

that has led the Lord Ordinary to the conclusion at which he has arrived.

With regard to the intention with which these documents were exchanged, and the relations of the parties prior to the 8th of May as bearing on the question of intention, it does not seem to be improbable, whether the parties began to have connection with one another in December 1888 or May 1889, that they should have desired to regulate the manner in which they were living. They undoubtedly desired to avoid an open marriage, but still they may have desired to carry on their connection in a more moral way than previously. There is nothing improbable in this being the motive of the parties in desiring marriage.

It is important to look at the way in which parties acted towards one another after they had exchanged these documents, and what weighs most with me is their correspondence. When it is found that after 8th May 1889 the defender always wrote to the pursuer—except in the case of one letter which I shall immediately notice—as his wife, and signed himself as her husband, and continued doing so for a long period, and that the pursuer acted in a similar way, I think the inference to be drawn is, that when they exchanged the documents they acted with the intention which the documents themselves expressed. No doubt Mr Younger has tried to rebut this inference by pointing out that in January 1889 the pursuer had given the defender a Christmas or New Year card addressed to her husband, and we are asked to say that this circumstance gives the key to the use of the terms husband and wife in the later correspondence between the parties. I am not prepared to accept that suggestion as rebutting the inference to be drawn from the manner in which the parties corresponded with one another after the exchange of the documents. Then, again, Mr Younger tries to weaken the inference to be derived from the correspondence by pointing out that the parties dropped the style of correspondence which they had assumed, and reverted to the use of their own names though still writing in very affectionate terms. That is some slight indication that the parties did not look upon themselves as married people, but it is not enough in my opinion to destroy the inference to be derived from the whole correspondence, and the legal conclusion to be drawn from it is, I think, that the parties looked upon each other as husband and wife.

Another fact bearing in the same direction is that the pursuer had a marriage ring given her by the defender. No doubt the defender himself had not enough money to buy the ring, and borrowed money from the pursuer for that purpose, but that seems to me to make the fact bear rather more strongly in favour of the view that the parties looked upon each other as husband and wife, because what the pursuer wanted was not that the defender should buy her a ring, but that she should have a marriage ring, and she was willing to provide the necessary funds.

Then, again, the mere fact that the pursuer on some occasions said that the defender was her husband may not have great weight unless it is consistent with the other facts in the case, but it must be kept in mind that she made these statements in the defender's presence, and that he did not repudiate them.

All these things being taken into consideration, I think it is proved as matter of fact that after the 8th of May the parties acted towards one another upon the footing that the documents had been interchanged by them for the purpose of constituting a marriage. I do not therefore see why they should not receive their natural effect. If the conduct of the parties had been inconsistent with the idea that they had exchanged these documents for the purpose of constituting a marriage, then, on the authority of *Lockyer v. Sinclair*, and the other cases quoted to us, I would have held that they could not receive effect.

LORD M'LAREN and LORD KINNEAR concurred.

The Court adhered.

Counsel for the Pursuer—Cosens. Agent—A. Laurie Kennaway, W.S.

Counsel for the Defender—Younger. Agent—Alex. Stewart Gray, W.S.

Saturday, November 28.

FIRST DIVISION.

THE KIRK-SESSION OF PRESTONPANS *v.* THE SCHOOL BOARD OF PRESTONPANS.

Trust—Charity—Administration—Nobile Officium.

In 1845 a sale of work was held by ladies of the Established Church in Prestonpans for the purpose of raising funds to provide an infant school in room of one which had been maintained by the kirk-session of the parish prior to 1843, but had been discontinued in that year owing to the Disruption. The proceeds of the sale were subsequently handed over to the kirk-session, and being insufficient for the intended purpose were applied by them towards payment of the school fees and the clothing of children of poor deserving persons. The fund having increased, and having been claimed by the school board, who proposed to devote it to educational purposes, a petition was presented to the Court by the kirk-session craving authority to apply it towards the erection of Sunday school premises in connection with the parish church. The Court, after a remit, *rejected* a scheme embracing the suggestions of the school board, and approved of the petitioners' proposal, as being more nearly "in accordance

with the original purpose for which the fund was established.”

In September 1845 Lady Harriet Grant Suttie of Prestongrange, aided by other ladies, also members of the congregation of the Parish Church of Prestonpans, held a sale of work to raise funds to provide an infant school in room of one then recently discontinued owing to the secession of a part of the congregation in 1813, and which had prior to that date been maintained by the kirk-session in premises held on lease. The nett proceeds of the sale amounted only to £96, 15s. 2d. As this sum was too small to build or maintain the school desired, it was handed over to the Rev. John Struthers, LL.D., then minister of the said parish, in order that it might be held and accumulated, and it remained in his trust on deposit-receipt in his name, as minister of the parish, until September 1865. In February 1865 the fund had increased to £162, 13s. 8d. by accumulation of interest. Sir George Grant Suttie, the husband of Lady Harriet, then addressed the following letter to Dr Struthers—“ . . . The object of the contributors being to support an infant school, and there being now three female teachers for young children in the parish, it appears to me that the object of the contributors will now be best attained by applying the proceeds of the fund annually to pay the school fees or otherwise assist the young children of poor but deserving persons, and I will be well pleased to hear that you and your kirk-session will undertake this duty.” The kirk-session ultimately accepted the trust and administration of the fund, and carried out the trust by making such payments as they considered judicious out of revenue towards the fees or clothing of the young children of poor deserving persons.

In 1891 the revenue had come to exceed what was required for that purpose, and by judicious investment the fund had grown to about £475.

The School Board of Prestonpans having demanded that the Kirk-Session should pay over the fund to them, the Kirk-Session presented an application to the Court, in which they asked the Court “to authorise the petitioners to apply the said fund towards the erection of Sunday school premises in connection with the church of the parish of Prestonpans, or to settle a scheme for the application of the said fund, and appoint the petitioners to hold and administer the same under said scheme.”

They stated—“(7) The said fund has never had any connection with the parish school or the income of any teachers thereof, or the promotion in such school of any branch of education. It was originally raised by members of the congregation of the parish church for purposes distinct from any connection with the parish school, viz., the benefit of young children, particularly of the poorer class, and has always been so applied. The particular mode originally contemplated of benefitting that class by the erection of an infant school was never carried out, and was abandoned in 1865 on account of that need being suffi-

ciently provided for otherwise. Since 1873 an infant school has been established and maintained in the parish under the provisions of the Education Act of 1872. Further, education is now free in all the branches usually taught to young children. (8) The petitioners consider that in these altered circumstances said fund may most usefully, and in accordance with the general object intended by the original contributors, be applied towards building Sunday school premises in connection with the parish church. The number of children in attendance at the Sunday school is large, and the want of accommodation is seriously felt by the petitioners. The petitioners could readily secure a suitable site for the erection of Sunday school premises, and are prepared, if the fund should not be sufficient to meet the whole cost, to raise the balance themselves.”

The School Board lodged answers, in which they asked that the fund should be transferred to them as the educational authority of the parish, and that it should be expended in paying off a debt upon the school premises, and in securing a more efficient staff in the infant department of the school.

On 20th June 1891 the Court made a remit to Mr George Gillespie, advocate, “to prepare a scheme for the administration and disposal of the fund in the hands of the petitioners as nearly as may be in accordance with the original purpose for which the fund was established.”

Mr Gillespie, after hearing parties, prepared the following scheme, which he reported to the Court:—“1. The fund referred to . . . shall continue to be held by the minister of the said parish in all time coming as trustee, under the provisions and with the powers of the Trusts Acts 1861 to 1884, the annual interest of the fund to be applied by him, after payment of any necessary expenses, as hereinafter provided. 2. The minister shall pay annually, at the close of the school financial year, the whole interest as aforesaid to the clerk of the School Board of Prestonpans, to be applied by the said board in increasing the efficiency of the teaching staff, either in respect of number or of the training and attainments of one or more of the teachers above what shall be at the time required of the said board by the provisions of the Education Code for Scotland. The minister shall only make payment as aforesaid on the production of a certificate from the Scotch Education Department or from Her Majesty’s Inspector of Schools for the district that the condition above specified has been complied with. 3. Failing the production of such a certificate in any year, the minister shall apply the interest falling due that year in supplying clothing to poor children attending the infant department or the lower standards in any public or State-aided school in Prestonpans.”

In his report Mr Gillespie stated—“Various suggestions were made to me for the application of the money. The minister and Lady Susan Grant Suttie, who in a sense represents Lady Harriet

Suttie, the principal founder of the charity, pressed strongly that the scheme suggested in the petition, viz., the erection of Sunday school premises in connection with the parish church, should be sanctioned. They explained that their plan was to build a church hall, to be used for Sunday school purposes, for other congregational purposes, and for a library, if funds could be raised to establish and carry it on. The building for these purposes would cost at least £1000, but the petitioners offered to undertake to raise the balance. At present the Sunday school is held in the church, which is not convenient for the purpose. They pleaded that this was a church fund, and that in devoting it to the purposes of a Sunday school they would not be deviating from the original purpose for which the fund was established, since education in an infant school at the time when the fund was established would not go much beyond instruction in the Bible and catechism. I report these contentions for the consideration of your Lordships, but I have to report that in my opinion this proposal is not sufficiently close to the original purpose to warrant your Lordships in sanctioning it, at least in the face of the other proposals which are made. The fund, as I take it, was established for general educational purposes, and for behoof of the whole parish, and its administration, so far as it has gone, has been on these lines. There is no trace of a limitation to Sunday school purposes, and I think that the suggestion that infant education forty years ago was limited to religious instruction is fanciful. It is said that the fact of the fund being left with the minister is proof that it was not intended for secular education. I do not assent to this. The minister had at that time a great deal to do with educational matters, and his own actings refute this assertion. The grants of clothing that have been made from time to time in accordance with Sir George Grant Suttie's directions have been made to enable children to attend the ordinary schools in the parish. To build or assist in building a hall for congregational purposes would be a departure from the original purposes, as I think, in two respects. It would not serve educational purposes, and instead of benefitting the parish generally, it would be confined mainly, if not altogether, to members of one congregation.

"The second suggestion made by the petitioners to me, which does not appear in the petition, is that the minister should be directed to apply the interest of the fund in supplying the younger children of widows or poor families with clothing to enable them to attend school with regularity in winter weather. This is an excellent suggestion, and it is recommended by the consideration that in the parish of Prestonpans, where there are many fishermen and many colliers, cases frequently occur where widows are left in very poor circumstances with families to feed and clothe. But there is provision already in the parish for this purpose. The Gover-

nors of Schaw's Bequest have power to apply part of their revenue for this purpose, and have done so, but have never yet spent on this purpose the full sum they are entitled to spend on it. . . .

"The School Board, *i.e.*, the majority of the School Board, suggest that the money should be spent in paying off *pro tanto* debt incurred by them in improving and extending their school premises. These extensions and improvements were incurred particularly with a view to obtaining better accommodation for the infant department, which is taught as a separate department. They plead that the money, if spent in this way, would be applied to the exact purpose contemplated by those who contributed it, for it would go to supply an infant school. The board borrowed a sum of £800 to pay for the extensions I have spoken of, and they complain of the burden of the rates, the school rate being at present 7d. per pound, which must immediately be increased to 9d. in consequence of this outlay.

"I rather think, however, that it may be taken that the object which the contributors had in view, and the object which your Lordships will be disposed to sanction, must be one that will provide for the younger children in the parish some advantage which is not otherwise within their reach. The board are bound to provide adequate school accommodation, and they have done no more. This fund would therefore in a sense be thrown away if it was applied to relieve the ratepayers of the obligation which the law puts on them.

"The last suggestion which is made, and it too comes from the majority of the School Board, is that the fund should be applied to secure a more efficient staff in the infant department than is at present maintained there. At present they employ a head-mistress at £65, and three pupil teachers at £20, £17, 10s., and £12, 10s. a-year respectively, for an average attendance of 166 children. They say that for a salary of £30 to £35 they could secure, in place of the pupil teacher at £20, an ex-pupil teacher, *i.e.*, a teacher who has had full training as a pupil teacher, and that this would much strengthen the infant department. They are under no obligation, according to the educational code, to do more than they are doing. I think that this suggestion is one of which the Court may approve as being good in itself and closely akin to the original purposes for which the fund was collected. I have drawn up a short scheme to give effect to it, using general terms, so as to give the School Board some latitude of action in the event of any change of circumstances.

"It should be in the knowledge of your Lordships that the parish of Prestonpans is exceptionally well provided with educational funds devoted to higher branches of education, from Schaw's and Stiel's Foundations. Part of these Foundations is restricted to Prestonpans, and Prestonpans children are eligible to compete for the whole of them. Under the provisions of the 85th section of the Local Government

Act of 1889 (52 and 53 Vict. c. 50) the sums available for general educational purposes in the parish will be increased, since till recently the endowments have been to some extent used in payment of fees. No arrangement has as yet, however, been sanctioned by the Education Department for the permanent application of the funds set free in consequence of the abolition of fees.

“One point remains for consideration. The School Board claim that the fund should be transferred to them as the educational authority of the parish. This contention comes to this, that the minister has no title to hold and administer the fund, and never had such a title, but merely held the fund as a treasurer or banker bound to pay it over to the proper owner, beneficiary, or trustee when he should appear. I cannot take that view. I think, looking to what is known of the history of the fund, and the actings of the parties, that the minister holds this fund as a trustee for educational purposes. The Court can to a certain extent substitute kindred purposes for original trust purposes, and it can supply new machinery for trusts where the old has become unworkable or unsuitable to the times. But I humbly think the Court has no power to transfer the title to trust property from one individual to another, or from one public body to another, to substitute, *e.g.*, school boards for kirk-sessions or town councils, in the administration of educational funds. That is a matter for legislation.

“Even if the Court had the power, I venture to think that it would not be desirable to transfer the fund if your Lordships should approve of the scheme I have suggested. It is well to have some guarantee for the performance of the duty which the scheme lays on the board, and some summary method of keeping the board alive to its duty.

“I think the minister, and not the session, should be recognised as the trustee of the fund. That seems to me to be the true position of matters at present.”

Prior to the consideration of this report by the Court, Lady Susan Grant Suttie lodged a minute stating that as the representative of Lady Harriet she desired that the fund should be devoted to the object suggested in the petition, “the erection of a hall in connection with the parish church, to which could be added a library, both religious and secular, for the benefit of the children.”

Argued for the petitioners—The scheme to be approved by the Court must as nearly as possible, considering the requirements of the time, consist with the original intention with which the fund had been established—*Burnet's Trustees*, November 17, 1876, 4 R. 127; *Tudor on Charities*, 136 and 146; *Burnett v. St Andrew's Church, Brechin*, June 12, 1888, 15 R. 723. Indeed, the interlocutor making the remit quite supported this view. But the scheme proposed by the reporter in the present case perverted the original objects of the founders. It deprived the minister and Kirk-Session of the control of the fund, and

gave the spending of it to the School Board, who were not the proper recipients of a charitable bequest. The extra salary which it was proposed to give to the teaching staff ought to be met out of the rates. The scheme proposed by the petitioners, of erecting Sunday school premises, was much nearer the original intention of the contributors to the fund.

Argued for the respondents—The School Board had power under the 47th section of the Education Act 1872 to administer a bequest of this kind. There was no limitation of the fund to religious purposes originally—only to educational purposes—and all persons in the parish were interested. The proposal of the Kirk-Session involved the application of the money to a church purpose of a denominational character. It might be that the petitioners were entitled to have the administration of the fund, but the purposes to which it should be applied ought to be general educational purposes—*M'Dougall*, June 29, 1878, 5 R. 1014. The scheme suggested by the reporter ought to be approved.

At advising—

LORD PRESIDENT—The remit made to Mr Gillespie by the interlocutor of 20th June last was “to prepare a scheme for the administration and disposal of the fund as nearly as may be in accordance with the original purpose for which the fund was established.” It appears to me that that interlocutor lays down very clearly the law which we have now to administer, and that our duty is to decide in favour of that scheme which is most nearly in accordance with the original purpose for which the fund was established.

What that original purpose was there is fortunately no room for doubt. The history of the case is briefly but adequately given in the second head of the petitioners' statement. Thence I gather the following facts:—Prior to the Disruption an infant school was maintained by the kirk-session of the parish. One of the effects of the Disruption was to bring that arrangement to an end; and accordingly in 1845, there being a surcease of this school, a sale of work was held with the view of raising funds “to provide an infant school in room of one then recently discontinued, and which had prior to that date been maintained by the kirk-session.” The movement was carried out by the members of the congregation of the Parish Church of Prestonpans, and when the bazaar had been held, the money thereby raised was handed over to the minister of the parish. The essential and vital feature of the fund is that it takes origin in the desire of the members of the Parish Church to provide an infant school for the Established Church. That was “the original purpose for which the fund was established.” It was afterwards found that the fund which had been collected was insufficient to provide a school. It was accordingly handed to the minister of the parish, with whom it was left to accumulate until 1865, when a provisional arrangement was proposed by the promoters of

the school scheme and came into operation because of the temporary failure of the original plan owing to the insufficiency of the money. The provisional arrangement is instructive, as showing what the object of the promoters was. We find it described in a letter from Sir George Grant Suttie to Dr Struthers in that year, in which he says—"The object of the contributors being to support an infant school, and there being now three female teachers for young children in the parish, it appears to me that the object of the contributors will now be best attained by applying the proceeds of the fund annually to pay the school fees or otherwise assist the young children of poor but deserving persons;" and it is important to notice that he adds in conclusion that he will be well pleased to hear "that you and your kirk-session will undertake this duty."

Another stage has now been reached, which has led to the present application being made. The fund has accumulated, and accordingly the original purpose is now, so far as money is concerned, free to take shape. But, on the other hand, there has arisen a board school, and free education has now been established in the parish. Accordingly we have to deal with an altered condition of things, and to consider which scheme most nearly reproduces the original purpose with the necessary modifications which those changes necessitate.

The proposals of the School Board seem to me to lose sight of nearly every one of the essential features of the purposes for which the fund was established. Indeed, I might say of every one, were it not that Mr Dickson says that his clients are willing to give special attention to the wants of the infant department by securing for it a more efficient teaching staff. But that is only one out of several features of the original purposes, and I cannot think that it is coming at all near to the original purposes to do what the ratepayers themselves can do, viz., to increase the efficiency of the teaching staff. That is a matter which lies within the ambit of the duties of the School Board. To say that "they are under no obligation according to the educational code to do more than they were doing" is a very partial statement of their position. The code merely states the minimum which the Scotch Educational Department requires before a school is allowed to share in the grant of Imperial money, but it of course does not limit the powers of the board in dealing with local rates if they and their constituents should desire such increased efficiency.

I have said that I do not think that the original purpose of the fund is kept sufficiently in view in the scheme of the School Board. No doubt Mr Gillespie in his report proposes that the minister of the parish shall formally hold the fund, and that he shall accordingly have a title and interest to see that the School Board is doing its duty with the money which he pays over to them. But that appears to me to be a shadowy substitute for the administration and control of the fund by the minister

and kirk-session which we see was designed for them by the founders of this fund. And the substance of the School Board's proposal is, that this fund shall be supplied in supplement of, or rather, I might say, *pro tanto* in substitute for the rates. I think this quite inadmissible.

Another scheme suggested—but only suggested—is that the income might be applied in supplying clothing to poor children attending the infant department. I think that might have been a very desirable object had it not been for the fact that the reporter and the School Board are clear that it is already sufficiently met by Schaw's Endowment, part of the revenue of which may be applied to that purpose. Accordingly, I think we may leave it out of view.

It appears to me that the proposal of the Kirk-Session most adequately meets the original purpose of the fund, and although latterly a somewhat critical attention seems to have been directed towards the objects upon which the fund is to be bestowed, no scheme has been suggested in competition except those which I have already been compelled to reject. The proposal of the Kirk-Session appears to me to be generally in conformity with the original purpose of the fund. They propose, as did the founders, to build a school; it is to be an infant school, as was the founders' intention; it is to be in connection with the parish church, and managed by the kirk-session, which was an essential element of the founders' wishes, and they desire that there shall be no further limitation upon the admission of all children in the parish. The only variance in the scheme from the original purpose is that it will be only education "of a certain kind which will be given, and that upon Sunday; but, on the other hand, this variance is due simply to the supervening changes which have taken away the need for what is omitted. Nor is it to be left out of view that when the fund was originally started in 1845 Bible education must have bulked very largely in the mind of the founders, and accordingly, comparing the present scheme with that of 1845, I cannot say that it differs from it except in degree. I have thus indicated that I do not regard the proposal of the Kirk-Session as completely meeting the original purpose of the founders, but my judgment is in favour of that proposal, because, to revert to the words of your Lordships' interlocutor, it is, of those submitted to us, the one most "nearly" in accordance with the original purpose for which the fund was established.

If your Lordships take the same view, I think our course will be to remit the matter again to Mr Gillespie to prepare a scheme upon the lines which I have indicated.

LORDS ADAM, M'LAREN, and KINNEAR concurred.

The Court pronounced this interlocutor—
"Find that of the schemes suggested

for the application of the fund in question, the proposal that it should be applied towards the building of a church hall to be used for Sunday school purposes as well as for congregational purposes, and a library, is most nearly in accordance with the original purpose for which the fund was established; and therefore authorises the petitioners to apply the said fund accordingly; and remit to Mr Gillespie to adjust the details of a scheme in accordance therewith, regard being had to the undertaking of the petitioners to raise the balance of the money required for the building of the hall, and of the other terms of said proposal, and discern."

Counsel for the Petitioners—Sol.-Gen. Graham Murray, Q.C.—Kennedy. Agents—Macpherson & Mackay, W.S.

Counsel for the Respondents—C. S. Dickson—C. K. Mackenzie. Agents—Melville & Lindesay, W.S.

Tuesday, December 1.

SECOND DIVISION.

MURRAY AND ANOTHER (GILL'S EXECUTRICES), PETITIONERS.

Will—Charitable Bequest—No Directions for Management—Petition for Scheme for Administration.

A testator bequeathed one-third of the proceeds of his property, heritable and moveable, to be invested for behoof of the poor of a burgh who were not on the roll of the parochial board of any parish, but he appointed no trustees and left no directions for the administration of the bequest.

The executrix-dative of the testator petitioned the Court to settle a scheme for the administration of the bequest, but the Court held that the governors of an existing trust who managed a similar charity and were willing to undertake the bequest in question without additional expenses, were the most suitable parties to administer it.

John Hoyes Gill, postmaster at Forres, died on 6th June 1889. He left a holograph settlement in the following terms—*"Forres, 6th June 1889.*—In order to do something to benefit the needy, I hereby bequeath one-third part of the proceeds of my property, heritable and moveable, to my cousin Eliza Murray, presently residing at thirty-five Moray Street, Elgin; and one-third to my aunt Mary Ann Forsyth, presently residing at Bournemouth. The remaining third part to be invested for behoof of the poor people of Forres who are not on the roll of the parochial board of any parish.—Signed by me this sixth day of June Eighteen hundred and eighty-nine.—J. H. GILL."

Gill left both heritable and moveable property. The heritable property was worth about £4000, but part of it was burdened with a heritable security amounting to £2000. The moveable property amounted to £1800. The heritable and moveable estate remaining for division after deduction of debts, &c., was expected to amount to about £3000, and one-third of that, viz., £1000, fell to be set aside to meet the bequest contained in the settlement for behoof of the poor of Forres.

Miss Eliza Murray, residing at Greenwood Cottage, Forres, and Mrs Forsyth, the beneficiaries under the will, residing at Bournemouth, were confirmed executrices-dative on 25th July 1889.

Upon 20th October 1891 these parties presented a petition to the Second Division of the Court of Session to settle a scheme for the administration of the charitable bequest, and to grant power to such persons as might be appointed to administer the fund to make up a title by notarial instrument or otherwise to the share of the heritable estate falling to the poor of Forres, and to sell the same either by public roup or by private bargain.

The petition was served upon the Lord Advocate, the Governors of Jonathan Anderson Trust (a charitable institution in Forres), the minister and kirk-session of the parish of Forres, the Parochial Board of that parish, and Mr Gill, the deceased's next-of-kin.

The Governors of Jonathan Anderson's Trust lodged answers.

The trust-disposition and deed of settlement of Anderson provided—"I appoint the remainder of the foresaid feu-duty or ground annual to be paid annually to and among poor housekeepers in Forres of the description to be descended upon by me in any note thereof which may be found lying by me after my death, and failing my leaving such subscribed note, I appoint the Provost, Magistrates, and Town Council of Forres to pay the same to and among such poor housekeepers of the town of Forres annually as they shall judge proper, but not to exceed £5 sterling yearly to any individual."

This trust, which had been managed from the date of the foundation in 1804 by the Town Council, was now carried on by a scheme under the provisions of the Educational Endowments (Scotland) Act 1882, approved by Her Majesty in Council on 3rd May 1888, by which the administration handed over to a body composed of seven Governors, of whom three were elected by the Magistrates and Council of Forres, two by the School Board of the burgh of Forres, and one by each of the School Boards of Kinloss and Rufford.

The Governors were directed to apply the annual sum of £70 for the educational purposes of the scheme, and if there was any surplus income it was to be applied for the charitable purposes set forth in the trust-disposition and settlement of Jonathan Anderson. The Governors were