

EXTRACT

of

16239 ROS S4816

DEED OF TRUST

by

Walter Edward Ballantyne  
and others

to

St. Boswells Public Hall

Registered 8 January 1955



National  
Records of  
Scotland

*PRESERVING THE PAST; RECORDING THE PRESENT; INFORMING THE FUTURE*

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 AT EDINBURGH the Eighth day of January  
 Nineteen hundred and fifty five the Deed herein-  
 after reproduced was presented for registration in  
 the Books of the Lords of Council and Session for  
 preservation and is registered in the said Books as  
 follows:-



DEED OF TRUST made the First  
 day of December, Nineteen hundred and  
 fifty four by WALTER EDWARD BALLANTYNE,  
 residing at Oaklea, Saint Boswells, the  
 County Councillor for the Saint Boswells  
 Electoral Division of the County of  
 Roxburgh; the REVEREND DAVID PRIESTLY  
 LEISHMAN, M.A., residing at The Manse,  
 Saint Boswells, the Minister of Saint  
 Boswells Church; Colonel JOHN CARYSPORT  
 LOCH, C.B.E., residing at The House of  
 Narrowgates, Saint Boswells; EDWIN CLARK,  
 M.B., Ch.B., F.R.C.S.E., residing at The  
 Rig, Saint Boswells; and GEORGE NAISMITH  
 HARVIE, M.A., residing at The School-  
 house, Saint Boswells (the persons from  
 time to time acting hereunder being here-  
 inafter called "the Trustees")

WHEREAS by Disposition granted by Benjamin Hunter to Robert  
 Somervaille, the then elected member of the County Council of  
 Roxburghshire for the Parish of Saint Boswells, and the Reverend  
 William Henry Rankine, Minister of the Established Church of the said  
 Parish of Saint Boswells, and their respective successors in office as  
 Trustees ex officio for behoof of the Saint Boswells Public Hall and  
 to others as Trustees for the said Saint Boswells Public Hall dated the  
 sixth and eleventh and recorded in the Division of the General Register  
 of Sasines for the County of Roxburgh on the twenty-first all days of  
 May Eighteen hundred and ninety six, the said Robert Somervaille and  
 others were heritably vest in the subjects therein described which  
 comprise a hall for the Parish of Saint Boswells; AND WHEREAS  
 provision was made in the said Disposition for succession to the said  
 Robert Somervaille and others as Trustees foresaid and for co-option  
 to the body of Trustees foresaid and we the said Walter Edward  
 Ballantyne, David Priestly Leishman, John Carysport Loch, Edwin Clark  
 and George Naismith Harvie are the existing Trustees for the said  
 Saint Boswells Public Hall under the said Disposition and are vest in  
 the subjects therein described; AND WHEREAS it is considered desirable  
 to enlarge and modernise the said Saint Boswells Public Hall, increase  
 its amenities, and introduce a system of management more in keeping  
 with modern requirements, and it is right and proper that we should  
 declare the purposes for which we hold the said subjects: THEREFORE  
 WE hereby declare as follows, videlicet:-

#### FIRST

The said subjects and the buildings erected or to be erected thereon  
 (hereinafter referred to as "the Trust subjects") are dedicated and  
 shall be held by us and our successors as Trustees in all time  
 coming for the purpose of physical and mental training and recreation  
 and social, moral and intellectual development through the medium of  
 reading and recreation rooms, library, lectures, classes, recreations  
 and entertainments or otherwise as may be found expedient of the  
 inhabitants of the said Parish of Saint Boswells and its immediate  
 vicinity, without distinction of sex or of political, religious or  
 other opinions subject to the provisions of these presents.

#### SECOND

Subject to the responsibility of the Trustees for the upkeep of the  
 fabric of the Trust subjects and subject to the express condition  
 contained in the said Disposition that the Trust subjects shall never  
 at any time be licensed for the sale of spirituous or intoxicating  
 liquors, the general management and control of the Trust subjects and  
 the arrangements for their use shall be vested in a Committee of  
 Management (hereinafter referred to as "the Committee") consisting  
 of not more than fifteen members, of whom eight shall be elected at  
 the first annual general meeting referred to in Clause Third hereof  
 (hereinafter called "the elected members") and of whom seven  
 (hereinafter called "the nominated members") shall be nominated in  
 manner hereinafter specified one by each of the seven of the village  
 organisations as hereinafter defined. The village organisations  
 hereinbefore referred to are:-

- (1) The Saint Boswells Rugby Football Club,
- (2) The Saint Boswells Curling Club,
- (3) The Saint Boswells Branch of the Women's Rural Institute,
- (4) The Saint Boswells Badminton Club,
- (5)

*Walter E. Ballantyne*  
*David P. Leishman*  
*John C. Loch*

*Edwin Clark*  
*George N. Harvie*



- (5) The Saint Boswells Band,
- (6) The Saint Boswells Village Committee
- (7) The Saint Boswells Tennis Club,
- (8) Saint Boswells Girl Guides,
- (9) The Saint Boswells and District Angling Association,
- (10) The Saint Boswells Cricket Club,
- (11) Saint Boswells Church Women's Guild,
- (12) The Saint Boswells Branch of the British Legion,
- (13) The Saint Boswells Ratepayers and Electors Association,
- (14) The Saint Boswells Branch of the British Red Cross Society,
- (15) The Saint Boswells Country Dancing Club,
- (16) The Saint Boswells Merchants' Association

and such other organisations as may be added to this list in accordance with the provisions of Clause Seventh hereof. One week prior to the first Annual General Meeting the first seven organisations in the foregoing list shall intimate to the Trustees the members nominated by them to serve on the Committee. Thereafter one month prior to each succeeding annual general meeting the two organisations entitled to nominate a member to the Committee to take the places of the two nominated members retiring at the said annual general meeting shall make their nominations to the Secretary to the Committee. Subject to what is stated in Clause Sixth hereof the order of retiral of nominated members shall be in accordance with the foregoing list, the nominated members retiring at each annual general meeting being those nominated by the organisations heading the list for the particular year and these two organisations then being placed in relative order at the bottom of the list.

THIRD

There shall be an Annual General Meeting to be convened by the Committee in the month of February in each year by one week's notice to be exhibited in the notice board at the Public Hall. Those entitled to attend such meeting shall be the inhabitants of the age of eighteen years and upwards of either sex in the said Parish of Saint Boswells. The purpose of the said meeting shall be to receive the report and accounts of the Committee, to appoint the quota of elected members for the ensuing year in terms of Clause Fifth hereof, and to take such action as it may decide under Clause Eighth hereof. The first of such meetings (hereinbefore called "the First Annual General Meeting") shall, notwithstanding what is hereinbefore stated, be convened by the Trustees on 1st December Nineteen hundred and fifty four in manner foresaid.

FOURTH

A Special General Meeting may be convened, at any time and in the manner specified in Clause Third hereof for the convening of Annual General Meetings, (a) on a resolution of the Committee passed at a meeting at which not less than two-thirds of all the Committee vote in favour of the resolution, (b) on a written requisition being made to the Committee by the Trustees, or (c) on a written requisition being made to the Committee by twenty inhabitants of the age of eighteen years and upwards of either sex in the said Parish of Saint Boswells.

FIFTH

One third of the members of the Committee shall retire annually at the Annual General Meeting subsequent to the First Annual General Meeting, namely three of the elected members and two of the nominated members, their places being filled by the appointment of three elected members and two members nominated by organisations in accordance with the provisions of Clause Second hereof. Members of Committee retiring at an Annual General Meeting shall not be eligible for re-appointment until the next succeeding Annual General Meeting. Subject to what is stated in Clause Sixth hereof, the order of retiral of elected members shall be according to a roster prepared by ballot at the First Annual General Meeting and subsequently by seniority in accordance with the order of appointment.

SIXTH

A casual vacancy arising from the death, resignation, disqualification or removal of a nominated member of the Committee shall be filled by the appropriate organisation nominating another representative and the person nominated shall retire at the time when the vacating member would have retired. In the event of a vacancy arising from the death, resignation, disqualification or removal of an elected member of the

*Walter Ballantyne*

*David A. Leishman*

*Edwin Ball*

*George A. Harris*



the Committee, the Committee shall have power to fill such vacancy by co-option but the person so co-opted shall be regarded as one of the elected members falling to retire at the next Annual General Meeting.

SEVENTH

In the event of any other organisation being formed in the said Parish with aim of a social, recreational or educational character not inconsistent with those upon which the Trust subjects are held hereunder, the Committee shall have power by a resolution of the Committee passed at a meeting at which not less than two-thirds of all the Committee vote in favour of the resolution, to allow such new organisation to be placed on the list of organisations referred to in Clause Second hereof and to take its turn for representation on the Committee.

EIGHTH

If any organisation entitled to nominate a member of the Committee ceases to exist or fails to make a nomination in manner foresaid before the Annual General Meeting in any year, the Annual General Meeting shall decide in what way the vacancy shall be filled.

NINTH

The proceedings of the Committee shall not be invalidated by any vacancy among its members or by any defect in the appointment or qualification of any member.

TENTH

The Committee may from time to time make and alter Rules and Regulations for the conduct of its business and for the summoning and conduct of its meetings and, in particular, with reference to (a) the terms and conditions upon which the Trust subjects may be used for entertainments, meetings, social gatherings and other purposes and the sum, if any, to be paid for such use; (b) the appointment of an auditor and such other unpaid officers as it may consider necessary and the fixing of their respective terms of office; (c) the engagement and dismissal of such paid officers and servants for the Trust subjects as it may consider necessary; and (d) the number of members who shall form a quorum at its meetings, provided that the number of members who shall form a quorum shall not be less than five.

ELEVENTH

All payments in respect of the use of the Trust subjects and all donations for the benefit thereof shall be paid into a Trust Account at the British Linen Bank at Newtown Saint Boswells or at such other Bank as shall from time to time be substituted therefor by the Committee.

TWELFTH

The Committee shall provide the Trustees with sufficient funds to meet all expenditure on the maintenance of the fabric of the Trust subjects and on improvements and alterations thereto and shall keep the Trustees indemnified against all liability in respect thereof.

THIRTEENTH

Subject to what is stated in Clause Twelfth hereof, the monies standing to the credit of the Trust Account shall be applied as the Committee shall decide in repairing and insuring the Trust subjects or the furniture and effects therein and in paying all rates, taxes, salaries of paid officers and servants, and other outgoings, and in providing furniture, games, books, newspapers, periodicals and other literature and means of recreation and all other expenses connected with the upkeep and improvement of the Trust subjects.

FOURTEENTH

The Committee may upon a vote of a majority of its members and subject to the consent of the Scottish Council of Social Service (Incorporated) from time to time require the Trustees, by heritable security or otherwise, to obtain such advances on the security of the Trust subjects or any part thereof as may be required for maintaining, extending or improving the same or any part thereof, or erecting any building thereon or for the work carried on therein and may continue or repay in whole or in part and from time to time any existing loan on the security of the Trust subjects. The Committee shall not, however, be entitled to require the Trustees to assume personal responsibility for any such advances.

FIFTEENTH

*Walter B. B. B. B. B.*

*David R. L. L. L.*

*R. H.*

*Edwin B. B. B.*

*George F. H. H.*



FIFTEENTH

There shall be five Trustees of whom two shall hold office ex officio, videlicet the County Councillor for the Saint Boswells Electoral Division and the Minister of Saint Boswells Church as provided in the Disposition before referred to but notwithstanding the terms of the said Disposition the Trustees themselves shall not have power to assume new Trustees. A Trustee, other than an ex-officio Trustee, may be removed from office by a majority of not less than two-thirds of the whole membership of the Committee, subject always to the approval of the Scottish Council of Social Service (Incorporated) and vacancies in the office of non ex officio Trustees shall be filled by the Committee.

SIXTEENTH

If the Committee decide by a majority at any time that on the ground of expense or otherwise it is necessary or advisable to discontinue the use of the Trust subjects in whole or in part for the purposes hereinmentioned, they shall call a meeting of the inhabitants of the age of eighteen years and upwards in the said Parish, of which meeting not less than fourteen days' notice shall be given by posting a copy of the notice, containing a copy of the resolution proposed to be moved, in a conspicuous place or places on the Trust subjects and by advertising in a newspaper circulating in the said Parish, and if such decision shall be confirmed by a majority of such parishioners present at such meeting and voting, the Trustees may, subject to the consent of the said Scottish Council of Social Service (Incorporated) and the Secretary of State for Scotland (or the said Scottish Council of Social Service on his behalf) let or sell the Trust subjects or any part thereof, and all monies arising from such letting or sale (after satisfaction of any liabilities properly payable thereout) shall be applied either in the hire or purchase of other subjects approved by the Committee and to be held by the Trustees for the purposes and subject to the provisions hereinbefore written or as near thereto as circumstances will permit or towards such other charitable purposes or objects for the benefit of the inhabitants of the said Parish as may be approved by the said Scottish Council of Social Service (Incorporated) and the Secretary of State for Scotland (or the said Scottish Council of Social Service on his behalf) and in the interval such monies shall be invested in the name of the Trustees and any income arising therefrom shall either be accumulated (for such time as may be allowed by law) by investing the same and the resulting income thereof in like manner as an addition to and to be applied as the capital of such investments, or shall be used for any purpose for which the income of the Trust subjects may properly be applied.

SEVENTEENTH

If any Rules or Regulations made under the power in that behalf hereinbefore contained are inconsistent with the provisions of these presents, these presents shall prevail: And we consent to registration hereof for preservation: IN WITNESS WHEREOF these presents typewritten on this and the three preceding pages are signed by the said Walter Edward Ballantyne, David Priestly Leishman, John Carysfort Loch and Edwin Clark at St. Boswells on the first day of December, Nineteen hundred and fifty-four before these witnesses James Kyle, Solicitor, St. Boswells and Peter Hall, retired, residing at Braeside, St. Boswells, and they are signed by the said George Harvie at St. Boswells on the fourteenth day of the month and year last mentioned before these witnesses the said James Kyle and Peter Hall.

*James Kyle, Solicitor*  
*P. Hall, Solicitor*

*Walter E. Ballantyne*  
*David P. Leishman*

*John*  
*Edwin Clark*  
*George Th. Harvie*

*James Kyle, Solicitor*  
*P. Hall, Solicitor*

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