



CHAPTER cxviii.

An Act to confirm a Provisional Order under A.D. 1927.
the Private Legislation Procedure (Scotland)
Act 1899 relating to the Royal Edinburgh
Hospital for Mental and Nervous Disorders.

[22nd December 1927.]

WHEREAS the Provisional Order set forth in the
schedule hereunto annexed has been made by
one of His Majesty's Principal Secretaries of State under
the provisions of the Private Legislation Procedure
(Scotland) Act 1899 as read with the Secretaries of State
Act 1926 and it is requisite that the said Order should be
confirmed by Parliament :

62 & 63 Vict.
c. 47.
16 & 17
Geo. 5. c. 18.

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.

Confirma-
tion of
Order in
schedule.

2. This Act may be cited as the Royal Edinburgh
Hospital for Mental and Nervous Disorders Order
Confirmation Act 1927.

Short title.

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A.D. 1927.

SCHEDULE.

ROYAL EDINBURGH HOSPITAL FOR MENTAL
AND NERVOUS DISORDERS.

Provisional Order to change the names of the Corporation of the Royal Edinburgh Asylum for the Insane and of the Institution to confer further powers on the said Corporation and for other purposes.

WHEREAS His late Majesty King George the Third did by His Royal Warrant given at His Court of Saint James's the eleventh day of April one thousand eight hundred and seven authorise a charter to be granted for erecting into a body politic and corporate the contributors to a charitable institution then proposed to be established in Edinburgh for the maintenance and cure of lunatics which Royal Warrant is of the following tenor " Our
" Sovereign Lord, considering that an humble Petition
" hath been presented to His Majesty by and in behalf
" of the Managers and Contributors to a charitable
" Institution proposed to be established at Edinburgh
" for the Maintenance and Cure of Lunatics, setting forth
" that several well-disposed persons having taken into
" their consideration the necessity of an Asylum in
" Edinburgh for Insane Persons, and having resolved to
" raise a sum of money by voluntary contribution for
" purchasing of a proper piece of ground and erecting an
" hospital for that purpose, and that a piece of ground
" had been accordingly purchased; and farther, that
" the sum of Two Thousand pounds had been granted
" by an Act of the forty-sixth year of His Majesty's
" reign out of the unappropriated balances arising from
" the forfeited estates in Scotland for the benefit of the
" said Charity, and that it is hoped the fund may con-
" siderably increase by donations of charitable persons,
" if authorised by His Majesty's Royal Permission, and
" if the undertaking shall be brought and kept under
" good management and regulations; and therefore

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“ most humbly praying that His Majesty would be most . . . A.D. 1927.
“ graciously pleased to grant His Royal Charter, erecting
“ the said contributors and donors who have already
“ subscribed, and such others as shall hereafter con-
“ tribute to the said charitable design and fund, into
“ a Corporation, with perpetual Succession, and with
“ Powers to take donations, to purchase lands, and take
“ securities for sums of money lent out, to erect houses,
“ to sue and to be sued, and all other things to do and
“ execute consistent with the laws of the Realm, that
“ may tend to promote the said charitable design; and
“ His Majesty, being satisfied that the design of the
“ Petitioners is laudable, and deserves encouragement,
“ does therefore ordain a Patent or Charter to be passed
“ and expedite under the Seal appointed by the Treaty
“ of Union to be kept and used in Scotland in place
“ of the Great Seal formerly used there, constituting,
“ erecting, and incorporating, as His Majesty by His
“ prerogative Royal and special grant for Himself and
“ His Royal Successors hereby constitutes, erects and
“ incorporates, all and every the said contributors who
“ shall have already contributed to the said charitable
“ design, and all such Persons as shall thereafter con-
“ tribute thereto, into One Body Corporate and Politic
“ by the Name of the Edinburgh Lunatic Asylum under
“ which name they shall have perpetual succession and
“ a Common Seal; and they and their successors under
“ the same name shall be legally entitled and capable to
“ purchase and enjoy Lands, Tenements and any other
“ Heritage in Scotland, not exceeding the yearly value
“ of One thousand pounds sterling, and to lend such
“ sum or sums of money to any person or persons and
“ upon such security as they shall think fit, and to hold
“ goods and chattels, and to receive and hold donations
“ and legacies for the purpose and benefit aforesaid, and
“ to sue and be sued and to make such bye-laws, rules
“ and others, consistent with the laws of this Realm, as
“ may best conduce to the charitable end and purpose
“ above mentioned, and generally all other matters and
“ things tending to the charitable design aforesaid, to
“ do and execute as fully and amply in every respect as
“ any Body Corporate lawfully may do, and as if the
“ said matters and things were herein particularly set
“ down; and for better accomplishing the ends aforesaid,

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A.D. 1927. — “ and for making and establishing a continual succession
“ of fit persons for managing the affairs of the said
“ Corporation, His Majesty hereby wills, ordains, and
“ appoints that the affairs of the said Corporation shall
“ from time to time and for ever hereafter be governed
“ and directed by one Governor, five Deputy Governors,
“ and by twenty Extraordinary Managers, who shall
“ consist of the Lord Provost of the City of Edinburgh
“ for the time being, the Lord President of the Court
“ of Session, the Lord Justice Clerk of the Court of
“ Justiciary, the Lord Chief Baron of the Court of
“ Exchequer, His Majesty’s Advocate and Solicitor-
“ General for Scotland, the Dean of the Faculty of
“ Advocates, the Deputy-Keeper of His Majesty’s Signet,
“ the Representative in Parliament for the City of
“ Edinburgh, the Representative in Parliament for the
“ County of Edinburgh, the Sheriff Depute of the County
“ of Edinburgh, the Principal of the University of
“ Edinburgh, the President of the Royal College of
“ Physicians, the President of the Royal College of
“ Surgeons, the Senior Minister of the City of Edinburgh,
“ the Master of the Merchant Company, the Preses of
“ the Society of Solicitors before the Supreme Courts
“ of Scotland, the Judge of Police of the City of Edin-
“ burgh, the Dean of Guild of Edinburgh, and the Deacon
“ Convener of the Trades of Edinburgh, all for the time
“ being, and their Successors in Office, and by twelve
“ Ordinary Managers, four of whom (together with the
“ Governors and five Deputy-Governors) may be named
“ out of the foresaid Extraordinary Managers, and from
“ the Contributors to the said Charity residing in or
“ near the said City, who shall have contributed the
“ sum of Ten pounds towards the same: and His
“ Majesty farther wills, directs and ordains that Donald
“ Smith Esquire, Lord Provost of the City of Edinburgh,
“ and his Successor in Office; and Adam Rolland Esquire,
“ Advocate; James Clerk Esquire, Advocate; The
“ Reverend Doctor George Baird, Principal of the
“ University of Edinburgh; the Reverend Doctor
“ Thomas Davidson of Muirhouse, one of the Ministers
“ of Edinburgh; Andrew Wood Esquire, Surgeon in
“ Edinburgh; Harry Davidson Esquire, Writer to the
“ Signet; Henry Jardine Esquire, Writer to the Signet;
“ Gilbert Innes Esquire, of Stow; Samuel Anderson

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“ Esquire, of Rochester, Banker in Edinburgh; Scott
“ Moncrieff Esquire, of Halls, Merchant in Edinburgh;
“ and John Tait Esquire, Judge of Police, shall be the
“ Ordinary Managers of the said Incorporation from the
“ date hereof and the said Managers (any five of whom
“ are hereby declared to be a quorum) shall meet at
“ some convenient place and at stated times or occasion-
“ ally, as shall be appointed by the Bye-laws of the
“ Incorporation, for the due management and direction
“ of the affairs of the said Corporation: and that the
“ said Ordinary Managers may as often as they shall
“ see proper call meetings of the Extraordinary Managers
“ for their advice and assistance, and may and are hereby
“ authorised to nominate and choose a Treasurer to the
“ Corporation, and a Clerk thereto, and such other
“ persons, either medical or otherwise, as they shall
“ judge necessary to be employed in the service of the
“ Corporation, and to appoint them such salaries, fees
“ or rewards as they shall judge proper; and the said
“ Ordinary Managers may at their pleasure remove or
“ discharge the said Treasurer, Clerk and others so
“ employed as aforesaid, and put other Officers in their
“ places as they shall see cause; and for the better
“ regulation of the said Charity, His Majesty farther
“ directs and ordains that there shall be a Medical Board
“ for the superintendence and direction of the Medical
“ Department of the said Charity, who shall consist of
“ the President of the Royal College of Physicians for
“ the time being and two other Members of the said
“ Royal College of Physicians, the President of the Royal
“ College of Surgeons, and one other member of the said
“ Royal College of Surgeons, to be nominated and
“ appointed by the said Managers, Extraordinary and
“ Ordinary; And His Majesty farther wills and directs
“ that a Meeting shall be held upon the last Monday of
“ January annually, of the whole Managers, Extra-
“ ordinary and Ordinary, at which Meeting a State of
“ the Accounts of the Charity for the preceding year,
“ together with an Account of the proceedings of the
“ Ordinary Managers in the execution of their Office,
“ shall be laid before them; and farther, His Majesty
“ ordains that in the event of the vacancy of any of the
“ said Ordinary Managers by death or resignation, the
“ same shall be supplied by the nomination of another

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A.D. 1927. “ by the majority of votes of the said Managers, Extra-
“ ordinary and Ordinary, at a Meeting called for the
“ special purpose; and farther, His Majesty wills,
“ directs and ordains that the said Managers, Extra-
“ ordinary and Ordinary, at the said Annual Meeting
“ upon said last Monday of January, or a majority of
“ them, shall have full power and authority to make and
“ constitute such Bye-laws, Ordinances and Regulations
“ for the management and government of the affairs of
“ the said Corporation as to them shall seem meet, so
“ that such Bye-laws, Ordinances and Regulations be
“ not contrary to the true intent and meaning hereof,
“ nor repugnant to the Laws of this Realm: And His
“ Majesty ordains and commands the said Charter to
“ be passed under the aforesaid Seal *per saltum*, and
“ without passing any other Seal; for which these
“ presents shall be to the Directors of His Majesty’s
“ Chancery, as well as to the Keeper of the said Seal,
“ a sufficient warrant. Given at His Majesty’s Court
“ at Saint James’s, the eleventh day of April One
“ thousand eight hundred and seven, in the forty-
“ seventh year of His Majesty’s Reign. By His Majesty’s
“ Command *Hawkesbury.*”

And whereas a Royal Charter of Incorporation was subsequently in pursuance of the said warrant passed and expedite under the seal appointed by the Treaty of Union to be kept and used in Scotland in place of the great seal formerly used there conferring on the said institution all the powers privileges and authorities therein and herein above set forth which charter is dated and was written to the seal the twenty-first and sealed the twenty-second day of May one thousand eight hundred and seven :

And whereas by Act of Parliament dated the twenty-fourth day of July one thousand eight hundred and fifty-one and being 14 & 15 Victoria cap. CVI. (hereinafter referred to as “ the Act of 1851 ”) the Corporation of the Edinburgh Lunatic Asylum was of new incorporated as a body politic and corporate under the name and style of “ The Royal Edinburgh Asylum for the Insane ” (hereinafter referred to as “ the Corporation ”) with perpetual succession and a common seal and with power

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under such last-mentioned name and title to sue and be sued to hold lands tenements and other heritages in Scotland not exceeding the yearly value of five thousand pounds and to hold exercise and enjoy all the other powers rights and privileges pertaining to the original Corporation by and in virtue of the before-mentioned charter excepting in so far as the same were thereby altered or superseded :

A.D. 1927.

And whereas the Act of 1851 made provision for the manner in which the Corporation should be governed and inter alia for the election of the ordinary managers of the Corporation :

And whereas the Act of 1851 also inter alia authorised the Corporation to borrow such sums of money as the Corporation should from time to time resolve to raise for the purposes therein specified not exceeding in the whole the sum of thirty thousand pounds :

And whereas at the date of the passing of the Act of 1851 the Corporation owned and still own the ground and buildings at Morningside in the city of Edinburgh (known as West House) and have since the passing of the said Act at different times purchased and acquired and now own in perpetuity about fifty imperial acres of land at Craiglockhart in the city of Edinburgh and have erected thereon extensive buildings (now known as Craig House) for the reception of patients of both sexes paying the higher rates of board the total yearly value of which whole subjects now exceeds five thousand pounds :

And whereas the cost of the purchase of the said lands and of the erection of said buildings has all been raised without any public assessment solely by voluntary contributions bequests and otherwise (including the surplus income derived from the board of patients) and by money obtained on loan from various individuals which is being gradually repaid out of the annual income of the Corporation :

And whereas there remains as heritable debt over Craig House the sum of forty thousand one hundred pounds :

And whereas considerable sums of money have had to be spent within recent years on alterations and im-

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A.D. 1927. — improvements to West House and to meet the said payments it has been found necessary to borrow on the security of West House the sum of thirty thousand pounds and the total of the said loans is now in excess of the sum of thirty thousand pounds authorised to be borrowed under the Act of 1851 :

And whereas it is expedient that the provisions of the said charter and the Act of 1851 limiting the annual value of the heritable property to be owned by the Corporation and the provisions of the said Act limiting the borrowing powers of the Corporation should be repealed and that other provisions in reference to those matters as hereinafter in this Order contained should be enacted :

And whereas it is expedient to change the title and name of the Corporation as hereinafter in this Order provided :

And whereas it is expedient to alter and amend the provisions of the said charter and the Act of 1851 in regard to the election of the ordinary managers of the Corporation and as to the execution of deeds and other documents on behalf of the Corporation as hereinafter in this Order provided :

And whereas in view of the development and improvement in the methods of treatment of mental diseases and the prevention thereof by treatment of incipient cases the Corporation found it desirable to institute set up and conduct nursing homes in the city of Edinburgh and elsewhere for the reception and treatment of patients and it is expedient that powers to institute set up and conduct such nursing homes should be conferred upon the Corporation as hereinafter in this Order provided :

And whereas it is expedient that the other provisions in this Order contained should be enacted :

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

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Now therefore in pursuance of the powers contained in the last-mentioned Act as read with the Secretaries of State Act 1926 the Secretary of State orders as follows:—

A.D. 1927.

1. This Order may be cited for all purposes as the Royal Edinburgh Hospital for Mental and Nervous Disorders Order 1927. This Order and the Act 14 & 15 Victoria cap. CVI. intituled "An Act for of new incorporating the Edinburgh Lunatic Asylum under its present name of 'The Royal Edinburgh Asylum for the Insane' for enabling the said Corporation to borrow money and for other purposes" (in this Order referred to as "the Act of 1851") may be cited together as the Royal Edinburgh Hospital for Mental and Nervous Disorders Acts 1851 and 1927.

Short title and citations.

2. This Order shall come into operation on the date of the passing of the Act confirming this Order which date is hereinafter referred to as "the commencement of this Order."

Commencement of Order.

3.—(1) Section I. (Corporation of the Edinburgh Lunatic Asylum newly incorporated) of the Act of 1851 shall be read and construed as if—

Change of names of Corporation and Institution and amendment of section I. of Act of 1851.

(a) The words "The Royal Edinburgh Asylum for the Insane" were omitted therefrom and the words "The Royal Edinburgh Hospital for Mental and Nervous Disorders" were inserted therein in lieu thereof; and

(b) The words "to hold lands tenements and other heritages in Scotland not exceeding the yearly value of five thousand pounds" were omitted therefrom and the words "to hold all such lands tenements and other heritages as may be necessary for the purposes of the Corporation" were inserted therein in lieu thereof.

(2) (a) The change of name of the Corporation shall not affect any rights or obligations of the Corporation or any other authority or person whose designation may be affected by the said change or render defective any legal proceedings by or against

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A.D. 1927. — the Corporation or such authority or person and any legal proceedings that might have been commenced or continued by or against the Corporation authority or person by the former designation may be commenced or continued by or against the Corporation authority or person as the case may be by the new designation.

(b) Notwithstanding the change of name of the Corporation all deeds instruments purchases sales securities and contracts before the commencement of this Order made or carried into effect shall be as effectual to all intents in favour of against and with respect to the Corporation or any such authority or person as aforesaid as if the name of the Corporation had remained unchanged.

(c) Any Act of Parliament or Order made under an Act of Parliament passed or made prior to the commencement of this Order shall apply to in favour of or against the Corporation or any such authority or person as aforesaid in as full a manner as it would have applied to the Corporation authority or person as the case may be if this Order had not been made.

(3) The Institution known as the "Royal Edinburgh Asylum for the Insane" shall be known and designated by the title and name of the "Royal Edinburgh Hospital for Mental Disorders."

Repeal of portions of Act of 1851.

4. The following portions of the Act of 1851 shall be and the same are hereby repealed (that is to say) :—

Section III. (Rotation in board of ordinary managers);

Section VIII. (Execution and form of bonds or mortgages);

Section IX. (Form of transfer); and

The schedules to the Act.

Constitution and government of Corporation.

5. Section II. (Constitution and government of the Corporation) of the Act of 1851 shall be read and construed as if—

- (1) The words "and the Board of Ordinary Managers" shall in future consist of fifteen members of whom the Lord Provost of the City of Edinburgh for the time shall always be one

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“ ex officio ” were omitted therefrom and the words “ and the Board of Ordinary Managers shall in future consist of sixteen members of whom two viz. the Lord Provost of the City of Edinburgh for the time and the Principal of the University of Edinburgh for the time shall always be ex officio members ” were inserted therein in lieu of the words so omitted; and

A.D: 1927:
—

- (2) The words “ and all vacancies which shall thereafter occur whether by death resignation retirement or other cause shall be filled up by election in like manner by the whole Managers Extraordinary and Ordinary assembled at the Annual Meeting of each year subsequent to that in which any such vacancies shall occur and of the said Board of Ordinary Managers five shall be a quorum ” were omitted therefrom and the words “ Thereafter two from the head of the list of Ordinary Managers shall go out of office annually and shall not be eligible for re-election for the space of one year thereafter and the vacancies so occurring shall be filled up by the Managers Extraordinary and Ordinary assembled at the Annual Meeting of each year and in the event of any vacancies on the Board of Ordinary Managers occurring throughout the year either by death resignation or other cause such vacancies may then be filled up by the other Ordinary Managers and in the event of no such election being made the vacancy so occurring shall be filled up by the Managers Extraordinary and Ordinary at the next Annual Meeting and such assumed Manager or Managers shall take the place on the Board of the pre-deceasing or resigning Manager or Managers and of the said Board of Ordinary Managers five shall be a quorum ” were inserted therein in lieu of the words so omitted.

6.—(1) It shall be lawful for the Corporation to institute set up and conduct such nursing homes or

Power to
conduct
nursing
homes &c.

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A.D. 1927. — hospitals (hereinafter in this section referred to as "homes") separate and distinct from the public asylum conducted by them as they may consider necessary for the reception of patients with a view to the prevention and treatment of mental disorders and for this purpose to apply so much of the funds of the Corporation as may not be required for the purposes of the public asylum conducted by them Provided that all the provisions of the Lunacy (Scotland) Acts 1857 to 1913 or any Acts amending the same relating to the reception or keeping of lunatics or persons received for treatment of mental disorders in a private house shall apply to such home as if such home were a private house.

(2) For the said purpose it shall be lawful for the Corporation to utilise the lands and properties presently held by them described in the schedule to this Order and shown edged in red and numbered 1 to 9 inclusive upon the plan signed in duplicate by Philip Francis Wood counsel to the Secretary of State under the Private Legislation Procedure (Scotland) Act 1899 and to feu purchase or take on lease such other properties as the board of ordinary managers may consider suitable for the purpose Provided that the lands and properties numbered 7 8 and 9 as aforesaid shall only be so utilised with the consent of the General Board of Control for Scotland (in this section referred to as "the Board of Control") The signed plans referred to in this subsection shall be deposited within one month after the commencement of this Order as follows One in the office of the Secretary of State and the other in the office of the Corporation.

(3) The Board of Control with the approval of a Secretary of State may make such regulations (if any) as they may think fit with respect to the institution management conduct and inspection of the homes and without prejudice to the foregoing generality such regulations may provide for the admission and discharge of patients and the giving of notices and making of reports to the Board of Control with respect to the admission condition and discharge of patients.

(4) This section shall apply to the properties numbered 1 to 6 inclusive in the schedule to this Order

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and to any home which may be instituted by the Corporation under this section after the commencement of this Order Provided that the Corporation shall notify the Board of Control of the institution of any such home before it is opened for the reception of patients. A.D. 1927.

7. Section VII. of the Act of 1851 is hereby repealed and in place thereof the following words shall be deemed and be taken to be section VII. of the said Act and the said Act shall be read and construed as if the said section had been expressed as follows (that is to say) :— Borrowing powers.

“ VII. The Corporation may borrow on the security of the whole or any part or parts of its property and estate both heritable and moveable such sums of money as may be deemed necessary for the purposes of the Corporation to which capital is properly applicable Provided that the sums so borrowed shall be repaid by the Corporation within such period not exceeding thirty years from the date of borrowing as may be fixed by the Corporation.”

8. All sums of money borrowed by the Corporation and not repaid before the commencement of this Order shall be and the same are hereby confirmed and it shall not be competent to question the validity of any bond and disposition in security or other security already granted by the Corporation by reason of the fact that the total sum borrowed by the Corporation before the commencement of this Order exceeded the amount specified in section VII. of the Act of 1851 by this Order repealed. Confirmation of borrowing in excess of amount authorised by Act of 1851.

9. No manager either extraordinary or ordinary shall be liable for the acts receipts neglects or defaults of any other manager or any officer or servant of the Corporation or for joining in any receipt or other act for conformity or for any loss or expense happening to the Corporation through the insufficiency or deficiency of title to any property acquired by or by order of the managers for or on behalf of the Corporation or for the Individual responsibility of managers.

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A.D. 1927. — insufficiency or deficiency of any security in or upon which any of the moneys of the Corporation shall be invested or for any loss or damage arising from the bankruptcy insolvency or tortious act of any person with whom any moneys securities or effects of the Corporation shall be deposited or for any loss or damage occasioned by any error of judgment or oversight on his own part.

Execution of deeds &c. 10. All deeds or formal writings by the Corporation shall be sealed with the common seal of the Corporation and signed by two managers and the treasurer or secretary and such execution shall be binding and effectual whether attested by witnesses or not but the board of ordinary managers are hereby empowered to prescribe the form of execution or endorsement of bank cheques bills of exchange drafts or similar documents of a commercial character.

Costs of Order. 11. All costs charges and expenses of and incident to or connected in any way with the preparing applying for obtaining and confirming this Order or otherwise in relation thereto shall be paid by the Corporation.

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The SCHEDULE referred to in the foregoing Order. A.D. 1927.

(Referred to in the section of the Order the marginal note of which is "Power to conduct nursing homes &c.")

| No. on Plan. | Description of Property. | Area. |
|--------------|---|-----------|
| 1 | The lands and property known as Nos. 15 17 and 19 Craiglea Place Edinburgh. | ·33 acre |
| 2 | The lands and property known as Nos. 91 and 93 Comiston Drive Edinburgh. | ·15 „ |
| 3 | The lands and property known as No. 10 Abbotsford Park Edinburgh. | ·2 „ |
| 4 | The lands and property known as No. 3 Marchhall Crescent Edinburgh. | 1·5 acres |
| 5 | The lands and property known as "Vogrie" Ford Midlothian. | 264·8 „ |
| 6 | The lands and property known as Jordanburn Hospital Morningside Terrace Edinburgh. | 4·75 „ |
| 7 | Part of the lands of West House in the city of Edinburgh situated to the west of West House. | 6·016 „ |
| 8 | Part of the lands of Craig House in the city of Edinburgh situated to the north of Craig House. | 10 „ |
| 9 | Part of the lands of Craig House in the city of Edinburgh situated to the east of Craig House. | 10·331 „ |

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