CHAPTER lxv.

An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1899 relating to Alexander Scott's Hospital. [30th June 1905.]

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WHEREAS His Majesty's Secretary for Scotland has made the Provisional Order set forth in the schedule hereunto annexed under the provisions of the Private Legislation Procedure (Scotland) Act 1899 and it is requisite that the said Order should be confirmed by Parliament:

62 & 63 Vict. c. 47.

Be it therefore enacted by the King's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows:—

Confirmation of Order in schedule.

1. The Provisional Order contained in the schedule hereunto annexed shall be and the same is hereby confirmed.

Short title.

2. This Act may be cited as the Alexander Scott's Hospital Order Confirmation Act 1905.

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SCHEDULE.

ALEXANDER SCOTT'S HOSPITAL.

Provisional Order to extend the qualifications for the admission of Inmates to Alexander Scott's Hospital to amalgamate the Trust Funds administered by the Trustees and Managers of the Hospital and for other purposes.

WHEREAS by Alexander Scott's Hospital Act 1868 (hereinafter referred to as "the Act of 1868") the Trustees and Managers of Alexander Scott's Hospital (hereinafter referred to as "the Trustees") were incorporated and further powers were conferred upon them in connection with the admission of inmates to the hospital and the administration of the trusts and trust property and funds of the trust disposition and deed of settlement of Alexander Scott of Craibstone in the county of Aberdeen deceased dated the 8th day of June 1824 and registered in the books of council and session the 8th day of July 1833 (hereinafter referred to as "the trust disposition of 1824") which trusts are defined in the trust disposition of 1824 as being inter alia for the purpose of erecting establishing and endowing an hospital or receptacle for the maintenance aliment clothing and lodging of old men and old women in the town of Huntly having the description or qualifications set forth in the trust disposition of 1824 which hospital or receptacle was to be known styled and called by the title of Alexander Scott's Hospital:

And whereas the Act of 1868 inter alia extended the powers conferred upon the Trustees by the trust disposition of 1824 with respect to the admission of inmates to the hospital:

And whereas the trust disposition and settlement of the late Alexander Morison of Bognie and Larghan dated the 5th day of April 1876 and along with sundry codicils thereto recorded in the books of council and session the 8th day of January 1880 (hereinafter referred to as "the trust disposition of 1876") provided inter alia as follows:—

Fourth On the death of my wife should she survive me I direct my said Trustees to pay over the residue of my

means and estate to the parties afternamed for the benefit of Doctor Scott's Hospital for decayed business men and women in Huntly for the purpose of erecting and endowing an additional wing to be called "the Morison Wing" to be managed on the same principle as the endowment left by the said Doctor Scott and for the said purposes I hereby direct my Trustees on the death of my wife or of myself which of these events shall happen last to pay over the residue of my means and estate to George Cruickshank of Comisty and William Gulland Writer to the Signet Edinburgh and the acceptor and survivor of them with power to them to erect the wing the expense of which shall not exceed £5,000 and when the building is completed to hand it and the remaining funds under their management to the Trustees for the time being who shall be in the management of the present Doctor Scott's Hospital at Huntly to be applied by them for the maintenance of said wing on the same principle as carried on in said hospital:

And whereas the said Alexander Morison died on the 30th day of December 1879 survived by his wife and without having altered or revoked the trust disposition of 1876 in so far as it related to the above recited bequest for the benefit of the said hospital and in favour of the Trustees in the management thereof:

And whereas the wife of the said Alexander Morison died on the 5th day of May 1893:

And whereas the Morison Wing to the said hospital was duly erected and completed at a cost of four thousand nine hundred and twenty-four pounds nine shillings and four pence and was on the 15th day of October 1900 handed over to the Trustees together with the residue of the means and estate of the said Alexander Morison which residue amounted to the capital sum of sixty-two thousand one hundred and thirty-three pounds sixteen shillings and ten pence and the said Morison Wing of the said hospital has been managed and maintained and the income from the said sum of sixty-two thousand one hundred and thirty-three pounds sixteen shillings and ten pence has so far as required been applied by the Trustees in accordance with the terms of the trust disposition of 1876 and the unexpended balance of such income has been invested from time to time on heritable securities falling within the powers of the Trustees:

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And whereas inasmuch as the Trustees have been advised that the qualifications to be possessed by persons eligible as inmates of the Morison Wing of the hospital were the qualifications prescribed by the trust disposition of 1824 as extended by the Act of 1868 it has been found impossible to procure a number of eligible inmates sufficient to exhaust the revenue from time to time accruing in respect of the said sum of sixty-two thousand one hundred and thirty-three pounds sixteen shillings and ten pence and it is expedient that the Act of 1868 should be amended and the powers of the Trustees with respect to the admission of inmates to the hospital and to the Morison Wing should be further extended so as to benefit more effectually the inhabitants of the town of Huntly and to bring the qualifications of eligible inmates more into conformity with the intentions of the said Alexander Morison who from the before recited portion of the trust disposition of 1876 appears to have been under the impression that the hospital was for the benefit of decayed business men and women in Huntly:

And whereas the estate of Bognie which belonged to the said Alexander Morison is situate in the neighbourhood of the town of Huntly and portions of that estate are let to tenants and it is the desire of the Trustees to recognise the benefits conferred upon the hospital by the bequest of the said Alexander Morison and it is therefore expedient that the benefits conferred on the town of Huntly by the will of the said Alexander Morison should be extended to the said tenants:

And whereas the trustees were advised that they are obliged to keep separate accounts of the trust property and funds of the trust disposition of 1824 and of the said sum of sixty-two thousand one hundred and thirty-three pounds sixteen shillings and ten pence and the expenditure thereof respectively and they have accordingly kept such separate accounts but the keeping of such separate accounts is attended with considerable difficulty and unnecessary expense and it is expedient that the whole of the said property and funds now under their administration and control should be amalgamated into and merged in one common fund:

And whereas the Huntly Jubilee Cottage Hospital was erected in Huntly in the year 1889 by means of money raised by voluntary subscriptions and in 1902 the governing body of the cottage hospital expended their endowment fund in erecting on land belonging to them an infectious diseases hospital in pursuance of an agreement made with the provost magistrates and councillors of the burgh of Huntly as the local authority for that burgh under

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the Public Health (Scotland) Act 1897 and the Huntly District Committee of the county of Aberdeen as the local authority for their district under the Local Government (Scotland) Act 1889 (hereinafter referred to as "the local authorities"):

And whereas in accordance with the terms of the said agreement the local authorities make certain annual and other payments in respect of cases of infectious disease sent by the local authorities to the infectious diseases hospital but the cottage hospital is maintained entirely by voluntary subscriptions and is the only institution of its kind in Huntly and is of great benefit to the inhabitants of Huntly and certain neighbouring parishes and it is expedient that the Trustees should be authorised to make annual payments or subscriptions to such cottage hospital out of their surplus revenues:

And whereas the moderator of the presbytery of Strathbogie who is one of the Trustees appointed in pursuance of a provision to that effect in the trust disposition of 1824 and the Act of 1868 holds the office of moderator for only one year and he is frequently a person residing at a considerable distance from Huntly and it is expedient to make provision for the appointment of a Trustee holding office for a longer period and specially representing the presbytery of Strathbogie in place of the said moderator:

And whereas it is expedient that such other provisions as are in this Order contained should be made:

And whereas the purposes aforesaid cannot be effected without an Order of the Secretary for Scotland confirmed by Parliament under the provisions of the Private Legislation Procedure (Scotland) Act 1899:

Now therefore in pursuance of the powers contained in the last mentioned Act the Secretary for Scotland orders as follows:—

Short title and citations.

1. This Order may be cited as "Alexander Scott's Hospital Order 1905" and this Order and Alexander Scott's Hospital Act 1868 may be cited as "Alexander Scott's Hospital Acts 1868 and 1905."

Interpretation.

2. The following words and expressions in this Order have the meanings hereby assigned to them (that is to say):—

"The Act of 1868" means Alexander Scott's Hospital Act 1868;

"The Trustees" means the Trustees and Managers of Alexander Scott's Hospital as incorporated by the Act of 1868;

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"The trust disposition of 1824" means the trust disposition and deed of settlement of Alexander Scott of Craibstone dated the 8th day of June 1824 and registered in the books of council and session the 8th day of July 1833;

"The trust disposition of 1876" means the trust disposition and settlement of Alexander Morison of Bognie and Larghan dated the 5th day of April 1876 and with sundry codicils thereto recorded in the books of council and session the 8th day of January 1880;

"The hospital" means the hospital erected in pursuance of the trust disposition of 1824 and the Morison Wing of the hospital erected in pursuance of the trust disposition of 1876 and the garden and policy grounds of every description attached thereto;

"The Scott fund" means the property funds and effects of every description held by the Trustees under the trust disposition of 1824 and the Act of 1868;

"The Morison fund" means the said sum of sixty-two thousand one hundred and thirty-three pounds sixteen shillings and ten pence the accumulations of the unexpended revenue accruing therefrom and the property funds and effects of every description held by the Trustees under the trust disposition of 1876;

"The estate of Bognie" means the entailed lands and estate of Bognie and others in the parish of Forgue and county of Aberdeen as it existed when in the possession of the said Alexander Morison on the 30th day of December 1879;

"The local authorities" means the provost magistrates and councillors of the burgh of Huntly as the local authority under the Public Health (Scotland) Act 1897 and the Huntly District Committee of the county of Aberdeen as the local authority under the Local Government (Scotland) Act 1889.

Extending qualifications of persons eligible to be admitted to hospital.

3. Section 6 (Extending powers of Trustees &c. with respect to the admission of inmates to the hospital) of the Act of 1868 is hereby repealed and subject to the rights of priority of admission hereinafter specified the Trustees may only receive into the hospital and admit to the benefits thereof persons possessing the following

qualifications belonging respectively to the six several classes and in the order hereinafter described (videlicet) :— A.D. 1905.

First Class Poor persons of good character not under fifty years of age being widowers or bachelors widows or spinsters who have been born in the town of Huntly are children or grandchildren of feuars of that town and are free from disease at the time of their admission such poor persons having no children surviving or having only adult children surviving who are not able in the opinion of the Trustees to maintain them :

Second Class Poor persons of good character not under fifty years of age being widowers or bachelors widows or spinsters who are children or grandchildren of feuars of the town of Huntly and are free from disease at the time of their admission such poor persons having no children surviving:

Third Class Poor persons of good character not under fifty years of age being widowers or bachelors widows or spinsters who are children or grandchildren of feuars of the town of Huntly and are free from disease at the time of their admission such poor persons having no children surviving or having only adult children surviving who are not able in the opinion of the Trustees to maintain them :

Fourth Class Poor persons of good character not under fifty years of age being widowers or bachelors widows or spinsters who have been born in the town of Huntly have resided therein for a period of not less than five years consecutively immediately previous to the date of their application for admission and are free from disease at the time of their admission such poor persons having no children surviving or having only adult children surviving who are not able in the opinion of the Trustees to maintain them :

Fifth Class Poor persons of good character not under fifty years of age being widowers or bachelors widows or spinsters who have been proprietors (or in the case of a widow whose husband has been a proprietor) of a business or trade in the town of Huntly such business or trade having been carried on by such proprietors or proprietor for a period of not less than ten years such poor persons having resided in the town of Huntly for a period of not less than five years consecutively prior to the date of their application for admission and being free from disease at the time of their admission

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such poor persons having no children surviving or having only adult children surviving who are not in the opinion of the Trustees able to maintain them:

Sixth Class Poor persons of good character not under fifty years of age being widowers or bachelors widows or spinsters who are free from disease at the time of their admission and are or have been tenants (or in the case of a widow whose husband has been a tenant) or are the children of tenants or of persons who have been tenants on the estate of Bognie such poor persons having no children surviving or having only adult children surviving who are not in the opinion of the Trustees able to maintain them and such tenants being persons holding or who have held land as agricultural tenants upon the estate of Bognie on lease for a period of not less than ten years direct from the proprietor for the time being of the estate of Bognie:

Provided always that the Trustees 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 or persons of the fifth class while there are suitable applicants of the first second third or fourth classes not admitted or persons of the sixth class while there are suitable applicants of the first second third fourth or fifth classes not admitted the meaning and intent of this Order being that the Trustees shall admit persons of the second class only after they have admitted all suitable applicants of the first class and shall admit persons of the third class only after they have admitted all suitable applicants of the first two classes and shall admit persons of the fourth class only after they have admitted all suitable applicants of the first three classes and shall admit persons of the fifth class only after they have admitted all suitable applicants of the first four classes and shall admit persons of the sixth class only after they have admitted all suitable applicants of the first five classes:

Provided also that the Trustees may if they think fit remove from the hospital persons of the first third fourth fifth or sixth classes in the event of any child or children of such persons becoming able in the opinion of the Trustees to maintain them and the persons so removed shall thereupon lose all the benefits to

which they may have become entitled by their admission to the hospital And provided further that the Trustees shall not admit persons who within the two years immediately preceding the date of application for admission have or had been in receipt of parochial relief.

Trustees sole judges of applicants' qualifications and may dismiss inmates on cause shown.

4. In disposing of all applications for admission to the hospital the Trustees shall be the sole judges of the qualifications for admission adduced by applicants and shall have full power to dispose of all applications accordingly and it shall not be competent to an applicant to appeal to any court or other authority against the resolution of the Trustees in disposing of his or her application and the Trustees shall have full power to dismiss any person who has been admitted to the benefits of the hospital if in the opinion of the Trustees such person has been guilty of any grossly immoral or improper conduct or of persistent disregard of the rules and regulations laid down or from time to time to be laid down by the Trustees for the management of the hospital.

Amalgamation of funds of Trustees.

5. As from and after the 20th day of July 1905 the Scott Fund and the Morison Fund shall merge and become amalgamated into and shall form one common fund and all loans of every description due by the one fund to the other fund shall be cancelled and the Trustees shall not be bound to keep more than one set of accounts in respect of the capital property revenue and expenditure of such common fund after the date of amalgamation.

Funds to be held and applied by Trustees.

6. The said funds so merged and amalgamated and forming a common fund and the revenue accruing in respect thereof and all rights and interests connected therewith shall continue to be held by and be vested in the Trustees for the uses and purposes of the trust disposition of 1824 the Act of 1868 the trust disposition of 1876 and of this Order and subject thereto may be applied for the repair maintenance and enlargement of the hospital and for the necessary furnishings and appurtenances thereof and section 4 of the Act of 1868 in so far as it is repugnant to or inconsistent with this provision is hereby repealed.

Contributions by Trustees to Huntly Jubilee Cottage Hospital and

7. From and after the passing of the Act confirming this Order the Trustees shall in each year out of the surplus revenue in their hands (if any) after applying their revenue in manner provided by this Order pay to the managing committee or governing body of the Huntly Jubilee Cottage Hospital in Huntly such sum

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other charitable institutions.

as may be required to meet the cost of managing and carrying on the cottage hospital including in such cost the annual payment towards the sinking fund to replace the original endowment expended in the erection of the infectious diseases hospital but deducting therefrom such payments for the year as may be received by the said managing committee or governing body from fixed endowments or from the local authorities under existing or future agreements with them or in virtue of any power of assessment of the local authorities but if in any year such surplus revenue is insufficient to provide the full amount of the sum so required the Trustees shall pay to the managing committee or governing body of the cottage hospital only such smaller sum as the surplus revenue shall amount to If after making payment of the full amount of the sum so required there shall still remain in any year any surplus revenue in the hands of the Trustees they may contribute out thereof such sums as they in their discretion think fit towards the support of any one or more of the charitable institutions or charitable purposes carried on within the town of Huntly.

Power to Trustees to appoint members of managing committee of Huntly Jubilee Cottage Hospital.

8. The Trustees shall but for so long only as they contribute to the Huntly Jubilee Cottage Hospital in accordance with the immediately preceding section of this Order annually appoint not more than four persons to be members of the managing committee of the said cottage hospital or of such other committee as is entrusted with the management of the said cottage hospital and such persons shall hold office for the period of twelve months at a time and such persons or some of them may be appointed from among the Trustees and the said cottage hospital and its governing body and committee shall admit the said persons so appointed to be members of the said managing committee or of such other committee as is entrusted with the management of the said cottage hospital.

Saving agreement between Jubilee Cottage Hospital and certain local authorities.

9. Nothing in this Order contained shall prejudice or affect the agreement dated the seventeenth twenty-fourth twenty-sixth and twenty-seventh days of June one thousand nine hundred and one and made between the managing committee of the Huntly Jubilee Cottage Hospital of the first part the provost magistrates and councillors of the burgh of Huntly as the local authority of the said burgh under the Public Health (Scotland) Act 1897 of second part and the Huntly District Committee of the county of Aberdeen under the Local Government (Scotland) Act 1889 as

the local authority of said district under the said Public Health (Scotland) Act 1897 of the third part and registered in the books of council and session on the thirteenth day of July one thousand nine hundred and one.

Amending constitution of Trustees.

10. Notwithstanding anything in the trust disposition of 1824 or the Act of 1868 contained on and from the passing of the Act confirming this Order the moderator of the presbytery of Strathbogie shall cease to be a Trustee and the presbytery of Strathbogie shall from time to time elect a minister of one of the parishes within the presbytery of Strathbogie to be a Trustee The minister so elected shall hold such office for such period being not less than three years as the presbytery may decide and the presbytery shall at the conclusion of the period of office of such Trustee appoint another minister qualified as aforesaid to be a Trustee Provided always that the Trustee whose period of office has concluded shall be eligible for re-election if qualified as aforesaid Provided further that in the event of the Trustee appointed by the presbytery of Strathbogie becoming disqualified dying resigning or otherwise vacating his trusteeship during his term of office the presbytery shall appoint in his place some other minister qualified as aforesaid to be a Trustee for such period not being less than three years as they may decide.

Quorum of Trustees.

11. Without prejudice to the provisions of the trust disposition of 1824 other than those relating to a quorum of a meeting of the Trustees a quorum of a meeting of the Trustees shall be three.

Costs of Order.

12. The costs charges and expenses of and incident to the preparing for obtaining and confirming of this Order or otherwise in relation thereto shall be paid by the Trustees out of the Amalgamated Scott and Morison funds or the revenues received or to be received therefrom.

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