CHAPTER xxxv.

An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1899 relating to the Astley Ainslie Institution. [20th December 1929.]

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WHEREAS the Provisional Order set forth in the schedule hereunto annexed has been made by one of His Majesty's Principal Secretaries of State under the provisions of the Private Legislation Procedure (Scotland) Act 1899 as read with the Secretaries of State Act 1926 and it is requisite that the said Order should be confirmed by Parliament:

62 & 63 Vict. c. 47.
16 & 17 Geo. 5. c. 18.

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:—

1. The Provisional Order contained in the schedule hereunto annexed is hereby confirmed.

Confirmation of Order in Schedule.

2. This Act may be cited as the Astley Ainslie Institution Order Confirmation Act 1929.

Short title.

[*Price* 1*s.* 6*d. Net.*]

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SCHEDULE.

ASTLEY AINSLIE INSTITUTION.

Provisional Order to incorporate and confer powers on the Governors of the Astley Ainslie Institution and for other purposes.

WHEREAS the late David Ainslie esquire of Costerton in the county of Midlothian died on the twenty-fourth day of May one thousand nine hundred leaving a trust disposition and settlement dated the twenty-sixth day of October one thousand eight hundred and seventy-six and codicils thereto dated respectively nineteenth November one thousand eight hundred and eighty-seven sixth April one thousand eight hundred and eighty-nine sixth April one thousand eight hundred and eighty-nine twenty-third April one thousand eight hundred and eighty-nine third November one thousand eight hundred and ninety-one third November one thousand eight hundred and ninety-one ninth November one thousand eight hundred and ninety-one third January one thousand eight hundred and ninety-six thirteenth April one thousand eight hundred and ninety-seven and seventeenth March one thousand eight hundred and ninety-nine and holograph testamentary writing dated eighteenth May one thousand eight hundred and ninety-two all registered in the books of Council and Session on the thirty-first May one thousand nine hundred :

And whereas the sole accepting trustees who acted under the said trust disposition and settlement and relative codicils and holograph testamentary writing were Charles Cook and Andrew Thomas Steele Scott both writers to the signet Edinburgh :

And whereas by the sixth purpose of the said trust disposition and settlement the said David Ainslie directed his trustees after payment and performance of the

whole special and primary purposes of the trust thereby created as therein set forth to "retain possession of "the residue and remainder of my said estates and "effects heritable and moveable real and personal "before conveyed together with the whole free rents "interests dividends profits and produce thereof and "invest the same in their own names as trustees foresaid "in any way they may think proper in manner before "provided with power to change the securities at "pleasure and that they shall allow the same to accu-"mulate until the first term of Whitsunday which shall "occur after the expiry of ten years from and after my "death and upon the expiry of the said period my said "trustees shall ascertain the total amount or value of my "said trust-estate and effects heritable and moveable real "and personal including the accumulations of income "which may have accrued thereon during the sub-"sistence of the trust and the said total amount being "ascertained the same shall form the principal or capital "of my said trust-estate as then existing":

And whereas the purpose to which the capital of the said trust-estate was to be put is expressed in the seventh place of the said trust disposition and settlement as follows "for the purpose of erecting endowing "and maintaining an hospital or institution . . . . "for the relief and behoof of the convalescents in the "Royal Infirmary of Edinburgh and the deed or deeds "necessary or proper for carrying that purpose into "effect shall be prepared by or at the sight of such "person or persons as the Judges of the Court of Session "in Scotland in either of its Divisions shall appoint and "the same shall before execution thereof be submitted "to and approved of by the Judges of the said Court":

And whereas by one of the said codicils dated sixth April one thousand eight hundred and eighty-nine the testator directed that the Institution which he had directed by the said trust disposition and settlement to be founded should be called "the Astley Ainslie Institution":

And whereas by one of the said codicils dated third November one thousand eight hundred and ninety-one the testator considering it proper to give expressly the following power to his trustees provided "I . . . . . "do hereby empower them to purchase land to such

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" an extent and in such locality in or near Edinburgh " as they may consider fit for the site of the Astley " Ainslie Institution and as garden and policy and " recreation ground for it and that either by private " purchase or at a public sale and I do hereby direct " my trustees to allow the whole free rents feu-duties " ground rents ground annuals interests dividends " bonuses profits and produce of the residue and re- " mainder of my estate and effects heritable and move- " able real and personal conveyed in trust by my trust " disposition and settlement to accumulate and to " accumulate yearly until the first term of Whitsunday " which shall occur after the expiry of fifteen years from " and after my death instead of until the first term of " Whitsunday which shall occur ten years thereafter as " directed in the sixth purpose of my trust disposition " and settlement " :

And whereas the first term of Whitsunday occurring after the expiry of fifteen years from the testator's death occurred on the fifteenth day of May one thousand nine hundred and sixteen at which said date the country was at war and the then prevailing conditions prevented any progress being made with the erection of the said Institution :

And whereas so soon as it became practicable after the war the trustees acquired certain lands in Edinburgh to provide a site for the said Institution and suitable policy and recreation grounds therefor and upon those lands certain buildings have been erected which together with certain of the buildings standing upon the said lands prior to the acquisition of the site and which have been adapted for the purpose form the said Institution :

And whereas in the year one thousand nine hundred and twenty the said Charles Cook and Andrew Thomas Steele Scott as trustees foresaid in accordance with the directions contained in the said trust disposition and settlement presented a petition to the Lords of Council and Session craving their Lordships to appoint such person as they might deem proper at whose sight the necessary deed or deeds of constitution and trust might be prepared and to remit to such person so appointed to see the same prepared and to report thereon and there- after to approve of the said deed or deeds so prepared as the scheme for the administration of the said David Ainslie bequest :

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And whereas following upon the said petition it was remitted to James Alexander Fleming one of His Majesty's Counsel to see and report as aforesaid and a deed of constitution and trust executed by the said Charles Cook and Andrew Thomas Steele Scott as trustees foresaid in the presence of the said James Alexander Fleming was on the twelfth day of May one thousand nine hundred and twenty-one finally approved of by the Lords of Council and Session:

And whereas under the said deed of constitution and trust the whole funds and estate heritable and moveable constituting the trust estate of the said David Ainslie then held by the said Charles Cook and Andrew Thomas Steele Scott were assigned disponed and conveyed in trust to the persons therein specified and appointed as Governors for the management of the said funds and estate and the said Astley Ainslie Institution:

And whereas by the said deed of constitution and trust it was declared that for greater convenience the said Governors were empowered to take the titles to the heritable properties and the titles to the heritable bonds and moveable securities acquired or to be acquired whether directly or by assignation or transfer in the names of any five of their number of whom any three should be a quorum and of the survivors or survivor of such persons and the heir male of the survivor as trustees in trust for behoof of the said Institution:

And whereas in the year one thousand nine hundred and twenty-two the said Charles Cook having previously retired from the trust the said Andrew Thomas Steele Scott then sole accepting surviving trustee acting under the said trust disposition and settlement assigned the heritable bonds and transferred the other securities belonging to the said Institution to five Governors appointed to hold the titles as aforesaid:

And whereas numerous changes in the personnel of the governing body have taken place through retiral resignation and death and only one of the five original Governors in whose names the investments were appointed to be held is still a Governor of the said Institution in consequence of which questions have arisen as to who are now the proper persons to grant discharges of bonds or execute transfers of other securities and it has

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been found necessary to obtain the signatures of persons who have ceased to be Governors to discharges transfers and other documents:

And whereas in addition to the said lands and buildings the assets of the said Institution at present exceed eight hundred thousand pounds in amount and consist of heritable bonds and moveable securities and it is expedient in order to remove doubts as to the persons in whom the said lands buildings and other assets are vested and to prevent difficulties in dealing with the same that there should be an incorporation for the purposes of the said Institution and that the property and other assets of the Institution be transferred to and vested in the incorporation and that it be authorised and empowered to carry into effect the provisions of the said deed of constitution and trust and that further provision should be made for the future management and administration of the incorporation as hereinafter in this Order provided:

And whereas in consequence of supervenient legislation it is desirable that there should be added to the existing body of Governors of the said Institution a representative of the lord provost magistrates and councillors of the city of Edinburgh:

And whereas it is expedient that the other provisions in this Order contained should be enacted:

And whereas the purposes aforesaid cannot be effected without an Order 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 as read with the Secretaries of State Act 1926 the Secretary of State orders as follows:—

Short title.

1. This Order may be cited as the Astley Ainslie Institution Order 1929.

Commencement of Order.

2. This Order shall except as otherwise in this Order provided commence and have effect on and from the appointed day.

3. In this Order the following expressions have the meanings hereby assigned to them unless there be something in the subject or context inconsistent with or repugnant to such meanings (that is to say):— Interpretation.

"The deed of constitution and trust" means the deed of constitution and trust by the trustees of the late David Ainslie esquire of Costerton in the county of Mid-Lothian in favour of the governors of the Astley Ainslie Institution dated the twelfth day of May one thousand nine hundred and twenty-one and approved of by the Lords of Council and Session and set forth in the First Schedule hereto;

"The Institution" means the Astley Ainslie Institution;

"The existing Governors" means the Governors of the Institution appointed or acting as such Governors immediately before the appointed day in pursuance of the terms and provisions of the deed of constitution and trust;

"The Governors" means the Governors of the Institution as incorporated by this Order;

"The trust estate" means and includes the whole funds and estate heritable and moveable real and personal of every description constituting the trust estate of the said David Ainslie at present held by the existing Governors or by any former Governors or by some or any of them or by their survivors or survivor or the heir male of such survivor or by any other persons as trustees in trust for behoof of the Institution in pursuance of the deed of constitution and trust and in particular the property heritable and moveable described in the Second Schedule hereto;

"The appointed day" means the first day of January one thousand nine hundred and thirty.

4. As from the appointed day a body of Governors shall be and are hereby incorporated by the name of "the Governors of the Astley Ainslie Institution" and by that name shall be a body corporate with perpetual succession and a common seal and with power to purchase acquire hold and dispose of lands and other Incorporation of Governors.

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property heritable and moveable and to sue and be sued and with all other rights powers and privileges of a body corporate.

Constitution of Governors.

5. (*a*) The Governors shall consist of the following persons (that is to say) :—

Andrew Thomas Steele Scott who shall be and remain a Governor for life;

Five persons to be appointed by the managers of the Royal Infirmary of Edinburgh;

One person to be appointed by the Senators of the College of Justice;

One person to be appointed by the Royal College of Physicians of Edinburgh;

One person to be appointed by the Royal College of Surgeons of Edinburgh;

One person to be appointed by the Company of Merchants of the city of Edinburgh;

One person to be appointed by the Chamber of Commerce and Manufacturers of Edinburgh;

One person to be appointed by the Society of Accountants in Edinburgh;

One person to be appointed by the Presbytery of Edinburgh of the Church of Scotland; and

One person to be appointed by the lord provost magistrates and councillors of the city of Edinburgh:

Provided that the persons to be appointed by the said respective bodies shall be appointed from among their own members and with the exception of those to be appointed by the managers of the Royal Infirmary of Edinburgh no person who is a manager of the Royal Infirmary shall be eligible to be appointed or shall continue to act as a Governor if he should thereafter be appointed a manager of the said Royal Infirmary Provided also that the persons to be appointed by the managers of the Royal Infirmary shall hold office only while they continue to be themselves managers of the Royal Infirmary.

(*b*) The Governors shall be appointed and shall cease to hold office in accordance with the deed of constitution and trust :

Provided that the first Governor to be appointed by the lord provost magistrates and councillors of the city of Edinburgh shall be appointed as soon as may be after the confirmation of this Order and shall cease to hold office on the first day of January one thousand nine hundred and thirty-three.

Powers of Governors.

6. All the powers rights privileges and duties of the existing Governors under and in pursuance of the deed of constitution and trust shall as from the appointed day be vested in and performed by the Governors and the deed of constitution and trust shall so far as the same is not varied by and is not inconsistent with the provisions of this Order be and continue to be of full force and effect and the expression "the Governors" wherever that expression occurs therein shall mean the Governors of the Institution as incorporated by this Order and such Governors shall subject as aforesaid maintain administer manage and carry on the Institution in accordance with the terms and provisions of the deed of constitution and trust.

Existing Governors to continue in office until appointed day.

7. Subject to the provisions of this Order the existing Governors shall continue to exercise all necessary acts of administration relative to the Institution and shall have all necessary powers therefor until the appointed day This section shall commence and have effect on and from the passing of the Act confirming this Order.

Proceedings of Governors not to be invalidated by failure to appoint Governors.

8. No failure or delay or defect in the election or appointment of any Governor and no vacancy in the office of Governor shall prevent the Governors from acting in the execution of this Order nor shall any act or proceeding of the Governors or of any committee appointed by them be invalidated or be illegal by reason or in consequence of any such vacancy or of any defect in the appointment of any one or more Governors provided the number of Governors entitled to act shall not thereby be reduced below ten.

Vesting of property in Governors.

9. Subject to the provisions of this Order the trust estate and all property of whatever description vested in held by or due or belonging to the existing Governors or any former Governors or other persons for behoof of the Institution or the title or titles to which are vested in or held in the names of any of such Governors or others

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or their survivors or survivor or heir male of such survivor as trustees in trust for behoof of the Institution and subject to the burdens attaching to or affecting the said estate and property shall by virtue of this Order be transferred to vested in held by and be due and belong to the Governors and shall form part of the property and assets of the Institution for all the estate and interest therein of the existing or former Governors or other persons as aforesaid and shall be received held and enjoyed by the Governors accordingly and that without the necessity of any disposition assignation transfer conveyance notarial instrument notice of title or other instrument.

Order to be deemed a general disposition in favour of the Governors.

10. Without prejudice to anything in this Order herein-before contained it is hereby provided that for the purpose of enabling the Governors to complete a title if thought fit to any part of the heritable property bonds and dispositions in security and others vested in them by virtue of this Order by expeding a notarial instrument or notice of title or otherwise this Order shall be deemed to be and may be used as a general disposition or assignation as the case may be of such heritable property bonds and dispositions in security and others in favour of the Governors.

Legacies not to lapse.

11. No legacy or bequest in any will or testamentary disposition whether bearing date before or after the appointed day shall lapse or fail by reason of the provisions of this Order but any such legacy or bequest which but for this Order would have accrued for the benefit of the existing Governors shall be payable to and receivable by the Governors.

Execution of deeds.

12. All deeds and other writings sealed with the common seal of the Governors and signed by any two of the Governors shall be held to be validly executed on behalf of the Governors.

Costs of Order.

13. All costs charges and expenses of and incidental to the preparing for obtaining and confirming this Order and otherwise in relation thereto shall be paid by the Governors out of the trust estate.

SCHEDULES.

THE FIRST SCHEDULE.

(Referred to in the section of this Order of which the marginal note is "Interpretation.")

DEED OF CONSTITUTION AND TRUST

BY

THE TRUSTEES OF THE LATE DAVID AINSLIE ESQ. OF COSTERTON IN THE COUNTY OF MID-LOTHIAN

IN FAVOUR OF

THE GOVERNORS OF "THE ASTLEY AINSLIE INSTITUTION."

WE CHARLES COOK and ANDREW THOMAS STEELE SCOTT both writers to the signet Edinburgh the sole accepting trustees acting under the trust-disposition and settlement of the deceased David Ainslie esquire of Costerton in the county of Mid-Lothian dated the 26th day of October 1876 and codicils thereto dated respectively 19th November 1887 6th April 1889 6th April 1889 23rd April 1889 3rd November 1891 3rd November 1891 9th November 1891 3rd January 1896 13th April 1897 and 17th March 1899 and holograph testamentary writing dated 18th May 1892 all registered in the books of Council and Session 31st May 1900 Considering that the said David Ainslie who died at Costerton aforesaid on the 24th May 1900 hereinafter called "the Testator" by the sixth purpose of his said trust-disposition and settlement directed his trustees after payment and performance of the whole special and primary purposes of the trust thereby created as therein before set forth to retain possession of the residue and remainder of his estate and effects heritable and moveable real and personal thereby conveyed together with the whole free rents interests dividends profits and produce thereof and to invest the same in their own names as trustees foresaid in any way they might think proper in manner therein before provided with power to change the securities at pleasure and to allow the same to accumulate until the first term of Whitsunday which should occur after the expiry of ten years from and after his death

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and upon the expiry of the said period he directed that his said trustees should ascertain the total amount or value of his said trust estate and effects heritable and moveable real and personal including the accumulations of income which might have accrued thereon during the subsistence of the trust and the said total amount having been ascertained that the same should form the principal or capital of his trust estate as then existing And that by the seventh purpose of his said trust-disposition and settlement the Testator directed that to the end and intent that upon the principal or capital of his said trust estate having been ascertained at the first term of Whitsunday which should occur after the expiry of ten years from and after his death in manner mentioned in the preceding clause or purpose thereof or as soon thereafter as conveniently could be done his said trustees should hold apply and dispose of the foresaid principal or capital of his said estate so ascertained for the purpose of erecting endowing and maintaining an hospital or institution to be called "Saint John's Hospital" for the relief and behoof of the convalescents in the Royal Infirmary of Edinburgh and that the deed or deeds necessary or proper for carrying that purpose into effect should be prepared by or at the sight of such person or persons as the Judges of the Court of Session in Scotland in either of its Divisions should appoint and that the same should before execution thereof be submitted to and approved of by the Judges of the said Court And that by codicil dated 19th November 1887 the Testator suggested with reference to the buildings indicated or provided for in his said trust-disposition and settlement that if possible they should be of the Grecian style of architecture and as near as possible represent the style of the hospital in Edinburgh known as John Watson's Institution which is situated on the west side of the old Queensferry Road and be of moderate dimensions so as a large fund might be left to support the Institution And that by codicil dated 6th April 1889 the Testator inter alia directed his trustees to make payment to Agnes Boag his tablemaid if she should be in his service at his death and had not given notice to quit of an annuity of £25 sterling during all the days of her life to be paid free of all charges and deductions and to be paid half-yearly in advance commencing six months after his death for the half year succeeding And he further by said codicil requested his trustees to provide that his family burying-ground in South Leith should be kept in perfect repair out of the annual proceeds of his trust estate And that by another codicil also dated 6th April 1889 the Testator directed that the portrait of himself painted by Mackenzie three-fourths length should be delivered to the Institution which he had directed to be founded by his said trust-disposition and settlement and that in place of the said Institution being called "St. John's Hospital" it should be called "the Astley Ainslie Institution" And that by codicil dated 3rd November 1891 the Testator on the narrative

that he considered it proper to give expressly the following power to his said trustees did thereby empower them to purchase land to such an extent and in such locality in or near Edinburgh as they might consider fit for the site of "the Astley Ainslie Institution" and as garden and policy and recreation-ground for it and that either by private purchase or at a public sale and thereby directed his trustees to allow the whole free rents feu-duties ground-rents ground-annuals interests dividends bonuses profits and produce of the residue and remainder of his estate and effects heritable and moveable real and personal conveyed in trust by his trust-disposition and settlement to accumulate and to accumulate yearly until the first term of Whitsunday which should occur after the expiry of fifteen years from and after his death instead of until the first term of Whitsunday which should occur ten years thereafter as directed in the sixth purpose of his said trust-disposition and settlement And he further directed his trustees to retain in the event of the National Gallery of Scotland declining to accept them the portraits and pictures and mosaics therein referred to and also to retain the water-colour painting of his sister-in-law the late Mrs. John Ainslie and her two children and to deliver them to "the Astley Ainslie Institution" there to remain in perpetuity along with the portrait of himself And that by codicil dated 9th November 1891 the Testator directed his trustees in the event of the trustees of the Industrial Museum of Science and Art in Chambers Street Edinburgh declining to accept his cups and prize plate and others mentioned in one of the codicils of 3rd November 1891 to his trust-disposition and settlement to deliver all his said silver silver-gilt and plated cups and his prize plate of all kinds including inter alia his challenge cup and centre-piece and oval and round plates and cup made from medals won by him and tankards jugs and plates to "the Astley Ainslie Institution" there to remain in perpetuity And further considering that Robert Jameson Torrie stockbroker Edinburgh and Maurice John Lothian formerly of Woodcot and latterly residing at Redwood Spylaw Road Edinburgh who were also nominated and appointed trustees and executors by the said David Ainslie along with us the said Charles Cook and Andrew Thomas Steele Scott by minute dated and recorded in the books of Council and Session 7th June 1900 declined to accept office as trustees and executors under the said trust-disposition and settlement and codicils and that we the said Charles Cook and Andrew Thomas Steele Scott accepted office as trustees and executors under the same and were duly confirmed executors by the sheriff of the Lothians and Peebles conform to testament-testamentar dated 26th July 1900 and made up titles to the heritable estate of the Testator (which we have since sold) and that we duly entered into possession of and administered the trust estate as directed by the Testator And further considering that the period of fifteen years from and after

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the first term of Whitsunday occurring after the death of the Testator expired on 15th May 1916 at which date the total amount or value of the principal or capital of the said trust estate was ascertained as directed by the Testator and that the time had therefore come for the preparation at the sight of the Court of Session of the necessary deed for carrying out the purpose of erecting endowing and maintaining the hospital or institution to be called "the Astley Ainslie Institution" and that owing to the continuance of the European war and the restriction of all building &c. we deemed it expedient to postpone proceeding with the purposes of the trust until the war was at an end and seeing that the war is now ended we the said Charles Cook and Andrew Thomas Steele Scott as trustees foresaid accordingly have prepared a draft deed of constitution and trust of the said Institution and submitted the same to the Court of Session for approval (under a petition presented to their Lordships of the First Division (Mr. Paton clerk) dated 17th July 1920) and that after sundry procedure in said application their Lordships of date 15th March 1921 approved of said draft deed of constitution and trust and authorised us as trustees foresaid to execute the same Therefore we the said Charles Cook and Andrew Thomas Steele Scott sole accepting trustees foresaid have resolved to assign dispone and convey as we by these presents do assign dispone and convey but that in trust always for the purpose of carrying out and fulfilling the directions of the Testator as expressed in his said trust-disposition and settlement and codicils and with the powers privileges immunities and faculties hereinafter expressed the whole funds and estate heritable and moveable constituting the trust estate of the Testator which are at present held by and belong to us in trust as sole accepting trustees foresaid and also on the expiry of the annuity of £25 bequeathed to the said Agnes Boag by the said David Ainslie those funds which shall be retained by us to provide the said annuity to and in favour of the following persons as Governors for the management of the said funds and estate and the said Astley Ainslie Institution viz. :—

Us the said Charles Cook and Andrew Thomas Steele Scott the original Trustees of the Testator during our respective lives

and of

Five Governors to be appointed by the managers of the Royal Infirmary of Edinburgh.

One Governor to be appointed by the Senators of the College of Justice.

One Governor to be appointed by the Royal College of Physicians of Edinburgh.

One Governor to be appointed by the Royal College of Surgeons of Edinburgh.

One Governor to be appointed by the Company of Merchants of the city of Edinburgh.

One Governor to be appointed by the Chamber of Commerce and Manufacturers of Edinburgh.

One Governor to be appointed by the Society of Accountants in Edinburgh.

One Governor to be appointed by the Presbytery of Edinburgh of the Established Church of Scotland.

Declaring that the Governors appointed by the respective bodies shall be appointed from their own members and that with the exception of those to be appointed by the managers of the Royal Infirmary no one who is a manager of the Royal Infirmary shall be eligible to be appointed or shall continue to act as Governor should he be thereafter appointed a manager of the Royal Infirmary Declaring also that the Governors appointed by the managers of the Royal Infirmary shall hold office only while they continue to be themselves managers of the Royal Infirmary Declaring also that the first Governors to be appointed shall be so appointed at meetings to be held by the appointing bodies respectively as soon as may be after the approval and execution of this deed Declaring also that on the first day of January 1923 two on the first day of January 1924 two and on the first day of January 1925 three of the Governors first appointed by the bodies other than the managers of the Royal Infirmary shall cease to hold office in such order as may be determined by the Governors at their first meeting Declaring also that the body by whom a Governor is appointed shall during the month of December prior to the termination of his period of office appoint a Governor to succeed him and in the event of a vacancy caused by death resignation or disqualification shall as soon as conveniently may be appoint a Governor to fill the vacancy Declaring also that each Governor appointed after the first Governors shall hold office for three years and that each Governor appointed to fill a vacancy shall hold office for the remainder only of the period applicable to the Governor through whom the vacancy is caused Declaring also that any Governor retiring on the expiry of his period of office shall be eligible for reappointment Declaring that in the event of any of the bodies authorised to appoint a Governor ceasing to exist the remaining Governors shall apply to the Commissioners of the Society of Writers to the Signet who shall have the power of fixing how the vacancy created in the board of Governors shall thereafter be supplied And it is hereby declared that the said Charles Cook and Andrew Thomas Steele Scott so long as they or either of them continue to act and the persons appointed as aforesaid shall be the Governors of the said funds

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and estate and of the said Institution directed by the Testator to be erected endowed and maintained for the relief and behoof of the convalescents in the Royal Infirmary of Edinburgh which Institution shall as directed by the Testator be called and described by the name of "the Astley Ainslie Institution" and that at all duly constituted meetings of the Governors any five of the said Governors shall form a quorum with the same powers excepting always as hereinafter excepted as if the whole Governors were present with full power to the said Governors as aforesaid to direct and manage the said funds and estate and the said Institution and otherwise generally to do and perform all and whatever acts deeds matters or things which may be necessary for carrying the will and desire of the Testator into full and complete execution and effect subject to the restriction as to selling or excambing land hereinafter contained with power also to the said Governors to appoint committees of their number in connection with the management of the said funds and estate and the said Institution and to delegate any of their powers and duties to any such committee (the power to purchase and sell land to excamb to borrow to incur capital expenditure and to make alter add to or repeal byelaws always excepted) And seeing that we the said Charles Cook and Andrew Thomas Steele Scott have purchased certain lands in Edinburgh to provide a site for said Institution and suitable policy and recreation grounds attached thereto and are negotiating for the purchase of certain additional lands adjoining thereto to complete the scheme we therefore hereby direct and empower the said Governors to continue these negotiations in so far as these may not have been completed by us and to purchase such additional land as may be deemed necessary or advisable to provide for the said site and policy and recreation grounds and to proceed with the erection and completion of the buildings of said Institution and also to get the ground around the said Institution enclosed and laid out in such manner as they judge best and also from time to time to purchase or feu additional ground adjoining or conveniently near the ground originally purchased or feued should they at any time judge it proper and necessary to have a greater extent of ground adjoining or near the said Institution or in order to keep a sufficient open space around the said Institution for the benefit of the inmates and also to make such additions to or alterations on the original buildings of the said Institution as may from time to time become desirable and for greater convenience we empower the said Governors to take the titles to the heritable property already acquired by us for the purposes of the Institution and the heritable property which the Governors may hereafter acquire in the names of any five of their number of whom any three shall be a quorum and of the survivors and survivor of such persons and the heir-male of the survivor as trustees in trust for behoof of the said Institution with full powers to the

persons so appointed trustees to let the lands and houses and to excamb the same or parts thereof and to prosecute actions and to enter into submissions the whole actings of the said trustees however to be always with consent of and under the direction of the Governors And also with power when directed to do so by the said Governors in manner aftermentioned to sell and dispose of the said lands and other heritable property held by them in trust as aforesaid and that either by public roup or private bargain with or without previous advertisement and to execute all dispositions conveyances leases assignations discharges renunciations or other writs or deeds which may be necessary for the foresaid purposes Declaring hereby that no sale or excambion of any part or parts of the lands and other heritages acquired by us or which may hereafter be acquired by us or by the Governors and no security for any sum borrowed under the powers hereinafter given shall be made or granted unless the same is first authorised and directed to be made or granted by the Governors at a meeting or meetings specially called for the purpose of directing the said trustees in relation thereto and at which meeting or meetings there shall be at least two-thirds of the whole Governors present and that to the notice of said meeting or meetings a statement of the purposes for which it or they are called shall be appended And we further direct and appoint that the said Governors shall hold not less than four ordinary general meetings in each year on such days as shall be fixed and on a requisition by three or more Governors a special general meeting shall be summoned and that they shall annually elect a chairman and the chairman or in his absence a chairman to be elected by the meeting shall have a casting as well as a deliberative vote that any Governor may at any time give notice in writing to the clerk to the Institution of his wish to retire which notice shall be intimated to the next ordinary general meeting of the Governors and thereafter his office shall be vacant And that the Governors shall appoint a clerk and treasurer and agent and an auditor and the Governors shall also appoint the superintendent and the medical officers including honorary medical staff of said Institution and shall have power at any time to terminate the said appointments and to appoint other persons to the offices and the Governors shall fix the salaries remuneration and emoluments to be paid or given to such clerk and treasurer agent auditor superintendent and medical officers and the Governors shall have power to appoint the nurses attendants servants and others required for the efficient administration of the Institution and have power of terminating the appointments of all such nurses attendants servants and others and of appointing others in their places and such nurses attendants servants and others shall be remunerated as shall from time to time be arranged and determined by the Governors and the Governors shall have power to grant retiring allowances if they

A.D. 1929. see fit declaring always that the offices of clerk and treasurer and agent may be held by one and the same person as the Governors may from time to time determine And that the Governors shall have power to make constitute and enact byelaws rules and regulations for the management of the Institution its inmates and its staff and from time to time to repeal or alter such byelaws rules and regulations and to make additional byelaws rules and regulations as they shall judge to be necessary and expedient Provided always that such byelaws rules and regulations shall not be contrary to the true meaning and intent of these presents or of the trust-disposition and settlement and codicils of the testator and that such byelaws rules and regulations shall only be made repealed altered or added to at a meeting of the Governors specially called for that purpose and at which meeting at least two-thirds of said Governors shall be present to the notice for which meeting a statement of the proposed repeal alteration or addition shall be appended And in respect that the said Andrew Thomas Steele Scott was agent to the Testator for many years previous to his death was appointed by the Testator to be one of his testamentary trustees and has since the death of the Testator been agent to his trustees under the power to that effect conferred upon them by the Testator and that the Testator by his codicil dated 3rd January 1896 expressly empowered his trustees to employ William Home Cook C.A. Edinburgh to examine audit or report upon the trust accounts and that the said William Home Cook has audited the said accounts annually since the Testator's death therefore it is hereby declared that the said Andrew Thomas Steele Scott shall be clerk and treasurer and law agent and the said William Home Cook shall be auditor to the said Institution so long as they shall respectively in the opinion of the Governors efficiently discharge the duties of these said offices And it is declared by us the said Charles Cook and Andrew Thomas Steele Scott that the Governors shall have power to retain the trust estate or any portion of it in such securities or loans as it may be invested in or lent on at the time of their receiving it notwithstanding that such securities or loans do not fall under any of the investments or loans hereinafter indicated and to invest or lend the funds of the Institution available for investment at any time in the purchase or on the security of any of the public stocks or funds or Government securities of the United Kingdom or of India or of any of the British Colonies or of the United States or of good heritable or real security in the United Kingdom or of the mortgages or debentures or debenture preference lien or guaranteed stocks or shares of any corporation or company in Great Britain or having its head office either in Great Britain or in any British colony or dependency paying a dividend on its ordinary stock or of the stocks or shares of the Bank of Scotland Royal Bank of Scotland or British Linen Bank or to

deposit the same with any banking company or lend the same to any loan or investment or financial company having its head office either in Great Britain India or in any British colony or dependency or to lend or invest the same in the purchase or on the security of any investments or securities of the like character power being hereby given to the Governors to alter and vary from time to time any or all of the investments or loans as to them may seem expedient And that the Governors shall have power from time to time to borrow for the purposes of the said trust and Institution any sum of money by way of discount cash-credit or overdraft or upon bond debenture mortgage bill promissory note or receipt or in any other manner and to grant security for any sum so borrowed or for which the Institution may be or may become liable in carrying out the intentions of the Testator and by way of such security to dispone mortgage pledge or charge the whole or any part of the property assets or revenue of the Institution or to dispone transfer or convey the same absolutely or in trust and to give lenders or creditors power of sale and other usual and necessary powers as also to compromise release or refer to arbitration or otherwise settle all claims and demands against or by the Institution or themselves as Governors thereof And it is hereby declared that our said disponees in trust the said Governors shall be bound out of the trust funds to provide for the keeping in perfect repair the Testator's family burying-ground in South Leith in terms of the direction to that effect in his codicil of 6th April 1889 and the burying-ground and memorial tombstone of the Testator in Crichton churchyard Mid-Lothian and also to free and relieve us the said Charles Cook and Andrew Thomas Steele Scott and our respective heirs executors and representatives whomsoever of all expenses which may be incurred by us in transferring and conveying to our said disponees the said trust property and to free and relieve and harmless and skaithless keep us and our foresaids of all claims that may at any time be brought against us or them and any loss that may be incurred by us or them in consequence of our actings as trustees foresaid And we hereby bind and oblige ourselves to grant subscribe and deliver to the said Governors all conveyances and transfers which may be necessary to convey and transfer to them the said trust estate under our management and for greater convenience we empower the said Governors to take the titles of the heritable bonds and moveable securities at present held by us or which may be acquired by them hereafter whether directly or by assignation or transfer in the names of any five of their number of whom any three shall be a quorum and of the survivors and survivor of such persons and the heir male of the survivor such titles of heritable bonds being always taken and such titles of moveable securities being taken in all possible cases expressly in names of such persons as trustees in trust for behoof of the said Institution

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and we warrant these presents from all facts and deeds done or to be done by us in prejudice hereof And we consent to the registration hereof for preservation and execution In witness whereof these presents typed on this and the thirteen preceding pages are under the declaration that the word "Infirmary" in the twenty-eighth line of page seven hereof was before subscription partly typed over an erasure subscribed by us the said Charles Cook and Andrew Thomas Steele Scott at Edinburgh on the twelfth day of May in the year nineteen hundred and twenty-one before these witnesses Alexander Jack and James Grant Martin both solicitors of one Hill Street Edinburgh.

Charles Cook.

Aw. T. S. Scott.

Alexr. Jack witness.

Jas. Grant Martin witness.

Edinburgh 12th May 1921 Executed before me

James A. Fleming.

THE SECOND SCHEDULE.

(Referred to in the section of this Order of which the marginal note is "Interpretation.")

I.—HERITABLE PROPERTIES.

1. Millbank Southbank &c.

All and whole In the first place all and whole that part and portion of the lands of Canaan adjacent to the High Road consisting of 2 roods or thereby being the lot marked No. 8 upon the feuing plan of the lands of Canaan drawn in reference to said subjects and to several other feus granted by William Mossman esquire of Canaan As also that other part and portion of the lands of Canaan adjacent to the High Road consisting of 3 acres or thereby being the lot marked No. 6 upon said plan And also all and whole that other part and portion of the lands of Canaan adjacent to the High Road consisting of 3 acres or thereby being the lot marked No. 7 upon said plan Together with the dwelling-house or villa called Millbank and offices thereto belonging erected on the foresaid property ;

In the second place All and whole that piece of land measuring 6 acres and 910 decimal or thousandth parts of an acre imperial measure or thereby particularly described in and delineated and tinted green on the sketch or plan annexed to feu charter by Richard Trotter in favour of the deceased James Syme dated 16th September and recorded in the division of the general register of Sasines applicable to the county of Edinburgh the 10th day of November both in the year 1869;

In the third place All and whole that piece of ground measuring 1 acre and 470 decimal or thousandth parts of an acre part of the lands of Blackford described in and delineated and coloured green on the sketch or plan thereof annexed to feu charter granted by Major-General Henry Trotter of Mortonhall in favour of William Currie dated 24th December 1896 and recorded in the said division of the general register of Sasines on the 16th day of January 1897; and

In the fourth place All and whole the subjects known as Southbank Canaan Lane Edinburgh consisting of 3 acres being lot marked No. 18 upon a plan drawn in reference to the said lot and several other feus of said lands of Canaan granted by William Mossman esquire of Canaan Together with the houses built thereon Which whole subjects in the first second third and fourth places before described lie in the city parish and county of Edinburgh and are the subjects described in and disponed by disposition by William Currie in favour of the trustees of the late David Ainslie esquire of Costerton dated the 14th and recorded in the said division of the general register of Sasines applicable to the county of Edinburgh on the 18th both days of May 1920.

2. Canaan Park.

All and whole that part and portion of the lands of Canaan adjacent to the High Road consisting of 3 acres or thereby being the lot marked No. 4 upon a plan of part of the said lands of Canaan drawn in reference to a feu contract of said 3 acres dated and registered in the books of Council and Session the 7th day of January 1803 entered into between William Mossman of Canaan and Alexander Dallas writer Edinburgh forming the property called Canaan Park formerly known as Ellangowan in the city parish and county of Edinburgh and being the subjects described in and conveyed by disposition by William Thorburn and Neill MacLeod as trustees for themselves and other members of the syndicate called and known as "the Canaan Park Syndicate" in favour of the trustees of the said deceased David Ainslie dated the 5th and 7th and recorded in the said division of the general register of Sasines on the 18th all days of May in the year 1920.

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3. CANAAN HOUSE.

All and whole that part and portion of the lands of Canaan adjacent to the High Road consisting of 3 acres or thereby being the lot marked No. 5 upon a plan of part of the said lands of Canaan drawn in reference to feu contract between William Mossman esquire of Canaan and John Millar mathematical instrument maker in Edinburgh dated the 13th and registered in the books of Council and Session on the 14th days of January 1803 which subjects are now known as Canaan House Edinburgh in the city parish and county of Edinburgh and are the subjects described in and disponed by disposition by the trustees of the late Sir William John Menzies W.S. Edinburgh in favour of the trustees of the said David Ainslie dated the 6th day of September 1920 and subsequent dates and recorded in the said division of the general register of Sasines on the 2nd day of November 1920.

4. LANDS OF BLACKFORD.

All and whole (first) all and whole that piece of land measuring 2 acres and 261 decimal or thousandth parts of an acre imperial measure or thereby part of the lands of Blackford as also all and whole that piece of land measuring 2 acres and 464 decimal or thousandth parts of an acre imperial measure or thereby part of the said lands of Blackford and (second) all and whole that area or piece of ground measuring 860 decimal or thousandth parts of an acre imperial measure or thereby part of the lands of Blackford which whole subjects (first) and (second) before described are the subjects lying formerly in the parish of St. Cuthbert now in the city parish and county of Edinburgh described in and conveyed by disposition by John Cowan W.S. Edinburgh in favour of the said trustees of the late David Ainslie dated the 21st and recorded in the said division of the general register of Sasines on the 25th both days of May 1920.

5. 82 NEWBATTLE TERRACE.

All and whole these parts and portions of the lands of Canaan near Edinburgh in the county of Edinburgh called "Canaan Grove" with the house and offices built thereupon and garden belonging thereto now known as 82 Newbattle Terrace Edinburgh in the city parish and county of Edinburgh being the subjects described in and conveyed by disposition by the trustees of the late John Morrison in favour of the trustees for behoof of the said Astley Ainslie Institution dated the 6th day of November and subsequent dates and recorded in the said division of the general register of Sasines on the 21st day of December all in the year 1925.

6. MEADOWFIELD.

All and whole that lot or area of ground forming part of the lands of Egypt known as Meadowfield extending to

20 decimal or thousandth parts of an acre in the city parish and county of Edinburgh being the subjects described in and conveyed by disposition by the trustee on the sequestrated estates of James Slater in favour of the trustees of the said Astley Ainslie Institution dated the 14th 15th 17th and 21st and recorded in the said division of the general register of Sasines on the 26th all days of May 1926.

7. SUPERIORITY OF AREA OF GROUND AT CORNER OF NEWBATTLE TERRACE AND EDEN LANE.

All and whole (First) all and whole that area of ground at the corner of Newbattle Terrace and Eden Lane Edinburgh in the county of Edinburgh being the subjects described in the feu contract between the trustees for the firm of W. and J. Kirkwood on the one part and James Peter Robertson and Alexander Francis Robertson on the other part dated the 26th day of March and subsequent dates and recorded in the said division of the general register of Sasines and also as in the books of Council and Session on the 17th day of April all in the year 1889 ;

(Second) All and whole the west house on the first flat above the street flat entering by the common passage and stair 2 Eden Terrace in the city and county of Edinburgh all as described in a disposition by Robert Steel in favour of James Beveridge Thomson dated 13th and recorded in the said division of the general register of Sasines on the 16th both days of May 1922 but under the declaration that the subjects (second) before described were disponed only in security for payment of the feuduty of £8 8*s*. 1*d*. and for the performance of the whole prestations obligations conditions and others specified in the said feu contract between the trustees for the firm of W. & J. Kirkwood and James Peter Robertson and Alexander Francis Robertson dated and recorded as aforesaid and particularly in security of the feuduty of £3 13*s*. 9*d*. being the proportion of the said cumulo feuduty of £8 8*s*. 1*d*. apportioned upon the said subjects by the said Robert Steel conform to the said disposition by him in favour of the said James Beveridge Thomson dated and recorded as aforesaid ;

(Third) All and whole the east house on the first flat above the street flat entering by the common passage and stair 2 Eden Terrace aforesaid in the city and county of Edinburgh described in a disposition by the said Robert Steel in favour of Helen Marshall dated the 13th and recorded in the said division of the general register of Sasines on the 18th both days of May 1922 But under the declaration that the said subjects (third) before described were disponed only in security for payment of the feuduty of £8 8*s*. 1*d*. and for performance of the whole prestations obligations conditions

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and others all specified in the said feu contract last mentioned and particularly in security for the feuduty of 12*s.* 9*d.* being the proportion of the said cumulo feuduty of £8 8*s.* 1*d.* apportioned upon the said subjects by the said Robert Steel conform to disposition by him in favour of the said Helen Marshall dated and recorded as aforesaid; and

(Fourth) All and whole the main-door dwelling-house No. 3 Eden Terrace aforesaid in the city and county of Edinburgh described in a disposition by the said Robert Steel in favour of Miss Margaret Marianne Russell dated the 12th and recorded in the said division of the general register of Sasines on the 14th both days of November 1923 But under the declaration that the subjects (fourth) before described were disponed only in security for payment of the feuduty of £8 8*s.* 1*d.* and for performance of the whole prestations obligations conditions and others all specified in the said last-mentioned feu contract and particularly in security for the feuduty of 13*s.* 9*d.* being the proportion of said cumulo feuduty of £8 8*s.* 1*d.* apportioned on said last-mentioned subjects by the said Robert Steel conform to the said disposition by him in favour of the said Margaret Marianne Russell dated and recorded as aforesaid Which subjects (first) (second) (third) and (fourth) before described are the subjects acquired by the said Astley Ainslie Institution by virtue of disposition by Miss Wilhelmine Jessie Carruthers Steel in favour of trustees for behoof of said Institution dated the 1st and recorded in the division of the general register of Sasines on the 3rd both days of April 1926.

8. Area of Ground at Corner of Newbattle Terrace and Eden Lane.

All and whole that area of ground at the corner of Newbattle Terrace and Eden Lane Edinburgh in the county of Edinburgh being the subjects described in a feu contract entered into between the trustees for the firm of W. and J. Kirkwood on the one part and James Peter Robertson and Alexander Francis Robertson on the other part dated the 26th day of March and subsequent dates and recorded in the said division of the general register of Sasines and also as in the books of Council and Session on the 17th day of April all in the year 1889 and acquired by the Astley Ainslie Institution by virtue of disposition by Robert Steel in favour of the trustees for behoof of the said Institution dated the 1st and recorded in said division of the general register of Sasines on the 3rd both days of April 1926.

II.—HERITABLE SECURITIES.

1. Assignation by the trustees of James Dalrymple in favour of the trustees of the late David Ainslie dated the

25th day of April and subsequent dates and recorded in the division of the general register of Sasines applicable to the county of Dumbarton on the 16th day of May all in the year 1901 Of bond and disposition in security for the sum of £6,600 granted by George Douglas Glassell Campbell Duke of Argyll &c. in favour of Mrs. Hannah Spens or Monypenny and others dated the 8th and recorded in said register on the 14th both days of November 1870.

2. Assignation by the trustees of James Dalrymple in favour of the trustees of the said David Ainslie dated the 25th day of April and subsequent dates and recorded in the division of the general register of Sasines applicable to the county of Dumbarton on the 16th day of May all in the year 1901 Of bond and disposition in security for the sum of £25,000 sterling granted by the said George Douglas Glassell Campbell Duke of Argyll &c. in favour of the trustees of "the Baird Trust" dated the 20th day of March and recorded in said register on the 1st day of April both in the year 1874.

3. Bond and disposition in security for the sum of £4,500 granted by Captain James Brander Dunbar in favour of the trustees of the late David Ainslie dated the 15th and recorded in the division of the general register of Sasines applicable to the county of Elgin and Forres on the 28th both days of May 1902.

4. Bond and disposition in security for the sum of £2,000 granted by the said James Brander Dunbar in favour of the trustees of the said David Ainslie dated the 11th and recorded in the division of the general register of Sasines applicable to the county of Elgin and Forres on the 18th both days of May 1903.

5. Assignation to the extent of £2,000 granted by William Gall and others as trustees for behoof of the child or children of the marriage between James Brander Dunbar Brander and Alice Grant with consent in favour of the trustees of David Ainslie dated the 17th day of April and 12th day of May and recorded in the division of the general register of Sasines applicable to the county of Elgin and Forres on the 18th day of May 1903 Of bond and disposition in security for the sum of £6,000 granted by the said James Brander Dunbar Brander in favour of the said William Gall and others as trustees foresaid dated the 4th day of March and recorded in the division of the general register of Sasines applicable to the county of Elgin and Forres on the 11th day of April 1902.

6. Assignation to the extent of £1,500 by the trustees of the late Hugh Mackintosh in favour of the trustees of the late David Ainslie dated the 9th and 11th and recorded in the division of the general register of Sasines applicable to the county of Elgin

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and Forres on the 12th all days of November 1907 Of (1) bond and disposition in security for the sum of £3,500 by Captain James Brander Dunbar Brander in favour of Alexander Cameron dated the 11th and recorded in said register on the 18th both days of May 1887 and (2) personal bond of corroboration contained in assignation granted by the said James Brander Dunbar (formerly James Brander Dunbar Brander) in favour of the said trustees of the late Hugh Mackintosh dated the 28th day of November and recorded in said register on the 3rd day of December 1901.

7. Disposition and assignation for the sum of £1,000 by the trustees of Mrs. Marion Macpherson or Robertson in favour of the trustees of the late David Ainslie dated the 25th and recorded in the division of the general register of Sasines applicable to the county of Elgin and Forres on the 26th both days of November 1907.

8. Disposition and assignation for the sum of £8,000 by the trustees of the late Robert James Robertson in favour of the trustees of the late David Ainslie dated the 16th and 18th and recorded in the division of the general register of Sasines applicable to the county of Elgin and Forres on the 30th all days of November 1908.

9. Assignation by the marriage contract trustees of William and Mrs. Doria in favour of the trustees of the late David Ainslie dated the 30th October and subsequent dates and recorded in the division of the general register of Sasines applicable to the county of Forfar on the 11th day of November 1903 Of bond and disposition in security for the sum of £3,000 by Sir Thomas Munro with consents in favour of the said marriage contract trustees of William and Mrs. Doria dated the 31st day of October and 5th and 8th days of November and recorded in the division of the general register of Sasines applicable to the county of Forfar on the 12th day of November all in the year 1888.

10. Assignation by the Earl of Stair in favour of the trustees of the late David Ainslie dated the 14th and recorded in the division of the general register of Sasines applicable to the county of Perth on the 16th both days of May 1904 Of bond and disposition in security by Sir Archibald Douglas Stewart in favour of the Earl of Stair dated the 7th and recorded said last-mentioned register on the 9th day of May 1889 for the sum of £10,400 (Now subsisting to the extent of £8,400.)

11. Assignation by the trustee of John Menzies Baillie in favour of the trustees of the late David Ainslie dated the 6th and recorded in the division of the general register of Sasines applicable to the county of Lanark on the 13th day of November 1906 Of bond and disposition in security for the sum of £5,000 by Robert Granbery Baillie in favour of the trustees of the said

John Menzies Baillie dated the 5th and recorded in the division of the general register of Sasines applicable to the county of Lanark on the 6th day of October 1887.

12. Assignation to the extent of £2,000 by the investment committee of the fund for the relief of widows and children of burgh and parochial schoolmasters in Scotland in favour of the trustees of the late David Ainslie dated the 3rd and recorded in the division of the general register of Sasines applicable to the county of the Stewartry of Kirkcudbright on the 6th both days of October 1914 Of bond and disposition in security for the sum of £11,000 granted by George Grant and spouse in favour of the said investment committee of said fund dated the 7th and recorded in the new general register of Sasines &c. on the 27th both days of January 1857.

13. Assignation to the extent of £4,000 by the investment committee of the said last-mentioned fund in favour of the trustees of the said David Ainslie dated the 6th and recorded in the said last-mentioned register on the 12th both days of November 1915 Of said bond and disposition in security for the sum of £11,000 granted by the said George Grant and spouse in favour of said investment committee of said last-mentioned fund dated and recorded as aforesaid.

14. Assignation to the extent of £3,000 granted by the said investment committee of said last-mentioned fund in favour of the trustees of the late David Ainslie dated the 9th and recorded in said last-mentioned register on the 11th both days of November 1918 Of said bond and disposition in security for the sum of £11,000 granted by the said George Grant and spouse in favour of said last-mentioned investment committee dated and recorded as aforesaid.

15. Assignation to the extent of £3,000 by the said last-mentioned investment committee in favour of the trustees of the said David Ainslie dated the 8th and recorded in said last-mentioned register on the 19th both days of November 1919 Of the grounds of debt and writs therein specified and bond of corroboration and disposition in security for the sum of £5,200 granted by George Grant in favour of Mark Sprott Stewart and Robert Hathorn Johnston Stewart as trustees therein mentioned dated the 7th and recorded in the general register of Sasines at Edinburgh on the 28th both days of January 1857.

16. Assignation to the extent of £3,000 by the said investment committee of the said fund in favour of the trustees of the said David Ainslie dated the 8th and recorded in the division of the general register of Sasines applicable to the county of the Stewartry of Kirkcudbright on the 11th both days of November 1920 Of (1) said grounds of debt and writs and bond of corroboration and disposition in security for the sum of £5,200 granted

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by George Grant in favour of the said Mark Sprott Stewart and Robert Hathorn Johnston Stewart as trustees aforesaid dated and recorded as aforesaid but that only to the extent of £2,200 and (2) bond and disposition in security for the sum of £2,800 but only to the extent of £800 granted by George Grant and spouse in favour of the said investment committee of said fund dated the 9th and recorded in the new general register of Sasines on the 21st both days of May 1862.

17. Bond and disposition in security for the sum of £6,500 granted by Charles John Stubbs in favour of the trustees of David Ainslie dated the 11th and recorded in the division of the general register of Sasines applicable to the county of Wigtown on the 12th both days of November 1907 (Now subsisting to the extent of £5,000.)

18. Bond and disposition in security for the sum of £4,000 granted by James Cousins Booth in favour of the trustees of the said David Ainslie dated the 18th and recorded in the division of the general register of Sasines applicable to the county of Aberdeen on the 21st both days of June 1909 (Now subsisting to the extent of £3,000.)

19. Bond and disposition in security for the sum of £26,000 granted by Duncan Darroch in favour of the trustees of David Ainslie dated the 6th and recorded in the division of the general register of Sasines applicable to the county of Renfrew on the 11th both days of November 1909 (Now subsisting to the extent of £8,200.)

20. Assignation to the extent of £800 by Miss Eliza Susannah Boswell and by the marriage contract trustees of William James Paton and Mrs. Harriet Cadell or Paton in favour of the trustees of the late David Ainslie dated the 8th 9th and 12th and recorded in the division of the general register of Sasines applicable to the county of Fife on the 15th all days of August 1910 Of bond and disposition in security for the sum of £10,000 granted by John Irvine Boswell in favour of Donald Lindsay in trust for behoof of the children of the late John Murray surgeon dated the 14th and recorded in the new general register of Sasines at Edinburgh on the 18th both days of December 1854.

21. Assignation to the extent of £7,000 by Miss Helen Jane Fleming in favour of the trustees of the late David Ainslie dated the 10th and recorded in the division of the general register of Sasines applicable to the county of Perth on the 11th both days of November 1910 Of bond and disposition in security for the sum of £23,000 granted by the Right Honourable George William

Fox Kinnaird Lord Kinnaird in favour of himself dated and recorded in the new particular register of Sasines &c. for Perthshire on the 11th day of November 1867.

N.B.—Now subsisting to the extent of £6,126 the sum of £874 having been repaid on 14th January 1928 A discharge for this sum of £874 has yet to be granted.

22. Assignation to the extent of £1,934 7*s*. 4*d*. granted by the trustees of the late Mrs. Sophia Goff or Scott Plummer in favour of the trustees of the late David Ainslie dated the 14th and recorded in the division of the general register of Sasines applicable to the county of Fife on the 15th both days of May 1912 Of bond and disposition in security for the sum of £13,000 granted by Robert Christie in favour of the trustees of Charles Maitland Christie dated the 30th day of June and recorded in the division of the general register of Sasines applicable to the county of Fife on the 3rd day of July both in the year 1874.

23. Assignation to the extent of £1,025 by the marriage contract trustees of Mr. and Mrs. Joseph Walter Scott Plummer in favour of the trustees of the late David Ainslie dated the 9th 11th and 14th and recorded in the division of the general register of Sasines applicable to the county of Fife on the 15th all days of May 1912 Of said bond and disposition in security for the sum of £13,000 dated the 30th June and recorded in the division of the general register of Sasines applicable to the county of Fife on the 3rd day of July both in the year 1874.

24. Loan of £15,900 granted by the trustees of the late David Ainslie to the Lister Memorial Trustees The security for this loan was constituted by way of various ex facie absolute dispositions granted in favour of the trustees of the late David Ainslie of the subjects in Lauriston Place and others in the county of Edinburgh described in and conveyed by disposition by the trustees of the late David Ainslie in favour of Gerard Lake Crole and others as the Governors of the Institution in whose names the titles to heritable bonds and others belonging to the Institution were empowered to be taken and as such Governors trustees for behoof of the Institution dated the 17th day of October and recorded in the division of the general register of Sasines applicable to the county of Edinburgh on the 4th day of November both in the year 1922 The loan has been wholly repaid but the security subjects are still vested in and held by the said Governors or the survivors of them by virtue of the disposition in their favour specified above and have yet to be reconveyed to the Lister Memorial Trustees.

25. Bond and disposition in security for the sum of £6,000 granted by James Moffat in favour of the trustees of the late

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David Ainslie dated the 2nd and recorded in the division of the general register of Sasines applicable to the county of Roxburgh on the 18th both days of May 1916.

N.B.—This loan now reduced to £4,000—£2,000 having been repaid at Whitsunday 1924.

26. Bond and disposition in security for the sum of £6,000 granted by James Clark and Robert Clark in favour of the trustees of the late David Ainslie dated the 15th day of May and recorded in the division of the general register of Sasines applicable to the county of Perth on the 9th day of June both in the year 1916.

N.B.—This loan now reduced to £5,000.

27. Assignation to the extent of £800 granted by Miss Josephine Marion Stirling and Charles Stirling in favour of the trustees of the late David Ainslie dated the 16th and 20th October and recorded in the division of the general register of Sasines applicable to the counties of Stirling and Clackmannan on the 12th day of November all in the year 1917 Of obligation or bond and disposition in security for the sum of £5,000 contained in contract of marriage between John Stirling Stirling and Mrs. Henrietta Charlotte Stirling in favour of the trustees thereunder dated the 7th and recorded in the division of the general register of Sasines applicable to the counties of Stirling and Clackmannan and as in the books of Council and Session on the 29th both days of March 1871.

28. Bond and disposition in security for the sum of £900 granted by Professor Oliffe Legh Richmond in favour of the trustees of the late David Ainslie dated the 12th and recorded in the division of the general register of Sasines applicable to the county of Edinburgh on the 18th both days of March 1920.

29. Bond and disposition in security for the sum of £2,000 granted by John Black in favour of the trustees of the late David Ainslie dated the 9th and recorded in the division of the general register of Sasines applicable to the county of Wigtown on the 12th both days of November 1920.

N.B.—This loan now reduced to £1,500—£500 having been repaid at Martinmas 1925.

30. Bond and disposition in security for the sum of £1,600 granted by Archibald Marchbank in favour of the trustees of the late David Ainslie dated the 13th and recorded in the division of the general register of Sasines applicable to the county of the Stewartry of Kirkcudbright on the 19th both days of May 1921.

N.B.—This loan now reduced to £1,400—£200 having been repaid at Whitsunday 1926.

31. Bond and disposition in security for the sum of £2,500 granted by Thomas William Robson Scott in favour of the trustees of the late David Ainslie dated the 3rd and recorded in the division of the general register of Sasines applicable to the county of Roxburgh on the 16th both days of May 1921.

32. Bond and disposition in security for the sum of £3,000 granted by William Murray in favour of the trustees of the late David Ainslie dated the 6th and recorded in the division of the general register of Sasines applicable to the county of the Stewartry of Kirkcudbright on the 15th both days of June 1921.

33. Bond and disposition in security for the sum of £6,500 granted by Colonel John Murray Kennedy in favour of the trustees of the late David Ainslie dated the 9th and recorded in the division of the general register of Sasines applicable to the county of the Stewartry of Kirkcudbright on the 12th both days of November 1921.

N.B.—This loan now reduced to £3,500—£3,000 having been repaid on 2nd February 1923.

34. Bond and disposition in security for the sum of £8,000 granted by Thomas Bone in favour of the trustees of the late David Ainslie dated the 15th and recorded in the division of the general register of Sasines applicable to the county of Haddington (now East Lothian) on the 16th both days of November 1921.

III.—MOVEABLE SECURITIES.

GOVERNMENT STOCKS.

1.	£40,696 12*s.* 6*d.* Registered £5 per cent. Treasury Bonds 1933–1935.	Standing in the joint names of Gerard Lake Crole deceased the Honourable John Wilson Lord Ashmore Sir Robert Philip the Reverend William Main and James Albert Thomson.
2.	£69,075 0*s.* 0*d.* £4 per cent. Funding Stock 1960–1990.	Standing in the joint names of Gerard Lake Crole the Honourable John Wilson Lord Ashmore Sir Robert Philip the Reverend William Main and James Albert Thomson.
	£13,285 0*s.* 0*d.* £4 per cent. Funding Stock 1960–1990.	Standing in the joint names of Gerard Lake Crole George Lewis Macfarlane the Honourable Lord Ormidale and James McKerrell Brown.

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3.	£44,150 0*s*. 0*d*. £5 per cent. War Stock 1929–1947.	Standing in the joint names of David Pinkerton Fleming the Honourable Lord Fleming Charles Herbert Brown Andrew Wallace Cowan and Andrew Thomas Steele Scott.
	£10,526 6*s*. 3*d*. £5 per cent. War Stock 1929–1947.	Standing in the joint names of Gerard Lake Crole John Wilson the Honourable Lord Ashmore Sir Robert Philip the Reverend William Main and James Albert Thomson.
4.	£142,457 0*s*. 1*d*. £3 10*s*. per cent. Conversion Stock ("A" Account with the Bank of England).	Standing in the joint names of the Honourable John Wilson Lord Ashmore Sir Robert Philip the Reverend William Main and James Albert Thomson.
5.	£3,233 12*s*. 7*d*. £3 10*s*. per cent. Conversion Stock ("B" Account with the Bank of England).	
6.	£97,850 0*s*. 0*d*. £4 10*s*. per cent. Conversion Stock 1940–1944.	Standing in the joint names of Gerard Lake Crole the Honourable John Wilson Lord Ashmore Sir Robert Philip the Reverend William Main and James Albert Thomson.
7.	£8,000 0*s*. 0*d*. £4 per cent. Victory Bonds as follows :— Nos. E. 77610 77611 6760 28332 and 28333 for £1,000 each. No. D. 060595 for £500. Nos. C. 011271 065910 065911 and 26891 for £200 each. Nos. B. 068070 068071 250830 146705 301268 148625 and 289783 for £100 each.	Registered in the joint names of Gerard Lake Crole and Andrew Thomas Steele Scott.
	No. E. 26665 for £1,000.	Transferable by delivery.

8. £73,800 0*s*. 0*d*. Local Loans £3 per cent. Stock.	Standing in the joint names of the Honourable David Pinkerton Lord Fleming Charles Herbert Brown Andrew Wallace Cowan and Andrew Thomas Steele Scott.

BANK STOCK.

9. £1,220 0*s*. 0*d*. Royal Bank of Scotland Capital Stock.	Standing in the joint names of Gerard Lake Crole the Honourable John Wilson Lord Ashmore Sir Robert Philip Reverend William Main and James Albert Thomson.

RAILWAY STOCKS.

A. LONDON MIDLAND AND SCOTTISH RAILWAY COMPANY.	
10. £6,359 0*s*. 0*d*. 4 per cent. Debenture Stock.	
11. £8,725 0*s*. 0*d*. 4 per cent. Guaranteed Stock.	
12. £2,000 0*s*. 0*d*. 4 per cent. Preference Stock.	
B. LONDON AND NORTH EASTERN RAILWAY COMPANY.	
13. £33,000 0*s*. 0*d*. 4 per cent. First Preference Stock.	Standing in the joint names of Gerard Lake Crole the Honourable John Wilson Lord Ashmore Sir Robert Philip Reverend William Main and James Albert Thomson.
14. £21,850 0*s*. 0*d*. 4 per cent. First Guaranteed Stock.	
15. £6,900 0*s*. 0*d*. 4 per cent. Second Guaranteed Stock.	
16. £17,187 0*s*. 0*d*. 4 per cent. Debenture Stock.	
17. £13,500 0*s*. 0*d*. 3 per cent. Debenture Stock.	
18. £250 0*s*. 0*d*. Deferred Ordinary Stock.	
C. THE FORTH BRIDGE RAILWAY COMPANY.	
19. £5,730 0*s*. 0*d*. 4 per cent. Ordinary Stock (Guaranteed).	

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D. Metropolitan Railway Company.	
20. £1,714 0*s*. 0*d*. 3½ per cent. Debenture Stock.	Standing in the joint names of Gerard Lake Crole the Honourable John Wilson Lord Ashmore Sir Robert Philip Reverend William Main and James Albert Thomson.
E. The Southern Railway Company.	
21. £759 0*s*. 0*d*. 4 per cent. Debenture Stock.	Standing in the joint names of David Pinkerton Fleming the Honourable Lord Fleming Charles Herbert Brown Andrew Wallace Cowan and Andrew Thomas Steele Scott.
22. £121 0*s*. 0*d*. 5 per cent. Guaranteed Preference Stock.	
23. £486 0*s*. 0*d*. 5 per cent. Preference Stock.	
24. £2,000 0*s*. 0*d*. 5 per cent. Debenture Stock.	
Corporation Stocks.	
25. £962 4*s*. 5*d*. Corporation of the City of Edinburgh Gas Annuity.	Standing in the joint names of Gerard Lake Crole the Honourable John Wilson Lord Ashmore Sir Robert Philip Reverend William Main and James Albert Thomson.
26. £2,000 0*s*. 0*d*. Dundee Water Debenture Stock.	
27. £6,200 0*s*. 0*d*. Edinburgh Corporation 4½ per cent. Redeemable Stock 1940–1960.	Standing in the joint names of David Pinkerton Fleming the Honourable Lord Fleming Charles Herbert Brown Andrew Wallace Cowan and Andrew Thomas Steele Scott.
28. £3,000 0*s*. 0*d*. Ayrshire (Local Authorities) Electricity 4½ per cent. Redeemable Stock 1945–1955.	
29. Bond and Assignation in Security by the Provost Magistrates and Councillors of the Burgh of	

	Cockenzie and Port Seton in favour of the Trustees of the late David Ainslie dated the 11th and registered in the Register of Bonds for the Burgh of Cockenzie and Port Seton on the 12th both days of November 1912 for the sum of £12,425 17*s.* 10*d.* over Water Assessments. N.B.—This loan is now due by the East Lothian Western District Water Board is reducible by half-yearly instalments and subsists to the extent of £9,453 16*s.* 8*d.*	

COLONIAL GOVERNMENT STOCKS.

30.	£6,750 0*s.* 0*d.* New Zealand Government £4 10*s.* per cent. Inscribed Stock 1944.	Standing in the joint names of the Honourable David Pinkerton Lord Fleming Charles Herbert Brown Andrew Wallace Cowan and Andrew Thomas Steele Scott.
31.	£6,150 0*s.* 0*d.* New South Wales Government £4 10*s.* per cent. Inscribed Stock 1935–1945.	
32.	£1,500 0*s.* 0*d.* New South Wales Government £5 per cent. Inscribed Stock 1935–1955.	
33.	£6,200 0*s.* 0*d.* Western Australia £4 10*s.* per cent. Inscribed Stock 1935–1965.	Standing in the joint names of Gerard Lake Crole the Honourable John Wilson Lord Ashmore Sir Robert Philip and Reverend William Main.

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MISCELLANEOUS STOCKS.

34. £2,775 0*s*. 0*d*. The Liverpool and London and Globe Insurance Company Limited 4 per cent. Perpetual Debenture Stock.	Standing in the joint names of Gerard Lake Crole the Honourable John Wilson Lord Ashmore Sir Robert Philip Reverend William Main and James Albert Thomson.
35. £2,125 0*s*. 0*d*. The Gas Light and Coke Company 4 per cent. Consolidated Preference Stock.	
36. £5,000 0*s*. 0*d*. The Gas Light and Coke Company 3 per cent. Consolidated Debenture Stock.	

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