

PUBLIC NOTICE IN TERMS OF THE  
ENDOWED INSTITUTIONS (SCOTLAND)  
ACT, 1878, SECTION 5.

In terms of an Order by the Right Honourable Richard Assheton Cross, one of Her Majesty's Principal Secretaries of State, made under the provisions of The Endowed Institutions (Scotland) Act, 1878, 41 and 42 Victoria, c. 48, it is hereby intimated that a Petition, dated the 14th day of June 1879, has been presented to the aforesaid Secretary of State by the Trustees or Governors of James Schaw's Hospital, viz., George Syme, present Proprietor of the Estate of Northfield, Prestonpans; the Rev. John Struthers, LL.D., present Minister of the Parish of Prestonpans; the Rev. William Caesar, D.D., present Minister of the Parish of Tranent; Thomas Jamieson Boyd, present Lord Provost of the City of Edinburgh, and present Treasurer of the Merchant Maiden Hospital, Edinburgh; Thomas Rowatt, present eldest Bailie of the City of Edinburgh; John Smith, present Lord Dean of Guild of the City of Edinburgh; George Harrison, present Treasurer of the City of Edinburgh; David Dickson, present Preses of the Merchant Maiden Hospital, Edinburgh, and present Preses of George Watson's Hospital; John Maclaren, present Treasurer of George Watson's Hospital, John Scott Moncrieff, present Treasurer of the Orphan Hospital; Sir Alexander Grant, Baronet, present Principal of the University of Edinburgh; the Rev. James MacGregor, D.D., and the Rev. James Barclay, M.A., the present Ministers of the Parish of West Church of Edinburgh, being (with the exception of the present Proprietor of the Estate of Prestongrange, who is a Pupil; Archibald Davidson, present Sheriff-Depute of Midlothian and Haddington, who declined to accept the Trust; and the Right Honourable Lord Moncrieff, Lord Justice-Clerk, present Preses of the Orphan Hospital, who being Chairman of the Commissioners under 'The Endowed Institutions (Scotland) Act, 1878,' declines to take any part in the present Petition) the whole Trustees of the late JAMES SCHAW, Esq. of Preston, in the County of East Lothian, acting under (1) Trust-Disposition and Settlement by the said James Schaw, dated 4th December 1781, and recorded in the Books of Session (Office O.M.) 20th December 1784; (2) Deed of Divestment and Reconveyance by the Primary Trustees named in the foresaid original Deed of Settlement, in favour of the Residuary Trustees thereby appointed, dated 28th November 1787, and recorded in the Books of Session (Office O.M.) 30th November 1787; and (3) Royal Charter of Incorporation, dated

25th January, and written to the Seal and registered and sealed 5th April, all in the year 1830;—and said Petition is in the following terms:—

**T**HAT the Petitioners, incorporated as aforesaid by Royal Charter, under the Name and Title of 'JAMES SCHAW'S HOSPITAL,' are desirous of availing themselves of the 'Endowed Institutions (Scotland) Act, 1878,' 41 and 42 Victoria, Chapter 48, in order that provision may be made for the better government and administration of the Hospital under their charge.

That it is by the fourth Section of the said Act enacted, that 'It shall be lawful for the governing body of any endowed Institution in Scotland, at a meeting specially called for the purpose at a month's notice, to resolve, by a majority of those present at the meeting, that it is expedient that provision should be made for the better government and administration of such Institution, or for the better application of the endowments thereof, or for the transference of such Institution and the endowments thereof, and that an application should be made to the Secretary of State for a provisional order.'

That it is by the Fifth Section enacted, that 'On the foresaid resolution being carried, it shall be lawful for the said governing body to present a petition to the Secretary of State, setting out such resolution, and stating the provisions for the better government and administration of such Institution, or the better application of the endowments thereof, which they desire to have sanctioned. Upon receipt of any such petition as aforesaid, the Secretary of State may, if he shall think fit, direct such petition to be published in the Edinburgh Gazette, in two consecutive numbers thereof, and in one or more Newspapers circulating in the county or counties where such Institution is situated, with a view to further inquiry.'

That it is by the Sixth Section enacted, that 'The Secretary of State may, if he shall think fit, by writing under his hand, remit to the Commissioners hereinafter mentioned to inquire into the said petition, and report thereon to the said Secretary of State; and for the purposes of such inquiry, which shall be held in public, the said Commissioners shall have power, after such public notice as they may think sufficient, to examine witnesses on oath and to call for such information from, and to require the production of such documents by, the governing body or any other persons as they may consider necessary, and to do all such matters and things as may seem to them expedient for the purposes of the inquiry. After the holding of such inquiry the Commissioners shall report to the Secretary of State as to whether, in their opinion, the provisional order prayed for should be made, and if so, with what, if any, alterations or modifications therein.'

That it is by the Seventh Section enacted, that 'It shall be lawful for the Secretary of State to issue a provisional order in relation to the several things mentioned in the foresaid petition, either in accordance therewith, or with such alterations or modifications, not being inconsistent with the general principles thereof, as may appear to him to be requisite, or otherwise to refuse to issue such provisional order.'

'Provided always, that in every such provisional order provision shall be made for saving or making due compensation for the vested interests to which any teacher, master, officer, scholar, bursar, exhibi-