



ANNO SEXTO & SEPTIMO

VICTORIÆ REGINÆ.

Cap. lxxxvii.

An Act to incorporate the Directors of *Milne's* Free School in the Town of *Fochabers*, and for the better Government thereof. [28th July 1843.]

WHEREAS *Alexander Milne*, a Native of the Town of *Fochabers* near *Gordon Castle* in the County of *Elgin* in that Part of *Great Britain* called *Scotland*, afterwards of the City of *New Orleans* in the State of *Louisiana*, now deceased, by his last Will and Testament, dated the Seventeenth Day of *October* One thousand eight hundred and thirty-six, bequeathed unto the said Town of *Fochabers* the Sum of One hundred thousand Dollars, to be employed in establishing a Free School, with sufficient competent Teachers, and supporting the said School in the said Town of *Fochabers*, for the Use of the Parishes of *Bellie* and *Ordifish*: And whereas the Executors under the said Will and Testament of the said *Alexander Milne* having refused to pay the said Legacy or Bequest, a Suit was instituted in the Court of Probates of the Parish and City of *New Orleans*, in which *Charles Gordon Duke* of *Richmond* and *Lennox*, as Superior and Feudal Lord of the Burgh of Barony and Town of *Fochabers*, and *Alexander Marquis*, Baron Bailie of the said Burgh of Barony, were Plaintiffs, and in which the said Executors under the said Will of the said deceased *Alexander Milne* were Defendants: And whereas the said Plaintiffs claimed the said Legacy or Bequest, and the said Court of Probates having rejected the Claim made by the Plaintiffs, and pronounced Judgment in favour of the Defendants, the said Plaintiffs appealed to the Supreme Court of the

[Local.]

31 L

State

Directors
incorporated.

State of *Louisiana* ; which Supreme Court, upon the Fifteenth Day of *March* One thousand eight hundred and forty-one, ordered, adjudged, and decreed that the Judgment of the Court of Probates be annulled, avoided, and reversed, and ordered, adjudged, and decreed that the said Plaintiffs be recognized as the Persons duly authorized and entitled to claim and receive the said Legacy of One hundred thousand Dollars mentioned in the said last Will and Testament of the said *Alexander Milne* deceased, and that the Amount thereof be paid over to the Plaintiffs Agents named in the Petition by the testamentary Executors of the said last Will and Testament, with Costs in both Courts : And whereas the said Supreme Court, by a subsequent Judgment pronounced on the Fifth Day of *April* One thousand eight hundred and forty-one, ordered, adjudged, and decreed that in addition to their previous Judgment the Plaintiffs should recover of the Estate of *Alexander Milne* deceased Five *per Cent. per Annum* on the Amount of the said Legacy from the Day that the Judicial Demand hereof was made of the testamentary Executors until paid : And whereas the Legacy so left by the said *Alexander Milne* has been realized to a considerable Extent, and is likely to be soon wholly realized : And whereas it is necessary to appoint Directors, and give other Powers for the Purpose of carrying into execution the Object of the said *Alexander Milne* in granting the said Legacy, but the same cannot be effected without the Aid and Authority of Parliament : May it therefore please Your Majesty that it may be enacted ; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act the Most Noble *Charles Gordon* Duke of *Richmond* and *Lennox*, or the Duke of *Richmond* and *Lennox* for the Time being, and in the Absence of the Duke of *Richmond* and *Lennox* the Earl of *March*, or the Heir Apparent of the Duke of *Richmond* and *Lennox* for the Time being of full Age, or failing such Heir Apparent, or in case of the Duke of *Richmond* and *Lennox* for the Time being not being of full Age the nearest Heir Male of the Duke of *Richmond* and *Lennox* for the Time being of full Age, or in the event of the said Duke or his Heirs ceasing to be Superior or Feudal Lord of the said Burgh of Barony and Town of *Fochabers*, then the Person who for the Time being shall be such Superior and Feudal Lord, the Sheriff Depute of the County of *Elgin* for the Time being, or in his Absence the Sheriff Substitute of the said County for the Time being, the Minister of the Parish of *Bellie* for the Time being, the Chamberlain of the said Duke of *Richmond* or of the said Superior and Feudal Lord for the Time being, the Baron Bailie of the said Town for the Time being, and Three Feuars of the said Town and their Successors, to be elected in manner after mentioned, shall be and they are hereby appointed the Directors for managing the Bequest of the said *Alexander Milne*, and united into and declared to be One Body Corporate and Politic by the Name of "*Milne's Free School in the Town of Fochabers*," and by the same Name they shall have perpetual Succession and a Common Seal, with Power to change, alter, break, and make new the same, when and as often as they shall judge the same to be expedient, and that they and their Successors, by the same Name, may sue and be

sued in any Actions or other Proceedings at Law or in Equity, and shall be able and capable in Law to have, hold, receive, enjoy, possess, and retain for the Purposes of this Act, and in Trust for the Benefit of the Corporation hereby created, all such Sum and Sums of Money as have been bequeathed by the said *Alexander Milne* for the Purposes of the said Free School, and all other Gifts and Bequests which may hereafter be made or given for the same Purpose, and that they and their Successors shall and may enter into Contracts, Bonds, and Transactions, and shall and may do all other Acts, Deeds, and Things for effectually carrying this Act into execution.

II. And be it enacted, That on the Fourth *Monday* after the passing of this Act the Persons who are or shall be Feuars of the said Town of *Fochabers* shall meet within the Court House of or within some convenient Place within the said Town, and the Feuars then present shall then and there elect Three Feuars of the said Town who shall be Directors in the Execution of this Act for the Time herein-after specified along with the other Directors herein-before appointed, and the Names of the Directors so elected shall be placed on a List according to the Number of Votes each shall have, the one having the smallest Number of Votes being placed at the Head of such List, and the one having the greatest Number of Votes at the Bottom of such List; and on the First *Monday* in the Month of *September* in the Year One thousand eight hundred and forty-four the Director whose Name shall have been placed at the Head of such List shall go out of Office, and on the First *Monday* in the Month of *September* in the Year One thousand eight hundred and forty-five the Director whose Name shall have been placed Second on such List shall go out of Office, and on the First *Monday* of *September* One thousand eight hundred and forty-six the Director whose Name shall have been placed at the Bottom of such List shall go out of Office, and the Place of the Director so going out of Office shall be supplied by the said Feuars, who shall meet as before provided on the Day on which such Director shall go out of Office, and elect another Feuar of the said Town to be a Director in the Room of the Director so going out of Office as aforesaid; and on the First *Monday* of *September* in every Year subsequent to the Year One thousand eight hundred and forty-six the Director who shall have been longest in Office shall go out of Office and cease to be a Director, and the said Feuars shall on that Day meet as before provided, and elect another Feuar of the said Town to be a Director in the Room of the Director so going out of Office: Provided always, that any Director going out of Office under the Provisions of this Act may be re-elected immediately or at any future Time, and after such Re-election shall, with reference to the going out by Rotation and otherwise, be considered as a new Director.

III. And be it enacted, That all Meetings of the said Feuars for the Election of Directors under this Act shall be held in the Court House of or some convenient Place within the Town of *Fochabers*, and shall be called by a written or printed Notice of such Meetings being affixed to or upon the Church Door of the said Parish, stating the Time and Place of meeting, at least Ten Days before such Meeting

Election of
Directors.

Meetings of
Feuars who
to be called,
and Proceed-
ings thereat.

ing shall be held ; and at such Meetings the Baron Bailie of the said Town, and in his Absence such Person as the Feuars present shall choose, shall be Chairman, who shall determine the Manner of taking the Votes at such Meetings, and which Chairman, in case of Equality of Votes, shall have a casting Vote in addition to his Vote as a Member of the Meeting: Provided always, that if at any Election of Directors under this Act any Feuars shall have an equal Number of Votes, the Chairman of the Meeting of Feuars shall place the Names of such Persons on the List herein-before provided to be made according to the Seniority in Age of such Feuars.

Vacancies
how to be
supplied.

IV. And be it enacted, That in case the Place of any of the Directors to be elected under this Act shall become vacant, by Death, Refusal to act, Disqualification, Resignation, or otherwise, then and in such Cases it shall be lawful for the other Directors, if they shall think it necessary, to nominate a Feuar of the said Town of *Fochabers* to supply such Vacancy, and the Person so nominated shall have and enjoy the same Powers and Privileges of a Director as the Person in whose Stead he is nominated, and shall remain in Office until the Period at which the Person in whose Stead he is nominated would have gone out of Office ; but notwithstanding that any such Vacancy shall remain unsupplied, the other Directors shall have full Power to do and perform all Matters necessary for the Execution of this Act.

Act may be
carried into
execution
although all
the Directors
not ap-
pointed.

V. And be it enacted, That although the said Feuars shall neglect or refuse to elect the Directors, or any of them, whom they are hereby directed to elect, at the Periods before mentioned, such Neglect or Refusal, or any other Neglect or Refusal whereby such Election of Directors does not take place, shall not prevent the Execution of this Act by the other Directors, nor shall the Death, Removal, or Refusal to act of any of the Directors prevent the other Directors from acting until the Place of such Directors is filled up by a new Appointment or Election or Acceptance, it being declared that in all Cases the Directors appointed or elected, and willing to act for the Time, shall have full Power to execute this Act and all the Purposes thereof.

First and
other Meet-
ings of
Directors.

VI. And be it enacted, That the Directors shall meet on the Fourth *Wednesday* after the passing of this Act, or as soon thereafter as conveniently may be, and proceed to the Execution of this Act, and the Directors shall also meet at such other Time as they may deem necessary for the Business of the said Corporation, with Power to adjourn from Time to Time, as they shall think fit, and the Directors shall hold an annual Meeting on the First *Wednesday* of *September* in every Year ; and all Meetings of Directors shall be held in the said Town of *Fochabars*, and the Director present whose Name or Appointment stands first in order in this Act shall take the Chair as Preses or Chairman thereat ; and at all Meetings of Directors held under this Act all Questions shall be decided by a Majority of the Directors present at the respective Meetings, the Preses in case of an Equality of Votes having a casting Vote besides his Vote as a Member of the Meeting ; and all Matters authorized by this Act to be done by the Directors may be done at a Meeting of Directors duly called, or any Adjournment thereof.

VII. And

VII. And be it enacted, That the Secretary of the said Corporation shall, on the Requisition in Writing of any Two of the Directors, at any Time call a Meeting of Directors; provided always, that Ten Days Notice in Writing at the least of all Meetings of Directors shall be given to every One of them, which Notice shall specify the Place, the Day, and the Hour of meeting, and a Certificate under the Hand of the Secretary, or of any Director calling such Meeting, that such Notice has been given by Letters duly addressed to the Directors at their usual or last Place of Residence, and put into the Post Office at *Fochabers*, shall be Proof of such Notice having been given.

Meetings of Directors to be called upon Requisition. Notice required.

VIII. And be it enacted, That Three Directors shall be sufficient to constitute a Meeting of Directors, and shall have full Power to execute all Deeds, and to proceed in the Execution of all or any of the Powers of this Act; but if within One Hour from the Time appointed for such Meeting the said Number of Directors have not met, no Business shall be transacted at the Meeting, but the same shall and may be adjourned to such Time as the Directors then present shall appoint.

Quorum for Meetings of Directors.

IX. And be it enacted, That the Directors shall have full Power to superintend, regulate, and control all the Affairs and Concerns of the said Corporation, and to nominate, select, elect, choose, and appoint the Treasurer, Secretary, Teachers, Officers, and Servants of the said Corporation, or such of these Officers as they may think necessary, and at Pleasure to remove all or any of them, and to appoint others in their Stead; and also from Time to Time to make such Rules, Orders, and Bye Laws as to them shall seem proper for the good Government of the said Corporation, and for the governing, regulating, ordering, and managing the said Corporation, and the Treasurer, Secretary, Teachers, Officers, Servants, and Persons employed in and about the Affairs thereof, and for regulating the Admission or Expulsion of Pupils to or from the said School; and from Time to Time to alter and repeal such Rules, Orders, and Bye Laws, or any of them, and to make others: Provided always, that the same be not contrary or repugnant to the Provisions of the Will of the said *Alexander Milne*, or to the Statutes, Customs, or Laws of that Part of the United Kingdom called *Scotland*, or any of the Provisions of this Act; and all such Rules, Orders, and Bye Laws so made as aforesaid shall be binding on all Parties, provided the same be sanctioned and approved of by the Sheriff of the said County, such Approbation to be signified by Writing under his Hand.

Powers of Directors.

X. And be it enacted, That the Directors, or Majority of them, shall have the Power of electing and appointing, during Pleasure, a Treasurer and Secretary, and to pay each of them such annual Salary as they may fix.

Power to elect a Treasurer and Secretary.

XI. And be it enacted, That neither the Person who shall hold the Office of Secretary, nor the Partner of such Secretary, nor any Person in the Service or Employ of such Secretary or of his Partner, shall be eligible to be the Treasurer; and that neither the Person who shall hold the Office of Treasurer, nor the Partner of such

Offices of Secretary and Treasurer to be separate.

[*Local.*]

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Treasurer,

Treasurer, nor any Person in the Service or Employ of such Treasurer or of his Partner, shall be eligible to be the Secretary; and if any Person offend in any of the following Cases he shall for every such Offence forfeit One hundred Pounds; (that is to say,)

If any Person accept both the Offices of Secretary and Treasurer :

If any Person, being the Partner of such Secretary, or in the Service or Employ of such Secretary or of his Partner, accept the Office of Treasurer, or act as Deputy of the Treasurer, or in any Manner officiate for the Treasurer :

If any Person, being the Partner of such Treasurer, or in the Service or Employ of such Treasurer or of his Partner, accept the Office of Secretary, or act as Deputy of the Secretary, or in any Manner officiate for the Secretary :

If any such Treasurer or Secretary hold any Place of Profit or Trust under the Directors other than that of Treasurer or Secretary (as the Case may be) :

And any Person may sue for such Penalty before the Court of Session, or the Sheriff of the said County, and shall, on Recovery thereof, be entitled to full Costs of Suit.

Directors
not to con-
tract or bar-
gain, &c.

XII. And be it enacted, That it shall not be competent or lawful for any of the Directors to take or enter into any Contract, Bargain, or Sale on their own Account with the said Corporation under the Penalty of Fifty Pounds, and any Person may sue for such Penalty before the Court of Session, and shall, on Recovery thereof, be entitled to full Costs of Suit, and the Judgment of such Court shall be final, and not subject to Review by way of Appeal or otherwise : Provided always, that it shall be lawful to any of the Directors to sell or feu to the said Corporation any Lands in the Parishes of *Bellie* and *Ordifish* to the Extent and not exceeding Ten Imperial Acres in the whole.

Security to
be taken.

XIII. And be it enacted, That before any Person intrusted with the Custody or Control of Monies, whether Treasurer, Secretary, or other Officer of the Corporation, shall enter upon his Office, the Directors shall take sufficient Security from him for the faithful Execution of his Office.

Accounts to
be kept.

XIV. And be it enacted, That full and true Accounts shall be kept of all Sums of Money received or expended on account of the Corporation by the Directors, and all Persons employed by or under them, and of the Articles, Matters, and Things for which Sums of Money shall have been received or disbursed and paid.

Books to be
balanced.

XV. And be it enacted, That the Books of the Corporation shall be brought to a Balance once in each Year at least, and forthwith, on the Books being so balanced, an exact Balance Sheet shall be made up, which shall exhibit a true Statement of the Capital, Stock, Credits, and Property of every Description belonging to the Corporation, and the Debts due at the Date of making such Balance Sheet, and also once in each Year at least the Directors shall cause to be made a State or Report containing the Number of Scholars educated at the said Free School, and the Branches of Education in which the said Scholars have been instructed ; and such Balance Sheet and State or Report

Report shall be laid before the annual Meeting of Directors to be held on the First *Wednesday* of *September* in each Year, and shall be verified and signed by the Chairman of such Meeting.

XVI. And be it enacted, That the said Balance Sheet, and the said State or Report, shall for One Month after such annual Meeting be open to the Inspection of any of the Feuars of the said Town of *Fochabers*, at all reasonable Hours, and at such convenient Place in the said Town as the Directors shall appoint. Inspection of Accounts.

XVII. And be it enacted, That the Directors shall cause Minutes of all Appointments made, or Contracts entered into, by the Directors, and of the Orders and Proceedings of all Meetings, as well ordinary as extraordinary, of the Directors, to be duly entered in Books, to be from Time to Time provided for the Purpose, which shall be kept under the Superintendence of the Directors, and every such Entry shall be signed by the Chairman of the Meeting, and such Entry, so signed, shall be received as Evidence in all Courts, and before all Judges, Justices, and others, without Proof of such respective Meetings having been duly convened, or of the Persons making or entering such Orders or Proceedings being Directors, or of the Signature of the Chairman, all of which last-mentioned Matters shall be presumed. Proceedings to be entered in a Book.

XVIII. And be it enacted, That any Summons, Notice, or Writ, or other Proceeding at Law or in Equity, requiring to be served upon the Corporation or Directors may be served by the same being given personally to the Secretary, or by being delivered to some Inmate at the Place of Abode of such Secretary, or, in case there be no Secretary, at the Place of Abode of the Treasurer, and in case the Place of Abode of the Secretary or Treasurer respectively shall not be found, then by being given or delivered to some Inmate of the Place of Abode of any Director. Service of Notices upon Directors.

XIX. And be it enacted, That it shall be lawful for the Directors to treat and agree, and to employ any Person to treat and agree, for the absolute Purchase of any Lands required by them for the Purposes of this Act, and of all subsisting Leases therein, and of all Feu Duties, Annuities, Mortgages, or Incumbrances affecting any such Lands, and all Rights of Commonly or other Rights to which such Lands may be subject, and all other Estates and Interests in such Lands, of what Kind soever, or for the Acquirement of such Lands in Feu Farm, and to hold, enjoy, and possess any Lands, without incurring any Penalties or Forfeitures, any Law or Statute to the contrary notwithstanding. Power to treat for the Purchase of Lands, &c.

XX. And be it enacted, That it shall be lawful for all or any of the following Parties, being seised, possessed of, or entitled to any such Lands situated in or near the said Town of *Fochabers*, and in the Parishes of *Bellie* and *Ordifish*, or any such Estate or Interest therein as aforesaid, to sell, feu, dispoise, and convey the same, to any Extent not exceeding Ten Imperial Acres, to the Directors, and to enter into all necessary Agreements, and grant all necessary Deeds for that Purpose; (that is to say,) all Corporations, Heirs of Entail, Parties under Disability enabled to sell and convey.
Life-

Life-renters, or others having any other partial or qualified Estate or Interest, Married Women seised in their own Right or entitled to Terce, Tutors, Curators, or Guardians, Curators of or Factors for Lunatics and Idiots, Trustees for charitable or other Purposes, Executors and Administrators; and the Power so to sell, feu, convey, and dispone as aforesaid may lawfully be exercised by all such Parties, not only on behalf of themselves and their respective Heirs, Executors, Administrators, and Successors, but also for and on behalf of every Person entitled under any Deed of Entail, or in Reversion or Expectancy after them, if incapacitated, unborn, or not to be found, and as to such Married Women as if they were sole, and as to such Tutors or Curators or Guardians on behalf of their Wards, and as to such Curators or Factors on behalf of the Lunatics and Idiots for whom they act respectively, and that to the same Extent as such Wives, Wards, Lunatics, and Idiots respectively could have exercised the same Power under the Authority of this Act if they had respectively been under no Disability, and as to such Trustees, Executors, and Administrators on behalf of the Infants, Issue unborn, Lunatics, Femes Covert, Creditors, or other Persons interested in such Lands, Estate or Interest therein, and that to the same Extent as such Parties or Persons respectively could have exercised the same Powers under the Authority of this Act if they had respectively been under no Disability.

Acceptance
of Compensa-
tion for
Price of or
Damage to
Lands.

XXI. And be it enacted, That the Owners of any such Lands, or of any such Estate or Interest therein as aforesaid, and all Parties by this Act enabled to convey any such Lands, may agree to accept, and subject to the Restrictions in this Act contained as to the Payment thereof may accept, Satisfaction for the Value of such Lands, or any Interest therein to which such Party shall be entitled; and in addition to Compensation for the Value of such Lands, or of the Interest therein to be so conveyed, such Parties shall be entitled to, and may in like Manner accept, Compensation for any Damage by them sustained by reason of the severing or dividing of such Lands or otherwise.

Amount of
Compensa-
tion to be as-
certained by
Valuation in
case of Par-
ties under
Disability.

XXII. And with respect to the Consideration Money, or annual Ground Rent or Feu Duty, to be paid for any Lands to be purchased or feued from any Party under any Disability or Incapacity, and not having Power to sell, feu, convey, and dispone except under the Provisions in this Act contained, and the Compensation Money to be paid for any permanent Damage or Injury to any such Lands, be it enacted, That such Consideration Money or Compensation Money, annual Ground Rent or Feu Duty, shall not be less than shall be determined by the Valuation of Two able practical Surveyors, one of whom shall be nominated by the Directors, and the other by the other Party, and if such Two Surveyors cannot agree in the Valuation, then by such Third Surveyor as any Two Justices of the Peace for the County of *Elgin* shall for that Purpose nominate; and each of such Two Surveyors, if they agree, or if not, then the Surveyor nominated by the said Justices, shall annex to the Valuation a Declaration of the Correctness thereof; and such Ground Rent or Feu Duty shall be paid to the Party who would have been entitled to the Rents and Profits of such Lands had the same not been so feued under the Authority of this Act.

XXIII. And

XXIII. And be it enacted, That all Conveyances of any Lands or of any such Estate or Interest therein, so to be purchased or acquired as aforesaid, shall be effectual to vest such Lands thereby conveyed in the Directors, and shall operate to bar and to destroy all such Entails, and all other Rights, Titles, Reversions, Limitations, Trusts, and Interests whatsoever of and in such Lands comprised in such Conveyances as shall have been purchased, acquired, or compensated for by the Consideration therein mentioned, and shall constitute a good, sufficient, and effectual Title to such Lands in favour of the Directors.

Conveyances to be valid.

XXIV. And for the Purpose of providing for the Deposit and Application of the Purchase Money or Compensation Money to be paid in respect of any such Lands which may belong to Parties under Disability, be it enacted, That if any such Purchase Money or Compensation Money shall be payable in respect of any such Lands, or any Interest therein, which any Corporation, Tenant for Life, or Heir of Entail, Husband seised by the Courtesy or for any other partial or qualified Estate or Interest, Married Woman seised in her own Right or entitled to Terce or other Interest therein, Tutor or Curator for a Minor or for any fatuous or furious Person, Trustee, Executor, or Administrator, or Person under any Disability, shall be entitled to, and shall, under the Provisions of this Act, be enabled to convey or dispose of, the same shall, if it amount to or exceed the Sum of Two hundred Pounds, be paid under the Direction and by the Authority of the Court of Session into the Bank of *Scotland*, or Royal Bank of *Scotland*, or Bank of the *British* Linen Company, or Commercial Bank of *Scotland*, or National Bank of *Scotland*, and without Fee or Reward, to an Account to be opened in such Bank in the Name of "The Directors of *Milne's* Free School in the Town of *Fochabers*;" and such Money shall remain so deposited until the same be applied to some One or more of the following Purposes; (that is to say,) . . .

Purchase Money payable to Parties under Disability, amounting to 200*l.*, to be deposited in Bank.

Application thereof.

In the Purchase or Redemption of the Land Tax or the Discharge of any Debt or Incumbrance affecting the Land in respect of which such Money shall have been paid, or affecting other Lands settled therewith to the same or the like Uses, Trusts, or Purposes; or

In the Purchase of other Lands; to be conveyed, limited, and settled upon the like Uses, Trusts, and Purposes, and in the same Manner, as the Lands in respect of which such Money shall have been paid stood settled; or,

If such Money shall be paid in respect of any Buildings acquired under the Authority of this Act, in replacing such Buildings, or substituting others in their Stead, in such Manner as the said Court of Session shall direct; or

In Payment to any Party becoming absolutely entitled to such Money.

XXV. And be it enacted, That such Money may be so applied as aforesaid upon an Order of the Court of Session made on the Petition to be preferred in a summary Way by the Party who would have been entitled to the Rents and Profits of the Lands in respect of which such Money shall have been deposited, and until the Money can be so applied the Interest or annual Produce of such Money may,

Orders for Application.

upon the like Order, be paid to such Party who would have been entitled to the Rents and Profits of the said Lands.

Sums from
20*l.* to 200*l.*
to be depo-
sited, or in-
vested in
Trustees.

XXVI. And with respect to any such Purchase or Compensation Money which shall not amount to the Sum of Two hundred Pounds, and shall exceed the Sum of Twenty Pounds, be it enacted, That the same shall either be paid into One of the Banks aforesaid, and applied in the Manner herein-before directed with respect to Sums amounting to or exceeding Two hundred Pounds, or the same may lawfully be paid to Two Trustees to be nominated by the Parties entitled to the Rents and Profits of the Lands in respect whereof the same shall be payable, such Nomination to be signified by Writing under the Hands of the Parties so entitled; and in case of the Coverture, Infancy, Lunacy, or other Incapacity of the Parties entitled to such Monies, such Nomination may lawfully be made by their respective Husbands, Guardians, Curators, Factors, or Trustees; but such last-mentioned Application of the Monies shall not be made unless the Directors approve thereof, and of the Trustees named for the Purpose, such Approval to be signified in Writing under their Hands, or of any Two or more of them; and the Money so paid to such Trustees, and the Produce arising therefrom, shall be by such Trustees applied in the Manner herein-before directed with respect to Money paid into any of the Banks aforesaid, but it shall not be necessary to obtain any Order of the Court for that Purpose.

Sum not
exceeding
20*l.* to be
paid to
Parties.

XXVII. And with respect to any such Money which shall not exceed the Sum of Twenty Pounds, be it enacted, That the same shall be paid to the Parties who would for the Time being have been entitled to the Rents and Profits of the Lands in respect whereof the same shall be payable, for their own Use and Benefit; or in case of the Coverture, Infancy, Idiocy, Lunacy, or other Incapacity of any such Parties, then such Money shall be paid, for their Use, to the respective Husbands, Guardians, Curators, Factors, or Trustees of such Persons.

Funds be-
queathed to
be vested
in the Cor-
poration.

XXVIII. And be it enacted, That from and after the passing of this Act all the Monies so bequeathed by the said *Alexander Milne*, or other Gifts or Bequests to be made or given as aforesaid, shall be vested in the Corporation hereby created, and for that Purpose the Person who shall be in Possession of, or in whose Name the same Monies or other Gifts and Bequests shall stand or be secured, shall forthwith transfer or assign the same, so and in such Manner as that the same shall be vested in the said Corporation hereby created, and thereupon the Directors shall and may grant Discharges therefore; and such Discharge shall be effectual for fully exonerating such Person from all Action, Suit, Claim, or Demand in any way whatsoever in respect of the said Monies, Gifts, or Bequests.

Monies to be
invested.

XXIX. And be it enacted, That it shall be lawful for the Directors, when and so soon as the said Monies, Gifts, or Bequests shall have been so transferred and assigned as aforesaid, to invest the same, or so much and what Portions thereof as they may think necessary, in the Purchase of Lands situate in *Scotland*, or in Heritable Securities in *Scotland*, or in the Purchase of Government Stock or Stock of the

Bank

Bank of *England*, and to change or alter any of the Investments or Securities of the Corporation, and again to re-invest the same, when they shall deem the same to be necessary, for the Benefit of the Corporation.

XXX. And be it enacted, That it shall be lawful for the Directors from Time to Time to sell such Portion of the Lands or Stocks, Funds or Securities, of the Corporation as they may think necessary, and at their Discretion, out of the Produce of such Sales, to purchase or feu a convenient Piece of Land, and thereon erect, construct, or lay out such School Houses, Teachers Houses, and Houses for others the Officers and Servants of the Corporation, and other Conveniences, including therein Gardens and Play Grounds, as they may think proper, and suitably furnish the same, and from Time to Time to alter, repair, enlarge, improve, or renew all or any of the before-mentioned Houses or Conveniences, or substitute others in their Place.

Directors may sell Lands, &c.; how Proceeds to be applied.

XXXI. And be it enacted, That the Rents, Profits, and Interests to arise from any Lands, Stocks, Funds, or Securities belonging to the Corporation shall be applied at the Discretion of the Directors in such Manner as they may think best suited for the Purposes of Education at the said Free School of Children residing in the said Parishes of *Bellie* and *Ordifish*, and in paying the Salaries and Allowances of the Treasurer, Teachers, Officers, or Servants of the Corporation, or the Charges of any Person employed therein, and generally in carrying all or any of the Purposes of this Act into execution.

Revenue how to be applied.

XXXII. And be it enacted, That it shall be lawful for the Directors to set apart, out of the said Rents, Profits, or Interest, such reasonable Sum as they shall think proper for Premiums to Scholars, not exceeding in any One Year the Sum of Thirty Pounds.

Directors may set apart Sums for Premiums.

XXXIII. And be it enacted, That it shall be lawful for the Directors to admit to the Benefits of the said Free School such other Persons not residing in the said Parishes, and on the Payment of such Fees for the Use of the Corporation as they may think proper, but so as not to interfere with the Objects of the said Free School.

Directors may admit certain Persons to the Schools.

XXXIV. And be it enacted, That in the event of the Parish School of the said Parishes of *Bellie* and *Ordifish* being removed from the said Town of *Fochabers* to such a Situation in the said Parishes as the Directors shall consider to be more accessible to any considerable Portion of the Inhabitants of the said Parishes living at a Distance from the said Free School to be established in the said Town of *Fochabers*, it shall be lawful for the Directors, if in their Opinion there be a sufficient surplus Income for that Purpose, after fully and efficiently providing for the Objects of the said Free School, to pay to such Parish Schoolmaster, out of the Funds under their Control, such a Sum of Money, not exceeding Forty Pounds in any one Year, as they shall think fit, subject to the Condition that such Parish School shall be a Free School, and such other Conditions and Regulations as the Directors shall think best calculated to promote the free Education at the said Parish School of that Portion of the Inhabitants of the said Parishes.

In case the Parish School is removed from Fochabers, Directors may pay Schoolmaster not exceeding 40*l.* a Year.

XXXV. And

Indemnity of
Directors.

XXXV. And be it enacted, That the Directors by being Party to, or making, signing, or executing, in their Capacity of Directors, any Contract or other Instrument on behalf of the Corporation, or otherwise lawfully executing any of the Powers given to the Directors, shall not be subject to be sued or prosecuted, either collectively or individually, by any Person whomsoever, and the Persons or Properties of the Directors, or any of them, shall not be liable to the Execution of any legal Process by reason of any Contract or other Instrument so entered into, signed, or executed by them or any of them, or by reason of any other lawful Act done by them or any of them in the Execution of any of their Powers as Directors; and the Directors, their Heirs, Executors, and Administrators, shall be indemnified, out of the Funds, Means, or Estates of the Corporation, for all Payments made or Liability incurred in respect of any Acts done by them, and for all Losses, Costs, and Damages which they may incur in the Execution of the Powers granted to them; and the Directors for the Time being of the Corporation shall apply the existing Funds and Capital of the Corporation for the Purposes of such Indemnity.

Sheriff not
disqualified
from acting.

XXXVI. And be it enacted, That the Sheriff of the said County or his Substitute, or their Successors in Office, shall not, by reason of their being appointed or acting as Directors under this Act, be incapacitated or disqualified from exercising all competent Jurisdiction in Matters relating to this Act in as full and free a Manner as if they had not been appointed or acting as aforesaid.

Expences of
recovering
Legacy and
Act how to
be paid.

XXXVII. And be it enacted, That all the Costs and Expences necessarily and reasonably incurred in the legal and other Proceedings for establishing the Right to and realizing the foresaid Legacy, so far as not recovered from the said *Alexander Milne's* Executors, and all the Costs and Expences regarding the Recovery of the Funds, and attending the applying for, obtaining, and passing this Act, shall be paid out of the Funds of the Corporation in preference to all other Payments whatsoever.

Interpret-
ation of
Act.

XXXVIII. And be it enacted, That in this Act the following Words and Expressions shall have the several Meanings hereby assigned to them, unless there be something in the Subject or Context repugnant to such Construction; (that is to say,) the Singular Number shall include the Plural Number, and Words importing the Plural Number shall include the Singular Number, and Words importing the Masculine Gender shall include Females; the Word "Lands" shall mean all Houses, Tenements, and Heritages, of whatsoever Kind and Tenure; and the Word "Corporation" shall mean the Corporation hereby established; and the Expressions "the Directors" and "the Secretary" shall mean the Directors and the Secretary respectively of such Corporation.

Public Act.

XXXIX. And be it enacted, That this Act shall be deemed to be a Public Act, and shall be judicially taken notice of as such.