

heritages, debts, and sums, goods, gear, and other heritable and moveable means and effects of whatever nature, denomination, or designation the same be, either in Great Britain, the West Indies, or elsewhere, which belonged to the said deceased James Schaw at the time of his death, and to which the said original Trustees acquired or might have acquired right, as his trustees or executors, in virtue of the deeds before recited: Excepting only in so far as the state of the subjects conveyed by the said Trust-Deed had been altered or innovated, in consequence of the intrusions and management of said original Trustees under the sanction of the said Deed. And particularly, the said original Trustees thereby conveyed and disposed to and in favour of themselves, and the other persons before named, and to such of them as should accept, and their quorum, as said is, and to their assignees, the special subjects, heritable and moveable, thereafter specified, viz., All and whole the aforesaid lands and barony of Preston and Prestonpans, etc.,— [Follows a particular description and enumeration of the subjects disposed.]—But which whole subjects, heritable and moveable, before conveyed should be held by said original Trustees and the persons before named, and their quorum, as aforesaid, in trust, and should be applied as they and said original Trustees were thereby expressly bound and obliged to apply the same to and for the ends, uses, and purposes following, viz., In the first place, for payment and discharge of any debts and obligations, if any such there be, yet resting-owing, and undischarged by the said deceased James Schaw, at the time of his death, and the other purposes mentioned in said Deed of Divestment and Reconveyance; 'And Lastly, The foresaid lands and barony of Preston, together with the free residue of the whole other heritable and moveable estate before disposed, after fulfilment of the other purposes of the trust, to be employed for the special intent and purpose of founding and endowing an Hospital, or charitable institution, for the aliment, clothing, and education of poor boys, and also for binding said boys apprentices, or otherwise setting them out to business, all in the manner, and with the powers particularly specified in the aforesaid deed of trust; but always with and under the fundamental and unalterable rules and provisions in the said deed, and herein particularly before expressed; under which burdens, conditions, provisions, and declarations, these presents are granted, and shall be accepted of allennarly: And under which burdens, provisions, and declarations we do hereby denude and divest ourselves of the aforesaid trust committed to us, and declare the same to be fully terminated and extinguished, and all the powers hitherto vested in us by ourselves, along with the other and further powers before mentioned, to be all now vested in us conjunctly with the other trustees before named; declaring always, that the said trustees hereby named, shall, by acceptation hereof, be, as they are hereby bound and obliged to ratify, homologate, and approve of our whole transactions and management, during the period of our officiating as trustees aforesaid; and to warrant us against all the effects and consequences of the same, and all the other consequences of every kind, of our accepting and acting under the said trust, in manner before specified; and that no claim or demand shall, under any pretext whatsoever, be made against us, or any of us, or our heirs, on account of our said management or

intrusions; but that the said trustees hereby named shall be understood, before acceptance of the trust hereby committed to them, to have satisfied themselves of our faithful execution of the trust reposed in us, and of our having fairly and fully accounted for the whole of the trust-funds under our charge; under which declaration also these presents are granted, and shall be accepted of allennarly; but it is hereby provided and declared, that nothing contained in the above declaration and obligation, or any part of this deed, shall be construed to bind the said residuary trustees personally, or subject their own private means or estate to any action, claim, or demand whatever, but that the same is granted by them merely as trustees, under the settlement of the said deceased James Schaw; declaring also, as it is, by the aforesaid deed of trust, expressly provided and declared, that the trustees hereby named, shall not be liable for omissions, neglects, or insolvency of debtors or tenants, nor for the intrusions of any factors or attorneys, whom they shall find it necessary to appoint to act under them, in the management of the trust hereby committed to them, nor shall they be liable *in solidum* or each for others, but each of the said trustees for his own actual and personal intrusions only,' as the said Deed of Divestment and Reconveyance, containing sundry other clauses, in itself more fully bears.

All the persons named as Residuary Trustees in the Deed of Divestment and Reconveyance before mentioned, accepted of the trust thereby committed to them, except the late Earl of Hyndford, Mr. James Syme of Northfield, the then Sheriff-Depute of Edinburgh, and the then Sheriff-Depute of Haddington; and a Charter under the Great Seal, of the Estate of Preston, was passed in their favour, dated 20th December 1787, on which they were infeft the 21st, and the sasine thereon recorded in the General Register of Sasines for the shire of Edinburgh, etc., the 22d January 1788.

The Residuary Trustees were incorporated under the name and title of 'James Schaw's Hospital' in the year 1830, conform to Royal Charter of Incorporation in their favour dated 25th January, and written to the Seal and registered and sealed 5th April 1830.

In pursuance of the Truster's object and directions, the Mansion-House of Preston was fitted up as an Hospital in the year 1789, when 20 boys were admitted as Foundationers. The Mansion-House continued to be occupied as an Hospital till the year 1831, when the present Hospital Building was erected.

In the year 1864 the Trustees, with the view of promoting the better education and upbringing of the Foundationers, resolved to admit a limited number of Boys as Day-Scholars, under certain regulations, and in 1868 they further agreed to admit a limited number of Boys as Boarders. Both these changes have been fraught with much benefit, and a very marked improvement has been observed in the Foundationers by the introduction of Day-Scholars and Boarders.

The average number of Boys maintained, clothed, and educated in the Institution during the eighty-nine years of its existence has been twenty-two per annum.

The Residue of the personal Estate of Dr. Schaw, after Payment of Debts and Lega-