to which the said Trustees are hereby authorized and required to apply them in manner herein-after mentioned.

Funds applicable to the Purposes of this Act.

XIV. And whereas since the Capital Stock mentioned in the foresaid Act of the Nineteenth Year of His present Majesty was completed, there has been a Yearly Surplus divided among the Widows, in virtue of the said Act, and added to the original Annuities provided to them, which Annual Surplus varies considerably in its Amount in different Years, whereby the Widows are left in uncertainty as to the Extent of the Income which they are to receive in any one Year; be it therefore enacted, That at the stated Meeting of the said Trustees on the Third *Tuesday* of *February* One thousand eight hundred and fifteen, the said Trustees shall calculate and ascertain the fair Average of this Annual Surplus since it began to be divided, which Average shall be fixed upon as the Sum to be divided among the Number of Widows who may be then upon the Fund, and the Proportion of such Average Surplus which shall fall to each such Widow shall be fixed upon as the Sum to be thereafter paid in each Year to each Widow who may be from Time to Time on the Fund, along with the original Annuities provided to them under the said recited Act of the Nineteenth Year of the Reign of His present Majesty.

For equalizing the present Annuities.

XV. And whereas the Sum of Twenty Pounds *per Cent.* added by this present Act to the Annual Rates payable under the Act of the Nineteenth Year of His present Majesty, will, by being levied along with the said original Rates and incorporated therewith, increase the Amount of the actual Annual Surplus; be it therefore enacted, That the whole Excess of such Surplus beyond the Average to be struck by the Trustees in Manner before mentioned, in *February* One thousand eight hundred and fifteen, and paid annually to the Widows as aforesaid, shall be applicable to the Purposes of this Act, as the Produce of the said Twenty Pounds *per Cent.* on the said original Rates, and shall be so applied by the said Trustees at their stated Meeting in *February* One thousand eight hundred and sixteen, and at their stated Meetings in *February* in all subsequent Years.

For regulating the Application of the Excess of the Annual Surplus.

XVI. And

A Capital Fund or Stock to be created and accumulated for a limited Period.

XVI. And whereas from the great Number of Widows and Orphan Families among whom it will have to be divided, the additional Income arising from the Funds above specified would still if immediately distributed be very inadequate to the Attainment of the Objects which are in View; be it therefore enacted, That the Amount of the Subscription herein-before mentioned with the Interest arising thereon, the Sums to be received under the Authority of this Act as Contributions of Ten Pounds from Persons hereafter to be admitted to Benefices or Offices, the annual Produce of vacant Stipends, the unappropriated Balance remaining in the Hands of the said Trustees including such voluntary Donations as may have been added thereto, with the Accumulation of Interest thereon, the Sums made payable to the said General Collector under the said recited Act of the Fiftieth Year of the Reign of His present Majesty in so far as these Sums have been or may hereafter be recovered, the said Sum granted as a Donation out of the Bishops Rents in *Scotland*, with the yearly Interest thereon, together with the yearly Produce of the annual Excess on the foresaid Surplus beyond the Average herein-before directed to be calculated by the said Trustees on the Third *Tuesday of February* One thousand eight hundred and fifteen, shall be set apart as a Capital Fund or Stock, of which the sole Management shall be vested in the Trustees appointed by the aforesaid Act of the Nineteenth Year of the Reign of His present Majesty, who are hereby authorized, (with the Advice and Consent of the Lord President and the Two senior Judges of the Court of Session, the Lord Chief Baron and the Senior Baron of the Court of Exchequer and of the Lord Justice General and Lord Justice Clerk of *Scotland* for the Time being, or any Three of them), to lend out the several Sums of which this Capital Fund or Stock does or shall consist, on good Security, or to vest the same in the Government Funds or in Land, as they shall deem it to be most for the Advantage of their Trust.

After Six Years an Addition to be made to the Annuities to Widows.

XVII. And be it further enacted, That the Interest, Dividends, and Produce of such Capital Fund or Stock shall be added to the Principal, and accumulated for Six Years, from and after the Twenty-second Day of *November* One thousand eight hundred and fourteen; and during this Term a separate Account shall be kept of the whole Produce of the said unappropriated Balance with its Accumulations, of the said annual Excess arising as aforesaid from the Addition of Twenty Pounds *per Centum* upon the Original Rates, and of the Sums which may have been or may hereafter be received by the said Collector under the said recited Act of the Fiftieth Year of the Reign of His present Majesty; and the said Trustees, at their stated Meeting on the Third *Tuesday of February* One thousand eight hundred and twenty-one, shall ascertain the total Amount of the Sums, Accumulations and Interest, of which such separate Account is to be kept up to the Second Day of *February* then current, and from that Period the whole annual Produce of such total Amount of the Sums, Accumulations and Interest, of which such separate Account is to be kept, together with the whole annual Amount of the Excess which shall thereafter arise in Manner before mentioned from the said Addition of Twenty Pounds *per Centum* on the original Rates, under the Restriction and with the Exception herein-after mentioned, shall on the Twenty-sixth Day of *May* One thousand eight hundred and twenty-one, and thereafter annually, be distributed among the whole of the existing Widows, in Proportion to the Rates respectively chosen by their Husbands, and among the Orphan Children

Children of deceased Contributors, in Manner and under the Restrictions herein-after mentioned; that is to say, in every Case in which there shall be no Widow left by a deceased Contributor, but a Child or Children, of whom One or more shall be under the Age of Eighteen Years, at the Time when the first Addition shall be made to the Annuities of Widows under this present Act, and whose Father shall have died after the Term of *Whitsunday* One thousand eight hundred and fourteen, and after having subjected himself to the Payment of an encreased annual Rate in Terms of this Act, such Child or Children shall receive such a Sum yearly as would have been the Amount of the Addition or Encrease of Annuity, which would have been payable in consequence of this Act, to their Father's Widow if she had survived her Husband; which yearly Allowance shall continue to be paid till the youngest or only Child shall have attained the Age of Eighteen Years complete, at the same Terms and under the same Rules as are directed as to the Payment of the encreased Annuities to Widows under this present Act: Provided always, that no such Annuity, or any Part thereof, shall be payable to any only Child or Family of Children, after the youngest Child shall have attained the Age of Eighteen Years.

If no Widow, the Child or Children till a certain Age to be entitled to the Annuity of a Widow.

XVIII. And whereas the Excess before mentioned will be liable to Variation in its Amount in different Years in the same way as the Original Surplus, be it enacted, That the said Trustees at their Meeting on the Third *Tuesday* of *February* One thousand eight hundred and twenty-one, shall calculate and ascertain the average Amount of the annual Produce of this Excess, arising from the said Addition of Twenty Pounds *per Centum* on the Original Rates during the Six preceding Years; which Average shall be fixed upon as the Sum to be divided among the Number of Widows and Families of Children who may then be upon the Fund; and the Proportion of such Average which shall fall to each such Widow or Family of Children, shall be fixed upon as the Sum to be thereafter paid in each Year to each Widow or Family of Children, which may from Time to Time be upon the Fund, out of this particular Branch of the Revenue: Provided always, that in making and calculating this Average, and all other Averages for similar Purposes under this Act, the same shall be, if necessary, so increased or diminished in the Option of the said Trustees, as that no Payment to any Widow or Family of Children shall include a fractional Part of a Pound Sterling; and when the Amount of the said Excess shall fall short of the Average so struck, such Deficiency shall be made good out of the accumulating Fund after mentioned, and that when there is an Overplus it shall be applied to the Purposes of such accumulating Fund; and if it shall seem hereafter to be requisite by an Alteration of Circumstances, the said Trustees may strike a new Average of the Excess at the Period of fixing any subsequent additional Distribution made under this Act.

To prevent uncertainty as to the Amount of all future Additions to Annuities.

XIX. And be it further enacted, That after the Produce of the annual Excess beyond the Average to be fixed in Manner before mentioned on the Third *Tuesday* in *February* One thousand eight hundred and fifteen, and the accumulated Balance in the Hands of the said Trustees, and the Donations already added thereto shall have ceased to form a Part of the aforesaid Capital Fund or Stock, in the Manner herein-before directed, then the Money raised by Subscription among the Contributors, the Sums hereby

After the First Distribution a new Accumulation to be made, and the Proceeds divided equally among the Widows and

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appointed

Families of
Contributors.

appointed to be paid by future Incumbents, corresponding to the Average of the original Subscriptions, the Produce of the vacant Stipends, and the Sums which shall become due to the said Collector under the said recited Act of the Fiftieth Year of the Reign of His present Majesty, from and after the Term of *Michaelmas* One thousand eight hundred and twenty, together with the before mentioned Donation out of the Bishops Rents, shall continue to accumulate, with the Interest and Proceeds thereof, during a further Period of Six Years from the Twenty-second Day of *November* One thousand eight hundred and twenty, at the End of which Period such certain yearly Sum as may be thought expedient by the said Trustees, but not in any Event exceeding Two Thirds of the annual free Revenue which shall then belong to the said Capital Fund or Stock, including in such Revenue the annual Produce of vacant Stipends, and other Funds estimated according to a fair Average, shall again be set apart and added to the Annuities of Widows and Orphan Families; and such additional Annuities shall not be distributed with any Reference to the Amount of Rates, but shall be equally divided among all the Widows and Families, to whatever Class of Contributors their Husbands or Fathers may have belonged.

Future Ad-
ditions to be
made to the
Annuities to
Widows and
Children.

XX. And be it further enacted, That from and after the Date when this Second Addition shall have been made to the Annuities of Widows and Orphan Families, the unappropriated Part of the said Capital Fund or Stock, and the Produce thereof, or Revenue belonging thereto, shall be allowed to accumulate during such a further Period of not less than Fourteen Years as the Trustees shall then judge expedient, when a certain additional yearly Sum out of this Fund shall again be set apart for the Benefit of the Widows and Orphan Families in manner before mentioned; which Sum shall be divided in the same Manner and under the same Regulations as are prescribed for the Second Increase of Annuities under this Act; and in all Times thereafter, at such Intervals as the Trustees shall judge expedient (each Interval being not less than Fourteen Years), similar Additions, regulated exactly in the same Manner, shall be made to the Annuities of Widows and Orphan Families; care being always had not to circumscribe too much the Operation of the said Capital Fund or Stock; it being the true Meaning and Intent of this Act that there shall always belong to such Capital Fund or Stock such a Sum or Revenue as may admit from Time to Time of an Advance to the Annuities of the Widows and Orphan Families of Contributors in some Degree corresponding to what may be the increased Expence of Living, and to the consequent Exigencies of their Situation.

These Ad-
ditions to be
payable as
the former
Annuities
were payable.

Additions to
be paid only
in so far as the
Collector may
have Funds in
his Hands.

XXI. And be it enacted, That every Addition made to the Annuities of Widows or Orphan Families in consequence of this Act, shall be paid to them by the General Collector, at the same Time and under the same Regulations as are at present in force for the Payment of Widows Annuities under the Authority of the said recited Act of the Nineteenth Year of His present Majesty: Provided always, that it shall appear to the said Trustees at their stated Meeting on the Third *Tuesday* of *May* yearly that the Funds actually recovered under this present Act, and then in the Hands of the Collector, are sufficient for the Payment of such Additions; but it is hereby expressly provided and declared, that the Collector shall not be bound to make good to

the Widows and Children the Additions made to the said Annuities as aforesaid, beyond the Sums he shall have actually recovered, out of which such Additions are to arise, or from the Funds committed to the Charge of the said Trustees under this Act at the Time of such annual Meeting on the Third *Tuesday* of *May*, it being always understood that such Collector shall be bound at the said stated Meeting in *May* yearly, to exhibit an exact Account of the Funds from which such Additions should arise, so as to enable the said Trustees to settle precisely the actual Sums ready to be distributed; but if in any one Year the said Widows and Children shall receive a less Addition to their Annuities than is hereby appointed and intended for them through a Deficiency of Funds in the Hands of the Collector, such Diminution shall be made up to them or their Representatives at the First subsequent Payment of Annuities under this Act, and their Claim in this respect shall then be preferable to the increased Annuities which shall then become payable.

XXII. And be it further enacted, That if any Minister in the Church of *Scotland*, or any Head, Principal, or Master in the foresaid Universities, who was admitted to his Benefice or Office on or before the Fifteenth Day of *May* of this present Year, shall, in consequence of the Power herein-before reserved to him, refuse to accede to an Increase upon his annual Rates, or any Contributor who shall have ceased to have Right to his Benefice or Office, shall not have signified his Willingness to accede to such Increase; in that Event neither the Widow nor the Children of such Minister, Head, Principal, Master, or Contributor, shall derive any Benefit from the Funds raised or appropriated by virtue of this present Act, beyond One Half the Amount of the Share hereby secured to other Widows or Families of Children under the First Distribution herein-before directed to be made, from and after the Twenty-second Day of *November* One thousand eight hundred and twenty, to which Half they are hereby declared to be entitled, but they shall have no Claim to or Interest in any subsequent Addition to be made to the Annuities to Widows and Children.

If any Minister, &c. refuse to accede to the Increase of annual Payments, his Widow and Children to receive no Benefit under this Act.

XXIII. And be it further enacted, That if any such Minister, Head, Principal, or Master as aforesaid, acceding to an Increase upon his annual Rate, shall decline to join in the Subscription herein-before mentioned, then the Widow and Children of such Minister, Head, Principal, or Master, shall be entitled only to share in the Benefit arising from the First Addition to be made to the Annuities of Widows and annual Provisions to Children, in virtue of this Act, but shall have no Claim to or Interest whatsoever in any second or subsequent Addition to be made, either to the Annuities of Widows, or to the annual Provisions to Children under this Act.

If such Minister, &c. shall decline to join in the said Subscription, his Widow and Children to receive Benefit only from the First Addition to the Annuities.

XXIV. Provided always, and be it enacted, That it shall and may be lawful for any such Minister, Head, Principal, Master or Contributor as aforesaid, who shall have acceded to the Increase on his annual Rate herein already specified, at any Time on or before the Second Day of *February* One thousand eight hundred and fifteen, to entitle his Widow and Children to the full Benefit of this Act, by paying or by a Writing under his Hand addressed to the said General Collector, on or before the Second Day of *February* One thousand eight hundred and fifteen, or if resident within the *Western* or *Northern* Isles, on or before the First Day of *May*

Time allowed for Payments to be made to entitle Widows and Children to full Benefit under this Act.

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One thousand eight hundred and fifteen, obliging himself to pay to the said General Collector on the said Second Day of *February* One thousand eight hundred and fifteen, or if not then paid with legal Interest from that Term a Sum equal at least to the Average of the previous Subscriptions, within the Presbytery or University of which he is a Member, or if there shall have been no previous Subscription within such Presbytery, a Sum equal at least to the Average of the previous Subscriptions in the Synod within the Bounds of which such Presbytery is situated.

Expences of Collector to be allowed to the Extent of 100l.

XXV. And whereas in the said recited Act of the Nineteenth Year of the Reign of His present Majesty, it is enacted, that all incidental Expences shall be paid by the General Collector, for which he is to be allowed to take Credit in his Accounts, provided the said Expences do not in any One Year exceed the Sum of Seventy Pounds of lawful Money of *Great Britain*; but this Sum having been found to be too limited; be it therefore enacted, That the General Collector shall as heretofore be allowed to take Credit in his Account for the incidental Expences incurred by the Trustees, including the Collector's Postages, provided these Expences shall not in any One Year exceed the Sum of One hundred Pounds of lawful Money of *Great Britain*.

Allowance to the Collector's Clerk, and to General Collector for incidental Expences.

XXVI. And whereas in the Execution of this present Act very considerable additional Labour and Expence will of necessity fall on the General Collector of the Trustees, who has no Allowance for Expences made to him whatever by the said recited Act of the Nineteenth Year of His present Majesty, and who can receive no Advantage or Emolument whatever from the Sums to be accumulated under this Act; be it therefore enacted, That the said General Collector shall be entitled, and he is hereby authorized to take Credit in his annual Account of the Fund to be created under this Act for the yearly Sum of Twenty Pounds to be paid to his Clerk, for his additional Labour in consequence of this Act, and also for the further Sum of Twenty-five Pounds yearly to defray his own incidental Expences, not including Postages of Letters, for which he is to have Credit in the incidental Account of the Trustees in the Execution of the said recited Act of the Nineteenth Year of the Reign of His present Majesty.

Allowance to the Clerk of the Trustees under this Act.

XXVII. And whereas a very considerable additional Labour will also be imposed on the Clerk of the said Trustees in the Execution of this Act, be it enacted, That the said General Collector shall be entitled to take Credit in his annual Account, of the Fund to be created under this Act for the Sum of Twenty Pounds, to be paid from the said Fund to the said Clerk of the Trustees in Name of additional annual Salary.

These Allowances may be increased by the Trustees, &c.

XXVIII. And be it enacted, That in case the Sums herein-before allowed to the General Collector and to the Clerk of the Trustees shall hereafter appear to be inadequate, it shall in that Event be in the Power of the said Trustees, and they are hereby authorized to make such reasonable Additions thereto as they shall judge to be necessary, subject to the Controul and Approbation of the General Assembly of the Church of *Scotland*.

XXIX. And

XXIX. And be it enacted, That the full Expences that shall be incurred by the said General Collector or Receiver, or his Deputies or Factors, in levying and recovering Payment of the respective Sums which shall become due and payable in virtue of this Act, or out of the Estates or Effects of the Persons neglecting or refusing to make regular Payment of the same as hereby authorized and required, shall be recovered out of their respective Estates without any Taxation, Abatement, or Mitigation, any Law or Practice to the contrary notwithstanding.

Full Expences of recovering Sums due to be paid by Debtors or their Estates.

XXX. And be it enacted, That all Action and Execution competent to the said General Collector by the said recited Act of the Nineteenth Year of His present Majesty, for the Recovery of any Sums therein authorized to be levied and received by him, shall also be competent to him for the Recovery of all Sums of Money hereby authorized to be levied and recovered by him.

Powers of recovering Rates under former Act extended to this Act.

XXXI. And be it enacted, That the said General Collector shall be bound and obliged as he is hereby expressly directed and required to lay before the said Trustees at their Meeting on the Fourth *Tuesday* of *November* yearly, an exact Account subscribed by him of his whole Intromissions with the Sums payable to him under the Authority of this Act for the Year immediately preceding the First Day of *November* then current, together with an exact List subscribed by him of the Arrears under this Act then remaining unpaid; but it is hereby expressly provided and declared, that the said General Collector shall not be bound to advance or to make good any Part of the said Arrears except the Twenty Pounds *per Centum* incorporated with the Original Rates, until he shall actually have recovered the same, but after having satisfied the said Trustees that he has used all proper Diligence, he shall be entitled to be annually discharged of his Intromissions.

An annual Account to be rendered by the Collector.

XXXII. And it is hereby enacted and declared, That the said Trustees shall be and they are hereby directed and required to subjoin to their annual Report to the General Assembly of the Church of *Scotland*, a General Statement of the Amount and Application of the Fund to be created under the Authority of this Act, at the Period of their last Settlement of the Collector's annual Account.

A Statement to be made annually to the General Assembly.

XXXIII. And be it enacted, That all and every the Powers and Authorities, Penalties, Clauses, Matters, and Things, in the said recited Act of the Nineteenth Year of the Reign of His present Majesty contained, shall be and continue in full Force and Effect, in regard to the Rates and Duties thereby and by this Act authorized to be levied and paid, and the levying, recovering, and applying the same, except in so far as the same are hereby repealed or expressly altered, or are inconsistent with or repugnant to this present Act.

Powers of former Act extended to this Act.

XXXIV. And be it enacted, That the Expence of procuring and passing this Act shall be paid by the said General Collector out of the first and readiest of the Funds to be created under this Act, at the Sight and by the Direction of the said Trustees, who are hereby authorized to give him Credit for the same, at the First Clearance of his Accounts after the passing of the said Act.

Expences of the Act how to be paid.

[*Loc. & Per.*]

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XXXV. And

Public Act.

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

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