CHAPTER cl.

An Act for regulating the Society of Solicitors before the Courts of the Commissary the Sheriff and City of Edinburgh commonly called the Society of Solicitors at Law for making provision for the present and contingent liabilities thereof for the distribution of the Funds and the ultimate dissolution of the Society and for other relative purposes. [14th July 1884.] A.D. 1884.

WHEREAS previous to the granting of the Royal Charter hereinafter mentioned the members of the Society of Solicitors before the Courts of the Commissary the Sheriff and City of Edinburgh were united for amongst other things promoting a fund for aiding their poor members wives and children whose indigent condition might call for assistance and the members of the said Society enjoyed the exclusive privilege of acting as Solicitors before the said Courts and had raised a fund for the purposes before mentioned:

Royal Charter 1780.

And whereas by Royal Charter granted by His Majesty King George the Third in the twenty-first year of his reign and dated the twelfth day of April one thousand seven hundred and eighty and written to the seal and registered the twenty-eighth day of April one thousand seven hundred and eighty and sealed the first day of May one thousand seven hundred and eighty (hereinafter called the Royal Charter) the said Society was incorporated by the name and title of the Society of Solicitors before the Courts of the Commissary the Sheriff and City of Edinburgh (commonly called the Society of Solicitors at Law and hereinafter called "the Society") for the better and more effectually governing directing ordering and deciding in all business and affairs affecting the Society and the funds belonging to the same and by virtue of that Charter the members of the Society continued to exercise and enjoy the exclusive privilege of practice before the foresaid courts until the passing of the Act hereinafter mentioned:

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36 & 37 Vict. c. 63.

And whereas by virtue of a Public General Act passed in the session of Parliament held in the thirty-sixth and thirty-seventh years of the reign of Her present Majesty intituled "An Act to amend the law relating to Law Agents practising in Scotland" (hereinafter called "the Act of 1873") the exclusive privilege of practice exercised and enjoyed by the Society as aforesaid was abrogated but the Society were empowered to admit any enrolled law agent to be a member of their body on such terms as they might see fit and since the passing of that Act the Society have continued to exist as such for the purpose only of administering the funds belonging to them:

And whereas the office bearers of the Society are elected annually and have the management of the affairs of the Society and the treasurer has the management of the funds and property of the Society subject to the general approval of the Society as provided in the said Charter and the rules and regulations passed from time to time in conformity therewith:

And whereas in pursuance of the powers granted to them by the said Charter the Society have from time to time made laws and regulations for the management and distribution of their funds and by the regulations now in force certain sums are payable on the admission of members of the Society and on the death of a member his widow is entitled on complying with certain conditions to be admitted to the roll of annuitants without any further payment being required the annuity at present to widows being thirty-five pounds per annum payable during widowhood by half-yearly portions in advance at Whitsunday and Martinmas and the annuities are declared to be purely alimentary and in the event of a member dying without leaving a widow but leaving a child or children under sixteen years of age or the widow of a member dying leaving a child or children by such member under sixteen years of age the Society may pay to such child or children as they may think fit towards their aliment clothing and education provided they be three or more in number an annuity of the same amount as that payable to a widow and in case of only two children an annuity of twenty pounds and in case of only one child an annuity of fifteen pounds until they respectively attain the age of sixteen years complete:

And whereas at the time of the passing of the Act of 1873 there were twenty-three members of the Society but the number of such members was reduced so that on the first day of January one thousand eight hundred and eighty-four the number of members was fourteen of whom twelve are married:

And whereas since the last-mentioned date several persons have

applied for admission and have been admitted members of the Society and it is expedient that all other persons who have applied or who may on or before the expiry of twelve months after the passing of this Act apply to be admitted members should on complying with the rules of the Society and paying the dues thereby exigible be admitted members of the Society and that after the expiry of the said period of twelve months no other person should be entitled to claim admission to the Society:

And whereas the funds and property of the Society are at present estimated at the value of nineteen thousand pounds or thereby and are invested in heritable and real estate and in securities over heritable or real estate and in mortgages and debentures of incorporated companies and there are now fifteen widows of deceased members entitled to annuities out of such funds and property:

And whereas there are no children entitled to any such annuity:

And whereas in consequence of the abrogation of the exclusive privilege of practice formerly enjoyed by the members of the Society and of the reduced number of such members it is expedient to make provision for the distribution and disposal of the funds and property of the Society having an equitable regard to the rights of the widows of deceased and of presently surviving and future members of the Society and with that view that arrangements should be made with one or more Insurance Offices whereby in consideration of the payment of a sufficient sum of money out of the funds and property of the Society such Insurance Office or Offices should undertake to pay to such widows the annuities or yearly sums to which they are entitled or may be entitled and for the distribution among the members of the ultimate balance of such funds and property:

And whereas it is expedient that the affairs of the Society should be ultimately wound up and the Society dissolved but the purposes of this Act 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. This Act may be cited as the Society of Solicitors at Law of Edinburgh Act 1884. Short title.

2. In this Act unless there be something in the context inconsistent therewith the expression "the treasurer" means the Definition.

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treasurer of the Society in office at the time of the passing of this Act and his successors in office duly elected in terms of the regulations for the time being of the Society and the expression "the Court of Session" means the Inner House in either Division of that Court.

Period within which persons entitled to apply for admission.

3. The Society shall admit as members all persons who have applied or who may on or before the expiry of twelve months after the passing of this Act apply for admission and who shall comply with the rules of the Society and shall pay the dues thereby exigible and all such persons when admitted shall for the purposes of this Act be deemed to be members of the Society as at the date of the passing of this Act but no person shall be entitled to apply for admission as a member of the Society after the expiry of the said period of twelve months after the passing of this Act.

Funds and property of Society managed by Treasurer.

4. Subject to the other provisions of this Act the treasurer of the Society shall from and after the passing of this Act have the management of the funds and property of the Society for the purposes of this Act and shall have power with the approval of the Society to be signified at a meeting to be held as hereinafter provided to use the seal of the Society when necessary in the execution of this Act and with the like approval shall for such purposes have power to realise sell and convert into money and to recover all or any part of the real or personal property stocks securities and debts belonging or owing to the Society and to make any necessary dispositions transfers or assignments thereof and to apply the proceeds of the realisation sale conversion and recovery of such property stocks securities and debts to the purposes and in accordance with the provisions of this Act.

Meetings of Society.

Quorum.

5. The Society shall hold meetings of their body from time to time as occasion shall require and the preses of the Society whom failing the senior member of the Committee of Advice present or such member as may be specially elected shall preside at such meetings and five shall form a quorum At such meetings all questions shall be decided by the majority of the members present except as in this Act otherwise specially provided and if necessary the presiding officer shall have a casting vote in addition to his deliberative vote.

Annuities to widows.

6. The Society shall pay to each widow of a deceased member and also on the death of each present or future member to the widow of such member an annuity of thirty-five pounds until Whitsunday 1885 and at and after Whitsunday 1885 an annuity of forty-five pounds payable at the same times and in the same manner as is

provided for under the regulations o the Society in force at the passing of this Act until a contract or contracts for the payment of each such annuity shall have been entered into under the provisions of this Act.

Contract for purchase of annuities for widow.

7. The Society shall as soon as may be practicable and expedient and in no case later than five years after the passing of this Act negotiate for and enter into a contract or contracts with any one or more of the following Insurance Offices namely the Scottish Widows' Fund and Life Assurance Society the Scottish Provident Institution the Scottish Union and National Insurance Company the Scottish Equitable Life Assurance Society the Standard Life Assurance Company the Caledonian Insurance Company and the North British and Mercantile Insurance Company whereby in consideration of the payment of such sum or sums of money as may be agreed upon out of the funds and property of the Society or the proceeds of the realisation sale conversion or recovery thereof such Insurance Office or Offices (hereinafter referred to as the Insurance Offices) shall undertake and become bound to pay to the widows of deceased members and also on the death of each present or future member to pay to his widow the respective annuities hereinbefore provided to be paid by the Society at the same times and in the same manner as is provided for under the regulations of the Society in force at the passing of this Act and as if such contract or contracts had not been entered into but upon such contract or contracts being entered into the Society and its office bearers members and funds shall be relieved of all responsibility for the payment of the said annuities so far as such payment shall be provided for by such contract or contracts.

Annuities to be alimentary and not liable to arrestment.

8. The annuities payable by the Insurance Offices with whom a contract or contracts shall have been entered into under the provisions of this Act shall be incapable of sale assignment or transference in whole or in part by the widows actual or contingent entitled or who may become entitled thereto and shall not be subject to arrestment or other diligence at the instance of their creditors or the creditors of their husbands but shall be purely alimentary and shall be paid notwithstanding any such sale assignment transference arrestment or diligence to the widows respectively entitled thereto for their own use exclusively and the receipts of such widows entitled to any annuity shall be a good and effectual discharge to the Insurance Offices paying the same.

Proceedings for recovery of annuities.

9. The widows entitled to any annuities may respectively if such annuities or any of them or any part thereof are at any time

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not paid when due institute and follow out such legal proceedings against the Society or the Insurance Offices liable to pay the same as may be necessary for securing and recovering the amount due to them respectively.

Residue of funds and property of Society to be divided among members

10. When a contract or contracts shall have been entered into with the Insurance Offices for payment of the whole of the said annuities any portion of the funds and property of the Society or of the proceeds of the realisation sale conversion or recovery thereof which shall remain after payment to the Insurance Offices of the consideration money under any such contract or contracts and after payment of the costs of obtaining this Act as provided by the last section of this Act and deducting the expenses incurred by the Society or the treasurer in carrying this Act into execution shall become a vested interest in the persons who are members of the Society at the first day of August 1884 and in those persons who may subsequently be admitted members pursuant to the provisions of this Act and in the legal personal representatives of such persons respectively for their own use and benefit and shall be apportioned among them in such way and manner and in such proportions as may be unanimously agreed upon by the members of the Society present at a special meeting of the Society duly convened with notice of this object of the meeting and failing such agreement in such equitable way and manner as shall be fixed by a person or persons to be appointed by not less than three-fourths of the members of the Society and failing such appointment by a person or persons to be appointed by the Lord Advocate of Scotland for the time being or in the event of his declining to appoint by a person or persons to be appointed by the Court of Session on the application of any one or more members of the Society and in the event of the person or persons or any of them so to be appointed as aforesaid dying resigning or becoming incapacitated before the completion of his duties the Society or the Lord Advocate or the Court of Session as the case may be shall appoint another person or persons in the place of such person or persons so dying resigning or becoming incapacitated and so from time to time as occasion may require and the decision of the person or persons so appointed shall be final and conclusive against all parties and shall not be subject to review in any court of law or otherwise and the treasurer shall as soon as practicable pay the sums so apportioned to the members of the Society or to the personal representatives of such members who may have died between the time of vesting hereinbefore mentioned and the payment of the money apportioned to such members and in the

event of any member declining or failing to accept the sum apportioned to him the treasurer shall consign the amount apportioned to such member in the name and for the behoof of such member in a Bank incorporated by Royal Charter or Act of Parliament and upon such payments or consignations being made the treasurer is hereby exonered and discharged of his whole actings and intromissions with the funds of the Society and thereupon the office and duties of the treasurer shall determine and the said Royal Charter and laws and regulations of the Society shall cease to be in force and the Society shall by virtue of this Act be for all purposes dissolved Provided always that nothing in this Act contained shall affect the right and privilege of any member of the Society to continue to use the style or title of Solicitor at Law or the initials S. L.

Regulations of Society continued.

11. The Royal Charter and all the laws or regulations of the Society now in force shall subject to the provisions of this Act and except so far as such Royal Charter laws or regulations are altered by this Act continue and be in force until the Society is dissolved as by this Act provided or until (as regards such laws and regulations) the same are rescinded or other laws or regulations duly made in their stead by the Society which ever first happens.

Costs of Act.

12. All 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 Society out of the funds and property of the Society.

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