



## CHAPTER clxiv.

An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1899 relating to Robert Gordon's Technical College and Aberdeen Endowments Trust. A.D. 1909.  
[25th November 1909.]

**W**HEREAS His Majesty's Secretary for Scotland has after inquiry held before Commissioners made the Provisional Order set forth in the schedule hereunto annexed under the provisions of the Private Legislation Procedure (Scotland) Act 1899 and it is requisite that the said Order should be confirmed by Parliament: 62 & 63 Vict.  
c. 47.

Be it therefore enacted by the King's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows:—

1. The Provisional Order contained in the schedule hereunto annexed shall be and the same is hereby confirmed. Confirmation  
of Order in  
schedule.

2. This Act may be cited as the Robert Gordon's Technical College and Aberdeen Endowments Trust Order Confirmation Act 1909. Short title.

A.D. 1909.

SCHEDULE.

ROBERT GORDON'S TECHNICAL COLLEGE AND  
ABERDEEN ENDOWMENTS TRUST.

*Provisional Order for establishing Robert Gordon's Technical College in Aberdeen for amalgamating the Endowments of Robert Gordon's College and the Aberdeen Educational Trust for constituting the Aberdeen Endowments Trust and transferring the Endowments to that Trust and for other purposes.*

WHEREAS by property and funds bequeathed or gifted by various individuals two institutions have been established in Aberdeen for educational combined with charitable purposes and are known as Robert Gordon's College and the Aberdeen Educational Trust:

And whereas by a Provisional Order or scheme dated the tenth day of June one thousand eight hundred and eighty-one (herein-after referred to as "the Order of 1881") and made in pursuance of the Endowed Institutions (Scotland) Act 1878 the President and Governors of Robert Gordon's College in Aberdeen (herein-after referred to as "the existing governors") were incorporated and were empowered to convert the then existing foundation known as Robert Gordon's Hospital in Aberdeen wholly or partly into a college or day schools to be called Robert Gordon's College in Aberdeen (herein-after called "the existing college") in which the chief subjects of instruction were to be the English language and literature history and geography modern languages mathematics and the elements of physical and natural science and the existing governors were also required to apply their funds towards the maintenance and education of a certain number of boys called foundationers and in the institution of bursaries for boys attending the existing college or other schools in the city and royal burgh of Aberdeen (herein-after referred to as "the city") and for assisting boys in the prosecution of their studies at the University of Aberdeen and elsewhere and in carrying on day and evening classes for boys girls and adult

persons for instruction in primary secondary mechanical physical or other subjects as the existing governors might think proper: A.D. 1909.

And whereas by a scheme of administration dated the seventeenth day of November one thousand eight hundred and eighty-eight (herein-after referred to as "the Order of 1888") made under the Educational Endowments (Scotland) Act 1882 which scheme was amended by an order or interlocutor under the said Act made and pronounced by the Court of Session and dated the eleventh day of December one thousand nine hundred and two (herein-after referred to as "the Order of 1902") the Aberdeen Educational Trust (herein-after referred to as "the Educational Trust") was incorporated and certain property and funds which had been from time to time bequeathed for educational and charitable purposes in the city were transferred to the Educational Trust and the following powers and obligations were by those orders conferred and imposed upon that trust (that is to say) the payment of certain annuities the carrying on of a boys' and girls' hospital school at which free meals books and stationery and clothing were to be provided and the scholars' fees paid the carrying on and the maintenance of a girls' home and school of domestic economy at which instruction books and stationery should be provided free and an allowance made for the maintenance and clothing of such girls the making of provision for free scholars for whom board might be provided the payment of school fees the provision of books and stationery for scholars at public or State-aided schools and for the education of children of certain seafaring persons and the establishment of school and other bursaries and free scholarships for higher education at public or State-aided schools or at the Aberdeen Grammar School or the existing college:

And whereas the existing governors have made provision for technical instruction at the existing college so far as their means extend and in view of the great advantages which have resulted from the establishment of colleges for technical instruction in other parts of the kingdom it is desirable and the existing governors are anxious that the technical education conducted by them should be increased and extended and be available not only for the city but also for the north of Scotland:

And whereas a scheme has been promoted for the establishment of a Technical College in Aberdeen (herein-after referred to as "the Technical College") and funds have been raised for

[Ch. clxiv.] *Robert Gordon's Technical College* [9 Edw. 7.]  
*and Aberdeen Endowments Trust Order Confirmation Act, 1909.*

A.D. 1909. that purpose by local and other subscriptions and the existing governors have taken a prominent part in the promotion of the scheme:

And whereas in addition to the funds raised or to be raised for the purpose by local and other subscriptions the Scotch Education Department (herein-after referred to as "the department") agreed to grant a sum of forty thousand pounds on condition that local contributions equivalent in value to the grant were received and that proper guarantees were given for the building and equipment of the Technical College and satisfactory arrangements made for its administration management and maintenance:

And whereas with a view to the establishment of the Technical College it is expedient that a governing body (herein-after referred to as "the governors") should be constituted and incorporated as in this Order provided with all necessary powers for constructing equipping maintaining administering and managing the Technical College:

And whereas the college buildings of the existing governors are capable of being enlarged and extended or remodelled for the purposes of the Technical College:

And whereas the existing governors are willing to transfer to the governors the existing college and buildings with certain other properties belonging to them:

And whereas it is desirable that for the purpose of extending and improving the site of the Technical College the governors should be authorised to acquire additional lands and to execute the street improvements by this Order authorised:

And whereas it is expedient that provisions should be made with respect to the future management of the primary intermediate and secondary schools of the existing governors:

And whereas school boards are now authorised by general legislation to provide free education in State-aided schools and the duties devolving on the Educational Trust in that connexion have consequently been transferred to the school board of Aberdeen (herein-after called "the school board"):

And whereas powers have been conferred on the school board under the Education (Scotland) Act 1908 with respect to the supplying of free meals and clothing in certain cases for children attending schools within their district:

And whereas the free meals now supplied by the Educational Trust to children attending the schools within the district of the school board are provided at the King Street Institution of the Educational Trust (herein-after referred to as "the King Street Institution"):

A.D. 1909.

And whereas it would be for the advantage and benefit of the children attending State-aided schools who are supplied with free meals by the Educational Trust at the King Street Institution that they should be provided with these meals by the school board at the schools which they attend or in some centre or centres suitable and convenient for such purpose and it is expedient that an annual sum from the funds of the Educational Trust available for free meals and clothing should be paid to and expended for that purpose by the school board:

And whereas the Educational Trust now carry on at the King Street Institution a school for instruction in domestic economy and it is expedient that that institution and the ground and property connected with it should be transferred to the governors to form the nucleus of a school for girls for instruction in domestic economy and science:

And whereas it is expedient that a body of trustees should be constituted and incorporated under the name of the Aberdeen Endowments Trust (herein-after referred to respectively as "the trustees" and "the Endowments Trust") and that the funds and property of the existing governors and of the Educational Trust so far as not by this Order transferred to the governors should be amalgamated and transferred to and vested in the Endowments Trust as provided by and for the purposes of this Order:

And whereas it is expedient that the trustees should be authorised to apply the revenues of the Endowments Trust in manner herein-after provided:

And whereas it is expedient that the Orders of 1881 1888 and 1902 should be repealed:

And whereas it is expedient that the other powers in this Order contained should be conferred on the governors and the Trustees:

And whereas a plan and section showing the lines situation and levels of the works authorised by this Order and a plan of the lands to be acquired therefor and for the other purposes of this Order and also books of reference to those plans con-

[Ch. clxiv.] *Robert Gordon's Technical College* [9 EDW. 7.]  
*and Aberdeen Endowments Trust Order Confirmation Act, 1909.*

A.D. 1909. taining the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands required or which may be taken for the purposes or under the powers of this Order were duly deposited with the principal sheriff-clerk of the county of Aberdeen and with the town clerk of the city and such plans and books of reference are herein-after respectively referred to as the deposited plans sections and books of reference:

And whereas the purposes aforesaid cannot be effected without an order of the Secretary for Scotland confirmed by Parliament under the provisions of the Private Legislation Procedure (Scotland) Act 1899:

Now therefore in pursuance of the powers contained in the last-mentioned Act the Secretary for Scotland orders as follows:—

Short title.

1. This Order may be cited as Robert Gordon's Technical College and Aberdeen Endowments Trust Order 1909.

Order divided into Parts.

2. This Order is divided into Parts as follows:—

Part I.—Preliminary.

Part II.—Robert Gordon's Technical College.

Part III.—Aberdeen Endowments Trust.

Part IV.—General.

Part V.—Miscellaneous.

PART I.

PRELIMINARY.

Incorporation of Acts.

3. The Lands Clauses Acts except where expressly varied by this Order are incorporated with and form part of this Order.

Interpretation.

4. In this Order the several words and expressions to which meanings are assigned by the Acts incorporated herewith have the same respective meanings unless there be something in the subject or context repugnant to such construction.

Further interpretation.

5. The following words and expressions in this Order have the meanings hereby assigned to them (that is to say):—

“The city” means the city and royal burgh of Aberdeen;

“The town council” means the lord provost magistrates and town council of the city;

[9 EDW. 7.] *Robert Gordon's Technical College* [Ch. clxiv.]  
*and Aberdeen Endowments Trust Order Confirmation Act, 1909.*

- "The department" means the Scotch Education Department; A.D. 1909.
- "The sheriff" means the sheriff of Aberdeen Kincardine and Banff and includes his substitutes;
- "The governors" means the governors of Robert Gordon's Technical College incorporated by this Order;
- "The Technical College" means the Technical College established under this Order;
- "The existing governors" means the president and governors of Robert Gordon's College in Aberdeen;
- "The existing college" means the college or day schools known as Robert Gordon's College in Aberdeen;
- "The Endowments Trust" means the Aberdeen Endowments Trust incorporated by this Order;
- "The trustees" means the members of the Endowments Trust;
- "The Educational Trust" means the Aberdeen Educational Trust;
- "The King Street Institution" means the King Street Institution of the Educational Trust;
- "The appointed day" means the 1st day of January 1910;
- "The Order of 1881" means the Provisional Order or scheme made under the Endowed Institutions (Scotland) Act 1878 constituting the president and governors of Robert Gordon's College dated the 10th day of June 1881;
- "The Order of 1888" means the scheme made under the Educational Endowments (Scotland) Act 1882 constituting the Aberdeen Educational Trust and approved by Order in Council dated the 17th day of November 1888;
- "The Order of 1902" means the Order or Interlocutor dated the 11th day of December 1902 made and pronounced by the Court of Session under the Educational Endowments (Scotland) Act 1882 amending the Order of 1888;
- "The Senatus" means the Senatus Academicus of the University of Aberdeen;
- "The school board" means the school board of Aberdeen;
- "The harbour commissioners" means the Aberdeen Harbour Commissioners;

[Ch. clxiv.] *Robert Gordon's Technical College* [9 EDW. 7.]  
*and Aberdeen Endowments Trust Order Confirmation Act, 1909.*

A.D. 1909.

“The county council” means the county council of the county of Aberdeen;

“The parish council” means the parish council of Aberdeen;

“The presbytery” means the presbytery of Aberdeen;

“The incorporated trades” means the convener court of the seven incorporated trades of Aberdeen;

“State-aided school” has the meaning assigned to that expression in the Education (Scotland) Act 1908.

Commencement of Order.

6. This Order shall except where otherwise provided come into operation on the passing of the Act confirming this Order.

Repeal of Orders.

7. From and after the appointed day the Order of 1881 the Order of 1888 and the Order of 1902 are hereby repealed.

Dissolution of existing governing bodies.

8. The existing governors and the Educational Trust shall respectively continue in office and shall have and possess and may exercise their existing powers until the appointed day on which day they shall be dissolved and shall cease to exist.

PART II.

ROBERT GORDON'S TECHNICAL COLLEGE.

Incorporation of governors of Robert Gordon's Technical College.

9. For the purposes of this Order a body of governors shall be constituted under the name of “The Governors of Robert Gordon's Technical College” and under that name shall be a body corporate with perpetual succession and a common seal and may sue and be sued and may purchase acquire hold and dispose of lands and other property heritable and moveable for the purposes of this Order and shall have and may exercise all the other powers rights and privileges of a body corporate.

Appointment of governors of Technical College.

10.—(1) The governors of Robert Gordon's Technical College shall consist of the following thirty persons (that is to say):—

The lord provost of the city:

Nine persons to be appointed by the town council:

Three persons to be appointed by the school board:

Two persons to be appointed by each of the following bodies—

(A) The Senatus;

(B) The county council:



[9 EDW. 7.] *Robert Gordon's Technical College* [Ch. clxiv.]  
*and Aberdeen Endowments Trust Order Confirmation Act, 1909.*

One person to be appointed by each of the following bodies— A.D. 1909.

- (A) The harbour commissioners;
- (B) The presbytery;
- (C) The incorporated trades;
- (D) The Endowments Trust; and

Nine persons to be appointed by the governors.

(2) The persons to be appointed as governors by the town council the presbytery and the Endowments Trust shall be appointed from amongst the members of the town council the presbytery and the Endowments Trust respectively. The persons to be appointed as governors by the school board the Senatus the county council and the incorporated trades may be members of the bodies respectively appointing them or otherwise as such bodies may from time to time respectively determine. The person to be appointed as a governor by the harbour commissioners shall be one of the elected harbour commissioners acting under the Aberdeen Harbour Acts 1895 to 1907.

Any person appointed as a governor by the town council the presbytery the Endowments Trust or the harbour commissioners who ceases to be a member of the town council or of the presbytery or of the Endowments Trust or one of the elected harbour commissioners respectively shall be deemed to be disqualified from continuing in office as a governor.

(3) Subject as herein-after provided with respect to the first governors appointed under this Order the governors shall hold office for three years and shall be eligible for re-appointment.

11.—(1) At a meeting of the town council to be held in the month of November or December one thousand nine hundred and nine the town council shall appoint nine persons to be governors three of whom shall be appointed to hold office for three years three to hold office for four years and three to hold office for five years.

Appoint-  
ment of go-  
vernors by  
town council  
&c.

(2) At a meeting of the town council to be held in the month of November or December one thousand nine hundred and twelve and in the month of November or December in every succeeding year the town council shall appoint three persons to take the place of the governors appointed by them then ceasing to hold office.

(3) At a meeting of the school board to be held in the month of November or December one thousand nine hundred

A.D. 1909. and nine the school board shall appoint three persons to be governors one of whom shall be appointed to hold office for three years one to hold office for four years and one to hold office for five years.

(4) At a meeting of the school board to be held in the month of November or December one thousand nine hundred and twelve and in the month of November or December in every succeeding year the school board shall appoint one person in place of the governor appointed by them then ceasing to hold office.

(5) At meetings of the Senatus and of the county council respectively to be held in the month of November or December one thousand nine hundred and nine each of those bodies shall appoint two persons to be governors to hold office for three years and at meetings of those bodies respectively to be held in the month of November or December one thousand nine hundred and twelve and in the month of November or December in every third year thereafter those bodies respectively shall appoint two persons in place of the governors appointed by them respectively then ceasing to hold office.

(6) At meetings of the harbour commissioners of the presbytery and of the incorporated trades respectively to be held in the month of November or December one thousand nine hundred and nine each of those bodies shall appoint one person to be a governor to hold office for three years and at meetings of those bodies respectively to be held in the month of November or December one thousand nine hundred and twelve and in the month of November or December in every third year thereafter those bodies respectively shall appoint one person in place of the governors appointed by them respectively then ceasing to hold office.

(7) At the first meeting of the Endowments Trust to be held in the month of January one thousand nine hundred and ten the trustees at the time in office shall appoint one person to be a governor to hold office for three years and at a meeting of the Endowments Trust to be held in the month of January one thousand nine hundred and thirteen and in every third year thereafter the trustees shall appoint one person in place of the governor appointed by them then ceasing to hold office.

(8) At a meeting to be held in the month of February one thousand nine hundred and ten the governors at the time in office shall appoint nine persons to be governors three of whom shall be appointed to hold office for three years three to hold office for four years and three to hold office for five years At a meeting of the governors to be held in the month of February one thousand nine hundred and thirteen and in the month of February in every succeeding year the governors shall appoint three persons to hold office in place of the governors appointed by them then ceasing to hold office. A.D. 1909.

12. In the event of any governor appointed by the town council the school board the Senatus the county council the harbour commissioners the presbytery the incorporated trades the Endowments Trust or the governors— Casual vacancies in governors.

(A) dying resigning becoming bankrupt or for the space of six consecutive months failing without leave of absence from the governors to attend any meeting of the governors or ceasing to be a governor from any other cause other than retirement in ordinary rotation ; or

(B) being appointed during his term of office as governor to be lord provost ;

the town council the school board the Senatus the county council the harbour commissioners the presbytery the incorporated trades the Endowments Trust or the governors as the case may be shall respectively appoint a person as governor in his place and such person shall hold office for the same period as the governor in whose place he is appointed would have continued in office.

13. Subject to the provisions of this Order and on the appointed day there shall be by virtue of this Order transferred to and vested in the governors without the necessity of any other conveyance transfer assignation or other instrument the following funds moneys and other property :— Transfer of certain properties to governors of Technical College.

(A) The sum of forty thousand pounds which the Department has agreed to grant to the town council (on the conditions recited with reference to the said grant in the preamble to this Order) towards the cost of the erection of the Technical College or such part of that sum as may have been received by the town council on the appointed day with interest accrued thereon :

A.D. 1909.

- (B) The buildings of the existing college and the ground attached thereto belonging to the existing governors with the whole of the furnishings fittings apparatus appliances and effects in the buildings of the existing college or belonging thereto :
- (C) The annual feu duties and other rights of superiority belonging to the existing governors payable from and connected with the properties in Schoolhill Blackfriars Street and Woolmanhill described in Part I. of Schedule A to this Order :
- (D) The land and property belonging to the existing governors in Blackfriars Street described in Part II. of Schedule A to this Order :
- (E) The building known as Gray's School of Art in Schoolhill held by the existing governors with the furnishings models casts statuary and other equipments belonging thereto :
- (F) The bequests belonging to or connected with Gray's School of Art made by—  
James Smith of the City of Buffalo and State of New York under his will dated the first day of October one thousand eight hundred and eighty-four ;  
Alexander Cooper Barker under his trust disposition and settlement dated the twenty-fifth day of July one thousand eight hundred and ninety ; and  
John Gray under his trust disposition and settlement dated the fourteenth day of August one thousand eight hundred and ninety :
- (G) The bequest to the existing governors made by Peter Williamson under his testamentary writing dated the twenty-ninth day of March one thousand eight hundred and fifty-six :
- (H) The portion of the residue of the trust estate of Mrs. Christian Clark allocated by her trustees to the existing governors :
- (I) The buildings belonging to the educational trust in King Street with the ground attached thereto and the furnishings fittings and other effects in the buildings but excluding the portraits of founders and such of the pictures books furniture furnishings fittings and

effects as may be specified by the educational trust which article so specified shall become the property of the Endowments Trust : A.D. 1909.

(j) All money and other property which has been contributed subscribed or given for the Technical College :

together with all the rights powers and duties and subject to all the obligations liabilities or debts attaching to or affecting the same.

14. On the appointed day the sum of five hundred pounds gifted by Dr. Neil Arnott to the town council for the appointment of a lecturer or lecturers for instruction in natural philosophy and known as the Arnott Fund and the sum of six hundred and forty-four pounds sixteen shillings and ninepence bequeathed by Dr. Robert Beveridge by his trust settlement dated eighth March one thousand eight hundred and eighty-two and the codicil thereto dated nineteenth March one thousand eight hundred and eighty-six for the promotion of the study of science and both now vested in the town council as trustees shall be and they are by virtue of this Order transferred to and vested in the governors without the necessity of any other conveyance transfer assignation or other instrument and such fund and bequest shall be applied by the governors towards the objects for which they were respectively gifted and bequeathed. Transfer of Arnott fund and Beveridge bequest from town council to governors and application thereof.

15.—(1) The governors shall establish in the city a college for technical instruction for the city and for the north of Scotland to be called "Robert Gordon's Technical College." Establishment of Technical College.

(2) Subject to the provisions of this Order the governors shall apply all the lands buildings property moneys and effects transferred to and vested in them by this Order and the revenues thereof for the purposes following :—

(A) The purchase of lands and the execution of the works by this Part of this Order authorised and for any purposes incidental thereto :

(B) The erection furnishing equipment and maintenance on the lands transferred to the governors and on any other lands which may be acquired by them of such buildings as may be necessary and suitable for carrying on schools of engineering architecture chemistry domestic economy and science artistic crafts arts and sciences commerce navigation and fisheries and

[Ch. clxiv.] *Robert Gordon's Technical College* [9 EDW. 7.]  
*and Aberdeen Endowments Trust Order Confirmation Act, 1909.*

A.D. 1909.

all or any other subjects connected with technical instruction :

- (c) The provision of such apparatus models materials books and other appliances as may be requisite or necessary for the Technical College :
- (d) The payment of the salaries and wages of a principal and professors lecturers teachers officers and servants for and in the Technical College :
- (e) The provision at or in connexion with the Technical College or elsewhere in the city of a suitable and convenient office for the administration of the business of the Endowments Trust and the accommodation of their officers and servants.

(3) Until a school of domestic economy and science is erected and provided under the powers contained in this section the governors shall carry on the existing school of domestic economy at the King Street Institution in the same manner as it is conducted at the date of the passing of the Act confirming this Order.

Powers and duties of governors of Technical College.

16. The governors shall have and possess and may exercise all or any of the following powers rights and privileges:—

- (1) The management and administration of the Technical College :
- (2) The appointment and dismissal of the principal professors lecturers teachers officers and servants for and in the Technical College :
- (3) The establishment and awarding of scholarships bursaries prizes or other rewards allowances and payments to students of the Technical College :
- (4) The management control investment and disposal of all funds moneys investments bequests and gifts of money or property and the income thereof transferred to and vested in them by this Order or which may hereafter be granted gifted to or acquired by them for the purposes of enabling them to establish the Technical College and to carry on technical instruction :
- (5) All such other powers rights and privileges as may be expedient or necessary for enabling them to carry into effect the purposes of this Order.

[9 EDW. 7.] *Robert Gordon's Technical College* [Ch. clxiv.]  
*and Aberdeen Endowments Trust Order Confirmation Act, 1909.*

17. Subject to the provisions of this Order the governors may enter upon take hold and use for the purposes of this Order all or any of the lands houses and property shown on the deposited plans and specified and described in the deposited books of reference.

A.D. 1909.  
Power to  
take lands.

18. If there be any omission misstatement or wrong description of any lands or of the owners lessees or occupiers of any lands shown on the deposited plans or specified in the deposited books of reference the governors after giving ten days' notice to the owners lessees and occupiers of the lands in question may apply to the sheriff for the correction thereof and if it appear to the sheriff that the omission misstatement or wrong description arose from mistake he shall certify the same accordingly and he shall in his certificate state the particulars of the omission and in what respect any such matter is misstated or wrongly described and such certificate shall be deposited with the principal sheriff-clerk of the county of Aberdeen and a duplicate thereof shall also be deposited with the town clerk of the city and such certificate and duplicate respectively shall be kept by such sheriff-clerk and town clerk respectively with the other documents to which the same relate and thereupon the deposited plans and books of reference shall be deemed to be corrected according to such certificate and the governors may enter upon take and use the lands in accordance with such certificate.

Correction of  
errors &c. in  
deposited  
plans and  
books of  
reference.

19. All cases of disputed compensation in respect of land taken compulsorily under this Order or whereby any compensation falls under this Order to be determined under the provisions of the Lands Clauses Acts shall notwithstanding anything contained in those Acts be determined by a single arbiter to be appointed by the parties or in case both parties do not concur in the appointment of a single arbiter it shall be in the power of either party to apply to the Secretary for Scotland to appoint a single arbiter to determine the compensation to be paid and it shall not be competent thereafter to have the same determined by arbiters oversman sheriff or jury acting under the last-mentioned Acts The said arbiter upon appointment shall be deemed to be a sole arbiter within the meaning of the Lands Clauses Acts and the provisions of those Acts with regard to arbitration shall apply accordingly and the arbiter shall notwithstanding anything contained in those Acts determine the amount

Compensa-  
tion to be  
settled by  
single  
arbiter.

A.D. 1909. of the expenses in the arbitration and such determination shall be final. The remuneration of the said arbiter shall failing agreement be fixed by the Secretary for Scotland. The expression "land" in this section includes water and any right or servitude to or over land or water.

Restriction  
on displacing  
persons of  
labouring  
class.

20.—(1) The governors shall not under the powers of this Order purchase or acquire in any district within the meaning of the Public Health (Scotland) Act 1897 ten or more houses which on the fifteenth day of April last before the passing of the Act confirming this Order were or have been since that date or shall hereafter be occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers unless and until—

(A) They shall have obtained the approval of the Secretary for Scotland to a scheme for providing new dwellings for such number of persons as were residing in such houses on the said fifteenth day of April or for such number of persons as the Secretary for Scotland shall after inquiry deem necessary having regard to the number of persons on or after that date residing in such houses and working within one mile therefrom and to the amount of vacant suitable accommodation in the immediate neighbourhood of such houses or to the place of employment of such persons and to all the circumstances of the case; and

(B) They shall have given security to the satisfaction of the Secretary for Scotland for the carrying out of the scheme.

(2) The approval of the Secretary for Scotland to any scheme under this section may be given either absolutely or conditionally and after the Secretary for Scotland has approved of any such scheme he may from time to time approve either absolutely or conditionally of any modifications in the scheme.

(3) Every scheme under this section shall contain provisions prescribing the time within which it shall be carried out and shall require the new dwellings proposed to be provided under the scheme to be completed fit for occupation before the persons residing in the houses in respect of which the scheme is made are displaced:



[9 EDW. 7.] *Robert Gordon's Technical College* [Ch. clxiv.]  
*and Aberdeen Endowments Trust Order Confirmation Act, 1909.*

Provided that the Secretary for Scotland may dispense with the last-mentioned requirement subject to such conditions (if any) as he may see fit. A.D. 1909.

(4) Any provisions of any scheme under this section or any conditions subject to which the Secretary for Scotland may have approved of any such scheme or of any modifications of any such scheme or subject to which he may have dispensed with the above-mentioned requirement shall be enforceable by an order of the Court of Session to be obtained by the Secretary for Scotland.

(5) If the governors acquire or appropriate any house or houses for the purposes of this Order in contravention of the foregoing provisions or displace or cause to be displaced the persons residing in any house or houses in contravention of the requirements of the scheme they shall be liable to a penalty of five hundred pounds in respect of every such house which penalty shall be recoverable by the Secretary for Scotland by action in the Court of Session and shall be carried to and form part of the Consolidated Fund of the United Kingdom. Provided that the Court may if it think fit reduce such penalty.

(6) For the purpose of carrying out any scheme under this section the governors may appropriate any lands for the time being belonging to them or which they have power to acquire and may purchase such further lands as they may require and for the purpose of any such purchase section 145 of the Public Health (Scotland) Act 1897 shall be incorporated with this Order and shall apply to the purchase of lands by the governors for the purposes of any scheme under this section in the same manner in all respects as if the governors were a local authority within the meaning of that Act and the scheme were one of the purposes of that Act:

Nothing in this subsection shall exempt from stamp duties any instruments granted by or to or in favour of the governors in pursuance of this section.

(7) The governors may on any lands belonging to them or purchased or acquired under this section or under any Provisional Order issued in pursuance of this section erect such dwellings for persons of the labouring class as may be necessary for the purpose of any scheme under this section and may sell let or otherwise dispose of such dwellings and any lands purchased or acquired as aforesaid and may apply their funds for any of the purposes of this section:

[Ch. clxiv.] *Robert Gordon's Technical College* [9 EDW. 7.]  
*and Aberdeen Endowments Trust Order Confirmation Act, 1909.*

A.D. 1909.

Provided that all lands on which any buildings have been erected or provided by the governors in pursuance of any scheme under this section shall for a period of twenty-five years from the date of the scheme be appropriated for the purpose of such dwellings and every conveyance or lease of such lands and buildings shall contain proper provisions to secure during such period of twenty-five years the use of the buildings on such lands for the purpose of such dwellings and shall be endorsed with notice of this enactment:

Provided also that the Secretary for Scotland may at any time dispense with all or any of the requirements of this subsection subject to such conditions (if any) as he may see fit.

(8) The Secretary for Scotland may direct any inquiries to be held which he may deem necessary in relation to any scheme under this section and for giving effect to any of the provisions of this section and he and any person appointed by him to hold any such inquiry shall have and may exercise for any purpose in connexion with any scheme under this section all or any of the powers vested in them respectively under the Public Health (Scotland) Act 1897 in the same manner in every respect as if the preparation and carrying into effect of such scheme were one of the general purposes of that Act.

(9) The governors shall pay to the Secretary for Scotland a sum to be fixed by him in respect of the preparation and issue of any Provisional Order in pursuance of this section and any expenses incurred by him in relation to any inquiries under this section including the expenses of any witnesses summoned by the person appointed to hold any such inquiry and a sum to be fixed by the Secretary for Scotland not exceeding three guineas a day for the services of the person so appointed.

(10) Any houses purchased or acquired by the governors for or in connexion with any of the purposes of this Order whether purchased or acquired in exercise of the powers conferred by this Order or otherwise and whether before or after the passing of the Act confirming this Order which may have been occupied by persons of the labouring class within five years before the passing of such Act shall for the purposes of this section be deemed to have been acquired under the powers of this Order and to have been occupied on the fifteenth day of

[9 EDW. 7.] *Robert Gordon's Technical College* [Ch. clxiv.]  
*and Aberdeen Endowments Trust Order Confirmation Act, 1909.*

April last by the same number of persons belonging to the labouring class as were occupying the said houses at the date of their acquisition. Provided that if the Secretary for Scotland is unable to ascertain the number of such persons who were then occupying the said houses the said houses shall be deemed to have been occupied by such number of such persons as in the opinion of the Secretary for Scotland they might have been sufficient to accommodate. A.D. 1909.

(11) For the purposes of this section the expression "house" means any house or part of a house occupied as a separate dwelling and the expression "labouring class" means mechanics artisans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any of such persons who may be residing with them.

21. Persons empowered by the Lands Clauses Acts to sell and convey or discharge lands may if they think fit subject to the provisions of those Acts and of this Order grant to the governors any servitude right or privilege (not being a servitude right or privilege of water in which persons other than the grantors have an interest) required for the purposes of this Order in over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges feu duties or ground annuals so far as the same are applicable in this behalf shall extend and apply to such grants and to such servitudes rights and privileges as aforesaid respectively. Persons under disability may grant servitudes &c.

22. Subject to the provisions of this Order the governors may make and maintain in the line and according to the levels shown upon the deposited plans and sections a diversion of the street known as Crooked Lane in the city and city parish of Aberdeen commencing by a junction with Saint Andrew Street at a point in that street thirty-two yards or thereabouts north-east of the junction of Crooked Lane with that street and terminating in Crooked Lane at a line drawn parallel to Saint Andrew Street at the distance of sixty-five yards or thereabouts south-east from the centre line of Saint Andrew Street. Power to divert Crooked Lane.

A.D. 1909.

Power to  
stop up  
portion of  
Crooked  
Lane.

23. Upon such diversion being completed and opened for public traffic the governors may stop up and discontinue as a public street the portion of Crooked Lane situated between the junction of that lane with Saint Andrew Street and a line drawn south-eastwards from a point in the south boundary of the property in Crooked Lane belonging or reputed to belong to Mrs. Jane Duncan Donald or Leith at the distance of seven yards or thereabouts from the south-east corner of that property. The site and soil of the portion so stopped up shall be and the same are hereby vested in the governors freed and discharged from the public use thereof and all rights of way over the same shall cease:

Provided always that the governors shall not stop up and appropriate the site of the said portion of Crooked Lane unless and until they are owners in possession of all houses and lands on both sides of such portion except so far as the owners lessees and occupiers of those houses and lands may otherwise agree.

Town coun-  
cil to main-  
tain diver-  
sion of  
Crooked  
Lane.

24. Upon the completion of the diversion of Crooked Lane by this Part of this Order authorised the diversion shall be and become vested in the town council to the same extent and effect as the other streets in the city are vested in the town council.

Power to  
deviate.

25. Subject to the provisions of this Order the governors may in carrying out the works by this Part of this Order authorised deviate laterally to any extent within the limits of deviation defined on the deposited plans and may deviate from the levels thereof as referred to the datum line shown on the deposited sections but not to any extent exceeding two feet.

Compensa-  
tion for  
damage to  
buildings.

26. Where by reason of the execution of the works by this Part of this Order authorised any house building or premises shall be damaged or otherwise injuriously affected the governors shall out of the moneys which they are authorised to apply under this Order to such works make good the damage done and pay to the owner and occupier of the house building or premises such compensation as may be agreed on between the owner and occupier and the governors or failing agreement such compensation as shall be ascertained in manner prescribed by the Lands Clauses Acts with respect to the settlement of questions of disputed compensation for lands.

[9 EDW. 7.] *Robert Gordon's Technical College* [Ch. clxiv.]  
*and Aberdeen Endowments Trust Order Confirmation Act, 1909.*

27. For the purposes and during the execution of the works by this Part of this Order authorised the governors may temporarily break up or cross over or under alter divert raise or stop up any streets highways roads lanes paths tramways passages sewers drains watercourses gas pipes and water pipes and electric or telephonic apparatus in any of the lands shown on the deposited plans and specified in the deposited books of reference which they may from time to time find it expedient for any of those purposes so to interfere with providing when possible a proper temporary substitute before interrupting the traffic on any such street highway road lane path tramway or passage or the flow of water gas sewage electricity or telephonic communication in any such sewer drain watercourse or pipe or apparatus and making full compensation to all persons injuriously affected by the exercise of the powers of this section Provided that nothing in this section shall extend to or authorise any interference with electric telegraphic or telephonic apparatus or other property of His Majesty's Postmaster-General Provided also that nothing in this section shall extend to or authorise any interference with any works of any undertakers within the meaning of the Electric Lighting Act 1882 to which the provisions of section 15 of the said Act apply.

A.D. 1909.

Power to divert and alter streets &c.

28. Where by reason of the execution of any of the works by this Part of this Order authorised the level of any street is raised or otherwise changed or any alteration of any step door or entrance into any house or building or of any pavement sewer drain or culvert adjoining or belonging to any premises in the street is rendered necessary the alteration shall be made by and at the expense of the governors out of the moneys applicable under this Order to such works.

Alterations consequent on changing levels of streets to be made at expense of governors.

29. The town council and the governors may make and enter into agreements with respect to the widening improvement or diversion of the streets adjoining the Technical College or any of them Any expenditure by the town council under this section shall be payable out of the city rate authorised to be levied by the Aberdeen Corporation Act 1891.

Agreements between town council and governors as to street improvements.

30. The powers of the governors for the compulsory purchase of lands for the purposes of this Part of this Order shall cease after the expiration of four years from the passing of the Act confirming this Order.

Period for compulsory purchase of lands.

[Ch. clxiv.] *Robert Gordon's Technical College* [9 EDW. 7.]  
*and Aberdeen Endowments Trust Order Confirmation Act, 1909.*

A.D. 1909.  
Period for  
completion  
of works.

31. If the works shown on the deposited plans and authorised by this Part of this Order are not completed within five years from the passing of the Act confirming this Order then on the expiration of that period the powers by this Part of this Order granted for executing and completing such works or otherwise in relation thereto shall cease except as to so much thereof as is then completed.

PART III.

ABERDEEN ENDOWMENTS TRUST.

Incorporation of Aberdeen Endowments Trust.

32. For the purposes of this Order a body of trustees shall be constituted under the name of "The Aberdeen Endowments Trust" and under that name shall be a body corporate with perpetual succession and a common seal and may sue and be sued and may purchase acquire hold and dispose of lands and other property heritable and moveable for the purposes of this Order and shall have and may exercise all the other powers and privileges of a body corporate.

Appointment of members of Endowments Trust.

33.—(1) The Aberdeen Endowments Trust shall be a body of trustees consisting of the following twenty-one persons (that is to say):—

Nine persons to be appointed by the town council:

Three persons to be appointed by the school board:

Two persons to be appointed by the parish council:

One person to be appointed by each of the following bodies:—

(A) The Senatus;

(B) The presbytery;

(C) The incorporated trades;

(D) The Society of Advocates in Aberdeen;

(E) The governors:

One of the ministers of the six city churches of Aberdeen to be appointed by those ministers: and

One minister (not being a minister of the Church of Scotland) officiating within the city to be appointed by the town council.

(2) The trustees to be so appointed (other than the two ministers) may be members of the bodies respectively appointing

[9 EDW. 7.] *Robert Gordon's Technical College* [Ch. clxiv.]  
*and Aberdeen Endowments Trust Order Confirmation Act, 1909.*

them or otherwise as such bodies may from time to time A.D. 1909.  
respectively determine.

(3) Subject as herein-after provided with respect to the first trustees appointed under this Order the trustees shall hold office for three years and shall be eligible for re-appointment.

34.—(1) At a meeting of the town council to be held in the month of November or December one thousand nine hundred and nine the town council shall appoint as trustees— Appoint-  
ment of  
members of  
Endowments  
Trust by  
town council  
&c.

(A) Nine persons three of whom shall be appointed to hold office for three years three to hold office for four years and three to hold office for five years:

(B) One minister (not being a minister of the Church of Scotland) officiating within the city to hold office for three years.

(2) At a meeting of the town council to be held in the month of November or December one thousand nine hundred and twelve and in the month of November or December in every succeeding year the town council shall appoint three persons or four persons (as the case may be) in place of the trustees appointed by them then ceasing to hold office.

(3) At a meeting of the school board to be held in the month of November or December one thousand nine hundred and nine the school board shall appoint three persons to be trustees one of whom shall be appointed to hold office for three years one to hold office for four years and one to hold office for five years.

(4) At a meeting of the school board to be held in the month of November or December one thousand nine hundred and twelve and in the month of November or December in every succeeding year the school board shall appoint one person in place of the trustee appointed by them then ceasing to hold office.

(5) At a meeting of the parish council to be held in the month of November or December one thousand nine hundred and nine the parish council shall appoint two persons to be trustees and at a meeting of the parish council to be held in the month of November or December one thousand nine hundred and twelve and in the month of November or December in every third year, thereafter the parish council shall appoint two

[Ch. clxiv.] *Robert Gordon's Technical College* [9 EDW. 7.]  
*and Aberdeen Endowments Trust Order Confirmation Act, 1909.*

A.D. 1909. persons in place of the trustees appointed by them then ceasing to hold office.

(6) At meetings of the Senatus of the presbytery of the incorporated trades of the Society of Advocates in Aberdeen and of the six city ministers respectively to be held in the month of November or December one thousand nine hundred and nine each of those bodies shall appoint one person to be a trustee and at meetings of those bodies respectively to be held in the month of November or December one thousand nine hundred and twelve and in the month of November or December in every third year thereafter those bodies respectively shall appoint one person in place of the trustee appointed by them respectively then ceasing to hold office.

(7) At the first meeting of the governors to be held in the month of January one thousand nine hundred and ten the governors at the time in office shall appoint one person to be a trustee to hold office for three years and at a meeting of the governors to be held in the month of January one thousand nine hundred and thirteen and in every third year thereafter the governors shall appoint one person in place of the trustee appointed by them then ceasing to hold office.

Casual  
vacancies in  
Endowments  
Trust.

35. In the event of any trustee dying resigning becoming bankrupt or for the space of six consecutive months failing without leave of absence from the trustees to attend any meeting of the Endowments Trust or ceasing to be a trustee from any other cause other than retirement in ordinary rotation the body by whom such trustee was appointed shall appoint a person in his place and such person shall hold office for the same period as the trustee in whose place he is appointed would have continued in office.

Transfer of  
certain pro-  
perty to  
Endowments  
Trust.

36.—(1) Subject to the provisions of this Order and on the appointed day there shall be by virtue of this Order transferred to and vested in the Endowments Trust without the necessity of any other conveyance transfer assignation or other instrument the following property :—

- (a) All the property funds and estates belonging to the existing governors;
- (b) All the property funds and estates belonging to the Educational Trust;



save and except the property belonging to the existing governors and the Educational Trust respectively transferred to and vested in the governors of Robert Gordon's Technical College under the section of this Order of which the marginal note is "Transfer of certain properties to governors of Technical College" together with all the rights powers and duties and subject to all the obligations liabilities or debts attaching to or affecting the property by this section transferred. A.D. 1909.

(2) Within six months of the passing of the Act confirming this Order the trustees shall produce to the Commissioners of Inland Revenue a King's Printers' copy of the said Act duly impressed with the ad valorem settlement duty (if any) which would be chargeable on an instrument having the same effect as this section and having a docquet engrossed thereon signed by one or more of the trustees certifying the amount of the personal estate (if any) transferred and in default of such production the duty (if any) with interest thereon at the rate of five per centum per annum from the passing of the said Act shall be a debt due to His Majesty from the trustees and recoverable as such.

37. Subject to the provisions of this Order the trustees shall apply the revenues from the property and funds transferred to and vested in them by this Order after payment of the expenses of management and the burdens and taxes affecting the same and the expenditure incurred in the maintenance repair and improvement of buildings and other property belonging to them in manner following (that is to say):— Application  
of revenues  
of Endow-  
ments Trust.

(A) They shall apply for the purposes of the foundations bursaries and scholarships provided for in Schedule B to this Order—

(1) An annual sum not exceeding one thousand seven hundred and fifty pounds towards the maintenance of and provision of books and stationery to one hundred and twenty boys to be called "Robert Gordon's Foundationers";

(2) An annual sum not exceeding one thousand and seventy-five pounds towards the maintenance and education of sixty girls to be called "Endowment Foundationers";

[Ch. clxiv.] *Robert Gordon's Technical College* [9 EDW. 7.]  
*and Aberdeen Endowments Trust Order Confirmation Act, 1909.*

A.D. 1909.

(3) An annual sum not exceeding thirty pounds towards the maintenance and education of children to be called "Davidson's Free Scholars";

(4) An annual sum not exceeding two hundred and seventy-five pounds for bursaries to be called "Robert Gordon's Bursaries";

(5) An annual sum not exceeding eight hundred and seventy-five pounds for bursaries and scholarships to be called "Grammar School Bursaries" "Public School Bursaries" "MacRa Bursaries" and "Free Scholarships";

(6) An annual sum not exceeding one hundred pounds for providing bursaries and scholarships for students attending the evening schools of the school board or the Technical College:

(B) They shall pay to the school board an annual sum not exceeding one thousand four hundred pounds to be applied by the school board for the purposes specified in subsection (1) of the section of this Order of which the marginal note is "Provision as to scheme for feeding and clothing children":

(c) They shall apply—

(1) An annual sum of twenty pounds towards the support of widows of white fishers and pilots in Footdee in the city in accordance with the directions contained in the settlement of the late John Davidson goldsmith in Aberdeen dated 19th January 1803;

(2) Such sum as may be necessary for payment of the annuity to the heirs male of the late Alexander MacRa of Inverinet in accordance with the last will and testament of the late Alexander MacRa ironmonger in Bristol dated 8th November 1763;

(3) Such sum as may be necessary for the execution of the purposes of subsection (3) of the section of this Order of which the marginal note is "Provision as to scheme for feeding and clothing children":

(D) They shall pay over to the governors an annual sum not exceeding one thousand one hundred pounds to be

[9 EDW. 7.] *Robert Gordon's Technical College* [Ch. clxiv.]  
*and Aberdeen Endowments Trust Order Confirmation Act, 1909.*

applied by them in educating Robert Gordon's founda- A.D. 1909.  
tioners and bursars and in maintaining and managing  
the day school at the existing college:

(E) They shall pay over to the governors an annual sum not exceeding 300*l.* to be applied by them in carrying on the existing school of domestic economy at the King Street Institution until such time as a school of domestic economy and science is erected and provided under the powers contained in the section of this Order of which the marginal note is "Establishment of Technical College":

(F) They shall pay over the balance to the governors to be applied by them in the first place in making good any deficit arising in connexion with the maintenance and carrying on of the primary intermediate and secondary schools at the existing college after taking into account the income derived from fees grants from the department and any payments made under the provisions of subsection (D) of this section and of section 17 (4) (b) of the Education (Scotland) Act 1908 Any further balance which may remain after making good such deficit shall be applied by the governors in such proportions as they may from time to time determine towards---

(1) The expense of the administration management and maintenance of the Technical College; and

(2) The providing of foundations bursaries or scholarships in connexion with the Technical College under the provisions contained in Schedule B to this Order.

38.—(1) When the trustees shall have resolved (at a special meeting called for the purpose) by a majority consisting of two-thirds of the whole trustees that the provisions relating to foundations bursaries and scholarships in the section of this Order of which the marginal note is "Application of revenues of Endowments Trust" and in Schedule B to this Order ought to be amended they may represent their views to the department who after such inquiry as they deem fit may make a scheme for the future regulation of the number amount conditions of tenure and method of award of such foundations bursaries and scholarships.

Scheme by department for regulation of foundations bursaries and scholarships.

[Ch. clxiv.] *Robert Gordon's Technical College* [9 EDW. 7.]  
*and Aberdeen Endowments Trust Order Confirmation Act, 1909.*

A.D. 1909.

(2) With a view to the making of a scheme under this section the department shall cause a draft scheme to be printed and copies sent to the town council the school board and any other governing bodies or managers of schools in the city in receipt of grant under any code or minute of the department and shall at the same time cause the draft scheme to be published in such manner as the department think proper.

(3) During three months after the publication of the draft scheme the department shall receive any objections made to them in writing by any public body or persons interested and any amendments proposed on the draft scheme and as soon as may be after the expiration of the said three months the department shall proceed to consider such objections and amendments.

(4) The department may thereafter make and issue a scheme in accordance with the draft or any modification thereof Provided that such scheme shall be forthwith laid before both Houses of Parliament if Parliament be sitting or if not then within three weeks after the commencement of the next ensuing session of Parliament and if neither House of Parliament within three months exclusive of any period of prorogation after a scheme has been laid before it presents an address praying the King to withhold his assent from such scheme or any part thereof it shall be lawful for the King in Council by Order to approve the same or any part thereof to which such address does not relate The presentation of an address as aforesaid shall not prevent the making of a further scheme under the like procedure.

(5) A scheme approved by Order in Council under this section may be amended by a subsequent scheme made under the like procedure.

(6) Any scheme approved by Order in Council under this section shall as from the date prescribed in such Order in Council be of the same force as if it were enacted in this Order.

PART IV.

GENERAL.

Chairman of  
governors  
and trus-  
tees.

39. The lord provost of the city shall be chairman of the governors and a person to be chosen at the first meeting of the trustees and annually thereafter shall be the chairman of

[9 EDW. 7.] *Robert Gordon's Technical College* [Ch. clxiv.]  
*and Aberdeen Endowments Trust Order Confirmation Act, 1909.*

the Endowments Trust In the absence of the chairman from A.D. 1909.  
any meeting of either of those bodies a chairman of such meeting  
shall be chosen from among the members present.

40. At meetings of the governors and the trustees respec- Votes at  
tively each member present shall have one vote In the case of meetings.  
equality of votes at any meeting the chairman of such meeting  
shall have a second or casting vote.

41. The first meeting of the governors and of the trustees Meetings to  
shall be held in the Town House Aberdeen on the twelfth be called by  
day of January one thousand nine hundred and ten and shall notice.  
be called by notice previously issued by the town clerk of the Quorum.  
city Every subsequent meeting shall be held at such places as  
the body to which it pertains may direct and all such meetings  
shall be called by notice issued by the clerks or secretaries of  
the respective bodies At all meetings of the said bodies eleven  
members shall be a quorum in the case of the governors and  
nine members in the case of the trustees.

42. The governors and the trustees respectively may from Committees  
time to time appoint committees of their number and conveners of governors  
of such committees and may commit to such committees all and trustees.  
such powers and give all such instructions as may appear  
expedient and may fix the quorum of every such committee.

43. The governors may if they think fit appoint as addi- Governors  
tional members of any committee charged with the organisation may appoint  
or administration of any department of the Technical College other persons  
maintained by the governors any person or persons who are on com-  
not governors but whom the governors deem specially fitted to mittees.  
assist in the work of the committee to which they are appointed  
Any person so appointed shall hold office for such time as the  
governors may determine and shall during that time hold the  
same position on the committee as if he had been a governor.

44. The governors and the trustees respectively shall be held Governors  
to be properly constituted and may respectively exercise their and trus-  
powers and functions and carry on their business respectively tees properly  
notwithstanding that there is any vacancy in their prescribed constituted  
number of members or any informality in the appointment of notwith-  
the members or any of them. standing  
vacancies.

45. The governors and the trustees respectively may appoint Appoint-  
all such officers and other persons as they may deem neces- ment of  
sary for enabling them to carry into effect the provisions of officers.

A.D. 1909. this Order and may prescribe their duties and fix the amount of their respective salaries and remuneration. All officers and other persons so appointed shall hold their appointments at the pleasure of the bodies appointing them respectively. Provided that the said bodies respectively may if necessary at any time make an interim appointment to any office and may also if they in any case consider it necessary procure guarantees for the fidelity of such officers and other persons of such amount and in such form and manner as the said bodies respectively may prescribe.

Governors and trustees may make rules.

46. The governors and the trustees may respectively make such rules and orders for the regulation management and administration of their affairs as they may deem expedient and may from time to time rescind alter extend or vary such rules and orders or any part or parts thereof. Provided that such rules and orders and any alterations extensions or variations thereof shall not be inconsistent with the provisions of this Order.

Casual profits.

47. Any moneys arising from the sale of timber or accruing in respect of mines and minerals on the estates and property of the governors and the Endowments Trust respectively or from any other incidental or temporary source except casualties of superiority and similar payments shall be invested by the governors or the trustees as the case may be and shall form part of their capital funds respectively.

Power to lease feu or sell.

48. The governors and the trustees respectively may—

- (1) Lease or feu any of their heritable property:
- (2) Sell and convey their heritable property either by public roup or private bargain:
- (3) Sell and realise and re-invest the net proceeds of all stocks mortgages and other moveable property and assign and discharge all securities which may belong to them respectively. Provided that they shall respectively invest any money obtained by such sales or discharges in accordance with the provisions of the immediately succeeding section of this Order except in so far as the same may be required for the repayment of debt.

Investment of funds.

49. The governors and the trustees respectively may continue the existing investments of their trust funds or may from time

to time realise and invest the same and any additions thereto in any security in which gratuitous trustees are or may hereafter be by any Public General Act applicable to Scotland empowered to invest trust funds. A.D. 1909.

50. The governors and the trustees respectively may borrow or expend out of capital moneys for the purposes of this Order to which capital may properly be applied. Provided that such moneys (if borrowed) shall be borrowed on such terms that the loan shall be extinguished within thirty years and the governors or the trustees as the case may be shall annually set aside out of revenue such sums as shall be sufficient to repay such loan or replace such expenditure of capital within thirty years from the date of such loan or expenditure. Power to borrow and expend out of capital.

51. The governors and the trustees respectively shall cause accounts to be kept of the sums of money received and expended on their behalf respectively and of their assets and liabilities in such form and manner as the department shall from time to time prescribe and after the accounts have been examined and passed by the said bodies respectively abstracts thereof respectively in such form as the department shall from time to time prescribe shall be transmitted to the department and after such audit as is hereafter provided shall be published in such manner as the department may prescribe. Accounts to be kept.

52. A duly qualified accountant or accountants to be appointed by the governors and the trustees respectively shall annually audit the accounts of the governors and the trustees respectively and report thereon to these respective bodies. Audit of accounts.

The said accounts shall also be audited on behalf of the department in such manner as the department may from time to time prescribe.

The cost of such audits shall be paid out of the funds of the governors and of the Endowments Trust respectively.

53. Abstracts of the accounts of the governors and of the Endowments Trust respectively shall after being audited be printed and circulated annually among the members of those bodies respectively and copies shall be supplied to any Government officer or inspector requiring the same. Abstract of accounts to be printed and circulated.

54. The trustees may pay out of their funds such reasonable sums as they may think proper to meet the outlays of committees and officers visiting and inspecting their estates. Inspection of estates.

A.D. 1909.

Leave of  
absence to  
governors  
and trus-  
tees.

55. The governors and the trustees may respectively grant leave of absence to a governor or trustee on his application and on reasonable cause shown for any period not exceeding twelve months.

PART V.

MISCELLANEOUS.

Vested  
interests.

56.—(1) All persons at the commencement of this Order holding any office place employment pension compensation allowance foundation bursary scholarship or emolument under or arising out of the funds of the existing governors or the Educational Trust shall continue to hold the same subject to the conditions under which they are held at the date of the passing of the Act confirming this Order and to the provisions of this Order.

(2) In lieu of continuing in office any officer of the existing governors or of the Educational Trust the governors or the trustees as the case may be may dispense with the services of any such officer and in such case may grant such compensation superannuation or allowance as shall appear reasonable to the governors or the trustees as the case may be and the governors or the trustees as the case may be may apply their funds to that purpose.

(3) If any officer is aggrieved by the refusal of the governors or of the trustees to grant any compensation superannuation or allowance or by the amount of compensation superannuation or allowance granted he may within three months after the decision of the governors or of the trustees appeal to the department who shall consider the case and determine whether any compensation superannuation or allowance and if so what amount should be granted and such determination shall be final.

Discharge to  
town council  
for grant  
from depart-  
ment.

57.—(1) The town council shall upon payment to the governors of the sum of forty thousand pounds granted to the town council by the department towards the cost of the erection of the Technical College or such part of that sum as may have been received by the town council from the department with interest accrued thereon be and they are hereby discharged of all liabilities and obligations in respect of the said sum and in respect of their acts and intromissions with the same.



[9 EDW. 7.] *Robert Gordon's Technical College* [Ch. clxiv.]  
*and Aberdeen Endowments Trust Order Confirmation Act, 1909.*

(2) The provisions of this section shall not take effect until sufficient provision has been made to the satisfaction of the department for the future maintenance of the Technical College. A.D. 1909.

(3) A certificate under the hand of the secretary of the department shall be conclusive evidence that such provision has been made.

58. The existing governors and the Educational Trust shall transfer to the governors or the trustees as the case may be within such time and in such manner as the governors or the trustees may respectively direct all the books deeds papers plans and all other documents and titles and cash balances and moveables belonging to the existing governors or to the Educational Trust. Transfer of books and moveables.

59. For the purpose of enabling the governors or the Endowments Trust to complete a title if thought fit to any part of the properties funds and estates transferred to and vested in them respectively by virtue of this Order by expediting and recording a notarial instrument or otherwise this Order shall be deemed to be and may be used as a general disposition or assignation as the case may be of such properties funds and estates in favour of the governors or the Endowments Trust respectively. Completion of title to properties transferred.

60. On and from the date at which the existing governors and the Educational Trust respectively have under the provisions of this Order ceased to exercise any right or power of administration and shall have made the transfer directed in the section of this Order of which the marginal note is "Transfer of books and moveables" those bodies and the individual members thereof are hereby respectively exonerated and discharged of all their actings and intromissions and of and from all obligations claims and demands in respect of the same. Discharge of existing governors and Educational Trust.

61. All liabilities and obligations incurred or undertaken by the existing governors and the Educational Trust and remaining undischarged at the date when in accordance with the provisions of this Order such bodies cease to exist shall as at that date become the liabilities and obligations of the governors or the trustees respectively. Provided that the governors and the Endowments Trust respectively shall have the same rights and be entitled to the same privileges with reference to such liabilities as are or may be possessed by the existing governors or the Educational Trust respectively. Liabilities of dissolved bodies.

[Ch. clxiv.] *Robert Gordon's Technical College* [9 EDW. 7.]  
*and Aberdeen Endowments Trust Order Confirmation Act, 1909.*

A.D. 1909.

Donations  
endowments  
&c. may be  
received.

62. The governors and the Endowments Trust may respectively receive donations or endowments for any of the purposes of this Order in so far as applicable to them respectively and may also receive donations or endowments for any special objects which shall not be inconsistent with or calculated to impede the due working of the provisions of this Order and may hold exercise administer and fulfil any trusts which may be confided to them and they may respectively enter into agreements with any persons who are the managers of other schools or institutions in the city or the administrators of any charity or benevolent institution within the city and who have power to enter into such agreements for the transfer of such schools and institutions or of the administration of such schools or institutions or the administration of such charity or benevolent institution as the case may be to the governors or the Endowments Trust.

Contribution  
by county  
council of  
Aberdeen to  
Technical  
College.

63. Whereas the county council have resolved to pay to the governors as a contribution towards the erection and equipment of the Technical College a sum of three thousand pounds and that such sum shall be paid in four equal annual instalments of seven hundred and fifty pounds each out of the county council's share of the grant under section 2 (5) of the Education and Local Taxation Account (Scotland) Act 1892 and that for the purposes of such annual payments the period of four years shall be taken as commencing on the fifth day of April one thousand nine hundred and six provided that the contribution shall only be made by the county council during the said period of four years if the said grant is allocated among local authorities in Scotland in the manner in which such grant is allocated at the date of the passing of the Act confirming this Order And whereas the county council have obtained the consent of the Secretary for Scotland to the payment of two of such instalments as if the Technical College were a scheme of public utility within the meaning of section 2 (5) of the Education and Local Taxation Account (Scotland) Act 1892 And whereas it is expedient that the county council be relieved from the obligation and necessity of obtaining the consent of the Secretary for Scotland to the payment of the other two instalments Be it enacted that the county council may and shall pay the said two instalments still to be paid without applying for or obtaining the consent of the Secretary for Scotland to such payment,

[9 EDW. 7.] *Robert Gordon's Technical College* [Ch. clxiv.]  
*and Aberdeen Endowments Trust Order Confirmation Act, 1909.*

64.—(1) The harbour commissioners shall pay to the governors as a contribution towards the Technical College out of their revenues a sum of one thousand pounds payable on the fifteenth day of May next after the passing of the Act confirming this Order and applicable for the general purposes of the Technical College.

A.D. 1909.  
Contribution  
by Aberdeen  
Harbour  
Commis-  
sioners to  
Technical  
College.

(2) The harbour commissioners may pay to the governors as a further contribution towards the Technical College out of their revenues a sum or sums not exceeding in all four thousand pounds which shall be applied specially towards the erection or endowment or equipment of a school of navigation and marine engineering and a fishery institute in the vicinity of the harbour of Aberdeen and in aid of technical instruction in relation to navigation marine engineering and the fishing industry or one or more of the said objects payable in one or more sums or by instalments as the harbour commissioners may at any time or from time to time resolve.

(3) In lieu of the said further contribution of four thousand pounds or of some part thereof the harbour commissioners may in their option transfer to the governors any land belonging to them as a site for the erection of a school of navigation and marine engineering and fishery institute or one or more of the said objects and in transferring the said site to the governors it shall be lawful for the harbour commissioners and the governors to stipulate and to agree that in the event of the said site at any time ceasing to be used for the purpose for which the same was provided by the harbour commissioners the said site shall in the option of the harbour commissioners revert to them and the harbour commissioners shall in the event of their exercising such option be entitled to require that the said site shall with the buildings thereon be retransferred by the governors to the harbour commissioners for the purposes of the harbour undertaking the harbour commissioners in such case paying always to the governors the value of the buildings thereon belonging to the governors as the said value shall be ascertained by agreement or failing such agreement by arbiters mutually chosen or their oversman.

65. The governors may from and after the appointed day carry on the primary intermediate and secondary schools as now carried on by the existing governors at the existing college.

Provision with  
respect to  
primary interme-  
diate and secon-  
dary schools at  
existing college.

[Ch. clxiv.] *Robert Gordon's Technical College* [9 EDW. 7.]  
*and Aberdeen Endowments Trust Order Confirmation Act, 1909.*

A.D. 1909.

Provision as  
to scheme  
for feeding  
and clothing  
children.

66.—(1) The trustees and the school board may make a scheme for the administration of the annual sum of one thousand four hundred pounds specified in the section of this Order of which the marginal note is "Application of revenues of Endowments Trust" Such scheme shall provide for the purchase preparation and serving of free meals and the providing of clothing by the school board to necessitous children attending public or State-aided schools whose parents or guardians are resident within the city.

(2) In the event of the trustees and the school board failing within the period of six months from the appointed day to agree upon such a scheme the terms of the scheme shall be settled by the department.

(3) Until a scheme under this section has been made and brought into operation the trustees may continue to provide food and clothing to children for such period after the appointed day as may be necessary.

Provision  
with respect  
to free books  
and stationery.

67. Whereas in Schedule B to this Order provision is made for the supply by the trustees of free books and stationery to certain of the foundationers endowment foundationers or free scholars referred to in that schedule And whereas assistance in such form may become unnecessary by reason of the exercise by the school board of its powers to provide free books and stationery in all or any of the schools at which such foundationers endowment foundationers or free scholars may be pupils Be it enacted that in the event of the exercise by the school board of such powers the trustees shall pay to the school board an annual sum corresponding to the amount to which the trustees may be so relieved and such sum shall form an addition to the annual sum to be paid to the school board under the provisions of the section of this Order of which the marginal note is "Application of revenues of Endowments Trust."

Costs of  
Order.

68. The costs charges and expenses of preparing for obtaining and confirming this Order and incident thereto shall be paid equally by the governors and the Endowments Trust out of any funds or moneys in their hands or granted to them or subscribed for the purposes of this Order.

The SCHEDULES referred to in the foregoing Order.

A.D. 1909.

SCHEDULE A.

Referred to in the section of this Order of which the marginal note is "Transfer of certain properties to governors of Technical College."

PART I.

Name of Street.	Nos. of Properties.	Name of present Feuar.	Annual Feu Duty.
Schoolhill - - -	86 to 92	The Trustees of Alexander Hay	£ s. d. 13 12 6
Blackfriars Street -	1		
Blackfriars Street -	2 3 4 5 and 6	Peter Stewart - - -	10 16 0
Blackfriars Street -	8 and 10	William B. Cormack -	6 12 0
Blackfriars Street -	12 and 14	James Neil - - -	4 16 0
Blackfriars Street -	26 and 28	The Trustees of Patrick Macdonald	3 10 6
Blackfriars Street -	40 and 41	Mrs. Margaret Wright -	6 7 0
Blackfriars Street -	7 and 9	Henry Ross - - -	4 2 0
Woolmanhill - - -	26 28 and 30		
Woolmanhill - - -	32 and 34		
Woolmanhill - - -	39 40 and 41	Dr. James Davidson Wy- ness	4 14 0
Woolmanhill - - -	39 40 and 41	Elizabeth Watt - - -	9 6 8
Woolmanhill - - -	42 and 43	Alexander Taylor - - -	9 18 0
Woolmanhill - - -	46 to 50	James Stephen - - -	20 3 0
Woolmanhill - - -	Drill Hall	The Territorial Force Asso- ciation for the County of the City of Aberdeen.	14 0 0

PART II.

Name of Street.	Numbers of Properties.
Blackfriars Street - - - - -	18 20 22 and 24.
Blackfriars Street - - - - -	Gymnasium.

A.D. 1909.

SCHEDULE B.

Referred to in the section of this Order of which the marginal note is "Application of revenues of Endowments Trust."

In this schedule the expression "the schools of the governors" means and includes the primary intermediate and secondary schools carried on by the governors under the powers contained in the section of this Order of which the marginal note is "Provision with respect to primary intermediate and secondary schools at existing college."

ROBERT GORDON'S FOUNDATIONERS.

1.—(1) The qualification of Robert Gordon's foundationers except in the case of those elected by competitive examination as herein-after provided shall be that the boys are children or grandchildren of burgesses of guild or of trade of the city or boys belonging to the city who are orphans or whose parents are in receipt of weekly wages or belong to the labouring classes. One-fourth at least of the boys for the time being shall be elected by competitive examination open to all boys suitable in respect of age health and character.

(2) The trustees shall provide for the maintenance of Robert Gordon's Foundationers in family with the parents or guardians of the boys or other persons approved by the trustees and for that purpose shall pay to the persons with whom such boys reside such sum of money for their lodging and maintenance as the trustees think sufficient. The foundationers shall be under the supervision of the trustees and subject to such rules and regulations as they may from time to time make. The foundationers shall also receive free education with books and stationery at the schools of the governors or at any public or State-aided school to be selected by the trustees.

(3) The trustees may fix and determine from time to time the age for the election and admission of boys as Robert Gordon's foundationers and the age at which the foundation shall terminate and also from time to time fix and determine the period or periods in each year for the election and admission of foundationers.

(4) All applicants for election and admission as Robert Gordon's foundationers shall be required to pass an entrance examination suitable to the age of each applicant and satisfactory to the trustees and the trustees may reject anyone failing to pass such examination. The standard of such examination shall in no case be lower than that formerly required for the Fourth Standard of the Education (Scotland) Code except in the case of applicants under ten years of age who shall

be required to pass an examination equal to that formerly required for the Third Standard of the Education (Scotland) Code. A.D. 1909.

(5) The number of Robert Gordon's foundationers shall be 120 and shall not be reduced below that number except by a resolution passed by a majority of the trustees present at a meeting to be called on seven days' notice and confirmed by a majority of the trustees present at a subsequent meeting called for the purpose.

#### ENDOWMENT FOUNDATIONERS.

2.—(1) The sixty girls to be selected and entered as Endowment Foundationers shall be children who have lost either parent or both parents and whose surviving parents or guardians are unable to maintain and educate them without difficulty provided that such parents or guardians are not in receipt of parochial aid.

(2) At least one-half of the girls shall be children whose parents are or were before their death resident in the parishes of Saint Nicholas Old Machar Nigg and Banchory-Devenick in the proportion of six-tenths from Saint Nicholas two-tenths from Old Machar one-tenth from Nigg and one-tenth from Banchory-Devenick.

(3) The remainder of the girls shall be the children of parents who are or were before their death resident in the city or in the county of Aberdeen.

(4) In selecting the girls the trustees shall have due regard to merit as ascertained by such examination suitable to their age as the trustees may prescribe and in the case of girls who have been in attendance at school they shall give special weight to good conduct attendance and progress at school during the previous year.

(5) The girls shall receive free education with books and stationery at a public or State-aided school to be selected by the trustees and such annual sum suitable for their maintenance and clothing as the trustees may determine.

(6) The said annual sum shall be spent in such manner and paid to such persons and under such conditions as the trustees may direct.

(7) The trustees at the end of every school year shall obtain from the teacher or teachers of such girls a special report as to their conduct regularity of attendance at school and their progress and no girl shall be continued on the foundation with regard to whom such report is not satisfactory.

(8) The thirty girls enrolled as outdoor foundationers at the date of the passing of the Act confirming this Order shall be retained on the foundation until the end of the school session in which they attain the age of fourteen years and the remaining thirty girls enrolled as indoor foundationers at the date of the passing of the Act confirming

[Ch. clxiv.] *Robert Gordon's Technical College* [9 EDW. 7.]  
*and Aberdeen Endowments Trust Order Confirmation Act, 1909.*

A.D. 1909. this Order shall be retained with benefits as then enjoyed till they attain the age of sixteen years with free education books and stationery up to fourteen years and free training for domestic service books and stationery in the school of domestic economy from fourteen to sixteen years of age and an outfit at leaving.

(9) From and after the date of the passing of the Act confirming this Order thirty of the sixty girls may be retained on the foundation until the end of the school year in which they attain the age of fourteen years. The remaining thirty girls may be retained on the foundation until such age not exceeding sixteen years as the trustees may determine and these last-mentioned thirty girls shall be entitled to receive free education with books and stationery and training in the school of domestic economy with a view to their entering on domestic service.

(10) In the event of any of the foundationers who are entitled to remain till the age of sixteen years being unable owing to the state of her health to take the ordinary curriculum the trustees may provide such foundationer with instruction in such other subject or subjects as may be fitted to equip her to earn a livelihood.

DAVIDSON'S FREE SCHOLARS.

3. Davidson's Free Scholars shall be the children of seafaring persons residing in Footdee in the city.

ROBERT GORDON'S BURSARIES.

4. Robert Gordon's Bursaries shall be granted to boys residing in Aberdeen attending the schools of the governors or any public or State-aided school in the city who shall pass an examination equal to that required to be passed by Robert Gordon's Foundationers.

While and so long as the primary intermediate and secondary schools are carried on by the governors under the powers contained in the section of this Order of which the marginal note is "Provision with respect to primary intermediate and secondary schools at existing college" the bursaries shall be tenable at the schools of the governors in place of public or State-aided schools in the city.

The bursaries shall be held subject to such conditions as the trustees may from time to time prescribe.

GRAMMAR SCHOOL BURSARIES.

5. The Grammar School Bursaries shall be of two classes as hereinafter provided (that is to say):—

- (A) For boys attending the Aberdeen Grammar School; and
- (B) For boys attending State-aided schools tenable at the Aberdeen Grammar School.



[9 EDW. 7.] *Robert Gordon's Technical College* [Ch. clxiv.]  
*and Aberdeen Endowments Trust Order Confirmation Act, 1909.*

The trustees may attach to these bursaries the names of the respective founders of the several endowments. A.D. 1909.

*Class A.*

(1) Two bursaries of twenty pounds each shall each year be awarded by competitive examination among the scholars attending the Aberdeen Grammar School who require aid in completing their education and shall be tenable for two years.

(2) The trustees shall fix the period and conditions of the examinations for the bursaries in such manner that the scholars to whom the bursaries are awarded may be expected to complete the curriculum of the school within two years after the scholars shall become entitled to receive the bursaries.

*Class B.*

(1) In each year there shall be awarded not less than two bursaries for higher education of a yearly value not exceeding twenty pounds each by a competitive examination among boys attending State-aided schools in the city whose parents or guardians require aid in providing them with higher education which shall be tenable for five years at the Aberdeen Grammar School. Of these bursaries (ten in number) two shall be known by the name of the MacRa bursaries. These two bursaries shall be awarded to any candidates properly qualified in the opinion of the trustees to avail themselves of the education given at the Aberdeen Grammar School who shall satisfy the trustees that they are lineal descendants of Alexander MacRa of Inverinet the great-grandfather of Alexander MacRa ironmonger in Bristol.

(2) The trustees shall fix the age at which the boys are to be admitted to competition or they may award the bursaries to the boys who stand highest in the school bursary competition under the provisions of section 6 (2) of Schedule B to this Order.

PUBLIC SCHOOL BURSARIES.

6.—(1) The public school bursaries [shall be each of the yearly value of not less than five pounds nor more than twelve pounds ten shillings.

(2) The bursaries shall be awarded by competitive examination among scholars attending public or State-aided schools in the city who are not less than twelve years of age at the date of such examination and whose parents or guardians are in the opinion of the trustees in such circumstances as to require aid for giving such pupils higher education.

A.D. 1909.

(3) The bursaries may be tenable for three years at public or State-aided schools in the city or the schools of the governors.

(4) The bursaries shall be held subject to such conditions as the trustees may from time to time prescribe.

#### FREE SCHOLARSHIPS.

7.—(1) The boys and girls holding free scholarships (in this section called "free scholars") shall attend a public or State-aided school within the city for elementary education and shall receive free books and stationery.

(2) The free scholars shall be children whose parents or guardians are in such circumstances as to require aid for providing elementary education provided that their parents or guardians are not in receipt of parochial relief.

(3) Boys and girls selected as free scholars who have not passed an examination equivalent to that formerly required for the fifth standard of the Education (Scotland) Code shall be nominated by the trustees who shall have regard to merit as ascertained by evidence that the children possess such qualifications as to justify their selection.

(4) In selecting boys and girls as free scholars who have been in attendance at school during one or more school years the trustees shall give special weight to their good conduct attendance and progress at school during the previous year.

(5) The amounts paid for books and stationery in respect of free scholars who have not passed an examination equivalent to that formerly required for the fifth standard shall not be paid for more than one school year without such free scholars being re-appointed and the amount to be expended for such free scholars shall not exceed one-fifth of the amount to be applied under this section.

(6) Boys and girls who have passed an examination equivalent to that formerly required for the fifth standard to be proposed as free scholars shall be selected by competitive examinations (to be held at such times and in such manner as the trustees may determine) which shall be open to all who are eligible in terms of this section whether they have or have not previously been free scholars and for such free scholars the school fees books and stationery may continue to be paid for such period not exceeding three years as the trustees may determine.

(7) At the end of every school year the trustees shall obtain from the teacher or teachers of free scholars a special report as to their conduct regularity of attendance and progress and the books and stationery shall not continue to be provided for any free scholar in regard to whom such report is not satisfactory.

[9 EDW. 7.] *Robert Gordon's Technical College* [Ch. clxiv.]  
*and Aberdeen Endowments Trust Order Confirmation Act, 1909.*

TECHNICAL COLLEGE FOUNDATIONS BURSARIES AND SCHOLARSHIPS.

A.D. 1909.

8. The foundations bursaries and scholarships in connexion with the Technical college shall be of such amount and held on such terms and conditions as may from time to time be fixed and prescribed by the governors.

EVENING SCHOOL SCHOLARSHIPS.

9. The trustees shall expend an annual sum of one hundred pounds on free scholarships at evening classes under the school board or at the Technical College for higher education or technical instruction. These free scholarships shall be awarded among those who have been pupils in State-aided schools within the city on the result of such examinations and under such conditions as the trustees may determine. The trustees may attach the names of the respective founders to these scholarships.

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