CHAPTER xxxvii.

An Act to incorporate the Trustees of Abraham Hill's School Trust, and to confer upon them powers for the better administration of the said Trust. A.D. 1872.

[27th June 1872.]

WHEREAS by a deed of mortification executed in the English form, dated the twelfth day of March one thousand seven hundred and fifty-seven, and recorded in the books of the Lords of Council and Session at Edinburgh, as a probative writ, the twenty-sixth day of April one thousand seven hundred and fifty-nine, Abraham Hill, therein described as born in the village of Meikle Govan, in the parish of Govan, near the city of Glasgow, North Britain, then of Wolverhampton in the county of Stafford, South Britain, merchant, on the narrative that it had pleased God to bless his honest endeavours with success, so as to enable him to apply part of what he had got to the charitable uses therein and herein-after expressed, therefore and for the honour and glory of God, the giver of all good, and in consideration of the love and affection he had to the place of his nativity, and from his zeal for the better education of the youth and greater encouragement of the schoolmaster there, did thereby dote, mortify, and dispose to perpetuity the sum of two hundred pounds sterling money for the ends and purposes therein and herein-after stated, in and since the month of February then last remitted to Stephen Rowand, portioner of Eastend of Meikle Govan, commonly designed of Haughhead, to and in favour of whom and of James Rowand of Hetheriehall, portioner of Meikle Govan, Robert Hill, then of Claybraes, portioners there, Stephen Rowand, portioner of Westend of Meikle Govan, commonly designed of Holmfauldhead, and William Rowand of Bellahouston, portioner of Meikle Govan, or any three of them, and failing any of them five by death, to any other landed person or heritor within the bounds commonly called and known by the name of the forty-five merk land of Meikle Govan, as within the space of forty days from the death of either of Deed, dated 12 March 1757.

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them respective should from time to time successive be assumed and elected by the survivors or major part of them, and so forth, always by their assuming or electing by them or major part of them upon either of their deaths of another heritor or landed person within the space and bounds to succeed these deceasing, so that as far as possible the number of five by perpetual succession might be kept up, he thereby assigned the said two hundred pounds of mortified sum and vested the same in their persons as trustees to be by them applied according to their best judgment and discretion so soon as with proper advantage could be in the purchase of some lands of or about the value or extent of said sum, lying within the said parish of Govan, or as near the same as with conveniency could be got, and which said lands, with pertinents so to be purchased, and, as if the same had already been purchased in consequence thereof, he thereby doted, mortified, and disposed for ever to and in favour of the said Stephen Rowand of Haughhead, James Rowand of Hetheriehall, Robert Hill of Claybraes, Stephen Rowand of Holmfauldhead, and William Rowand of Bellahouston, trustees foresaid, and their successors in office as aforesaid, or the quorum of them as before mentioned, and failing of such quorum, at any time or times thereafter to and in favour of the provost or dean of guild of the city of Glasgow for the time, or both of them, for supplying always such failures of the quorum foresaid in conjunction with such other trustees as should be alive and act for the time, and accordingly he willed and ordained the rights or purchase of said lands upon recital of their presents, and what further may occur to them the said trustees to be conceived and taken by them, and for the behoof, use, and encouragement of the masters always of the school in the said village of Meikle Govan, settled by the heritors of the said parish of Govan, and qualified to teach the English language, with writing, arithmetic, and book-keeping, so as they the said schoolmasters (with and under the fundamental and express conditions, burthens, and provisions contained in said deed of mortification, and under the inspection, patronage, and oversight of the said trustees,) should in all time after the said purchase have right to and enjoy the free rents and revenues of the lands and others so to be purchased, after satisfying and paying at sight of the said trustees or quorum of them, and to whom they accordingly should be answerable of all feu duties, tythes, the duties, cess or land tax, ministers stipends, communion elements, and every other burthen or imposition whatever due at the time of the purchase, or which thereafter might become due or payable forth of the said lands and others, and with this condition or burthen, that they and each of them the said schoolmasters should by their acceptance of the benefit of said mortification be bound and obliged gratis, or

without fee, gratuity, or reward, conscientiously to teach, learn, and instruct in reading and English tongue as many boys and girls, and teaching the boys writing, arithmetic, and book-keeping, as should from time to time be presented to them the said schoolmasters by the said trustees and patrons or quorum of them; but so as at no single time the number of said presentees or boys and girls at school should exceed the number of ten, the name of Hill being always preferred, and which ten the said Abraham Hill willed and ordained the said trustee to name and present from the poorest families in the said forty-five merk land of Meikle Govan, and of such parents, if any such be, who are unable to pay school wages: And he also willed and ordained that the said schoolmasters, with consent of the said trustees or their quorum, or the said trustees or their quorum by themselves, without consent of the said schoolmasters, should have power and liberty to set by roup the lands and others as aforesaid, to be purchased in tack for nineteen years, and for payment always to the schoolmasters foresaid in the village of Meikle Govan of the highest yearly tack duty which could be reasonably had for the same; and for performance of all necessary prestations at the will and option of the said trustees or their quorum, who, as aforesaid, should no ways be liable for neglect or commissions of any kind; and should have power to cause insert in the writings or rights purchasing said lands and others, all further necessary clauses and conditions which to them shall seem meet; they always retaining the substance or true sense or meaning of said deed of mortification intended for the good of the said ten children, and encouragement of the schoolmasters foresaid, and as for these purposes the intended purchase of lands might not suddenly cast up so and until such purchase should happen, the said Abraham Hill allowed them the said trustees to dispose of the interest arising from the said two hundred pounds upon pious and charitable uses within the said parish, or to allow the said interest to run up, and to add the same to the principal sum for the good and increase of the foresaid purchase:

And whereas the five persons before named as trustees by the said Abraham Hill accepted the appointment of trustees, and on the first day of June one thousand seven hundred and fifty-eight years invested the said sum of two hundred pounds in the purchase of the lands and other subjects set forth and described in Schedule A. to this Act annexed, conform to disposition in their favour by Alexander Murdoch, eldest son and heir of the deceased George Murdoch of Greenside, portioner of Meikle Govan, with consent of Margaret Forrester his mother, and of his curators and other persons therein named and designed, dated the first day of June one

A.D. 1872. thousand seven hundred and fifty-eight, and on which the said trustees were infeft conform to instrument of sasine in their favour, dated the fourteenth, and recorded in the particular register of sasines for Renfrewshire on the nineteenth August one thousand seven hundred and sixty-one:

And whereas the original trustees so appointed by the said Abraham Hill all died a great many years ago, and the power of assumption of new trustees conferred on them by the deed of mortification was never legally exercised, and the trust thereupon lapsed:

And whereas subsequent to the death of the said original trustees the schoolmaster of the parish of Meikle Govan was in the habit of uplifting the rents of the lands so purchased, and in return taught ten children presented to him by the minister of the parish of Govan:

And whereas the lands purchased by the trustees with the said fund of two hundred pounds, extending to about thirteen and a quarter imperial acres, lying adjacent to and to the west of the village of Meikle Govan, up to the year one thousand eight hundred and sixty-nine, were let for agricultural purposes, the rent for the year one thousand eight hundred and sixty-nine being about forty pounds, after deducting public and parochial burthens:

And whereas from the great extension of the village of Meikle Govan, the said lands became very valuable for building purposes, and an application was presented to the Court of Session in Scotland, in virtue of "The Trust (Scotland) Act, 1867," for the appointment of trustees to act under the said deed of mortification, and for authority to them to complete their title to the said lands, and to feu the said lands for building purposes, at such rate as to their lordships might seem proper, and upon such terms and conditions as their lordships might fix in the course of the procedure to follow on the said application:

And whereas on considering the said application the said Court of Session on the twenty-first day of June one thousand eight hundred and seventy appointed the Reverend Matthew Leishman, Doctor of Divinity, minister of the parish of Govan; Sir William Stirling Maxwell of Pollok, Baronet; Moses Steven of Bellahouston; William McLean of West Shields; John Hinshelwood of Ibrox; and Moses Provan, accountant in Glasgow, heritors of the said parish of Govan, and David Dreghorn, accountant in Glasgow, clerk to the said heritors, to be trustees under the said deed of mortification, with all the powers incident to that office, and further granted warrant and authority to the said trustees to complete a title in their persons to the mortified lands belonging to the said trust:

And whereas the said trustees so named and appointed completed their title to the said mortified lands by registering the said act and decree on the thirtieth day of July one thousand eight hundred and seventy in the general registry of sasines of the county of the barony and regality of Glasgow:

And whereas the said Court of Session, on the fourth February one thousand eight hundred and seventy-one, did, on further considering the said application, authorise and grant warrant to the trustees so appointed to feu the said mortified lands in such lots as should be found most convenient and expedient, but always at a rate of feu duty of not less than fifteen pounds per imperial acre:

And whereas the trustees, under and in virtue of the powers so conferred upon them, exposed eleven acres two roods and eight and a quarter yards of the mortified lands for sale by public auction on the twenty-ninth day of March last, and the same were sold at the price of one thousand one hundred pounds per imperial acre, convertible into a feu duty at five per centum, with a duplication at the end of nineteen years:

And whereas the said mortified land so sold now yiéld an annual feu duty of six hundred and thirty-three pounds fourteen shillings and eightpence, and there are still vested in the trustees one acre two roods fourteen poles and four yards of the mortified lands undisposed of:

And whereas the said Moses Steven and Moses Provan have died since the date of their appointment by the Court of Session as aforesaid:

And whereas, in consequence of the increased value of the said lands, the annual income thereof greatly exceeds the amount contemplated by the said Abraham Hill for the carrying out of his directions and intentions, as expressed in the said deed of mortification, and it is expedient that the provisions of that deed and the relative powers of the trustees, as well as the rights and duties of the schoolmaster under the said deed of mortification and the trust and purposes thereby created and declared, should be extended and amended, and with that view that the trustees should be authorised to apply the said trust funds in manner herein-after appearing:

And whereas it is expedient that provision should be made for the better government and administration of the trust estate, and with that view it is expedient that the trustees should be incorporated, and that further powers should be conferred on them for the efficient and suitable management of the said trust estate:

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

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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:

Short title.

1. This Act may for all purposes be cited as "Hill's Trust Act, 1872."

Interpretation. The trustees:

Meikle Govan:

The school.

2. In this Act—

The expression "the trustees" means the trustees hereby incorporated:

The expression "the village of Meikle Govan" shall mean and include the burgh of Govan:

The expression "the school" shall mean the parish school of the parish of Govan until a new school or new schools shall be established by the trustees under the provisions of this Act, and thereafter shall mean such new school or schools.

Incorporation of trustees.

3. The Lord Provost of the city of Glasgow, the Provost or chief magistrate of the burgh of Govan, the Preceptor of the Royal Incorporation of Hutcheson's Hospital in the city of Glasgow, the minister of the parish of Govan, all for the time being; and Sir William Stirling Maxwell, Baronet, William McLean, John Hinshelwood, and David Dreghorn, and all other persons who may from time to time be assumed new trustees as herein-after provided, are hereby incorporated by the name of Hill's Trustees, and by that name shall be a body corporate, with perpetual succession and a common seal, and with power to hold, purchase, take, and dispose of land and other property, heritable and moveable, real and personal, for the purposes of this Act.

Transference of property to the trustees named.

4. All lands and buildings, and the whole property, estate, and effects, heritable and moveable, real and personal, legally belonging to the said trust, or to the existing trustees, at the time of the passing of this Act, are hereby transferred to and vested in the trustees without any deed or other transference for the purposes of this Act.

Powers of trustees as to trust estates, &c.

5. The trustees may do the following acts and things, and shall have the following powers; (namely,)

They may appoint and remunerate factors, law agents, clerks, and other officers and servants necessary for the execution of the Act; they may sell the trust estate, or any part thereof, and invest the proceeds thereof as herein-after mentioned:

They may grant feus or long leases of the heritable estate, or any part of it; they may borrow money on the security of the trust estate, or any part of it:

They may uplift, discharge, or assign debts due to the trust estate:

They may compromise or submit and refer all claims connected with the trust estate:

They may grant all deeds necessary for carrying into effect the powers vested in the trustees:

They shall have the sole and entire control, management, and disposition of the trust estate, subject to the provisions of this Act:

They may pay all debts due by the trust estate without requiring the creditor to constitute such debts, when the trustees are satisfied that the debts are proper debts of the trust:

They may make any necessary payments for carrying into effect any provision contained in this Act, or in the schedule thereto.

Power of investment.

6. The trustees may from time to time let out and invest the funds of the said trust, or such part thereof as they shall think proper, in the purchase of heritable property in or near the parish of Govan, including feu duties or on heritable security there, or in the purchase of Government stock or stock of the Bank of England, or of any bank in Scotland constituted by Act of Parliament or royal charter, and may also sell, dispose of, or transfer such heritable property and securities, stocks, funds, and otherwise, from time to time as they shall think proper, and re-invest the proceeds thereof, as before mentioned. And any such sale may be by public roup or private bargain, and if the property be heritable then subject to the reservation of a feu duty or ground annual at such rate and on such conditions as may be agreed on; and in all sales and feus the trustees may, if they think fit, reserve the mines and minerals if so desired.

Trustees to pay salary to schoolmaster.

7. From and after the passing of this Act the trustees shall pay to the schoolmaster for the time being of the school an annual salary out of the trust estate of not less than two hundred pounds nor more than three hundred pounds, by equal half-yearly payments on the fifteenth day of May and eleventh day of November in every year, and a proportionate part of such salary in case he shall die or cease to hold office between any two half-yearly days of payment, and such salary shall be a first charge on the trust estate: Provided that the present schoolmaster of the parish of Govan, so long as he fills the office of schoolmaster of the school, shall be paid the maximum salary of three hundred pounds.

Children to be educated gratuitously at school.

8. In consideration of such annual salary the said schoolmaster shall admit to the whole benefits of the school, and instruct therein without the payment of any school or other fees, any number of

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children not less at any one time than sixty, nor during the continuance in office of the present schoolmaster more than seventy, to be called foundation scholars, such children to be either boys or girls, or partly boys and partly girls, and to be selected and nominated by the trustees from among the poor families in the forty-five merk land of Meikle Govan as the trustees shall think fit, and the trustees may so select and nominate accordingly.

Powers of trustees, &c.

9. So soon after the passing of this Act as the trust funds will allow, the trustees shall, either upon lands forming part of the trust estate, or upon lands to be purchased, leased, feued, or otherwise acquired by them for that purpose, erect and open at least one new school-house in the parish of Govan, capable of accommodating not less than eight hundred children, together with a suitable schoolmaster's dwelling-house, and shall establish and maintain a school therein; and the trustees shall make such rules and provisions as they think fit for the regulation and government of the said school and the education to be given thereat, and the fees to be exigible by the schoolmaster from the children (other than the foundation scholars) who may from time to time be admitted by him into the school, and to which fees he shall be entitled for his own services, and to enable him to discharge the expenses connected with the conduct of the school, and the remuneration of the assistant schoolmaster and schoolmistress and other teacher to be engaged thereat.

Provisions as to present and future schoolmasters.

10. The present schoolmaster of the parish of Govan shall, on the erection of the new school-house and the establishment of a school therein, and thereafter until his death or his resignation of the office of schoolmaster of the school, continue to hold that office; and after his death or resignation of that office the trustees shall, in the appointment of his successor or successors, annex to the appointment such terms or conditions as they think fit with respect to the tenure of the office, and shall reserve to themselves power of dismissal therefrom of the party so appointed.

Annual examination.

11. There shall be once in every year an examination of the scholars of the school by one of Her Majesty's inspectors of schools, or by some other duly qualified examiner appointed for that purpose by the trustees, but otherwise unconnected with the said school. The examiner shall report to the trustees on the proficiency of the scholars, and on the position of the school as regards instruction and discipline, as shown by the result of the examination. The trustees shall communicate the report to the schoolmaster, and it shall lie at the office of the factor of the trust, or other place appointed by the trustees for the purpose, for the inspection of any householder in the parish of Govan who may desire to see it.

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Power to extend library and give premiums to scholars who may assist as monitors.

12. The trustees may, out of any surplus moneys in their hands, set aside from year to year such sum as they may think expedient from the funds of the trust for the due establishment and maintenance of a library in connexion with the school, and for providing prizes, and to enable the schoolmaster to give premiums, either in money or otherwise, to pupils of the school who may, owing to merit, be selected to assist as monitors in teaching or managing the classes or departments in the school. Such prizes and premiums may be given either exclusively for the foundation scholars or for the benefit of all the scholars equally, as the trustees in each case determine.

Attendance at university examinations, &c.

13. The trustees may also, out of the said surplus moneys, send, at the expense of the trust, any of the foundation scholars to attend English or Scotch university local examinations, college scholarships, and bursary examinations, or examinations of a like character.

Bursaries.

14. The trustees may also, out of the said surplus moneys, found, for the benefit of the foundation scholars, bursaries not exceeding in value twenty-five pounds each per annum, tenable for any period, at the discretion of the trustees, but not exceeding four years, which bursaries shall be open to all the foundation scholars, being males, who have been in attendance at the school for at least two years. The bursaries shall be awarded in all cases by competitive examination, and upon such other terms and conditions as shall from time to time be appointed by the trustees, with power to the trustees to decline awarding any bursary if at any examination no candidate shall, in the opinion of the examiners, be found of sufficient merit. The holders of the bursaries shall hold the same only during the time they are students at any university, college, or institute of which the trustees approve, and provided that their progress at such university, college, or institute is satisfactory to the trustees as tested in such a manner as the trustees may resolve upon.

School, &c. to be under sole control of trustees.

15. The school or schools, and the school-house or school-houses and schoolmaster's dwelling-house, erected or provided by the trustees, shall be under the sole control and management of the trustees.

Meetings of trustees.

16. The trustees shall annually appoint a preses or chairman of the trustees, and the trustees shall have power from time to time to arrange and fix the time and place for holding meetings of the trustees, and the authority of the preses in the absence of any direction by the trustees shall be sufficient to fix the time and place of meeting. At meetings of the trustees any three of the trustees

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acting for the time shall form a quorum. The preses or chairman shall, along with a deliberative, have a casting vote.

As to appointment of new trustees.

17. The trustees shall assume new trustee or trustees by a deed of assumption executed under their common seal, and recorded in the register of sasines, and so soon as the acceptance of the office by the new trustee or trustees so assumed shall have been entered in the sederunt book of the trust, such trustee or trustees shall for all purposes be one of the trustees, and such power of appointing new trustees shall be exercised in the event of any two of the trustees dying, resigning, being insane or incapable of acting by reason of physical or mental disability, or by continuous absence from the United Kingdom for a period of nine calendar months. In assuming new trustees preference shall be given to qualified heritors of the parish of Govan whose names are entered in the cess rolls.

As to resignation of trustees.

18. Any trustee may resign his office by minute of the trust entered in the sederunt book, and signed in that book by such trustee and by such other of the trustees as shall be present at the time, or he may so resign by signing a minute of resignation in the form of the Schedule B. to this Act annexed, or to the like effect, in which case he shall register the same in the books of council and session and shall intimate the same in writing to the factor to the trustees at the office of the trustees, and the resignation shall be held to take effect from and after the expiration of one calendar month after delivery of such intimation.

Audit of accounts.

19. A qualified accountant shall annually, at a date to be fixed by the trustees, examine and check the whole accounts of the trust, and prepare an abstract thereof to be laid before the trustees, accompanied by a report, stating whether or not the income has exceeded the expenditure during the financial year, and specifying the amount of the deficiency or surplus, and if it shall appear at the annual audit that there is a deficiency of income to meet the expenditure during any financial year, such deficiency shall be made good out of the first moneys which shall be received on account of the trust schools, and the trustees shall thereafter so regulate the expenditure that it shall not exceed the income.

Existing rights to remain entire, except so far as altered under this Act.

20. The rights and powers of the trustees as at present exercised shall remain entire, except in so far as altered by or under this Act, and all deeds and rules relating to the trust or trust estate are hereby altered and varied in so far as may be necessary for carrying this Act into effect.

Trustees entitled to the rights and powers under 24 & 25 Vict. c. 84.

21. The trustees appointed by this Act shall, without prejudice to the powers herein granted, have and be entitled to the same rights and powers as in trusts constituted by virtue of any deed, or

by private or local Act of Parliament, and in addition to other Acts the school trust shall be held to fall within the scope and provisions of the Act 24 & 25 Victoria, chapter 84, as amended and explained by the Act 26 & 27 Victoria, chapter 115, and the Act 30 & 31 Victoria, chapter 97.

Expenses of Act.

22. The cost, charges, and expenses of and incidental to the applying for, obtaining, and passing this Act shall be borne by the trustees, and paid by them preferably out of the trust estate.

SCHEDULE A.

Description of Lands.

All and whole that park or enclosure called the Faulds Park which belonged to the said deceast George Murdoch, father to the said Alexander Murdoch, then to himself, being a part of the six shilling three penny land of old extent of the lands in the west end of Meikle Govan, called Teucherhill Quarter, acquired by his said father from James McGie of Berrieknows, lying within the parish of Govan and shire of Lanark, as the said park was last possesst by John Anderson and Archibald Storrie, as also that part of the park called the Roods Park which formerly belonged to the said deceast George Murdoch, lying on the north side of the new turnpike road, together with all heritable right, tittle of right, and oyr right or tittle whatsoever, that he the said Alexander Murdoch, his authors or predecessors, had or could pretend to the lands above disponed.

SCHEDULE B.

Form of Resignation.

I, *A.B.*, do hereby resign as and from the date hereof the office of trustee under "Hill's Trust Act, 1872."

In witness whereof, &c.

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