ANNO TRICESIMO PRIMO

VICTORIÆ REGINÆ.

Cap. 1.

An Act to incorporate the Trustees and Managers of *Alexander Scott*'s Hospital at *Huntly* in the County of *Aberdeen*, and to extend the Benefits thereof. [29th *May* 1868.]

Trust Deed of Alexander Scott dated 8th June 1824, and registered in Books of Council and Session 8th July 1833.

WHEREAS *Alexander Scott* of *Craibstone*, sometime residing at *Muiresk* in the County of *Aberdeen*, now deceased, (herein-after called "the Truster,") by his Trust Disposition and Deed of Settlement dated the Eighth Day of *June* Eighteen hundred and twenty-four, and registered in the Books of Council and Session in *Scotland* the Eighth Day of *July* Eighteen hundred and thirty-three, gave, granted, and disponed to and in favour of *Thomas Gordon* of *Park*, *John Gordon* younger of *Newton*, *James Hay* of *Monkshill*, *Henry Lumsden* of *Tilwhilly*, *Andrew McPherson* residing at *Gibston* near *Huntly*, and the Reverend *Morris Forsyth*, Minister of *Mortlach*, all now deceased, and to the Survivors or Survivor of them who should accept, and to the Heirs of such Survivor, and to such other Trustee or Trustees as might be assumed in virtue of the Powers therein written, but in trust always for the Ends, Uses, and Purposes therein mentioned, and declaring that any Three of his said Trustees therein named accepting and surviving, or of those who might be thereafter assumed, should at all

Times form a Quorum for executing the Purposes of the Trust, all and whole the Town and Lands of *Craibstone* lying of old within the Parish of *Saint Machar*, now by Erection within the Parish of *Newhills* and Sheriffdom of *Aberdeen*, as also all and haill the Mosslands and Lands of *Fairniewreaths* lying within the foresaid Parish and contiguous to the foresaid Lands of *Craibstone*, together with the Liberties, Privileges, and Pertinents thereto attached, as also his Half Tenement and Dwelling House in the Town of *Huntly* under the Liferent therein expressed, and likewise all other Lands, Houses, and Heritable Estate of every Description that should belong to him at the Time of his Death, and also his whole Moveable Means and Estate, Bonds, Bills, open Accounts, Bank Stock, Stock in the Public Funds of *Great Britain* or any other Funds, and generally all other Heritable or Moveable Subjects or Effects whatsoever and wheresoever situated which should pertain or belong to him at the Time of his Death (except his Household Goods and Furniture and Carriage which he appointed to belong to his Spouse); and he bound and obliged himself and his Heirs and Successors to grant all necessary Deeds in favour of his Trustees for implementing and fulfilling the foresaid general Disposition of his Heritable and Moveable Means and Estate, and he did thereby nominate and appoint his Trustees above named to be his sole Executors and Intromitters with his Moveable Means and Estate, but declaring always that the said Trust Disposition and Deed of Settlement was granted in trust for the Uses, Ends, and Purposes therein mentioned, and, *inter alia*, that his said Trustees should hold and apply the Residue and Remainder of his Means and Estate particularly and generally therein disponed, or the Prices and Produce thereof (including his said Lands and Estate of *Craibstone*), in trust for the Purpose of erecting, establishing, and endowing an Hospital or Receptacle (herein-after called "the Hospital") for the Maintenance, Aliment, Clothing, and Lodging of old Men and old Women in the said Town of *Huntly* according to the Declarations, Conditions, and Appointments more particularly therein and after mentioned, and which Hospital or Receptacle was to be known, styled, and called by the Title of "*Alexander Scott*'s Hospital," for which End and Purpose accordingly he thereby declared his Intention and Resolution to make by the said Trust Disposition and Deed of Settlement a Mortification of the Residue and Remainder of his whole Heritable and Moveable Estate generally and particularly therein conveyed, after Payment and Satisfaction of the various Legacies and Annuities therein or in any separate Writing or Writings specified and contained, which Annuities and Legacies were in the first place to be paid and cleared off from the Produce of his Real and Personal Property therein conveyed, and the same was burdened therewith accordingly; that is to say, his Trustees above named, and such others as might be assumed in

virtue

virtue of the Powers conferred by the said Trust Disposition and Deed of Settlement, and, along with them, the Five Trustees and Managers for the Hospital after mentioned in virtue of their respective Offices, should, out of the Residue of his Personal Estate or from Savings of the Rents of his Heritable Estate (after his Trustees and Executors had ascertained such Residue), purchase an Heritable Property in some well-aired Part of the said Town of *Huntly*, and erect thereon a small but commodious House sufficient for the Reception and Accommodation of at least Four or Five Single Men and an equal Number of Single Women, Widowers or Bachelors, Widows or Old Maids, and in no Case having Children, declaring that those eligible to be admitted must be of good Character, free from Disease, and have been born in the said Town of *Huntly*, and at the Time of their Reception into the Hospital not under Fifty Years of Age complete; and when the said Building should be finished and completed, and when it should appear to his Trustees that a certain permanent yearly Revenue might be reckoned upon sufficient for the Purpose of alimenting, clothing, maintaining, and lodging the said poor Persons in said House, as well as keeping in repair the Premises and managing the Establishment, then the said House should be furnished with plain common useful Articles; and thereafter his said Trustees and Executors above named, and those who might have been previously assumed by them as Trustees in virtue of the Powers therein conferred, and along with them the *Scotch* Episcopal Bishop of the Diocese of *Moray* for the Time being, the Moderator of the Presbytery of *Strathbogie* for the Time being, the Sheriff Depute of the County of *Aberdeen* for the Time being, the *Scotch* Episcopal Minister at *Huntly* for the Time being, and the Established Presbyterian Minister of the Parish of *Huntly* for the Time being, and their Successors in these Offices, should be Trustees for the Management and Direction of the Hospital, which they were thereby accordingly constituted and appointed (his Trustees above named and designed being Trustees and Managers during their own respective Lives, but without Power to assume other Trustees after the Hospital was erected and established), which Trustees and Managers should then begin to admit poor Persons of the foresaid Description into the same for their Benefit and Maintenance as aforesaid, and to commence, direct, and carry on the Management thereof in the most regular, orderly, and economical Manner for implementing and effecting the Object and Purpose of the Mortification in all Time coming; declaring that the Number of poor Persons to be admitted might be increased beyond the Number above specified, in case the Funds and annual Revenue which might ultimately be found to be applicable to the Purposes of the Mortification should be sufficient and admit of such increased Number, and the Building might be also increased if the Funds should seem to render such

Extension necessary and proper, the Trustees and Managers having Power always to dismiss any Persons who had been admitted into the Hospital if they should be guilty of any grossly immoral or improper Conduct; and with regard to the precise Description of Persons who were to have the Benefit of and be admitted into the Hospital, as well as Conditions regarding the internal Management thereof, and various other Matters and Regulations which the Truster was desirous should be observed and attended to, it was his Intention to leave a separate Writing or Writings expressive of his Meaning, Views, and Instructions on these and other Points connected with the Object of the Mortification, and which separate Writing, although not formally executed, yet should nevertheless be observed, regarded, and acted upon by his said Trustees, and deemed and held to be valid and legal to all Intents and Purposes as connected with the said Mortification; and the Truster thereby authorized and empowered the Trustees and Managers for the Hospital to frame and establish Rules and Regulations for the same, founded on and agreeably to the said Trust Deed and Mortification and the said separate Writing or Writings to be executed by him, and including such other and additional Regulations or Byelaws (not contrary to those prescribed by himself) as the said Trustees and Managers might consider proper and conducive to the good Management and Benefit of the Hospital, and failing his executing and leaving such separate Writing or Writings then it should be competent for the Trustees and Managers of the Hospital, and they were thereby authorized and empowered, to make and establish such Rules, Regulations, Conditions, and Byelaws for the Management and Direction thereof as they should think most proper and expedient for the Purposes of the Mortification, according to the true Intent and Meaning of the said Trust Disposition and Deed of Settlement; moreover the Truster thereby appointed and declared that after the Deaths of his Trustees above named and designed, and the Survivors of them acting and accepting, and of those assumed prior to the Erection of the Building and Establishment of the Hospital, the Managers and Trustees of the Hospital in all Time coming thereafter should continue to be the *Scotch* Episcopal Bishop of the Diocese of *Moray* for the Time being, the Moderator of the Presbytery of *Strathbogie* for the Time being, the Sheriff Depute of *Aberdeenshire* for the Time being, the Established Minister of the Parish of *Huntly* for the Time being, and the Episcopal Minister at *Huntly* for the Time being, and he thereby constituted and appointed the Five Persons holding these several Offices and Situations, and their Successors in their said respective Offices, Trustees and Managers of the Mortification for the Hospital, declaring that if it should at any Time happen that the Episcopal Minister at *Huntly* was also Bishop of the Diocese, or the Presbyterian Minister of the Parish of *Huntly* was also Moderator of the Presbytery, then it was thereby appointed

that

that the Bishop of the Diocese of *Aberdeen* should and might be a Trustee and Manager of the Hospital during the Time that the Bishop of the Diocese of *Moray* was Episcopal Minister at *Huntly*, and the Moderator of the Presbytery of *Turriff* should and might be a Trustee and Manager during the Time that the Minister of *Huntly* was Moderator of the Presbytery of *Strathbogie*, and during such Periods only; and when the Hospital was erected and completed as aforesaid the Truster thereby authorized his Trustees above named, or the Survivors or Survivor of them, and those assumed as aforesaid, and the said Five Trustees for the Hospital in virtue of their Offices aforesaid, or the Majority of them, to appoint a Clerk and Treasurer for keeping the Minute Books and Books of Accounts requisite for the Affairs of the Hospital, and to allow him a moderate suitable Salary for his Trouble, which Clerk and Treasurer should be required to find good Security by a Bond to be put upon Record for his pecuniary Intromissions before entering on his Office, and to renew such Security afterwards in case of the Death or Insolvency of his Cautioners, and he should be obliged to exhibit the Accounts of the Hospital as oft as required by the Managers, or any One of them; and it was thereby recommended that the Accounts should be regularly balanced and settled by the Trustees and Managers, or any Two of them, at least once every Year in the Month of *June*; and in respect it was the particular Desire and Intention of the Truster that the Residue of his Means and Estate, which was to be applied for the Purposes of the Mortification, should be vested and secured on Landed Property of such Description as might be likely to produce the best and surest Revenue, and to continue permanently fixed and settled on such Landed Property in all Time thereafter, it was thereby provided that in case it should appear to his Trustees above named, or those to be assumed as aforesaid, after they had maturely and deliberately considered the Matter, and had some Experience of the yearly Returns and probable Increase of Value from the Wood and otherwise of his said Estate of *Craibstone*, that it would not likely be such a beneficial Investment for the Purposes of the Mortification as some other Landed Property, it should in that Event be in the Power of his Trustees (after the Expiration of the Liferent Provision in favour of his Spouse therein contained, or under the Burden thereof) to sell and dispose of the said Lands and Estate of *Craibstone* by Public Roup or Private Bargain (after the intended Sale should have been at least Four Times advertised in the "*Aberdeen Journal*") at the best and highest Price which could be obtained therefor, and thereupon to grant Disposition thereof to the Purchaser containing all usual and necessary Clauses; and thereafter his said Trustees should be bound and obliged, as soon as conveniently could be done, to invest and lay out the said Residue or Remainder of his Estate in the Purchase of other Lands situated in the County of

Aberdeen,

Aberdeen, if such could be reasonably had, and failing thereof, in any of the adjoining Counties, and should settle and secure the Lands so to be purchased by a Deed or Deeds for the Purposes of the Mortification for the Hospital allenarly; and, farther, for carrying into effect the Mortification, when the whole Subjects and Effects belonging to the Truster should be realized, and the Residue and Remainder of his whole Means and Estate finally and completely ascertained and settled, his said Trustees and Executors under the said Trust Disposition and Deed of Settlement should be bound and obliged to wind up said Trust, denude themselves, and execute such Deed or Deeds as might be found requisite and necessary by legal Advice for vesting, conveying, and transferring the said whole Residue and Remainder of his Means and Estate, along with the Rights, Vouchers, Titles, and Securities thereof, in trust always, and specially for the Uses, Ends, and Purposes of the Mortification, according to the [illegible] Declarations, Appointments, and Conditions foresaid, all which should be fully contained and verbatim inserted in such Deed or Deeds, and Infeftments following thereon; and it was by the said Trust Disposition and Deed of Settlement farther declared to be a Part of the Description of Persons eligible to be admitted into the Hospital that they must have been born in *Huntly* and Children of Feuars of that Town, which was accordingly thereby declared and appointed; and in the event of the Deaths of any One or more of his Trustees and Executors therein named before the Trust Affairs were finally arranged and wound up, and the Residue of his Means and Estate ascertained, adjusted, and transferred for the Purpose of carrying into effect the Mortification, in such Case the Truster thereby authorized and empowered the Survivors or Survivor of his said Trustees, when and as often as they should think expedient so to do, to nominate and appoint by Writing under their or his Hand any Person or Persons they should judge proper to be a Trustee or Trustees for the Purposes therein mentioned along with them or after their Decease, the total Number not exceeding Six, and a Preference being given to the eldest Sons and Representatives of such deceased Trustees, if they were resident in the Country, and agreed to accept of the Trust; and the Truster thereby declared that the Person or Persons to be so appointed should have the same Powers of acting in every Part of the said Trust as his Trustees therein named had, or as if the Person or Persons to be so appointed were therein named and designed by him as Trustees; but when the Trust Affairs were wound up, and the Hospital established, it should not be competent thereafter to assume any additional Trustees, those previously named continuing to act always as Managers for the Hospital during their own Lives, as the said Trust Disposition and Deed of Settlement containing sundry other Clauses in itself more fully bears:

And

And whereas by a Codicil to the said Trust Disposition and Deed of Settlement dated the Twenty-ninth Day of *November* in the Year Eighteen hundred and thirty-one, and registered therewith in the said Books of Council and Session, the Truster nominated and appointed *Alexander Forbes* of *Boyndlie* to be One of his Executors in room and place of the said *James Hay* then deceased, and recommended to his Trustees to assume the said *Alexander Forbes* as a Trustee along with them in virtue of the Powers contained in the said Trust Disposition and Deed of Settlement:

Codicil dated 29th Nov. 1831, and registered in the Books of Council and Session 8th July 1833.

And whereas the Truster died on or about the Tenth Day of *June* in the Year Eighteen hundred and thirty-three, leaving the said Trust Disposition and Deed of Settlement and Codicil unrevoked, and without leaving any other Deed or Writing relating to the Regulation and Management of the Hospital:

Death of Truster 10th June 1833.

And whereas on the Death of the Truster the said *Thomas Gordon*, *John Gordon*, *Andrew McPherson*, *Morris Forsyth*, and *Henry Lumsden* accepted Office, and thereafter they the said *Thomas Gordon*, *Andrew McPherson*, *Morris Forsyth*, and *Henry Lumsden*, as a Majority of the accepting and acting Trustees of the Truster, by Deed of Nomination dated the Twenty-fourth Day of *September* Eighteen hundred and thirty-three, and recorded in the Register of Probative Writs for the County of *Aberdeen* the Second Day of *October* Eighteen hundred and thirty-three, on the Narrative, *inter alia*, that the Truster by his said Codicil had nominated and appointed the said *Alexander Forbes* to be One of his Executors in place of the said *James Hay*, and had recommended his Trustees to assume the said *Alexander Forbes* as a Trustee along with them in virtue of the Powers contained in the said Trust Disposition and Deed of Settlement, nominated, constituted, and appointed the said *Alexander Forbes* to be a Trustee for executing the said Trust in place of the said deceased *James Hay*, and the Trustees accepting as aforesaid were, along with the said *Alexander Forbes*, infeft in the said Lands of *Craibstone* and others conform to Instrument of Sasine in their Favour dated the Thirtieth Day of *May*, and recorded in the Particular Register of Sasines at *Aberdeen* on the Fourth Day of *June*, both in the Year Eighteen hundred and thirty-five:

And whereas the said *Thomas Gordon*, *Henry Lumsden*, and *Alexander Forbes*, by Deed of Assumption and Nomination dated the Twenty-ninth Day of *November* Eighteen hundred and forty-one, and Twentieth Day of *December* Eighteen hundred and forty-two, and recorded in the said Register of Probative Writs the Twenty-second Day of *December* Eighteen hundred and forty-three, upon the Narrative that it was proper for them, in consequence of the Deaths of the said *Andrew McPherson*, *John Gordon*, and *Morris Forsyth*, to assume other Three Gentlemen along with them to execute the

Deed of Assumption of George McPherson, T. Abercromby Duff, and A. Gordon, dated 29th Nov. 1841 and 20th Dec. 1842, and recorded

in the Register of Probative Writs for the County of Aberdeen 22d Dec. 1843.

Ends, Uses, and Purposes of the said Trust Disposition and Deed of Settlement, and conform to the Provisions thereof, so that there might be Six Trustees, nominated, constituted, and appointed *George McPherson* residing at *Gibston* near *Huntly*, Son of the said deceased *Andrew McPherson*, *Thomas Abercromby Duff* then of *Haddo*, afterwards residing abroad, and *Alexander Gordon* of *Newton*, Brother German of the said deceased *John Gordon*, to be Trustees for executing the said Trust in place of the said *Andrew McPherson*, *John Gordon*, and *Morris Forsyth*:

Deed of Assumption of L. Gordon dated 5th, 9th, 14th, and 22d July 1852, and recorded in the Register of Probative Writs for the County of Aberdeen 2d Dec. 1852.

And whereas the said *Thomas Gordon*, *Henry Lumsden*, *Alexander Forbes*, *George McPherson*, and *Thomas Abercromby Duff*, by Deed of Assumption dated the Fifth, Ninth, Fourteenth, and Twenty-second Days of *July* Eighteen hundred and fifty-two, and recorded in the foresaid Register of Probative Writs the Second Day of *December* Eighteen hundred and fifty-two, on the Narrative, *inter alia*, that in consequence of the Death of the said *Alexander Gordon*, and the Residence abroad of the said *Thomas Abercromby Duff*, it was proper for them to assume another Gentleman along with them to execute the Ends, Uses, and Purposes of the said Trust Disposition and Deed of Settlement, and conform to the Provisions therein contained, so that there might be Six Trustees, nominated, constituted, and appointed *Lachlan Duff Gordon Duff* of *Drummuir* and *Park*, therein designed *Lachlan Gordon* Esquire, younger, of *Park*, Son of the said *Thomas Gordon*, to be a Trustee for executing the said Trust in place of the said deceased *Alexander Gordon*:

Deed of Assumption of Dr. J. Milne dated 13th, 15th, 22d, and 27th March 1856, and recorded in the Register of Probative Writs for the County of Aberdeen 5th March 1857.

And whereas the said *Henry Lumsden*, *Alexander Forbes*, *George McPherson*, and *Lachlan Duff Gordon Duff*, therein designed Major *Lachlan Duff Gordon*, of *Park*, by Deed of Assumption dated the Thirteenth, Fifteenth, Twenty-second, and Twenty-seventh Days of *March* Eighteen hundred and fifty-six, and recorded in the foresaid Register of Probative Writs the Fifth Day of *March* Eighteen hundred and fifty-seven, upon the Narrative, *inter alia*, that in consequence of the Death of the said *Thomas Gordon*, and of the continued Residence abroad of the said *Thomas Abercromby Duff*, it was proper for them to assume another Trustee along with them to execute the Ends, Uses, and Purposes of the said Trust Disposition and Deed of Settlement, and conform to the Provisions therein contained, nominated, constituted, and appointed *James Milne*, Physician and Bank Agent in *Huntly*, to be a Trustee for executing the said Trust in place of the said deceased *Thomas Gordon*:

Deed of Assumption of W. Murdoch dated 7th, 12th, and 14th March 1857, and recorded

And whereas the said *Alexander Forbes*, *George McPherson*, *Lachlan Duff Gordon Duff*, and *James Milne*, by Deed of Assumption dated the Seventh, Twelfth, and Fourteenth Days of *March* Eighteen hundred and fifty-seven, and recorded in the foresaid Register of Probative Writs the Nineteenth Day of *March* Eighteen hundred and fifty-seven, upon the Narrative, *inter alia*, that in consequence

consequence of the Death of the said *Henry Lumsden*, and the continued Residence abroad of the said *Thomas Abercromby Duff*, it was proper for them to assume another Trustee along with them to execute the Ends, Uses, and Purposes of the said Trust Disposition and Deed of Settlement, and conform to the Provisions therein contained, nominated, constituted, and appointed *William Murdoch*, Solicitor in *Huntly*, to be a Trustee for executing the said Trust in place of the said deceased *Henry Lumsden*: in the Register of Probative Writs for the County of Aberdeen 19th March 1857.

And whereas on the Death of the Truster the Management and Administration of his Estate was entered upon and undertaken by the then surviving and accepting Trustees appointed as aforesaid, and they and the other Trustees named and assumed, and acting for the Time respectively as aforesaid, proceeded to fulfil the Purposes of the Trust, realized the Truster's Personal Estate, and paid his Debts, Legacies, and Bequests, and also the Annuities left by him during the Lives of the respective Annuitants: Management by Trustees.

And whereas the Trust Accounts have been regularly balanced and settled, as recommended by the Truster: Trust Accounts.

And whereas the Trustees, having ascertained on the Death of certain of the said Annuitants that sufficient Trust Funds existed to warrant their taking Steps towards fulfilling the Intentions of the Truster with respect to the Residue of his Estate, were advised that they were in a Position to commence the Erection of the Hospital and prepare to carry out the ultimate Purposes of the Trust, and they also communicated to the Five *ex-officio* Trustees and Managers aforesaid the State of the Trust Affairs, and intimated that they were about to commence the Erection of the Hospital: Trustees in a Position to carry out ultimate Purposes of Trust.

And whereas the Trustees thereafter feued from His Grace the Duke of *Richmond* a Piece of Ground situated in a well-aired Part of the Town of *Huntly*, and erected thereon a small but commodious House of the Description specified in the said Trust Disposition and Deed of Settlement, to which Piece of Ground they obtained a Charter from His Grace as Superior, with Consent of the Earl of *March*, dated the Twenty-seventh Day of *August* Eighteen hundred and fifty-three, on which the Trustees were infeft, conform to Instrument of Sasine recorded in the Particular Register of Sasines at *Aberdeen* the Seventh Day of *June* Eighteen hundred and fifty-four, and they subsequently feued from the said Duke Two additional Pieces of Ground conform to Charter by His Grace, with Consent aforesaid, in their Favour, dated the Twenty-ninth Day of *May* and First Day of *June* Eighteen hundred and fifty-five, and Instrument of Sasine thereon recorded in the said Particular Register of Sasines the Fourteenth Day of *August* Eighteen hundred and fifty-five: Erection of Hospital.

And whereas, after various preparatory Meetings, at which several of the said Trustees and Managers *ex officio* were present along with the Hospital opened for Reception of Inmates.

the other Trustees, and on the Completion of the necessary preliminary Arrangements according to the Directions of the Truster, the Hospital was opened for the Reception of Inmates on the First Day of *August* Eighteen hundred and fifty-five, and has since been managed by the said Trustees and the said Trustees and Managers *ex officio*:

Death of Truster's Widow.

And whereas Mrs. *Catherine Forbes*, or *Scott*, Widow of the Truster, by whom the Mansion House, Garden, Offices, and Mains Farm of *Craibstone* were life-rented in Terms of the Trust Disposition and Deed of Settlement, having died on the Twenty-first Day of *January* Eighteen hundred and fifty-five, the Residue and Remainder of the whole Means and Estate of the Truster was thereupon finally and completely ascertained, and the Trustees considering that the Period had arrived when, in accordance with the Instructions contained in the Trust Disposition and Deed of Settlement, they should denude themselves of the Trust, did, by Deed of Denuding and Conveyance dated the Eleventh, Sixteenth, and Nineteenth Days of *November* Eighteen hundred and fifty-seven, and recorded in the Sheriff Court Books of the County of *Aberdeen* the Twelfth Day of *March* Eighteen hundred and sixty-six, granted by them the said *Alexander Forbes*, *George McPherson*, *Lachlan Duff Gordon Duff*, *James Milne*, and *William Murdoch*, as a Quorum of the surviving, accepting, and assumed Trustees of the Truster, acting under his said Trust Disposition and Deed of Settlement, that is to say, the said *Alexander Forbes*, as the last surviving Trustee, vested and seised in the Lands of *Craibstone*, and others foresaid, with Consent of the said *George McPherson*, *Lachlan Duff Gordon Duff*, *James Milne*, and *William Murdoch*, and they the said *Alexander Forbes*, *George McPherson*, *Lachlan Duff Gordon Duff*, *James Milne*, and *William Murdoch*, for their Rights and Interests in the Trust Estates and Property therein, disponed and conveyed, and they all, with joint Consent and Assent, on the Narrative of the Matters and Things herein-before recited, did thereby, for their respective Rights and Interests foresaid, dispone, convey, assign, and mortify to and in favour of themselves during their respective Lives, and to and in favour of the Right Reverend *Robert Eden*, Doctor of Divinity, *Scotch* Episcopal Bishop of the Diocese of *Moray*, the Reverend *William Duguid*, Minister of the Parish of *Glass*, Moderator of the Presbytery of *Strathbogie*, *Archibald Davidson* Esquire, Advocate, Sheriff of *Aberdeenshire*, the Reverend *James Walker*, Established Minister in the Parish of *Huntly*, the Reverend *John Ferguson Macdonald*, *Scotch* Episcopal Minister at *Huntly*, and to and in favour of the *Scotch* Episcopal Bishop of the Diocese of *Moray* for the Time being, the Moderator of the Presbytery of *Strathbogie* for the Time being, the Sheriff Depute of *Aberdeenshire* for the Time being, the Established Minister in the Parish of *Huntly* for the Time being,

Deed of Denuding and Conveyance by Trustees to Trustees and Managers dated 11th, 16th, and 19th Nov. 1857, recorded in the Sheriff Court Books of the County of Aberdeen 12th March 1866.

being, and the *Scotch* Episcopal Minister at *Huntly* for the Time being, perpetually as Trustees for the Management and Direction of the Hospital, declaring thereby, as it was by said Trust Disposition and Deed of Settlement declared, that if it should at any Time happen that the Episcopal Minister at *Huntly* was also Bishop of the Diocese, or the Presbyterian Minister of the Parish of *Huntly* was also Moderator of the Presbytery, then it was thereby appointed that the Bishop of the Diocese of *Aberdeen* should and might be a Trustee and Manager of the Hospital during the Time that the Bishop of the Diocese of *Moray* was Episcopal Minister of *Huntly*, and the Moderator of the Presbytery of *Turriff* should and might be a Trustee and Manager during the Time that the Minister of *Huntly* was Moderator of the Presbytery of *Strathbogie*, and during such Periods only, heritably and irredeemably, all and whole the said Town and Lands of *Craibstone* lying of old within the Parish of *Saint Machar*, now by Erection within the Parish of *Newhills* and Sheriffdom of *Aberdeen*, as also all and haill the Mosslands and Lands of *Fairniewreaths* lying within the foresaid Parish, and contiguous to the foresaid Lands of *Craibstone*, together with the Liberties, Privileges, and Pertinents thereto attached, as also Three Pieces of Ground lying within the Territory of the Burgh of *Huntly* and County of *Aberdeen*, together with the whole Hospital Buildings erected or to be erected thereon; but declaring always that the said Deed of Denuding and Conveyance was granted in trust always for the Uses, Ends, and Purposes of the said Mortification, according to the several Declarations, Appointments, and Conditions therein verbatim inserted, and all of which it was thereby declared should be fully contained and verbatim inserted in the Infeftment to follow thereon, and in all the future Transmissions of the Subjects therein disponed, under the Pain of Nullity:

Acceptance by certain Trustees and Managers, and Infeftment.

And whereas the said *Lachlan Duff Gordon Duff*, *James Milne*, *William Murdoch*, the said Right Reverend *Robert Eden* as *Scotch* Episcopal Bishop of the Diocese of *Moray*, the Reverend *William Masson*, Minister of the Parish of *Botriphnie* as then Moderator of the Presbytery of *Strathbogie* in place of the said Reverend *William Duguid*, the said Reverend *James Walker* as Established Minister in the Parish of *Huntly*, and the said Reverend *John Ferguson Macdonald* as *Scotch* Episcopal Minister at *Huntly*, accepted Office under the said Deed of Denuding and Conveyance as Trustees and Managers foresaid (the said *Alexander Forbes* and *George McPherson* having died, and the said *Archibald Davidson* having declined), and were infeft thereon, conform to Instrument of Sasine in their Favour recorded in the Particular Register of Sasines at *Aberdeen* the Third Day of *March* Eighteen hundred and sixty-six:

As to Appointment of additional Trustees, &c. and their Incorporation.

State of free Revenue of Trust.

Necessity for extending Qualifications of Inmates of Hospital.

And whereas it is expedient, in order to the due Administration of the Trust, that Provision should be made for the Appointment of additional Trustees and Managers, and that the Trustees and Managers should be incorporated by Act of Parliament:

And whereas the free yearly Revenue of the Estates, Funds, and Property available for the Purposes of the Hospital amounts to the Sum of Seven hundred and fifty Pounds Sterling or thereby, and the Expense of carrying on the Hospital and maintaining and clothing the Inmates thereof amounts to the Sum of Three hundred and fifty Pounds yearly or thereby, thus leaving a yearly Surplus of Four hundred Pounds Sterling or thereby:

And whereas, owing to the Qualifications required in Terms of the Directions of the Truster to be possessed by Persons eligible for Admission to the Benefits of the Hospital, it has been found impossible to procure a sufficient Number of Inmates to exhaust the Revenue at the Disposal of the Trustees and Managers, and the Bequest of the Truster cannot be brought into full and efficient Operation, and it is expedient that the Provisions of the said Trust Disposition and Deed of Settlement should be amended, and the Powers of the said Trustees and Managers with respect to the Admission of Inmates to the Hospital should be extended, so as most effectually to benefit the Inhabitants of the said Town of *Huntly;* but the Objects aforesaid cannot be accomplished without the Authority of Parliament: May it therefore please Your Majesty (on the humble Petition of the said *Lachlan Duff Gordon Duff, James Milne, William Murdoch,* the Right Reverend *Robert Eden,* the Reverend *William Duguid,* as present Moderator of the Presbytery of *Strathbogie,* the Reverend *James Walker,* and the Reverend *John Ferguson Macdonald*) 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; (that is to say,)

When Act to take effect, and Short Title.

1. This Act may be cited for all Purposes as "*Alexander Scott*'s Hospital Act, 1868," and shall take effect on the passing thereof.

Interpretation of Term.

2. In this Act the Expression "the Trustees and Managers" shall mean the Trustees and Managers accepting and acting for the Time under the herein-before recited Trust Disposition and Deed of Settlement of the Truster and this Act.

Incorporation of the Trustees and Managers.

3. The Trustees and Managers are and shall be incorporated into One Body Politic and Corporate under the Name of "The Trustees and Managers of *Alexander Scott*'s Hospital," and as such shall have perpetual

perpetual Succession and a Common Seal, and by that Name may sue and be sued, and they may purchase, take, hold, and dispose of Lands and other Property for the Purposes of the said Trust, in so far as by the said Trust Disposition and Deed of Settlement and by this Act empowered.

The Hospital and Property to be held by the Trustees and Managers.

4. The Hospital, and all Lands and Property thereto belonging, and Furnishings of the same, with the whole Estates, heritable and moveable, real and personal, of the Truster, and all Rights and Interests connected therewith, shall be held by the Trustees and Managers, and, so far as requisite, of new vested in them in their Corporate Name for the Uses and Purposes of the said Trust Disposition and Deed of Settlement and of this Act.

Providing for Execution of Deeds.

5. All Dispositions and other Deeds and Writings which require to be made, granted, and executed by and on behalf of the Trustees and Managers shall proceed in their Corporate Name, and shall be approved of at a Meeting of the Trustees and Managers, and shall be subscribed by any Two of the Trustees and Managers for the Time, and sealed with their Common Seal; and Deeds and Writings of the Trustees and Managers so subscribed and sealed shall be good, valid, and effectual as such to the Person or Persons to whom or in whose Favour the same shall be granted: Provided always, that in regard to Leases of Heritable Subjects, Receipts for Interests, Dividends, Feu Duties, Rents, and Sums of Money, the Trustees and Managers may delegate and appoint their Clerk and Treasurer to subscribe the same, and any Lease or Receipt so subscribed shall be as good, valid, and effectual as the Deeds and Writings executed in the Manner herein-before provided.

Extending Powers of Trustees, &c., with respect to the Admission of Inmates to the Hospital.

6. Subject to the Rights of Priority of Admission herein-after specified, the Trustees and Managers shall only receive into the Hospital and admit to the Benefits thereof Persons possessing the following Qualifications, *videlicet:*

First. Poor Persons of good Character, not under Fifty Years of Age, being Widowers or Bachelors, Widows or Old Maids, who have been born in the Town of *Huntly*, are Children of Feuars of that Town, and free from Disease at the Time of their Admission; such Widowers or Widows having no Children surviving:

Second. Poor Persons of good Character, not under Fifty Years of Age, being Widowers or Bachelors, Widows or Old Maids, who are Children of Feuars of the Town of *Huntly*, and free from Disease at the Time of their Admission; such Widowers or Widows having no Children surviving:

Third. Poor Persons of good Character, not under Fifty Years of Age, being Widowers or Bachelors, Widows or Old Maids, who are Children of Feuars of the Town of *Huntly*, and free from Disease at the Time of their Admission; such Widowers or Widows having no Children surviving, or having only adult Children surviving, who are not able in the Opinion of the Trustees and Managers to maintain them:

Fourth. Poor Persons of good Character, not under Fifty Years of Age, being Widowers or Bachelors, Widows or Old Maids, who have been born in the Town of *Huntly*, have resided therein for a Period of not less than Ten Years continuously immediately previous to the Date of their Application for Admission, and are free from Disease at the Time of their Admission; such Widowers or Widows having no Children surviving, or having only adult Children surviving, who are not able in the Opinion of the Trustees and Managers to maintain them:

Provided always, that the Trustees and Managers shall not admit Persons of the Second Class while there are suitable Applicants of the First Class not admitted, or Persons of the Third Class while there are suitable Applicants of the First or Second Classes not admitted, or Persons of the Fourth Class while there are suitable Applicants of the First, Second, or Third Classes not admitted; the Meaning and Intent of this Act being, that the Trustees and Managers shall admit Persons of the Second Class only after they have admitted the whole suitable Applicants of the First Class, and shall admit Persons of the Third Class only after they have admitted the whole suitable Applicants of the First and Second Classes, and shall admit Persons of the Fourth Class only after they have admitted the whole suitable Applicants of the First, Second, and Third Classes: Provided also, that the Trustees and Managers may, if they think fit, remove from the Hospital Persons of the Third or Fourth Classes in the event of any Child or Children of such Persons becoming able, in the Opinion of the Trustees and Managers, to maintain them, and the Persons so removed shall thereupon lose all the Benefits to which they may have become entitled by their Admission; and provided further, that the Trustees and Managers shall not admit Persons of the Second, Third, or Fourth Classes who within the Two Years immediately preceding the Date of their Application for Admission have been in receipt of Parochial Relief.

Provision for Appointment of Two Trustees and Managers in succession ta Two of

7. In the event of the Sheriff Depute of *Aberdeenshire* declining to act as a Trustee and Manager, the Principal Sheriff Substitute of *Aberdeenshire* for the Time being shall be a Trustee and Manager in his Stead so long as such Sheriff Depute shall decline to act; and upon the Death or Resignation of any one of the said *Lachlan Duff*

existing Lay Trustees.

Duff Gordon Duff, *James Milne*, and *William Murdoch*, the Chief Magistrate of the Burgh of *Huntly* for the Time being shall become and be a Trustee and Manager in the Place of the one of them so deceasing or resigning; and upon the Death or Resignation of another of the said *Lachlan Duff Gordon Duff*, *James Milne*, and *William Murdoch*, the Factor resident in or nearest to *Huntly* of the Superior of the Burgh of Barony of *Huntly* for the Time being shall become and be a Trustee and Manager in the Place of the other of them so deceasing or resigning: Provided always, that the said Chief Magistrate and Factor respectively, on becoming Trustees and Managers as aforesaid, shall have the same Powers, Rights, and Privileges in every respect as the other Trustees and Managers: Provided also, that no Successor shall be appointed to such one of the said *Lachlan Duff*, *Gordon Duff*, *James Milne*, and *William Murdoch* as shall last die or resign.

Provision for Declinature or Incapacity of Trustees and Managers.

8. In the event of any One or more of the Trustees and Managers declining to act or becoming incapacitated, and the Number of the Trustees and Managers being thereby reduced below Five, the remaining Trustees and Managers may, if they think fit, at a Meeting of the Trustees and Managers called for the Purpose, appoint any Person or Persons of Influence and Respectability residing in the Town of *Huntly* or its Neighbourhood to supply the Place of such Trustee and Manager, or Trustees and Managers, during the Time such One or more of the Trustees and Managers shall decline to act or continue incapacitated, the Person or Persons so to be appointed having, during the Period of their acting as Trustees and Managers, the same Powers, Rights, and Privileges in every respect as the other Trustees and Managers: Provided always, that whenever any Trustee or Manager, or Trustees and Managers, who have declined to act or become incapacitated, shall intimate his or their Intention to act, or shall become capable of acting, the Person or Persons appointed to act in their Stead by virtue of the Provisions of this Act shall cease to be a Trustee and Manager, or Trustees and Managers, in like Manner as if he or they had never been appointed.

Saving of Rights.

9. Saving and reserving to the Queen's most Excellent Majesty, Her Heirs and Successors, and to all and every Person or Persons, Bodies Politic and Corporate, all such Right, Title, Interest, Claim, and Demand of, in, and to or out of all or any Part of the Funds or Estate of the Truster, or in connexion with the Hospital, as they or any of them have or might claim, challenge, and demand in case this Act had not passed; and especially declaring that nothing herein contained shall alter, extend, or infringe the Rights and Powers of the Trustees and Managers, or any other Person or Persons,

under the said Trust Disposition and Deed of Settlement, excepting only in so far as the Provisions thereof are altered by this Act.

Expenses of Act.

10. 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 out of the Funds and Revenues of the said Trust.

Act as printed by Queen's Printers to be Evidence.

11. This Act shall not be a Public Act, but shall be printed by the several Printers to the Queen's most Excellent Majesty duly authorized to print the Statutes of the United Kingdom, and a Copy thereof so printed by any of them shall be admitted as Evidence thereof by all Judges, Justices, and others.

LONDON:
Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1868.