



CHAPTER cxxi.

An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1899 relating to Heriot-Watt College and George Heriot's Trust. [22nd December 1927.] A.D. 1927.

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

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

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

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

Confirma-
tion of
Order in
schedule.

2. This Act may be cited as the Heriot-Watt College and George Heriot's Trust Order Confirmation Act 1927.

Short title.

A.D. 1927.

SCHEDULE.

HERIOT-WATT COLLEGE AND GEORGE
HERIOT'S TRUST.

*Provisional Order to incorporate and confer powers on the
Governors of Heriot-Watt College to re-incorporate
and confer further powers on the Governors of George
Heriot's Trust and for other purposes.*

WHEREAS George Heriot (jeweller to His late Majesty King James VI) by disposition and assignation dated the third day of September one thousand six hundred and twenty-three last will and testament dated the tenth day of December one thousand six hundred and twenty-three and codicil thereto dated the twenty-first day of January following (both proved in the Prerogative Court of Canterbury on the sixteenth day of February following the date of said will and codicil) gave and bequeathed the residue of his estate " to the Proveist Baillies Ministeris
" and ordinarie Counsell of and for the tyme being of the
" Towne of Edinburgh for and towardis the funding and
" erecting of ane hospittill within the said towne of
" Edinburgh in perpetuitie and for and towardis the
" purchasing of certaine landis in perpetuitie to belong
" vnto the said hospittill to be imployit for the man-
" tenance releif bringing vp and educatione of Puire
" fatherles bairnes friemens sones of that Towne of
" Edinburgh " :

And whereas the hospital known as " George Heriot his Hospital " was duly erected and was administered by the said provost baillies ministers and council until the year one thousand eight hundred and thirty-six :

And whereas in the year one thousand eight hundred and thirty-six by virtue of the Act 6 & 7 William IV. c. 25 intituled " An Act to explain and extend the
" powers of the Governors of the Hospital in Edinburgh
" founded by George Heriot jeweller to King James the
" Sixth " further provision was made for carrying on the said hospital and the same was duly carried on under the

provisions of the said Act until the year one thousand eight hundred and eighty-five : A.D. 1927.

And whereas for some years prior to the year one thousand eight hundred and eighty-five there had been carried on in the city of Edinburgh a technical institution with endowments attached thereto then known as the Watt Institution and School of Arts :

And whereas all the before mentioned funds and estates fell within the provisions of the Educational Endowments (Scotland) Act 1882 :

And whereas it appeared to the Commissioners under the said Act after due examination and inquiry that the endowments should be amalgamated and the administration thereof amended and in some respects altered :

And whereas the said Commissioners in virtue of powers conferred upon them by the said Act and of every other power enabling them in that behalf made a scheme relating to the said endowments :

And whereas Her late Majesty Queen Victoria having taken the said scheme into consideration did by and with the advice of Her Privy Council declare Her approval of the said scheme (numbered 82) on the twelfth day of August one thousand eight hundred and eighty-five :

And whereas by the said scheme the name of the Watt Institution and School of Arts was altered to that of the Heriot-Watt College and a governing body was instituted and incorporated by the name of the Governors of George Heriot's Trust and the said endowments were amalgamated and have since been administered by the Governors of George Heriot's Trust under the said scheme as amended by the Court of Session in terms of interlocutors dated the second day of December one thousand eight hundred and ninety-seven the twenty-seventh day of October one thousand nine hundred and eight and the seventh day of June one thousand nine hundred and twenty-two :

And whereas by the Education (Scotland) Act 1908 the Heriot-Watt College (hereinafter called "the College") was scheduled as being a central institution and is entitled to payment out of the Education (Scotland) Fund of such grants as are applicable to such institutions and may also receive under the Education (Scotland) Act

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A.D. 1927. 1918. contributions from education authorities towards
— the cost of maintenance of the College :

And whereas by the said scheme not less than one-sixth of the free income of the funds of George Heriot's Trust together with any sums that may be received from fees or Government grants in respect of the College has to be expended on the maintenance of the College :

And whereas the one-sixth of the said free income is now insufficient to meet the said expenditure on the College over and above the income derived from fees and Government grants and the surplus income of the said funds (after meeting the expenditure on the other objects of the said Trust) is insufficient to meet the expenditure necessary for the proper development of the College :

And whereas in order to provide for the proper maintenance and development of the College it is expedient that a new governing body should be incorporated and that the property rights funds and estate hereinafter in this Order described should be transferred from the existing Governors of George Heriot's Trust and be vested in the said new governing body all as hereinafter in this Order provided :

And whereas it is expedient that the objects and powers of the said new governing body should be defined and that provision should be made for the future management and administration of their affairs all as hereinafter in this Order provided :

And whereas in consequence of the incorporation of a new governing body in respect of the Heriot-Watt College it is expedient to provide for the reincorporation of the Governors of George Heriot's Trust and to repeal the scheme hereinbefore referred to :

And whereas it is expedient that the objects and purposes of the said Trust should be extended and defined and that provision should be made for the future management and administration of the affairs of the Trust all as hereinafter in this Order provided :

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

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

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

A.D. 1927.
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PART I.

PRELIMINARY.

1. This Order may be cited as the Heriot-Watt College and George Heriot's Trust Order 1927. Short title.

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

Part I.—Preliminary.

Part II.—Heriot-Watt College.

Part III.—George Heriot's Trust.

Part IV.—Provisions applicable to Governors of Heriot-Watt College and to Governors of George Heriot's Trust.

Part V.—Miscellaneous.

3. This Order shall (except as otherwise in this Order provided) commence and have effect on and from the appointed day. Commencement of Order.

4. The following words and expressions in this Order shall have the respective meanings hereinafter assigned to them unless there be something in the subject or context inconsistent with or repugnant to such meaning (that is to say):— Interpretation.

“The scheme” means the scheme No. 82 under the Educational Endowments (Scotland) Act 1882 (County of Edinburgh City of Edinburgh) dated the twelfth day of August eighteen hundred and eighty-five as amended by the Court of Session by interlocutors dated the second day of December eighteen hundred and ninety-seven the twenty-seventh day of October nineteen hundred and eight and the seventh day of June nineteen hundred and twenty-two;

“The existing Governors” means the Governors of George Heriot's Trust incorporated by the scheme;

“The George Heriot Governors” means the Governors of George Heriot's Trust incorporated by this Order;

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“The Heriot-Watt Governors” means the Governors of Heriot-Watt College incorporated by this Order;

“The College” means the Heriot-Watt College carried on by the existing Governors or by the Heriot-Watt Governors as the case may be;

“The School” means George Heriot's School for boys carried on by the existing Governors or by the George Heriot Governors as the case may be;

“The appointed day” means the first day of January one thousand nine hundred and twenty-eight;

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

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

“The town clerk” means the town clerk of the city;

“The endowment” means the property transferred to and vested in the George Heriot Governors under the section of this Order the marginal note of which is “Vesting of property in George Heriot Governors” and any further donations or endowments received by these Governors;

“Edinburgh Education Authority” means the education authority for the burgh of Edinburgh constituted under the Education (Scotland) Act 1918;

“Existing” means existing before the appointed day;

“The Governors” where used in Part II. of this Order means the Heriot-Watt Governors and where used in Part III. of and in the Second and Third Schedules to this Order means the George Heriot Governors.

5. The existing Governors shall be dissolved and shall cease to exist.

PART II.

A.D. 1927.

HERIOT-WATT COLLEGE.

6. For the purpose of carrying this Part of this Order and the other provisions of this Order relating to the College into execution a body of Governors shall be constituted under the name of "the Governors of Heriot-Watt College" and under that name shall be a body corporate with perpetual succession and a common seal and with power to purchase acquire hold and dispose of lands and other property heritable and moveable and to sue and be sued and with all other rights powers and privileges of a body corporate.

Incorporation of
Heriot-Watt
Governors.

7. The Heriot-Watt Governors shall consist of the following persons (that is to say):—

Constitution
of Heriot-
Watt
Governors

A. ELECTED GOVERNORS.

- (1) The lord provost of the city and three persons to be elected by the corporation :
- (2) The Principal of the University of Edinburgh and three persons to be elected by the University Court of the University of Edinburgh of whom at least one shall be a member of the senatus :
- (3) The chairman of the Edinburgh Education Authority and three persons to be elected by the said authority :
- (4) Three persons to be elected by the George Heriot Governors :
- (5) One person to be elected by the Royal Society of Edinburgh :
- (6) One person to be elected by the Edinburgh Chamber of Commerce.

B. APPOINTED GOVERNORS.

- (7) Eight persons representing local industries (of whom four shall represent employers and four shall represent employees) to be appointed by the elected Governors :
- (8) Such other persons not exceeding three in all as may be appointed by the elected Governors.

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C. ADDITIONAL GOVERNORS.

(9) One or more persons to be elected by education authorities constituted under the Education (Scotland) Act 1918 (other than the Edinburgh Education Authority) to be elected under the provisions of the section of this Order the marginal note whereof is "Additional Governors."

Period of
office of
Heriot-Watt
elected
Governors.

8. Subject to the provisions of this Order the period of office of an elected Governor shall be three years reckoned from the first day of January immediately following his election. Provided that in the case of the persons first elected to be elected Governors under this Order the period of office shall be reckoned from the appointed day.

Elected
Governors.

9.—(1) The elected Governors shall be elected by the respective bodies specified in the section of this Order the marginal note whereof is "Constitution of Heriot-Watt Governors" out of their own number at a meeting convened and conducted according to the ordinary rules and practice of the electing body and any such Governor who ceases to be a member of the body electing him shall be deemed to be disqualified from continuing in office as a Governor. Provided that such disqualification shall not apply where a Governor retires from the electing body on expiry of his statutory term of office and is re-elected at the ensuing election. Provided further that the Governors to be elected by the University Court of the University of Edinburgh may be members either of the said court or of the senatus.

(2) In the case of the first election under this Order the persons to be elected by the George Heriot Governors shall be elected by the existing Governors.

(3) On the passing of the Act confirming this Order the town clerk shall give intimation to each of the electing bodies of the provisions of this Part of this Order in regard to the election of Governors and thereupon the various electing bodies shall at as early a date as practicable elect persons as Governors as hereinbefore in this section provided and shall intimate such election to the town clerk.

(4) In the case of the first election of Governors under this Order the corporation the University Court of

the University of Edinburgh the Edinburgh Education Authority and the existing Governors shall each elect one Governor to hold office for three years one to hold office for four years and one to hold office for five years reckoned from the appointed day. A.D. 1927.

(5) A meeting of the Governors so elected shall be held at such time and place as the lord provost of the city may direct and shall be called by the town clerk. At such meeting or at any adjournment thereof the elected Governors shall make such arrangements as they may consider necessary and proper for the appointment of the appointed Governors and thereafter shall appoint such Governors.

(6) All appointments of appointed Governors shall be made by the elected Governors in accordance with the provisions of the section of this Order the marginal note of which is "Appointed Governors" at such times and after such procedure as the elected Governors may appoint.

10.—(1) The eight persons representing local industries to be appointed as Governors shall be appointed annually by the elected Governors from among employers and employees of the principal local industries or trades the persons engaged or employed in which are likely to benefit from the teaching provided in the College and subject as aftermentioned such appointments shall be made on the nomination of such associations or unions as in the opinion of the elected Governors are most representative of such industries or trades. Provided that the Edinburgh and District Trades and Labour Council shall be entitled to nominate one of such persons for appointment. Provided further that the elected Governors shall be entitled to appoint a person as Governor under this section without any nomination where the association or union of employers or employees or the said Trades and Labour Council as the case may be fail to make any nomination or a sufficient number of nominations within one month after being requested so to do. Appointed Governors.

(2) The other persons whom the elected Governors may appoint shall be such as they consider suitable for the office of Governor.

(3) The term of office of an appointed Governor shall be one year reckoned from the first day of January following his appointment. Provided that in the case of

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Additional
Governors.

11.—(1) An education authority constituted under the Education (Scotland) Act 1918 (other than the Edinburgh Education Authority) shall be entitled to elect one person as Governor in any case where such education authority makes representation on the governing body a condition of contributing to the maintenance of the College under section 9 of the said Act of 1918 provided that such contribution is of an amount approved by the Governors for the time being.

(2) Subject to the provisions of the immediately succeeding subsection a Governor elected under the provisions of this section shall hold office for three years reckoned from the first day of January following his election Provided that any Governor elected under the provisions of this section before the first day of July 1928 shall subject to the provisions of the immediately succeeding subsection hold office for three years reckoned from the appointed day.

(3) A Governor elected under the provisions of this section shall ipso facto cease to be a Governor if and when the education authority by whom he was elected ceases to contribute to the maintenance of the College the amount approved under the provisions of subsection (1) of this section.

Proceedings
of Heriot-
Watt
Governors
not to be
invalidated
by failure
to appoint
Governors.

12. No failure or delay or defect in the election or appointment of any Governor and no vacancy in the office of Governor shall prevent the Governors or the elected Governors from acting in the execution of this Order nor shall any act or proceeding of the Governors or of any committee appointed by them be invalidated or be illegal by reason or in consequence of any such vacancy or of any defect in the appointment of any one or more Governors provided the number of Governors entitled to act shall not thereby be reduced below fifteen except in the case of the appointment of the appointed Governors when the number of elected Governors entitled to act shall not be reduced below nine.

Quorum of
Heriot-Watt
Governors.

13. At all meetings of the Governors nine shall be a quorum.

14. The Governors may if they think fit appoint as an additional member or as additional members of any committee charged with the organisation or administration of any department of the College any person or persons who is or are not a Governor or Governors but whom the Governors deem specially fitted to assist in the work of the committee Any person so appointed shall hold office for such time as the Governors may determine and shall during that time hold the same position on the committee as if he had been a Governor except that he shall have no vote in regard to any matters involving expenditure.

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 Governors may appoint other persons on committees.

15. Subject to the provisions of this Order all the property heritable and moveable described in the First Schedule to this Order and all property of whatever description vested in held by or due or belonging to the existing Governors or any other persons for behoof of the College shall by virtue of this Order be transferred to vested in held by and be due and belonging to the Governors and shall form part of the property and assets of the Governors for all the estate and interest therein of the existing Governors or other persons as aforesaid and shall be received held and enjoyed by the Governors accordingly and that without the necessity of any disposition assignation transfer conveyance notarial instrument notice of title or other instrument.

Vesting of property in Heriot-Watt Governors.

16. Without prejudice to anything in this Order hereinbefore contained it is hereby provided that for the purpose of enabling the Governors to complete a title if thought fit to any part of the heritable property vested in them by virtue of this Order by expeding a notarial instrument or notice of title or otherwise this Order shall be deemed to be and may be used as a general disposition or assignation as the case may be of such heritable property in favour of the Governors.

Order to be deemed a general disposition in favour of Heriot-Watt Governors.

17.—(1) The Governors shall maintain furnish equip provide administer manage and carry on at the existing buildings or in such other buildings as they may think proper a college for providing technical trade commercial and general education for both sexes to be known as the Heriot-Watt College and the Governors shall have power to erect reconstruct maintain improve and extend any premises necessary for the purposes of the College.

Maintenance of College.

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(2) The Governors may make provision in the College for the technical and scientific education of students attending classes in the University of Edinburgh or elsewhere.

Agreement
with Board
of Trade.

18. Nothing in this Order shall affect the provisions of the agreement made the twentieth day of December nineteen hundred and twenty-six between the existing Governors of the one part and the Board of Trade of the other part and in accordance with article eighth of that agreement the obligations undertaken by the existing Governors to complete the Mining School buildings in so far as not implemented before the appointed day shall be and are hereby made binding upon the George Heriot Governors who shall be entitled to receive the balance of any contribution or grant towards the erection of the said buildings which may be unpaid on the appointed day Provided that the George Heriot Governors shall not be liable to expend on the said buildings or their equipment over and above the contributions and grants received or receivable by the existing Governors more than the balance of the sum of four thousand pounds agreed to be contributed by the existing Governors and remaining unexpended by them at the appointed day Provided further that if the said buildings are not completed on or before the appointed day the same shall be handed over duly completed to the Governors together with any balance remaining unexpended of the said sum of four thousand pounds and thereafter the Governors shall be liable for the implement of the remaining obligations of the agreement.

Contribu-
tions by
Edinburgh
Corporation
and
Edinburgh
Education
Authority.

19.—(1) The corporation and the Edinburgh Education Authority shall each pay to the Governors a contribution to the maintenance of the College in respect of the year from the first day of September nineteen hundred and twenty-seven to the thirty-first day of August nineteen hundred and twenty-eight and yearly thereafter which contribution shall be either (a) one-half of the final deficit on the revenue and expenditure account of the College for the year to the thirty-first day of August nineteen hundred and twenty-eight or any subsequent year as the case may be (the said revenue to include all Government and other grants fees and the contribution payable by the George Heriot Governors under the

section of this Order the marginal note of which is "Annual payment to Heriot-Watt Governors") or (b) the sum of three thousand pounds whichever is the less. A.D. 1927.

(2) The contribution of the Corporation shall be taken out of their share of the grant falling to them under section 2 (5) of the Education and Local Taxation Account (Scotland) Act 1892 and the making of such contribution shall for the purposes of the said section be deemed to be a statutory power vested in the corporation. Provided that in the event of such grant ceasing to be made to the corporation the corporation may (but shall not be under any obligation to do so) take the said contribution out of any fund which they may be entitled to use for such a purpose.

(3) The contribution of the Edinburgh Education Authority shall be made under the provisions of subsection (1) of section 9 of the Education (Scotland) Act 1918 and shall be in addition to any payment made in respect of students from their area attending the classes at the College and nothing in this section contained shall be deemed to restrict the powers of the said education authority under the said subsection (1) of section 9 of the said Act of 1918.

(4) Within three months of the appointed day the Heriot-Watt Governors shall produce to the Commissioners of Inland Revenue a King's Printer's copy of the Act confirming this Order duly impressed with the same stamp duty as would be payable upon an instrument (as defined by the Stamp Act 1891) executed by the Corporation the Edinburgh Education Authority and the Governors on the appointed day containing the provisions of this section. Such copy shall be deemed to be an executed instrument in writing in terms of the Stamp Act 1891 and all the provisions of that Act shall apply thereto accordingly.

20. The Governors shall have and possess and may exercise all or any of the following powers rights and privileges (that is to say):— Powers and duties of Governors.

- (1) The management administration and control of the College:
- (2) The appointment and dismissal of the principal professors lecturers and teachers for and in the

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College and all such other officers and servants as they may consider necessary :

(3) The management control investment and disposal of all funds moneys investments bequests and gifts of money or property and the income thereof transferred to and vested in them by this Order or which may hereafter be granted gifted to or acquired by them for the purposes of the College :

(4) All such other powers rights and privileges as may be expedient or necessary for enabling them to carry into effect the purposes of this Part of this Order or the provisions of this Order in so far as relating to the College.

Award of diplomas.

21. The Governors may grant diplomas under their common seal upon such conditions and under such regulations as they may from time to time make with the approval of the Scottish Education Department.

Government regulations for central institutions to apply.

22. The Governors shall conform to the regulations for central institutions for the time being laid down by the Scottish Education Department as the conditions on which grants from the Education (Scotland) Fund are payable.

Existing prizes and bursaries to be continued.

23. Subject to the provisions of this Order the Governors shall out of the income arising from the prize and bursary funds being the properties numbered 8 and 9 of the First Schedule to this Order continue to award the prizes and bursaries which have been founded in connection with the College as these are specified in the said schedule. It shall be in the power of the Governors to administer these prizes and bursaries under such conditions as they may consider most in harmony with their original purpose. Provided that they shall be awarded among pupils at the College either by competition or by merit and progress in the College.

Fees at College.

24. The Governors shall fix the fees for classes at the College at such an amount as they consider reasonable.

As to un-allocated or lapsed prizes and bursaries.

25. In the event of any prize or bursary referred to in the section of this Order of which the marginal note is "Existing prizes and bursaries to be continued" not being allocated by the Governors on account of

failure to find suitable applicants or of any such prize or bursary lapsing by the death of the holder or his resignation or removal from College from whatever cause the Governors may create a fund into which shall be placed the balances from time to time accruing of all such unallocated or unexpired prizes or bursaries and the Governors may from time to time use the said fund for the payment of such other prizes or bursaries of such amount and for such periods and on such conditions in respect of examination and election as the Governors in their discretion may determine and as near as may be in harmony with the original purpose of such unallocated or unexpired prizes or bursaries.

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26. The first meeting of the Governors shall be held at such time and place as the lord provost of the city may direct and shall be called by the town clerk. At such meeting (which may be held prior to the appointed day) or at any adjournment thereof the Governors shall elect a chairman and also if they so determine a vice-chairman and make such arrangements for the conduct of business and carrying on the College from and after the appointed day as may seem to them necessary and desirable.

First meeting of Heriot-Watt Governors.

27. The balance of capital expenditure made by the existing Governors for the purpose of erecting and fitting up the buildings of the College not repaid or recouped prior to the appointed day shall not be repaid or recouped.

As to capital expenditure on College not repaid nor recouped.

PART III.

GEORGE HERIOT'S TRUST.

28. For the purpose of carrying this Part of this Order and the other provisions of this Order relating to George Heriot's Trust into execution the persons hereinafter in this Order mentioned shall be and are hereby incorporated by the name of "the Governors of George Heriot's Trust" and by that name shall be a body corporate with perpetual succession and a common seal and with power to purchase acquire hold and dispose of lands and other property heritable and moveable and to sue and be sued and with all other rights powers and privileges of a body corporate.

Incorporation of Governors of George Heriot's Trust.

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Constitution
and election
of George
Heriot
Governors.

29.—(1) The George Heriot Governors shall consist of the following seventeen persons (that is to say):—

The lord provost of the city;

Eight persons to be elected by the corporation of Edinburgh;

Three persons to be elected by the Edinburgh Education Authority;

Two persons to be elected by the Presbytery of Edinburgh of the Church of Scotland;

One person to be elected by the Presbytery of Edinburgh of the United Free Church of Scotland or in the event of union with the Church of Scotland to be elected by the Presbytery of Edinburgh of that church;

One person to be elected by the senatus of the University of Edinburgh; and

One person (being a former pupil of the School) to be elected as hereinafter in this Order provided.

(2) The persons to be elected as Governors (except the person being a former pupil of the School) shall be elected by the respective bodies out of their own number at a meeting convened and conducted according to the ordinary rules and practice of the electing body and any such Governor who ceases to be a member of the body electing him shall be deemed to be disqualified from continuing in office as a Governor Provided that such disqualification shall not apply where a Governor retires from the electing body on the expiration of his statutory term of office and is re-elected at the ensuing election.

(3) The person (being a former pupil of the School) to be elected as a Governor shall in the case of the first election under this Order be elected by the existing Governors and in the case of subsequent elections by the Governors then in office.

Period of
office of
George
Heriot
Governors.

30. Subject to the provisions of this Order the period of office of a Governor shall be three years reckoned from the first day of January following his election Provided that in the case of the persons first elected to be Governors under this Order the period of office shall be reckoned from the appointed day Provided further that in the case of the persons first elected to be Governors by the corporation under this Order two of

them shall be elected for three years three for four years and three for five years reckoned from the appointed day and in the case of the first election of Governors by the Edinburgh Education Authority under this Order one person shall be elected for three years one for four years and one for five years reckoned from the appointed day.

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31. The first meeting of the Governors shall be held on such date and at such time and place as the lord provost of the city may direct and shall be called by the clerk to the existing Governors. At such meeting (which may be held prior to the appointed day) or at any adjournment thereof the Governors shall elect a chairman and make such arrangements for the conduct of business and carrying on George Heriot's Trust from and after the appointed day as may seem to them necessary and desirable.

First meeting of George Heriot Governors.

32. No failure or delay or defect in the election of any Governor and no vacancy in the office of Governor shall prevent the Governors from acting in the execution of this Order nor shall any act or proceeding of the Governors or of any committee appointed by them be invalidated or be illegal by reason or in consequence of any such vacancy or of any defect in the appointment of any one or more Governors provided the number of Governors entitled to act shall not thereby be reduced below nine.

Proceedings of George Heriot Governors not to be invalidated by failure to appoint Governors.

33. At all meetings of the Governors seven shall be a quorum.

Quorum of George Heriot Governors.

34. Subject to the provisions of this Order all the property heritable and moveable (other than the property referred to in the section of this Order of which the marginal note is "Vesting of property in Heriot-Watt Governors") held by or vested in the existing Governors or any other person or persons for behoof of the existing Governors shall by virtue of this Order and subject to the burdens attaching to or affecting the said property be transferred to vested in held by and be due and belong to the Governors and shall form part of the property and assets of the Governors for all the estate and interest therein of the existing Governors or other persons as aforesaid and shall be received held and enjoyed by the Governors accordingly and that without the necessity of any

Vesting of property in George Heriot Governors.

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A.D. 1927. disposition assignation transfer conveyance notarial instrument notice of title or other instrument.

Order to be deemed a general disposition in favour of George Heriot Governors.

35. Without prejudice to anything in this Order hereinbefore contained it is hereby provided that for the purpose of enabling the Governors to complete a title if thought fit to any part of the heritable property vested in them by virtue of this Order by expeding a notarial instrument or notice of title or otherwise this Order shall be deemed to be and may be used as a general disposition or assignation as the case may be of such heritable property in favour of the Governors.

Application of revenues of Governors.

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

- (a) They shall pay to the Heriot-Watt Governors the annual sum of eight thousand pounds specified in the section of this Order the marginal note of which is "Annual payment to Heriot-Watt Governors" :
- (b) They shall pay such sums as they may deem requisite for the efficient maintenance of the School :
- (c) They shall pay such sums as they may deem necessary or expedient for providing foundations scholarships bursaries free books and stationery assisted education maintenance allowances apprentice allowances and fellowships under the provisions contained in the Second Schedule to this Order :
- (d) After providing for the purposes hereinbefore contained the Governors shall apply the surplus income of the endowment for the following purposes in such proportions as the Governors may determine (that is to say) :—
 - (1) For increasing the efficiency of the School ;
 - (2) For increasing the annual payment to be made to the Heriot-Watt Governors as aforesaid ;

(3) For increasing with the consent of the Scottish Education Department the number and amount of the bursaries attached to the School or to the College;

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(4) For accumulating the said annual surplus or any part of it for the future extension or improvement of the buildings connected with the School or the College.

37. Subject to the provisions of this Order the Governors shall out of the income of the endowment transfer to capital the annual sum necessary for the recoupment of capital expended by the existing Governors for the purposes of the scheme and remaining unrecouped at the appointed day and the provisions of the section of this Order of which the marginal note is "Power to borrow" shall apply in respect of the recoupment of any such moneys. Provided that the period referred to in the said section shall be calculated from the date or dates upon which any such moneys were expended.

Sinking fund in respect of moneys already expended for purposes other than Heriot-Watt College.

38. The administration management and control of the existing George Heriot's Hospital and grounds and the school known as George Heriot's School shall be vested in the Governors and the Governors shall maintain furnish equip provide administer manage and carry on at the existing School and grounds adjacent thereto a school for boys to be known as George Heriot's School in accordance with the provisions of this Order and in particular with those of the Third Schedule hereto annexed.

Administra-
tion of
School.

39. The school shall be periodically inspected in such manner as the Scottish Education Department may from time to time prescribe and the cost of such inspection shall be paid out of the funds of the Governors.

Inspection
of school.

40. The Governors may borrow or expend money under the provisions of this Order for the purpose of purchasing ground acquiring or erecting new buildings or altering or adding to existing buildings and fitting up the same in connection with the school and the interest on the money borrowed as aforesaid and the annual repayments of money borrowed or expended for the purposes of the school shall be met out of the income of the endowment.

Power of
borrowing
money and
expending
annual sum
for main-
tenance of
School.

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Exterior
appearance
of George
Heriot's
Hospital
building to
be preserved.

41. The Governors shall have power to make such alterations as may be necessary in the interior of the buildings of George Heriot's Hospital but they shall not in any respect alter the external structure or appearance of the said buildings nor shall they use any part of the said buildings for laboratories or workshops.

Power to
erect build-
ings in the
grounds of
George
Heriot's
Hospital.

42. The Governors shall have power to maintain the buildings erected within the grounds of George Heriot's Hospital as laboratories workshops classrooms or for other purposes connected with the school or to erect and maintain new or additional buildings either within the said grounds or on other ground to be acquired by them for the purposes of the school or for the other purposes of this Order or alter or enlarge the existing buildings Provided that such buildings if erected within the grounds of George Heriot's Hospital shall be erected so as not to interfere with its external appearance.

Annual
payment to
Heriot-Watt
Governors.

43.—(1) The Governors shall pay to the Heriot-Watt Governors annually commencing from the appointed day the sum of eight thousand pounds which sum shall be applied by the Heriot-Watt Governors to the general purposes of the College and shall be a debt due to the Heriot-Watt Governors by the George Heriot Governors and recoverable as such.

(2) The said sum of eight thousand pounds shall be due and payable by equal quarterly instalments on the thirty-first day of March the thirtieth day of June the thirtieth day of September and the thirty-first day of December the first payment to be made on the thirty-first day of March nineteen hundred and twenty-eight with interest on such instalments at the rate of five per centum per annum from the date when the same become due and payable until paid.

(3) Within three months of the appointed day the Heriot-Watt Governors shall produce to the Commissioners of Inland Revenue a King's Printer's copy of the Act confirming this Order duly impressed with the ad valorem duty which would be payable upon an instrument (as defined by the Stamp Act 1891) executed by the Governors and the Heriot-Watt Governors on the appointed day containing the provisions of this section and in default of such production the duty with interest

thereon at the rate of five per centum per annum from the appointed day shall be a debt due to His Majesty from the Heriot-Watt Governors and recoverable as such. A.D. 1927.

44. It shall be in the power of the Court of Session upon application made to them by the Governors with the consent of the Scottish Education Department to alter any of the provisions of the Second and Third Schedules to this Order Provided that such alterations shall not be contrary to anything contained in this Order or in the Educational Endowments (Scotland) Act 1882 or in any Act amending the same. Power to apply for alteration.

45. The Governors may in addition to the other powers vested in them and subject to the provisions of this Order incur expenditure in celebrating the anniversary of the birthday of the founder of George Heriot's Hospital and defray the said expenditure. Expenditure in celebrating Founder's birthday.

PART IV.

PROVISIONS APPLICABLE TO GOVERNORS OF HERIOT-WATT COLLEGE AND TO GOVERNORS OF GEORGE HERIOT'S TRUST.

46. The provisions contained in this Part of this Order shall apply both to the Heriot-Watt Governors and to the George Heriot Governors and shall be read and construed accordingly. Provisions of this Part of Order to apply to Heriot-Watt Governors and George Heriot Governors.

47.—(1) The clerk of the Governors shall at least two months before the expiry of the term of office of any Governor give notice to the proper electing body and such electing body shall so soon as conveniently may be after such notice elect a Governor to fill such vacancy. Procedure at election of Governors.

(2) Any Governor ceasing to hold office shall if qualified be eligible for re-election.

(3) Subject to the provisions of this Order any election not made as aforesaid within two months from the appointed day or from the date of the expiration of a term of office or from the date of a vacancy as hereinafter in this Order provided shall be made by the Governors then in office.

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Vacancies.

48. Any Governor who shall intimate in writing his resignation of office or shall become bankrupt or incapacitated to act or shall for the space of one year omit to attend any meeting of the Governors or shall cease to hold the qualification necessary for his election shall thereupon be held to have vacated office. Every vacancy (whether occasioned by any of the said causes or by death or otherwise) shall be entered in the minutes and as soon as may be after the occurrence of such vacancy a new Governor shall be elected by the body entitled to make such election who shall hold office only until the expiration of the term of office of the Governor in place of whom he has been elected. Notice of the occurrence of every vacancy in the office of Governor shall be given by the clerk or other officer of the Governors as soon as conveniently may be to the appropriate electing body.

Chairman.

49. The Governors shall elect a chairman (and also if they so determine a vice-chairman) at the first ordinary meeting of the year or at an ordinary meeting held at such period of the year as they may from time to time determine. In the absence of the chairman or vice-chairman (if any) from any meeting a chairman of such meeting shall be chosen from among the Governors present. The chairman or vice-chairman unless he cease to be a Governor shall hold office for a year and shall be eligible for re-election.

Meetings.

50. The Governors shall hold at least two ordinary meetings in the year at such places or times as they may from time to time determine. Notice of every meeting shall be delivered or sent by post to each Governor by the clerk or other officer of the Governors four days or such other time before the meeting as the Governors may appoint.

Votes at meetings.

51. At meetings of the Governors all questions shall be determined by a majority of those present. In the case of equality of votes at any meeting the chairman of such meeting shall have a second or casting vote.

Special meetings.

52. The chairman or any five of the Governors may for any cause which seems to him or them sufficient require the clerk or other officer of the Governors at any time to summon a special meeting by notice in writing delivered or sent by post to the Governors which

shall specify the business to be brought before the meeting and it shall not be competent to transact any other business thereat. Provided that if such meeting be summoned at shorter notice than that required for an ordinary meeting no resolution or motion carried thereat shall take effect unless it is voted for by two-thirds of the Governors then in office or confirmed by a subsequent meeting held not less than four days thereafter. A.D. 1927.
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53. If at the time appointed for a meeting a sufficient number of Governors to form a quorum be not present or if the business at any meeting be not completed the Governors present may adjourn the meeting to such day or time as they may fix or as may be fixed by the chairman of which notice shall be given in such manner as the Governors may from time to time appoint. Adjournment of meetings.

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

55.—(1) The Governors may from time to time make such arrangements as may appear to them fit for the custody of all deeds and other documents belonging to them for deposit of money for drawing cheques and also for the appointment of a clerk and any other officers to assist them in the conduct of their affairs at such reasonable salaries or scales of remuneration as they may determine but any Governor acting as such clerk or other officer shall not be entitled to any remuneration whatever but only to reasonable travelling expenses incurred in the service of the Governors. All officers and servants in the employment of the Governors shall subject to the provisions of this Order hold their offices at the pleasure of the Governors. Business arrangements.

(2) The Governors may provide suitable and convenient offices for the administration of their affairs and the accommodation of their officers and servants.

56. Minute books shall be kept by the Governors and minutes of all proceedings of the Governors shall be entered therein including resolutions authorising writings or deeds to be executed on behalf of the Governors. Books and minutes.

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Execution
of deeds.

57. All deeds and other writings sealed with the common seal of the Governors and signed by two of the Governors and their clerk shall be held to be validly executed on behalf of the Governors.

Accounts.

58.—(1) The Governors shall cause full accounts to be kept of their income and expenditure and of their assets and liabilities in such form (if any) as the Scottish Education Department shall from time to time prescribe.

(2) Such accounts in the case of the George Heriot Governors shall be kept for each year ending on the thirty-first day of December and in the case of the Heriot-Watt Governors shall be kept for each year ending on the thirty-first day of August. Provided that the Governors in either case may prescribe such other dates for the year of account as they may deem necessary or advisable.

(3) After the accounts have been audited as is hereinafter provided an abstract thereof (in such form (if any) as the Scottish Education Department shall from time to time prescribe) shall be transmitted to the Scottish Education Department and shall be published by the Governors in one or more of the newspapers circulating in the city.

Audit.

59. The accounts shall be audited in such manner as the Scottish Education Department may from time to time prescribe and the cost of such audit shall be paid out of the revenue of the Governors.

Power to
lease feu
or sell.

60. The Governors may lease or feu the lands and estates belonging to them (excepting always the grounds of George Heriot's Hospital) at a fair rent or feu-duty or may sell and convey the same either by public roup or private bargain they may also sell and realise all stocks mortgages and other property belonging to them and discharge all securities. Provided that they shall invest the money obtained by such sales or discharges in accordance with the provisions of the immediately succeeding section of this Order except in so far as the same may be required for the extinction of debt.

Investment
of funds.

61. The Governors may invest their funds in the purchase of land or in any way in which trustees in Scotland are authorised by law to invest and may vary and change all such investments at their discretion.

62. The Governors may borrow or expend capital for any of the purposes of this Order to which capital is properly applicable on condition that a sum shall annually be set aside by the Governors in the case of each loan or draft on capital sufficient to repay such loan or draft on capital within thirty years.

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Power to borrow.

63. The Governors may set aside and invest such annual sum as they may deem requisite for executing such repairs and improvements on the buildings belonging to them as may not fall naturally or conveniently within the ordinary expenditure of each year or for carrying out such works in connection with any portion of their estates as they may think necessary for the proper feuing letting or selling thereof. The Governors may at any time use the capital of the sums so invested for the purposes of this section and shall use the income derived from the said sums as part of the ordinary income of their funds. The balance at the credit of the account kept for this purpose by the existing Governors shall belong to the George Heriot Governors.

Fund for repairs and improvements.

64. The Governors may grant superannuation allowances to any of their past present or future officers or servants (excepting teachers to whom any superannuation scheme made by the Scottish Education Department under the Education (Scotland) Superannuation Act 1919 or any Act amending the same applies and who were not in the service of the existing Governors prior to the first day of April nineteen hundred and twelve) in accordance with schemes approved by the Scottish Education Department. Provided that for the purposes of any such scheme in reckoning the years of service of any such officer or servant employed by the Heriot-Watt Governors employment with the existing Governors shall be taken into account and that the George Heriot Governors shall pay out of their funds the proportion of the superannuation allowances of the officers or servants superannuated by the Heriot-Watt Governors for their years of service under the existing Governors based on the average salary or wages for the five years prior to the date of retirement of any such officer or servant.

Super-annuation allowances.

65. The Governors may make such regulations byelaws or standing orders as they think fit for the regulation of their affairs or the management of the School or the College in so far as the same are not incon-

Power to make byelaws and standing orders.

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sistent with the provisions of this Order and may alter or repeal the same provided that such regulations byelaws or standing orders shall be approved altered or repealed by a resolution carried at a meeting of which notice is given as provided in this Order and affirmed at a meeting held with notice as aforesaid not less than fourteen days thereafter. The Governors may by such regulations byelaws or standing orders provide for the closure of debate and for the suspension by resolution of the Governors for the remainder of the sitting of any Governor disregarding the authority of the chairman of any meeting or being guilty of obstruction or offensive conduct at any meeting.

Donations
&c.

66. The Governors may receive any additional donations or endowments for any of the purposes of this Order and may also receive donations or endowments for any special objects which shall not be inconsistent with or calculated to impede the due working of the provisions of this Order.

Forfeiture
of bursaries.

67. If in the judgment of the Governors the holder of any bursary shall be guilty of serious misconduct or fail to make reasonable progress they may withdraw such bursary and their determination in such case shall be final.

PART V.

MISCELLANEOUS.

Vested
interests.

68.—(1) All persons at the appointed day holding any office place employment pension compensation superannuation allowance foundation bursary prize scholarship or emolument under or arising out of the funds of the existing Governors shall continue to hold the same subject to the conditions under which it is held at the appointed day and to the provisions of this Order.

(2) In lieu of continuing in office any officer of the existing Governors the Heriot-Watt Governors or the George Heriot Governors as the case may be may dispense with the services of any such officer and in such case may grant such compensation superannuation or allowance as shall appear reasonable to the Heriot-Watt Governors or the George Heriot Governors as the case may be and the said Governors respectively may apply their funds to that purpose.

(3) If any officer is aggrieved by the refusal of the Heriot-Watt Governors or of the George Heriot Governors to grant any compensation superannuation or allowance or by the amount of compensation superannuation or allowance granted he may within three months after the decision of the Governors require the case to be referred to an arbiter mutually chosen or failing agreement to an arbiter appointed by the Scottish Education Department on the application of the said officer and the decision of the said arbiter shall be final.

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69. The existing Governors and the individual members thereof are hereby exonerated and discharged from all their actings and intromissions and of and from all obligations claims and demands in respect of the same.

Discharge of
existing
Governors.

70.—(1) Subject to the provisions of this Order all liabilities and obligations incurred by the existing Governors and remaining undischarged at the appointed day shall in a question with third parties be discharged by the George Heriot Governors and all revenue due or payable to the existing Governors and remaining outstanding at the appointed day shall similarly be payable to the George Heriot Governors.

Liabilities
of existing
Governors.

(2) The George Heriot Governors shall as soon as may be after the appointed day make up a statement of accounts applicable to the College for the period from the first day of September nineteen hundred and twenty-seven to the thirty-first day of December nineteen hundred and twenty-seven and in such statement of accounts shall credit the College with the sum of two thousand six hundred and sixty-six pounds thirteen shillings and fourpence which sum shall be taken to be the amount of the contribution effecting to the said period to be made by the existing Governors to the College and in the event of a balance being brought out in favour of the College the same shall be paid or accounted for by the George Heriot Governors to the Heriot-Watt Governors and in the event of a balance being brought out against the College the same shall be paid or accounted for by the Heriot-Watt Governors to the George Heriot Governors.

(3) The George Heriot Governors shall pay over to the Heriot-Watt Governors all revenue received by them

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(4) In the event of any difference of opinion arising between the two sets of Governors as to the correctness of the statement of accounts to be made out as aforesaid or the resulting balance brought out thereby or as to the right of the Heriot-Watt Governors to any item of revenue received or their liability for any sums expended in respect of the College after the appointed day the same shall be referred to an arbiter mutually chosen or failing agreement to be appointed by the Scottish Education Department on the application of either party and the decision of the said arbiter shall be final.

Legacies not to lapse.

71. No legacy or bequest in any will or testamentary disposition whether bearing date before or after the appointed day shall lapse or fail by reason of the provisions of this Order but any such legacy or bequest which but for this Order would have accrued for the benefit of the existing Governors shall be payable to and receivable by the George Heriot Governors or the Heriot-Watt Governors as the case may be according to the purposes for which the legacy or bequest was given Provided that any executor trustee or other person in a fiduciary capacity paying any such legacy or bequest to either of the George Heriot Governors or Heriot-Watt Governors after intimation to the other set of Governors shall be and is hereby relieved from all liability accordingly but without prejudice to the rights of the said Governors *inter se* in any such legacy or bequest.

Commutation of stamp duty.

72. In lieu of the stamp duties which would have been payable upon the deeds or instruments which would otherwise have been required to pass the property interests and rights referred to in this Order and to vest the same in the George Heriot Governors or the Heriot-Watt Governors as the case may be there shall be paid in respect of the vesting of such property interests and rights by virtue of this Order a stamp duty of five pounds which duty shall be impressed upon a copy of the Act confirming this Order the George Heriot Governors being bound to produce such stamped copy to the Commissioners of Inland Revenue within three months after the appointed day.

73. The scheme shall be and the same is hereby repealed and the property investments and funds vested by this Order in the Heriot-Watt Governors and the George Heriot Governors respectively and any other property and assets heritable and moveable real and personal that may after the appointed day belong to the said Governors respectively shall be administered and governed for every purpose in accordance with the provisions of this Order notwithstanding any previous Act of Parliament statute Provisional Order charter scheme deed or instrument relating thereto.

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Repeal of
scheme.

74. Nothing in this Order contained shall exempt the Heriot-Watt Governors or the George Heriot Governors and the funds administered by them respectively from the provisions of any general Act relating to educational endowments in Scotland passed after the appointed day.

Saving for
future
general
Acts.

75. All costs charges and expenses of and incidental to the preparing for obtaining and confirming this Order and otherwise in relation thereto shall be paid by the George Heriot Governors and if paid out of capital or the proceeds of a loan shall be repaid out of revenue during a period not exceeding five years after the date of the passing of the Act confirming this Order.

Costs of
Order.

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

THE FIRST SCHEDULE.

(Referred to in the sections of this Order of which the marginal notes are respectively "Vesting of property in Heriot-Watt Governors" and "Existing prizes and bursaries to be continued.")

I. HERIOT-WATT COLLEGE.

1. All and whole the lands and property situate within the city of Edinburgh and city parish of Edinburgh bounded on the south by Chambers Street on the east by property belonging or reputed to belong to Archibald Campbell Hope and King Limited brewers on the north partly by property belonging or reputed to belong to the said Archibald Campbell Hope and King Limited and partly by Scott's Close and on the west by Scott's Close the said lands and property being the subjects particularly described in (First) Contract of ground annual between the Edinburgh Improvement Trustees and the existing Governors dated 13th and 14th December 1886 and recorded in the division of the general register of sasines applicable to the county of Edinburgh on the 3rd January 1887 and in the books of council and session on the 12th July 1887 (Second) Disposition by trustees of William Ramsay Henderson in favour of the existing Governors dated 12th 13th and 14th and recorded in the said division of the general register of sasines on the 17th all days of May 1886 (Third) Disposition by said last-mentioned trustees in favour of the existing Governors dated 9th and 10th and recorded in the said division of the general register of sasines on the 13th all days of November 1886 (Fourth) Disposition by the Edinburgh Improvement Trustees in favour of the trustees of the Watt Institution and Edinburgh School of Arts dated 31st March and recorded in the said division of the general register of sasines on the 13th April both in the year 1874 and (Fifth) Contract of ground annual between the said improvement trustees and the existing Governors dated 13th and 14th December 1886 and recorded in said division of the general register of sasines on the 3rd January 1887 and in the books of council and session on the 11th July 1887 all as coloured pink and marked Area No. 1 on the duplicate plans hereinafter in this schedule referred to.

2. All and whole the lands and property situate within the city of Edinburgh and city parish of Edinburgh bounded on the south by Scott's Close on the east partly by Scott's Close and partly by property belonging or reputed to belong to the Governors of George Heriot's Trust on the north by other property

belonging or reputed to belong to the Governors of George Heriot's Trust and on the west by Dyer's Close the said lands and property being part of the subjects particularly described in (First) Disposition by the trustees of the late William Raeburn with consents in favour of the existing Governors dated 4th and 7th July and recorded in the register of sasines kept for the burgh of Edinburgh 3rd August both in the year 1899 (Second) Disposition granted by the trustees of Mrs. Helen Bain or Macalister in favour of the existing Governors dated 10th and recorded in the register of sasines kept for the burgh of Edinburgh on the 18th both days of May 1898 (Third) Disposition by the trustees of the late William Hunter in favour of the existing Governors dated 3rd and recorded in the register of sasines kept for the burgh of Edinburgh on the 15th both days of May 1907 and (Fourth) Disposition by the factor and commissioner for John Fulton Lawrie in favour of the existing Governors dated 4th and recorded in the register of sasines kept for the burgh of Edinburgh on the 6th both days of April 1907 all as coloured pink and marked Area No. 2 on the duplicate plans hereinafter in this schedule referred to.

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3. All and whole the lands and property known as Brown Square School Chambers Street Edinburgh situate within the city of Edinburgh and city parish of Edinburgh bounded on the north east and south by the open space and passages formerly forming part of Brown Square and on the west by property known as "Society" the said lands and property being coloured pink and marked Area No. 3 on the duplicate plans hereinafter in this schedule referred to.

4. All and whole the lands and property known as 29 Chambers Street Edinburgh together with the area in front thereof situate within the city of Edinburgh and city parish of Edinburgh bounded on the north by Dyer's Close on the east partly by Dyer's Close and partly by Scott's Close on the south by Chambers Street and on the west partly by the Edinburgh Dental Hospital and School partly by the Augustine Church and partly by Merchant Street the said lands and property being coloured pink and marked Area No. 4 on the duplicate plans hereinafter in this schedule referred to.

5. All and whole the lands and property on the west side of Dyer's Close Cowgate situate within the city of Edinburgh and city parish of Edinburgh bounded on the east by Dyer's Close on the south by Cowan's Close and on the west and north by property belonging to or reputed to belong to the Corporation of Edinburgh the said lands and property being coloured pink and marked Area No. 5 on the duplicate plans hereinafter in this schedule referred to.

6. All and whole the lands and property situate within the city of Edinburgh and city parish of Edinburgh on the south

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II. MINING SCHOOL GRASSMARKET.

7. All and whole the lands and property situate within the city of Edinburgh and city parish of Edinburgh bounded on the south partly by Greyfriars' churchyard and partly by the grounds of George Heriot's Hospital on the east partly by Greyfriars' churchyard and partly by an open court on the north partly by an open court and partly by property belonging or reputed to belong to P. Loftus lodging-house keeper 65 Grassmarket and on the west partly by the said property belonging or reputed to belong to the said P. Loftus partly by the backgreen attached to 6 and 7 Heriot Bridge belonging or reputed to belong to the Edinburgh Heritable Investment Company Limited and others and partly by the grounds of George Heriot's Hospital the said lands and property being the subjects particularly described in (First) Disposition by John Henry Cooper with consents in favour of the existing Governors dated 16th and 19th days of August 1912 and recorded in the register of sasines kept for the burgh of Edinburgh on 29th day of January 1913 (Second) Disposition by the trustee of Mrs. Sarah Elizabeth Hardie in favour of the existing Governors dated 24th and recorded in the register of sasines kept for the burgh of Edinburgh on the 27th both days of January 1914 (Third) Extract decree of the dean of guild court in causa the procurator-fiscal against the existing Governors and others dated 1st and extracted 21st and recorded in the register of sasines kept for the burgh of Edinburgh on the 31st all days of July 1915 and (Fourth) Disposition by Christopher Vance in favour of the existing Governors dated 29th day of June and recorded in the register of sasines kept for the burgh of Edinburgh the 1st day of July 1915 all as coloured pink and marked Area No. 7 on the duplicate plans hereinafter in this schedule referred to.

Note.—The lands and property before mentioned are coloured pink and marked respectively "Area No. 1" "Area No. 2" "Area No. 3" "Area No. 4" "Area No. 5" "Area No. 6"

and "Area No. 7" on duplicate plans signed by the Right Honourable Alexander Stevenson lord provost, of the city of Edinburgh on behalf of the existing Governors the said plans to be deposited as soon as may be after the appointed day as follows One in the office of the Heriot-Watt Governors and one in the office of the George Heriot Governors.

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III. PRIZE FUNDS.

8. Superiority of all and whole three lots of ground in the city of Edinburgh and city parish of Edinburgh situate on the south side of East Mayfield or Knox Place Newington Edinburgh and now known as Nos. 5 6 and 7 East Mayfield Edinburgh.

The free annual proceeds are to provide six equal annual prizes called the "M'Laren Robertson" Prizes.

9.

Investment.	Prizes.	Application.
Corporation of Edinburgh gas annuity of £17.	Horner prize	£3 3s. alternately in junior mathematics physics and chemistry.
£481. 4 per cent. debenture stock of the London and North Eastern Railway Co.	Bryson prize	£2 2s. alternately in junior and senior mathematics physics and chemistry.
	Newlands prize	£1 1s. alternately in classes of junior and senior mathematics physics and chemistry.
	Pillans prize	£1 1s. alternately in French and German.
	Duncan Monteith's prizes.	2 Prizes of £2 each alternately in senior mathematics and physics and junior mathematics and chemistry.
	John Robinson's prize.	£1 1s. for history.
£210. 4½ per cent. redeemable stock of the corporation of Edinburgh 1940-60.	David Cousin's prize.	£3 3s. for best architectural drawing.
	Andrew Wemyss' prize.	4 of £1 1s. each for applied mechanics heat engines geology and botany.
	Marshall prizes	3 of £3 3s. each for English literature chemistry mathematics and physics.
£130 4s. 6d. 6 per cent. mortgage of corporation of Edinburgh.	Fowler bequest otherwise "Anon." prizes.	Prizes for technological trade and commercial classes preferably to fatherless students.
£3 14s. gas annuity of the corporation of Edinburgh.	Burton prizes	For evening classes in printing.
£126 17s. 9d. 2½ per cent. consolidated stock.	Hugh Findlay prize	For evening classes in mathematics.

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Investment.	Prizes.	Application.
Two bonds of £100 each of city of Mexico 5 per cent. sterling loan. £255. 4½ per cent. redeemable stock of the corporation of Edinburgh 1940-60. £6 16s. 8d. gas annuity of corporation of Edinburgh. £50. 5 per cent. war stock 1929-47. £27 17s. deposit receipt of Union Bank of Scotland Ltd. £1,300. 5 per cent. war stock 1929-1947. £492 14s. 6d. 3½ per cent. conversion stock. £1,260. 4½ per cent. corporation of Edinburgh redeemable stock 1940-60. £500. 5 per cent. war stock 1929-1947.	Lindsay Jamieson prizes. Douglas Brown bursary. Brewers' Society of London.	Two prizes of £5 each to be expended on books or tools—one for evening class in handicraft and the other for the first year's class of day students' summer workshop course. Two bursaries tenable by students in electrical engineering and mechanical engineering day department to students attending evening classes. Three years' accumulated income to be given every third year to student for research purposes.
£331 5s. 7d. 2½ per cent. Consols.	Alexander Graham Nairn's prize.	Annual prize to the third-year student taking highest place in the final examination for the diploma in mechanical engineering.

THE SECOND SCHEDULE.

(Referred to in the section of this Order of which the marginal note is "Application of revenues of Governors.")

FOUNDATIONERS.

Founda-
tioners.

1. The Governors shall select and maintain on the foundation not more than one hundred and fifty boys and one hundred and fifty girls of not less than eight years of age being poor fatherless children of burgesses of Edinburgh. The children shall be of good health and character and in such circumstances that aid is necessary for their education and maintenance. The said number of one hundred and fifty boys shall be inclusive of the boys duly qualified whom the Corporation of Skinners and those in right of the late Colonel Shillinglaw have been in use to present

No child shall be admitted as a foundationer unless he or she has shown by an examination conducted by the Governors that he or she has reached the standard of education appropriate to his or her age and if there be a greater number of candidates than the number of vacancies the Governors shall in selecting the children have due regard to merit as ascertained by such examination and in the case of children who have been in attendance at school they shall give special weight to good conduct attendance and progress at school during the previous year The foundationers shall be selected at such time or times of the year as the Governors may think fit The boys shall receive free education at George Heriot's School and the girls at any public or state-aided school which the Governors may select Provided that in the event of any girl foundationer having prior to her election been in attendance at a secondary school the Governors shall be entitled to allow her to continue her attendance at such school and to pay the cost of books and fees during attendance at such school The Governors at the end of every school year shall obtain from the headmaster of the school attended a special report as to the conduct regularity of attendance at school and progress of all foundationers and no child shall be continued on the foundation in regard to whom such report is not satisfactory For the purposes of this section "burgesses" shall include inhabitant occupiers who by virtue of their office are entitled to reside in premises rent free or whose rents and rates have been paid by their employers.

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2. When any boy foundationer completes the course in the junior or elementary department of George Heriot's School the Governors shall determine after taking into account the record of his progress whether he shall be transferred to the secondary department of the School or to one of the special (technical and commercial) schools under the Management of the Edinburgh Education Authority.

Power to send boy foundationer to special school.

3. The foundationers shall remain on the foundation until the end of the session in which they attain the age of fifteen years At the end of the session in which any boy foundationer has attained the age of fifteen years the Governors shall obtain a special report from such examiners as they may appoint as to his talents progress and position at school and if it appear to them that he is of such promise as to make it desirable that he should receive further education he shall be permitted to remain on the foundation or receive free education for such longer period as the Governors may determine The Governors shall pay the cost of books and fees of every girl foundationer who has passed the control examination of the Edinburgh Education Authority and who is attending an intermediate or a secondary school of that authority At the end of the session in which any girl foundationer who has been attending such intermediate or secondary school or such other secondary school approved by the Governors and who desires to continue such higher

Higher education of foundationers.

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education the Governors shall obtain a special report from such examiners as they may appoint as to the talents progress and position at school of such girl foundationer and if it appear to the Governors that she is of such promise as to make it desirable that she should continue to receive higher education the Governors shall have power to select her for higher education and to retain her on the foundation or they may pay the cost of her fees and books during her attendance at school.

Maintenance
of founda-
tioners.

4. The Governors may if they see fit apply an annual sum not exceeding Twenty pounds for the maintenance of each foundationer The said annual sum shall be spent in such manner and paid to such persons and under such conditions as the Governors may direct It shall be in the power of the Governors in cases where both parents are dead to exceed the maximum allowance by a sum of not more than five pounds per annum.

Power to
revise list.

5. It shall be in the power of the Governors to revise the list of foundationers from time to time and to strike off the names of any foundationers whose circumstances in the opinion of the Governors have improved since the date of their election.

Apprentice
allowances
to founda-
tioners.

6. The Governors may pay to foundationers who after leaving the foundation become bound as apprentices or engage in a trade or occupation approved by the Governors an apprentice allowance not exceeding fifty pounds in all apportioned in such yearly instalments or otherwise as the Governors think proper It shall be in the power of the Governors in cases where both parents are dead to exceed the maximum allowance by a sum not exceeding twenty pounds The allowance shall be made under such conditions and to such persons for behoof of the foundationers as the Governors may think fit The Governors shall annually cause sufficient inquiry to be made as to the conduct circumstances and progress of the foundationers and no such payment shall be made or continue to be made to any foundationer unless the Governors are satisfied that the foundationer is in such circumstances as to require assistance and that his or her conduct is in all respects satisfactory The foundationers receiving allowances shall attend such course of instruction as may be approved by the Governors at the Heriot-Watt College or such other school for technical instruction as may be approved by the Governors and the Governors may pay the cost of the fees and books at such courses In special circumstances the Governors may pay the allowance where the foundationer has not yet entered upon an apprenticeship or engaged in an occupation or trade or is out of employment provided the Governors are satisfied that the want of employment is due to no fault of the foundationer and that the foundationer is in the meantime continuing his or her studies either at George Heriot's School or at any other school or college approved by the Governors and the Governors may pay the cost of the fees and books at such school or college.

7. If any foundationer has proved to be a scholar of promise and likely to be successful in any profession or occupation requiring a university education it shall be in the power of the Governors to confer upon him or her in lieu of an apprentice allowance a bursary of twenty pounds a year tenable for three years at any university to be approved by the Governors and if he or she shall select a profession or occupation for which a full university training is not required and shall enter on a regular apprenticeship or course of training in any college therefor it shall be in their power in lieu of an apprentice allowance to grant the aid necessary for paying all class fees and purchasing the books required for his or her education as well as paying his or her fees for examination and admission to the profession or occupation he or she has selected provided that such aid shall not exceed sixty pounds in all.

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Bursaries and allowances to foundationers for professional studies.

BURSARIES AND SCHOLARSHIPS.

8. The Governors may apply an annual sum of not more than five hundred pounds in establishing school bursaries to be called the Heriot School Bursaries each of the yearly value of not more than fifteen pounds. These bursaries shall be awarded to pupils attending public or state-aided schools in the city of Edinburgh whose parents or guardians are in such circumstances as to require aid in giving them higher education under such conditions and regulations as may from time to time be made by the Governors with the approval of the Scottish Education Department. These bursaries shall be tenable at George Heriot's School and shall further confer the right of free education books and stationery.

School entrance bursaries.

9. The Governors may institute not more than one hundred free scholarships at George Heriot's School. These free scholarships shall be given at the end of each school year in such number in each year as the Governors may find expedient. They shall be awarded either by competitive examination or by regard to conduct and progress in the school as the Governors may from time to time determine among those pupils in the school (not being foundationers) whose parents or guardians require assistance for giving them education. These free scholarships shall confer the right of free education with books and stationery for the ensuing year.

Free scholarships.

10. The Governors may establish not more than forty bursaries of ten pounds per annum each in the school which shall be awarded upon such conditions as the Governors may from time to time determine among pupils of the school whose parents or guardians require aid in giving them higher education. These shall further convey the right of free education with books and stationery. The Governors may if they think fit vary the annual payment in the different years for which the bursary is held

School bursaries.

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Bursaries and prizes founded in connection with George Heriot's Hospital.

11. The Governors shall continue the following bursaries prizes and foundations:—

		Annual Value.		
		£	s.	d.
(1) <i>Bursaries and Prizes.</i>				
Blair bursary (divinity)	- - - - -	16	0	0
Abercromby bursary	- - - - -	20	0	0
Ronaldson prize fund	- - - - -	4	0	0
Dean of Guild prize fund	- - - - -	4	0	0
Hippolyte J. Blanc bursaries in architecture	- - - - -	19	0	0
William Harvey prizes in English literature	- - - - -	7	7	0
“Peter Aitken” prize founded by Mrs. Margaret Hooper of Montreal	- - - - -	20	0	0
“John Hope” bursary founded by Mrs. Margaret Hooper of Montreal	- - - - -	51	0	0
“Peter Macnaughton” prize in science founded by Mrs. Margaret Hooper of Montreal	- - - - -	10	0	0
Sir Robert Kirk Inches prizes in Russian	- - - - -	5	5	0
McLaren prize fund for children attending former Heriot Schools	- - - - -	16	0	0
Dr. Lowe's prize in modern languages	- - - - -	5	0	0
“David Alexander Heggie” prize in mathematics	- - - - -	5	0	0

(2) *Foundations.*

Charles H. Lear of Liverpool for founding four girl foundationers (£20 each)	- - - - -	80	0	0
John Hogg of London for founding one boy foundationer	- - - - -	20	0	0

University or technical school bursaries.

12. The Governors shall apply an annual sum of not less than three hundred pounds in establishing university or technical school bursaries each of the aggregate value of one hundred pounds. These bursaries shall be awarded among the pupils of George Heriot's School whose parents or guardians require aid in giving them higher education under such conditions and regulations as may from time to time be made by the Governors with the approval of the Scottish Education Department and shall be tenable for a period not less than three years and not exceeding four years at a university or day technical school to be approved by the Governors.

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13. It shall be in the power of the Governors to apply an annual sum not exceeding three hundred pounds in the establishment of scholarships in modern languages each of a yearly value not exceeding one hundred and fifty pounds. These scholarships shall be awarded among the pupils of George Heriot's School in such manner and under such conditions as the Governors may from time to time appoint. They shall be tenable for a period not exceeding two years abroad and the scholar shall carry on his studies in such places and in such way as may be approved by the Governors.

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—
Modern
language
scholarships.

14. The Governors shall apply a sum not exceeding one hundred and fifty pounds annually in establishing scholarships for boys who have been pupils of George Heriot's School for at least two sessions and who on leaving the school are desirous of attending evening classes at the Heriot-Watt College and who require aid in carrying on their education. These scholarships shall in no case exceed two pounds each in annual value and on satisfactory reports as to diligence and progress they may be renewed from year to year but they shall not be tenable for more than three years in all. They shall be awarded in such manner as the Governors may approve.

Evening
class
scholarships.

15. It shall be in the power of the Governors to expend a sum not exceeding one hundred and fifty pounds per annum in paying the fees of former pupils of George Heriot's School attending the day department of the Heriot-Watt College and who require aid in carrying on their education. The fees paid shall not exceed fifteen pounds per annum in the case of any one pupil and shall be awarded on such conditions as the Governors may with the approval of the Scottish Education Department from time to time determine.

Fees of
former pupils
of George
Heriot's
School at the
Heriot-Watt
College.

16. It shall be in the power of the Governors to expend an annual sum not exceeding one thousand five hundred pounds in establishing bursaries tenable either in the evening classes or in the day departments of the Heriot-Watt College under such conditions as the Governors may with the approval of the Scottish Education Department from time to time determine.

Heriot-Watt
College
bursaries.

17. It shall be in the power of the Governors to expend an annual sum not exceeding four hundred pounds in establishing bursaries or scholarships to be awarded to students in the day department of the Heriot-Watt College tenable either at the University of Edinburgh or other university college or educational institution approved by the Governors under such conditions as the Governors may with the approval of the Scottish Education Department from time to time determine.

Heriot-Watt
scholarships.

18. It shall be in the power of the Governors to found two travelling scholarships not exceeding the annual value of one hundred pounds each. These scholarships shall be awarded

University
travelling
scholarships.

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among undergraduates in arts of the University of Edinburgh who require assistance to enable them to take the necessary courses abroad for graduation in modern languages at the University of Edinburgh under such rules and regulations as may be made by the senatus of the University of Edinburgh and approved of by the Governors.

University
research
fellowships.

19. It shall be in the power of the Governors to found fellowships not exceeding five in number and not exceeding the annual value of one hundred pounds each to be called George Heriot's Research Fellowships. These fellowships shall be awarded under such rules and regulations as may be made by the senatus of the University of Edinburgh and approved of by the Governors among graduates and others who have attended for not less than two academic years at the University of Edinburgh within the ten years immediately preceding the date of appointment.

THE THIRD SCHEDULE.

(Referred to in the section of this Order of which the marginal note is "Administration of School.")

THE SCHOOL.

Subjects of
instruction.

1. The subjects to be taught in the school as part of the ordinary curriculum shall include knowledge of the Bible reading writing arithmetic geography history English grammar English composition English literature Latin French German mathematics mechanics physics and chemistry and also freehand geometrical mechanical and architectural drawing. The Governors shall take especial care to secure thorough and advanced teaching in mathematics drawing and modern languages. The classes in mechanics physics and chemistry shall in all cases be associated with sufficient experimental demonstration and practical teaching and the Governors shall provide proper laboratory accommodation for the purpose. The use of tools shall be taught in the workshops to be provided by the Governors but not the practice of any specific trade.

Fees.

2. The fees shall be at the rate of not less than one pound ten shillings for the school year for the lowest class in the school and shall in the higher classes be fixed by the Governors with reference to the comparative cost of such higher classes.

Appointment
of head-
master.

3. The headmaster of the school shall be a graduate of some University of the United Kingdom. The Governors shall appoint the headmaster at any meeting of the Governors of which notice specifying that the appointment falls to be made shall be given in the notice calling the meeting after having taken such steps (by advertisement or otherwise) as they shall deem best calculated to obtain a suitable candidate or candidates.

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4. The Governors may dismiss the headmaster without assigning cause after three calendar months' written notice given to him in pursuance of a resolution passed at two consecutive special meetings held at an interval of at least fourteen days such resolution being affirmed by at least two-thirds of the Governors present and voting on each occasion. The Governors for what in their opinion is urgent cause may by a resolution passed at a special meeting and affirmed by not less than two-thirds of the whole number of Governors for the time being declare that the headmaster ought to be dismissed from his office without notice and in that case they may appoint another special meeting to be held not less than seven days after the former one and may then dismiss him by a like resolution affirmed by not less than two-thirds of the Governors for the time being. And if the Governors assembled at the first of such special meetings think fit at once to suspend the headmaster from his office until the next meeting they may do so by resolution affirmed by not less than two-thirds of the whole number of Governors for the time being. Due notice and opportunity for explanation and defence shall in each case be given to the headmaster.

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Dismissal of headmaster.

5. Subject to the approval of the Governors and to the rules prescribed by or under the authority of this Order the headmaster shall have under his control the choice of books the methods of teaching the arrangements of classes and school hours and generally the whole organisation discipline and management of the school and shall have the power of expelling boys from the school or suspending their attendance thereat for any cause that appears to him sufficient subject to an appeal to the Governors.

Management of school.

6. The headmaster shall have the power of appointing and dismissing all assistant teachers but no appointment or dismissal of an assistant teacher shall be final until approved by the Governors and in all such cases the approval or disapproval of the Governors shall be entered in the minutes.

Assistant teachers.

7. Subject to the provisions of this Order the Governors shall after due consultation with the headmaster prescribe the general subjects of instruction and the order in which they are to be taken the relative prominence and value to be assigned to each subject the school terms vacations and holidays. They shall take the general supervision of the school buildings and arrangements. They shall determine the number of assistant teachers and fix their salaries and mode of payment.

General supervision.

8. Boys shall not be admitted to the school before they shall have passed such entrance examination as may from time to time be prescribed by the Governors. Subject to this condition the school shall be open to all boys of good health and character so far as there is room for them. If the number of applicants

Admission to school.

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