



CHAPTER lxvi.

An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1899 relating to the Gamble Institute Gourock. [22nd December 1916.] A.D. 1916.

WHEREAS His Majesty's Secretary for Scotland has 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 Gamble Institute Gourock Order Confirmation Act 1916. Short title

A.D. 1916.

SCHEDULE.

GAMBLE INSTITUTE GOUROCK.

Provisional Order to transfer the Gamble Institute Gourock and the endowment thereof to the Provost Magistrates and Councillors of the Burgh of Gourock and for other purposes.

WHEREAS by deed of trust (hereinafter referred to as "the trust deed") dated the twentieth day of December eighteen hundred and ninety-three and registered in the Books of Council and Session the sixth day of January eighteen hundred and ninety-four the late Caroline Anne Oswald or Saltmarshe afterwards Gamble (hereinafter referred to as "the donor") widow of the Reverend Henry Gamble who resided some time at Ashburn Gourock and afterwards at Normount Torquay on the narrative that in the year eighteen hundred and seventy-four she had acquired a piece of ground in Shore Street and King Street Gourock upon part of which she had afterwards erected a building containing a lecture hall smaller hall library reading-room billiard room committee rooms curator's house and other suitable accommodation that the said ground had been purchased and the said building had been erected and furnished by her in memory of her husband the said Henry Gamble that the said building had since its erection and institution been known as "The Gamble Institute" and had been used and maintained under her direction and control for the benefit of the inhabitants of Gourock and that she had resolved to hand over the said institute and ground thereto attached to the Trustees named in the trust deed in order that they might continue to be so used and maintained and to provide a fund or endowment for the purpose of assisting to maintain the same in a state of efficiency nominated and appointed the provost and bailies of the burgh of Gourock and the then ministers of the parish of Gourock and of the Free and United Presbyterian Churches and Congregations Gourock and the acceptors or acceptor of them and their respective successors in the said offices of provost and bailies of the said burgh and of ministers of the parish of Gourock and of the Free and United Presbyterian Churches and

A.D. 1916.

Congregations Gourock all for the time being as Trustees to hold maintain use and manage the said Gamble Institute and ground thereto attached pertinents thereof and furniture and other effects therein and thereon for the moral spiritual intellectual and social benefit of the inhabitants of the burgh of Gourock (the Trustees nominated by the trust deed and their respective successors in the said offices being hereinafter referred to as "the Trustees") and in order thereto to receive hold administer and apply the funds then belonging to the said institute and the said fund or endowment and the annual income or produce arising therefrom or in connexion with the said institute and such other sum or sums of money funds property estate or effects as the Trustees should from time to time receive acquire or accumulate:

And whereas the donor of even date with the execution of the trust deed (primo) granted in favour of the Trustees (first) a disposition of the said institute and ground thereto attached and pertinents thereof and (second) for the purpose of providing the said endowment an assignation of a bond and disposition in security for three thousand six hundred pounds over heritable subjects in the burgh of Gourock to the extent of two thousand six hundred pounds and the Trustees were duly infeft in the said institute and ground and pertinents and also in the subjects conveyed by the said bond and disposition in security of the said sum of two thousand six hundred pounds and (secundo) delivered to the Trustees the whole furniture and effects in the said institute and funds connected therewith:

And whereas by the trust deed the donor conferred upon the Trustees full discretion as to the management of the said institute and the means to be adopted for promoting the objects of the trust thereby constituted subject only to the following conditions and stipulations videlicet that the said institute should be managed and conducted strictly on temperance principles and that no intoxicating liquors should be sold or consumed on the premises that card playing should be prohibited and that no games of any kind should be played for money and no gambling in any form should be allowed and that the lecture hall should not be used for any dramatic performance:

And whereas by the trust deed the donor conferred other powers upon the Trustees including power to borrow money upon the security of the trust estate and also to sell or

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Confirmation Act, 1916.

A.D. 1916. dispose of all or any part thereof but with reference to the last-named power the donor directed the Trustees that they should not sell or dispose of the said institute unless they should come to be of opinion as expressed by a majority of at least two-thirds of the number of the Trustees acting for the time that the said institute in its then present situation had ceased to fulfil the purposes for which it was founded and the donor further directed that should the Trustees at any time find it necessary or judge it expedient in order to carry out the purposes of the trust to sell or dispose of the said institute they should be bound as soon as practicable to re-invest the price or such portion thereof as they should consider proper in the erection and furnishing of another suitable building to be held maintained used and managed for the purposes of the trust or to take on lease or in tenancy other suitable premises in order to the proper fulfilment of the purposes of the trust:

And whereas in pursuance of the powers conferred upon them by the trust deed the Trustees shortly after the transfer of the institute to them appointed a board of directors for the management of the said institute by whom the same has since been managed in accordance with the trust deed and rules and regulations framed by the Trustees:

And whereas the donor died on or about the third day of March eighteen hundred and ninety-four:

And whereas for some years after the inception of the trust the said institute was carried on with reasonable success but subsequently the Trustees found it increasingly difficult to meet expenditure from income:

And whereas in the year one thousand nine hundred the Trustees with the view of popularising the said institute and encouraging subscribers expended the sum of one thousand pounds in enlarging the lecture hall and providing additional billiard room accommodation and raised the sum so expended by borrowing that amount on the security of the said institute and the ground attached thereto:

And whereas notwithstanding the said expenditure there was in each of the six years prior to the year nineteen hundred and fourteen a deficit on the year's working of the said institute and on the seventeenth November nineteen hundred and fourteen the Trustees unanimously adopted a

minute to the effect that the failure of the institute to pay its way arose from the changed circumstances of the burgh of Gourock the inadequacy of accommodation in the said institute for the meetings and entertainments required by the public and the hampering effect in letting the halls of certain of the restrictions contained in the trust deed: A.D. 1916.

And whereas the Trustees have no funds available to meet the expenditure requisite to alter and improve the building and see no prospect under existing conditions of their being able to continue to maintain and administer the said institute in accordance with the trust deed:

And whereas the provost magistrates and councillors of the burgh of Gourock are prepared to take over the said institute and the endowment thereof and to hold manage maintain and administer the same respectively for the benefit of the inhabitants of the said burgh provided that certain of the restrictions in the use of the said institute imposed by the trust deed are removed or modified:

And whereas the Trustees believing that the public interest does not require that all the restrictions on the use of the said institute imposed by the trust deed should be continued and that the primary purposes for which the said institute was established by the donor are in danger of failure have entered into an agreement with the said provost magistrates and councillors of the burgh of Gourock for the transfer to them of the said institute and the endowment thereof upon the terms and conditions contained in the said agreement:

And whereas it is expedient that the said agreement should be carried into effect and that such powers should be conferred on the Trustees and the town council respectively in relation to the said institute as are contained in this Order:

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:—

1. This Order may be cited as the *Gamble Institute Gourock* Short title.
Order 1916.

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Confirmation Act, 1916.

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Commence-
ment of
Order.

2. This Order shall commence and have effect on and from the date of the passing of the Act confirming the same which date is hereinafter referred to as "the commencement of this Order."

Interpreta-
tion.

3. In this Order unless there be something in the subject or context repugnant to such construction—

The expression "the burgh" means the burgh of Gourock in the county of Renfrew;

The expression "the town council" means the provost magistrates and councillors of the burgh;

The expression "the institute" means the building or buildings known as the Gamble Institute situate in Shore Street and King Street in the burgh and includes the land attached thereto and the pertinents thereof;

The expression "the trust deed" means the deed of trust relating to the institute executed by the late Caroline Anne Oswald or Saltmarshe afterwards Gamble widow of the Reverend Henry Gamble dated twentieth December eighteen hundred and ninety-three and registered in the Books of Council and Session sixth January eighteen hundred and ninety-four;

The expression "the Trustees" means the Trustees acting under the trust deed at the commencement of this Order;

The expression "the endowment fund" means the sum of two thousand six hundred pounds assigned by the donor to the Trustees as an endowment for the institute.

Transfer of
institute &c.

4.—(1) As soon as reasonably may be after the commencement of this Order the Trustees may and shall convey the institute to the town council and deliver to them the whole furniture books fittings equipment and other effects therein and thereon.

(2) The Trustees may and shall out of any cash in their hands at the commencement of this Order and so far as may be necessary out of the endowment fund pay off and discharge the sum of one thousand pounds borrowed by the Trustees on the security of the institute and the other sums by this Order directed to be paid by the Trustees and shall pay over or transfer to the town council the balance of such cash (if any) and the endowment fund or the balance thereof as the case may be or assign

to the town council the security for the endowment fund or the balance thereof. A.D. 1916.

(3) The town council shall take the Trustees title to the institute as it stands and no searches shall be required of the Trustees other than those in existence The disposition to be executed by the Trustees in favour of the town council shall contain a clause of warrandice by the Trustees from their own proper facts and deeds only and all other usual and necessary clauses The Trustees shall also execute and deliver all assignations or other deeds necessary for transferring to the town council the portion of the endowment fund which shall then exist and the Trustees shall not warrant the sufficiency of the security or securities upon which the said endowment fund is invested.

5. From and after the day on which the transfer to the town council of the institute and the endowment fund or the balance thereof and the balance of cash as aforesaid is completed (in this Order referred to as "the date of transfer") the whole rights and interests of the Trustees in the institute and the endowment fund shall cease and the Trustees shall be freed and relieved from all duties and obligations imposed upon them by the trust deed and they and their predecessors in office shall by virtue of this Order be discharged and exonerated of and from their whole actings and intromissions in connection with the institute and the endowment fund and from all liability past present or future with regard thereto respectively and all obligations and liabilities incurred or undertaken by the Trustees in relation to the institute and subsisting at the date of transfer other than obligations or liabilities discharged or annulled by this Order shall by virtue of this Order be transferred to and imposed upon the town council.

Order to operate as discharge to Trustees.

6.—(1) From and after the date of transfer the town council shall subject to and in accordance with the provisions of this Order hold and at all times thereafter maintain use and manage the institute together with the furniture books fittings equipment and other effects therein and thereon for the moral spiritual intellectual and social benefit of the inhabitants of the burgh freed and discharged except as otherwise in this Order expressly provided from the restrictions on the use of the institute imposed by the trust deed and from all other obligations thereby imposed on the Trustees in relation to the institute and shall set aside and invest the endowment fund or the balance thereof transferred to them as aforesaid

Town council to hold and administer institute.

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A.D. 1916. — separately in securities in which gratuitous trustees in Scotland shall from time to time be empowered to invest and shall apply the same and the revenue thereof in the manner and for the purposes specified in this Order.

(2) The town council may make and enforce byelaws rules and regulations for the use of the institute in accordance with the provisions of the Burgh Police (Scotland) Acts 1892 to 1911 and may make and recover charges for the use thereof or of any part or parts thereof and may let a portion or portions of the institute for the exclusive use of any class or classes of persons as a reading-room and library or for one or both of them for such period and for such consideration as they may think fit and may provide and maintain billiard tables and other materials for recreation in the institute and may make and recover charges for the use thereof.

(3) No games of any kind shall be played for money and no gambling in any form shall be allowed within the institute.

(4) In the event of the town council adopting the Public Libraries (Scotland) Act 1887 and carrying that Act into execution when adopted the town council shall have power to hand over free of charge to the committee appointed by them under the powers conferred upon them by the said Act the books and such of the library fittings in the institute as they may think proper but subject always to such committee undertaking the whole obligations of the town council with reference to the said books and fittings and the expense of maintaining and managing the library shall thereafter be paid out of the library rate to be levied by the town council.

Name of
institute to
be preserved.

7. The name Gamble shall continue in all time coming to be associated with the institute and the bust of the Reverend Henry Gamble shall be preserved and shall continue to occupy its present position or an equally prominent position in the institute building or in any building which shall in time to come replace the present building.

Application
of section
315 of Burgh
Police (Scot-
land) Act
1892.

8.—(1) The provisions of section 315 of the Burgh Police (Scotland) Act 1892 as amended by section 104 (2) (r) of the Burgh Police (Scotland) Act 1903 shall apply to the institute as if it were a building of the nature specified in the first mentioned section and that section as so amended shall in relation to the

institute extend to authorise the town council to alter or enlarge the institute from time to time for the purpose of giving full effect to the objects for which the institute is vested in them and to apply the assessments mentioned in the said section as so amended as aforesaid for the purposes of such alteration or enlargement and to borrow money for those purposes in manner provided by the said section. A.D. 1916.

(2) The town council may also borrow such sum as may be required for the purpose of redeeming the casualties of superiority affecting the institute upon the security and in manner provided by the said section 315 of the Burgh Police (Scotland) Act 1892.

9.—(1) The income of the endowment fund or of the balance thereof transferred to the town council and the revenue of the institute shall subject to the provisions of subsection (4) of the section of this Order of which the marginal note is “Town council to hold and administer institute” be applied— Application
of revenue
of institute
and of en-
dowment
fund.

Firstly in paying the expenses incurred by the town council in managing maintaining repairing and administering the institute and any alteration or extension thereof; and

Secondly in paying the interest and sinking fund on any money borrowed on the security of the general improvement rate and the burgh general assessment of the burgh or either of them in respect of the institute.

(2) Any surplus after providing for the payments aforesaid shall be carried to the general improvement rate or the burgh general assessment of the burgh as the case may be and if the said income and revenue shall be insufficient to provide for the payments aforesaid the deficiency shall be made good out of one or other of the said assessments.

10. Any question or difference arising under this Order between the Trustees and the town council shall be referred to and determined by the sheriff substitute of Renfrew and Bute at Greenock as sole arbiter and his decision shall be final. Arbitration.

11. Notwithstanding anything contained in this Order the town council shall not under the powers of this Order borrow any money during the continuance of the present war and twelve months thereafter unless the consent of the Treasury shall have been previously obtained. Restriction
on exercise
of borrowing
powers.

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Costs of
Order.

12. All costs charges and expenses of and incidental to the preparing for obtaining and confirming this Order or otherwise in relation thereto including all costs charges and expenses incurred by the Trustees in connexion with their negotiations with the town council shall be paid by the Trustees out of the income of the endowment fund or other moneys in the nature of income in the hands of the Trustees at the commencement of this Order and so far as such income or moneys shall be insufficient for the purpose out of the capital of the endowment fund The cost of transferring the institute and the security for the endowment fund or the balance thereof to the town council shall be paid by the town council out of the general improvement rate or if the town council so resolve out of the burgh general assessment of the burgh.

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