



CHAPTER clxxx.

An Act to enlarge and alter the scope of the Meal Charity created by the Trust Disposition and Settlement of John Ogilvie for the benefit of the Poor of the Parishes of Airth and Bothkennar in the County of Stirling and for other purposes. A.D. 1896.
[7th August 1896.]

WHEREAS the late John Ogilvie of Gairdoch by his trust disposition and settlement dated the eleventh day of August one thousand seven hundred and ninety-eight registered in the books of council and session on the fifth day of February one thousand eight hundred and eighteen gave granted assigned and disposed to the trustees therein named and the acceptors or acceptor and survivors or survivor of those accepting all and sundry lands heritages debts heritable and moveable and whole goods gear estate and effects of every kind pertaining and belonging to him or which should pertain and belong or be due to him at the time of his decease in trust for the uses and purposes therein declared and amongst others the following namely For payment to the said trustees of the sum of one thousand pounds sterling to be applied by them in the establishment of a permanent fund for purchasing meal during years of scarcity for supplying the labouring poor of the parishes of Airth and Bothkennar And the said truster directed and appointed Primo That the aforesaid sum of one thousand pounds sterling should be invested in the public funds in three per cents. Consolidated Secundo That the interest or dividends arising from this sum so invested in the funds should be accumulated each year while the price of meal should not exceed the average price and one fourth more for the ten years immediately preceding at the rate of the fiars of the county of Stirling for the said ten years Tertio That the meal should be purchased and sold to the labouring poor of the aforesaid parishes when the market price at the time should so exceed the average price of the fiars and one fourth more for the ten years

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A.D. 1896. immediately preceding and that the trustees should sell it to the poor at the said average price Quarto That in purchasing meal in years of scarcity the capital of the said fund should never be encroached upon and that the trustees should be entitled to purchase meal to the extent only of the dividends or increase obtained above the original stock of one thousand pounds sterling by the accumulations that should have been made in manner before-mentioned Quinto That in the distribution of the said meal the poor persons who had been cottagers or labourers in any branch of husbandry or country work or the destitute widows or orphans of seamen or soldiers who had been born in these parishes if not otherwise provided for should be preferred to the poor that had been employed in manufactures Sexto That the trustees and their successors should be the sole judges in the distribution of the meal in the terms above mentioned and in the quantities to be purchased at particular times and should have the unlimited power of acting according to what they should consider to have been the said truster's true intention and meaning Septimo That for securing the proper management of this fund and perpetuating the series of trustees for managing the same the ministers for the time of the said parishes of Airth and Bothkennar together with the said truster's heir or member of tailie for the time should be trustees along with the persons especially named as trustees by the deed now in recital and their successors and that each of the persons especially named by such deed as trustees and each trustee to be thereafter appointed (excepting always for the time the ministers of Airth and Bothkennar and excepting also the said truster's heir of entail in possession for the time) should nominate his successor within six months after his appointment but should be at liberty any time during his life to alter the nomination And that the ministers for the time being of the parishes of Airth and Bothkennar together with the said truster's heir or member of tailie for the time and the persons who should be so nominated by the trustees especially named by the deed now in recital and by their successors should have the same power of acting in every point regarding the management of the said fund as if they had been expressly named by the said truster in such deed And further that the said trustees should each year produce in the sheriff court of the county of Stirling the accounts of their management of the said fund and lay the said accounts before the sheriff of the county of Stirling for the time for his inspection :

And whereas after the death of the said John Ogilvie the said bequest was on the thirty-first day of October one thousand eight

hundred and thirty-five paid over to the Right Honourable the Earl of Dunmore and John Walker afterwards John Walker Ogilvie then heir of tailie being the only then surviving trustees especially designated by the said truster and the ministers of the parishes of Airth and Bothkennar for the time being with interest from the term of whitsunday one thousand eight hundred and twenty-one and then amounted to one thousand five hundred and one pounds sixteen shillings and sixpence :

And whereas the said Earl of Dunmore in compliance with the provisions of the said trust disposition and settlement duly nominated his son Lord Fincastle to be his successor in the trust but after the death of the said Earl of Dunmore his said son never acted in the said trust and the said Charity has since the year one thousand eight hundred and thirty-six been managed solely by the said two ministers and the heir of tailie for the time being :

And whereas the Reverend George Simpson minister of the parish of Airth the Reverend George Dickson Hutton minister of the parish of Bothkennar and Charles Edward Walker Ogilvie (who was the heir of tailie of the said truster under and in virtue of a disposition and deed of entail granted by the trustees of the said truster in favour of John Walker and the heirs of entail therein specified dated the eighth day of March one thousand eight hundred and thirty-six and recorded in the register of tailies the eleventh day of March following but who has lately executed an instrument of disentail) are the present acting trustees of the said Charity :

And whereas under the above recited regulations prescribed by the said truster the said Charity has only come into operation on four or five occasions since the year one thousand eight hundred and thirty-five and the trust funds have in consequence accumulated until on the thirtieth day of November one thousand eight hundred and ninety-five they consisted of five thousand six hundred pounds Consolidated two and three quarters per cent. annuities and the sum of ninety-one pounds nine shillings and elevenpence in cash standing in the names of the said acting trustees which stock and cash are herein-after referred to as "the said trust funds":

And whereas it is expedient that the scope of the said Charity should be enlarged and altered in order the more effectually to benefit the poor of the parishes of Airth and Bothkennar and that provisions should be made for the administration and management thereof :

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

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May it therefore please Your Majesty that it may be enacted and be it enacted by the Queen's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows:—

Short title.

1. This Act may be cited for all purposes as the Ogilvie Meal Charity Act 1896.

Interpretation.

2. The following words and expressions in this Act shall have the meanings hereby assigned to them unless there be something in the subject or context repugnant to such construction:—

“The trust disposition” means the herein-before recited trust disposition and settlement;

“The old trustees” means the trustees of the said Charity created by the trust disposition;

“The Trustees” means the Trustees appointed by or under the authority of this Act; and

“The Charity” means the Ogilvie Meal Charity as herein-after defined.

Extinction of the Charity as constituted by the trust disposition.

3. Within one month after the passing of this Act such of the old trustees in whose names the said trust funds then stand shall transfer and pay the same together with any interest dividends or cash which may have accrued thereon subsequent to the thirtieth day of November one thousand eight hundred and ninety-five or which may be payable or belong to the said Charity as constituted by the trust disposition or to the old trustees or such part thereof as shall not have been expended in accordance with the provisions of section 15 of this Act to the Trustees appointed by this Act and the old trustees shall thereupon be discharged from being trustees of the said Charity and the same shall be free from all the provisions contained in the trust disposition.

Name and constitution of Charity.

4. The said trust funds and any interest dividends or cash to be transferred to the Trustees as aforesaid and any future gifts to them for the purposes of the Charity unless specially directed to be applied as income shall be deemed capital and with the accretions thereof shall form the Charity or trust to which this Act applies and shall be known and called by the name of “The Ogilvie Meal Charity” and such Charity shall be administered and managed by the Trustees under the provisions of this Act.

Trustees.

5. The said Charles Edward Walker Ogilvie the Reverend George Simpson and the Reverend George Dickson Hutton and the successors of the two last named in their respective positions of minister of the parish of Airth and minister of the parish of Rothkennar shall be the Trustees of the Charity and each of the

parish councils of Airth and Bothkennar may if they think fit with the sanction of the Local Government Board for Scotland appoint an additional trustee Upon the death or retirement of the said Charles Edward Walker Ogilvie the Trustees or Trustee for the time being shall appoint a new trustee to fill the vacancy and so as often as a vacancy shall occur in that trusteeship.

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6. The Trustees may invest the funds of the Charity or any part thereof in the same way and manner as Trustees may for the time being have power to invest trust funds in Scotland and they shall as soon as conveniently may be after receiving the same so invest the capital referred to in section 4 of this Act or so much thereof as is not then invested and they may from time to time uplift and vary such investments.

Powers of investment.

7. The Trustees may apply the income of the funds of the Charity in any year or so much thereof as they may from time to time think expedient in providing medical attendance and nursing and necessaries and comforts during sickness for behoof of the poor of the parishes of Airth and Bothkennar as defined by this Act and in granting pecuniary allowances for behoof of such poor who may be of the age of sixty-five years or upwards or who may be widows or orphans The Trustees may supply the said necessaries or comforts either gratuitously or on payment of a sum not exceeding the cost price or as regards medical attendance and nursing gratuitously or on payment of the fees actually paid or some part thereof and they may in cases of sickness pay the house rent or lodging of such poor either wholly or partially.

Trusts of income.

8. All income (including any moneys received under the preceding section) not expended in any year shall be accumulated and added to capital.

Surplus income to be added to capital.

9. The poor of the said parishes of Airth and Bothkennar shall mean any person who has resided in the said parishes or in either of them for such a period as the Trustees may from time to time determine and the wife widow or children of any such person and whom they consider to be fit objects of the Charity and who shall not at the time be in receipt of parochial relief Provided that such of the said poor who have been cottagers or labourers in any branch of husbandry or country work and the destitute widows or orphans of seamen or soldiers such seamen or soldiers having been born in either of the said parishes shall if in the opinion of the Trustees they are not otherwise sufficiently provided for be preferred to the poor who have been employed in manufactures The Trustees may if they shall think fit fix different periods of residence applicable to different classes of the said poor.

Definition of the poor of the said parishes.

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Power to
frame rules
and regu-
lations.

Meetings of
Trustees.

10. Subject to the provisions of this Act the Trustees may frame rules and regulations for the administration management and application of the Charity and the funds thereof and shall have power to add to alter and vary the same from time to time.

11. The Trustees shall meet within three months after the passing of this Act and annually thereafter not later than the end of May This meeting shall be termed the annual meeting and at it the accounts for the preceding year shall be submitted and resolutions passed for the investment or reinvestment of any funds for the time being uninvested and not required for immediate use Other meetings may be held at such times and places as the Trustees may from time to time determine A quorum of the Trustees shall be three The Trustees present at a meeting shall be entitled to act by a majority.

Expenses of
the trust.

12. The Trustees shall be entitled to reimbursement out of the funds of the Charity of all expenses actually incurred by them in the administration thereof.

Trustees
to keep
accounts.

13. The Trustees shall keep a sederunt book and regular accounts of their intromissions and shall balance these accounts annually at such date prior to the annual meeting as they may from time to time fix and determine A copy of these accounts shall be lodged each year in the sheriff court of the county of Stirling for the inspection of the sheriff of the county and all others interested.

Power to
appoint
clerk.

14. The Trustees may appoint a clerk with such suitable remuneration as they think proper whose duties shall be defined by them and shall include the keeping of the accounts and of the sederunt book.

Costs of Act.

15. All the costs charges and expenses of and incident to the preparing for obtaining and passing of this Act or otherwise in relation thereto shall be paid out of the capital or income of the trust funds or partly in one way and partly in the other.

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