

Registers of Scotland
Books of Council and Session

Extract Registered

DEED OF TRUST

By
Walter Edward Ballantyne
and others.

ST BOSWELLS PUBLIC HALL

Dated 1st December 1954 &c
Regd. 8th January 1955

County Clerk, Newtown St Boswells

Deed of Trust

St Boswells Public Hall, St Boswells, Roxburghshire

Registers of Scotland

At EDINBURGH the *Eighth day of January, Nineteen Hundred and Fifty Five* the Deed hereinafter reproduced was presented for registration in the Books of the Lords of Council and Session for the 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 CARYSFORT 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 Schoolhouse, Saint Boswells (the persons from time to time acting hereunder being hereinafter 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 the 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 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 Carysfort 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 the 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 Saint Boswells Rugby Football Club,
The Saint Boswells Curling Club,
The Saint Boswells Branch of the Women's Rural Institute,
The Saint Boswells Badminton Club,
The Saint Boswells Band,
The Saint Boswells Village Committee,
The Saint Boswells Tennis Club,
The Saint Boswells Girl Guides,
The Saint Boswells and District Angling Association,
The Saint Boswells Cricket Club,
The Saint Boswells Church Women's Guild,
The Saint Boswells Branch of the Royal British Legion,
The Saint Boswells Ratepayers and Electors Association,
The Saint Boswells Branch of the British Red Cross Society,
The Saint Boswells Scottish Country Dancing Club,
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 Trustee 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 the Clause Sixth thereof the order of retirement 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 reports and the 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 i 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 twenty inhabitants of the age of eighteen years and upwards of either sex in the said Parish of St 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 the Committee retiring at the 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 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 Committee, the Committee shall have the power to fill such a vacancy by co-option but the person 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 aims of a social, recreational or educational character not inconsistent with those upon which the Trust subjects are held hereunder, the Committee shall have the 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 the Rules and Regulations for the conduct of its business and 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 for 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 Services (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 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 the 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 herein mentioned, 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 Services 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 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 be applied as the capital of such investments, or shall be used for any purpose for which the income of the Trust subjects may be properly 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 preceding pages are signed by the said Walter Edward Ballantyne, David Priestly Leishman, John Carysfort Loch and Edwin Clark of 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 of the month and year last mentioned before these witnesses the said James Kyle and Peter Hall.

(Signed) JAMES KYLE, Witness

(Signed) WALTER E. BALLANTYNE

(Signed) P. HALL, Witness

(Signed) DAVID P. LEISHMAN

(Signed) J.C.LOCH

(Signed) JAMES KYLE, Witness

(Signed) EDWIN CLARK

(Signed) P. HALL, Witness

(Signed) GEORGE N. HARVIE

L.S.

EXTRACTED by me having commission to that effect from the Keeper of the Registrars of Scotland.

(Signed) J.J.D. RAYMOND