CHAPTER xlii.

An Act for extending and amending the Constitution of the High School of Dundee; authorising the establishment, within the burgh of Dundee, of an additional Public School, under the management of the School Board of Dundee; and for confirming an Agreement between William Harris, Esquire, the High School Corporation and the School Board; and for other purposes. A.D. 1882.

[19th June 1882.]

WHEREAS, from ancient times Public Schools have existed in Dundee, under the management of the magistrates and town council of the burgh of Dundee, and on the 15th day of October, 1827, the town council appointed a committee for considering means for improving the said Public Schools and obtaining more suitable buildings for their accommodation, and gave such committee full power to apply, in name of the town council, for subscriptions from the inhabitants of Dundee for providing school accommodation:

And whereas public subscriptions were applied for and obtained, and in or about the month of May, 1829, a document was drawn up and largely signed, entitled "Principles on which it is proposed "that the magistrates and town council and all classes of the "community shall unite in joint efforts for enlarging and improv-"ing the means of education in Dundee, and obtaining suitable "buildings and other accommodation for the Public Schools," which principles were, upon the 20th day of May, 1829, duly approved of and adopted by the magistrates and town council:

And whereas ground in the town of Dundee was thereafter acquired as a site for new Public Schools, and school buildings were erected thereon, which were called the Dundee Public Seminaries, and are now known by the name of the High School of Dundee:

A.D. 1882.

And whereas the said principles contemplated that the directors appointed as therein mentioned should apply for a Royal Charter for more fully effecting the objects thereof; and a Royal Charter was obtained from Her present Majesty Queen Victoria, which is dated the 31st day of October, and written to the seal, and sealed and registered the 30th day of November, 1859, by which the Provost, bailies, and dean of guild of Dundee, and their successors and certain other persons therein named, and all others who had subscribed or should thereafter subscribe to the said institution were incorporated into one body politic and corporate, by the name and title of "The Corporation of the High School of Dundee," with the powers and privileges set forth in the said charter:

And whereas by the said charter the Provost, bailies, and dean of guild of the burgh of Dundee for the time being, together with four other persons to be nominated and appointed by the magistrates and town council, and ten persons to be elected by the subscribers to the said institution, are appointed directors of the High School:

35 & 36 Vict c. 62.

And whereas, by the Education (Scotland) Act, 1872, it was inter alia enacted that every burgh school should be vested in and be under the management of the School Board of the burgh in which the same is situated; and the School Board of the burgh of Dundee claimed the High School of Dundee as vested in them, under the provisions of the said Act, which claim the said corporation of the High School repudiated and resisted:

And whereas, to prevent litigation between the said two institutions, and to provide more effectually for the advancement of education within the burgh of Dundee, William Harris, merchant, Dudhope Terrace, Dundee, intervened and offered to contribute the sum of thirty thousand pounds for the purposes of education in Dundee, and that in manner and on the terms contained in an agreement between him the said William Harris, of the first part, the Corporation of the High School of Dundee of the second part, and the School Board of the burgh of Dundee of the third part, which agreement is set forth in the schedule to this Act:

And whereas it is expedient to alter, extend and amend the constitution and management of the High School, and to improve the present system of education therein; and also to enable the School Board of the burgh of Dundee to establish within the burgh from the payment made or to be made to the School Board by the said William Harris, under the said agreement an additional Public School within the meaning of the Education (Scotland) Acts 1872

41 & 42 Vict. c. 78.

and 1878, in a separate department whereof advanced branches of education should be taught: A.D. 1882.

And whereas the purposes 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:

Short title.

1. This Act may be cited as the William Harris Endowment and Dundee Education Act, 1882.

Interpretation.

2. In this Act the following words and expressions shall have the meanings hereby assigned to them, unless there be something in the subject or context repugnant to such construction, that is to say:

"The Royal Charter" means the Royal Charter herein-before recited.

"The Provost" means the Provost of the royal burgh of Dundee for the time being.

"The magistrates and town council" and the "town council" mean the Provost, magistrates and town council of the royal burgh of Dundee.

"The dean of guild" means the dean of guild of the royal burgh of Dundee for the time being.

"The School Board" means the School Board of the burgh of Dundee.

"The High School Corporation" and "corporation" mean the Corporation of the High School of Dundee.

"The directors" means the directors of the High School Corporation.

"The High School" means the High School of Dundee.

"The subscribers" means the present and future subscribers to the funds of the High School Corporation to the extent of five pounds or upwards in one sum, or of one pound or upwards annually, and shall include persons and incorporations who are subscribers.

Confirming agreement between William Harris and High School and School Board.

3. Subject to the provisions of this Act the agreement entered into between William Harris, of the first part, the High School Corporation of the second part, and the School Board of the third part, and addition thereto which are set forth in the schedule to this Act, are hereby confirmed, and shall be obligatory on and carried into effect by the said parties respectively.

A.D. 1882.

Directors of High School until 1888.

4. From and after the third Monday of November, one thousand eight hundred and eighty-two, and until and inclusive of the third Monday of November, one thousand eight hundred and eighty-eight, the following persons shall be the directors of the High School Corporation (that is to say): John Sharp, George Malcolm, Thomas Smith, James Adie, John Guild, John Leng and William Roderick Harris Valentine, the Provost, the dean of guild, five persons to be elected by the town council, and seven persons to be elected by the subscribers in manner herein-after mentioned.

Directors after 1888.

5. From and after the third Monday of November, one thousand eight hundred and eighty-eight, the following persons shall be the directors (that is to say): the Provost, the dean of guild, the parish minister of Dundee for the time being, the said parish minister being the minister of Saint Mary's Established Church, Dundee, six persons to be elected by the town council, seven persons to be elected by the subscribers, three persons to be elected by the Dundee Chamber of Commerce, one person to be elected by the Guildry Incorporation of Dundee, and one person to be elected by the Incorporation of the Nine Trades of Dundee, all in manner herein-after mentioned.

Election of directors by town council.

6. For the purpose of the election by the town council of persons to be directors, the town council shall meet in the month of November, and not later than the third Monday of that month, in the year one thousand eight hundred and eighty-two, and in each year thereafter, and shall elect the persons to be elected by the town council to act as directors for the year ensuing such third Monday of November. The persons to be so elected, or some of them, may be persons other than members of the town council.

Election of directors by subscribers.

7. For the purpose of the election by the subscribers of persons to be directors, a general meeting of the subscribers, of whom at such meeting seven shall be a quorum, shall be held on the third Monday of November in the year one thousand eight hundred and eighty-two, and in each year thereafter, at such hour and place as the directors for the time being may appoint; and the subscribers present at such meeting, if more than seven, or their said quorum, shall after the election of a chairman elect the persons to be elected by the subscribers to act as directors for the year ensuing such third Monday of November, and in case of equality the chairman shall have a casting vote in addition to his vote as a subscriber, and the persons to be so elected, or one or more of them may be subscribers or non-subscribers.

As to voting of subscribers.

8. The roll of subscribers shall always remain open, and each subscriber of five pounds or upwards, and each annual subscriber

of one pound or upwards, shall have one vote, and the subscribers shall in voting at meetings for the election of persons to be directors, and at all other meetings of the subscribers, vote personally and not by proxy, and any annual subscriber of one pound or upwards who has not paid his subscription for the two preceding years shall not be entitled to vote in the election of directors or in any other matter or question at any meeting of the subscribers. An incorporation which is a subscriber of five pounds or upwards shall vote by one of its members, but it shall not be entitled to vote in respect of such subscription after the termination of twenty-five years from the date of such subscription.

Elections by Chamber of Commerce and other bodies.

9. For the purpose of the elections by the Dundee Chamber of Commerce, the Guildry Incorporation of Dundee and the Incorporation of the Nine Trades of Dundee of persons to be directors, the said bodies shall respectively meet in the month of November, and not later than the third Monday of that month, in the year one thousand eight hundred and eighty-eight and in each year thereafter, and shall elect the persons or person to be elected by the said bodies respectively to act as directors for the year ensuing such third Monday of November. If under the provisions of the next succeeding section an election falls to be made by the said bodies or any one of them of a person or persons to be directors prior to the year one thousand eight hundred and eighty-eight, the body or bodies by whom such election is to be made shall meet in the month of November, and not later than the third Monday of that month next ensuing the occurrence of the vacancy or vacancies rendering such election necessary, and shall elect the person or persons to be elected by such body or bodies or any one of them for filling up such vacancy or vacancies, and the person or persons so elected shall be a director or directors for the year ensuing the said third Monday of November in which such election took place.

As to supplying vacancies in the seven directors named.

10. In case of the death, resignation, or non-acceptance of any one or more of the directors herein-before named, during the period of their office herein-before mentioned, terminating on the third Monday of November, one thousand eight hundred and eighty-eight, such vacancy or vacancies shall be supplied in manner following (that is to say): the first vacancy shall be supplied by the town council, who shall thereupon be and become entitled to six representatives instead of five, and be forthwith entitled to elect an additional director accordingly; the second vacancy shall be supplied by the said parish minister of Dundee, for the time being, and be held by him and his successors in office; the following three

A.D. 1882.

vacancies or any one or more of them shall be filled up by a person or persons to be elected by the Dundee Chamber of Commerce in the month of November next following the occurrence of such vacancies or any of them; the sixth vacancy shall be filled up by a person to be elected by the said Guildry Incorporation of Dundee in the month of November next following the occurrence of such vacancy, and the seventh vacancy shall be filled up by a person to be elected by the said Incorporation of the Nine Trades of Dundee in the month of November next following the occurrence of such vacancy, and the elections provided to be made by the said Dundee Chamber of Commerce, the Guildry Incorporation of Dundee, and the Incorporation of the Nine Trades of Dundee under this section shall continue to be made by those bodies respectively in the month of November in each following year, until the year one thousand eight hundred and eighty-eight, when the annual elections to be made by the said bodies as provided for in section nine of this Act commence, and shall be made at meetings of the said bodies respectively, to be held in the month of November, and not later than the third Monday in that month, and in all respects in the manner herein-before provided with reference to the elections to be made by the said bodies respectively.

Qualification of directors.

11. No person not being a subscriber shall be eligible for election by the subscribers who is not resident or has not a place of business within the burgh of Dundee for the time being; no person not being a member of the Chamber of Commerce shall be eligible for election by the said chamber who is not resident or has not a place of business as aforesaid; no person not being a member of the Guildry Incorporation shall be eligible for election by the said Incorporation who is not resident or has not a place of business as aforesaid, and no person not being a member of the Incorporation of the Nine Trades shall be eligible for election by the said Incorporation who is not resident or has not a place of business as aforesaid.

Directors may be re-elected.

12. All or any of the persons who were elected by the town council, the subscribers, the Dundee Chamber of Commerce, the Guildry Incorporation of Dundee, and the Incorporation of the Nine Trades of Dundee respectively, and who acted during any preceding year, shall, if qualified in terms of this Act, be eligible for re-election.

As to supplying vacancies generally.

13. Subject to the provisions of this Act, any vacancy or vacancies in the number of directors, other than directors ex officio, caused by death, resignation, or non-acceptance, or by the failure of any of the elective bodies to make an election, of

directors in accordance with the provisions of this Act, or by the number of subscribers entitled to vote being reduced to a number under seven, may be filled up immediately after the occurrence of such vacancy or vacancies by the directors electing some person or persons to be a director or directors to supply such vacancy or vacancies, and the person or persons so elected shall continue in office as a director or directors until and inclusive of the third Monday in November next ensuing: Provided that the directors so to be elected need not be members of any of the bodies by whom directors fall to be appointed under this Act, but they must severally reside or have a place of business within the burgh. A.D. 1882.

Acts of directors not invalid by reason of vacancies.

14. No proceeding of the directors or of any committee shall be invalidated or be illegal, in consequence only of there being any vacancy in the number of directors at the time of such proceeding.

Chairman of directors.

15. The Provost shall be chairman of the directors. The chairman shall have a vote as one of the directors, but shall not have a casting vote, except as herein-after provided.

If chairman not present.

16. If at any meeting of the directors the chairman be not present, the directors present shall choose some one of their number to be chairman of such meeting.

Quorum.

17. At all general meetings of the directors five directors shall be a quorum.

Special general meetings.

18. Special general meetings of the directors shall be called by the secretary on requisition made to him, stating the object of the intended meeting, under the hands of the chairman of the directors or any three of the directors, or by any three of the directors in case of a vacancy at the time in the office of secretary, or of the absence of the secretary, or of his refusal or omission to call such meetings; but no business shall be considered at special general meetings thus called other than that set forth in the notice convening the same.

Casting vote.

19. In the event of an equal division of votes of the directors at any meeting, as to any matter or question which was then for the first time brought before them, another general meeting of the directors shall be held not sooner than three days, nor later than forty-two days, after the date of the said first-mentioned meeting, to dispose of the matter or question that shall have been left undetermined, and the notice convening such meeting shall state the time, and place, and object of the meeting, and at the meeting

A.D. 1882.

thus called the chairman shall have, in case of equality, a casting vote in addition to his vote as one of the directors.

Objects and management of corporation.

20. The management and direction of the affairs of the High School Corporation shall be so conducted as to provide and secure, as far as possible, for the benefit of the inhabitants of the town of Dundee and its suburbs and surrounding districts, an institution for promoting a liberal education as extensive and complete as the funds of the corporation for the time being may allow by efficient masters under a rector of high standing and attainments; and for these objects the entire and exclusive rights of patronage and appointment of the rector, masters and assistant masters, and of all other persons required for the proper conducting of the affairs of the corporation (all and each of whom shall hold their respective appointments during the pleasure of the directors) and all necessary powers of management are hereby vested in the directors now and in all time coming to the exclusion of the magistrates and town council and their successors, saving only the right of the Provost as a director ex officio and the right of the said magistrates and town council to appoint directors as herein-before provided, and to the exclusion of the School Board and their successors and of the community of the burgh of Dundee.

Appointment of rector and his duties.

21. The directors shall appoint a rector of the High School, at a salary of not less than five hundred pounds yearly, who shall hold office during the pleasure of the directors. The rector to be so appointed shall be qualified to take an efficient superintendence, charge and oversight of all the educational departments of the High School for the time being, as well those presently conducted within the existing school buildings as any other which may hereafter be conducted, in the said buildings, or in any other buildings within the town of Dundee, in connexion with the corporation. The rector may also be appointed the head master of such one of the higher departments of the High School as the directors shall determine, and that either with or without an addition to his said salary as rector as the directors may deem expedient. No person shall at any time be chosen as rector unless two-thirds at least of all the directors for the time being shall concur in his appointment. All the masters and assistant masters of the High School shall be under the orders of the rector, but the rector as well as all masters and assistant masters shall be under the control of the directors.

Vesting of property in High School Corporation.

22. The High School buildings and whole grounds and other pertinents thereof, situated in the town of Dundee, presently

possessed by the High School Corporation, and generally all lands, tenements and heritages, funds and estates, heritable and moveable, real and personal, now vested in trustees or other persons for behoof of the High School Corporation under that name or under its former name of the Dundee Public Seminaries, or which are held in name or for behoof of the High School Corporation, and likewise the sum of eleven pounds two shillings and twopence sterling, which has been hitherto paid yearly to the High School Corporation, out of the funds of the Hospital of Dundee, shall from and after the passing of this Act vest in and be transferred to the High School Corporation absolutely for the purposes of the said corporation, or in the case of property or funds held in trust for other than the purposes of the said corporation, then in trust for the purposes of such trusts respectively; and in either case exclusive of any right, title or claim whatever in the magistrates and town council, or in the community of the burgh of Dundee, or in the School Board.

As to holding lands, &c., by corporation.

23. The powers conferred upon the directors by the Royal Charter, to take, hold and enjoy lands, tenements or other heritages, not exceeding the yearly value of three thousand pounds sterling, and to purchase, acquire and enjoy lands, tenements and other heritages in Scotland not exceeding the foresaid yearly value, shall be read and construed to be in addition to and irrespective of the said High School buildings and whole grounds and other pertinents thereof.

As to power to borrow.

24. The directors shall have power to borrow money for the purposes of the High School Corporation on the security of the corporation, or of any lands, tenements or other heritages which they have already acquired, or may hereafter acquire, to an amount not exceeding five thousand pounds sterling; and the limitation of the power to borrow to an amount not exceeding one thousand five hundred pounds contained in the Royal Charter is hereby rescinded.

Investment of funds.

25. The directors may invest the funds of the High School Corporation upon good heritable security, or in the debentures or mortgages, or in the purchase of preference shares or stock of any railway or other public company in Great Britain paying a dividend on its ordinary stock, or on the assignments or mortgages, or in the annuities of statutory harbour trustees or statutory commissioners in Great Britain, or in the purchase of superiorities, feu duties, or ground annuals.

A.D. 1882.

Powers of sale.

26. The directors may sell and dispose of the whole estate and effects, both heritable and moveable, real and personal, belonging to the High School Corporation, except the High School buildings and grounds and other pertinents thereof, and that either by public roup or private bargain, and the net proceeds of such sales shall be applied to the objects and purposes of the High School and of the Royal Charter, as amended by this Act.

For protection of lenders and others.

27. Any person, trustees, commissioners, corporation, company, or other body lending or paying money to the High School Corporation, or in any other way transacting with them, shall not be concerned with the application of the moneys advanced or paid to them, or with any of the conditions or provisions of the constitution of the corporation, or with any trust conditions under which the said moneys may be held by the corporation, but shall be completely exonerated by the simple receipt and discharge of the corporation.

Auditing of accounts.

28. The accounts of the High School Corporation referred to in the third rule and regulation of the Royal Charter shall, previous to their being laid before the annual general meeting of subscribers on the third Monday of November, be audited by a skilled professional accountant, to be appointed by the directors, who shall not be an office-bearer of the corporation.

Royal Charter and Act to form constitution, with power to directors to frame byelaws.

29. The Royal Charter as altered and amended by this Act, and this Act in so far as relating to the High School Corporation, shall, from and after the passing of this Act, form and be the sole constitution of the High School Corporation; with power nevertheless to the directors from time to time to frame byelaws and regulations for the proper management of the High School and the High School Corporation, and to vary, alter, or rescind the same at their pleasure: Provided that the same shall not be inconsistent with the provisions of the Royal Charter as amended by this Act, or this Act.

Establishment of advanced Public School by School Board.

30. The School Board shall establish from the payment by the said William Harris under the foresaid agreement and maintain within the burgh of Dundee a Public School within the meaning of the Education (Scotland) Acts, 1872 and 1878, in a separate department of which, divided from the rest of the school house by a mutual wall, and having for itself separate entrances, education in advanced branches of knowledge shall be fostered and encouraged and from which department the teaching of infants and the three lower standards, viz., Standard I., Standard II. and Standard III. of the "Code (1881) of the Scotch Education Department" and the like standards in all time shall be excluded.

A.D. 1882.

Endowment to High School.

31. The said William Harris, whom failing his legal successors and representatives, shall within one calendar month after the passing of this Act pay to the High School Corporation the sum of twenty thousand pounds for the purposes of the Royal Charter and of this Act, as regards the High School, and thereupon the said William Harris shall be discharged of the obligations undertaken by him in the agreement scheduled to this Act, so far as the High School and its corporation are concerned.

Payment to School Board.

32. The said William Harris, whom failing his legal successors and representatives, shall pay to the School Board within one calendar month after the passing of this Act, the sum of ten thousand pounds, for the purposes expressed in section thirty of this Act, and thereupon the said William Harris shall be discharged of the obligations undertaken by him in the said agreement so far as the School Board are concerned.

Costs of Act and agreement.

33. All costs, charges and expenses of and incident to the preparation and execution of the said agreement and the obtaining and passing of this Act, whether incurred by the said William Harris or by the School Board, shall be paid by the High School Corporation to the extent of one hundred and twenty-five pounds, and the remainder shall be paid by the School Board out of the money to be received by them under this Act.

SCHEDULE referred to in the foregoing Act.

A.D. 1882. AGREEMENT between WILLIAM HARRIS, Esquire, Merchant, residing in Dudhope Terrace, Dundee, of the first part, THE CORPORATION OF THE HIGH SCHOOL OF DUNDEE, of the second part, and THE SCHOOL BOARD OF THE BURGH OF DUNDEE, of the third part.

WHEREAS the High School of Dundee arose as mentioned in the Royal Charter thereof, by which the said second parties came into existence, as the said charter which is dated the thirty-first October, and written to the seal, sealed, and registered the thirtieth November, one thousand eight hundred and fifty-nine, in itself bears. And whereas, founding upon the Education (Scotland) Act, 1872, the School Board of the burgh of Dundee claimed the High School of Dundee as vested in them under the provisions of the said Act, which claim was denied and repudiated by the said Corporation of the High School of Dundee. And whereas litigation between these two public institutions was imminent, and the first party being desirous to improve the High School of Dundee for the promotion of a liberal education in his native town of Dundee and surrounding districts, and at the same time to assist the School Board of the burgh of Dundee in accomplishing their desire to establish a public school in Dundee as aftermentioned, intervened, and offered to contribute twenty thousand pounds to the said Corporation of the High School, and ten thousand pounds to the said School Board, on the terms and upon the footing herein-after written. Now, therefore, all the parties hereto do hereby agree as follows:—

I. AS REGARDS THE HIGH SCHOOL.

1. The Royal Charter incorporating the said High School shall be altered and amended as aftermentioned; and the said Royal Charter, as so altered and amended, and the Act of Parliament, to be applied for and obtained as after provided for in so far as relating to the said Corporation of the High School, shall from and after the date of the passing of the said Act form and be the sole constitution of the Corporation of the High School of Dundee. But the directors of the said High School herein-after mentioned for the time being, shall have power to frame byelaws and regulations for the proper management of the said corporation, and to vary, alter, or repeal the same at their pleasure, but so as they shall not be inconsistent with the constitution to be fixed by the said Act. (2.) The said constitution to be fixed as aforesaid shall inter alia confer the government and direction of the Corporation of the said High School on a body of twenty-one directors, consisting of seven directors to be nominated by the said William Harris for the period of six years from the third Monday of November, eighteen hundred and eighty-two until and inclusive of the third Monday of November, eighteen hundred and eighty-eight whose

places shall be taken as vacancies shall occur through their deaths, resignations or disability respectively, or by the expiry of the said period of six years by the parish minister of Dundee, being the minister of Saint Mary's Established Church in Dundee, and the sheriff substitute of the Dundee district of the county of Forfar and their respective successors in office as directors ex officiis; by three persons to be chosen annually as directors by the members of the Dundee Chamber of Commerce; by one person to be chosen annually as a director by the members of the Guildry Incorporation of Dundee; and by one person to be chosen annually as a director by the members of the Nine Trades Incorporation of Dundee; and also of seven directors to be chosen annually by the magistrates and town council of Dundee; and of seven directors to be chosen annually by the subscribers to the said High School. (3) By the said Royal Charter, as the same shall be altered and amended, and by the said Act of Parliament, there shall also be vested in the Corporation of the High School, for the purposes thereof, or of the trusts upon which the same were respectively dedicated or are held, the High School buildings and whole grounds and other pertinents thereof, situated in the town of Dundee, presently possessed by that corporation, and generally all lands, tenements and heritages, funds and estates, heritable and moveable, real and personal, now vested in trustees or other persons for behoof of the Dundee Public Seminaries, under which name the said High School was formerly known, or of the said High School, or which are held in name, or for behoof of the said Corporation of the High School of Dundee, including the yearly payment of eleven pounds two shillings and twopence, formerly paid from the funds of the Hospital of Dundee to the Grammar School of Dundee, and afterwards to the said Dundee Public Seminaries and the said Corporation of the High School; altogether exclusive of any right and title whatever in the said magistrates and town council, and in the community of the said burgh of Dundee, and of any right and title in the said School Board of the said burgh, on the ground that the said High School is, or was, a burgh school in the meaning of the Education (Scotland) Acts, 1872 and 1878, or on any other ground whatsoever; and there shall also be conferred on the said directors the whole patronage and powers of appointment and removal of the rector to be appointed as herein-after mentioned, and of all masters and teachers and other officials of the corporation; and in particular it shall be provided that the directors shall as an essential condition of these presents appoint and always maintain a rector of high standing for the said High School at a salary of not less than five hundred pounds sterling yearly, who shall hold office during the pleasure of the directors, and must be qualified to take an efficient superintendence, charge and oversight of all the educational departments of the said High School for the time being, and be competent to fill, if required by the Directors, the position of head master of one of the higher departments of the said High School: The said alterations and amendments shall also confer, so far as not already provided by the said Royal Charter, all necessary powers on the directors for framing byelaws and regulations for the proper management of the High School and other affairs of the Corporation, and to alter, vary and repeal these at their pleasure, provided that the same shall not be inconsistent with the said constitution to be fixed by the said Act of Parliament: and

A.D. 1882. (4.) The said alterations and amendments shall likewise provide that the said Royal Charter, as altered and amended as aforesaid, and the said Act of Parliament so far as relating to the said Corporation of the High School, shall thenceforward form and be the sole constitution of the Corporation of the High School of Dundee, but with power as aforesaid to the directors for the time being to frame byelaws and regulations for the proper management of the affairs of the corporation within the bounds of its constitution.

II. AS REGARDS THE SCHOOL BOARD.

1. That the said School Board shall renounce and discharge, like as they hereby renounce and discharge, all their claims and demands to the High School of Dundee, and whole other properties and funds belonging to or under the management of the Corporation of the High School, including the foresaid annual payment of eleven pounds two shillings and twopence from the Hospital of Dundee: and (2.) That the said School Board shall establish within the burgh of Dundee a Public School, within the meaning of the Education (Scotland) Acts 1872 and 1878, in a separate department of which, divided from the rest of the school house by a mutual wall, and having for itself separate entrances, education in advanced branches of knowledge shall be fostered and encouraged, and from which department the teaching of infants and the three lower standards, viz.: Standard I., Standard II. and Standard III. of the "Code (1881) of the Scotch Education Department," and the like standards in all time shall be excluded.

III. AS REGARDS THE SAID WILLIAM HARRIS AND THE SAID HIGH SCHOOL AND SCHOOL BOARD.

That the said twenty thousand pounds payable to the said High School, and ten thousand pounds payable to the said School Board, shall be paid, and the said William Harris, Esquire, hereby agrees to pay the same to the said High School of Dundee, and to the said School Board of the burgh of Dundee respectively, within one calendar month after an Act of Parliament, to be named the "William Harris Endowment and Dundee Education Act, 1882," or such other name as Parliament may fix is obtained by the School Board, confirmatory of the present agreement, and containing such clauses and provisions in implement and furtherance thereof as the parties interested may agree on, and Parliament may see fit to sanction.

IV.—This agreement is made subject to the sanction of Parliament, and to such alterations as Parliament may think fit to make therein, but if the Committee on the Bill, by which it is proposed that this agreement shall be confirmed, shall make any material alteration thereon it shall be competent for any of the parties hereto, or their respective successors to withdraw from the same; and in that event the respective legal rights of the said Corporation of the High School, and of the School Board, as they existed before the date of this agreement, shall remain altogether unaffected by these presents, or by anything that shall follow hereupon; In witness whereof these presents written on this and the three preceding pages by Charles Davie, clerk to Thomas Thornton, Son and Company, solicitors, Dundee, are executed (in triplicate) by the parties

hereto, as follows, viz., the same are sealed with the common seal of the said The School Board of the burgh of Dundee, and subscribed for and on behalf of the said Board by Alexander Hay Moncur, manufacturer, Rockfield, Dundee, the Reverend Andrew Inglis, Free Church Minister, Balgay Terrace, Lochee, and the Reverend James Ewing, number twelve, Laurel Bank, Dundee, Minister of St. Andrew's Free Church, Dundee, three and a quorum of the members of the said board, all duly and regularly at Dundee on the fourteenth day of December, eighteen hundred and eighty-one years, before these witnesses, the said Charles Davie and Peter Irvine Stewart, clerk to the said Thomas Thornton, Son and Company; and the same are sealed with the common seal of the said The Corporation of the High School of Dundee, and subscribed for and on behalf of the said corporation by James Low, wholesale confectioner, Dundee, senior bailie of the burgh of Dundee, and William Robertson, engineer, Dundee, two of the directors of the said corporation, and by William Adam Fleming, town chamberlain of Dundee, the treasurer of the said corporation, and Andrew Watt Cumming, solicitor, Dundee, the secretary of the said corporation, all duly and regularly at Dundee on the said fourteenth day of December, before these witnesses, Hubert Carlton, apprentice to the said Andrew Watt Cumming, solicitor, Dundee, and David Cooper Banks, reporter in the office of the Dundee Advertiser, Dundee, and the same are subscribed by the said William Harris at Dundee on the sixteenth day of said month of December and year last mentioned, before these witnesses, John William Thomson, solicitor, Dundee, and Alexander Wilson, junior, cashier to the said Thomas Thornton, Son and Company.

A.D. 1882.

(Signed) Charles Davie, Witness.
(„) Peter I. Stewart, Witness.

(Signed) A. H. Moncur.
(„) Andw. Inglis.
(„) James Ewing.

L.S.

(Signed) T. W. Thoms, Witness.
(„) H. Carlton, Witness.
(„) David C. Banks, Witness.

(Signed) James Low.
(„) Wm. Robertson.
(„) W. A. Fleming, Treasr.
(„) A. W. Cumming, Secy.

L.S.

(Signed) J. W. Thomson, Witness.
(„) A. Wilson, Jr., Witness.

(Signed) William Harris.

It is hereby declared and agreed by the parties to the foregoing agreement, previous to the subscription thereof by the said William Harris and on the faith by him that this addition to the said agreement shall be held to be an intrinsic

A.D. 1882. part thereof to the same effect as if it had been engrossed therein, before its signature by any of the parties thereto, that the portion underwritten of head (3) of Branch I., of the provision regarding the High School contained in said agreement, shall form and be the agreement of the parties, notwithstanding anything to the contrary contained in the said agreement itself, viz.: (3.) By the said Royal Charter, as the same shall be altered and amended, and by the said Act of Parliament, there shall also be vested in the Corporation of the High School, for the purposes thereof, the absolute right of property in the High School buildings and whole grounds and other pertinents thereof, situated in the town of Dundee, presently possessed by that corporation, and generally all lands, tenements and heritages, funds and estates, heritable and moveable, real and personal, now vested in trustees or other persons for behoof of the Dundee Public Seminaries, under which name the said High School was formerly known, or of the said High School, or which are held in name, or for behoof of the said Corporation of the High School of Dundee, including the yearly payment of eleven pounds two shillings and twopence, formerly paid from the funds of the Hospital of Dundee to the Grammar School of Dundee, and afterwards to the Dundee Public Seminaries and the said corporation of the High School, or in the case of property or funds held in trust for other than the purposes of the said corporation then in trust for the purposes of such trusts respectively, and in either case altogether exclusive of any right and title whatever in the said magistrates and town council, and in the community of the said burgh of Dundee, and of any right and title in the said School Board of the said burgh, on the ground that the said High School is, or was, a burgh school in the meaning of the Education (Scotland) Acts, 1872 and 1878, or on any other ground whatsoever. In witness whereof, these presents written partly on this and partly on the preceding page by Charles Davie, clerk to Thomas Thornton, Son & Company, solicitors, Dundee, are executed (in triplicate) by the parties hereto and to said agreement as follows: the same are sealed with the common seal of the said The School Board of the burgh of Dundee, and subscribed for and on behalf of the said board by James Ewing, number twelve, Laurel Bank, Dundee, Minister of St. Andrew's Free Church, Dundee; James Logie, agent, Reform Street, Dundee, and William Doig, chemist, Forebank Terrace, Dundee, three and a quorum of the members of the said board all duly and regularly at Dundee on the sixteenth day of December, eighteen hundred and eighty-one years before these witnesses, the said Charles Davie and Peter Irvine Stewart, clerk to the said Thomas Thornton, Son and Company; and the same are sealed with the common seal of the said The Corporation of the High School of Dundee, and subscribed for and on behalf of the said corporation by James Low, wholesale confectioner, Dundee, and senior bailie of the burgh of Dundee, and William Robertson, engineer, Dundee, two of the directors of the said corporation, and by William Adam Fleming, town chamberlain of Dundee, the treasurer of the said corporation, and Andrew Watt Cumming, solicitor, Dundee, the secretary of the said corporation, all duly and regularly at Dundee, on the said sixteenth day of December before these witnesses, Alexander Stewart Rae Bruce, apprentice, and David Ferguson Mackie, clerk both to the said Andrew Watt Cumming, solicitor, Dundee, and the same are subscribed by the said William Harris, at Dundee,

on the said sixteenth day of December, before these witnesses, John William Thomson, solicitor, Dundee, and Alexander Wilson, junior, cashier to the said Thomas Thornton, Son and Company. A.D. 1882.

(Signed) Charles Davie, Witness.
(„) Peter I. Stewart, Witness.

(Signed) James Ewing.
(„) Jas. Logie.
(„) William Doig.

L.S.

(Signed) A. S. R. Bruce, Witness.
(„) D. F. Mackie, Witness.

(Signed) James Low.
(„) Wm. Robertson.
(„) W. A. Fleming, Treasr.
(„) A. W. Cumming, Secy.

L.S.

(Signed) J. W. Thomson, Witness.
(„) A. Wilson, Jr., Witness.

(Signed) William Harris.

LONDON: Printed by George E. B. Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1882.