

manner, by such means, and in terms of such schemes or regulations, which his said Trustees were thereby authorized from time to time to frame for regulating the constitution and management of the said bursaries or payments, as his said Trustees should deem expedient, and which bursary or bursaries should be denominated by such name or title as his said Trustees should decide; and, lastly, he appointed his said Trustees to hold the residue and remainder (if any) of his said estate, heritable and moveable, in trust, and to apply the same, with the rents, interest, profits, and proceeds thereof, for behoof of the religious, educational, and charitable purposes, all or any of them, of or in connection with the Roman Catholic Congregation of St. Mary's, and of the other Roman Catholic Congregations in the said district or division, under the control of the Roman Catholic Archbishop, or Administrator, or Vicar Apostolic for the time of said district, or of such of said congregations and in such proportions as his said Trustees should from time to time think proper; declaring always that if his said Trustees should find the free realizable proceeds of his said estate inadequate in their judgment to meet and fulfil all or any of the purposes of said trust disposition and deed of settlement, they should have it in their power to accumulate, for such period as they found it needful, the whole or any part of the free annual produce of his said estate until the same would admit of his intentions being properly carried into effect; but such accumulation should not extend beyond the lawful period.

That the Testator also, by said deed of settlement and codicils, bequeathed certain pecuniary and specific legacies, and he conferred very ample powers on his said Trustees, and, amongst others, power generally to wind up, manage, and transact his whole affairs and estate in the way they considered most advantageous or expedient.

That the Testator died on the 24th August 1872; and the Trustees have since been occupied in extricating the estate, which was involved in much difficulty and confusion.

That the free residue of the estate of the said Reverend Peter Forbes now available for said bursaries, and for the religious, educational, and charitable purposes before referred to, consists chiefly of heritable properties situated in Glasgow or the suburbs thereof, which were acquired by the deceased, and are estimated to be worth about £6000. The clear annual income of the estate is nearly £300. This, it may be stated, is very greatly in excess of the amount contemplated by the Testator, and arises from the increase in value of the various properties of the Trust.

That the Petitioners are fully conversant with the views, intentions, and wishes of the deceased in relation to the scheme of bursaries contemplated and founded by him. He had for many years cherished the idea of providing to some extent for the education of students intended for the Roman Catholic priesthood in the Western District of Scotland, where he had for many years laboured as the senior and leading priest of Saint Mary's Roman Catholic Church, Abercromby Street, Glasgow. He had interested himself in procuring such tuition for many young men, and at the time when his deed of settlement was executed by him he had found it an object to secure funds for the promotion of their studies for the first year, as at that time funds to enable them to prosecute their studies during subsequent years were generally provided from other sources.

That during the period of six years which has since elapsed, however, important changes have occurred in connection with the education of such students. On the one hand, it is now generally the case that the first year's expenditure is found for the students; while, in many instances, the funds for subsequent years are not and cannot be provided. Great difficulty has, therefore, been experienced by the Trustees in carrying deceased's intentions into effect, and in point of fact only one year's bursary for the first year has hitherto been applied for and granted. There is therefore much likelihood that the intentions of the Testator will be defeated, unless the conditions upon which bursaries are to be granted are relaxed.

That another and very important change in regard to the education of students for said Western District has taken place since the date of said deed of settlement. Within the last few years a seminary or college has been established at Partickhill, near Glasgow, especially for the district under the control of the Archbishop of Glasgow, and where it is intended that the students for said district shall in future be almost exclusively trained. No provision has been made otherwise for the expense of the education of students at said seminary, and it is thought that the Testator would naturally have desired to devote his funds to that institution which has been established expressly to carry into effect the object he had in view. Further, it is obvious, from the direction to the Trustees to accumulate the income, if necessary, that the bursaries were the main object of the Testator, and therefore it is conceived that the funds of the Trust should with propriety be chiefly so applied.

That the expense of boarding and educating students has, since the date of deceased's deed of settlement, most materially increased, and a sum of £30 is not now found by any means adequate for a year's maintenance and education of a student. That, looking to the altered circumstances, and keeping in view the improvement in the annual income of the Trust Estate, it is conceived that the limitation of the application of the Trust funds to first year's students might with propriety be modified, and the powers of the Trustees extended and enlarged in accordance with the tendency of modern legislation. The Petitioners calculate that they would be able to provide for the tuition of about six students at the rate of £50 a year as a maximum.

That the Petitioners have, in these circumstances, been advised by counsel learned in the law to present the present Petition under the Endowed Institutions (Scotland) Act, 1878, for the better application of the endowments of the said Trust, and for a Provisional Order to that effect, in terms of said Statute.

That the curriculum of such students for the Roman Catholic priesthood varies from five to ten years according to circumstances, and the scheme which the Petitioners would respectfully suggest for the better application of the endowments of the Trust would be simply as follows:—That power should be given to the Trustees or Governing Body for the time being to increase the annual Grant or Bursary for each student to a sum not exceeding £50 as a maximum, and that said Trustees or Governing Body should also have power to admit to the benefit of the funds or endowments students intended for the office of the priesthood of the Roman Catholic Church in the foresaid district, including students attending