CHAPTER cxxx.

An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1899 relating to Baldovan Institution for the Treatment and Education of Defectives.

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[22nd December 1925.]

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 Baldovan Institution for the Treatment and Education of Defectives Order Confirmation Act 1925.

[*Price* 1*s. Net.*] A 1–

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SCHEDULE.

BALDOVAN INSTITUTION FOR THE TREATMENT AND EDUCATION OF DEFECTIVES.

Provisional Order to incorporate a body for the maintenance and management of the Baldovan Institution for the treatment and education of defectives and for other purposes.

WHEREAS in or about the year one thousand eight hundred and fifty-three the late Sir John Ogilvy of Inverquharity Baronet and other persons founded and established an asylum at Baldovan in the county of Forfar for the treatment and education of imbecile children of both sexes and the said Sir John Ogilvy by feu disposition dated the eleventh and recorded in the Division of the General Register of Sasines applicable to the county of Forfar the fourteenth day of May one thousand eight hundred and seventy-five made over to the trustees of the said institution the ground and buildings of the asylum and also created a constitution for the same:

And whereas the said trustees from time to time enlarged such buildings and the constitution was adopted on the fourteenth day of September one thousand eight hundred and ninety-nine for the regulation and management of the asylum and under such constitution directors and trustees thereof were appointed:

And whereas such constitution was modified by the Court of Session by decree of the eleventh day of July one thousand nine hundred and eleven and the trustees of the Baldovan Institution held the property of the institution and the directors managed and directed the affairs of the asylum in accordance with the provisions of the constitution as so modified:

And whereas with the approval of the General Board of Control for Scotland the directors of the

Baldovan Institution with the authority and consent of the trustees of such constitution have made provisions for the incorporation of a board for the future administration and management of that undertaking (in this Order referred to as "the Incorporation") and for the transfer of the property and assets of the trustees and the directors:

And whereas it is desirable to define the powers and duties of the Incorporation and to make provisions with regard to the meetings of the Incorporation the borrowing of money by the district boards represented upon the Incorporation and for the other matters set out in this Order:

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.

1. This Order may be cited for all purposes as the Baldovan Institution for the Treatment and Education of Defectives Order 1925.

Commencement of Order.

2. This Order shall except where otherwise expressly provided come into operation on the day of the passing of the Act confirming the same which date is hereinafter referred to as "the commencement of this Order."

Interpretation.

3. In this Order the following expressions have the meanings hereby assigned to them unless there be something in the subject or context repugnant to such meanings:—

The expression "the Incorporation" means the Baldovan Institution for the Treatment and Education of Defectives incorporated by this Order;

The expression "the Institution" means the Baldovan Institution for the Treatment and Education of the Feeble-minded acting under the constitution;

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The expression "the constitution" means the constitution of the Institution adopted at a meeting of subscribers on the fourteenth day of September one thousand eight hundred and ninety-nine as modified by decree of the Lords of Council and Session dated the eleventh day of July one thousand nine hundred and eleven;

The expression "the directors" means the directors of the Institution acting under the constitution;

The expression "the trustees" means the trustees of the Institution acting under the constitution;

The expression "the district boards" means the district board of control for the county of Perth the district board of control for the counties of Forfar and Kincardine and the district board of control for the county of Aberdeen as the first district boards of control represented upon the Incorporation and also the district boards of control from time to time represented thereon including any other district board of control who may be granted representation upon the Incorporation as provided by this Order;

The expression "the general board" means the General Board of Control for Scotland;

The expression "the district board members" means members of the Incorporation appointed by the district boards;

The expression "ex-officio members" means ex-officio members of the Incorporation;

The expression "the transfer date" means the sixteenth day of May one thousand nine hundred and twenty-four;

The expression "the Act of 1913" means the Mental Deficiency and Lunacy (Scotland) Act 1913 and any Act or Acts amending the same;

The expression "the general board's regulations" means any regulation made by the general board under section 31 of the Act of 1913 and in force for the time being;

The expression " defective " has the same meaning as in the Act of 1913;

The expression " aided defective " means a defective towards whose maintenance a parish council or education authority contributes.

Incorporation.

4. For the purpose of carrying this Order into execution there shall be an Incorporation constituted as by this Order provided and the members of the Incorporation and their successors shall be a body corporate under the name of " The Baldovan Institution for the Treatment and Education of Defectives " and by that name shall have a perpetual succession and a common seal and shall have power to take acquire purchase lease hold and dispose of lands and other property for the purposes of this Order and with all the other powers and privileges of a body corporate.

Objects of Incorporation.

5. The objects for which the Incorporation shall be deemed to have been incorporated shall include the treatment education and training of children who are defectives and defectives beyond the years of childhood who have as children been treated educated or trained in or at any establishment of the Institution or the Incorporation or in or at any certified institution within the meaning of the Act of 1913 and the doing of all such things as in the opinion of the Incorporation are incidental or conducive to the attainment of the above objects or any of them.

Constitution of Incorporation.

6. The constitution of the Incorporation shall be as follows :—

The Incorporation shall save as hereinafter provided consist of eighteen members (that is to say) :—

Twelve district board members of whom four shall be appointed by the Perth District Board of Control four by the Forfar and Kincardine District Board of control and four by the Aberdeen County District Board of Control all as hereinafter provided;

And six ex-officio members as follows :—

The Most Reverend Walter John Forbes Robberds and his successor for the time being in the office of Bishop of the Diocese

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of Brechin in the Episcopal Church in Scotland;

The Reverend Adam Wightman Fergusson Doctor of Divinity assistant and successor to the minister of the parish of Dundee and upon his ceasing to hold the office of assistant and successor aforesaid the person for the time being serving the said parish as the minister thereof unless there be an assistant and successor to the minister thereof in which event such assistant and successor shall act;

The Reverend Alexander Anderson minister of the parish of Mains and Strathmartine and upon his ceasing to hold the office of minister aforesaid or upon an assistant and successor being appointed to him the person for the time being serving the said parish as the minister thereof unless there be an assistant and successor to the minister thereof in which event such assistant and successor shall act;

Sir Herbert Kinnaird Ogilvy of Inverquharity Baronet and his successor for the time being in the Baronetcy of Inverquharity;

Thomas Henry Smith of Aystree Broughty Ferry the present chairman; and

William Boyd of Claremont Broughty Ferry the present vice-chairman of the directors.

Appointment of district board members.

7.—(1) The first appointment of the district board members shall be made at meetings of the district boards to be held before the expiry of three months after the commencement of this Order and the members so appointed shall along with the ex-officio members enter into office when the whole of their number shall have been appointed or on the expiry of the said three months whichever of these events shall first happen and shall subject to the provisions of this Order continue in office until their successors enter into office as hereinafter provided.

(2) Subject to the provisions of this Order subsequent appointments of the district board members shall be made triennially The first of such subsequent appointments shall be made at the first meetings of the district boards held subsequent to the triennial elections of county councils occurring in December one thousand nine hundred and twenty-eight and thereafter such subsequent appointments shall be made at the first meetings of the district boards held subsequent to each triennial election of county councils and such members shall hold office until their successors enter into office as hereinafter provided.

(3) Subject to the provisions of this Order the district board members other than those first appointed under subsection (1) of this section shall notwithstanding the date or dates of their appointment enter into office on the date of the first stated meeting of the Incorporation occurring after their appointment.

Interim management.

8. As from the transfer date and until the district board members and the ex-officio members shall first enter into office in terms of the section of this Order the marginal note of which is "Appointment of district board members" the undertaking of the Institution shall be and be deemed to have been managed and carried on by the directors for and on behalf of the Incorporation but the directors while so managing and carrying on the undertaking shall as from the commencement of this Order conform as theretofore to any instructions given by the district boards and in particular but without prejudice to the foregoing generality shall not have power to incur any capital expenditure or without the consent of the general board to increase the obligations or liabilities of the Institution to an amount exceeding the amount of the obligations or liabilities of the Institution as at the transfer date.

Provision when failure to appoint members of Incorporation.

9. If the district boards or any of them fail to appoint first members of the Incorporation as provided by this Order it shall be competent nevertheless for the other members of the Incorporation to carry this Order into execution and if any of the district boards fail to appoint members of the Incorporation at any subsequent period in terms of this Order the then existing district board members of the Incorporation last repre-

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senting such district boards shall if still qualified continue in office till their successors are appointed In the event of any of the district boards failing to appoint first or subsequent members of the Incorporation in terms of this Order the general board may extend the time for such appointments being made.

Member to be disqualified on ceasing to be member of body by whom appointed.

10. Subject to the provisions of this Order if a member appointed by a district board ceases to be a member of the body by whom he was appointed or becomes disqualified as a member of that body he shall cease to be a member of the Incorporation except in a case where he ceases to be a member of such body by reason only of the effluxion of time in which case he may continue a member of the Incorporation until the first stated meeting thereof occurring thereafter.

Casual vacancies.

11. If a district board member dies resigns or becomes disqualified or from any other cause ceases to be a district board member the vacancy so caused shall be filled up as soon as conveniently may be by the appointment of another person to be a member of the Incorporation Any such appointment shall be made by the district board which appointed the member whose place is to be filled up and the member so appointed shall continue in office so long only as the member in whose place he is appointed would have been entitled to continue in office In the event of the death resignation or incapacity of Thomas Henry Smith or William Boyd members of the Incorporation no successor or successors shall be appointed and to that extent the number of members of the Incorporation shall be reduced Subject as aforesaid in the cases of the said Thomas Henry Smith and William Boyd any question of succession in the ex-officio membership consequent on any change in or doubt question or difficulty as to the office or other qualification conferring ex-officio membership may be determined by the other members of the Incorporation.

Power to take in other district boards.

12. The membership of the Incorporation may if so resolved by all the district boards be increased so as to include in the Incorporation representatives of other district boards of control as the number of such representatives may be agreed between the district boards

and such other district boards of control Such other district boards of control shall thereupon be deemed to be district boards as defined by this Order and shall have and may exercise all the powers by this Order granted to the district boards and shall be subject to the same obligations No change shall be made in the number of representatives allocated to each of the district boards in the Incorporation nor shall any district board be entitled so long as the Incorporation is not wound up or dissolved to withdraw from the Incorporation without the consent of all the district boards.

Acts valid notwithstanding defective appointment.

13. No act of the Incorporation or of any committee or sub-committee or of any member of the Incorporation shall be invalidated or be illegal by reason of any irregularity in the appointment or election of any member or by reason of any person not qualified or who has ceased to be qualified acting as a member of the Incorporation or of any committee or sub-committee thereof or by reason of any failure or omission on the part of any district board to appoint members or by reason of any other irregularity error failure or omission in or about any appointment or in or about any matter preliminary or incidental thereto.

Meetings of Incorporation.

14. The first general meeting of the Incorporation shall be held on such date and at such place as may be fixed by the general board and that meeting and other general meetings held in terms of the general board's regulations shall be called stated meetings Other general meetings of the Incorporation shall be called special meetings The Incorporation shall have power to defray the travelling expenses necessarily incurred by the members attending meetings of the Incorporation or of committees or sub-committees thereof or otherwise in the execution of their duties as members.

Chairman.

15. At the first stated meeting the Incorporation shall elect its own chairman and the standing orders to be made in terms of the section of this Order the marginal note of which is "Rules and regulations" shall provide as to the chairmanship at other meetings of the Incorporation or of any committee or sub-committee thereof In so far as not provided by such standing orders each meeting of the Incorporation or of any committee or sub-committee thereof shall elect

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its own chairman The chairman of any meeting of the Incorporation or committee or sub-committee thereof shall have a deliberative vote and in case of an equality of votes a second or casting vote but nothing herein contained shall empower any ex-officio member to vote on matters involving capital expenditure contrary to the provisions of the section of this Order the marginal note of which is "Matters of expenditure."

Rules and regulations.

16. Subject to paragraph 55 of the general board's regulations or any regulation or regulations coming in place thereof and in force for the time being rules byelaws and regulations and standing orders shall be made by the Incorporation and may from time to time be varied or altered by the Incorporation No rule byelaw or regulation or standing order nor any variation or alteration of any rule byelaw or regulation or standing order shall be made dealing with the district board members unless approved of by a majority of the district board members nor dealing with the ex-officio members unless approved of by a majority of the ex-officio members The standing orders shall provide inter alia for fixing the dates of the stated meetings of the Incorporation for the convening of special meetings and generally for regulating the conduct of the business of the Incorporation.

Quorum and committees.

17. Five members (three at least of whom shall be district board members) present at any meeting of the Incorporation shall be a quorum and save as otherwise provided in the rules byelaws regulations or standing orders to be made as aforesaid a majority of the members of any committee or sub-committee of the Incorporation shall be a quorum In the case of all committees or sub-committees of the Incorporation consisting of three or more persons one at least of such persons shall be an ex-officio member so long as there is one such member willing to act.

Matters of expenditure.

18. All matters involving capital expenditure by the Incorporation shall be determined solely by the votes of the district board members and none of the ex-officio members shall have any vote thereon.

Financial year.

19. The financial year of the Incorporation shall begin on the sixteenth day of May and end on the fifteenth day of May following or on such other dates as may from

time to time be fixed with the sanction of the general board. A.D. 1925.

Finance.

20. The district boards shall be responsible as hereinafter provided for any moneys required for effecting the objects of the Incorporation (including the cost of extending enlarging or altering the existing establishment and the managing and carrying on of the undertaking of the Institution as it at present stands or as it may at any future time be extended enlarged or altered) in so far as the property and assets to be transferred and vested as hereinafter provided together with any payments to be received on account of the inmates of any establishment of the Incorporation from areas outside the areas of the district boards or on account of private patients are insufficient for that purpose.

Capital expenditure.

21. The money necessary to meet capital expenditure of the Incorporation shall be provided by the district boards and the percentage of such expenditure to be provided by each district board shall be fixed as follows There shall be determined the percentage ratios which (first) the population and (second) the gross valuation of the area of each district board bears respectively to the total population and gross valuation of the areas of all the district boards at the date when any contract is entered into or obligation undertaken directly involving capital expenditure and the arithmetic mean between the percentages so ascertained for each district board shall be the percentage to be provided by such district board of the total money required for such capital expenditure The figures of the last preceding census shall as far as may be be taken for the purpose of calculating the percentages according to population and the figures of the latest valuation rolls of the several areas shall as far as may be be taken for the purpose of calculating the percentages according to gross valuation.

Ordinary expenditure.

22. Ordinary expenditure shall be met as far as may be from the board of defectives and for this purpose the Incorporation shall from time to time fix the respective rates of board both for providing and maintenance of (1) aided defectives whose settlement is within the area of any of the district boards (2) aided defectives whose settlement is not within the area of any of the district boards and (3) defectives other than aided defectives Each of the district boards respectively shall be liable to

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the Incorporation for the payment of the board including providing and maintenance of aided defectives whose settlement is within their respective areas according to the rate of board applicable for the time and the board including providing and maintenance of aided defectives whose settlement is not within the area of any of the district boards and of defectives other than aided defectives shall be recoverable by the Incorporation as accords of law All payments in respect of board shall be payable at or within such dates as the Incorporation may from time to time fix Any deficit in the ordinary expenditure at the conclusion of each financial year of the Incorporation shall in ordinary course be included in the expenditure of the immediately succeeding year but if the Incorporation deem it necessary it shall be borne by each of the district boards in the same proportions as above provided with reference to capital expenditure Contributions to such deficits by the district boards shall be deemed to be part of their ordinary expenditure under the Act of 1913.

Beds in Incorporation establishments.

23. The number of beds in any establishment of the Incorporation shall be apportioned amongst the district boards in the same proportions as they are liable to contribute towards capital expenditure and a reapportionment of beds shall be made periodically as soon as practicable after each decennial census any fraction of a bed amounting to a half or more being regarded as a unit and any fraction less than a half being ignored Each of the district boards shall have the first call on the number of beds apportioned to it but if any of such beds are not utilised by it at any time they shall at the discretion of the Incorporation be made available for the use of any other of the district boards who may have aided defectives to occupy them or for aided defectives from other district boards or for defectives other than aided defectives If at any subsequent allocation of beds any of the district boards shall have apportioned to them a greater number of beds than was apportioned to them at the immediately preceding allocation such district boards shall repay to the district board or boards from whom the beds are taken such proportion of the capital expenditure contributed by such district board or boards as the number of beds taken from them respectively bears to the total number apportioned to them respectively at the immediately preceding allocation.

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Transfer of undertaking.

24. Subject to any alterations therein consequent on any transactions therewith by the directors under the provisions of the section of this Order the marginal note of which is "Interim management" all property heritable or moveable real or personal of what kind or nature soever which immediately before the transfer date or at any time subsequent thereto belonged or appertained to the Institution including all interests and rights in to and out of property heritable or moveable real or personal and all debts obligations and rights which immediately before the transfer date were held by or vested in the Institution or in the trustees or the directors or any other person or persons for behoof of or in trust for the Institution and also including (but without prejudice to the foregoing generality) the lands and others held under the feu disposition and feu contracts specified in the second and third articles of the agreement set out in the schedule to this Order shall by virtue of this Order be transferred to and vested in the Incorporation so soon as the members first enter into office in terms of the section of this Order of which the marginal note is "Appointment of district board members" without the necessity of any other conveyance transfer assignation or other instrument subject in the case of the heritable property to the whole feuduties and other burdens and conditions so far as still subsisting and applicable and either now or hereafter prestable in terms of the title deeds and also to all servitudes and agreements (if any) now affecting or which may hereafter affect the same The Incorporation shall also take over and become responsible for all the obligations and liabilities of or affecting the Institution or the directors as such or the trustees as such.

Completion of title.

25. Without prejudice to anything hereinbefore in this Order contained it is hereby provided :—

(1) That for the purpose of enabling the Incorporation to complete a title if thought fit to any part of the lands buildings and heritable property transferred to and vested in it by virtue of this Order by expeding a notarial instrument 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 lands buildings and other heritable property in favour of the Incorporation; and

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(2) That all persons holding the title to or legal estate in any moveable or personal property or any interests and rights in to and out of any such property or debts obligations or rights transferred to and vested in the Incorporation by virtue of this Order shall be bound at the expense of the Incorporation to execute any such transfers conveyances assignations deeds and writings as the Incorporation may desire them to execute with reference thereto.

Commutation of stamp duty.

26. In lieu of the stamp duties which would have been payable upon the deeds or instruments which would otherwise have been required to pass the property interests and debts obligations and rights referred to in this Order and to vest the same in the Incorporation and payable in respect of the vesting of such property interests debts obligations and rights by virtue of this Order there shall be paid a stamp duty of five pounds which duty shall be impressed upon a copy of the Act confirming this Order the Incorporation being bound to produce such stamped copy to the Commissioners of Inland Revenue within three months after the commencement of this Order.

Confirmation of agreement.

27. The terms of the provisional agreement between the directors and trustees of the first part the district boards of the second part and Sir Herbert Kinnaird Ogilvy Baronet of the third part as set out in the schedule to this Order are hereby confirmed and made binding on the parties thereto and the Incorporation as if the same were contained in an agreement duly entered into by those parties and the Incorporation and confirmed by Act of Parliament and those parties to such agreement and the Incorporation are hereby respectively empowered and required to carry the same into effect.

Powers for acquisition of land and borrowing.

28. Subject to the provisions of that section the Incorporation shall have and may exercise all the powers of a district board granted by section 68 of the Act of 1913 in relation to the acquiring purchasing leasing holding and disposing of lands for the purposes of the Incorporation and with regard to the borrowing of money for such purposes each of the district boards may exercise the powers of borrowing granted by subsection (7) of that section for the purpose of making

contributions to the capital of the Incorporation for the purposes of the Incorporation.

Accommodation in cases of infectious diseases.

29. The Incorporation may provide accommodation for the treatment of defectives in any establishment of the Incorporation who may suffer from any infectious disease including tuberculosis and shall carry out such treatment and charge the expense of providing such accommodation and treatment as part of the expenses of the Incorporation.

Computation of time for purposes of settlement.

30. The time during which a defective shall remain in an establishment of the Incorporation shall for all purposes be excluded in the computation of time for the purposes of ascertaining the settlement of any pauper provided that apart from agreement otherwise the Incorporation shall so long as a defective who may be found to possess no settlement or whose settlement cannot be ascertained shall remain in any of its establishments be responsible for the maintenance of such defectives.

Legacies not to lapse.

31. No legacy or bequest in any will or testamentary disposition whether bearing date before or after the commencement of this Order shall lapse or fail by reason of the confirmation of this Order but any such legacy or bequest which but for this Order would have accrued or enured for the benefit of the directors or the trustees shall accrue or enure for the benefit of the Incorporation and any executor trustee or other person in a fiduciary capacity paying any such legacy or bequest to the Incorporation in pursuance of this section shall be and is hereby relieved from all liability accordingly.

As to winding up of Incorporation.

32. The Incorporation may upon a resolution to that effect passed at a meeting of the Incorporation convened on not less than four weeks' notice specifying the resolution to be proposed at such meeting and passed by a majority of three-fourths of the whole number of the district board members and approved by three-fourths of the district boards and with the consent of the general board and upon due provision being made for liquidating all obligations and liabilities outstanding or contingent cause itself to be wound up

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or dissolved as at the close of any year of the Incorporation The Incorporation shall not be deemed to be dissolved or require to be wound up merely by the retiral of any of the district boards so long as the remaining district boards or any of them are willing to carry out the objects of the Incorporation.

As to disposal of property.

33. In the event of the Incorporation being wound up or dissolved in pursuance of the provisions of the immediately preceding section the whole property and assets heritable and moveable of the Incorporation shall be realised and the whole debts and liabilities of the Incorporation paid In the event of there being a surplus of assets after meeting the liabilities of the Incorporation such surplus shall be distributed between the ex-officio members and the district boards in proportion to their respective contributions of capital which shall be ascertained in the following manner namely The capital contributions of the ex-officio members towards the capital of the Incorporation shall be deemed to be twenty thousand pounds and the capital contributions of each of the district boards shall be deemed to consist of the whole of the capital contributions of each of the district boards to the Incorporation from the transfer date to the date of the winding up or dissolution under deduction or with the addition of any capital sums that may have been repaid to or paid by any of them in respect of the reallocation of beds in terms of the provisions of the section of this Order of which the marginal note is "Beds in Incorporation establishments" as the amount of such capital contributions without any deduction in respect of depreciation shall be certified by the auditor of the Incorporation acting at the date of the resolution for winding up The share of such surplus falling to the ex-officio members shall in their option either be made over to a trust constituted by the ex-officio members for the purpose of applying the same in the treatment and education of the feeble-minded or be made over to and amongst some other institution or institutions selected by the ex-officio members including or willing to include within its or their objects the treatment and education of the feeble-minded If in carrying out the foregoing provisions the ex-officio members in

any matter fail to agree the decision of the majority of those members shall have effect and if the ex-officio members be equally divided the ex-officio member who has been for the longest period a member of the Incorporation shall have a casting as well as a deliberative vote If upon such winding up or dissolution there shall be a deficiency of assets such deficiency shall be made up by the district boards in the same proportions as their liability to contribute towards the capital expenditure in terms of the provisions of the section of this Order of which the marginal note is "Capital expenditure" the date of the resolution to wind up or dissolve being deemed equivalent to the date of entering into a contract.

For protection of proprietor of estate of Baldovan.

34. The Incorporation shall not without the consent of the proprietor for the time being of the Mansion House and policies of the estate of Baldovan seek to obtain compulsory powers for the acquisition of lands or rights of that estate nearer to the Mansion House of Baldovan than the feu granted by the late Sir Reginald Howard Alexander Ogilvy of Inverquharity Baronet conform to feu contract between him and the trustees for the Institution dated the fifth tenth fourteenth seventeenth twentieth twenty-third twenty-fourth and twenty-fifth November and recorded in the Division of the General Register of Sasines applicable to the county of Forfar sixth December all in the year one thousand eight hundred and ninety-nine but otherwise except as may be agreed by the Incorporation and the proprietor for the time being of the Mansion House and policies of the estate of Baldovan the Incorporation shall be free to ask for and obtain compulsory powers for the acquisition of land or rights on the said estate or elsewhere.

Power to limited owners to sell and feu lands.

35. Sir Herbert Kinnaird Ogilvy Baronet or other the proprietor for the time being of the estate of Baldovan shall have power to sell or feu to the Incorporation on such terms and conditions as may be agreed with the Incorporation any lands and rights of the estate of Baldovan including the lands and others specified in the agreement set out in the schedule to this Order and may relieve the Incorporation from and discharge any obligations conditions restrictions and

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burdens contained in or imposed by any existing feu disposition or feu contract granted by any former proprietor of the estate of Baldovan under which any property of the Institution is held and may also if so agreed with the Incorporation accept reconveyances of any such property and grant new feu rights thereof on such terms and conditions as may be arranged.

Incorporation to be deemed a combination of district boards.

36. The Incorporation shall for the purposes of the Act of 1913 the Mental Deficiency and Lunacy (Scotland) Act (General Board's) Regulations 1914 the Asylums Officers Superannuation Act 1909 and the Asylums and Certified Institutions (Officers Pensions) Act 1918 and any amendments thereof or alterations thereon be deemed to be a combination of district boards under and in terms of section 30 of the Act of 1913 for the purpose of undertaking the establishment building alteration enlargement rebuilding or management of an institution or institutions certified or intended to be certified under such last-mentioned Act and the said Acts and regulations and any amendments thereof or alterations thereon shall apply with any necessary modifications as if the Incorporation were a joint committee of representatives nominated by the several district boards under paragraph 129 of the general board's regulations.

Indemnity for directors and trustees.

37. The directors and the trustees and the officers and servants of the Institution at the date of the commencement of this Order shall be indemnified by the Incorporation against and it shall be the duty of the Incorporation out of the funds of the Incorporation to pay all costs losses and expenses which any such director trustee officer or servant may have incurred or become liable to by reason of any contract entered into or act or deed done by him as such director trustee officer or servant or in any way in the discharge of his duties.

Costs of Order.

38. All costs charges and expenses of and incidental to the preparing for obtaining and confirmation of this Order and otherwise in relation thereto shall be paid by the Incorporation.

The SCHEDULE referred to in the foregoing Order.

PROVISIONAL AGREEMENT between THOMAS HENRY SMITH Aystree Broughty Ferry (chairman) WILLIAM BOYD Claremont Broughty Ferry (vice-chairman) GEORGE ANDERSON Guthrie Lodge Newburgh DRUMMOND TAYLOR 3 Dalhousie Terrace Broughty Ferry JAMES GRANT Kingennie House near Dundee HAROLD SIDNEY SHARP Ethiebeaton near Dundee Sir HERBERT KINNAIRD OGILVY of Inverquharity Baronet Baldovan House near Dundee the Most Reverend WALTER JOHN FORBES ROBBERDS Bishop of the Diocese of Brechin in the Episcopal Church in Scotland the Reverend ADAM WIGHTMAN FERGUSSON D.D. minister (assistant and successor) of the parish of Dundee the Reverend ALEXANDER ANDERSON B.D. minister of the parish of Mains and Strathmartine and the Reverend JOHN HAMPTON SHEPHERD sometime rector of St. Mary Magdalene's Episcopal Church Dundee and canon of the Cathedral Church of St. Paul Dundee now rector of St. John's Episcopal Church Pittenweem in the county of Fife the directors of the Baldovan Institution for the Treatment and Education of the Feeble-minded acting under the constitution of the said Institution formerly "The Baldovan Asylum for Imbecile Children" adopted at a meeting of subscribers held in Dundee on the 14th day of September 1899 as altered conform to alteration authorised by Decree of the Lords of Council and Session dated 11th July 1911 with the authority and consent of the said Sir HERBERT KINNAIRD OGILVY the said Bishop of BRECHIN the Reverend COLIN CAMPBELL B.D. minister of the parish of Dundee the said Reverend ALEXANDER ANDERSON the Reverend JAMES GILLILAND SIMPSON canon of St. Paul's Cathedral London and DAVID MIDDLETON GREIG C.M. F.R.C.S. (Ed.) Royal College of Surgeons Edinburgh the trustees of the said Institution acting under the said constitution adopted and altered as aforesaid and the said trustees for their interest in the premises of the first part the DISTRICT BOARD OF CONTROL for the COUNTY of PERTH the DISTRICT BOARD OF CONTROL for the

A.D. 1925. counties of FORFAR and KINCARDINE and the DISTRICT BOARD OF CONTROL for the COUNTY OF ABERDEEN of the second part and the said Sir HERBERT KINNAIRD OGILVY as an individual and as superior and proprietor of the estate of Baldovan of the third part.

WHEREAS with the approval of the General Board of Control for Scotland Edinburgh (hereinafter referred to as "the General Board") the directors of the said Baldovan Institution for the Treatment and Education of the Feeble-minded (hereinafter referred to as "the directors") have with the authority and consent of the Trustees of the said Institution negotiated a provisional arrangement with the above-mentioned district boards of control (who along with any other district boards who may be given representation in the Incorporation hereinafter mentioned are hereinafter referred to as "the district boards") in regard to the future administration and management of the undertaking of the said Baldovan Institution by a new body (to be incorporated and called "the Baldovan Institution for the Treatment and Education of Defectives" and hereinafter referred to as "the Incorporation") consisting of representatives of the district boards with certain ex-officio members and it is contemplated under the said arrangement that the staff of the said Institution shall be taken over by the Incorporation.

And whereas the directors have applied for a Provisional Order under the Private Legislation Procedure (Scotland) Act 1899 for the purpose of constituting the Incorporation and effecting the transfer to it of the said Institution and its administration and management and for other relative purposes.

And whereas in or about the year one thousand eight hundred and fifty-three when the original Institution was founded by the late Sir John Ogilvy of Inverquharity Baronet and other persons and in the subsequent years when the feu rights aftermentioned were granted by the proprietors of the estate of Baldovan of the lands on which the Institution's buildings have been erected it was in the contemplation of all the parties concerned that the Institution should be carried on under its constitution as a quasi private and comparatively small concern for feeble-minded children but the arrangement before mentioned will alter its character to that of a public Institution and may lead to a great increase in the number of defectives who may be treated at its establishments and it is proper that the arrangements between the parties in regard to the staff of the said Institution and with the proprietor of the estate of Baldovan should be formally reduced to writing :

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Therefore these presents witness that the parties hereto have agreed and do hereby agree as follows videlicet :—

1. The staff of the existing Baldovan Institution including Messrs. Don & Stewart C.A. Dundee the secretaries and treasurers thereof shall be taken over by the Incorporation as their staff at the commencement of the first year of the Incorporation The staff including the secretaries and treasurers shall thereafter hold office during the pleasure of the Incorporation at such salaries and on such conditions as the Incorporation may fix The Incorporation shall when necessary appoint successors to the said staff and such other officers and servants as they may consider proper and fix the amount of their remuneration and the conditions of their service In carrying out the provisions of this clause the Incorporation shall always conform to paragraphs 56 and 57 of the Mental Deficiency and Lunacy (Scotland) Act (General Board's) Regulations 1914 or any regulation or regulations coming in place thereof and in force for the time being in the same way and to the same effect as if the Incorporation were a district board of control.

2. The Incorporation shall not in the proposed Provisional Order or at any time hereafter without the consent in writing of the proprietor of the Mansion House and policies of the estate of Baldovan for the time being seek to obtain compulsory powers for the acquisition of any land or rights on that estate nearer to the Mansion House of Baldovan than the feu granted by the late Sir Reginald Howard Alexander Ogilvy of Inverquharity Baronet conform to feu contract between him and the trustees for the said Institution dated 5th 10th 14th 17th 20th 23rd 24th and 25th November and recorded in the Division of the General Register of Sasines applicable to the county of Forfar 6th December all in the year 1899.

3. The said Sir Herbert Kinnaird Ogilvy (as superior and proprietor of the estate of Baldovan) shall feu to the Incorporation and the Incorporation shall subject to the conditions aftermentioned feu from the said Sir Herbert Kinnaird Ogilvy the lands houses and others extending to eighty-six and one half acres or thereby forming part of the estate of Baldovan all as specified and described in the schedule and coloured pink on the plan therein mentioned and that at one or other of the following annual feuduties whichever is lower namely (1) at an annual feuduty of ninepence per pole or (2) at such annual feuduty per pole for the said eighty-six and one half acres or thereby as shall be fixed either by a single arbiter to be mutually agreed on or by two arbiters to be mutually appointed with power to them to name an oversman at any time provided the arbiter or arbiters or oversman in fixing

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the said feuduty shall assess the same in accordance with the rules contained in section two of the Acquisition of Lands (Assessment of Compensation) Act 1919 and taking into account the whole circumstances of the case including the saving or benefit consequent on the discharge by the said Sir Herbert Kinnaird Ogilvy of the restrictive conditions and obligations hereinafter referred to and also including the damage which may be occasioned to the remainder of the estate of Baldovan by the feuing of the said lands houses and others having regard to the purpose for which they are to be feued and the changing of the Institution from a quasi private Institution under its present constitution to a public Institution under its new constitution Provided always as it is hereby expressly provided and declared (1) That the said Sir Herbert Kinnaird Ogilvy shall give the Incorporation a valid title to the said lands houses and others subject always to public burdens or rights (if any) affecting the same and to the conditions of the title of the said entailed lands and estate as far as subsisting and applicable thereto (2) that he shall validly waive and discharge all the restrictive conditions and obligations imposed by the superior on the vassals and their successors in (A) the feu disposition by the late Sir John Ogilvy Baronet of Inverquharity dated 11th and recorded in the said Division of the General Register of Sasines 14th both days of May 1875 (B) the feu contract between the said deceased Sir Reginald Howard Alexander Ogilvy and the trustees for the said Institution dated 15th March 2nd 7th 13th and 17th April and recorded in the said Division of the General Register of Sasines 4th May all in the year 1897 and (C) the aforesaid feu contract between the said deceased Sir Reginald Howard Alexander Ogilvy and the trustees for the said Institution dated 5th 10th 14th 17th 20th 23rd 24th and 25th November and recorded in the said Division of the General Register of Sasines 6th December all in the year 1899 including without prejudice to the foregoing generality the rights of pre-emption conferred upon the superior of the subjects contained in the aforesaid feu disposition and feu contracts the right to have plans of proposed buildings submitted to and approved by the superior and the right of the superior to require the construction or formation by the vassals of certain walls roads footpaths and buildings and (3) that actual occupation of or entry to the said lands houses and others shall be given to the Incorporation or the directors on its behalf as at Martinmas 1924 and that the said Sir Herbert Kinnaird Ogilvy shall relieve the Incorporation of all claims at the instance of the tenants of the said lands houses and others for compensation under the Agricultural Holdings Acts and for disturbance of possession.

4. The agreement herein contained is made subject to the approval of the general board and the Secretary for Scotland so far as their approval is required to the approval of Parliament and to such alterations as may be made thereon during the progress of the said Provisional Order and these presents shall if required by either of the parties hereto be scheduled to the Provisional Order for the purpose of being confirmed thereby provided always that if any material alterations be made on this agreement or in the event of the said Provisional Order not being passed and confirmed by Parliament as law the said agreement shall be held as pro non scripto.

5. In the event of any difference or question arising between or among the parties hereto as to the true intent meaning or effect of this Agreement the same shall be referred to the determination of the general board whose decision shall be final and binding on all parties.

6. The parties hereto consent to the registration hereof for preservation.

SCHEDULE OF LANDS HOUSES AND OTHERS REFERRED TO IN CLAUSE 3 OF THE FOREGOING AGREEMENT.

All and whole that portion of the entailed lands and estate of Baldovan and others extending to eighty-six and one half acres or thereby lying within the united parishes of Mains and Strathmartine and county of Forfar delineated and coloured pink on the plan thereof prepared by Messrs. Maclaren Soutar and Salmond architects and surveyors Dundee and bounded as follows On the north by the public road leading from Hillhouses farm to the Old Glamis Road and delineated on said plan On the east (running in a southerly and south-easterly direction) (first) by a plantation on the estate of Baldovan (second) by the farm of Balmydown and (third) by a line proceeding in a curve in a south-easterly direction through the south-west field of the said farm of Balmydown from the north-westmost corner of said field to the north-east corner of the eastmost existing feu to the said Baldovan Institution now belonging to the feuars on the south (first) (proceeding in a westerly direction) by the said eastmost existing feu to the said Baldovan Institution (second) in a southerly direction by the centre line of the road forming the western boundary of said feu and the centre line of the continuation of said road southwards to the public road leading from Baldovan to Strathmartine village and (third) in a north-westerly direction along the said last mentioned public road to the western boundary of the said lands and estate of Baldovan and on the west (first)

A.D. 1925. in a northerly direction along the march between the said estate of Baldovan and the lands of Craigmill (second) in a westerly direction along the said march between said two estates as far as the road connecting the said last mentioned public road with the first mentioned public road and (third) in a north-easterly direction along the said road connecting the said last mentioned two public roads together with the houses buildings and other erections thereon so far as belonging to the said Sir Herbert Kinnaird Ogilvy all as the said portion of ground is marked off by march stones infixed therein.

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