

Rules of the Deed in 1836, now reprinted with revisions, according to the votes of the Service, up to the end of the year 1858).

Contributors

Bengal Medical Retiring Fund.

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RULES

OF THE

BENGAL MEDICAL RETIRING FUND.

(Prepared originally in the form of a Deed in 1836, now reprinted with revisions, according to the votes of the Service, up to the end of the year 1858.)

TO ALL TO WHOM these presents shall come, the persons whose names are hereunder written respectively of the Medical Service of the Honorable East India Company, on their Bengal Establishment, send Greeting. WHEREAS in the year of our Lord 1833, certain Members of the said Medical Service of the said Honorable East India Company, for the purpose of establishing a fund sufficient to provide Annuities for the Senior Officers of the said Medical Service, and to enable them to retire sooner than they could previously have done from, and to accelerate promotion in the said Service, formed themselves into a Society and instituted a Fund by Subscriptions: and also made certain Regulations for the management and conducting of the said Society, which were printed, but no Deed was ever executed by the Subscribers to the said Fund: AND WHEREAS for the purposes of carrying into effect the intentions of the Subscribers to the said Fund, the persons whose names are hereunder written, being Members of the said Medical Service and Subscribers to the said Fund, have obtained the sanction of the Honorable Court of Directors, and have also agreed to become parties to, and execute these presents, as hereinafter is expressed and contained: NOW THEREFORE KNOW YE and these presents WITNESS, that for the purpose of providing

Annuities for the Senior Officers of the said Medical Service of the said Honorable East India Company on their said Bengal Establishment, who are Subscribers to the said Fund, and to enable the said Senior Medical Officers to retire sooner than they could previously have done from, and to accelerate promotion in, the said Medical Service, and for the better management of the said Society, the persons whose names are hereunder written, respectively of the said Medical Service, do, and each and every of them doth, covenant, promise, declare, and agree, with and to the others and other of them collectively and individually, in manner following, that is to say, That they the said parties whose names are hereunder written and each and every of them, each covenanting for himself respectively as aforesaid, shall and will observe, perform, abide by, conform to, fulfil, and keep, all and singular the several and respective Articles, Clauses, Provisos, Powers, Conditions, Declarations, Agreements, Matters, and Things whatsoever, hereinafter contained, expressed and declared, that is to say—

I. That the several persons parties to these presents, whose names are hereunder written, covenant and agree, in manner aforesaid, to be and remain Members of the said Society, and Subscribers to the said Fund.

NOTE.—All who entered the Service since 1835 are bound by their Covenants to subscribe to the Fund and abide by its Rules.

II. That the said Fund shall be called the “Bengal Medical Retiring Fund.”

III. (*Obsolete, see Appendix.*)

IV. That the Monthly Subscriptions to the said Fund shall be in the proportions, and after the manner following, that is to say, the Director General who is or may be a Subscriber to the said Fund, shall pay, or cause to be paid, the monthly sum of Co.'s Rs. 128— and such of the said Subscribers to the said Fund as are or may become Inspectors General and Superintending Surgeons, the monthly sum of Co.'s Rs. 85-5-4— and such as are or may become Surgeons, the monthly sum of Co.'s Rs. 29-13-10—Senior Assistant Surgeons of ten years' service, counting from date of commission, shall pay the monthly sum

of Co.'s Rs. 19-9—Assistant Surgeons under ten years and above two years' service, counting from date of arrival, shall pay the monthly sum of Co.'s Rs. 17-1—Assistant Surgeons under two years and above six months' service similarly reckoned, shall pay the monthly sum of Co.'s Rs. 10-10-8—and all remaining Assistant Surgeons the monthly sum of Co.'s Rs. 6-6-4—which said several monthly Subscriptions shall be paid and payable on or before the 12th day of each and every succeeding month.

NOTE.—The Director General while absent on Furlough shall pay Subscriptions at Co.'s Rs. 71-7-5 per mensem as the minimum rate, or Co.'s Rs. 141-13-0 as the maximum rate. Inspectors General and Superintending Surgeons similarly situated shall pay Co.'s Rs. 57-9-7 per mensem as the minimum, and Co.'s Rs. 114-2-1 as the maximum rate of Subscription. Subscribers acting in a higher grade of rank and drawing the emoluments of such grade, shall pay the higher rate of Subscription of that grade. When acting for an absentee and drawing half staff salary for six months, the locum tenens shall pay subscriptions proportioned to the increase of his allowances, and the absentee shall pay the difference to make up the full Subscription due from both grades.

V. That the said monthly Subscriptions may, with the sanction of the fourth Quarterly Meeting in every year to be held as hereinafter mentioned, be enlarged to, but shall never exceed, the proportions and rates following, that is to say the Director General the monthly sum of Co.'s Rs. 256—each Inspector General and Superintending Surgeon the monthly sum of Co.'s Rs. 170-10-8—each of the Surgeons the monthly sum of Co.'s Rs. 59-11-8—each first class Assistant Surgeon the monthly sum of Co.'s Rs. 36-10—the second class Assistant Surgeons, each the monthly sum of Company's Rs. 34-2-1—the third class Assistant Surgeons the monthly sum of Co.'s Rs. 21-5-4—and the remaining Assistant Surgeons each the monthly sum of Co.'s Rs. 12-12-9—payable on or before the 12th day of each and every succeeding month as aforesaid. Provided always, and it is hereby declared and agreed, that the Committee of Management, at the fourth Quarterly Meeting of each and every year, to be held as hereinafter mentioned, shall lay before the said Meeting a Statement of the probable expenditure for the year beginning from the 1st day of

VIII. That, in the event of any Subscriber permitting his Subscriptions or Payments to fall in arrear, unless occasioned by absence on Furlough or otherwise from India, such arrears of Subscriptions shall be paid up within six Calendar months after they shall so become payable, and at the expiration of that period, and after due notice being given to the Subscriber whose Subscriptions or Payments may so fall in arrear, of such arrears being due and payable, and in the event of the said Subscriber still refusing or neglecting to pay up the said arrears, Interest shall be charged upon the said arrears after the rate of Eight per Cent. per Annum, to be computed from the day on which the said arrears shall so fall due; and in case the said arrears, together with Interest as last aforesaid, shall not be paid off and satisfied, or satisfactory security shall not be given for the due payment thereof on or before the expiration of Twelve Calendar Months after the said arrears shall so fall due, the Committee of Management shall submit the circumstances of such case to the Subscribers to the said Fund, as to whether such Subscriber, so allowing his Subscription to fall in arrear, shall be thereafter considered as a Subscriber to the said Fund, and in case it shall be decided by a majority of the Subscribers, that he shall not be longer considered as a Subscriber, his previous Subscriptions and Payments shall be forfeited to the said Fund.

IX. That if any Subscriber shall, while absent on Furlough, or otherwise absent from India, permit his Subscriptions to fall in arrear, such Subscriber, unless he shall sooner pay off the same, shall pay the said arrears by monthly instalments, together with Interest thereon, at the rate of Six per Cent. per Annum, such interest to be computed from the expiration of three Calendar months after the return of the said Subscriber to India, and the instalments in no case to be less than twice the said Subscriber's Monthly Subscription. And that a Life Insurance shall be effected by him in favour of the Fund to the extent of the sum due, and if he neglect or delay to furnish the said Life Policy, the charge of interest shall be at 12 per Cent. per Annum.

X. That in case any Subscriber shall be suspended from the said Service, such Subscriber shall not, from and after the date of his suspension, be considered a Subscriber to the said Fund, nor entitled to any benefit from it; nor to receive back the whole, or any part of the sums of money which he may have subscribed. And in case of his final dismissal from the said Service, he shall, from the date of such dismissal, cease to be a Member of the said Society, and to have any interest in the said Fund; but shall forfeit to the said Society whatever Subscriptions, Payments, and sums of Money he may have paid into the said Fund, previously to his dismissal as aforesaid. Provided always, and if any Subscriber so suspended or dismissed as last aforesaid, shall be afterwards restored to the said Service, he shall again be a Member of the said Society and a Subscriber to the said Fund, and shall have the same interest and benefit in the said Fund as if he had not been suspended or dismissed as aforesaid, upon the said Subscriber paying up all arrears of Subscriptions and Payments, which may be due at the time of, and which may become payable after his suspension or dismissal, with interest thereon after the rate of Six per Cent. per Annum.

XI. That at no time shall the Secretary to the said Society, to be appointed as hereinafter is mentioned, retain in his possession a larger sum of the said funds of the said Society than Sa. Rs. 1,000; but when and as soon as any of the funds of the said Society shall accumulate in his hands to that sum, he shall immediately pay over the same to the Sub-Treasurer of the said Hon'ble East India Company; or to such other person, or persons, as may be legally authorized to receive the same as aforesaid, to be placed to the credit of the said Society.

NOTE. The Sub-Treasurer of Government as Ex Officio Treasurer of the Fund is authorized to grant receipts for Subscriptions; and, upon the drafts of the Finance Committee, to make payments on account of the Fund. The Treasury Notes belonging to the Fund are also deposited with the Treasurer.

XII. That there shall be a Committee of Management for the managing and conducting the business of the said Society,

which said Committee shall be made up and consist of Eight Subscribers to the said Fund, holding appointments within the Presidency of Fort William, or not residing farther from Calcutta than Barrackpore, of which said Committee three shall always form and be a quorum, and their proceedings be subject to the approval of a majority of the Committee.

NOTE.—A section of the Committee consisting of three Members act as a finance Committee.

XIII. That the said Committee of Management shall be elected by a majority of the Subscribers to the said Fund resident in India at the time of the election.

XIV. That the two senior Members of the said Committee of Management shall go out of the said Committee annually by rotation, on the second Monday of January in each and every year, and two others shall be elected in their places and stead as aforesaid. Provided always, and it is hereby declared, that such Members of the said Committee of Management, so retiring by rotation as aforesaid, or either of them, may be immediately re-elected to be Members of the said Committee of Management: provided they or he be otherwise qualified to be Members of the said Committee of Management; any thing hereinbefore contained to the contrary in any wise notwithstanding.

XV. That in the event of any vacancy or vacancies occurring in the said Committee of Management, by the departure of any one or more of the said Committee from the Presidency, without the intention of returning before the expiration of one year from such departure, or by death, or by a majority of the Subscribers removing any one or more of the said Committee from the said Management, by any of the said Committee themselves being desirous of retiring from the said Management, or otherwise howsoever; such vacancy or vacancies shall be filled up for the remaining part of the year, betwixt the day of such vacancy or vacancies occurring, and the next following day of election, by a majority of the Subscribers who may be present at such Meeting as shall be called for the purpose of filling up such vacancy or vacancies. Provided always, and it is hereby declared, that on the

said election day next following such vacancy or vacancies, such vacancy or vacancies shall be filled up by a majority of the Subscribers then resident in India, in the same manner as the vacancies occasioned by the two senior Members of the said Committee retiring, as hereinbefore is mentioned. And it is hereby declared, that such Members so appointed to fill up such last mentioned vacancies in the said Committee of Management, shall stand in the places and stead of the persons so vacating their places; and shall retire at the same time, and in the same manner, as if they had been originally appointed, instead of the persons so occasioning such vacancies as aforesaid.

XVI. That the Secretary to the said Society shall hereafter, as heretofore, be elected by the Subscribers resident in India at the time being when such election shall take place, and shall be allowed a monthly Salary, to be paid out of the said Funds, the amount of which shall be declared by a majority of the said Subscribers: and in the event of the said Office of Secretary becoming vacant, in any manner howsoever, the said Office shall be filled up temporarily by a majority of the Committee of Management: and such vacancy shall be filled up permanently by a majority of the Subscribers as aforesaid, whose votes shall be obtained through the acting Secretary for the time being by Circular Letter, as soon as conveniently may be after such vacancy occurring.

NOTE.—The Monthly Salary of the Secretary is Two hundred and fifty Rupees, with One hundred for Establishment, &c.

XVII. That the Subscribers to the said Fund, resident in India at the time being, may at any time remove any Member or Members of the said Committee of Management from acting in the management of the Affairs of the said Society; and from being Members of the said Committee: and also may, in like manner, remove the Secretary to the said Society, from being Secretary; whose respective places shall be filled up as hereinbefore mentioned in that behalf.

XVIII. That an Agent or Agents shall be appointed in England by a majority of the Subscribers present at any Quar-

terly or other General Meeting at which such appointment shall be made, and which Agent or Agents shall act under the directions of the said Committee of Management, for the management of the Affairs of the said Society in England ; which said Agent or Agents may be removed from such Agency, and another or others appointed in his or their place and stead, by a majority of the Subscribers who shall be present at any Quarterly or other General Meeting at which such removal and appointment shall respectively take place and be made.

NOTE.—Messrs. Coutts and Co. Bankers, Strand, London, are the present Agents to the Fund.

XIX. That a General Meeting of the Subscribers to the said Fund shall be held four times in every year, viz., on the second Monday of January : on the second Monday of April : on the second Monday of July : and on the second Monday of October : for the purpose of inspecting and auditing all Accounts, in any way or manner chargeable upon the said Fund ; for considering and examining all Minutes of the said Committee ; and for passing all such Orders and Resolutions as may be necessary for the management of the Affairs of the said Society : and that the presence of seven Members shall be necessary to form a Meeting.

XX. That all applications and proposals, of every kind and nature whatsoever, in any manner affecting the said Fund, shall be first laid before the said Committee of Management, for their investigation and decision, after which they shall be submitted, by the said Committee of Management, to the first General Quarterly Meeting after such application or proposal being made, for the approval of such General Quarterly Meeting ; provided such application or proposal be laid before the said Committee of Management at least forty-two days previously to such General Quarterly Meeting being held ; and it is hereby declared, that in case the person or persons so making any application or proposition as aforesaid, shall not be satisfied with the decision of the said Committee of Management and General Quarterly Meeting, to which such application or proposition may have been submitted,

then such person or persons making such application or proposal may appeal against the decision of the said Committee of Management and General Quarterly Meeting, to the judgment and decision of the whole of the said Subscribers in India: which appeal shall be submitted to the said Subscribers, individually, by Circular Letter, by and through the said Committee of Management; and that the decision of such of the Subscribers as shall give in their votes to the said Committee of Management, on or before the expiration of Three Calendar Months next after such appeal shall be submitted to them, shall be final.

XXI. That after the transactions of the said Committee of Management have been approved of by the General Quarterly Meeting to which they may be submitted for that purpose, the said Committee of Management shall cause the said approved transactions to be printed; and shall furnish each Subscriber with a copy thereof, together with an Abstract of the Accounts of the said Fund at the termination of every year.

XXII. That Six Annuities of Three Hundred Pounds Sterling each, or Seven such Annuities if the financial condition of the Fund will allow of it, shall be offered annually to the Subscribers to the said Fund: the six or seven Senior Servants of the said Medical Service who shall have completed 17 years' Indian Service on or before the 31st October of the year in which the offer has been made, (such seniority to be computed according to their standing in the gradation list of the Service) shall have the first refusal; and in case of all, or any of the said Senior Subscribers, declining to accept of the said Annuities, then the next Senior Subscribers in succession shall have a like refusal of the said Annuities; or so many of them as shall be so refused. And in the event of all, or any of the said Annuities being refused, such unaccepted Annuities shall stand over until the following year, unless accepted in the mean time, when they shall be again offered as above mentioned, together with the Six Annuities for the said following year; and so on in like manner every succeeding year; which said Annuities shall continue during

the natural life of the said Annuitants. Provided always that the Subscribers who shall be entitled, from their seniority in the said Medical Service, to the refusal of the said Annuities, shall have conformed in all respects with the Rules, Provisos, Declarations, and Agreements, of the said Society herein contained, or to be at any time hereafter made.

NOTE.—(a) A Seventh Annuity for 1855 and for every year thereafter may be granted whenever funds are available.

NOTE.—(b) The term "17 years' Indian Service" in this and other rules is equivalent to the time which qualifies for the Government Pension. It includes an absence from duty of 1 year and 8 months under the "leave rules" of 1854.

XXIII. That no Subscriber shall be entitled to the said Annuity of Three Hundred Pounds Sterling, until he shall pay into the said Fund, at the least, one half of the value of such Annuity, to be calculated according to the Table hereinafter written, that is to say—

Table of Values of Annuities of £300 per Annum, payable half-yearly, and to date of decease, calculated by Mr. Griffith Davies, as given in his Report on this Fund in 1838: adopted and given effect to in 1854.

Age.	Value of £1 Annuity.	Value of £300 Annuity, in Co.'s Rupees.	Age.	Value of £1 Annuity.	Value of £300 Annuity, in Co.'s Rs.	Age.	Value of £1 Annuity.	Value of £300 Annuity, in Co.'s Rupees.
40	11.696	37,427	62	7.934	25,389	84	3.544	11,341
41	11.560	36,992	63	7.728	24,730	85	3.354	10,733
42	11.419	36,541	64	7.517	24,054	86	3.186	10,195
43	11.275	36,080	65	7.301	23,363	87	3.048	9,754
44	11.125	35,600	66	7.083	22,666	88	2.965	9,488
45	10.973	35,114	67	6.860	21,952	89	2.869	9,181
46	10.818	34,618	68	6.628	21,210	90	2.720	8,704
47	10.659	34,109	69	6.395	20,464	91	2.702	8,646
48	10.497	33,590	70	6.164	19,725	92	2.790	8,928
49	10.333	33,066	71	5.939	19,005	93	2.891	9,251
50	10.165	32,528	72	5.719	18,301	94	2.943	9,418
51	9.993	31,978	73	5.505	17,616	95	2.972	9,510
52	9.821	31,427	74	5.306	16,979	96	2.937	9,398
53	9.643	30,858	75	5.109	16,349	97	2.820	9,024
54	9.464	30,285	76	4.918	15,738	98	2.681	8,579
55	9.283	29,706	77	4.735	15,152	99	2.461	7,575
56	9.100	29,120	78	4.561	14,595	100	2.059	6,589
57	8.914	28,525	79	4.338	14,043	101	1.644	5,261
58	8.725	27,920	80	4.224	13,517	102	1.219	3,901
59	8.531	27,299	81	4.064	13,005	103	0.795	2,544
60	8.336	26,675	82	3.911	12,515			
61	8.137	26,038	83	3.725	11,920			

And that such sum shall include all Subscriptions, Donations, and other sums of Money, which he may have paid into the said Fund, previously to his application for the Annuity, together with compound Interest upon such Subscriptions and sums of money respectively, to be computed from the day of his paying them into the said Fund, and after the rate of Six per Cent. per Annum; Provided always and in case such Subscriptions, and other sums of money, together with Interest thereon as aforesaid, as such applicant for the said Annuity may have paid into the said Fund, previously to such application, shall not amount to the value of half of the said Annuity, it shall and may be optional with the said applicant, either to pay up the difference between such Subscriptions and sums of money, so by him paid into the said Fund and Interest as aforesaid, and half of the value of the Annuity so applied for, and to receive the full Annuity of Three Hundred Pounds; or to accept double such Annuity as the sum of his Subscriptions and other sums of money which he may have paid into the said Fund, together with compound Interest thereon as aforesaid, may be sufficient to procure; according to the rate contained in the Table of Rates hereinbefore contained.

XXIV. That each and every Subscriber to the said Fund, after having served in India for seventeen years, may retire from the said Medical Service without prejudice to his claim on the said Fund for the said Annuity of Three Hundred Pounds, at such time as he would be entitled thereto by virtue of his seniority in the said Service: and that he shall be entitled to the same in like manner as if he had continued in India, and in the said Service; and such Subscriber so retiring shall pay Subscriptions monthly till his account with the Fund shall equal the half value of an Annuity calculated on the age attained at the date of such completion of payments, or he may pay up the difference in one sum at the period of retirement from the service; but if he defer payment till he obtain the Annuity, he shall then pay up all arrears of Subscription and interest from date of retirement to the date of his obtaining the Annuity.

XXV. The Assistant Surgeons who may have given up promotion since the institution of the said Society, or who may hereafter give up promotion, shall not have any claim whatsoever upon the said Fund; but shall forfeit all Subscriptions which they may have paid into the said Fund, previously to their so giving up promotion.

XXVI. That Subscribers holding Rank in the said Medical Service higher than the rank of Assistant Surgeon shall not prejudice their right to the said Annuity by their giving up promotion. Provided always that such last mentioned Subscribers shall continue, after having given up promotion in the said Medical Service, to pay up the monthly Subscriptions to the said Fund, in the same manner, and after the same rate, which they would have had to do in case they had not given up such promotion in the said Medical Service.

XXVII. That the Annuities shall be declared at the third quarterly Meeting of each succeeding year, for the year following such third quarterly Meeting, by the said Committee of Management, and the said Committee of Management shall transmit notices of such declaration to the Subscribers who shall be entitled to the refusal of the said Annuities; which said Subscribers shall send in, to the said Committee of Management, their acceptance, or refusal of such Annuities, on or before the thirty-first day of October then next; and it is hereby declared that, in case of the said Subscribers accepting the said Annuities, they shall be allowed until the thirty-first day of March then next, to give in their resignation of the said Medical Service; and it is also hereby declared, that those who do not send in their acceptance of the said Annuities on or before the thirty-first day of October then next, after such intimation having been given to them as last aforesaid, and those who may be absent from India, and who have not appointed a constituted Attorney to act for them in this behalf, shall be held and considered to have declined the said Annuities for the then following year; and it is hereby also declared, that if any of the Subscribers, who

shall accept the said Annuity, shall, after having accepted the said Annuity, refuse to take the same, such Subscribers shall pay a fine of one year's Annuity to the said Fund. And also in case any of the Subscribers, after having accepted the said Annuity, shall refuse or neglect to send in his resignation of the said Medical Service, within the time above mentioned for that purpose, such Subscriber shall pay, as a fine, to the said Fund one-twelfth of one year's Annuity for each month he so delays to send in his resignation.

XXVIII. That all applications for an Annuity from the said Fund shall be accompanied by a solemn declaration of the applicant of his age, to be made before one of Her Majesty's Justices of the Peace, or other person legally authorized to take the same.

XXIX. That Annuities may be paid either in the United Kingdom of Great Britain and Ireland, or in British India, according as the Annuitant may desire; and that all Annuities, to be paid in the said United Kingdom or Ireland, shall amount to the clear sum of 300 Pounds Sterling as aforesaid, without being liable to any deduction for exchange, or any other charges whatsoever: and that all Annuities, to be paid in British India, shall be calculated after the rate of exchange of two Shillings per Company's Rupee, which said Annuities, whether paid in the said United Kingdom or India, shall be paid regularly half-yearly, in London or in Calcutta, in whichever of these places the Annuitant may at the time of obtaining the Annuity direct the payment to be made.

XXX. That all applications for the payment of Annuities, both in England and India, shall be made by the Annuitant in person; or by some person, or persons, legally authorized to receive the same; who shall be required to produce a Certificate, from a Magistrate or Justice of the Peace, of the Annuitant having been alive on the day to which he claims payment.

XXXI. That in the event of the death of any Annuitant happening between the said half-yearly periods of payment of his Annuity, his Executors, Administrators, or Assigns, shall be en-

titled to receive a proportionable sum for the number of days from the day of the last payment, before such Annuitant's death, and the day of the said Annuitant's death.

XXXII. (*Rescinded, see Appendix.*)

XXXIII. That all Subscribers who shall retire from the said Medical Service before they shall have served seventeen years in India, and all Subscribers who shall be transferred from the said Medical Service to the Pension Establishment of the said Honorable East India Company, shall have no claim whatsoever on the said Fund. Provided always that if such Subscriber, so retiring before he shall have served seventeen years in India, or such Subscriber as may be transferred to the Pension Establishment as aforesaid, shall apply to the Subscribers in India, through the said Committee of Management, for the whole, or a part, of the sums of money which he may have paid into the said Fund, previously to such retirement, or transfer, a majority of the said Subscribers shall have the power to cause the whole, or a part, of such sums of money, as the person so retiring or transferred as aforesaid, may have paid into the said Fund, to be re-paid to him, if his circumstances appear to the Subscribers to require such consideration.

XXXIV. (*Rescinded, see Appendix.*)

XXXV. That the Committee of Management, for the time being, may, in matters requiring dispatch, call Extraordinary General Meetings of the said Society, by public advertisement in, at least, two of the most extensively circulated daily papers of the Presidency, and in the Calcutta Gazette, which must be advertized at least ten days previously to the day on which such Extraordinary General Meeting shall be held.

XXXVI. That the payment of each Annuity shall be secured to the respective Annuitants, by depositing with the Sub-Treasurer of the Honorable East India Company, such a sum of money as shall be sufficient to meet the annual payments of such Annuity, for a certain number of years; which are to be named by the said Committee of Management, for the time being; and

it is hereby declared, that in case any of the Annuitants shall die before the expiration of the time which the Committee of Management may so name as aforesaid, the unappropriated monies of such deposit shall be carried to the credit of the Unappropriated Funds of the said Society; and in the event of any Annuitant surviving such period, a further sum shall be deposited as aforesaid, for the purpose of meeting the annual payments to such Annuitant, and so on from time to time as the respective cases require; and it is hereby declared that such deposits, so to be deposited, shall be carried to the credit of the Appropriated Funds in the Books of the said Society.

XXXVII. That an Account of the Appropriated Funds shall be taken at the close of every year by the Committee of Management, when the sums necessary to meet the existing Annuities shall be compared with the Funds appropriated for that purpose according to the Table of Rates hereinbefore contained; and if there appears a larger sum appropriated for the existing Annuities than is necessary to meet the annual payments of such Annuities, the surplus shall be carried to the Unappropriated Funds as aforesaid, and if a deficit appear, the deficiency shall be made up from the Unappropriated Funds as aforesaid.

XXXVIII. That all matters and things of what nature or kind soever to be transacted and done by the said Committee of Management for the time being, or by the Subscribers to the said Fund, in any manner or way howsoever connected with the said Society, whether transacted or done at any of the said General Quarterly Meetings, or by Extraordinary Meetings specially called, or by the Subscribers to the said Fund present at any Meeting, shall require a majority of the votes or voices of such Meetings respectively, to pass and carry such transactions, matters and things, so as to be acted upon. Provided always, and it is hereby declared, that all propositions, resolutions, acts, matters, or things, for changing, altering, or affecting the matters hereinbefore contained, in any manner howsoever, shall require a majority consisting of two-thirds of the Subscribers to the said Fund who may actually vote on the question submitted and whose

votes or voices shall be obtained by the Committee of Management by Circular Letter. Further, that all Subscribers whose votes shall not have reached the Committee of Management within six calendar months from the date of the circular letter in which due notice of proposed alterations of, or additions to, the Fund Rules is given, shall be held to be consenting parties to the decision of the majority of two-thirds, or of the minority of more than one third, (as the case may be) of actual written votes obtained through the Committee of Management by such circular letter. Provided also that in no case whatsoever shall any Subscriber be permitted to vote or act in any matter, or thing, touching or affecting the said Fund, or in any wise connected with the said Society, by proxy; but in every case to be brought before the whole Subscribers, their votes shall be obtained individually, through the Committee of Management, by Circular Letter as aforesaid.

XXXIX. That the said Committee of Management shall and will, pay, or cause to be paid in England or in India, such Annuities as shall be payable by and through their Agents, with the same regularity as the payments made by and through the Treasury of the said Honorable East India Company, and that the necessary arrangements shall be made with the respective Annuitants for this purpose by the said Committee of Management. In witness whereof the said several parties to these presents have hereunto set their respective hands and seals, this Tenth day of October, in the year of Our Lord 1836.

Signed, Sealed and Delivered,
being first duly stamped at
Calcutta, in the presence of } *Parties Executing.*
(L. S.)

APPENDIX A.

Articles obsolete and rescinded.

*Article III. (Obsolete).—*That the said Society and Fund shall be open for admission as Members and Subscribers to all the Officers of the said Bengal Medical Service (with the exception of those Assistant Surgeons who have given up promotion) who were in India on the 1st day of January 1833, the date of the institution of the said Fund, or absent on Leave or Furlough, but who have now returned, and who shall pay up their Subscriptions after the rate agreed to by the original Subscribers to the said Fund, and hereinafter expressed, to be computed from the said 1st day of January 1833 : and to all Medical Servants, who have since the said 1st day of January 1833, entered the said Medical Service, and who shall pay up their Subscriptions after the rate hereinafter mentioned, to be computed from the day of their arrival in India : and to all such Medical Servants on the said Bengal Establishment, who are now absent on Leave or on Furlough, who shall apply for admission to become Members of the said Society and Subscribers to the said Fund on or before the expiration of Six Calendar Months from the day of their return to India, from such Leave or Furlough, and shall pay up all such Subscriptions and arrears of Subscriptions, in the manner hereinafter provided for persons on Leave or Furlough. Provided always, and it is hereby declared by and between the several parties to these presents, that all such Medical Servants who were in India on the 1st day of January 1833, and who shall not become Subscribers to the said Fund on or before the 31st day of October 1836, must obtain the consent of a majority of the Subscribers to the said Fund, before they can become Subscribers thereto; and shall also pay up all arrears of Subscriptions, to be computed from the 1st day of

January 1833, together with interest thereon, after the rate of Six per Cent. per Annum, with annual rests on the 1st day of January in each and every succeeding year; and (in case any of such Subscribers shall not pay up all their arrears at once) shall also insure their lives for the said arrears, or so much thereof as shall from time to time remain due and unpaid, and keep up such Life Insurance until the whole arrears are fully paid up: and also all Medical Servants who were in the said Service on the said 1st day of January 1833, but were absent from India on Furlough or Leave, who shall on returning from such Furlough or Leave, to India, refuse or neglect, before the expiration of Six Calendar Months after such return, to apply for admission to become Subscribers to the said Fund, such Medical Servants must procure the consent of a majority of the Subscribers to the said Fund, at the time being in India, before they shall be admitted to be Subscribers to the said Fund; and shall also pay up all arrears of Subscriptions, to be computed from the 1st day of January 1833, together with Interest thereon after the rate of Six per Cent. per Annum, with annual rests on the 1st day of January in each and every succeeding year; and (in case all such arrears shall not be paid up at once) shall also insure their lives for the amount of the said arrears, in the manner last aforesaid.

XXXII. (*Rescinded in 1839*).—That all Members of the Medical Board, who may be desirous of retiring upon the said Annuity, and whose services in the said Medical Board shall not exceed two years, shall be entitled to the said Annuity, upon paying, including all sums which they may have paid into the said fund previously to such retirement, the half of the value of the said Annuity: and in case any of the Members of the said Medical Board who may have served upwards of two, but not longer than three years, as such Member of the said Medical Board, be desirous of retiring upon the said Annuity, such Member of the said Medical Board shall be entitled to retire upon the said Annuity on paying into the said Fund Eleven Sixteenths of the value of the said Annuity: and in case any of the Members of the said Medical

Board shall be desirous of retiring upon the said Annuity, after having served as a Member of the said Medical Board for upwards of three, but not longer than four years, such Member of the said Medical Board shall be entitled to retire upon the said Annuity, on payment of Thirteen Sixteenths of the value of the said Annuity : and in case any of the Members of the said Medical Board shall be desirous of retiring upon the said Annuity after having remained in the said Medical Board for upwards of four years, such Member of the said Medical Board shall not be entitled to retire upon the said Annuity, until he has paid up the full value of the said Annuity, to be calculated according to the rate contained in the Table of Rates hereinbefore contained. Provided always, and it is hereby declared and agreed by and between all the said parties to these presents, that if such of the Members of the said Medical Board as may be desirous of retiring upon the said Annuity after having served two, three, or four years respectively as Members of the said Medical Board, shall on or before the expiration of such two, three, or four years respectively, notify to the Committee of Management their intention of accepting the said Annuity, they shall be allowed a further period of Six Calendar Months, next after the expiration of such two, three, or four years' service respectively, to enable them to resign the said service, without being liable to pay an additional sum for such last mentioned period of service—any thing hereinbefore contained to the contrary in any wise notwithstanding.

XXXIV. (*Rescinded in 1840*).—That all Subscribers who may be Invalided, or put upon the Home Half Pay List, on account of ill health ; all who may be Invalided in India on account of ill health ; and all Subscribers who may be put upon the Half Pay List in consequence of ill health not permitting their longer residence in India, before they shall have respectively served seventeen years in India, shall receive back their Subscriptions, and all sums of money which they may have paid into the said Fund, together with interest on the same after the rate of Six per Cent. per annum.

APPENDIX B.

*Extract from a Military Letter from the Honorable the Court of Directors,
No. 5, dated 8th January, 1836.*

Letter from, No. 11, dated 27th January 1835,—Solicit the consideration and orders of the Court on Propositions submitted by the Managers of the Bengal Medical Retiring Fund.

Para. 1. We have directed a clause to be inserted in the Covenants of Assistant Surgeons who may be appointed to your Establishment, by which they will bind themselves to subscribe to the Medical Retiring Fund.

2. The disposal of the surplus Funds will of course rest with the Managers, and we will not object to the remittance through private Agency of Annuities granted in excess of those remitted through our Treasury, provided that not more than the six Annuities specified in the Regulations be granted in any one year.

3. We sanction a retrospective operation of the Fund from the date when it was formed, *viz.*, the 1st of January 1833.

4. At the same time that you communicate the concessions to the Managers you will signify that Regulation I. of Section V. of the Rules of the Fund must be modified, by excluding from the class of Medical Servants, who may receive back their subscriptions those who shall be "struck off" or "dismissed the Service," in conformity with a similar Regulation of your Civil Annuity Fund.

*From a Financial Letter from the Hon'ble Court, No. 38, dated 20th
September 1854.*

1. The grounds assigned for this application are, the increased Establishment of the Bengal Medical Service as compared with the Establishment when the Retiring Fund was formed ; slow promotion in the higher grades, and disappointment experienced by senior Members qualified for Annuities, in having to wait a long and indefinite period before obtaining them.

*Letter from, dated 12th May 1854,
No. 30.*

Forwarding an application from the Managers of the Bengal Medical Retiring Fund for the grant of two additional Annuities yearly, and for the allowance of 6 per Cent. Interest on its additional balances, and the remittance of the two Annuities through the Home Treasury, which application is recommended for the favorable consideration of the Court.

2. The relative position of the present Medical Establishment, as compared with the Establishment when the Fund was formed, is represented to be 410 against 350. In the latter number, it is stated there were 42 non-subscribers, but how many of those have gone off the list, does not appear. The number of Annuities to be annually granted was fixed at six, three of which are allowed to be remitted through our Home Treasury. Assuming that the number of Annuities was originally fixed in reference to the extent of the Medical Establishment, its subsequent augmentation would only justify one additional Annuity yearly, as shown in

If 350 : 6 :: 410 : 7.

the margin.

3. The Managers also observe, in support of their application for two additional Annuities, that "the Madras Fund is permitted to give an extra Annuity when its funds will admit of it," and that according to the scale sanctioned by the Court "for Bombay (3 Annuities to 158 Members) the proportion for Bengal would be 8 all but a fraction." But in this comparison the Managers have overlooked the fact that the Medical Establishment of Bombay has been augmented as well as that of Bengal; allowing for this the proportion of Annuities for Bengal would be limited to 7 yearly, as already shown. At Madras the proportion of Annuities compared with the Medical Establishment is less than at either of the other Presidencies.

4. The chief point however for consideration, in determining the number of Annuities which should be granted, is the state of the Unappropriated Fund. According to the Accounts of the Fund for the year 1852-53, the total amount of the Assets was Rupees 28,90,774, and the aggregate value of the

<i>State of the Bengal Medical Retiring Fund, 1852-53.</i>		Annuities Rupees
Balance of "Appropriated, Fund" 30th Apl. 1853, Rs.	26,05,978	27,02,083,
Do. "Unappropriated Fund,"	2,05,426	leaving a balance of Rupees
Do. "Reserve Fund,"	79,370	1,88,691, from
	Rs., 28,90,774	which we apprehend there would
Aggregate value of Annuities on 30th Apl. 1853, ..	27,02,083	have to be deducted the value
	Rs., <u>1,88,691</u>	

of the six Annuities to be granted in July 1853. Assuming this to be a correct view of the state of the Fund, the Medical Service would necessarily have to provide for the additional Annuities by increased Subscriptions, which of course would not be levied without their concurrence first obtained in the usual way.

5. We have already shown that only one additional Annuity yearly would result from a comparison between the present and former Establishments, to the granting of which, if the Fund will admit of it, we have no objection, nor to its remittance through our Treasury. We also consent to the existing rate of Interest being allowed on the augmented balances of the Fund consequent upon this additional Annuity.

APPENDIX C.

Form of Certificate of Age, required under Rule 28.

I, A. B., at present of (Residence and office) in the Medical Service of Her Majesty on the Bengal Establishment and a Subscriber to the "Bengal Medical Retiring Fund," do solemnly and sincerely declare that I was born on
and have attained years of age and months.

Taken and declared
this day of
Before me

}

Justice of Peace.

APPENDIX D.

Form of Annuity Certificate granted to Annuitants.

No. of 18

We do hereby Certify, that A. B. having paid unto the Managers of the Bengal Medical Retiring Fund, the full sum required under the Rules of the said Fund to entitle him to an Annuity of Three Hundred Pounds Sterling per annum, payable half yearly, and to ensure to his Executors, Administrators, or Assigns, such portion of any half yearly payment of the above sum as may be due at the time of his decease,—the said A. B. is accordingly entitled to demand and to receive from (the Home Government or Messrs. Coutts and Co.) the sum of on the first day of One Thousand Eight Hundred and being the amount of his Annuity for the broken period from the day of One Thousand Eight Hundred and , the date of his retirement, to the day of One Thousand Eight Hundred and from which latter date the Annuity

commences by half yearly payments, that is to say, the sum of One Hundred and Fifty Pounds Sterling on the first day of One Thousand Eight Hundred and and the like sum of One Hundred and Fifty Pounds Sterling on the first day of following in each and every year from this date, during the continuance of his natural life; and on his decease his Executors, Administrators, or Assigns, are hereby declared entitled to claim from the aforesaid (Home Government or Messrs. Coutts and Co.) the portion of his Annuity that may remain unpaid from the date of the last half yearly payment made to the said A. B. to the day of his demise, whenever that may happen.

<i>Bengal Medical Retiring Fund Office,</i>	}	} <i>Managers.</i>
<i>Calcutta,</i>		
<i>No. on the General Register,</i>		
<i>Examined</i>		

Secretary.

APPENDIX E.

Form of Certificate to be furnished by Annuitant on drawing the Annuity.

I, C. D., of (Residence) do hereby certify that A. B. late of the Bengal Medical Service is alive he having appeared before me this day of in the year of Our Lord 18 .

Justice of Peace.

APPENDIX F.

Form of Annuitant's Receipt for a half yearly Annuity.

Place and date.

Received from (Home Government or Messrs. Coutts and Co.) the sum of being my half yearly Annuity for the half year ending the (30th June or 31st December 18) due from the Bengal Medical Retiring Fund.

Annuitant.