CHAPTER XXV.

An Act to re-constitute and to re-incorporate the Governing Body of the Crichton Royal Institution and for other purposes. [3rd June 1897.] A.D. 1897.

WHEREAS by an Act passed in the third and fourth years of the reign of Her present Majesty intituled "An Act to "incorporate the trustees and others directors of the Crichton Royal "Institution for Lunatics at Dumfries and for the better enabling "them to carry on their charitable designs" (herein-after referred to as "the first recited Act") Elizabeth Crichton William Grierson and Charles James Johnston trustees of James Crichton of Friars Carse in the shire of Dumfries Esquire and their successors to be appointed in terms of the first recited Act together with the Duke of Buccleuch and Queensberry the Earl of Galloway the Earl of Selkirk the lord lieutenant for the shire of Dumfries the member serving in Parliament for the said shire the sheriff of the said shire and the minister of St. Michael's Church in the town of Dumfries all for the time being and James Macalpine Leny Francis Maxwell John Babington David Melville and John Staig and their successors to be appointed in terms of the first recited Act were incorporated under the name and title of "The Trustees and Directors of the Crichton Royal Institution for Lunatics at Dumfries" with perpetual succession and a common seal for the purpose of carrying into effect certain objects of the will of the said James Crichton and of managing and administering the institution established in pursuance thereof: 3 & 4 Vict. c. xcix.

And whereas by the sixtieth section of the Lunacy (Scotland) Act 1857 it was provided that the trustees and directors of the Crichton Royal Institution for Lunatics at Dumfries should be obliged to receive in such asylum or in the Southern Counties Asylum (one of the departments of the said Institution) the pauper lunatics who should be sent thereto by the parochial boards of the counties of Dumfries and Wigtown and the stewartry of Kirkcudbright upon the conditions therein provided and prescribed: 20 & 21 Vict. c. 71.

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And whereas the said trustees and directors in accordance with the obligation contained in the last recited Act have provided accommodation in the said Institution for the pauper lunatics sent or to be sent thereto by the parish councils of the counties of Dumfries and Wigtown and of the stewartry of Kirkcudbright as taking the place of the said parochial boards:

And whereas the duty imposed upon the said trustees and directors by the first recited Act of administering the educational endowment referred to in the twelfth section of that Act was under the provisions of the Educational Endowments (Scotland) Act 1882 transferred to the Dumfries Educational Trust constituted by a scheme made by the commissioners under the last-mentioned Act and approved by Her Majesty in Council on the twenty-sixth day of June one thousand eight hundred and eighty-six:

And whereas the said trustees and directors did in accordance with the provisions of section thirteen of the first recited Act duly pay over to the said Elizabeth Crichton at her request the sum of one thousand pounds referred to in the said section and the said sum was applied by her in the manner thereby specified:

And whereas it is expedient that the constitution of the governing body of the said Institution should be altered and that provision should be made whereby the county councils of the counties of Dumfries and Wigtown and of the stewartry of Kirkcudbright and the town council of the burgh of Dumfries should be represented on such body and that the said governing body should be re-incorporated and new provisions made with reference to the management and direction of the affairs of the said Institution and the qualifications powers and duties of the governing body thereof:

And whereas the objects of this Act cannot be effected without the authority of Parliament:

May it therefore please Your Majesty that it may be enacted and be it enacted by the Queen's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows (that is to say):—

Short title.

1. This Act may be cited as the Crichton Royal Institution Act 1897.

Interpretation.

2. In this Act the several words and expressions following have the meanings hereby assigned to them respectively unless there be something in the subject or context repugnant to such construction:—

The expression "the Institution" means the Crichton Royal Institution for Lunatics at Dumfries within the meaning of the first recited Act;

The expression "the existing board" means the trustees and directors of the Institution at the commencement of this Act;

The expression "elected members of the existing board" means those directors in office at the commencement of this Act who were elected in pursuance of the provisions of section five of the first recited Act;

The expression "the Board" means the directors of the Institution incorporated by this Act;

The expression "the treasurer" and "the secretary" mean respectively the treasurer or secretary of the Institution as the case may be;

The expression "the Dumfries District Board of Lunacy" means the board elected for the Dumfries District of Scotland in pursuance of the provisions of the Lunacy (Scotland) Act 1857;

The expression "the General Board of Lunacy" means the General Board of Commissioners in Lunacy for Scotland.

Commencement of Act.

3. This Act shall except where otherwise expressly provided commence and take effect on and from the first day of January one thousand eight hundred and ninety-eight.

Incorporation of Board.

4. From and after the commencement of this Act the existing board shall be dissolved and the persons appointed and to be elected directors as herein-after provided shall be vested in their stead with the management of the Institution and the same are hereby incorporated by the name of "The Directors of the Crichton Royal Institution" and by that name shall be a body corporate and politic with perpetual succession and a common seal for the purpose of administering the affairs of the Institution in accordance with the provisions of the first recited Act as amended and extended by this Act and with power to purchase hold and dispose of lands and sue and be sued and with all other rights powers and privileges of a corporate body.

Constitution of Board.

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

I.—Directors ex-officio.

1. The lord lieutenant of the county of Dumfries for the time being;
2. The sheriff of Dumfries and Galloway for the time being;
3. The convener of the county of Dumfries for the time being or in the event of his declining to accept or of his resigning

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the office of director the vice-convener of the said county for the time being;

4. The convener of the stewartry of Kirkcudbright for the time being or in the event of his declining to accept or of his resigning the office of director the vice-convener of the said stewartry for the time being;
5. The convener of the county of Wigtown for the time being or in the event of his declining to accept or of his resigning the office of director the vice-convener of the said county for the time being;
6. The chairman of the Dumfries District Board of Lunacy for the time being or in the event of his declining to accept or of his resigning the office of director the vice-chairman of the said district board of lunacy for the time being;
7. The provost of the burgh of Dumfries for the time being:

II.—Elected Directors.

8. One director to be elected by the county council of the county of Dumfries;
9. One director to be elected by the county council of the stewartry of Kirkcudbright;
10. One director to be elected by the county council of the county of Wigtown; and
11 to 15. The five elected members of the existing board and their successors elected in pursuance of this Act; and

III.—Temporary Directors.

16. The Most Noble William Henry Walter Duke of Buccleuch and Queensberry K.T. for his life;
17. The Right Honourable Alan Plantagenet Earl of Galloway K.T. for his life;
18. The Most Noble Alfred Douglas Duke of Hamilton and Brandon and Earl of Selkirk for his life;
19. William Johnston Esquire of Cowhill Tower for his life;
20. Robert Francis Dudgeon Esquire of Cargen for his life;
21. Graham Hutchison Esquire of Balmaghie for his life;
22. Robinson Souttar Esquire Member of Parliament for the county of Dumfries until the dissolution of this present Parliament or until his seat as such member is vacated whichever of these events shall first happen; and
23. The Reverend John Paton minister of Saint Michael's Church in the town of Dumfries for his life.

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Provisions as to election of directors by county councils.

6. The following provisions shall apply with reference to the directors to be appointed by county councils:—

(1) The directors so appointed shall be members of the county council by whom they are elected:

(2) The directors to be first elected by each of the three county councils shall be elected at the meeting of council to be held in the month of December one thousand eight hundred and ninety-seven and each such director shall remain in office until the next succeeding triennial election of county councillors unless he shall sooner cease to be a county councillor:

(3) The directors to be subsequently elected by each of the three county councils shall be elected at the first statutory meeting of council to be held after each triennial election of county councillors and each such director shall remain in office until the next succeeding triennial election unless he shall sooner cease to be a county councillor:

(4) Vacancies occasioned by the death resignation or disqualification of any director shall be filled up by the county council by whom such director was originally elected at a meeting to be convened for that purpose and any director elected to fill up any such vacancy shall continue in office for the same time and subject to the same conditions as the director in place of whom he was elected would have held office:

(5) The election of a director shall be made in such manner as the said county councils respectively think fit and shall be intimated to the secretary by the clerk of the county council electing such director.

Provisions as to other elected directors.

7. The following provisions shall apply with reference to the retirement of the five elected members of the existing board and to the election of their successors:—

(1) The five elected members of the existing board shall retire as follows:—

(A) At the conclusion of the annual general meeting to be held in the year one thousand eight hundred and ninety-eight the two directors who were elected members of the existing board in the year one thousand eight hundred and ninety-five or their successors ad interim shall retire;

(B) At the conclusion of the annual general meeting to be held in the year one thousand eight hundred and ninety-nine the director who was elected a member of the existing board in the year one thousand eight hundred and ninety-six or his successor ad interim shall retire;

(C) At the conclusion of the annual general meeting to be held in the year one thousand nine hundred the two

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directors who were elected members of the existing board in the year one thousand eight hundred and ninety-seven or their successors ad interim shall retire :

(2) At the annual general meeting to be held in the year one thousand eight hundred and ninety-eight and at each succeeding annual general meeting thereafter the members of the Board then present shall elect two new directors or one new director as the case may be to take the place of the directors or director retiring at the conclusion of each such meeting and the directors or director so elected shall hold office till the conclusion of the third annual general meeting occurring after their or his election :

(3) A director retiring at any annual general meeting shall be disqualified for re-election by the Board until the next succeeding annual general meeting but nothing in this section contained shall disqualify such director from being otherwise appointed or elected as a member of the Board :

(4) Vacancies occasioned by the death resignation or disqualification of any director shall be filled up by the members of the Board at the ordinary meeting of the Board which shall take place next after such death resignation or disqualification and any director elected to fill up any such vacancy shall continue in office for the same time and subject to the same conditions as the director in place of whom he may have been elected would have held office.

Directors may resign.

8. Any director may at any time resign his office upon giving not less than three weeks notice of his intention to resign by a written intimation to the secretary.

In case of vacancy other directors may continue to act.

9. If any person being a director shall decline to act or shall die resign or become disqualified the other directors may notwithstanding carry into execution the powers by this Act conferred on the Board.

Directors not to hold offices of profit.

10. No director shall derive any profit from or emolument for the discharge of the duties of his office nor shall he hold any office or place of profit under the Board or enter into contracts with them.

Meetings of Board.

11. The Board shall hold in the board room of the Institution or in some other convenient place one annual general meeting in the course of each year and at least one ordinary meeting in each month Such meetings which may be adjourned from time to time and from place to place shall be held on such days and at such hours and shall be convened in such manner as the Board may direct and at any such meeting five shall be a quorum.

Special general meetings.

12. The chairman of the Board may at any time and on a requisition addressed to the secretary by any two or more directors the secretary by notice sent by post to each member of the Board shall call a special general meeting of the Board and such notice shall specify the objects for which such special general meeting has been called.

Appointment of chairman and vice-chairman.

13.—(1) At the ordinary meeting of the Board to be held in the month of January one thousand eight hundred and ninety-eight and subsequently at the annual general meeting to be held in each year the Board shall elect a chairman and likewise a vice-chairman (who shall preside at any meetings from which the chairman may be absent) and such chairman or vice-chairman as the case may be when presiding at a meeting of the Board shall have a casting vote as well as a deliberative vote and in the event of the chairman and vice-chairman being both absent from any meeting one of the directors present shall be chosen chairman and shall have a casting vote as well as a deliberative vote.

(2) The chairman and vice-chairman so elected shall always be eligible for re-election during their tenure of office as directors.

(3) Every question matter or thing which may be proposed at any annual general or special general or ordinary meeting of the Board shall be determined by the majority of the votes of the directors then present.

Property of Institution vested in the Board.

14. Subject to the provisions of this Act the whole property heritable and movable real and personal including moneys bonds goods furniture and effects debts decreets and diligence rights servitudes claims and demands of every kind vested in held by due and belonging to and pronounced in favour of the existing board or any persons on their behalf and all claims and rights hereafter emerging or to which they may become entitled are by this Act for all the estate right and interest of the existing board therein and subject to all bonds debts and liabilities affecting the same respectively transferred to and vested in the Board in the same manner and to the same effect and on the same trusts and for the same uses and purposes and under the same conditions as they were previously vested in the existing board and all funds and property to be hereafter given bequeathed or mortified to the Institution shall be vested in the Board.

Act to have effect of conveyance or warrant for infeftment.

15. This Act shall have the effect of a disposition by the existing board in favour of the Board duly recorded in the appropriate register of sasines of all heritable properties belonging to the existing board in which the existing board are infeft and of a disposition or other conveyance by the existing board to the Board of all heritable

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properties and other heritable subjects of every kind belonging to the existing board to which the existing board have only a personal right or title.

Powers of Board.

16. Subject to the provisions of this Act and without prejudice to any rights and powers contained in the first recited Act the Board shall manage direct order and appoint all matters and affairs touching and respecting the Institution and the estates funds and all other business and concerns thereof and may from time to time in connexion therewith in their discretion purchase or otherwise acquire moneys and property whether heritable or movable and sell and dispose of the same or any part or parts thereof either by public roup or private contract for such price or other consideration as they may think fit and they may feu excamb or lease lands and other heritages vested in the Board and may borrow money upon and grant bonds and dispositions in security over any lands or other heritages so vested in them.

Application of surplus revenue and funds of Institution.

17. The Board shall devote the surplus revenue of the Institution to the improving enlarging and further endowing of the Institution with a view to increasing its usefulness as a hospital for the insane and a home for the care and treatment of persons affected with mental and nervous diseases Provided always that the Board shall be entitled from time to time to nominate in their discretion such patients as they may see fit being either (1) persons certified as insane or (2) persons suffering from mental or nervous diseases and requiring asylum care and treatment but in either case being persons who are supported from limited means of their own or by the gratuitous bounty of friends or by relatives whose circumstances render them unable to make the ordinary payments required for their treatment and maintenance in the Institution in a manner suitable to their former station in life and the patients so nominated may be received or kept at reduced rates or even gratuitously should the Board in their discretion so determine a preference being always given to persons connected with the counties of Dumfries and Wigtown or with the stewartry of Kirkcudbright or with any of the burghs situate therein and in the event of the surplus funds of the Institution being at any time insufficient in the judgment of the Board to afford in the case of all the persons so nominated the reductions or abatements sanctioned or allowed from the ordinary rates of board and should it therefore become necessary to diminish the number of patients so nominated preference shall be given to claims by or on behalf of persons connected with the counties of Dumfries and Wigtown or with the stewartry of Kirkcudbright or with any of the burghs situate therein as aforesaid.

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Committees.

18. The Board may if they think fit appoint one or more committees of their number for the more effective charge and management of such of the affairs of the Institution as they may deem it expedient to remit to such committee or committees and may regulate the constitution procedure and powers of such committees but all the proceedings of such committees shall be reported to the Board.

Appointment of medical officers office-bearers and servants.

19. The Board may appoint such medical officers as they may think requisite for the efficient treatment of the patients in the Institution as also a treasurer a secretary a chaplain or chaplains and such other office-bearers and servants as they may consider necessary and may define and prescribe their respective duties and fix their remuneration and may also by themselves or by their medical officer acting under their authority suspend or discharge any such officers office-bearers and servants at their discretion and appoint others in their stead and they shall take such security as they may deem sufficient for the intromissions of any treasurer or other office-bearer having the custody or control of any part of the funds of the Institution.

Rules and regulations.

20. The Board shall have full power to make and enforce such byelaws rules and regulations as may seem to them expedient and proper for the conduct of the medical officers office-bearers and servants for the admission of patients and the internal government of the Institution and for the general management of its affairs Provided always that no such byelaws rules and regulations shall be inconsistent with the fundamental principles of the Institution as expressed in the first recited Act or this Act and that they shall be subject to the approval of the General Board of Lunacy.

Existing regulations to remain in force till rescinded or altered.

21. All byelaws rules and regulations made by the existing board and in force at the commencement of this Act shall so far as not inconsistent with this Act remain in force and be operative and binding until such byelaws rules or regulations shall be rescinded or altered by the Board.

Bonds &c. of existing board to continue valid and effectual against the Board.

22. All bonds leases grants conveyances and other deeds or securities affecting the lands property and buildings vested in the Board by this Act made or granted to or by the existing board or on their behalf or to which the existing board had acquired right and all claims for payments debts interest or demands for which they were liable at the commencement of this Act and all contracts and agreements entered into by and with the existing board or on their behalf and all judgments or decrees arbitral pronounced in any suit or arbitration to which they were parties shall be good valid and effectual and may be enforced by or against the Board to the

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same extent and effect to which they might have been enforced by or against the existing board.

Debts &c. may be recovered.

23. All debts claims and demands of every kind due to and recoverable by the existing board may be recovered by the Board or the officers appointed and acting under them in the execution of this Act in the same way and by the same means as they would have been recoverable if they had been due and payable to the Board under and in terms of this Act.

Actions not to abate.

24. All actions suits and proceedings and all arbitrations pending at the commencement of this Act to which the existing board are parties may be proceeded with by or against the Board or the officers appointed or acting under them in the execution of this Act without the necessity of any formal intimation to or by the Board or such officers.

Books of the existing board to be deemed books of the Board.

25. The books accounts and other documents and vouchers and minutes of proceedings of the existing board shall be deemed the books accounts documents vouchers and minutes of the Board and shall receive effect in the same manner and to the same extent as they would have done in any question or proceeding to which the existing board might have been parties if this Act had not been passed.

General saving of rights.

26. All acts matters and things done suffered and confirmed respectively before the commencement of this Act in relation to the Institution and which are at the commencement of this Act good valid and available shall be and continue as good valid and available for all purposes and for and against all parties as if this Act had not been passed.

Directors to keep books and accounts.

27. The Board shall cause their whole proceedings to be entered in a book or books to be kept for that purpose and shall (subject to the provisions of this Act) keep true and accurate accounts of all moneys received and payments made by them respectively and shall balance such accounts yearly upon a day in each year to be fixed by the Board.

Auditor to be appointed.

28. The Board shall from time to time with the approval of the General Board of Lunacy appoint such auditor as they shall see fit being a chartered accountant to audit the accounts to be kept under this Act and shall with the like approval make such regulations as shall seem proper for auditing such accounts and publishing an abstract thereof.

Directors may invest funds.

29. The Institution shall be a trust within the meaning of the Trusts (Scotland) Acts 1861 to 1891 and the Board may invest any funds belonging to the Institution in terms of the said Acts.

Deeds &c. how to be executed

30. All bonds mortgages dispositions assignations in security charters deeds and other writings to be granted by the Board under the powers of this Act shall when duly stamped be valid and effectual if sealed with the common seal and subscribed by any two of the directors and by the secretary and all cheques for the payment of moneys shall be signed by one director and by the treasurer.

Service of writs on Board.

31. Any summons notice writ or other document whatsoever requiring to be served upon the Board may be served by the same being sent by post or delivered personally to the secretary for the time being or by being left at the office of such secretary.

Directors not to be personally liable for acts done in the capacity of directors.

32. No director by being party to or executing in his capacity of director any contract or other instrument on behalf of the Board or otherwise lawfully acting as a director shall be subject to be sued or prosecuted individually by any person whomsoever and no goods or lands of any director shall be liable to execution of any legal process by reason of any contract or other instrument so entered into signed or executed by him or by reason of any other lawful act done by him as a director.

Saving s. 60 of Lunacy (Scotland) Act 1857.

33. Nothing in this Act shall prejudice or affect the provisions of section 60 of the Lunacy (Scotland) Act 1857.

Costs of Act.

34. All costs charges and expenses of and incident to the preparing for obtaining and passing of this Act or otherwise in relation thereto shall be paid by the Board out of the funds of the Institution.

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