



CHAPTER 8.

An Act to incorporate the Trustees of the deceased Barbara Walker and Mary Walker, of Coates in the county of Midlothian, and to enable them to raise Money, and otherwise better to carry into effect the objects of the Trust. A.D. 1877.
—
[6th August 1877.]

WHEREAS the deceased Barbara Walker and Mary Walker, both of Coates in the county of Midlothian, by their joint trust disposition and settlement, dated the tenth day of July one thousand eight hundred and fifty, gave, granted, assigned, and disposed to and in favour of the Right Reverend Charles Hughes Terrot, Doctor of Divinity, Bishop of the Edinburgh Diocese of the Episcopal Church in Scotland, the Venerable John Sinclair, Archdeacon, and Vicar of Kensington, and William Bernard Ainslie, Captain in Her Majesty's Ninety-third Regiment of Foot, Oneziphorus Tindal Bruce, of Falkland, and John Phin, Solicitor in the Supreme Courts of Scotland, and to the acceptors or acceptor, survivors or survivor of them, and to such other persons as might thereafter be named by them, the said Barbara Walker and Mary Walker, or the survivor of them, or assumed in manner therein-after mentioned (the major part accepting surviving and within Great Britain at the time being always a quorum) as trustees for the ends, uses, and purposes therein referred to, and to their assignees, all and whole those parts and portions of the lands of Coates and Drumseugh therein mentioned, and the several other lands and other heritable estate therein described, as also all and sundry other lands and heritages, goods, gear, debts, and sums of money, and in general the whole means, estate, and effects, heritable and movable, real and personal, of what kind or nature soever or wheresoever situated, then addebted or which should belong or be addebted to them, or either of them, at the time of the decease of the survivor of them, with the whole vouchers and instructions, writs, titles, and securities of and concerning their said estate and effects, and all

Disposition
and Settle-
ment by
Barbara
Walker and
Mary
Walker, 10th
July 1850.

A.D. 1877.

that had followed or might be competent to follow thereon, save and except what they, or either of them, might thereafter convey specially by any separate deed or deeds, dispensing with the generality foresaid and admitting the same to be equally good and effectual as if every particular of their said estate not otherwise disposed of was therein particularly described, together with all right, title, and interest which they, or either of them, or their predecessors and authors, heirs and successors, had or could any way pretend to all or any part of the subjects generally and particularly therein-before disposed, but always with and under the burdens, provisions, conditions, declarations, or others specified or referred to in the respective title deeds thereof, and they thereby mutually bound and obliged themselves, and their respective heirs and successors, to grant all necessary deeds in favour of the said trustees, and the acceptors and acceptor, survivors and survivor, and others as aforesaid, for infesting them in the subjects generally thereby disposed, and nominated and appointed their said trustees to be the sole executors of the survivor of them, but they thereby declared that the said trust disposition and settlement was granted, and to be accepted of by the said trustees and their foresaids after the death of the survivor of them, in trust always for the ends, uses, and purposes after specified, viz. :—First, for payment of all their just and lawful debts, deathbed and funeral expenses, and the expense of executing that trust. Second, for the payment of all such legacies, annuities, or bequests, as they or either of them might appoint by any deed, codicil, or memorandum clearly expressive of their will, or the will of either of them, and that whether holograph or written by another and duly executed. Third, after the purposes therein above expressed have been implemented and fulfilled, then for the farther ends, uses, and purposes to be specified in any settlements, deeds of instructions, or other writings, to be executed by them, or the survivor of them, at any time of their joint or respective lives, with the several powers and faculties in favour of the said trustees particularly set forth in the said trust disposition and settlement, and, inter alia, with power to the said trustees from time to time, as they might judge it expedient, to nominate and assume such other person or persons as they should think fit to be a trustee or trustees along with them and after their decease, declaring that the powers and privileges of such assumed trustee or trustees should be as extensive, and their acts and deeds, in regard to the said trust estate and effects, as valid and effectual as if their names had been therein inserted and conjoined with those of the other trustees therein-before named, and for that end the said trustees, or the survivors, acceptors, or others aforesaid,

should make and grant such deed or deeds of conveyance as were necessary and sufficient by law for vesting in such assumed trustees or trustee, in conjunction with themselves, or in their places after their deaths, the whole trust estate and effects, with the powers and faculties, and subject to the burdens, conditions, and declarations therein contained or referred to, but reserving always, not only their own and the survivor's liferent of the estate and effects thereby conveyed, and power to said survivor, without prejudice thereto, to obtain herself feudally vested therein by service or otherwise, but also full power to them jointly, and to the survivor of them, to recall the appointment of all or any of the trustees therein-before named, to appoint such others as they or said survivor might think fit to act along with them or in their or any of their places, with the powers and privileges, and under the conditions and for the purposes therein-before specified or referred to, and generally full power to them, during their joint lives, and thereafter to the survivor during her life, and that even on death-bed otherwise to alter, vary, innovate, or revoke the said trust disposition and settlement, in whole or in part, and to supersede, cancel, or alter, in whole or in part, all such deeds of instructions or other writings executed or to be executed by them, or either of them as aforesaid, and that in such way and manner as they, or the survivor of them, might from any cause think proper, declaring that neither the said trust disposition and settlement nor any other deeds or other writings to be executed as aforesaid, nor any additions to or alterations of the same, should be in force or acted on by the said trustees or others to be named or assumed as aforesaid during the life of such survivor :

And whereas the said Barbara Walker and Mary Walker duly executed a deed of directions, dated the twelfth day of August one thousand eight hundred and fifty, whereby, after referring to the said herein-before recited joint trust disposition and settlement, and a deed of instructions of the same date, as to payment of legacies and annuities and other matters, but which deed of instructions was afterwards recalled and others substituted, they declared that so far as not otherwise disposed of by them, or either of them, or by any deed or writing whether prior or subsequent to the date of the deed now in recital, the aforesaid trust disposition and settlement was granted and to be accepted by their said trustees for the farther uses, ends, and purposes therein-after specified, that is to say, after fulfilling the whole purposes specified in the foresaid trust disposition and settlement, and the foresaid deed of instructions or such other or farther deeds or instructions as they, or the survivor of them, might appoint by any writing under their hand, then they

A.D. 1877.

Deed of
directions
by Barbara
Walker
and Mary
Walker, 12th
Aug. 1850.

A.D. 1877. appointed the following directions to guide their said trustees in the disposal and management of the residue of their said means and estate:—First, as soon after the death of the survivor of them as could conveniently be accomplished, their said trustees should make up a complete state of their affairs, and in the event of their debts and legacies exceeding the amount of their personal funds however invested, they directed the deficiency to be made up from the annual proceeds of their heritable estate, it being their express wish and intention that their estate of Coates and Drumseugh should be preserved entire for the purposes of the permanent trust therein-after created, subject, however, to the burden of any annuities directed by them to be paid. Second, so soon as the said debts and legacies had been paid or provided for in conformity to the terms of the bequests, they directed and appointed their said trustees to make up and subscribe a full account and report of their intromissions, payments, and transactions under the said trust, and on the same being subscribed by them, they declared that it should be held and received at all hands as free from all objections and as conclusive evidence of what was so set forth and approved of by them, or the majority of them, as the due fulfilment of the trust reposed in them; and they directed and appointed the said account and report so made up to be written in a book, and that there should be annexed to it in that book a full copy of the said trust deed and of the deed now in recital, and of all the titles of property, heritable and personal, of every description which at the date of the said report should constitute the right and title in their own names to the whole trust estate, stocks, debts, and others of whatever description or denomination then held by them, and the said trust estate being so fully shown and recorded, they directed and appointed their said trustees to cause their agent for the time to lay the said record, with a proper explanatory memorial, before the Lord Advocate of Scotland and the Dean of the Faculty of Advocates for the time being, in order to obtain their counsel and direction on the most expedient and valid mode by which the said trustees might divest themselves of the said trust estate then held by them, and dispoise and convey the same in the most secure and valid form to the persons therein-after mentioned as permanent trustees (but in conjunction with themselves during their respective lives), for the ends, uses, and purposes after specified, or that might be farther directed by them, viz., to the Right Reverend the Bishop of the Episcopal Church in Scotland for the Diocese of Edinburgh, and his successors in office, while in office, the Very Reverend the Dean of Edinburgh and his successors in office, while in office, the Lord Provost of the city of Edinburgh, and his successors in office, while in office, the senior Deputy Keeper of Her

Majesty's Signet for Scotland, and his successors in office, while in office, and the Treasurer of the Bank of Scotland, and his successors in office for the time, while holding the said office, or to the acceptors or acceptor of them, the majority accepting being a quorum, but in trust always for the uses, ends, and purposes after specified, declaring that by the Episcopal Church in Scotland, they, the said Barbara Walker and Mary Walker, meant the church of which the said Charles Hughes Terrot was then Bishop of Edinburgh, and they desired that their said trustees, after duly consulting with said counsel, should be absolute and final judges of the import and meaning of the trust and of the effect to be given thereto, according to their sound discretion, without any limitation whatever: And they authorised and empowered their said trustees to make and execute all deeds, and to do all acts necessary to complete the trust, the purposes of which were in the said deed of directions now being recited stated in the words and figures following; that is to say, "First, the said trustees and their foresaids shall hold the said
" estate and other means and effects in trust, and shall preserve the
" full investment and security thereof in themselves as trustees,
" and in the succeeding trustees, by doing all acts and granting all
" deeds necessary therefor, and that may by them be deemed
" advisable, to consolidate the estate by acquiring rights or property
" adjoining to or connected with the lands of Coates and Drumseugh
" in lieu and place of what is separate therefrom. Second, the
" said trustees shall manage, let, grant feu rights, and dispose of
" the said trust estate and others, so as to obtain the best annual
" rent and value therefrom, and receive the feu duties, rents,
" casualties, interest, dividends, and profits therefrom regularly, and
" pay all charges and expenses thereon, and for these purposes they
" shall be entitled to appoint factors and managers under them.
" Third, the said trustees shall, within three months after the
" thirty-first day of December of every year, cause a full account to
" be made up shewing the lands, heritages, stocks, bonds, and other
" capital held by them generally; second, the rental, feu duties,
" income, dividends, interest, and other annual proceeds from the
" said trust estate and others during the year preceding the said
" thirty-first day of December of each year, together with the
" arrears, and on the other hand, the whole burdens, annuities, and
" charges on the said estate and others, and expenses of manage-
" ment, and to fix and ascertain the free income and proceeds
" remaining in their hands at the said thirty-first day of December
" of every year, and which account shall then be signed and
" approved of by the said trustees, or by a majority of the said
" trustees acting for the time, and being so signed shall be held

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“ and received as finally settled and free from challenge in the
“ same manner as if it had been signed and approved of by our-
“ selves, unless specific objections be stated thereto in writing
“ within one month by a party having interest. Fourth, so soon as
“ each yearly account is so made up and closed, and the free income
“ so fixed, the said trustees who have so examined and approved
“ of the account and signed the same shall each receive ten guineas
“ from the free income of that year then in their hands, and shall
“ cause the balance to be paid into a special account to be opened
“ in their name with the Bank of Scotland, and so soon as the amount
“ so deposited shall amount to twenty thousand pounds the said
“ trustees shall proceed to obtain the plan of a chapel fitted to
“ contain fifteen hundred sitters, and shall set apart an area on the
“ trust estate of Coates or Drumseugh for building the said chapel
“ upon, and shall proceed to have the said chapel built and erected
“ in a handsome and substantial style of architecture at an expense
“ of thirty thousand pounds, or such other sum as our foresaid
“ trustees, after due deliberation, may approve of; and for payment
“ of that expense they shall first apply the above accumulated sum
“ of twenty thousand pounds, and thereafter the whole free annual
“ income of the said trust funds subsequently received by them, till
“ the expense of the said chapel is fully paid and discharged, and,
“ from respect to the memory of our mother, we request that the
“ said chapel may be called by the name of Saint Mary. Fifth,
“ after the said chapel has been so completed and free we direct
“ and appoint our said trustees to request of the Right Reverend
“ the Bishop and the Very Reverend the Dean of Edinburgh for
“ the time being to prepare the draft of a deed of constitution for
“ the said chapel as an integral part and branch of the Episcopal
“ Church in Scotland, specifying the order for the election of a
“ minister or ministers to officiate therein, and of the other officers
“ therefor, and the amount of salary or yearly income to be paid to
“ each, partly out of the rents to be obtained from seats let in the
“ said church or chapel, and from the farther sum of seven hundred
“ pounds a year which we direct and appoint our foresaid trustees
“ to secure and pay yearly to the minister or ministers officiating in
“ the said chapel, as directed by said report when approved of, and
“ as provided for in the next direction. Sixth, we direct and
“ appoint that the said draft for the constitution of the said chapel
“ being so prepared, the same shall be submitted to the clergymen
“ forming the diocese of Edinburgh for such revisal and improvement
“ as may be by them judged suitable, and when finally adjusted we
“ direct, in the first place, that our foresaid trustees shall pay to the
“ bishop who prepared the draft of the constitution the sum of

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“ seventy pounds and to the dean thirty pounds for their trouble,
“ and next that our said trustees shall dispoise and make over the
“ said chapel and area (in such due and competent form as may be
“ advised) to the parties pointed out by the said adjusted report,
“ and farther that our said trustees shall pay or secure to be paid
“ from the income and proceeds of the trust funds and estate held
“ by them the foresaid sum of seven hundred pounds a year as
“ before pointed out. Seventh, for farther advancement of the
“ Episcopal Church in Scotland we direct and appoint that our said
“ trustees shall pay to the said bishop and the dean and ministers
“ of the diocese of Edinburgh the sum of three hundred pounds a
“ year to be laid out as bursaries for advancing the improvement
“ of the education of three young men upwards of fourteen years of
“ age who have previously been distinguished for talent, industry,
“ and good conduct in their studies for the Episcopal Church in
“ Scotland. Eighth, we likewise direct and appoint our said
“ trustees to pay from the income of the said trust to the minister
“ or senior minister of said chapel to be built as aforesaid the sum
“ of one hundred pounds a year to be applied by him for the relief
“ of any persons who have been communicants in the said chapel,
“ and may be afflicted with incurable disease, and may be in want
“ of means, but that in annuities not exceeding ten pounds a year
“ to any one individual, and only during good behaviour, and in so
“ far as not so required the balance may be laid out for other
“ charitable purposes. Ninth, from respect to the memory of our
“ father, and also of our grandfather, the Reverend George Walker,
“ of the Episcopal Chapel at Old Meldrum, we direct our said
“ trustees to pay to the bishop of the diocese within which that
“ chapel is situated the sum of fifty pounds a year, to be applied
“ under the superintendence of the vestry to the support of that
“ chapel in repairs, minister’s salary, or otherwise, as may be con-
“ sidered most expedient, and in the event of the parties before
“ mentioned differing in opinion as to the allocation of said annual
“ sum, the matter shall be decided by our said trustees, from whose
“ decision there shall be no appeal. Tenth, considering that it is
“ our express wish and intention that the residue of our means and
“ estate should be appropriated for the benefit of the Episcopal
“ Church in Scotland, we hereby declare the said church to be our
“ heir and residuary legatee under the perpetual management of
“ the trust hereby created, and we accordingly direct our said
“ trustees to apply the said residue, that is to say, the free annual
“ income thereof, to the maintenance and support of said church,
“ and that either by erecting and endowing additional chapels in
“ Scotland where they may be found necessary, or aiding chapels

A.D. 1877. — “ already erected, by paying part of the minister’s stipend, or by
 “ executing repairs on the said chapels, or by founding additional
 “ bursaries similar to those described in Article Seventh of these
 “ presents, and in such other way as may be considered by our said
 “ trustees acting for the time best calculated to promote the objects
 “ which we have in view :”

Codicil of
 Barbara
 Walker and
 Mary
 Walker, 21st
 April 1858.

And whereas the said Barbara Walker and Mary Walker duly made a codicil, dated the twenty-first day of April one thousand eight hundred and fifty-eight, and thereby declared that they made the following additions to the last-recited deed of directions, which additions were in the words and figures following ; that is to say,
 “ First, in reference to the chapel or church to be built under clause
 “ fourth we are of opinion that the sum of thirty thousand pounds
 “ there mentioned may not be sufficient for the object in view, and
 “ therefore we recommend to our trustees to delay taking proceed-
 “ ings in the matter till they have accumulated a sum of thirty
 “ thousand pounds, and they may expend the sum of forty thousand
 “ pounds, or such further sum as may be considered expedient, in
 “ the erection and completion of said church, and it is our wish that
 “ said church may be called the Cathedral Church of Saint Mary.
 “ Second, considering that certain divisions or differences of opinion
 “ at present exist in the Episcopal Church in Scotland, and it being
 “ our express wish and intention that the whole estate, funds, and
 “ effects provided by us for said church shall be applied solely to
 “ the support of pure Protestant doctrines, therefore we do hereby
 “ declare that in the event of differences on doctrine or church
 “ government unhappily proceeding such length as to cause a
 “ separation of or disruption among its congregations, then we
 “ declare that the said trust funds shall belong to that division or
 “ section of the Episcopal Church in Scotland which may adhere
 “ most closely to our views and wishes as herein expressed, and all
 “ questions, disputes, and differences on these points shall, as they
 “ severally and successively arise, be submitted to the amicable
 “ decision of their Graces the Archbishop of Canterbury, the Bishop
 “ of London, the Bishop of Durham, the Bishop of Winchester,
 “ and the Bishop of the Diocese of Edinburgh of the Episcopal
 “ Church in Scotland, all for the time being, declaring hereby that
 “ they shall be the sole judges of the matters submitted, and that
 “ their decision, or the decision of the major part of them, shall be
 “ final, and not subject to appeal :”

And whereas the said Barbara Walker died on the twenty-third day of March one thousand eight hundred and fifty-nine without having made or joined in making any other codicil or deed of directions :

And whereas the said Mary Walker duly made a codicil, dated the first day of September one thousand eight hundred and fifty-nine, and thereby after noticing that her sister had predeceased her, she directed that the trustees appointed by the trust disposition and settlement before specified should include the Dean of the Faculty of Advocates for the time being as one of the trustees for executing the permanent trust directed to be created by the herein-before recited deed of directions, and she made the following further addition to the said deed of directions and codicil, such further addition being in the words and figures following; that is to say, "In the event of the minister of the church to be built by the trustees in Edinburgh becoming unable from any cause to perform the duties of the ministry, he shall retire on such annual allowance as may be fixed by the said trustees:"

A.D. 1877.

Codicil of
Mary
Walker, 1st
Sept. 1859.

And whereas the said Mary Walker executed another deed of directions, dated the twenty-fifth day of February one thousand eight hundred and sixty, and thereby directed payment to the said William Bernard Ainslie and John Phin, or other the trustees or trustee named or assumed for the purposes therein-after mentioned, of the sum of three thousand pounds, in trust for William Drummond, then in Australia, and his wife and children, as therein mentioned, and failing such children and their issue the said sum to revert to her estate:

Deed of
directions
by Mary
Walker, 25th
Feb. 1860.

And whereas by a supplementary trust disposition and settlement of the said Mary Walker, dated the first day of August one thousand eight hundred and sixty-four, after noticing the death of the said Barbara Walker, the said Mary Walker, without prejudice to the herein-before recited trust disposition and settlement, gave, granted, assigned, and disposed to and in favour of the said Charles Hughes Terrôt, John Sinclair, William Bernard Ainslie, and John Phin (the said Oneziphorus Tindal Bruce being then deceased), and such other person or persons as might be thereafter named by her or assumed, and the acceptors or acceptor, and survivors and survivor of them, as trustees or trustee for the ends, uses, and purposes therein-after referred to, and to their or his assignees, all and sundry lands and heritages, goods and gear, debts and sums of money, and in general the whole estate and effects, heritable and movable, real and personal, of every description, and wheresoever situated that should happen to pertain and belong, or be addebted or resting owing to or vested in her, and in or to which she should have right in any manner of way at the time of her death, together with the whole writs, titles, and securities, and other vouchers and instructions of and concerning the same, and particularly, but without prejudice to the said general conveyance, the heritable office of usher therein

Supple-
mentary
trust dispo-
sition and
settlement
of Mary
Walker, 1st
Aug. 1864.

A.D. 1877. and herein-after described, and that she thereby nominated and appointed the said Charles Hughes Terrot, John Sinclair, William Bernard Ainslie, and John Phin, and such other person or persons as might be thereafter named by her or assumed, and the acceptors or acceptor, and survivors or survivor, to be her executors or executor with all the powers and privileges competent to the office of executor, declaring that the majority of the trustees and executors accepting surviving and within Great Britain for the time being should be a quorum, and that the acceptors or acceptor, and survivors and survivor, and the quorum foresaid of the said trustees and executors, were all therein-after denominated "my trustees," but that it was thereby provided and declared that the said supplementary deed was granted and to be accepted of by her said trustees in trust allenarly for the ends, uses, and purposes therein-after mentioned and referred to, viz. :—First, for the purpose of paying all her just and lawful debts and those of her said deceased sister (if any be), and her deathbed and funeral expenses; and the expenses of and connected with the execution of that trust. Second, for the purpose of paying the legacies, annuities, and bequests, and implementing the other objects and purposes specified or mentioned in the deeds and writings therein mentioned, including the said deed of directions dated the twenty-fifth day of February one thousand eight hundred and sixty, and also for the execution and fulfilment of such other or farther directions, objects, or purposes as might be thereafter specified by her in any deed of directions, codicil, or other writing which she might execute in relation to the disposal of her means and estate, or any part thereof, after her death; and Third, after implement and fulfilment or sufficient provision being made for implementing and fulfilling of the whole objects and purposes of and contained in the several deeds and writings executed or to be thereafter executed by her as aforesaid, then for the farther ends, uses, and purposes specified in the herein-before stated deed of directions of the twelfth day of August one thousand eight hundred and fifty, and the aforesaid codicil thereto of the twenty-first day of April one thousand eight hundred and fifty-eight, and the aforesaid other codicil thereto of the first day of September one thousand eight hundred and fifty-nine, and in any farther codicil or other writing relative to the said last-mentioned deed of directions that she might thereafter execute; and by the said supplementary deed now in recital the said Mary Walker gave and committed to her trustees the whole powers and authorities of every description conferred on the trustees and executors under the foresaid trust disposition and settlement by her said sister and herself, all which were thereby ratified, confirmed, and declared to be applicable to

the trust created by the supplementary deed now in recital, and were thereby specially referred to and held as repeated brevitatis causa: A.D. 1877.

And whereas the said Mary Walker duly made another codicil, dated the seventeenth day of August one thousand eight hundred and sixty-four, and thereby made further explanations and additions to the aforesaid original deed of directions of the twelfth day of August one thousand eight hundred and fifty, which explanations and additions were in the words and figures following; that is to say, “ In reference to Article Third of said directions, I direct that, “ before the annual accounts of the trustees be signed by them as “ correct, the whole, with the relative vouchers, shall be examined “ and audited by a professional accountant. In reference to Article “ Fourth of said directions, it is my intention not to limit the “ trustees to the Bank of Scotland alone for investing or accumu- “ lating funds, but that they shall have power to make such other “ investments as they may consider safe and advisable. In reference “ to Article Fifth of said directions, I authorise the trustees, in “ the event of their considering it expedient to do so, to increase “ the allowance to the minister or ministers officiating in the church “ referred to from seven hundred to one thousand pounds a year. In “ reference to Article Ninth of said deed of directions, I direct that “ instead of paying fifty pounds a year for the Episcopal Chapel “ at Old Meldrum my trustees shall pay over a capital sum of “ five hundred pounds to be applied for the benefit of said chapel as “ the bishop of the diocese and the vestry of the said chapel may “ consider most expedient. In reference to Article Tenth of said “ directions, I hereby declare that in the extension and endowing “ of episcopal churches or chapels in Scotland, or in aiding the “ same, the city of Edinburgh shall always be considered as having “ a prior claim. Lastly, it is my wish that the office of Heritable “ Usher of the White Rod, presently vested in me, shall not be sold “ or disposed of, but that the same shall be held by my said trustees, “ with power to appoint a deputy to officiate for them if that be “ competent and thought expedient:”

Codicil of
Mary
Walker, 17th
Aug. 1864.

And whereas the said Mary Walker executed a further deed of instructions, dated the twenty-ninth day of February one thousand eight hundred and sixty-eight, and thereby directed that the trust deeds herein-before recited should be accepted and held by the trustees under the same for the farther ends, uses, and purposes therein mentioned, being the payment of certain life annuities and legacies, and the execution of a feu charter of a certain house, No. 11, Chester Street, in favour of the said William Bernard Ainslie:

Deed of
instructions;
by Mary
Walker, 29th
Feb. 1868.

A.D. 1877.

Codicil of
Mary
Walker, 29th
Feb. 1868.

And whereas the said Mary Walker duly made another codicil, dated the twenty-ninth day of February one thousand eight hundred and sixty-eight, in the words and figures following; that is to say, “Considering that since the date of the preceding deed of directions and codicil my means and estate have greatly increased, and that my trustees will immediately come into possession of such funds as will justify their obtaining plans of the proposed church with a view to proceeding with its erection, I therefore think it right to explain that a site for the same has been reserved at Old Coates to the west of Melville Street, and it is my wish that no building should be connected with said church or erected so near as to interfere with its architectural effect, and that for the sake of preserving the amenity of the said church, as well as of the streets on my estates of Coates and Drumseugh, there should be no thoroughfare for carriages or horses from Melville Street by either side of said church. Farther, in reference to the immediately preceding codicil, in which I state that in the extension and endowing of episcopal churches or chapels in Scotland, or in aiding the same, the city of Edinburgh shall always be considered as having a preferable claim, I recommend to the consideration of my said trustees, the expediency of erecting an episcopal church or chapel in the eastern district of Edinburgh, to be in connection with the principal or cathedral church to be erected at Old Coates :”

Codicil of
Mary
Walker, 20th
Dec. 1869.

And whereas the said Mary Walker made a codicil, dated the twentieth day of December one thousand eight hundred and sixty-nine, to the said deed of directions of the twenty-ninth day of February one thousand eight hundred and sixty-eight, and thereby directed that, in the event of the marriage of the said William Bernard Ainslie, a sum of five thousand pounds should be set apart for the benefit of the said William Bernard Ainslie and his children, and on failure of issue surviving him or attaining majority the said sum was directed to revert to her estate :

Codicil of
Mary
Walker, 15th
Feb. 1870.

And whereas the said Mary Walker duly made another codicil, dated the fifteenth day of February one thousand eight hundred and seventy, in the words and figures following; that is to say, “Considering the importance of the plan of the church to be built by my trustees on my lands of Coates being well and deliberately considered before being adopted, I direct that plans for said church shall be invited by open competition by from four to six different architects, and that the plan most suitable for the site, and the sum to be expended on its construction, shall be adopted after my trustees shall have maturely considered it and taken the

“ best means for enabling them to come to a sound conclusion A.D. 1877.
 “ thereon :”

And whereas the said Mary Walker died on the fourth day of March one thousand eight hundred and seventy :

And whereas all the said deeds of directions and instructions, with the several codicils thereto, were recorded in the Books of Council and Session on the fifteenth day of March one thousand eight hundred and seventy : Deeds, &c.
recorded,
15th March
1870.

And whereas the said John Sinclair, William Bernard Ainslie, and John Phin, as the only surviving and accepting original trustees foresaid, procured themselves vest and seised in the heritable estate generally and particularly conveyed to them by the deeds before recited, and were as executors foresaid duly confirmed by the Commissary of Edinburgh, conform to testament testamentar in their favour, dated the twenty-sixth day of April one thousand eight hundred and seventy, and they realised certain parts of the personal estate vested in them as executors aforesaid, and made payment of all the just and lawful debts of the said Barbara Walker and Mary Walker so far as claimed or known to exist (excepting such as there might be under current transactions or in accounts with builders or others connected with the feuing of and building on the lands of Coates and others, which would fall to be embraced in the ultimate accounting with such parties), and also made payment of the deathbed and funeral expenses of the said Mary Walker, and the expenses of and connected with the execution of the trust, and also made certain advances to builders erecting houses on the said lands of Coates by way of loan in pursuance and implement of agreements to that effect prior to the death of the said Mary Walker :

And whereas before the execution of the deed of trust disposition and conveyance next herein-after recited, all the legacies payable under the deeds and codicils herein-before recited were paid, including the sum of three thousand pounds, which was paid to the said William Bernard Ainslie and John Phin, to be held in trust for the purposes and subject to the declarations of the said deed of twenty-fifth day of February one thousand eight hundred and sixty, and the feu charter in favour of the said William Bernard Ainslie was executed pursuant to the said deed of twenty-ninth of February one thousand eight hundred and sixty-eight :

And whereas the said trustees, in exercise of their powers of assumption, by deed of assumption dated the first and second, and recorded in the Books of Council and Session the third, days of November one thousand eight hundred and seventy-one, assumed the Right Reverend Henry Cotterill, Doctor of Divinity, then

A.D. 1877. Coadjutor Bishop of the Episcopal Church in Scotland for the Diocese of Edinburgh, as a trustee along with them under the herein-before recited trust disposition and settlement and supplementary trust disposition and settlement and deed of assumption:

And whereas a full account and report were made up of the intromissions, payments, and transactions of the said trustees under the said trust to the thirtieth day of April one thousand eight hundred and seventy-one (the same having before subscription been audited and reported as correct by a chartered accountant), and the said account and report were written in a book, and there was annexed to it in that book a full copy of the foresaid recited trust-deed and supplementary trust-deed, and of the said joint deed of directions and codicils thereto aforesaid, and of all the titles of property, heritable and personal, of every description, which, at the date of the said report, constituted the right and title to the whole trust estate, stocks, debts, and others of whatever description and denomination, then held by the trustees; and the said trust estate being so fully shown and recorded, the said record, with a proper explanatory memorial, was laid before the Lord Advocate and the Dean of the Faculty of Advocates for the time being, in order to obtain their counsel and direction in manner required by said joint deed of directions:

And whereas the said Oneziphorus Tindal Bruce died on the nineteenth day of March one thousand eight hundred and fifty-five:

And whereas by a deed of trust disposition and conveyance, dated the eighteenth and twenty-first days of November one thousand eight hundred and seventy-one, and registered in the Books of Council and Session at Edinburgh the tenth day of November one thousand eight hundred and seventy-six, and the draft of which deed was revised and adjusted by the said Lord Advocate and Dean of Faculty, the said John Sinclair, William Bernard Ainslie, John Phin, and Henry Cotterill, in pursuance of the said joint deed of directions of the twelfth day of August one thousand eight hundred and fifty, disposed and conveyed to and in favour of themselves, the said John Sinclair, William Bernard Ainslie, John Phin, and Henry Cotterill, the said Charles Hughes Terrot, Doctor of Divinity, Bishop of the Episcopal Church in Scotland for the Diocese of Edinburgh, and his successors in office, while in office, the Very Reverend Edward Bannerman Ramsay, Doctor of Laws, Dean of the said church in Scotland, for the diocese aforesaid, and his successors in office, while in office, the Right Honourable William Law, Lord Provost of the city of Edinburgh, and his successors in office, while in office, Edward Strathearn Gordon, Esquire, Member of Parliament, one of Her Majesty's Counsel learned in the Law,

Trust
disposition
and con-
veyance by
trustees of
Barbara
Walker
and Mary
Walker, 18th
and 21st
Nov. 1871.

A.D. 1877.
—

Dean of the Faculty of Advocates, and his successors in that office, while in office, James Hope, Esquire (senior and at present sole) Deputy Keeper of Her Majesty's Signet for Scotland, and his successors in office, while in office, and David Davidson, Esquire, Treasurer of the Bank of Scotland, and his successors in office for the time, while holding the said office (such successors in office being all chosen and appointed respectively in accordance with the constitution or rules and regulations for the time being of the church, corporation, or other body or institution foresaid in which they respectively hold the said offices), or the acceptors or acceptor of them, the majority accepting being a quorum, as trustees, and in trust alienably for the uses, ends, and purposes therein-after specified heritably and irredeemably, all and whole the lands and others therein-after described, and being the lands of which a description is contained in the First Schedule to this Act, as well the property as the superiority thereof vested in the said trustees, or any of them, or in or to which they, or any of them, had right as trustees aforesaid, and the whole other subjects and estate, heritable and movable, therein specially and generally described, and also all and sundry other lands and heritages, goods and gear, debts and sums of money, and in general the whole estate and effects, heritable and movable, real and personal, of every description, and wheresoever situated, belonging, addebted, or resting, owing to or vested in them, or any of them, as trustees aforesaid, and in or to which they, or any of them, had right as trustees or executors aforesaid, in any manner of way, and in particular without prejudice to the said general conveyance, the personal estate in the deed now in recital specially mentioned, and being the sums then held on the trusts declared by the several deeds and codicils herein-before recited, and which are now included in or represented by the personal estate mentioned in the Second Schedule to this Act, and assigned, transferred, and made over, and gave and committed to their said disponees and their foresaids, all the rights, powers, and privileges committed to and vested in them by the said trust deeds therein and herein-before recited in relation to the said trust estate, in so far as the same were transferable to them; but declaring always, and it was thereby expressly provided and declared, that the foresaid lands of Coates and Drumseugh first therein-before disposed were thereby disposed with and under the real and preferable burdens of the following annuities, being the annuities bequeathed by the said Mary Walker, then remaining payable, namely, the annuity of three hundred and fifty pounds to the said William Bernard Ainslie, the annuity of fifty pounds to Miss Margaret Burt, the annuity of fifty pounds to Jessie King, the annuity of twenty pounds to Margaret Oliphant,

A.D. 1877. and the annuity of fifteen pounds to Isabella Gray, payable in equal moieties in manner and at the terms therein mentioned during the respective lives of the said annuitants, and also of the principal sum of five thousand pounds to be set apart and held for the benefit of the said William Bernard Ainslie and his issue in the event of his marriage as aforesaid, and subject to the liabilities (if any) then still unsettled of the said Barbara Walker and Mary Walker, or either of them, or of the said trustees and executors: And it was thereby expressly provided and declared that the said deed was granted and that the whole lands and other subjects and estate, heritable and movable, specially and generally therein-before described were thereby disposed and conveyed to and were to be accepted by the said disponees and their foresaids in trusts allenary for the uses, ends, and purposes specified in the foresaid joint deed of directions by the said Barbara Walker and Mary Walker, with and subject to the additions thereto and alterations thereof specified in the codicils by them and by the said Mary Walker annexed thereto of the several dates therein-before mentioned, which purposes, as expressed by them in the said deed of directions in the words in the deed now in recital quoted and set forth, being the same words as are in this Act before quoted and set forth by way of recital from the said deed of the twelfth day of August one thousand eight hundred and fifty, the said codicil of the twenty-first day of April one thousand eight hundred and fifty-eight, the said codicil of the first day of September one thousand eight hundred and fifty-nine, the said codicil of the seventeenth day of August one thousand eight hundred and sixty-four, the said codicil of the twenty-ninth day of February one thousand eight hundred and sixty-eight, and the said codicil of the fifteenth day of February one thousand eight hundred and seventy, which whole purposes of the said joint deed of directions with and subject to the additions thereto and alterations thereof specified in the said several codicils thereto, all as therein aforesaid, were thereby specially declared to be real burdens upon and inherent restrictions and qualifications of the right of the said disponees and their foresaids to the trust estate, heritable and movable, specially and generally therein-before disposed and conveyed, and were as such thereby appointed to be verbatim engrossed or validly referred to in all the future dispositions, conveyances, and other writs whatsoever of the said heritable estate or any part thereof (excepting feu rights or the like writs to be granted by the said disponees or their foresaids) declaring that all such dispositions, conveyances, or other writs in which the same should not be so engrossed or referred to should be void and null, but providing and declaring always that the feuars from their said disponees and their foresaids, and the vassals and

A.D. 1877.

others then and thereafter to become liable in payment of the feu duties and casualties aforesaid, and the debtors whomsoever to the trust estate present and future, should be in no way affected by, and should have no concern with, or responsibility on account of, the several real burdens therein-before created or the objects or purposes of the trust or any of them, or the application of any moneys whatsoever payable or to become payable by them to the said disponees or their foresaids; and further that, in the event of a sale of the foresaid subjects situated in the ancient royalty of Edinburgh, the same should be deemed to be freed and disencumbered of the whole purposes of the trust and real burdens foresaid, and should not be affected thereby in any manner of way, and that the purchaser or purchasers thereof should have no concern or responsibility whatsoever in connexion therewith, and the said trustees gave and committed and transferred to their said disponees and their foresaids the whole transferable powers of sale in reference to the said last-mentioned property conferred on the said trustees by the said trust disposition and settlement, the price or proceeds being applied to the purposes of the trust as therein expressed, and also gave and committed to the said disponees and their foresaids full power to nominate and appoint any one or more of their own number, or such other person or persons as they should think fit, to be commissioners and factors or attorneys, or commissioner or factor or attorney, for them in and for the execution of the several rights and powers competent to them as trustees foresaid, with full power to call and sue for, uplift, receive, and discharge the feu duties and casualties, rents, interest, dividends, and profits, and annual revenue whatsoever of the trust estate, and the debts and principal sums whatsoever then and from time to time composing the same, and to enter into, grant, execute, and deliver feu charters, feu contracts, and other feu rights, dispositions, and other deeds of conveyance, transfer, discharge, or otherwise whatsoever of or in relation to the trust or trust estate, heritable or movable, or any part thereof, and to enter and receive the vassals and the heirs and singular successors whomsoever of the vassals, in all subjects held or at any time to be held of the said disponees or their foresaids, and for that effect to grant, execute, and deliver all charters and writs of confirmation, resignation, adjudication, sale, and novodamus, and all precepts and writs of clare constat and other writs whatsoever, which then were or might from time to time be usual or necessary for receiving, entering, and completing the entry or title, or renewing the investitures of the vassals and others aforesaid, as also to accept transfers of stocks or securities for and on behalf of the said disponees and their foresaids, and generally to do and execute for them every act and deed whatsoever,

A.D. 1877: with reference to the said trust and trust estate and income thereof, which the said trustees could do themselves, and to allow such factors, commissioners, or attorneys, or factor, commissioner, or attorney, suitable gratifications for their trouble, with entry to the whole heritable subjects therein-before disposed as at the term of Martinmas one thousand eight hundred and seventy; and the said trustees resigned the said several lands and other subjects before disposed for new infeftment or investiture with and under the real burdens and others, and in trust allenary for the purposes foresaid, and they assigned the writs of the said whole lands and other subjects therein-before disposed, and delivered the same, as well as the writs of the said personal estate therewith, so far as in their custody, and they assigned the rents and granted warrandice from all facts and deeds done or to be done by them in prejudice thereof, but excepting always from said warrandice the feu rights granted by them, the said original trustees foresaid, of certain parts of the said lands and others before disposed, and also all current tacks and leases and other existing feu rights of the said lands and others and buildings thereon:

And whereas the provision of five thousand pounds directed to be set apart and held in trust in the event of the marriage of the said William Bernard Ainslie as aforesaid was duly provided for on the occasion of such marriage, which has taken place:

And whereas the trustees, original and assumed as aforesaid, have continued to execute the purposes and conduct the affairs of the trust, and the annuities given by the herein-before recited deeds of direction and codicils have been paid as they became due, and there only remains to be paid out of the trust estate the future payments of the said annuities:

And whereas the said Charles Hughes Terrot died on the second day of April one thousand eight hundred and seventy-two, and the said John Sinclair died on the twenty-second day of May one thousand eight hundred and seventy-five, and the said John Phin died on the first day of July one thousand eight hundred and seventy-five:

And whereas the said Henry Cotterill is now Bishop of the Episcopal Church in Scotland for the Diocese of Edinburgh:

Death of
E. B. Ram-
say, 27th
Dec. 1872.

And whereas the said Edward Bannerman Ramsay died on the twenty-seventh day of December one thousand eight hundred and seventy-two, and the Very Reverend James Francis Montgomery, Doctor of Divinity, is now the Dean of the said Church in Scotland for the Diocese of Edinburgh:

And whereas the lands, heritages, and other heritable property now vested for the purposes of the trust in the trustees under the

said trust disposition and conveyance of the eighteenth and twenty-first days of November one thousand eight hundred and seventy-one consist of the particulars specified in the First Schedule to this Act, and the second part of that schedule comprises so much of the said heritable property as consists of house property in the city of Edinburgh, which is of the estimated value of eighteen thousand and ninety-one pounds two shillings; and the moneys, stocks, and securities now vested for the purposes of the trust in the said trustees consist of the particulars specified in the Second Schedule to this Act, and are of the estimated value of thirty-nine thousand eight hundred and seventeen pounds nineteen shillings and eightpence; and the estimated value of all such lands, heritages, moneys, stocks, securities, and other heritable, movable, and personal property, amounts to two hundred and eighteen thousand four hundred and four pounds eleven shillings and eightpence or thereabouts, and the free annual income of the same, after the payment of all outgoings, including annuities at present payable, amounts to the sum of five thousand three hundred and three pounds eight shillings and fivepence or thereabouts; and such properties, and the annual income thereof, are subject to the burdens specified in the said trust disposition and conveyance dated the eighteenth and twenty-first days of November one thousand eight hundred and seventy-one; and the Third Schedule to this Act contains a statement of the estimated total present gross and free annual income of the trust, and also a statement of the present estimated total capital value of the trust property, heritable and movable:

And whereas the stocks and securities mentioned in the first part of the Second Schedule to this Act are stocks or securities purchased or taken by the said Mary Walker in her lifetime, and the moneys, stocks, and securities mentioned in the first and second parts of the same schedule, except arrears of rent now due, the banker's cash balances, and the sums laid out for drainage and other works, represent so much of accumulations made by the said Mary Walker out of her income as now remains unexpended for the purposes of the trust dispositions herein-before recited, and are the funds referred to in her codicil of the twenty-ninth day of February one thousand eight hundred and sixty-eight herein-before recited:

And whereas the moneys, stocks, funds, and securities mentioned in the first and second parts of the said Second Schedule to this Act are the only funds besides the income of the heritable property comprised in the First Schedule to this Act which are now applicable to the completion of the Cathedral Church of St. Mary, Edinburgh:

A.D. 1877.

And whereas the trustees under the said trust disposition and conveyance have applied all the net annual income of the trust property, together with part of the accumulations made by the said Mary Walker out of her income, towards completing the building of the Cathedral Church of Saint Mary, Edinburgh, and expended for that purpose, as at the thirtieth day of December one thousand eight hundred and seventy-six, the sum of thirty-five thousand pounds or thereabouts, but no portion of the said church is as yet so far completed as to enable service to be performed therein :

And whereas a general plan and elevation of the said cathedral church, as at present intended to be erected, has been signed by the Right Honourable the Earl of Redesdale, Chairman of Committees of the House of Lords, with reference to this Act, and has been deposited with the Sheriff Clerk of the county of Midlothian, and is in this Act referred to as the deposited plan and elevation :

And whereas by reason of the difficulty of constructing a proper foundation for the said Cathedral Church of St. Mary on the site fixed upon by the said Mary Walker, and by reason of the increase in the cost of labour and materials, and from other unexpected and unavoidable circumstances, the cost of completing the building of the said cathedral church has greatly exceeded the sum originally estimated as sufficient for the purpose, and a sum of seventy-five thousand pounds or thereabouts is required to pay the cost of completing the said cathedral church and the fittings thereof, and laying out the surrounding ground and erecting gateways and boundary walls, and otherwise completing the approaches thereto, and if only the income of the trust property, together with the produce of the moneys, stocks, funds, and securities mentioned in the Second Schedule to this Act be applied in paying such cost, the building of the said cathedral church cannot be completed for many years to come, and in the meantime the income of the trust property must be wholly applied in payment of such cost, and will not be available for any of the other purposes of the trust :

And whereas, in addition to the produce of the moneys, stocks, funds, and securities mentioned in the Second Schedule to this Act, it is necessary to provide a further sum of thirty-five thousand pounds or thereabouts, in order to make up the total of seventy-five thousand pounds required to enable the building of the said cathedral church to be forthwith completed ; and it is expedient that a sum not exceeding thirty-five thousand pounds should be raised by borrowing on the security of the heritable property mentioned in the First Schedule to this Act, or by sale of so much of such heritable property as is mentioned in the second part of

the same schedule, and that a sinking fund should be formed to replace the amount so raised by borrowing or sale, and that provision should be made for enabling a portion of the remaining income of the trust property to become sooner applicable for certain of the purposes to which the same might be applied if the building of the said cathedral church were actually completed : A.D. 1877.

And whereas it is expedient for the better management of the trust property, and for carrying out the purposes of the trust, that the trustees should be incorporated, and that further and additional powers should be vested in them :

And whereas the several objects aforesaid cannot be effected without the authority of Parliament :

Therefore Your Majesty's most dutiful and loyal subjects, the said William Bernard Ainslie, Henry Cotterill, James Francis Montgomery, the Right Honourable Sir James Falshaw, Baronet, Lord Provost of the city of Edinburgh, Robert Horn, Dean of the Faculty of Advocates, the said James Hope, and the said David Davidson, as trustees of the said deceased Barbara Walker and Mary Walker, do most humbly beseech Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows; (that is to say,)

1. This Act may be cited for all purposes as "The Walker Trust Act, 1877." Short title.

2. In the construction of this Act, the following words shall have the several meanings hereby assigned to them, unless there shall be something in the subject or context repugnant to such construction; (that is to say,) Interpretation.

The expression "the trustees" shall mean "the Walker Trustees" incorporated by this Act :

The expression "the trust fund" shall mean the Walker Trust Fund as established under this Act, and the trust deeds herein-before mentioned :

The expression "the trust deeds" shall mean and include the several herein-before recited deeds and codicils :

The expression "the Episcopal Church in Scotland" shall mean the church of which the said Charles Hughes Terrot was at the date of the said trust disposition and conveyance of the eighteenth and twenty-first days of November one thousand eight hundred and seventy-one the Bishop for the Diocese of Edinburgh, and of which the said Henry Cotterill is now the Bishop for the same Diocese.

A.D. 1877.

Incorporation of trustees.

3. The following persons, that is to say, the said William Bernard Ainslie and Henry Cotterill, during their joint lives, and the survivor of them during his life, and the following official persons ex officio in right of their office, and so long as they continue to hold office, that is to say, the Bishop for the time being of the Episcopal Church in Scotland for the Diocese of Edinburgh, the Dean for the time being of the said Church in Scotland for the Diocese of Edinburgh, the Lord Provost of the city of Edinburgh for the time being, the Dean of the Faculty of Advocates for the time being, the senior or sole Deputy Keeper for the time being of Her Majesty's Signet for Scotland, and the Treasurer for the time being of the Bank of Scotland, and any other person or persons who may be legally assumed as trustee or trustees under any existing power contained in the trust deeds, shall be and they are hereby declared to be united and incorporated into one body politic and corporate by the name of "The Walker Trustees," as trustees for the purposes specified in the recited trust deeds and in this Act, and by that name shall have perpetual succession and a common seal, with power to change, alter, break, and make new the said seal, when and so often as they shall judge the same to be expedient, and by the same name shall and may sue and be sued, pursue and defend in all and any action, suits, or proceedings in all and in any courts whatever, and shall have power to acquire, hold, manage, and dispose of lands, moneys, and property, heritable or movable, real or personal, for the uses and purposes of the trust, and shall and may have and enjoy all the rights and privileges of a corporate body.

Head Office to be in Edinburgh.

4. The head office and place for the meetings of the trustees shall be in Edinburgh, with power to the trustees in any special cases to convene and hold meetings in such other convenient places as they may appoint.

Vesting of property in trustees.

5. From and after the passing of this Act all lands and heritages, debts, obligations, securities, and other property, heritable and movable, real and personal, of or belonging to or held in trust for or for behoof of the trust fund, or by or for the trustees of the said Barbara Walker and Mary Walker as such under or by virtue of the trusts contained in the herein-before recited deeds and codicils or otherwise howsoever, and which may now be vested in or held by the surviving and acting trustees (original and assumed) of the said Barbara Walker and Mary Walker, or by any other person or persons whomsoever, the particulars whereof (but not so as to limit the generality of the enactment contained in this present section of this Act) are intended to be set forth in the First and Second Schedules

A.D. 1877.

to this Act, shall, whatsoever may be the terms in which the rights and titles of the same or any part thereof may have been taken, and without any new conveyance or assignment or investiture thereof, and subject to the provisions of this Act, be and the same are hereby absolutely transferred to and vested in the corporate body hereby created for the ends, uses, and purposes specified in the trust deeds and in this Act, and may be held, managed, sold, conveyed, assigned, leased, discharged, or dealt with by the trustees under their corporate name, without the necessity of any connecting or continuing title other than this Act, and all purchases, sales, conveyances, contracts, agreements, leases, debts, liabilities, obligations, proceedings, matters, and things made, entered into, done, or taken by the trustees of the said Barbara Walker and Mary Walker before the passing of this Act shall be good, valid, and effectual and binding on the said corporate body; and for better enabling the said real and personal property to be vested in the said corporate body, it shall be lawful for the said surviving and acting trustees, original and assumed, to execute any deeds of disposition, conveyance, or transfer, which may be deemed expedient, of any lands or heritable property, or any stock or shares in companies or other personal property, and to cause any such deeds to be registered as by law required or authorised, or to procure this Act to be entered as a deed of disposition and conveyance in the register of the burgh of Edinburgh and in the Register of Sasines in the county of Edinburgh, or in the register or books of any company, or to be otherwise registered as may be expedient, and that without any further warrant for such registration, and it shall be lawful for the registrar or other officer having charge of any such register or books to register this Act accordingly.

6. The moneys of the trust fund may, at the discretion of the trustees, be invested by the trustees in or upon any stocks, funds, or securities mentioned in the Fourth Schedule to this Act, and any stocks, funds, or securities forming part of the trust fund may, at the like discretion, be sold, called in, or otherwise converted into money, and the proceeds reinvested in like manner, or in the purchase of lands or heritages.

Investment
of moneys.

7. The trustees may raise, by borrowing on the security of all or any part of the heritable property mentioned in the First Schedule to this Act, or by sale of all or any part of the heritable property mentioned in the second part of the same schedule, or partly in one way and partly in the other, any sum or sums not exceeding in the whole the sum of thirty-five thousand pounds, and may set apart and apply the sum or sums so raised (in addition to the produce of the personal or movable property mentioned in the Second

Trustees may
raise and
apply moneys
in com-
pleting
Cathedral
Church of
St. Mary,
and provision
for sinking
fund.

A.D. 1877. — Schedule to this Act) in or towards payment of the cost of completing the building of the Cathedral Church of Saint Mary in Edinburgh according to the intentions expressed in the said recited trust deeds and codicils: Provided that when and so often as the said sum of thirty-five thousand pounds or any part thereof shall have been raised for the purposes aforesaid, the trustees shall, out of the annual income of the trust fund, in each successive period of five years during the term of thirty years next following the date on which any sum shall have been raised, set aside by way of sinking fund, and as an addition to capital, a sum equal to at least one-sixth part of the amount so raised, to the intent that, at the expiration of thirty years from the date when any sum shall have been raised as aforesaid, the amount raised by sale shall be restored to the capital of the trust fund and invested in manner above provided, and any sum raised by borrowing shall be paid off and discharged, and the trustees shall not be bound to restore or discharge the amount so raised otherwise than by means of such sinking fund.

Power to borrow on cash credit.

8. The trustees may accept and take from any bank or banking company credit to such amount as they may deem expedient, not exceeding in the whole the sum of thirty-five thousand pounds in this Act authorised to be raised, or so much thereof as may not for the time being have been raised in any other way, on a cash credit account to be opened and kept in the name of the Walker Trustees according to the usage of bankers in Scotland, and may assign and charge the heritable property belonging to the trust, or any part of such property, in security of the repayment of the money borrowed, or of the amount of such credit with interest thereon at any agreed rate.

Application of 35,000*l.*

9. The sum of thirty-five thousand pounds to be raised as by this Act authorised, and every part thereof, shall when raised be applied in completing the building of the said Cathedral Church of Saint Mary in Edinburgh, and for no other purpose, and the same shall be completed with as little delay as possible, so as generally to be in accordance with the deposited plan and elevation, with such variations and improvements in the details thereof as may be approved of by the trustees.

Trustees may make excambions of trust estates.

10. The trustees may make excambion of any portion of the lands, estates, or heritages forming part of the trust fund for an equivalent in lands, estates, or heritages lying contiguous to the same, or being convenient to be holden with the same, and that although the heritages to be given and taken in exchange may consist of different descriptions of heritable property, and may give or receive any money for equalising the values of the heritages to be given and taken in exchange.

11. For the purpose of affecting any sale or making any security for money borrowed as authorised by this Act, the trustees shall have power to make and execute all such deeds of disposition, bonds, and other instruments, and do all other acts which they may deem expedient for such purpose in like manner as if they were absolute beneficial owners of the trust fund, and shall also have power to give receipts for the money arising from any sale or received on exchange or by way of loan, which receipts shall absolutely discharge all persons paying the money mentioned in such receipts from being bound to inquire or see as to the manner or purpose in or for which such money is dealt with or applied, and from inquiring as to the necessity or propriety of raising the same under the powers of this Act, or from being affected by impropriety in the raising of the same, or by the fact that the full sum, or any sum by this Act authorised to be raised by sale or borrowing, has been already raised; and for the purpose of discharging any sum raised by borrowing under the powers of this Act, the amount required may be raised by sale of any lands, houses, or heritable property mentioned in the second part of the First Schedule to this Act, or of any moneys, stocks, funds, or securities which at the time of the passing of this Act form or may at any subsequent time form part of the trust fund, but so nevertheless that the sinking fund payments by this Act directed shall not be thereby varied.

A.D. 1877.
Trustees
may execute
all necessary
deeds and
give receipts.

12. Notwithstanding anything to the contrary contained in the recited trust deeds, and from the day on which the nave of the said Cathedral Church of Saint Mary in Edinburgh shall have been opened for divine worship, and subject to payment of interest on moneys borrowed, and the payments to the sinking fund by this Act directed to be made, the trustees shall pay or apply out of the annual income of the trust fund the annual sum of one hundred pounds by the Eighth Article of the said recited deed of directions of the twelfth day of August one thousand eight hundred and fifty directed to be paid, and also to the minister or ministers officiating in the said cathedral church an annual allowance of five hundred pounds, part of the said annual allowance of one thousand pounds, until the completion of the said cathedral church according to the deposited plan and elevation, and from and after such completion the full annual allowance of one thousand pounds according to the terms of the said recited codicil of the said Mary Walker, dated the seventeenth day of August one thousand eight hundred and sixty-four, and of the Fifth Article of the said deed of directions in the said codicil referred to, but subject to and after making the several payments aforesaid, all the remaining annual income of the trust fund shall be applied and disposed of in completing the said

Application
of part of
income of
trust fund
to trust
purposes.

A.D. 1877. Cathedral Church of Saint Mary in Edinburgh according to the deposited plan and elevation, and after such completion for the other purposes of the trust deeds in terms of such trust deeds.

Special meeting of trustees.

13. The accounts of the trust for each year ending on the thirty-first day of December shall be made up as soon as may be after that day, and shall be audited by a professional auditor being a chartered accountant, and in the month of March following the trustees shall hold a special meeting, at which they shall receive and take into consideration the accounts of the affairs and management of the trust, and the report of the auditor upon the said accounts, and shall give such instructions or adopt such measures as may be considered necessary.

Business at meetings of the trust.

14. The trustees present at any meeting of the trust, being a quorum pursuant to the trust deeds, shall appoint one of their number to be chairman of the meeting, and they shall and may from time to time do all such acts as shall appear to them, or the majority of the trustees then present, to be necessary or fitting to be done in order to carry into full operation and effect the objects and purposes of the trust; they shall cause minutes of all resolutions, determinations, acts, and proceedings at each of their ordinary and special meetings, and the names of all trustees present at every such meeting, to be entered in a book or books to be provided for that purpose, which minutes shall be subscribed by the chairman of the meeting, and when so subscribed shall be deemed to be duly authenticated; they shall cause to be kept regular and distinct books and accounts of the affairs and management of the trust; and they shall cause the said books and accounts to be brought to a balance annually, as upon the thirty-first day of December, or when that happens to be a Sunday, then as upon the thirtieth day of December, beginning at the first of these dates which shall occur after the passing of this Act.

Appointment of officers.

15. The trustees may appoint and employ a factor and commissioner, and such clerk or clerks and other officers as they may deem necessary, to conduct the affairs, business, and accounts of the trust, and may from time to time dismiss any such factor and commissioner, clerks or other officers, and appoint other persons in their place, and may, out of the income of the trust fund, pay to the factor and commissioner and clerks so employed, and also to the auditor, such salaries or remuneration as the trustees shall deem proper.

Discharges for moneys paid.

16. The commissioner, factor, or other officer specially authorised for the time being shall receive all moneys payable to the trustees, and shall forthwith lodge the same in bank in name of the trustees,

and shall not be entitled to retain in his hands more than fifty pounds for a longer period than ten lawful days, and the receipt of such commissioner, factor, or other officer for moneys paid to him on account of revenue shall at all times be a sufficient discharge for the moneys therein expressed to be received, and shall wholly exonerate the person paying the same from seeing to the application thereof. All bank cheques granted on behalf and in execution of the trust shall be signed by at least two of the trustees and the factor and commissioner for the time being.

A.D. 1877.

17. All deeds and writings, except receipts for money paid on account of revenue and except bank cheques, which shall be made by the trustees relating to or affecting the property, heritable or movable, real or personal, of the trust shall be signed by at least two of the trustees, and also by their factor and commissioner for the time being, and the seal of the trustees shall be affixed to all such deeds and writings; and all such deeds and writings purporting to be so signed, and being sealed with the seal of the trustees and otherwise executed according to the law and practice of Scotland or other place where the said deeds and writings may happen to be made or come into operation, shall be deemed and held to be the deeds and writings of the trustees, and any person appearing to have signed any such deed or writing as trustee shall for the purposes thereof be deemed and taken to be a trustee, and the deed or writing signed by him shall have the like operation as if he were a trustee.

Execution
of deeds.

18. Any summons, notice, writ, or other document whatsoever requiring to be served upon the trustees may be served by the same being delivered personally to the factor and commissioner of the trustees for the time being, or being left at the office of the trustees, or in case there shall be no factor and commissioner and no office, by being delivered personally to any two of the trustees.

Services of
writs on
trustees.

19. In the event of any question or difficulty arising as to the construction of the trust deeds or of this Act, or as to the proper operation and administration of the trust, or in consequence of the lapsing or failure of any of the purposes of the trust, or in consequence of any other special fact or occurrence, the trustees may apply to the Court of Session in Scotland, sitting in either of the divisions thereof, for direction by petition, disclosing the circumstances material for the consideration of the Court, who thereupon shall order such intimation or service as they shall think fit, and shall have full power and discretion to give such direction as they shall consider just and best for the ends and uses of the trust, and the trustees acting on such direction shall be held to have discharged

Application
to the Court
of Session
for direction
in case of
doubt.

A.D. 1877. — their duty as trustees, and to be relieved of all responsibility in the subject matter of the said application, and the expense of such application, and of all proceedings connected therewith, shall be defrayed as the Court shall direct.

Trust deeds saved except as altered or varied.

20. Nothing in this Act contained shall take away, limit, or affect any existing power contained in the trust deeds of assuming additional trustees for the purposes of the trust, or shall, except as herein expressly provided, operate to take away, abridge, or restrict any powers or authorities conferred by the trust deeds on the trustees acting in execution of the trusts thereof.

Saving of rights.

21. Saving and reserving always to the Queen's most Excellent Majesty, her heirs and successors, and to all and every person or persons, bodies politic or corporate, except the trustees, all such right, title, interest, claim, and demand of, in, and to or out of all or any part of the funds or estate of the said Barbara Walker and Mary Walker as they, or any of them, have or might claim, challenge, or demand in case this Act had never been made.

Costs of Act.

22. All costs, charges, and expenses of and incident to the preparing for, obtaining, and passing of this Act, or otherwise in relation thereto, shall be paid out of the trust fund in preference to all other payments whatsoever.

Act as printed by the Queen's printers to be evidence.

23. This Act shall not be a Public Act, but shall be printed by the several printers to the Queen's most Excellent Majesty duly authorised to print the statutes of the United Kingdom, and a copy thereof so printed by any of them shall be admitted as evidence thereof by all judges, justices, and others.

The SCHEDULES in this Act referred to.

THE FIRST SCHEDULE.

PART I.

| | | | | |
|---|------|----------|----|---|
| Feued ground, part of the lands of Coates and Drumseugh, producing feu duties now current, amounting annually to - | | £4,575 | 6 | 5 |
| Less amount of feu duties payable to over superiors - - | | 180 | 1 | 5 |
| | | <hr/> | | |
| | | £4,395 | 5 | 0 |
| | | <hr/> | | |
| Value thereof at twenty-two years purchase - - | | £96,695 | 10 | 0 |
| Ground, further part of the lands of Coates and Drumseugh, laid out for feuing, but upon which buildings have not yet been erected or have not been completed, and the feu duties of which have therefore not yet become payable. The feu duties are expected to amount to £2,500, but may not all become receivable till the expiration of about ten years. The value thereof at twenty-two years purchase, when fully payable, will be - - - - - | | 55,000 | 0 | 0 |
| Office of Heritable Usher for Scotland, annual salary - | £250 | 0 | 0 | |
| Fees of honours, estimated at - - - - - | 150 | 0 | 0 | |
| | | <hr/> | | |
| | | 400 | 0 | 0 |
| Value thereof at twenty-two years purchase] - - | | 8,800 | 0 | 0 |
| | | <hr/> | | |
| Total ultimate value - - - - - | | £160,495 | 10 | 0 |
| | | <hr/> | | |

PART II.

Houses in the City of Edinburgh:—

| | | | |
|---|---------|---|---|
| (1.) No. 25, Melville Street, let to Ralph Erskine Scott, C.A., at £200, on a lease of five years, from 15th May 1875. Estimated value - - - - - | £5,000 | 0 | 0 |
| (2.) No. 16, Lynedoch Place, let to Miss Mary Patton at £115, on a lease of five years, from 15th May 1876. Estimated value - - - - - | 2,000 | 0 | 0 |
| (3.) No. 17, Lynedoch Place, let to Misses Dunbar at £100 from year to year. Estimated value - - - - - | 2,000 | 0 | 0 |
| (4.) Tenement of workmen's houses at Hawthorn Terrace, Water of Leith, let to fifteen tenants at rents from £5 to £7 10s. Total rental £100. Estimated value at fifteen years purchase - - - - - | 1,500 | 0 | 0 |
| | <hr/> | | |
| Carried forward - - - - - | £10,500 | 0 | 0 |

| | | | | | | | |
|---|---|---|---|---|--------------|-----------|----------------------|
| Brought forward | - | - | - | - | £10,500 | 0 | 0 |
| (5.) Tenements of workmen's houses at Hawthorn Bank, Water of Leith, let to twenty-two tenants at rents from £2 to £8 10s. Total rental £81 2s. Estimated value at fifteen years purchase | - | - | - | - | 1,216 | 10 | 0 |
| (6.) No. 377, High Street, let to seven tenants, at a total rent of £152. Estimated value at fifteen years purchase | - | - | - | - | 2,280 | 0 | 0 |
| (7.) Houses in Byer's Close, let to two tenants at £15. Estimated value at fifteen years purchase | - | - | - | - | 225 | 0 | 0 |
| (8.) No. 11, Chester Street, life-rented, free of feu duty, by William Bernard Ainslie | - | - | - | - | £3,500 | 0 | 0 |
| Value of feu duty of £16 16s. on same | - | - | - | - | 369 | 12 | 0 |
| | | | | | <u>3,869</u> | <u>12</u> | <u>0</u> |
| Value of House Property in city of Edinburgh | - | - | - | - | £18,091 | 2 | 0 |
| Total ultimate value of Heritable Estate:— | | | | | | | |
| Part I. | - | - | - | - | - | - | £160,495 10 0 |
| Part II. | - | - | - | - | - | - | 18,091 2 0 |
| | | | | | | | <u>£178,586 12 0</u> |

The Estate specified in this Schedule is subject to Annuities payable during the lives of certain parties, amounting in all to £685, and to a contingent provision of £5,000 in favour of children, if any, of William Bernard Ainslie; and the House, No. 11, Chester Street, and the feu duty payable in respect thereof, are subject to the liferent of the said William Bernard Ainslie.

CHARLES M. BARSTOW.
HUGH JAS. ROLLO.

THE SECOND SCHEDULE.

PART I.

INVESTMENTS MADE BY MARY WALKER IN HER LIFETIME.

| | | | | | | | | |
|------|---|---|-----------|---|--------|--------|----|------------|
| (1.) | £2,000, Capital Stock of the National Bank of Scotland, at £313 10s. per centum | - | - | - | - | £6,270 | 0 | 0 |
| (2.) | £2,100 four per centum Consolidated Preference Stock Number Two of Caledonian Railway Company, at £99 per centum | - | - | - | - | 2,079 | 0 | 0 |
| (3.) | £268 four per centum Consolidated Preference Stock Number One of Caledonian Railway Company, at £100 5s. per centum | - | - | - | - | 268 | 13 | 5 |
| (4.) | £1,200 Deferred Ordinary Stock Number One of Cale- donian Railway Company, at £15 10s. per centum | - | - | - | - | 186 | 0 | 0 |
| (5.) | £555 Edinburgh Water Annuities, at £149 per centum | - | - | - | - | 826 | 19 | 0 |
| (6.) | Twenty Shares of the Edinburgh Gas Company, at £56 per share | - | - | - | - | 1,120 | 0 | 0 |
| (7.) | Debenture by the North British Railway Company Number Two thousand and fifty-three, at £4 per centum | - | - | - | - | 2,000 | 0 | 0 |
| (8.) | Heritable Bond by the late Walter Jollie, Esquire, at £4 per centum | - | - | - | - | 500 | 0 | 0 |
| (9.) | Advances to Builders, to enable them to build on the lands belonging to the trust, and forming a charge on the buildings, to be repaid when sold. Amount as at thirtieth December one thousand eight hundred and seventy-six. | | | | | | | |
| | To William Paterson | { | Principal | - | £3,206 | 6 | 11 | |
| | | | Interest | - | 127 | 3 | 8 | |
| | | | | | | | | 3,333 10 7 |

PART II.

OTHER MOVABLE PROPERTY.

| | | | | | | | | |
|------|---|---|---|---|---|--------|---|--------------|
| (1.) | Sum in Bank of Scotland on Deposit Receipt at 30th December 1876 | - | - | - | - | 15,000 | 0 | 0 |
| (2.) | Sum laid out for Drainage and other works to enable land to be feued, and repayable when land is feued —Estimated value | - | - | - | - | 4,000 | 0 | 0 |
| (3.) | Balance on Account Current with the Bank of Scotland at 30th December 1876 | - | - | - | - | 3,355 | 7 | 11 |
| (4.) | Balance of Cash in Factor's Bank Account | - | - | - | - | 378 | 8 | 9 |
| (5.) | Arrears of Rents and Feu duties—Estimated value | - | - | - | - | 500 | 0 | 0 |
| | Total | - | - | - | - | | | £39,817 19 8 |

CHARLES M. BARSTOW.
HUGH JAS. ROLLO.

A.D. 1877.

THE THIRD SCHEDULE.

SUMMARY OF ANNUAL INCOME AND CAPITAL.

ANNUAL INCOME OF TRUST FUND.

| | | | | | | | | |
|---|---|---|---|---|---|--------|---|---|
| Feu duties | - | - | - | - | - | £4,575 | 6 | 5 |
| Rents of House Property in Edinburgh | - | - | - | - | - | 763 | 2 | 0 |
| Income of Office of Heritable Usher | - | - | - | - | - | 400 | 0 | 0 |
| Interest and Dividends or Personal Investments | - | - | - | - | - | 800 | 0 | 0 |
| Compositions on entry of Vassals | - | - | - | - | - | 400 | 0 | 0 |
| Gross estimated Income, year 1877 | | | | | | £6,938 | 8 | 5 |
| Deduct estimated charge upon Income, year 1877— | | | | | | | | |
| Life Annuities, &c., payable | - | - | - | - | - | £685 | 0 | 0 |
| Estimated Public Burdens, Feu Duties, Taxes, including Income Tax on Feu Duties, and Fire Insurance | - | - | - | - | - | 350 | 0 | 0 |
| Estimated Cost of Repairs | - | - | - | - | - | 150 | 0 | 0 |
| Estimated Expenses of Management, Law and Miscellaneous Expenses | - | - | - | - | - | 450 | 0 | 0 |
| Estimated Outgoings in 1877 | | | | | | 1,635 | 0 | 0 |
| Estimated Free Income for year 1877 | | | | | | £5,303 | 8 | 5 |

CAPITAL OF TRUST FUND.

| | | | | | | | | |
|---|---|---|---|---|---|----------|----|---|
| Lands feued and to be feued, and Office of Heritable Usher, estimated at | - | - | - | - | - | £160,495 | 10 | 0 |
| House Property in Edinburgh, estimated at | - | - | - | - | - | 18,091 | 2 | 0 |
| Movable Property, estimated at | - | - | - | - | - | 39,817 | 19 | 8 |
| Total | | | | | | £218,404 | 11 | 8 |

Subject to annuities, liferent, and contingent provision specified in the First Schedule.

CHARLES M. BARSTOW.
HUGH JAS. ROLLO.

THE FOURTH SCHEDULE.

A.D. 1877.

INVESTMENTS AUTHORISED.

Government Stocks, Public Funds or Securities of the United Kingdom or of the Government of India, Stocks guaranteed by the Government of India, Heritable Securities in Scotland or Real Securities in England, Debentures or Debenture Stock of any Railway Company in the United Kingdom, and any other investments authorised by the trust deeds, or on which trustees are by any law for the time being in force in England or Scotland authorised to invest trust money.

LONDON: Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE
Printers to the Queen's most Excellent Majesty. 1877.

