

[53 & 54 VICT.] *Church of Scotland Ministers' Widows' [Ch. cxxiv.]
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CHAPTER cxxiv.

An Act to amend an Act made in the nineteenth year of the reign of His Majesty King George the Third, chapter twenty, and another Act made in the fifty-fourth year of the reign of His said Majesty, chapter one hundred and sixty-nine, 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 other purposes.

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[25th July 1890.]

WHEREAS, by an Act passed in the nineteenth year of the reign of His Majesty King George the Third, 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 those purposes " (herein-after called " the Act of 1779 "), it was, among other things, enacted that every minister, head, principal, or master who should thereafter be ordained or admitted to a benefice in the Church of Scotland, or to an office in any of the Universities of Saint Andrews, Glasgow, Edinburgh, and Aberdeen, should be liable during his life to pay to the general collector or receiver of the said fund some one of the annual rates therein mentioned, and should make his election of one or other of the said yearly rates, by a writing to be delivered to the general collector or receiver of the said fund, within the time therein mentioned, and that every respective minister, head, principal, or other master neglecting to give notice as aforesaid should be deemed

19 Geo. 3.
c. 20.
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54 Geo. 3.
c. clxix.

And whereas, by an Act passed in the fifty-fourth year of the reign of His Majesty King George the third, intituled "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 those purposes" (herein-after called "the Act of 1814"), it was, among other things, enacted that every such minister, head, principal, or master, who was then subject to one or other of the annual rates specified in the Act of 1779, and who should not declare his dissent as therein mentioned, should pay yearly an addition of twenty pounds per centum upon his then present annual rate; and it was also enacted that every minister, head, principal, or master who had been admitted since the fifteenth day of May one thousand eight hundred and fourteen, or who should thereafter be admitted to a benefice in the Church of Scotland, or to any of the said offices in any of the universities aforesaid, should make his election of one or other of the said increased yearly rates, to which he should choose to be subject thereafter during his life, in the way and manner prescribed by the Act of 1779; and that every such minister, head, principal, or master, neglecting to give notice of his

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election in manner therein mentioned, should be deemed to have made his election of the increased annual rate of four pounds fourteen shillings and sixpence, and should be liable for the payment of the said rate accordingly during his life; and it was also enacted, that besides the sums payable by the Act of 1779 by every minister, head, principal, master, or other person as aforesaid respectively on account of his marriage, and who should not decline subjecting himself to the increased annual rates, there should 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 therein mentioned as directed by the Act of 1779; and it was also enacted that every person who should for the first time be admitted to a benefice in the Church of Scotland, or to any of the said offices in any of the said universities after the fifteenth day of May, one thousand eight hundred and fourteen, should 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 therein mentioned, which sum should be payable by two equal instalments along with the two first payments of his annual rate, and should bear interest and be leviable in the same manner as such rates bore interest and were leviable; and the Act of 1814 contained various regulations and enactments with regard to the management and application of the sum of twenty pounds per centum added by that Act to the annual rates payable under the Act of 1779, the said sums to be received under the authority of the Act of 1814, and certain other sums mentioned therein, and various enactments were thereby made with the view of increasing the annuities payable to the widows who might be from time to time on the fund, and in certain cases of making additional allowances or provisions to the children of deceased contributors; and it was also enacted with reference to a capital fund or stock thereby appointed to be set apart, that the same should be under the sole management of the trustees appointed by the Act of 1779, who were authorised, 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 should consist, on good security, or to vest the same in the Government funds or in land as they should deem it to be most for the advantage of their trust:

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And whereas, in the year one thousand eight hundred and forty-seven, an action came to depend before the Court of Session in

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" to the charge of any church and district after the same shall
" have been erected into a church and parish quoad sacra under
" authority of the statute seventh and eighth Victoria, chapter
" forty-four, are bound and entitled to become contributors to the
" ministers' widows' fund; but find that parties holding the charge
" of any church and district so erected, but who have been
" appointed to the same before the date of such erection, are not
" bound or entitled to become contributors to the said fund":

And whereas, after the said decision, the same was construed and acted on, as if it had been thereby found that the minister of a church and district erected into a parish quoad sacra was not entitled or bound to be a contributor to the fund, if previously to the date of such erection he had been appointed or had acted as officiating minister (whether ordained and admitted as such or not) at a chapel or other place of worship within or adjacent to the district so erected, and had been recognised and received as the first minister of the parish after the date of erection thereof, and in many cases the first ministers of parishes quoad sacra have never contributed to the fund, or been charged as contributors thereto, and many of these ministers are still alive and in possession of the benefices of their parishes; others of them have died in possession of their benefices, some of them leaving widows and children who have never received annuities or provisions from the fund, others leaving neither widows nor children, and in several cases the ministers were translated from their parishes quoad sacra to other benefices in the Church of Scotland, and thereupon were placed upon the books of the fund as contributors thereto for the first time, and as liable in payment of annual rates chosen by themselves, or as liable in payment of the annual rate of four pounds fourteen shillings and sixpence, in default of their having made choice of an

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annual rate; and several of the ministers who were so translated to other benefices afterwards died leaving widows or children who have received payment of annuities or provisions from the fund proportioned to the amounts of the annual rates so chosen by their husbands or fathers, or for which they were held to be liable as aforesaid: A.D. 1890.

And whereas, since the passing of the Act of seventh and eighth Victoria, chapter forty-four, a considerable number of parishes quoad sacra have been erected in virtue of the provisions thereof:

And whereas, since the date of the aforesaid decision of the Court of Session, there have been several churches and districts disjoined from the parishes to which they belonged, and erected into separate parishes quoad omnia, under the authority of the statutes authorising such disjunction and erection, at the churches whereof ministers had been acting or officiating before the dates of the decrees of disjunction and erection thereof, and who after the dates thereof acted and officiated, and were recognised and received as the first ministers of such parishes quoad omnia, but who, as ministers of such parishes, were not placed as contributors upon the books of the fund:

And whereas, by a decision of the Court of Session in the year one thousand eight hundred and eighty-seven in a special case presented on behalf of the collector of the fund, of the first part, and the minister of the quoad sacra parish of Saint Margaret's, within the presbytery of Edinburgh, of the second part, it was found that the said minister, who had officiated at the church of Saint Margaret's, while the same was a chapel of ease only and not a benefice, and before the same with a district attached thereto had been erected into a parish quoad sacra under section eight of the Act of the seventh and eighth Victoria, chapter forty-four, and who had been inducted to such parish by the presbytery of Edinburgh, and acted as minister thereof after the date of erection of the same, was bound and entitled to be a contributor to the fund:

And whereas, in consequence of the last-mentioned decision, it is considered that the construction hitherto put upon the first-mentioned decision may be in some respects erroneous, and that ministers of parishes quoad sacra and parishes quoad omnia, (other than ministers of such parishes erected under sections fourteen and fifteen of the last-mentioned Act) who officiated at the churches of such parishes, or at chapels or other places of worship within or adjacent to the districts of such parishes, previously to the dates of erection thereof, without becoming entitled to any benefice in

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A.D. 1890. respect thereof, and who acted and were recognised and received as the first ministers of such parishes after erection, are entitled and bound to become contributors to the fund from and after the dates of erection :

And whereas, such of the said ministers as are alive and have not as yet been enrolled or placed upon the books of the fund as contributors thereto, may claim to be entitled to be contributors, and it is equitable that the widows and children of such of the said ministers as are now dead should receive annuities and provisions from the fund, upon the terms and in manner herein-after mentioned :

And whereas, if such ministers were held to have been bound and entitled to be contributors to the fund, the enforcement of the provisions of the Acts of 1779 and 1814 as to the payment of annual rates and other contributions against them, or, if dead, against their representatives, might in many cases cause great hardship without any corresponding benefit :

And whereas, many of the said ministers who have never been placed upon the books of the fund may, in the belief that they were not bound or entitled to be contributors, have made other arrangements for securing provisions for their widows and children, and might be unable to contribute to the fund, and pay up arrears of annual rates and other contributions due by them, if they were now held liable to be contributors :

And whereas, it might also cause much inconvenience to such of those ministers as have been translated from parishes quoad sacra to other parishes, and who thereupon became contributors to the fund, if the choice of annual rates made by them after translation were to be found ineffectual and set aside, and they were to be held liable in payment of the annual rate of four pounds fourteen shillings and sixpence as from and after the dates of erection of the parishes from which they were so translated ; and it might also in some cases cause great hardship to the widows and children of such translated ministers as may have died subsequently to their translation, if it were to be found that the annuities and provisions which have been paid to such widows and children according to the scale of annual rate which may have been chosen by their husbands or fathers after translation were of larger amounts than they were legally entitled to receive :

And whereas, in order to put an end to the doubts which have arisen in consequence of the said decisions of the Court of Session, and for other purposes, it is expedient that the Acts of 1779 and 1814 should be amended, and that further provision should be made for

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the conduct of the business, and the investment of the moneys, of the fund: A.D. 1890.

But these objects cannot be effected without the authority of Parliament:

May it therefore please Your Majesty that it may be enacted and be it enacted by the Queen's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows:—

1. For all purposes this Act may be cited as the Church of Scotland Ministers' Widows' Fund Act, 1890, and the recited Acts and this Act may be cited together as the Church of Scotland Ministers' Widows' Fund Acts, 1779 to 1890, or separately as of the year in which each Act was passed. Short title.

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

“The fund” means the fund for the benefit of 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, established and regulated by the recited Acts and this Act;

“The recited Acts” means the Act of 1779 and the Act of 1814;

“The trustees” means the trustees of the Church of Scotland Ministers' Widows' Fund incorporated by this Act;

“The collector” means the general collector or receiver of the fund for the time being, appointed in virtue of the Act of 1779;

“Contributor” means contributor to the fund;

“Benefice in the Church of Scotland” means a fixed benefice in the said Church of the nature referred to in section three of the Act of 1779, and does not extend to or include a benefice in the said Church of a temporary nature referred to in such section;

“Parish quoad sacra” means a parish quoad sacra erected in virtue of the Act passed in the seventh and eighth years of the reign of Her present Majesty, chapter forty-four, intituled, “An Act to facilitate the disjoining or dividing of extensive or populous parishes, and the erecting of new parishes in that part of the United Kingdom called Scotland,” other

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than and excepting any parish quoad sacra erected in virtue of section fourteen thereof;

“Parish quoad omnia” means a church and district in Scotland disjoined from the parish to which they belonged, and erected into a separate parish quoad omnia, other than and excepting any parish quoad omnia erected in virtue of or referred to in section fifteen of the said Act passed in the seventh and eighth years of the reign of Her present Majesty, chapter forty-four.

Recited Acts
in part
repealed.

3. The portions of the recited Acts described in Schedule (A) to this Act are hereby repealed.

Trustees
incorporated.

4. From and after the passing of this Act the ordinary and stated trustees and the other trustees for the time being appointed to manage the fund under and in virtue of the recited Acts as amended by this Act, and their successors in office, shall be and they are hereby incorporated by the name and style of “The Trustees of the Church of Scotland Ministers' Widows' Fund,” and by that name shall be a body corporate with 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 hold, receive, possess, and dispose of, for the purposes of the recited Acts and this Act, the whole lands and other property and estate, heritable or moveable, real or personal, stocks, funds, monies, and securities, now or hereby vested in them, or hereafter to be acquired by or vested in them, under or in virtue of such Acts.

Nothing in this section contained shall be held as limiting or affecting the rights or powers of the ordinary and stated trustees to hold meetings, when summoned to do so, in the manner prescribed by section forty-three of the Act of 1779, or to call meetings of the trustees as hereby incorporated, if they shall see cause to do so, in the manner prescribed in such section.

Property
vested in
trustees.

5. All lands and other property, heritable and moveable, real and personal, wherever situated, which, at the passing of this Act belong to, or are held by, or vested in, the collector, or otherwise on behalf of the trustees appointed for managing the fund, or for behoof of the fund, or for the uses and purposes specified in the recited Acts, whether held absolutely, or in security, or under reversion, shall be and the same are hereby vested in the trustees in trust for the uses and purposes specified in the recited Acts and this Act, and shall in future be held, managed, sold, conveyed, assigned, transferred, released, discharged, or otherwise disposed of by the trustees, under their corporate name, without the necessity of any connecting or continuing title or separate investiture other than this Act; and all

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charters, dispositions, bonds, mortgages, bonds and dispositions in security, assignations, conveyances, grants, securities, sasines, and other deeds, instruments, and writings whatsoever, which, before the passing of this Act have been made, granted, executed, or taken to and in favour of the collector, or otherwise on behalf of the trustees appointed for managing the fund, or for behoof of the fund, or for the uses and purposes aforesaid, and which shall be in force or subsisting at the passing of this Act, shall be as valid and of as full force and effect in favour of the trustees as incorporated by this Act as if the same had been made, granted, executed, or taken in favour of the trustees as so incorporated; but nothing in this section shall render unnecessary any transfer by deed of prescribed form, or any transfer or registration in the books of any company, office, or person, of any stocks, shares, shares in ships or other like property, which would have been transferable only in such manner if this Act had not been passed.

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Nothing in this Act contained shall be held or construed as limiting, impairing, or affecting the powers, duties, and obligations, conferred upon, or incumbent on, the collector with respect to levying and recovering the rates and other sums payable for support of the fund under and by virtue of the recited Acts as amended by this Act.

6. All discharges, releases, renunciations, dispositions, assignations, conveyances, or other deeds and instruments, granted by the trustees under their corporate name, shall be held to be validly executed if sealed with their common seal, and subscribed by any two of them, and by one or other of the collector, or of the clerk to the trustees for the time being; and in all matters and proceedings whatsoever, wherein it shall be requisite to make any declaration or affidavit by or on behalf of the trustees, such declaration or affidavit may be made by any one of the trustees, or by the collector, or by the clerk to the trustees for the time being.

Mode of
executing
deeds
granted by
trustees.

7. All the powers, duties, rights, and liabilities of the trustees appointed to manage the fund, subsisting at the passing of this Act, shall, subject to the provisions of this Act, continue to the trustees as hereby incorporated, and that in addition to all other powers conferred on them by this Act.

Continuation
of powers
of trustees.

8. Where a parish quoad sacra, or a parish quoad omnia, shall have been erected before the passing of this Act, and where prior to the date of such erection any person who was not before entitled to a benefice in the Church of Scotland, or to the office of head, principal, or master in any of the universities of Saint Andrews, Glasgow, Edinburgh, or Aberdeen, shall have acted as officiating

First
ministers
of parishes
quoad sacra
and quoad
omnia not
enrolled as
contributors,

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to be so
entitled.

minister of or at a chapel or other place of worship within or adjacent to the district so erected, without being then possessed of a benefice in the Church of Scotland in respect of so acting, and subsequently to such erection, and before the passing of this Act, shall have acted as minister of such erected parish, and been recognised and received by the presbytery within whose bounds such parish was situated as the first minister thereof, it shall be competent to such person if, at the passing of this Act, he shall not already have been enrolled or placed upon the books of the fund as a contributor, and whether or not he shall, at the passing of this Act, be still acting as minister of such parish, to sign a writing addressed to the trustees, and deliver the same, or cause the same to be delivered, at the office of the collector in Edinburgh within twelve months from and after the passing of this Act, intimating that he claims to be a contributor, and choosing one or other of the four following annual rates payable by contributors, as the annual rate to the payment of which he is to be liable—that is to say, one or other of the annual rates of three pounds three shillings, four pounds fourteen shillings and sixpence, six pounds six shillings, or seven pounds seventeen shillings and sixpence, and also setting forth whether he was forty years of age or under that age on the day next after the date of the erection of the parish of which he shall have been recognised and received as the first minister by the presbytery of the bounds as aforesaid, and also whether he was then married, or was a bachelor, or a widower with or without a child or children, and if he shall have been married subsequently, the said writing shall set forth the date of such marriage, or if more than one, the dates of such marriages, and the said writing may be in the form, or as nearly as may be in the form, of the Schedule (B) hereto annexed; and such person, on so signing and delivering or causing to be delivered such writing in manner before mentioned, shall be deemed to have become bound and entitled to be a contributor as from and after the date of the erection of the parish quoad sacra, or parish quoad omnia, of which he shall have been recognised and received as the first minister as aforesaid, and to have become subject and liable during his life, from and after the said date of erection, in payment of the annual rate to be chosen by him in manner aforesaid, and of all other sums of money exigible from him as a contributor, with interest at the rate of five per centum per annum, (excepting where the rate is restricted to four per centum per annum, as hereinafter provided) from the eleventh day after the respective terms of payment thereof during the not payment, and after his death his heirs and executors, and those

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who shall have right to the ann where the ann is by law competent, shall be liable in payment of all sums exigible from them respectively, and his widow and children shall be entitled to the benefit of the fund, in terms of the provisions, and subject to the conditions and declarations, of the recited Acts, in like manner as if he had, on the day next after the date of the erection of the parish quoad sacra, or parish quoad omnia, of which he shall have been recognised and received as the first minister as aforesaid, been duly admitted to the pastoral cure and benefice of such parish, and had thereafter duly chosen or elected, in terms of the recited Acts, to be liable during his life in payment, as a contributor, of an annual rate of the same amount as the annual rate which may be chosen by him as aforesaid under this Act: Provided always, that if any person entitled by virtue of this section to claim to be a contributor shall fail to intimate such claim and to choose an annual rate within the time and in the manner hereinbefore provided, or if, having so intimated such claim and chosen an annual rate, he shall not, within six months after doing so, make payment to the collector of the amounts or arrears of such annual rate, and all other sums payable by him as a contributor, from the date of erection of the parish of which he shall have been recognised and received as the first minister as aforesaid, to the date of making payment of such arrears, with interest thereon at the rate of four per centum per annum from the eleventh day after the respective terms of payment thereof until payment of the same, he shall ipso facto forfeit all right to be a contributor under or in virtue of this Act or otherwise, and shall not be bound or entitled to be a contributor in respect of his ordination, admission, or appointment, either before or after the passing of this Act, to any benefice in the Church of Scotland, or to the office of head, principal, or master in any of the universities aforesaid, and neither his widow nor his children shall be entitled to claim or to receive any benefit from the fund after his death.

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9. Where a parish quoad sacra, or a parish quoad omnia, shall have been erected before the passing of this Act, and where prior to the date of such erection any person shall have acted as officiating minister of or at a chapel or other place of worship within or adjacent to the district so erected, without being then possessed of a benefice in the Church of Scotland in respect of so acting, and shall, subsequently to such erection, have acted as minister of such erected parish, and been recognised and received by the presbytery within whose bounds such parish was situated as the first minister thereof, and shall afterwards, and before the passing of

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A.D. 1890. — this Act, have been translated or admitted to another parish or benefice in the Church of Scotland, either as minister thereof or as assistant and successor to the minister thereof, or have been admitted or appointed to the office of head, principal, or master in any of the universities aforesaid, and shall, before the passing of this Act, and in respect of such translation, admission, or appointment, or of having come to the full enjoyment of his benefice after being so translated, have been enrolled or placed for the first time upon the books of the fund as a contributor, such person shall be deemed to have been legally entitled and bound in terms of the recited Acts to be so enrolled and to become a contributor in respect of such translation, admission, or appointment, or of having come to the full enjoyment of his benefice, in like manner as if he had not before been entitled to a benefice in the said church, or to the office of head, principal, or master in any of the universities aforesaid, and he shall be deemed not to have been previously bound or entitled to be a contributor in respect of having acted and been recognised and received as the first minister of a parish quoad sacra, or parish quoad omnia, as aforesaid.

Annuities to widows of first ministers of parishes quoad sacra or quoad omnia who have died prior to Act without being enrolled as contributors.

10. Where a parish quoad sacra, or a parish quoad omnia, shall have been erected before the passing of this Act, and where prior to the date of such erection any person who was not before entitled to a benefice in the Church of Scotland, or to the office of head, principal, or master in any of the said universities, shall have acted as officiating minister of or at a chapel or other place of worship within or adjacent to the district so erected, without being then possessed of a benefice in the Church of Scotland in respect of so acting, and, subsequently to such erection, shall have acted as minister of such erected parish, and been recognised and received by the presbytery within whose bounds such parish was situated as the first minister thereof, and shall, without having ever been enrolled or placed upon the books of the fund as a contributor, have died before the passing of this Act leaving a widow, such widow shall be held to have become entitled after her husband's death to payment of an annuity from the fund corresponding to the annual rate of four pounds fourteen shillings and sixpence, under the conditions and declarations applicable thereto contained in the recited Acts, in like manner as if her husband had, on the day next after the date of the erection of the parish quoad sacra, or parish quoad omnia, of which he shall have been recognised and received as the first minister as aforesaid, been duly admitted to the pastoral cure and benefice of such parish, and had, after such admission, elected, in terms of the recited Acts, to be subject and liable in payment,

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as a contributor, of the annual rate of four pounds fourteen shillings and sixpence: Provided always that no arrears or portions of such annuity shall be payable to such widow for any period preceding the passing of this Act, excepting such portions thereof, if any, as may be applicable to or have accrued during the period of five years ending at noon of the twenty-sixth day of May, or of the twenty-second day of November, which shall have occurred next before the passing of this Act: Provided also, that from the said annuity there shall be deducted such sums of money as shall be equal to the annual rates, and whole other sums which, in terms of the recited Acts, would have been payable to the fund by the husband of such widow during his life as a contributor, and by his heirs and executors after his death, if he had, on the day next after the date of the erection of the parish of which he shall have been recognised and received as the first minister by the presbytery of the bounds as aforesaid, been duly admitted to the pastoral cure and benefice of such parish, and had thereafter, in terms of the recited Acts, elected to be subject and liable during his life in payment, as a contributor, of the annual rate of four pounds fourteen shillings and sixpence, and there shall also be deducted from the said annuity such sum as shall be equal to a half of the said annual rate which would in the event aforesaid have been payable after the husband's death, out of the ann if the ann was competent, or by his heirs and executors if no ann was competent, and such sum also as shall be equal to interest at the rate of four per centum per annum upon the said annual rates and other sums from the eleventh day after the respective terms when the same would, in the event aforesaid, have been payable in terms of the recited Acts, until the said sums equal to such annual rates and other sums are paid or extinguished by the application in payment or extinction thereof of the said annuity, and such sums equal to the said annual rates and other sums of money and interest thereof shall form a preferable charge upon the said annuity and arrears thereof, and shall be deducted therefrom every year till the said sums equal to the said annual rates and other sums of money and interest are fully paid or extinguished: Provided also, that in ascertaining the amount of such deductions to be made from the annuity, there shall be taken into computation such arrears or portions (if any) of the annuity as may be applicable to or have accrued during any period which may have elapsed between the date of the death of the husband of the widow, and the commencement of the before-mentioned period of five years, so as that such arrears or portions of annuity, although not payable to the widow, shall be applied towards extinction pro tanto of the said sums equal to the annual

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A.D. 1890. rates and other sums of money and interest thereof forming deductions from the annuity as hereinbefore provided: Provided also, that the annuity by this section secured to a widow in respect of her husband's death, subject as hereinbefore provided, shall be the only annuity which can be legally claimed from the fund by her in respect of the death of such husband.

Children under sixteen entitled to reversion of annuities in certain events.

11. If such widow shall have died or married, or shall die or marry, before the elapse of ten years from the time when her annuity is held to have commenced, as hereinbefore provided, and her former husband shall have left a child or children who, at her death or marriage, were or shall be under the age of sixteen years, such child or children shall be entitled to the like sum of money, or reversion of annuity, as by the twentieth and twenty-second sections of the Act of 1779, is declared to be payable to children under sixteen years of age whose father's widow should happen to die or marry before the elapse of ten years from the commencement of her annuity: Provided always, that in computing such reversion of annuity, it shall be assumed that the widow, prior to the date of her death or marriage had received payment of the annuity applicable to the whole period which may have elapsed between the date of her former husband's death and the date of her death or marriage as aforesaid, although by this Act she will not be entitled to actual payment of arrears of the annuity applicable to the period between the date of her husband's death and the passing of this Act to any larger extent than five years of the annuity: Provided also, that if the death or marriage of such widow shall have happened upwards of five years prior to noon of the twenty-second day of November immediately preceding the passing of this Act, the said children under sixteen years of age shall not be entitled to any sum of money or reversion of annuity: Provided also, that from such sum of money or reversion of annuity payable to a child or children under sixteen years of age, there shall be deducted the sums equal to the annual rates and other sums of money and interest thereon hereinbefore directed to be deducted from the annuity payable to the widow in so far as such sums equal to the annual rates and other sums of money and interest may be remaining unpaid or unextinguished, after applying towards payment or extinction thereof the widow's annuity, as hereinbefore provided: Provided also, that if and in so far as the sums equal to the annual rates and other sums and interest thereof hereinbefore appointed to be deducted from a widow's annuity and arrears thereof, and from the reversion of an annuity, where such reversion has or shall become payable, shall not be fully paid or extinguished by the

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application in extinction thereof of such annuity and arrears thereof and reversion of annuity, then such annual rates and other sums and interest in so far as the sums equal thereto may not be so paid or extinguished, shall be held not to have been incurred or to have become due to the fund.

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12. Where a parish quoad sacra, or a parish quoad omnia, shall have been erected before the passing of this Act, and where prior to the date of such erection any person who was not before entitled to a benefice in the Church of Scotland, or to the office of head, principal, or master in any of the said universities, shall have acted as officiating minister of or at a chapel or other place of worship within or adjacent to the district so erected, without being then possessed of a benefice in the Church of Scotland in respect of so acting, and shall, subsequently to such erection, have acted as minister of such parish, and been recognised and received by the presbytery within whose bounds such parish was situated as the first minister thereof, and shall, without having ever been enrolled or placed upon the books of the fund as a contributor, have died before the passing of this Act, not leaving a widow, but one or more children, such child or children shall be held to have become entitled, after their father's death, to payment of such and the like provisions or sums of money as would have become due and been payable to them in terms of the recited Acts if their father had, on the day next after the date of the erection of the parish quoad sacra, or parish quoad omnia, of which he shall have been recognised and received as the first minister by the presbytery of the bounds as aforesaid, been duly admitted to the pastoral cure and benefice of such parish, and had, after such admission, elected in terms of the recited Acts to be liable as a contributor in payment of the annual rate of four pounds fourteen shillings and sixpence: Provided always, that if their father shall have died upwards of five years prior to noon of the twenty-second day of November immediately preceding the passing of this Act, no part of the said provisions or sums of money shall be payable to the said child or children other than such part (if any) of annuities payable to those of them under eighteen years of age, as may be applicable to or have accrued during the period of five years ending at noon of the twenty-sixth day of May or of the twenty-second day of November, which shall have occurred next before the passing of this Act, or as may accrue thereafter: Provided also, that from the said provisions or sums there shall be deducted such sums as shall be equal to the annual rates and whole other sums of money which, in terms of the recited Acts, would have been payable to the fund by the father of

Children of first ministers of parishes quoad sacra or quoad omnia who have died prior to Act not enrolled as contributors entitled to provisions.

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the said child or children as a contributor during his life, and by his heirs and executors after his death, and by the persons entitled to the ann when the ann is competent, if their father had, on the day next after the date of erection of the parish of which he shall have been recognised and received as the first minister by the presbytery of the bounds, as aforesaid, been duly admitted to the pastoral cure and benefice thereof, and had thereafter in terms of the recited Acts elected to be liable during his life in payment as a contributor, of the annual rate of four pounds fourteen shillings and sixpence, and from the said provisions or sums payable to the said child or children deduction shall also be made of such sum as shall be equal to interest at the rate of four per centum per annum upon the said several annual rates and other sums from the eleventh day after the respective terms when the same would have become payable in terms of the recited Acts, as aforesaid, until the sums equal thereto shall be extinguished by the application in payment and extinction thereof of the provisions or sums of money to which the child or children may be entitled as hereinbefore provided, and the said sums equal to the said annual rates and other sums of money and interest thereon shall form a preferable charge upon the said provisions or sums of money payable to the said child or children: Provided also, that in ascertaining the amount of such deductions to be made from the provisions and other sums to which such child or children may be entitled, there shall be taken into computation such portion (if any) of the provisions and other sums as may not be payable to such child or children by reason of their father having died upwards of five years prior to noon of the twenty-second day of November immediately preceding the passing of this Act, and so as that such portion of the provisions, although not payable to the child or children, shall be imputed towards extinction pro tanto of the said sums equal to the annual rates and other sums of money and interest forming deductions from the provisions and other sums payable to the said child or children: Provided also, that if the provisions or sums of money payable to a child or children under this section shall be insufficient to meet or extinguish in full the sums equal to the annual rates and other sums and interest thereof hereby appointed to be deducted therefrom, such annual rates and other sums and interest thereof in so far as the sums equal thereto may not be so extinguished shall be held not to have become payable to the fund: Provided also, that the provisions and other sums by this section secured to a child or children in respect of their father's death without leaving a widow, subject as hereinbefore provided, shall be

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the only provisions and sums which they or their executors can legally claim from the fund. A.D. 1890.

13. The trustees shall, at their stated meeting to be held on the third Tuesday of March which shall first occur after the elapse of three months from the passing of this Act, when making up the lists appointed by the recited Acts to be then made up of widows and children entitled to annuities and provisions, include in such lists all the widows and children who, so far as may then have come to the knowledge of the trustees, are by this Act entitled to annuities and provisions, and include in such lists the amounts of such last-mentioned annuities and provisions so far as the same may then be due in terms of this Act, but without any additions of interest thereto, and which amounts of such annuities and provisions, subject always to deduction therefrom respectively of the sums of money and interest herein-before appointed to be deducted therefrom, shall be payable to the widows and children respectively entitled thereto, or to their executors if they shall have previously died, at the same terms, in the like manner, and under the same conditions, as the other annuities and provisions which may be included in the said lists shall be respectively payable; and if any error or omission shall be made in stating in such lists the amounts of the several annuities and provisions which previously to the making up of the said lists shall be due in terms of this Act, the trustees may rectify such error or omission at their stated meeting, to be held on the third Tuesday of May immediately following the meeting at which the said lists were made up; and it shall also be competent to rectify any such error or omission in the lists of widows and children entitled to annuities and provisions to be made up in subsequent years.

Trustees shall include annuities and provisions becoming due in future lists.

14. Where a first minister of a parish quoad sacra, or a parish quoad omnia, who had never been enrolled or placed upon the books of the fund as a contributor, and who, if he had been alive at the passing of this Act, might have been entitled to claim to be a contributor by virtue of this Act, shall have died before the passing of this Act not leaving a widow or a child or children, he shall be deemed not to have been bound or entitled to be a contributor.

First ministers of parishes quoad sacra or quoad omnia dying before Act without being enrolled, and without leaving widows or children, not to be contributors.

15. In every case where a parish quoad sacra or parish quoad omnia shall be erected after the passing of this Act, and where previously to the date of such erection any person shall have acted as officiating minister of or at a chapel or other place of worship within or adjacent to the district so erected, without being then possessed of a benefice in the Church of Scotland in respect of so

Date of admission after Act of certain first ministers of parishes quoad sacra or quoad omnia.

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A.D. 1890. acting, and shall from and after such date act as minister of such parish, and be recognised and received by the presbytery within whose bounds the same is situate as the first minister thereof, he shall, for the purposes of the recited Acts, be deemed to have been duly admitted to the pastoral cure and benefice of such parish on the day next after the date of the erection thereof.

Terms of vesting of stipends for purposes of Acts.

16. For the purposes of the recited Acts and this Act it shall be deemed that the parochial stipend or benefice of the first minister of a parish quoad sacra or quoad omnia vests and is due by equal moieties on the fifteenth day of May and the twenty-ninth day of September, in each year, and where by the terms of this Act he is to be deemed as having been admitted to his benefice on the day next after the date of erection of such parish, he shall for the purposes aforesaid be held to have had or to have right to such benefice for one half-year at the first of such dates of the fifteenth day of May and the twenty-ninth day of September happening next after the date of such erection, and in every other case he shall be deemed to have right to his benefice for one half-year at the first of such dates of the fifteenth day of May and the twenty-ninth day of September happening next after the date of his admission to such benefice.

Investment of fund.

17. The trustees may from time to time lay out and invest the moneys of the fund, or so much thereof as may not be required for payment of the annuities, provisions, and other sums chargeable thereon—

(Firstly) On any of the investments or securities specified in the recited Acts, or in the Trusts (Scotland) Amendment Act, 1884; or

(Secondly) On any investments or securities whatsoever which shall be authorised by a resolution of the trustees, passed in manner hereinafter mentioned, and in force for the time being; with power also to the trustees to call up the sums lent out by them, and to sell the stock or property purchased by them, at any time as they shall deem expedient in the discharge of their trust, and to reinvest in like manner from time to time the proceeds or what part thereof may not be wanted for carrying into effect the purposes of the trust; and all bonds, mortgages, conveyances, dispositions in security, and other deeds, writings and securities granted for or in reference to such loans and investments shall be conceived and taken to and in favour of the trustees under their corporate name, except in the case of stocks or securities where it is required that the same shall be taken in name of individuals, in which case such stocks or securities shall be vested in the names

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of four of the trustees, to be nominated by the trustees for the purpose, and such nominees shall grant such declarations of trust or obligations as to the trustees shall seem necessary for effectually binding the nominees to hold such stocks or securities, and the interest, dividends, and profits thereof, from time to time, subject to the control of the trustees in regard to the purchasing, selling and transferring, of such stocks and securities, and receiving and accounting for, and paying over the interest, dividends, and profits thereof. A.D. 1890.

For the purposes of this section a resolution of the trustees shall mean a resolution passed at a general meeting of the trustees, called by the ordinary and stated trustees in accordance with the provisions of section forty-three of the Act of 1779, and confirmed at another general meeting of the trustees called in like manner, such second general meeting being held not less than twenty-one days, and not more than forty days after the first general meeting. At such meetings any nine of the trustees, of whom six shall be ministers of the Church of Scotland, shall be deemed to be a legal quorum, and they shall have power to choose one of their number to be preses.

18. All the costs, charges, and expenses of and incident to the preparing for, obtaining, and passing, of this Act, or otherwise in relation thereto, shall be paid by the collector out of the first and readiest of the funds created under the Act of 1814, at the sight and by the direction of the trustees, who may give him credit for the same at the first or any subsequent clearance of his accounts after the passing of this Act. Expenses of Act.

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SCHEDULES referred to in the preceding Act.

SCHEDULE (A).

Reign and Chapter.	Title.	Extent of Repeal.
19 Geo. III. c. 20 (Pub. Gen.)	"The Church of Scotland " Ministers' Widows' Fund " Act, 1779."	Section forty-one from the words "at interest" to the words "time being"; and section forty-two.
54 Geo. III. c. clxix.	"The Church of Scotland " Ministers' Widows' Fund " Act, 1814."	Section sixteen, from the words "with the advice" to the words "three of them."

SCHEDULE (B).

I, A.B. [insert name and designation], who, prior to the date of the erection of the parish quoad sacra [or parish quoad omnia as the case may be] of [insert name of parish], was acting and officiating as minister at a chapel or other place of worship within or adjacent to the district so erected, and who, after the date of the erection of the said parish, was duly recognised and received by the presbytery within whose bounds the said parish was situated as the first minister thereof, and who on the day next after the date of the said erection was under [or above, as the case may be] the age of forty years, and married [or a bachelor, or a widower with or without a child or children, as the case may be; and if married since the day next after such date of erection, here set forth the date or dates of such marriage or marriages], do hereby give notice to the trustees of the Church of Scotland Ministers' Widows' Fund that I claim to be a contributor to the fund established and regulated by the Church of Scotland Ministers' Widows' Fund Acts, 1779 to 1890, and that I make choice of, and do subject myself to, the annual rate of [here insert in words one or other of the annual rates of three pounds three shillings, four pounds fourteen shillings and sixpence, six pounds six shillings, or seven pounds seventeen shillings and sixpence]. In witness whereof I have subscribed these presents at [insert place] the [insert date of signature].
[To be signed by the person giving the notice and making the claim].

Printed by EYRE and SPOTTISWOODE,

FOR

T. DIGBY FIGOTT, Esq., the Queen's Printer of Acts of Parliament.

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